

Request for Information Pursuant to §7114(b)

Request for Information (RFI)

October 23, 2018

From: AFGE Local 17/AFGE Assistant General Counsel J. Ward Morrow

American Federation of Government Employees (AFGE) Local 17 requests information and documentation for the purpose of filing a grievance and/or formal complaint, and possible EEOC violation. In Particular, the Union needs this information to prepare an accurate and proper response based upon numerous concerns expressed by members of our bargaining unit. This is a formal request from AFGE Local 17 to obtain such information and documentation listed below. Please provide the information to J. Ward Morrow, Assistant General Counsel for AFGE with a copy to AFGE Local 17 President Douglas Massey.

Pursuant to Title 5 United States code, Paragraph 7114(b). The Federal Labor Relations Authority (FLRA) and Federal court precedent applying 5 U.S.C 7114(b) established that a union show a particularized need for its RFI to trigger an agency's statutory duty to furnish the information.

The information/documentation is or should be normally maintained by the VA in its regular course of business. The information /documentation requested is reasonably available and accessible and is necessary for a full and proper investigation, discussion, understanding, and the actual contemplated actions are within the scope of subjects of the Collective Bargaining Agreement. There is no inconsistency with the provisions of the Privacy Act, 5 U.S.C. 552a related to the information being requested.

Please provide the following information immediately case, but in no case later than fifteen (15) calendar days from the date, so that a timely action can be filed.

1. A list of all purchases and office decoration expenses related to David "Dave" Thomas, Deputy Director of the Office of Small and Disadvantaged Business Utilization (OSDBU) during his tenure as a management official of the VA.
2. A copy of all approvals for the purchase and/or placement of a portrait of Nathan Forrest in Mr. Thomas' office.
3. Any VA rules, regulations, or policies that could govern the placement of portraits in VA management offices.
4. Any VA rules, regulations, or policies that might apply to using government resources to in anyway honor Confederate Generals, and/or Confederate Generals who are known to have led in a battle where American soldiers were massacred after surrendering. <https://www.biography.com/people/nathan-bedford-forrest-9299050>
5. Any VA rules, regulations, or policies that might apply to using government resources to in any way honor leaders of the Ku Klux

Klan.<http://www.nydailynews.com/news/national/ny-news-nathan-bedford-forrest-remains-lawsuit-20180912-story.html>
<https://deadconfederates.com/2011/12/11/nathan-bedford-forrest-joins-the-klan/>

6. Any approvals needed, and names of agency officials who would be needed to approve the placement of such a portrait.
7. A copy of any actions the agency has taken to have the portrait removed from government property and any funds spent in its purchase recovered.
8. A list of any, and all employees, for whom Mr. Thomas may have personally evaluated, or supervised the evaluation of, their performance during his tenure in management.
9. A copy of any, and all, formal or informal EEO complaints directed either at Mr. Thomas or the management chain for which he would be a part of.
10. A listing of the number of OSDBU employees who have either been suspended and/or terminated under the Accountability Act during Mr. Thomas' tenure in management.
11. To the extent any portion of any request is not possible to provide, please provide as much as is possible as allowed by law.

The Union further requests that the above specified information be furnished within a reasonable time not to exceed fifteen (15) calendar days. If this request is denied, in whole or in part, please state in writing of the name, position title, and grade of the official making the decision, and the statutory, regulatory or contractual citation it is based upon.

Particularized need: The Union believes that Mr. Thomas and/or the Agency has possibly violated a wide variety laws, rules, and regulations, as well as the Collective Bargaining Agreement, creating a possible hostile work environment and causing considerable disruption to the work environment and potentially even causing stakeholders to lose faith in the agency's mission to support and honor America's veterans by honoring a Confederate General who opposed the US military and who was an early leader of the Ku Klux Klan. The Union needs the requested information to prove the underlying facts and contentions in its soon to be filed Grievance and/or complaints. In particular, the Union needs the information to show the particular rules, regulations and polices that have been violated as well as the violations to the collective bargaining agreement. The Union needs a list of the employees effected to call them as witnesses or to possibly file individual or class actions.

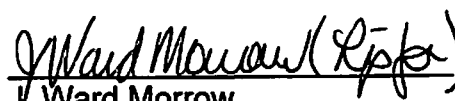
The requested information will further enable the Union to fulfill its representational duties to represent employees, and the public interest, under the statute. If the Agency is unable to fulfill any request in full, please fulfill it in any non-objectionable part, and explain any denial in detail.

The Union has appointed me to be the point of contact for the Union in all matters touching upon or concerning this Request for Information:

J. Ward Morrow
Assistant General Counsel
AFGE
80 F Street, NW
Washington, DC 20001
202-639-6426

Please send a copy of any correspondence to Local President Massey as well.

Sincerely,

A handwritten signature in black ink that reads "J. Ward Morrow (Lpfs)". The signature is written in a cursive style and is positioned above a horizontal line.

J. Ward Morrow
October 23, 2018

cc: AFGE Local 17 President Douglas Massey