

MEMORANDUM OF UNDERSTANDING

Implementation of the Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics (PACT) Act of 2022

The following constitutes an agreement between the Department of Veterans Affairs, Veterans Benefits Administration (VBA) and the American Federation of Government Employees (AFGE), AFL-CIO National VA Council (NVAC) #53 (Union) regarding the Implementation of the PACT Act.

1. The Parties recognize that processing PACT Act claims is a major shift in policies and procedures and how claims are processed. Local management will take this into account when analyzing performance data prior to taking a performance-based action. The parties will adhere to the applicable provisions of the Master Agreement.
2. Management will review performance plans for claims processors related to PACT Act and consider appropriate adjustments.
3. Bargaining unit employees who spend unanticipated time performing uncredited work may bring the matter to the attention of their supervisor for consideration as to whether excluded time is warranted for the work performed. If earned credits are insufficient to represent the amount of work expended, the supervisor may consider excluded time.
4. In Process Reviews (IPRs) will be used to provide employees guidance and feedback on processing PACT Act claims through at least May 6, 2023.
5. The VBA AFGE Mid-Term Bargaining Committee will monitor and assess the implementation of the PACT Act. Management will provide the Union with data on output, quality, availability rates and PACT Act related excluded time. The data will include a breakdown by station. The AFGE Mid-Term Bargaining Committee will be provided this data each month for the previous month for a 1-year period starting December 2022.
6. Central Office guidance to employees conveying VBA-wide changes in PACT Act expectations or procedural requirements will be provided the VBA Mid-Term Bargaining Committee for an 18-month period, starting from the date of this MOU.

7. The VBA AFGE Mid-Term Bargaining Committee agrees to meet once every 6 weeks to review this MOU and make any necessary adjustment.
8. Employees will be provided appropriate training conducted by a designated subject matter expert on the PACT Act policy and procedures. Completed training will be recorded in the Talent Management System (TMS). This training will be on excluded time, when appropriate. Employees may request additional training as necessary. Each office will designate subject-matter expert(s) to be available as a point of contact for PACT Act policy and procedures.
9. Management will not hold an employee accountable for factors or extenuating circumstances which affect performance that are beyond the employee's control.
10. Consistent with Article 47, Section 4(A) of the 2011 Master Agreement, appropriate local bargaining shall take place at individual facilities and may include substantive bargaining that does not conflict with negotiated national policy and agreements.
11. After implementation, if either party is made aware of issues that may affect employees, both parties agree to discuss the issues and work to mutually resolve the issues for the employees. Should discussions not resolve the issues, the parties will implement the negotiating process to the extent allowed by statute.
12. Management shall provide a copy of this MOU to the local president and/or designee at each AFGE local within 10 days of the date this MOU is signed.

Jessica R. Minnich
For the Agency

Paul H. Fleming
For AFGE/NVAC

March 3, 2023

Date