



DEPARTMENT OF VETERANS AFFAIRS  
DEPUTY ASSISTANT SECRETARY FOR  
HUMAN RESOURCES MANAGEMENT AND LABOR RELATIONS  
WASHINGTON DC 20420

SEP 08 2005

Jacqueline M. Sims  
American Federation of Government Employees  
80 F Street, N.W.  
Washington, DC 20001-1583

Dear Ms. Sims:

We acknowledge receipt of your July 11, 2005, grievance related to the *2005 AFGE Human Rights Training Conference*. In your grievance you claim that the VA has violated Article 4, Labor Management Training, sections 1A and 1B, Article 45, Official Time, section 1B, and past practice, by denying official time for AFGE representatives to attend the referenced conference. We disagree with your assertions.

Let me explain.

Article 4, section 1 states, in part, that "[t]he parties agree that Union sponsored labor-management relations (LMR) training is of mutual benefit when it covers appropriate areas." Such "appropriate areas" have been described as "contract administration, grievance handling and information relating to Federal personnel/labor relations laws, regulations, and procedures." Section 1, specifically states that "[t]raining which relates to **internal union business** will not be conducted or attended on official time." (Emphasis added).

The agenda we received for the *2005 AFGE Human Rights Training Conference* only provides vague information on the matters that will be covered during the week long conference. From agenda items such as "Coordinator Training, Our job, Our Union; Executive Board Training, US Labor History; Stewards Training, History of the Labor Movement; and Organizing Techniques, among others", we believe much of the training relates to internal union business and, as such, is not appropriate for official time. See, 5 USC 7131 (b).<sup>1</sup>

Much of the additional training subjects are related to Equal Employment Opportunity (EEO) matters. EEO is not one of the matters specifically described in Article 4, section 1, as an appropriate area for mutually beneficial Labor Management Training. In fact, as expressed by the union, the VA/AFGE Master Agreement (MA) has an article on EEO, Article 17. Unlike other articles in the MA, Article 17 does not contain any provisions for VA sponsorship of EEO training for union officials.<sup>2</sup>

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<sup>1</sup> 5 USC 7131 (b) states:

Any activities performed by any employee relating to internal union business of a labor organization (including the solicitation of membership, elections of labor organization officials, and collection of dues) shall be performed during the time the employee **is in nonduty status**. (Emphasis added).

<sup>2</sup> Article 28, Safety, Health, and Environment, section 7B, training, established that "[t]he Department will provide basic and specialized safety and health training for Union Safety and Health Representatives."

2.

Jacqueline M. Sims

The union argues that the VA is in violation of past practice by not allowing the use of official time for this conference. We disagree.

In the past, certain local facilities may have decided to provide official time to their union officials, if they determined the issues covered in the Conference met the requirements of Article 4, Section 1. Such granting of official time by some local facilities does not create a National past practice.

The union claims that union officials are being "arbitrarily" denied official time and/or administrative leave to attend the conference. We disagree. The union specifically cites an e-mail sent by Bonnie Kerber where she informs VA Labor Relations Specialists that the agenda for the conference has been reviewed and it has been deemed inappropriate for the use of official time. The union fails to acknowledge that Ms. Kerber advised the Specialists that if they had any questions they should contact her or any of the members of the VA Central Office Labor Management Relations Office. The union also fails to inform that after making the determination that the Conference was not appropriate for official time, Ms. Kerber discussed the issue with Mr. J. David Cox, AFGE First Vice-President, and asked for additional information about the conference. In addition, on July 21, 2005, Ms. Kerber sent Mr. Cox the following e-mail message:

About a month ago we talked about the AFGE Human Rights Conference. You had seen a copy of the message that I sent to VHA field facilities concerning not granting official time. I told you that was based on the very limited agenda that was provided by the union. I faxed you a copy of that agenda. You stated that you did not think that was the right agenda and that you would try to get me a better agenda. I have not received anything from you on this subject since our discussion. You mentioned that time had been granted for the 2004 conference even though it was cancelled due to the hurricanes. I told you that there was a track on collective bargaining in 2004 which was deemed appropriate for official time, however, there was no such track in the 2005 agenda. If you can provide additional information concerning the subjects to be covered in the 2005 training, we will reconsider the requests that have been made.

Mr. Cox never provided additional information about the conference.

For all the above stated reasons we deny the grievance.

Sincerely,



Ronald E. Cowles  
Associate Deputy Assistant Secretary  
for Labor-Management Relations



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Jacqueline M. Sims  
Assistant General Counsel, AFGE-NVAC  
American Federation of Government Employees  
80 F Street, N.W.  
Washington, DC 20001-1583

Dear Ms. Sims:

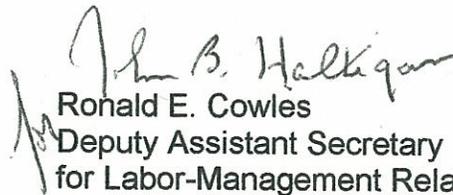
In our September 8, 2005 response to the grievance filed about the 2005 *AFGE Human Rights Training Conference*, we informed you that Bonnie Kerber had asked Mr. J. David Cox for additional information about the conference. A copy of the complete agenda was given to me by Mr. Cox and Ms. Alma Lee during a meeting in my office held on October 21, 2005. During that meeting, I promised Mr. Cox and Ms. Lee that we would review the agenda and re-consider our position on whether the topics covered in the conference were appropriate for the use of official time.

After review of the agenda, we have discovered that there was a Collective Bargaining Track that is appropriate for the use of official time. All those employees who participated in the Collective Bargaining Track may be granted official time to the extent of their participation in that track. Employees who were charged annual leave or LWOP during the time they were participating in that track may request that the time be changed to official time. Employees should offer some form of certification or evidence that they participated in the collective bargaining track when requesting the change to official time.

Most of the other tracks reflected on the agenda involve internal union business and EEO matters, which are not appropriate for official time. For the stated reasons, our position regarding those other subjects has not changed.

If you have any questions or comments, please contact me at 202-273-5369.

Sincerely yours,

  
Ronald E. Cowles  
Deputy Assistant Secretary  
for Labor-Management Relations