[DATE]

[NAME AND ADDRESS OF FACILITY DIRECTOR]

**RE: Step 3 Local Grievance**

**AFGE/VA Settlement Agreement re: FMCS Case 141008-50100-A; NVAC NG-7/19/13**

To Whom It May Concern:

On September 29, 2020, the VA and the AFGE National VA Council executed a Settlement Agreement (“Agreement”) in National Grievance – 7/19/13 (Quimby). Under that Agreement, the VA must process claims for unpaid premium pay to eligible hybrid Title 38 employees during periods of authorized paid leave. The claim period was July 1, 2012 to September 29, 2020. Eligible positions included both (1) hybrid Title 38 employees[[1]](#footnote-1) and (2) “designated hybrid” Title 38 employees.[[2]](#footnote-2)

Under the Agreement, eligible employees submitted claims to their Local Payroll Office by completing the Claim Form and producing certain required documentation. The Local Payroll Office first completed a “preliminary determination,” and the Financial Services Center was then responsible for notifying the employee as to whether a pay adjustment was warranted based on the result of the “final determination”. The Agreement required the Department to notify the employee of the “final determination” no later than 150 calendar days of the date their claim was submitted to their Local Payroll Office.

The Agreement further provides that an AFGE Local and/or a hybrid Title 38 bargaining unit employee must pursue appeals by filing a step 3 local grievance consistent with the VA/AFGE Master Agreement. These local grievances must be filed within 30 calendar days from the date of the notice of VA-FSC’s final determination or 150 calendar days from the date of submission of the claim to the Local Payroll Office if no such final determination was provided to the employee.

The Department has breached the Agreement by not providing pay adjustments to eligible employees. Pursuant to the Agreement, AFGE files this Grievance challenging the pay adjustment determinations, if any, concerning the following AFGE bargaining unit employees who submitted claims under the Agreement.

* [NAMES OF AFFECTED EMPLOYEES]
* [FACTS RELEVANT TO YOUR DISPUTE – dates, copies of communications, etc.]

To remedy these violations, AFGE requests that the Department comply with the Agreement and make-whole any bargaining unit employee affected by the Department’s breach, including back pay and interest. AFGE further requests that the Department agree to all other remedies appropriate in this matter. Please contact me if you have any questions about this Grievance.

Sincerely,

[SIGNATURE]

[NAME OF LOCAL UNION OFFICIAL]

1. See 38 U.S.C. §7401(3) and §7405. [↑](#footnote-ref-1)
2. See 38 U.S.C. §7454(b). [↑](#footnote-ref-2)