**NATIONAL GRIEVANCE**

NG-07/5/201\_

Date: July \_, 201\_

To: Name

Deputy Assistant Secretary, Labor -Management Relations Department of Veterans Affairs

810 Vermont Avenue, NW

Washington, DC 20420

From: Name, Attorney, National Veterans Affairs Council (#53) (NVAC), American Federation of Government Employees (AFGE), AFL-CIO.

Subject: National Grievance in the matter of the Department of Veterans Affairs CVA) failure to comply with Article 35, Section 17, concerning the granting of donor leave for employees who participate in sponsored or endorsed blood donation.

STATEMENT OF CHARGES

Pursuant to the provisions of Article 43, Section 11 of the Master Agreement Between the Department of Veterans Affairs and the American Federation of Government Employees *(2011)* (MCBA), American Federation of Government Employees/National Veterans Affairs Council (Union) is filing this national grievance against you and all other associated Department of Veterans Affairs ("VA") officials and/or individuals acting as agents on behalf of the VA for violations as it relates to its failure to comply with Article 35, Section 17, concerning the granting of donor leave for employees who participate in sponsored or endorsed blood donation.

Specifically, on or about April 30, 201\_ and continuously thereafter, the VA, by and through its representatives and/or agents, has issued a HRML which has been interpreted to limit the amount of donor leave that can be approved by Supervisors for employees participating as blood donors.

In doing so, the VA has violated the following provisions:

Section 17 of Article 35; and

Any and all other relevant articles, laws, regulations, customs and past practices not herein specified.

STATEMENT OF THE CASE:

I. Background

During a Minneapolis VHA staff meeting, Supervisors instructed staff that they must return to work for the remainder of their shift immediately after completing the donor process. Because

Minneapolis Locals 3669 and 1969 have a past practice of allowing 4 hours of donor leave for blood donors, a Union Officer inquired of \_\_\_, Minneapolis VHA Human Resources Director. On May 31, 201\_, Mr. \_\_\_ sent a copy of a HRML he had received from the VA Central Office with an example illustrating fixed times for travel, donation, and rest and recuperation. (See Attachment A) These Supervisors have interpreted this language to mean that they no longer have discretion to approve donor leave beyond a standard donation time for all participating employees in violation of the language found in Article 35, Section 17.

**II. Violation**

The April 30, 201\_ HRML has been improperly interpreted to remove the Supervisors contractual discretion in determining the appropriate amount of donor leave on a case-by-case basis. The HRML also fails to account for relevant local past practices.

**Remedy Requested**

The Union asks that to remedy the above situation, the VA agrees to the following:

(1) To provide guidance describing proper considerations for Supervisors in determining appropriate leave, including, but not limited to, travel, wait times, and individual rest and recuperation times;

To review all donor employees' individual circumstances for potential leave adjustments, and credit any employees' leave allocations based on the review;

To agree to recognize all Local past practices until appropriate bargaining has occurred; and

To agree to any and all other remedies appropriate in this matter.

**Time Frame and Contact**

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 \_\_\_\_\_\_\_.

Name Attorney AFGE/NVAC

Cc: Name, President, AFGE/NVAC

Name, Chairperson, Grievance and Arbitration Committee, AFGE1NV AC