



AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO

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National Secretary-Treasurer

Andrea E. Brooks
National Vice President for
Women and Fair Practices

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January 30, 2004

Anthony J. Principi
Secretary of Veterans Affairs
810 Vermont Avenue, NW
Washington, DC 20420

DEPT OF VETERANS AFFAIRS
OFFICE OF THE SECRETARY

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Dear Secretary Principi,

National Grievance

This is a National Grievance filed by the American Federation of Government Employees, National VA Council (AFGE-NVAC) in accordance with Article 42, Section 11 of the Master Agreement between the Department of Veterans Affairs (VA) and AFGE signed March 21, 1997. This National Grievance is filed against Anthony J. Principi, Secretary of Veterans Affairs, and any other associated VA officials for excluding many Title 5 VHA employees from the expanded list of occupations under P.L. 108-170, signed December 6, 2003, by President Bush.

In early 2001, AFGE-NVAC lobbied Congress to change the law to guarantee that all Veterans Health Administration (VHA) staff (Title 5 and Hybrids) would be guaranteed Saturday Premium Pay, the same as VA registered nurses. In December 2001, Congress passed legislation on Saturday Premium Pay, but limited it to licensed practical nurses, pharmacists, physical therapists, occupational therapists, and respiratory therapists – the occupations then considered hybrids. President Bush signed that law (P.L. 107-135) on January 23, 2002.

In 2002 and 2003, AFGE-NVAC lobbied Congress to expand the guarantee of Saturday Premium Pay to all other employees who must work weekends. In the fall of 2003, Congress passed legislation that included a provision on Saturday Premium Pay legislation which was signed into law (P.L. 108-170) on December 6, 2003. That legislation expanded the number of occupations which are hybrids, and thus, guaranteed Saturday Premium Pay.

The full hybrid group (both previous occupations and new occupations) includes: audiologists, speech pathologists, audiologist-speech pathologists, biomedical engineers, certified or registered respiratory therapists, dietitians, licensed physical therapists, licensed practical or vocational nurses, medical instrument technicians, medical records administrators or specialists, medical records technicians, medical and dental technologists, nuclear medicine technologists, occupational therapists, occupational therapy assistants, kinesiotherapists, orthotist-prosthetists, pharmacists, pharmacy technicians, physical therapy assistants, prosthetic representatives, psychologists, diagnostic radiologic technicians, therapeutic radiologic technicians, and social workers.

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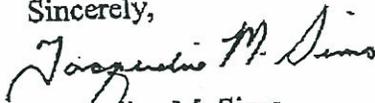
AFGE-NVAC notes that P.L. 108-170 has a separate provision amending section 7454(b) regarding Title 5 employees. Pursuant to section 303(a)(3), "[e]mployees appointed under section 7408 of this title shall be entitled to additional pay on the same basis as provided for nurses in section 7453(c) of this title." The amendment was effective the first pay period beginning on or after January 1, 2004.

The VA is now interpreting this law narrowly to exclude many Title 5 VHA employees from the expanded list of occupations under P.L. 108-170. AFGE-NVAC cannot and will not accept VA's effort to narrow the application of this law. Therefore, AFGE-NVAC is filing this National Grievance to secure the fullest implementation of the law to ensure that all Title 5 VHA employees will be included in the expanded list of occupations under P.L. 108-170, and to ensure that those employees who work Saturdays also receive Saturday Premium Pay pursuant to P.L. 108-170.

As a remedy, AFGE-NVAC requests that Secretary Principi, and any other associated VA officials, include all Title 5 VHA employees in the expanded list of occupations under P.L. 108-170, signed December 6, 2003 by President Bush. Additionally, all of those VHA employees who are included in the expanded list of occupations as a result of this National Grievance who have worked on Saturdays, since President Bush signed P.L. 108-70 on December 6, 2003, should retroactively be paid for those days worked.

This is a National Grievance and the time frame for resolution of this matter is not waived until the matter is resolved or settled. If you have any questions regarding this National Grievance, please feel free to contact me at 202-639-6524.

Sincerely,



Jacqueline M. Sims
Staff Counsel, AFGE-NVAC

cc: John Gage, President, AFGE
Alma L. Lee, President, AFGE-NVAC
Mark Roth, General Counsel, AFGE
Ron Cowles, Associate Deputy for Labor Management Relations
E. Doggett