

QUESTIONS AND ANSWERS ABOUT SATURDAY PREMIUM PAY

Q: Who is entitled to receive back pay?

- A. *All current and former VA employees in positions entitled to Saturday Premium pay who worked Saturdays from January 11, 2004 and thereafter will receive back pay for Saturday work.*

Q: How did this settlement agreement come about?

- A. *AFGE filed a grievance on January 30, 2004, because of a dispute with the Department of Veterans Affairs over which Title 5 occupations were entitled to receive Saturday premium pay pursuant to Public Law 108-170. That law became effective in January, 2004. Hybrids, Registered Nurses, Physician Assistants and Expanded Dental Auxiliaries were already guaranteed Saturday premium pay prior to this law and therefore are not covered by this settlement agreement. A Hybrid employee, Registered Nurse, Physician Assistant or Expanded Dental Auxiliary who is not currently receiving Saturday premium pay should contact his or her Local Union concerning this issue.*

Q: Why did this case take so long to complete?

- A. *After AFGE filed the grievance, the case went to arbitration. The arbitrator issued a decision in 2005, granting the grievance, ordering the VA to recalculate which positions were entitled to receive Saturday premium pay, and paying back pay to affected employees. In a second decision in 2007, the arbitrator found that the VA had not complied with his first award. He again ordered the VA to reevaluate which positions are entitled to receive Saturday premium pay. The VA filed exceptions to the 2007 award with the FLRA. The FLRA denied the VA's exceptions in 2010. AFGE filed an unfair labor practice charge against the VA with the FLRA on August 9, 2012, asserting that the VA was not complying with the two arbitration awards. In order to settle the ULP charge, the VA agreed to participate with AFGE in mediation with the FLRA on how to implement the arbitration awards. The parties participated in mediation for several years and finally reached a negotiated settlement agreement which was signed by the VA on October 31, 2016.*



I am a Title 38 employee. Am I entitled to receive back pay under this agreement?

A. *No, some Title 38 employees should have been receiving Saturday Premium Pay under a different law, not as a function of this grievance. The agreement only provides back pay for Title 5 employees in specified positions. Registered nurses, physician assistants and expanded-function dental auxiliaries are entitled to receive Saturday premium pay pursuant to 38 U.S.C. Section 7453(c) (nurses) and 38 U.S.C. Section 7434(a)(physician assistants and expanded-function dental auxiliaries). An employee in one of these three occupations who is not receiving Saturday premium pay should speak with his or her Local Union concerning this issue. Physicians, dentists, podiatrists, chiropractors and optometrists are not entitled to Saturday premium pay.*



I am a Hybrid employee. Am I entitled to receive back pay under this agreement?

A. *No, some Hybrid employees should have been receiving Saturday Premium Pay under a different law, not as a function of this grievance. This agreement only applies to Title 5 non-hybrid employees. Hybrid employees are entitled to receive Saturday premium pay pursuant to 38 U.S.C. § 7454(b)(2). A hybrid employee who is not receiving Saturday premium pay should speak with his or her Local Union concerning this issue.*



What positions are Hybrid employee?

A. *Hybrid positions include the following:*

- Audiologists
- Speech pathologists, and audiologist-speech pathologists
- Biomedical engineers
- Certified or registered respiratory therapists
- dietitians
- Licensed physical therapists
- Licensed practical or vocational nurses
- Nurse assistants
- Medical instrument technicians
- Medical records administrators or specialists
- Medical records technicians
- Medical technologists
- Dental hygienists
- Dental assistants
- Nuclear medicine technologists
- Occupational therapists
- Occupational therapy assistants
- Kinesiotherapists
- Orthotist-prosthetists
- Pharmacists
- Pharmacy technicians
- Physical therapy assistants
- Prosthetic representatives
- Psychologists
- Diagnostic radiologic technologists
- Therapeutic radiologic technologists
- Social workers
- Marriage and family therapists
- Licensed professional mental health
- Counselors
- Blind rehabilitation specialists
- Blind rehabilitation outpatient specialists

The Hybrid positions listed above are not entitled to back pay under the Saturday premium pay agreement.

Q: What positions are entitled to receive Saturday premium pay?

A. *See Attachment A.*

Q: What is the time period for back pay?

A. *Back pay will be paid for Saturday work as far back as January 11, 2004, continuing up to the date that the employee began receiving Saturday premium pay.*

Q: Will interest be added to the back pay?

A. *Employees and former employees will receive an additional 30% of the amount of back pay in lieu of interest.*

PROCEDURE FOR CURRENT EMPLOYEES

Q: How will current employees be paid?

A. *The VA will pay employees electronically in the same manner as it provides their current pay. Employees should contact their local payroll office if they have questions or disagreements about the amount of the payment.*

Q: How will the VA notify current employees that they have been paid?

A. *At the same time that the VA pays current employees, it will mail a notice to their home address which will explain the payment process.*

Q: What should a current employee do if he or she disagrees with the amount of his or her back pay?

A. *A current employee has 45 days from receipt of the back pay notice discussed in the above paragraph to contact his or her local payroll office about any dispute concerning the amount of the back pay. After the employee receives a written response from his or her local payroll office, the employee has 14 days from the date of receipt of the written notice to contact his or her Local Union. The Local Union may file a grievance over the matter.*

APPEAL PROCEDURE

Q: My position does not appear on the list of positions entitled to Saturday premium pay but I believe that I should be entitled based on the duties I perform. What can I do?

- A. *There is a dispute resolution procedure for employees who believe that they are entitled to receive payment under the Saturday premium pay agreement. The procedure is for employees who either:*
- 1. occupy a position which has not been determined to be ineligible for Saturday premium pay; or*
 - 2. occupy a position which has been determined to be ineligible for Saturday premium pay but where the employee can show that he or she performs the duties of a position that has been determined to be eligible for Saturday premium pay.*

Examples of occupations that have been determined to not be entitled to Saturday premium pay are Medical Administrative Specialist (Administrative Officer of the Day), Supply Clerk and Supply Technician.

Q: What are the time limits for submitting a claim under the dispute resolution procedure?

- A. *Employees must submit a claim within 60 days of the time that they reasonably should have known that they were not entitled to Saturday premium pay. However, the VA and AFGE have agreed that an appeal is timely if it is submitted by February 28, 2017.*
- B. *The deadline to submit appeal is February 28, 2017. If there are extraordinary circumstances, such as an employee who was hired after December 30, 2016, the deadline may be later.*

Q: What documents do I need to include in my appeal?

- A. *You need to include:*
- 1. your name and current contact information including email and local telephone number;*
 - 2. position title and grade; official duty station; the dates that you occupied the position that you believe is entitled to Saturday premium pay;*
 - 3. a description of the duties you perform that you believe are duties that constitute direct patient care or service incident to direct patient care; and*
 - 4. a copy of the position description for the position if you have one.*

Q: Can I get a copy of the Position Description for my position which was used in the negotiations of the Saturday premium pay agreement?

A. *The NVAC office has a copy of positions descriptions that were used and can provide you with a copy.*

Q: To whom do I submit my appeal?

A. *Employees who wish to file an appeal must submit it to the Local team (local Human Resources and the Local AFGE Union). This means either submitting the document to the Local Union office or the local Human Resources office by the date that it is due. In order to have a record of when the appeal was submitted, AFGE recommends that you bring an extra copy of the appeal and have the local Human Resources office and your Local Union office date stamp your copy.*

Q: Who decides the appeals on the local level?

A. *The Local team is made up of representatives from local Human Resources and the Local Union. The agreement does not specify the numbers of representatives on the team or how decisions are made. These matters are left to the local Human Resources department and the Local Union to decide.*

Q: Is there an appeal level above the Local Team?

A. *Yes, Local team decision can be appealed to the National Problem Solving Team. The National Problem Solving Team is composed of three representatives from management and three representatives from AFGE.*

Q: What is the deadline for submitting an appeal to the National Problem Solving Team?

A. *An employee, the Local Union or the local Human Resources department can make a request to have a matter submitted to the National Problem Solving Team. The deadline for submitting the request is **14 days after the 120-day period** following the date of receipt of the employee's appeal by the Local team.*

Q: To whom should an appeal to the National Problem Solving Team be submitted?

A. Appeals should be submitted to Daenia.Peart@va.gov.

TIMING OF BACK PAY PAYMENTS

Q: When will, the VA begin paying back pay?

A. The agreement between AFGE and the VA provides that the agency will begin paying back pay within approximately nine months from the date of execution of the agreement. The agreement was executed on October 31, 2016.

PROCEDURE FOR FORMER EMPLOYEES

Q: How will former employees be notified?

A. The VA will mail a notice regarding back pay to former employees requesting a verification of address. Former employees must then mail the verification of address form back to the VA **within 45 days of receipt**. After the VA receives the verification of address form, it will mail a notice with the amount of the back pay payment and appeal procedures to the former employee.

Q: What should a former employee do if he or she disagrees with the amount of his or her back pay?

A. A former employee has **45 days from receipt of the back pay notice** discussed in the above paragraph to contact the local payroll office which provided services when he or she was last employed about any dispute about the amount of the back pay. After the employee receives a written response from the local payroll office, he or she has **14 days** from the date of receipt of the written notice to contact the Local Union at the last location where he or she was employed. The Local Union may file a grievance over the matter.

PROCEDURE FOR HEIRS OR LEGAL REPRESENTATIVES OF DECEASED CLAIMANTS

Q: Are heirs of a deceased employee or former employee entitled to receive the Saturday premium pay back pay?

A. *Heirs or legal representatives of the estate of a deceased employee or former employee may contact the VA in order to receive payment. They should contact the local payroll office where he or she last worked for the VA. The VA will inform the heir or legal representative of the amount of back pay, if any, to which the deceased individual was entitled.*

Q: May the heir or legal representative of a deceased employee or former employee dispute the amount of the back pay payment?

A. *The heir or legal representative of the estate of a deceased employee or former employee has **45 days from receipt of the back pay notice** discussed in the above paragraph to contact the local payroll office which provided services when the deceased employee or former employee was employed about any dispute about the amount of the back pay. After the heir or legal representative receives a written response from the local payroll office, he or she has **14 days** from the date of receipt of the written notice to contact the Local Union at the last location where the employee or former employee was employed. The Local Union may file a grievance over the matter.*

PROCEDURE FOR FORMER EMPLOYEES AND HEIRS OR LEGAL REPRESENTATIVES WHO WERE NOT CONTACTED BY THE VA BUT BELIEVE THEY ARE ENTITLED TO RECEIVE SATURDAY PREMIUM PAY BACK PAY

Q: I am a former VA employee or the heir or legal representative of a deceased VA employee. I was not contacted by the VA about back pay. Who should I contact at the VA to assert a claim?

A. *Former employees and the heirs or legal representatives of employees who believe that they are entitled to payment and have not been contacted by the VA should contact the local payroll office that provided payroll services when the former employee was last employed by the VA. The deadline is **six months from the date that notices were mailed out to former employees.***

FOOD SERVICE WORKERS AT INTEGRATED FOOD SERVICE

Q:

I work preparing food at a VA facility with an integrated food service that prepares food both for patients and visitors to the facility. Am I entitled to Saturday premium pay for work that I perform for the food service?

- A. *Employees in positions entitled to Saturday premium pay who work in the food service at a location with an integrated food service (Integrated Health Care facility) will receive a proportion of Saturday premium pay relating to the percentage of time that the employee spends preparing food for patients at the facility as opposed to visitors.*

EMPLOYEES IN POSITION CONVERTED TO HYBRID (GS 679) MEDICAL SUPPORT ASSISTANT POSITION

Q:

I used to work in a Title 5 position that was converted to a hybrid (GS 679) Medical Support Assistant (MSA) position. Am I entitled to Saturday premium pay for the time that I was working in the Title 5 position before conversion?

- A. *Employees who occupied a Title 5 position that was converted to a hybrid Title 38 (GS 679) Medical Support Assistant (MSA) position are entitled to receive Saturday premium pay from January 11, 2004 to the time that their position was converted to the (GS 679) position.*

Should you need further information please contact Larry Looney at afgenvac@aol.com.

Attachment **A**

<i>GS 0080 02</i>	<i>Security Officer</i>
<i>GS 0081 03</i>	<i>Firefighter (Bas Life Spt/Haz Mat Tech)</i>
<i>GS 0081 04</i>	<i>Firefighter (Structural)</i>
<i>GS 0081 05</i>	<i>Firefighter (Hazardous Materials Tech)</i>
<i>GS 0081 07</i>	<i>Firefighter (Paramedic)</i>
<i>GS 0083 02</i>	<i>Detective</i>
<i>GS 0083 03</i>	<i>Police Officer (Instructor)</i>
<i>GS 0083 05</i>	<i>Police Officer</i>
<i>GS 0085 04</i>	<i>Security Guard</i>
<i>GS 0086 01</i>	<i>Security Clerk</i>
<i>GS 0086 02</i>	<i>Security Assistant</i>
<i>GS 0086 04</i>	<i>Security Assistant (OA)</i>
<i>GS/GM 0301 61</i>	<i>Rehabilitation Medicine Coordinator</i>
<i>GS 0301 68</i>	<i>Patient Representative</i>
<i>GS 0303 03</i>	<i>Medical Administrative Assistant</i>
<i>GS 0303 04</i>	<i>Domiciliary Assistant</i>
<i>GS 0303 11</i>	<i>Prosthetic Clerk</i>
<i>GS/AD 0303 13</i>	<i>Patient Services Assistant</i>
<i>GS 0303 16</i>	<i>Medical Data Clerk (Typing)</i>
<i>GS 0303 19</i>	<i>Medical Data Clerk</i>
<i>GS 0303 44</i>	<i>Prosthetic Clerk (OA)</i>
<i>GS 0303-45</i>	<i>Medical Data Clerk (OA)</i>
<i>GS 0303 57</i>	<i>Patient Services Assistant (OA)</i>
<i>GS 0350 09</i>	<i>X-Ray Film Processing Equipment Opr</i>
<i>GS 0394 02</i>	<i>Communications Clerk</i>
<i>GS 0394 03</i>	<i>Communications Clerk (OA)</i>
<i>GS 0394 08</i>	<i>Communications Clerk (Typing)</i>
<i>GS 1001 11</i>	<i>Interpreter (OA)</i>
<i>GS 1046 02</i>	<i>Clerk-Translator</i>
<i>GS 1715 02</i>	<i>Vocational Rehabilitation Specialist</i>
<i>GS 1715 04</i>	<i>Vocational Development Specialist</i>
<i>WG/WL/WS 3511 10</i>	<i>Laboratory Worker</i>
<i>WG/WL/WS 3566 10</i>	<i>Housekeeping Aid</i>
<i>WG/WL/WS 3566 30</i>	<i>Housekeeping Aid Training Leader</i>
<i>WG/WL/WS 3566 40</i>	<i>Housekeeping Storeroom Attendant</i>
<i>WG/WL/WS 3566 60</i>	<i>Housekeeping Aid (Leader)</i>
<i>WG/WL/WS 4742 10</i>	<i>Utility Systems Repairer-Operator</i>
<i>WG/WL/WS 4742 20</i>	<i>Utility Systems Repairer</i>
<i>WG/WL/WS 4801 10</i>	<i>Equipment Servicer (Wheelchair Repair)</i>
<i>WG/WL/WS 4805 10</i>	<i>Medical Equipment Repairer</i>
<i>WG/WL/WS 4805 20</i>	<i>Medical Equipment Worker</i>
<i>WG/WL/WS 5306 20</i>	<i>Air Conditioning Equipment Mechanic</i>
<i>WG/WL/WS 5309 20</i>	<i>Boiler Plant Equipment Mechanic</i>
<i>WG/WL/WS 5402 20</i>	<i>Boiler Plant Operator</i>
<i>WG/WL/WS 5406 30</i>	<i>Utility Systems Operator</i>

Attachment A

<i>WG/WL/WS 5415 20</i>	<i>Air Conditioning Equipment Operator</i>
<i>WG/WL/WS 5703 60</i>	<i>Motor Vehicle Operator</i>
<i>WG/WL/WS 7304 10</i>	<i>Laundry Worker</i>
<i>WG/WL/WS 7305 50</i>	<i>Laundry Machine Operator</i>
<i>WG/WL/WS 7305 60</i>	<i>Laundry Machine Opr (Motor Vehicle Operator)</i>
<i>WG/WL/WS 7404 20</i>	<i>Cook</i>
<i>WG/WL/WS 7408 10</i>	<i>Food Service Worker</i>
<i>WG/WL/WS 7408 20</i>	<i>Food and Sanitation Worker</i>