

LMR

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July 2, 2010

7e/C-53/279063

Ms Leslie Wiggins
Deputy Assistant Secretary for
Labor Management Relations (LMR)
Department of Veterans Affairs
810 Vermont Ave., NW
Washington, D.C. 20420

Hand delivered

Re: VA National Quality Council

Dear Ms Wiggins:

This is a national grievance filed by the American Federation of Government Employees (AFGE) in accordance with Article 42, Section 11 of the Master Agreement between the Department of Veterans Affairs (VA) and AFGE signed March 21, 1997 (hereinafter "Master Agreement"). This grievance is filed against the VA and any and all other associated VA officials for its violations of Article 7—"Total Quality Improvement (TQI)", specifically Section 3—TQI Charter (Charter) and any and all other relevant articles of the Master Agreement and statutory and regulatory provisions. This grievance is timely both because VA management's failure to comply with the provisions of the Master Agreement is a continuing violation and because this grievance is being filed within thirty days of June 11, 2010, the date that AFGE requested that the VA issue a reply to a request to schedule meetings of the NQC.

The Master Agreement, in Article 7, Total Quality Improvement, establishes a VA National Quality Council (NQC) through which labor and management work together to improve the quality of care and services provided to the nation's veterans. The Charter established the NQC and sets forth the requirements it must follow. The Charter plainly contemplates that the NQC will meet on a regular basis. For many years, the NQC was a productive entity serving these ends. However, in the last several years, the NQC has practically ceased to function because of a seeming disinterest on the part of management. For several years, the NQC met up to four times a year. However, the Council has not met since 2008 and only met sporadically in the two or three years before that. The AFGE National VA Council (NVAC) has made numerous attempts to schedule meetings of the NQC which have not been successful.

William Jefferson, National Representative for NVAC sent an e-mail to Scott Holliday, dated November 6, 2009, concerning this matter. In the e-mail, Mr. Jefferson requested a response to an earlier e-mail that he had sent seeking to reconvene the NQC. In a response dated the same day Mr. Holliday indicated that he had referred Mr. Jefferson's requests to the Office of Human Resources and Management (OHRA) stating that "as part of the term negotiations, OHRA has the lead to determine the Department's position regarding having additional NQC meeting while term negotiations are continuing." (Attachment 1) Mr. Holliday suggested that NVAC President Alma Lee contact you about this matter since you are the VA's chief negotiator for the new Master Agreement. Ms Lee has personally spoken with you about this matter on several occasions. She has informed you of Mr. Holliday's e-mail, told you that the NQC has not been meeting and requested that the parties schedule a meeting of the NQC. In response, you stated that she would look into the matter and get back to Ms Lee. You have never replied to Council President Lee about this issue.

Ms Lee sent you a letter dated May 19, 2010 (Attachment 2), outlining the difficulties that AFGE has faced attempting to schedule meetings of the NQC and suggesting that a meeting could be scheduled either on July 7 and 8 in Washington, D.C. or in Milwaukee on July 13 in conjunction with the National Partnership Council meeting. Ms Lee requested a reply to her letter by June 11, 2010. To date, you have not replied to the letter.

The VA has violated the Master Agreement by failing to schedule meetings of the NQC and failing to respond to AFGE's repeated requests to schedule meetings, including the most recent request in the May 19, 2010 letter. The NVAC strongly disagrees with the suggestion in Mr. Holliday's e-mail that the fact that the parties are in the process of negotiating a new Master Agreement excuses the VA's failure to schedule a meeting of the NQC under the current contract.

As a remedy, the NVAC requests that VA management officials immediately comply with the terms and conditions of Article 7, Total Quality Improvement, including the Charter and Appendix A. In this vein, VA's NQC Co-Chair or designee should immediately contact NVAC President Lee (NQC Co-Chair) to resume communications and proceed with planning and scheduling of the next meeting for the continuation of the VA quality initiatives and best practices.

This is a National Grievance and the time frame for resolution of this matter is not waived until the matter is resolved or settled.

Sincerely,



William Wetmore
Chairman
Grievance and Arbitration Committee
AFGE NVAC

cc: CP 53

Enclosure

ATTACHMENT 1

From: Jefferson, William
Sent: Friday, November 06, 2009 14:53
To: Holliday, Scott; Pane, Karen (SES); Hutter, Paul (SES)
Cc: Lee, Alma L. SAMVAMC; 'bfetzer@bsiva.com'; Wiggins, Leslie; Hensley, Willie (SES)
Subject: RE:
 Thank you for the reply.

From: Holliday, Scott
Sent: Friday, November 06, 2009 10:06
To: Jefferson, William; Pane, Karen (SES); Hutter, Paul (SES)
Cc: Lee, Alma L. SAMVAMC; 'bfetzer@bsiva.com'; Wiggins, Leslie; Hensley, Willie (SES)
Subject: RE:

William – given the term negotiations led by the Office of Human Resources and Management (OHRA) are on-going, and the NQC is part of the current agreement (Article 7) being renegotiated, I have referred your last 2 requests for NQC meetings to OHRA. As part of the term negotiations, OHRA has the lead to determine the Department's position regarding having additional NQC meeting while term negotiations are continuing. AFGE may want to consider having Ms. Lee discuss with VA's Chief Negotiator in this regard, Ms. Leslie Wiggins. VA management members of the NQC will follow OHRA's guidance in this regard.

From: Jefferson, William
Sent: Friday, November 06, 2009 9:32 AM
To: Holliday, Scott; Pane, Karen (SES); Hutter, Paul (SES)
Cc: Lee, Alma L. SAMVAMC; 'bfetzer@bsiva.com'
Subject:

Mr. Holliday,

Through an e-mail approximately two weeks I informed you of the National VA Council-AFGE's desire to reconvene the VA National Quality Council (NQC). To date I am aware of no response from you or the Department regarding this matter. In fact, there has been no adequate response from VA regarding the NQC for more than a year which is quite puzzling. Unfortunately, due to the lack of any adequate response from you or VA, NVAC is once again more than prepared to position itself under the current collective bargaining agreement. Certainly this situation smacks the face of Quality from what I know, and places NVAC in an unfortunate position, when actually our goal is to make VA better for Veterans. NVAC would appreciate an official response from VA on this matter.

William J. Jefferson III
 National Representative
 NVAC-AFGE



NATIONAL VETERANS
AFFAIRS COUNCIL

American Federation of Government Employees
AFFILIATED WITH THE AFL-CIO

ALMA L. LEE
President

Attn: Judy Galat

May 19, 2010

Leslie Wiggins, Chief Negotiator
Deputy Assistant Secretary for Labor Management Relations (LMR)
810 Vermont Ave NW
Washington, DC 20420

RE: VA National Quality Council

Dear Leslie:

I am writing to request that the Department of Veterans Affairs schedule a meeting of the National Quality Council. As you know, the current VA-AFGE Master Agreement, in Article 7, Total Quality Improvement, establishes a VA National Quality Council (NQC) through which labor and management work together to improve the quality of care and services provided to the nations' veterans. For many years, the NQC was a productive entity serving these ends. However, in the last several years, the NQC has practically ceased to function because of a seeming disinterest on the part of management. For several years, the NQC met up to four times a year. However, the Council has not met since 2008 and only met sporadically in the two or three years before that. The NVAC has made numerous attempts to schedule meetings of the NQC which have not been successful.

William Jefferson, National Representative for the NVAC, sent an email to Scott Holliday, dated November 6, 2009, concerning this matter. In the email, Mr. Jefferson requested a response to an earlier email that he sent seeking to reconvene the NQC. In a response dated the same day, Mr. Holliday indicated that he had referred Mr. Jefferson's request to the Office of Human Resources and Management (OHRA), stating that "as part of the term negotiations, OHRA has the lead to determine the Department's position regarding having additional NQC meetings while term negotiations are continuing." (Attachment 1) Mr. Holliday suggested that I contact you, since you are the VA's Chief Negotiator for the new Master Agreement. I have personally discussed this with you on numerous occasions. I informed you of Mr. Holliday's email, told you that the NQC had not been meeting and again relayed NVAC's request to schedule a meeting of the NQC. You stated that you would look into this matter and get back to me. To date, I have not received a reply from you.



Page 2 of 2
RE: VA National Quality Council
May 19, 2010

The NVAC strongly disagrees with the suggestion in Mr. Holliday's email that the fact that the parties are in the process of negotiating a new Master Agreement excuses the VA's failure to schedule a meeting of the NQC under the current contract. AFGE is anxious to once again have a functioning NQC. The union is available to meet on July 7th and 8th in Washington, DC. Alternatively, the parties could schedule a meeting in conjunction with the National Partnership Council meeting scheduled in Milwaukee for July 14th and 15th and schedule an NQC meeting on July 13th.

I am requesting a reply from you by June 11th, so that the parties can once again participate in this joint effort to continue to improve care to veterans.

Sincerely,



Alma L. Lee
Co-Chair, VA National Quality Council
President, National Veterans Affairs Council, #53
American Federation of Government Employees, AFL-CIO

ALL/mws

Enclosure

cc: Eric Shinseki, Secretary of Veterans Affairs
Scott Gould, Deputy Secretary of Veterans Affairs
John U. Sepulveda, Assistant Secretary for HR and Administration
Union Quality Council members