



# NATIONAL FEDERATION OF FEDERAL EMPLOYEES

Affiliated with the International Association of Machinists and Aerospace Workers



## NFFE News Release

**FOR IMMEDIATE RELEASE**

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### **Union catches VA official illegally recording negotiation session**

**Washington, D.C.** – On Thursday, August 30, 2018, members of the National Federation of Federal Employees (NFFE) Veterans Affairs Council discovered illegal surveillance conducted by a member of the management team during negotiations at the Veterans Affairs Medical Center (VAMC), in Atlanta, Georgia. The illegal surveillance—conducted through a mobile phone set to record a private meeting among union officials—violated Section 7116(a)(1) of the Federal Service Labor-Management Relations Statute, prohibiting any surveillance or recordings not mutually agreed to by all parties.

The mobile phone belonging to one of the Atlanta VAMC management team was left on a table in record mode after managers left the room to allow union officials to discuss in private, a procedure commonly employed by either side during labor-management negotiations.

“During that time, a member of our VA Council bargaining team, walks to the other side of the room to throw away a piece of trash, and in doing so, heard a phone buzzing on the table,” NFFE Associate General Counsel Suzanne Summerlin said. Upon investigating, the NFFE team discovered that the phone was actively recording. “It was extremely disheartening to see a management official engaging in such underhanded surveillance techniques, especially because the article we were negotiating stated that neither party would electronically record bargaining sessions,” stated Randy Erwin, NFFE National President.

Summerlin, immediately notified the management team who claimed they had no knowledge of the recording. The owner of the phone, an HR professional from the Jackson (MS) VA admitted to making the secret recordings, stating she uses such recordings to assist with notetaking. She claimed she did not know that recording the session was illegal even though the issue under negotiation was, in part, a mutual consent requirement for the electronic surveillance of meetings.

This event comes less than a week after a federal judge determined that three Executive Orders – one of which allowed agencies to bargain in bad faith – were rescinded by order of the court, thereby requiring both labor and management to bargain in good faith. In response to the event at the Atlanta VAMC, NFFE filed a complaint with the VA Office of the Inspector General (OIG) and three Unfair Labor Practices (ULP).

“This is an egregious, all-out affront to federal employees, especially at the VA,” stated Summerlin. “There is no excuse good enough to justify the illegal recording of negotiations. This is the very definition of bad faith bargaining and a prime example of why we need strong laws to govern labor-management relations.”

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*Established in 1917, the National Federation of Federal Employees is the oldest union representing civil service federal employees. NFFE represents 110,000 federal employees in 35 departments and agencies government-wide. NFFE is affiliated with the International Association of Machinists and Aerospace Workers, AFL-CIO.*