

**Department of
Veterans Affairs**

Memorandum

Date: **DEC 15 2011**

From: **Assistant Secretary for Human Resources and Administration (006)**

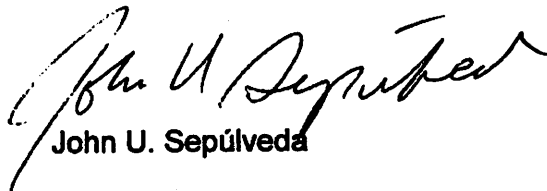
Subj: **VA's Complaint Grievance Process (VAIQ #7176086)**

To: **Under Secretaries, Assistant Secretaries, Other Key Officials, and Field Facility Directors**

1. The purpose of this memorandum is to remind Department of Veterans Affairs (VA) employees to follow the grievance and/or complaint processes that are in place. Since joining the Department on May 20, 2009, numerous employees have contacted Secretary Eric K. Shinseki hoping to have him intervene in their workplace disputes or equal employment opportunity issues. The grievance and complaint forums are designed to gather facts and information critical to the resolution of the disputes. Contacting and attempting to engage the Secretary for early intervention may compromise his role as the Department's ultimate decision-maker on these matters. In addition, circumventing these processes also may result in delays because the Secretary will honor the regulations governing these forums.

2. I am attaching a list of some of the avenues available to VA employees to grieve issues.

3. Thank you for your cooperation in disseminating this guidance to your employees as quickly as possible.



John U. Sepúlveda

Attachment

Available Avenues of Redress for VA Employees Regarding Employment

<p>Negotiated Grievance Procedure – available for bargaining unit employees</p>	<p>Covers complaints concerning most matters related to employment and claims of violation, misinterpretations and misapplications of the agreement, law, rule or regulation, unless otherwise excluded.</p>	<p>Available to bargaining unit employees under the applicable collective bargaining agreement.</p> <p>Copies of applicable collective bargaining agreements are available from your local human resources office. National Master Agreements are located at: http://vaww1.va.gov/lmr/</p>
<p>VA Grievance Procedure</p>	<p>Covers grievances of non-bargaining unit employees and grievances of bargaining unit employees over matters not covered under the negotiated grievance procedure above (some exclusions apply).</p>	<p>Information and procedures are contained in VA Handbook 5021, Part IV, Chapters 2 and 3.</p> <p>The Handbook may be accessed on the VA intranet at: http://vaww1.va.gov/ohrm/HRLibrary/Dir-Policy.htm</p>
<p>VA Office of Resolution Management (ORM)</p>	<p>Processes complaints of discrimination in employment to include counseling, investigation and compliance oversight.</p>	<p>Claims may be filed by contacting your local ORM Field office or by calling the toll free number 1-888-737-3361 or 1-888-626-9008 (TDD).</p> <p>For additional information visit the website at: http://vaww4.va.gov/orm/index.asp</p>
<p>VA Office of Inspector General (VAOIG)</p>	<p>Covers complaints by VA employees of fraud, waste and abuse; employee misconduct; patient abuse; serious safety violations; theft from VA beneficiaries or misuse of government property; false claims by beneficiaries, claimants, patients, employees, or contractors; systemic problems; and gross waste of funds or official time.</p>	<p>Complaints may be filed by contacting the VAOIG Hotline – Toll-Free at 1-800-488-8244</p> <p>Or write the Hotline at: VA IG Hotline (53E) P.O. Box 50410 Washington, DC 20091-0410 Email: vaogh hotline@va.gov FAX: (202) 565-7936</p>

U.S. Merit Systems Protection Board (MSPB)	<p>Hears appeals from most VA Title 5 and Hybrid T38 employees regarding adverse actions and other personnel actions, including personnel actions involving prohibited personnel practices or resulting from reprisal for whistleblowing.</p> <p>Excludes T38 employees except for allegations of reprisal for whistleblowing (and a few other exceptions).</p>	<p>Information and procedures for filing complaints may be found at www.mspb.gov.</p> <p>You may contact the appropriate Regional Office listed at http://www.mspb.gov/contact/contact.htm#AT or call:</p> <p>1-800-209-8960 or 1-800-877-8339 (TDD)</p> <p>MSPB IG Hotline: 1-800-424-9121</p>
VA Disciplinary Appeals Board	<p>Hears appeals of major adverse actions by full-time, permanent (non-probationary) T38 employees when the reason for the action involved matters of professional conduct and competence.</p>	<p>Information and procedures for filing an appeal to a VA Disciplinary Appeals Board are contained in VA Directive 5021, Appendix A, and Handbook 5021, Part V.</p> <p>The Handbook may be accessed on the VA intranet at: http://vaww1.va.gov/ohm/HRLibrary/Dir-Policy.htm</p>
U.S. Office Special Counsel (OSC)	<p>Covers complaints by federal employees and applicants of prohibited personnel practices and reprisal for whistleblowing; enforces restrictions on political activity of Federal employees; and protects employment and reemployment rights of veterans, guardsmen and reservists.</p>	<p>Information and procedures for filing complaints may be found at www.osc.gov.</p> <p>You may also contact the Complaints Examining Unit (CEU) Hotline at 1-800-872-9855 or the Disclosure Unit Hotline at 1-800-572-2249.</p>
U.S. Department of Labor; Veterans Employment and Training Service (VETS)	<p>Authorized to investigate and resolve complaints of violations under the Uniformed Services Employment and Reemployment Rights Act (USERRA).</p>	<p>For information and procedures for filing complaints regarding a violation under USERRA, contact 1-866-4-USA-DOL or visit website at: www.dol.gov/vets</p>

NOTE: This list is non-exhaustive as there are additional avenues of redress available to employees subjected to other personnel actions or decisions, including but not limited to reduction-in-force, job classification, denial of disability retirement, denial of worker's compensation benefits, etc. Contact your local human resources office for more information.

Employee Relations and Performance Management Service (051E)
Office of Human Resources Management (OHRM)
Department of Veterans Affairs

Revised December 2010