



DEPARTMENT OF VETERANS AFFAIRS  
OFFICE LABOR-MANAGEMENT RELATIONS  
WASHINGTON DC 20420

July 16, 2007

Jacqueline M. Sims  
American Federation of Government Employees  
80 F Street, N.W.  
Washington, DC 20001-1583

Dear Ms. Sims:

We acknowledge receipt of your June 8, 2007 grievance regarding overtime work of Veterans Service Representatives (VSRs) at the Veterans Benefit Administration (VBA). In your grievance, you claim that the VA has violated Article 20, Hours of Work and Overtime, Section 4, General Overtime Provisions, of the VA/AFGE Master Agreement and "any and all other relevant governing laws and regulations and Master Agreement Provisions." We need more information to properly respond to your grievance.

As part of the grievance you allege that "VSRs at VBA offices nationwide have been performing overtime work for the VBA that VA managers either ordered or that they 'suffered or permitted' VSRs to work without being compensated." You state that overtime pay for VSRs is covered by the Fair Labor Standards Act (FLSA) and that such employees must be paid in accordance with the FLSA. You further allege that "these employees" are entitled to back pay pursuant to 29 U.S.C. § 207(a).

As a remedy, you ask that the agency: (1) cease and desist from allegedly violating Article 20, Section 4 of the Master Agreement and "any and all relevant laws and regulations regarding the payment and/or compensation for VSRs who have in the past or continue to work overtime and (2) provide back pay, interest, liquidated damages, attorneys fees and any other unspecified relief for the VSRs "determined to have been erroneously excluded from receiving pay and/or compensation for work which may have been 'suffered or permitted' (i.e., overtime work for the benefit of the [A]gency, without compensation.[]]"

To be able to properly respond to your allegations, the Agency needs more specific information. Specifically, we need the names of all the VSR employees who allegedly worked overtime without being properly compensated. In addition, we need to know the specific date and time when this practice allegedly started and the facilities where this practice is or was allegedly taking place. Without this additional information, we will not be able to properly determine whether any VSR employees are entitled to overtime pay or back pay, as requested in your grievance.

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We will submit our formal response to your grievance as soon as you provide this additional information. If you would like to discuss this matter or have any questions, please call Denise Biaggi-Ayer at (202) 461-4129.

Sincerely yours,

*for Denise Biaggi*

Meghan Flanz  
Deputy Assistant Secretary  
for Labor Management Relations.