

111TH CONGRESS
1ST SESSION

S. 362

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 SENATE OF THE UNITED STATES

JANUARY 30, 2009

Mr. ROCKEFELLER (for himself, Mr. WEBB, Mr. BROWN, Ms. MIKULSKI, and Mr. SANDERS) introduced the following bill; which was read twice and 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)(1) 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.

17 “(2) Such a final decision shall be subject to judicial
 18 review in the appropriate United States District Court, or
 19 in the case of such a decision that has been made by a
 20 labor arbitrator pursuant to a collective bargaining agree-
 21 ment under subsection (b), the decision shall be subject
 22 to judicial review in the United States Court of Appeals
 23 for the Federal Circuit in the same manner as a matter
 24 that is decided by the Merit Systems Protection Board and

1 is subject to review by that court pursuant to section 7703
2 of title 5.”.

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

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

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