

111TH CONGRESS
1ST SESSION

H. R. 949

To amend title 38, United States Code, to improve the collective bargaining rights and procedures for review of adverse actions of certain employees of the Department of Veterans Affairs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 10, 2009

Mr. FILNER introduced the following bill; which was referred to the
Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to improve the collective bargaining rights and procedures for review of adverse actions of certain employees of the Department of Veterans Affairs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. REPEAL OF EXCEPTIONS TO RIGHTS OF CER-**
4 **TAIN DEPARTMENT OF VETERANS AFFAIRS**
5 **EMPLOYEES TO ENGAGE IN COLLECTIVE**
6 **BARGAINING.**

7 Section 7422 of title 38, United States Code, is
8 amended—

- 1 (1) by striking subsections (b), (c), and (d); and
2 (2) by redesignating subsection (e) as sub-
3 section (b).

4 **SEC. 2. DEADLINE AND REVIEW OF FINAL DECISIONS OF**
5 **DEPARTMENT OF VETERANS AFFAIRS WITH**
6 **RESPECT TO GRIEVANCES OF CERTAIN DE-**
7 **PARTMENT EMPLOYEES ARISING FROM AD-**
8 **VERSE PERSONNEL ACTIONS.**

9 Section 7463 of title 38, United States Code, is
10 amended by adding at the end the following new sub-
11 section:

12 “(f) The final decision of the Department with re-
13 spect to any review of an adverse action under the griev-
14 ance procedures prescribed under subsection (a) shall be
15 issued not later than 60 days after the adverse action has
16 been appealed. Such a final decision shall be subject to
17 judicial review in the appropriate United States District
18 Court, or in the case of such a decision that has been made
19 by a labor arbitrator pursuant to a collective bargaining
20 agreement under subsection (b), the decision shall be sub-
21 ject to judicial review in the United States Court of Ap-
22 peals for the Federal Circuit in the same manner as a
23 matter that is decided by the Merit Systems Protection
24 Board and is subject to review by that court pursuant to
25 section 7703 of title 5.”.

1 **SEC. 3. CLARIFICATION OF REQUIREMENT OF DISCIPLI-**
2 **NARY APPEALS BOARDS OF DEPARTMENT OF**
3 **VETERANS AFFAIRS TO PROVIDE TRAN-**
4 **SCRIPTS OF HEARINGS TO EMPLOYEES AP-**
5 **PEALING ADVERSE ACTIONS.**

6 Section 7462(c)(3) of title 38, United States Code,
7 is amended by striking “a transcript of the hearing” and
8 inserting “a full and correct copy of the transcript of the
9 hearing at least three weeks before post-hearing briefs are
10 required to be submitted”.

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