



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

April 7, 2008

Bill Wetmore  
Third Executive Vice President  
National Veterans Affairs Council (NVAC)  
American Federation of Government Employees (AFGE)  
Board of Veterans Appeals  
VA Central Office  
810 Vermont Avenue, NW  
Washington, DC 20420

Dear Mr. Wetmore:

This is in response to your grievance dated February 22, 2008 regarding official time for the 2008 AFGE Legislative Conference (LegCon) held on February 9-13, 2008 in Washington, DC. In your grievance you allege violations of Article 45 of the VA/AFGE Master Agreement and 5 USC 7102. We deny any violation of the statute or the Master Agreement.

In the second paragraph of your grievance, you allege that you provided the agenda for the LegCon and that unlike in previous years we requested more information on the content of the agenda. Your statement is not accurate. Every year you provide an agenda with scarce, if any, explanation on the lobbying activities that will take place during the week. Every year we ask for additional information to determine which of the scheduled activities seem appropriate for official time, which in turn allows us to make a recommendation to the Administrations as to how much official time should be afforded to employees who attend those activities. The agenda you provided this year was from the AFGE website and had links to get more information on what each item would entail. We do not have access to the AFGE website and could not use the links to obtain additional details on what the agenda items covered.

The first message we received from you asking for official time for the 2008 LegCon was dated December 14, 2007. That message asked for official time for four days, except for a civil rights luncheon to be held on one of the days. The message did not include the agenda for the conference. I asked Denise Biaggi-Ayer of my staff to obtain a more detailed agenda to help us formulate a recommendation for the Administrations. You submitted an agenda via e-mail on December 27, 2007. That agenda did provide some additional information on the first day Workshops, but remained vague with respect to the "General Session" and Luncheon scheduled for Monday, February 11; the February 12 District

Congressional Breakfasts; and, the February 12 and 13 Legislative Appointments.

On January 9, 2008, Ms. Biaggi-Ayer discussed the agenda with Jackie Sims, Counsel for AFGE, and asked for more detail on the activities described above. Ms. Sims told Ms. Biaggi-Ayer that she would get more specific information from Marilyn Park. That additional information was never submitted. On January 19, Ms. Biaggi again requested more detailed information on the General Session, the subjects to be discussed during the Breakfast, Luncheon, and the Legislative Appointments.

You responded on January 21, 2008, with the following information:

“Denise:

The general session, if it occurs on Monday, is training for several hundred people from AFGE Legislative department, covering issues of concern to the general membership, like the pay raise, contracting out, etc. We also get addressed by a senator or congressman, or sometimes 2 elected representatives. (Teddy Kennedy and Paul Sarbanes were two of the very good ones over the years).

Marilyn, would you have something more about the general session that you could send to Denise?

During the breakfasts, people discuss topics of specific interest with their congressional staff. The lunch is not something that has been approved before. It is an EEO lunch, although not everyone goes to it ( I typically skip it so I am not sure what goes on there).

Marilyn, would you please also send Denise something more specific about this year's lunch. Maybe it is related to some training for EEO, or maybe not. As I said, typically, not authorized for official time.”

In paragraph three of the grievance, you allege that some NVAC participants were not granted “the appropriate amount of official time” for the Conference. This information is too vague to allow the Department to formulate a response. If you have details regarding what participants were denied official time that you believe should have been granted, and the amount of official time you believe they were improperly denied, please provide that information.

In paragraphs four, five and six of the grievance, you explain the content of the agenda items for Monday through Wednesday and the amount of official time you believe shall be granted to union official attending the LegCon. You specifically state that you believe official time should be granted for participants of the conference for 2.75 hours of official time for Monday morning, 2.5 hours for Monday afternoon, 8 hours for Tuesday and Wednesday, and 8 hours for travel time. The final tally of hours requested is 28.25 hours.

The message sent by Bonnie Kerber to the field on January 24, 2008, clarifies that we had requested more detail about the General Session, scheduled for Monday, and that Workshops one and two in the afternoon, from 2:30 p.m.-5:00 p.m., looked like they were appropriate for official time. For Tuesday, Ms. Kerber said that official time should be appropriate from 10:00 a.m.-5:00 p.m. and Wednesday, official time should be appropriate from 9:00 a.m.-5:00 pm. Ms Kerber further stated that generally official time for travel should not be approved but she explained that facilities who have a past practice of providing official time for travel should continue to do so.

Based on the additional information provided, we agree that people should be provided 2.75 hours of official time for the morning of February 11, 2008, and 2.5 hours for those who attended Workshops one and two in the afternoon. We believe 7 hours are appropriate for official time for Tuesday, February 12 and 8 hours are appropriate for Wednesday, February 13. We do not believe the Master Agreement requires facilities to provide official time for travel to this activity. However, if facilities have negotiated or have an established past practice to provide such official time, the facility should follow its negotiated agreement or past practice, in accordance with the July 27, 2003, Master Agreement negotiations Ground Rules MOU.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Meghan Flanz", with a stylized flourish at the end.

Meghan Flanz  
Deputy Assistant Secretary  
For Labor-Management Relations