



DEPARTMENT OF VETERANS AFFAIRS
WASHINGTON DC 20420

JUL 25 2003

Jacqueline M. Sims
Staff Counsel, NVAC-AFGE
80 F. Street, N.W.
Washington, DC 20001

This is in response to your National Grievance dated June 13, 2003 concerning the denial of travel and per diem for union team negotiators who are outside of the local area in situations where there are two or more locals at one facility under one management. I am responding pursuant to the authority delegated to me by the Secretary with respect to labor-management relations issues impacting Veterans Health Administration facilities.

AFGE originally raised this issue in writing to me on March 21, 2003. I responded on March 25, 2003. Management's position has not changed. The Master Agreement between the VA and the American Federation of Government Employees (AFGE) signed March 21, 1997 does not state that any bargaining obligation addressed in Article 44, Section 4 is elevated to the Intermediate level. AFGE has the right by statute to name their negotiators for any bargaining session just as management has the same right. There is no entitlement by statute for travel. Travel is only authorized by a negotiated agreement. Travel is not authorized in the Master Agreement for any local bargaining including that referred to as changes in personnel policies, practices, or working conditions affecting the interests of two or more local Unions within a facility. VA's practice has been to use management negotiators from the local facility. VA has not had a past practice of elevating this local bargaining to the intermediate level. Based upon feedback from the field, AFGE's practice for selecting negotiators in this area has not been consistent. VA has notified AFGE of this interpretation on numerous occasions since the agreement was signed when such demands to bargain were submitted at the national level. This interpretation is consistent with the Master Agreement. In addition, VA Headquarters and my office have consistently taken this position. Therefore this grievance is denied.

If you have any questions on this matter, please feel free to call Bonnie Kerber, HR Consultant, VHA HRM Group at 712-256-5863.

Sincerely,

Laura J. Miller
Deputy Under Secretary for Health
For Operations & Management

TOTAL P.02