



Out of Many/One Union
AFGE NVAC/AFL-CIO

NATIONAL VETERANS AFFAIRS COUNCIL

American Federation of Government Employees, Affiliated with the AFL-CIO

NATIONAL GRIEVANCE

NG-3/12/2025

Date: March 12, 2025

To: Denise Biaggi-Ayer
Executive Director
Office of Labor Management Relations
U.S. Department of Veterans Affairs
Denise.Biaggi-Ayer@va.gov
VALMRLitigation@va.gov
Sent via electronic mail only

From: Shanita Asante, Staff Counsel, National Veterans Affairs Council (#53) (“NVAC”),
American Federation of Government Employees, AFL-CIO (“AFGE”)

RE: **National Grievance against the Department of Veterans Affairs for Implementing the VA Flag Display Policy in Violation of Federal Law and the MCBA**

STATEMENT OF THE CHARGES

Pursuant to the provisions of Article 43, Section 11 of the Master Agreement Between the Department of Veterans Affairs and the American Federation of Government Employees (2023) (“MCBA”), American Federation of Government Employees/National Veterans Affairs Council (“NVAC” or “the Union”) is filing this National Grievance against you and all other associated officials and/or individuals acting as agents on behalf of the Department of Veterans Affairs (“Department”) for implementing the VA Flag Display Policy, which limits the display of certain flags at VA facilities. The VA Flag Display Policy prohibits the display of flags that are not included in the policy’s narrow list of permitted flags and rescinds the VA’s *Flying the Flag During Pride Month Memorandum*, dated May 24, 2024.

Specifically, the Department violated Articles 17, 47, 49, and 51 of the MCBA; 5 U.S.C. §7116(a) (the “Statute”); and any and all other relevant articles, laws, regulations, and past practices not herein specified. The Union specifically reserves the right to supplement this Grievance based upon the discovery of new evidence or information of which it is not presently aware, or otherwise, as necessary. As of the date of this Grievance, the Department continues to violate the MCBA and federal law.



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STATEMENT OF THE CASE

Background

On February 12, 2025, the Department implemented a new VA Flag Display Policy,¹ which limits the display of flags, beyond the United States flag as well as a narrow list of representational flags, at VA facilities, and rescinds the *Flying the Pride Flag Memorandum*, dated May 24, 2024. This change in policy was communicated directly to VA employees, including bargaining unit employees, through an email from VA Secretary Douglas Collins titled “MESSAGE FROM THE SECRETARY: Public Display or Depiction of Flags throughout VA Facilities.”² According to Secretary Collins, this change in policy was “effective immediately” and “applies to public displays or depictions of flags by VA employees in all VA facilities, workplaces, buildings, common areas, and public areas” *Id.* On February 13, 2025, the Union sought clarification from the VA Office of Labor-Management Relations (“VACO-LMR”) as to whether the VA Flag Display Policy was intended to apply to union bulletin boards and union office spaces. On February 19, 2025, VACO-LMR confirmed that the VA Flag Display Policy did apply to union bulletin boards and union office spaces. Since that time, AFGE bargaining unit employees and AFGE Local Unions have been improperly instructed by VA management officials to remove certain materials from their workspaces, common areas, and the like.

Pursuant to the Master Agreement, AFGE representatives and affiliates have the right to use bulletin boards, posters, and flag displays to communicate with employees. Flag display throughout designated areas within VA facilities rightfully permit employees with the opportunity to express their First Amendment rights. Historically, for example, the Department formally authorized and encouraged the flying of such flags: including the Pride Flag, Black History Month Flag, and Women’s History Month Flag. Permitting the display of these flags increased employee morale, productivity, and respect for the unique views of VA employees.

Under Article 17, Sections 1 and 5 of the MCBA, bargaining unit employees will be afforded the proper regard for and protection of their privacy and constitutional rights. The Department further agreed that it will endeavor to establish working conditions that are conducive to enhancing and improving employee morale and efficiency. Employees also have the right to present their views to Congress, the Executive Branch, or other authorities and to otherwise exercise their First Amendment rights, consistent with applicable laws, without fear of penalty or reprisal. Further, under Article 51, Section 5 of the MCBA, the Union shall be provided bulletin boards in areas normally used to communicate with employees.

The Department breached the MCBA, Articles 17 and 51, when it implemented the new Flag Display Policy, which only permits a narrow list of flag displays. By unilaterally changing

¹ A copy of the VA Flag Display Policy, dated February 12, 2025, is attached as Exhibit A.

² A copy of Secretary’s Collins’ email, dated February 12, 2025, is attached as Exhibit B.



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these conditions of employment, the Department violated the mid-term bargaining obligations set forth in Articles 47 and 49. Further, the Department committed an unfair labor practice under 5 U.S.C. §7116(a) by implementing a policy that effectively rewrites Article 17 and Article 51 of the MCBA without mutual agreement and without bargaining in good faith with the Union. It committed a separate unfair labor practice under 5 U.S.C. §7116(a) by unlawfully bypassing the Union as the exclusive representative and communicating directly with bargaining unit employees concerning conditions of employment. The Master Agreement reaffirms the role of the Union to protect employees' rights to free speech and present their views without fear of penalty. The VA Flag Display Policy is a stark violation of employees First Amendment Rights, despite the Department's contractual promise to protect free speech under the MCBA.

Violations

By failing to fulfill its obligations, the Department violated and continues to violate, the following:

- Article 17 of the MCBA, by prohibiting bargaining unit employees from exercising their First Amendment rights;
- Articles 47 and 49, by failing to negotiate in good faith prior to changing conditions of employment;
- Article 51 of the MCBA, by prohibiting the union from communicating with employees through bulletin board displays;
- 5 U.S.C. § 7116(a)(1), (a)(5), and (a)(8), by prohibiting the Department's interference with the rights of employees to designate and rely on the union for representation, failing to bargain in good faith, bypassing the exclusive representative, and violating any other requirement under the Statute; and
- Any and all other relevant articles, laws, regulations, customs, and past practices not herein specified.

Remedies Requested

The Union asks that, to remedy the above situation, the Department agrees to the following:

- Return to the *status quo ante* and rescind the VA Flag Display Policy;
- Fully comply with its contractual obligations under Articles 17, 47, 49, and 51 of the MCBA and its statutory obligations under 5 U.S.C. Section 7116(a);
- Distribute an electronic notice posting signed by the Secretary to all bargaining unit employees concerning the Agency's unfair labor practices;
- Make-whole any bargaining unit employee adversely affected by the VA Flag Display Policy, including back pay, interest, and attorney's fees;



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- Agree to comply with any and all other relevant articles, laws, regulations, customs, past practices not herein specified; and
- Agree to any and all other appropriate remedies in this matter.

Time Frame and Contact

This is a National Grievance, and the time frame for resolution of this matter is not waived until the matter is resolved or settled. If you have any questions, please contact the undersigned at the AFGE Office of the General Counsel. The undersigned representative is designated to represent the Union in all matters related to the subject of this National Grievance.

Submitted by,

Shanita Asante
Staff Counsel, National VA Council
AFGE, AFL-CIO
80 F Street, NW
Washington, DC 20001
Tel: 202-639-6424
Fax: 202-379-2928
Shanita.Asante@afge.org

cc: Alma L. Lee, President, AFGE/NVAC
William Wetmore, Chairperson, Grievance and Arbitration Committee, AFGE/NVAC
Thomas Dargon, Jr., Deputy General Counsel, AFGE/NVAC
Kurt Martin, Deputy Director, VA LMR

Exhibit A

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 MENU

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Public Display or Depiction of Flags throughout Department of Veterans Affairs Facilities (VIEWS 12780704)

Public Display or Depiction of Flags throughout Department of Veterans Affairs Facilities (VIEWS 12780704)

Date: February 12, 2025

From: Secretary (00)

Subject: Public Display or Depiction of Flags throughout Department of Veterans Affairs (VA) Facilities (VIEWS 12780704)

To: Under Secretaries, Assistant Secretaries, and Other Key Officials

1. To establish more consistent and clear guidance across the Department and among all employees, VA is instituting a new policy, effective immediately, limiting the display of flags, beyond the United States (U.S.) flag, at VA facilities.
2. VA's new guidance follows a longstanding Department of Defense policy instituted during the [first Trump Administration](#) and kept in place [during the Biden Administration](#).
3. In addition to the American flag, VA facilities and employees are authorized to display or depict the following representational flags:
 - ◆ Flags of U.S. states and territories, or the District of Columbia;
 - ◆ Military Service flags;
 - ◆ VA flags;
 - ◆ Official, branded flag of a U.S. agency;
 - ◆ Presidentially appointed, Senate-confirmed flags;

- ◆ Prisoner of War/Missing in Action flag;
- ◆ Senior Executive Service (SES) and Military Department-specific SES flags;
- ◆ Ceremonial, command, unit, or branch flags or guidons; and
- ◆ Burial flags to honor a Veteran or Reservist.

4. This guidance applies to public displays or depictions of flags by VA employees in all VA facilities, workplaces, buildings, common areas, and public areas, including, but not limited to:

- ◆ Individual offices, cubicles, Government vehicles, office buildings, recreational areas, medical centers, storage rooms, kitchens, and restrooms.
- ◆ All spaces or items in public or plain view outside of a VA facility (i.e., parking lot).

5. The public display or depiction of unauthorized flags in museum exhibits, state-issued license plates, grave sites, memorial markers, monuments, educational displays, historical displays, or works of art, where the nature of the display or depiction cannot reasonably

be viewed as endorsement of the flag by the department, is not prohibited.

Subj: Public Display or Depiction of Flags throughout Department of Veterans Affairs (VA) Facilities (VIEWS 12780704)

6. This guidance rescinds the Secretary's Flying the Flag During Pride Month Memorandum, dated May 24, 2024, to the extent that the memorandum is still applicable.
7. This guidance does not impact National Cemetery Administration Directive 3220, dated August 3, 2018, and Notice 2022-03, dated May 6, 2022.
8. All Veterans and VA beneficiaries will always be welcome at all VA facilities to receive the benefits and services they have earned under the law. This policy will bring consistency and simplicity to the display of flags throughout the Department, which I expect to have a singular focus: serving the needs of Veterans, their families, caregivers, and survivors.
9. If you have any questions regarding this guidance, please contact Danielle Runyan, Senior Advisor to the Secretary, at Danielle.Runyan@va.gov.

// ORIGINAL SIGNED //

Douglas A. Collins

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Disclaimers

Accessibility at VA

Open data

No FEAR Act data

Vulnerability disclosure policy

Whistleblower Protection

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U.S.
Department of
Veterans Affairs
810 Vermont
Ave., NW
Washington, DC
20420
1-800-698-2411

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OPR: Office of Public and Intergovernmental
Affairs (OPIA)

Date last updated February 18, 2025

Exhibit B

From: [US Department of Veterans Affairs](#)
To: [VA All Mailboxes](#)
Subject: MESSAGE FROM THE SECRETARY
Date: Wednesday, February 12, 2025 16:53:14

MESSAGE FROM THE SECRETARY

Public Display or Depiction of Flags throughout VA Facilities

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Douglas A. Collins

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