

AFGE Local 1969

# Newsletter

May 2020



## Remarks from Local 1969 President, Andrew Peterson

A union's strength is in its members. Oftentimes, I hear employees say what "the union" should or should not be doing about a particular issue. While I'm happy for the feedback on how the union can better serve its members, I like to remind them that the union is the entire membership and not just elected or appointed officials. If you look at the great labor victories that have occurred historically, or even more recently, many of the effective actions taken by union members were spurred on by the actions of the membership and not just the leaders. One of my goals in leading this great local is to create space for people to stand up and make a difference in their workplaces. With that, I encourage each of us to educate ourselves on our rights and what we all can do to make a difference in our workplace.



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## COVID 19 Response

How do we even begin with this incredibly unprecedented event? Your union has been working diligently with local VA management officials to help ensure employee safety. Multiple resources and additional information is available at [afge.org/member-benefits/health-and-safety/coronavirus-disease/](https://afge.org/member-benefits/health-and-safety/coronavirus-disease/). Please be sure to sign up for AFGE's email list for the most up to date information.

Your union is committed to your safety and encourages you to notify us of any concerns and/or thoughts you may have on how to best make this happen for you. Please email us anytime at [contact@afgelocal1969.org](mailto:contact@afgelocal1969.org) and a representative will get in touch with you.

## Collective Bargaining Agreement<sup>1</sup> Negotiations

AFGE and VA have been in negotiations since late 2018. Here's the latest update (as of May 5, 2020 from National VA Council President (NVAC), Alma Lee:

"In the first arbitration of our (AFGE's) seven bad faith bargaining grievances (the last 5 grievances have been consolidated, so there will only be 3 arbitrations), Arbitrator Mark G. Pearce sustained the Council's (NVAC) national grievance concerning the Department's (VA) bad faith bargaining during our ground rules negotiations for the successor term agreement.

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<sup>1</sup> Commonly referred to as the Master Agreement between the the Department of Veterans Affairs and the American Federation of Government Employees



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The grievance alleged violations of the **Federal Service Labor-Management Relations Statute (FSLMRS)** including: 1) insisting to impasse on permissive subjects; 2) unreasonable delay in responding to an information request and improper denial of requested information; and, 3) engaging in surface bargaining.

The Department denied the allegations asserting that they were just engaging in “hard bargaining.” In addition, the Department argued that the President Trump Executive Orders required their bargaining positions, that discussions during **Federal Mediation and Conciliation Service (FMCS)** mediation were confidential, and that the Parties reached agreement on the ground rules.

The Arbitrator rejected that the Executive Orders were relevant to the ground rules negotiations. He also rejected that the parties’ discussions during FMCS mediation could not be considered in resolving the ULP allegations. He found that the Department did violate the law by insisting to impasse on several permissive matters; delaying a response and not providing information; and, overall engaging in bad faith bargaining.

However, the fact that the Parties ultimately reached agreement on the ground rules caused the Arbitrator to limit the remedy. He ordered a posting, signed by the Secretary of the VA, and the provision of the denied information. We expect the VA to file exceptions with the FLRA on this award.”

Please contact Colin Barrett at [colin.barrett@afgelocal1969.com](mailto:colin.barrett@afgelocal1969.com) if you have any questions. Colin is a member of the NVAC bargaining team.

## Response to May 2018 Executive Orders

President Trump signed three executive orders in May 2018, that impact all federal labor unions. One of the executive orders aims to define how official time<sup>2</sup> may be used by federal labor unions and places a cap on the number of hours each union steward may use for official time. The implementation of the orders also required AFGE to either lease a space from VA or vacate the current office locations at the Bishop Henry Whipple Federal Building and the Minneapolis VAMC. In addition, the implementation of the orders no longer allows AFGE to use government furnished equipment and systems for union related activities.

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<sup>2</sup> Official time is paid time off from assigned government duties to represent a union or its bargaining unit employees



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As a result of the agency's implementation of the executive orders, AFGE Local 1969 executive board determined the lease offered by VA was not in the local's best interest and decided to rent a 200 square foot office space and additional storage space located in Bloomington, MN. The executive board also decided to purchase a Google Suite, which allows virtual document storage, email, conference calls, and many other valuable features that will assist Local 1969 in its operations.

Finally, the idea of hiring a business agent (a.k.a. permanent staff member) has been proposed. The executive order implementation does not allow union stewards to use official time for the filing of grievances and many other previously negotiated activities. As a result, the executive board is investigating the feasibility of hiring a permanent staff member to file grievances on Local 1969's behalf, organize events, monitor email, answer phone calls, and perform many other administrative tasks.

The implementation of these executive orders has been in violation of the Master Agreement, and multiple national and local grievances have been filed through the appropriate legal channels.

## Dues Increase

A per capita monthly dues increase of \$1 per member (\$.46/pay period) was voted on and amended at the AFGE National Convention and impacts all AFGE members nationwide. In addition, Local 1969 has incurred the added expenses of office rent and the Google Suite. As already noted, a proposal to hire a permanent staff member has been introduced. In addition, your local is preparing for the possibility of added costs of potential arbitration costs as a result of agency actions towards employees during the COVID-19 pandemic. All these additional items add overhead to Local 1969's operating budget. Therefore, a dues increase of \$3.33 per pay period for a total of \$18 per pay period (current rate is \$14.67/pay period) will be voted on at the next member meeting slated for May 21, 2020<sup>3</sup>. It has also been proposed to implement a part time dues structure for employees working a part time schedule, which will equate to half the amount full time employee members pay, so \$9 per pay period. Any additional surplus at the end of the budget year will likely be used to fund additional to be determined member initiatives.

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<sup>3</sup> Please go to Local 1969's website or FB page for more information on the member meeting  
Website: [afgelocal1969.com](http://afgelocal1969.com)  
Facebook: [facebook.com/AFGELocal1969](https://facebook.com/AFGELocal1969)



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## PLEASE SIGN UP!

Out of AFGE Local 1969's nearly 1100 member base, less than 200 members are signed up for electronic dues (eDues). This poses a potential risk for Local 1969 as the current administration has discussed ordering agencies to halt automatic dues deduction from the paychecks of employees. In response to this potential action by the administration, AFGE has implemented an electronic dues payment system located at [join.afge.org](http://join.afge.org). All electronic forms of payment are accepted and dues are deducted on a bi-weekly basis. Please go to AFGE Local 1969's [website](#) for more information on the process for signing up for eDues.

## Local 1969 Election Results

Thank you to all who participated in this year's AFGE Local 1969 Executive Board Election. Congratulations to the following folks who were elected to their respective positions and will serve AFGE Local 1969 and its members for the next three years.

President: Andrew Peterson (VHA Police Officer)  
1st Vice President (VP): Christine Schoenbechler (VHA Food Service)  
2nd VP: Colin Barrett (VBA Rating Specialist)  
3rd VP: Miranda Kiwelu (VHA Advanced Medical Support Assistant)  
4th VP: Dusten Retcher (VBA Claims Assistant)  
5th VP: Angela Bendorf (VHA Licensed Practical Nurse)  
Secretary: Travis Simmering (VBA Quality Review Specialist)  
Treasurer: Scott Mattson (VHA Maintenance Engineer)

## VBA Updates

### *Telework:*

The Regional Office is currently at maximum telework and there are only a handful of employees who are currently reporting to the office. Maximum telework will stay in place until June 12, 2020, to allow for stability through the end of the current school year for RO employees. Local 1969 officials are working closely with RO leadership to develop a plan for after maximum telework ends to include the possibility of expanding the RO's telework program.



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### *National Transaction Report*

VBA posted notice that VBA will NOT enforce or otherwise implement the National Transaction Reports to monitor employees, initiate employee investigations, and support disciplinary action against employees, including all pending disciplinary actions, until such time as the parties have completed bargaining in accordance with the Federal Service Labor-Management Relations Statute and the parties' agreements concerning procedures which management will observe and appropriate arrangements for employees adversely affected.

Background: On August 7, 2017, NVAC filed a National Grievance against the Agency for failing to satisfy national bargaining obligations prior to expanding its use of the National Transaction Report in the Veterans Benefits Administration. The National Transaction Report (“NTR” or “Report”) is used to determine when VBA employees are active in VBMS and whether there are “lapses” or “gaps” in their claims processing productivity. If the Report shows that an employee has gaps in their daily transactional data, it might be presumed that they were not working during that time period. Nationwide, the Agency has used the NTR to discipline more than 50 AFGE bargaining unit employees in at least 13 Regional Offices, including at least 22 removals. Disciplinary charges vary but have included the following: timecard fraud, loafing, failure to perform duties, willful idleness, or improper data manipulation. Countless others have been investigated with data generated from the Report.

This is NVAC’s second National Grievance related to the NTR. The first case, filed in May 2016, challenged the initial implementation. At that time, the Agency represented that the Report was used to track station-level analytics. We settled the first case in October 2016 with an MOU requiring the Agency to notify and bargain with NVAC if, in the future, it decided to expand its use of the Report in a way that changed conditions of employment. Months later, thanks to reports from several AFGE Locals, NVAC learned that the Report was being used to support disciplinary action. NVAC attempted to bargain with the Agency. When the Agency refused, NVAC filed this second National Grievance, NG-8/7/17.

On July 31, 2018, Arbitrator Garvin Lee Oliver sustained NG-8/7/17. A copy of the Decision is attached for your reference.

The Arbitrator ordered that the Agency cease and desist implementation while the Parties engage in retroactive bargaining to October 24, 2016, and that the Deputy Under Secretary for Field Operations sign and distribute a notice posting at VBA facilities indicating that the Agency committed a ULP and contract violations.



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Depending on the result of retroactive bargaining, and due to the fact that bargaining unit employees have suffered a loss in pay and benefits because of the Agency's failure to bargain, there may also be backpay, interest, and attorney's fees.

To be clear, this decision does not reinstate or rescind discipline for impacted employees. That relief will depend on the result of bargaining at the national level.

## VHA Updates

### *Labor Pool Implementation*

As part of the Minneapolis VAMC emergency response to the Coronavirus Virus (COVID-19) pandemic, the VAMC established a labor pool in order to more efficiently allocate labor given closures of clinics and the unpredictable demands of patient care during this time of crisis in Minnesota. The agency sent out email notifications to certain bargaining unit employees requiring them to perform duties outside of their normal assigned work units to support Veteran patients. If you are an impacted employee and experience issues requiring AFGE assistance please do not hesitate to reach out for assistance.

## Other Important Information

- ❖ Member meetings are held (now virtually) the third Thursday of each month in the early evening and organized by your executive board. All members are encouraged to attend. Please refer to AFGE1969's [website](#) and [Facebook page](#) for login and call in information.





“Little Bob Hope” from Minneapolis VAMC

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