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National Secretary-Treasurer

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March 31, 2025

Honorable Douglas A. Collins
Secretary of Veterans Affairs
U.S. Department of Veterans Affairs
810 Vermont Avenue, NW
Washington, DC 2420

RE: Exclusions from Federal Labor-Management Relations Programs

Dear Secretary Collins:

On March 27, 2025, President Donald J. Trump issued an Executive Order, *Exclusions from Federal Labor-Management Relations Programs* (“Order”). The Order identified executive agencies and subdivisions thereof that the President “determined to have as a primary function intelligence, counterintelligence, investigative, or national security work.” Order, Sec. 1-2. The Order delegates authority under 5 U.S.C. §7103(b)(1) to the Secretaries of Defense and Veterans Affairs to “issue orders suspending the application of section 1-402 or 1-404 of Executive Order 12171, as amended, to any subdivisions of the departments they supervise, thereby bringing such subdivisions under the coverage of the Federal Service Labor-Management Relations Statute.” Order, Sec. 4(a).

On behalf of the 820,000 federal and D.C. government workers represented by the American Federation of Government Employees, AFL-CIO, including more than 310,000 employees at the U.S. Department of Veterans Affairs (“VA”), **I urge you to use the authority delegated to you by the President to issue an order certifying that the provisions of the Federal Service Labor-Management Relations Statute can be applied to VA employees consistent with national security requirements and considerations.**

The White House Fact Sheet supporting the Order cites VA’s “Fourth Mission” as the “backstop healthcare provider for wounded troops in wartime” and “during national emergencies,” such as COVID-19.¹ More specifically, as you know, VA’s Fourth Mission is to improve the Nation’s preparedness for response to war, terrorism, national emergencies, and natural disasters by developing plans and taking actions to ensure continued service to Veterans, as well as to support national, state, and local emergency management, public health, safety, and homeland security efforts.²

VA’s Fourth Mission operations are managed by one office: the Veterans Health Administration Office of Emergency Management (“OEM”).³ Notably, OEM staff maintained collective bargaining rights while responding to the national, public health emergency caused by COVID-19,⁴ which is now over, and as of May 9, 2022, OEM has no active assignments in support of VA’s Fourth Mission.⁵

¹ See Fact Sheet: President Donald J. Trump Exempts Agencies with National Security Missions from Federal Collective Bargaining Requirements, <https://www.whitehouse.gov/fact-sheets/2025/03/fact-sheet-president-donald-j-trump-exempts-agencies-with-national-security-missions-from-federal-collective-bargaining-requirements/> (last accessed March 31, 2025).

² See About the Department of Veterans Affairs: The Fourth Mission, <https://department.va.gov/about/> (last accessed March 31, 2025). See also 38 U.S.C. §1785; 38 U.S.C. §8111A; 38 U.S.C. §1784.

³ See About the VHA Office of Emergency Management, <https://www.va.gov/VHAEMERGENCYMANAGEMENT/> (last accessed March 31, 2025).

⁴ See VA News Release: VA responds with record number of Fourth Mission assignments to assist America during pandemic (June 17, 2021), <https://news.va.gov/press-room/va-responds-with-record-number-of-fourth-mission-assignments-to-assist-america-during-pandemic/> (last accessed March 31, 2025).

⁵ See VA Fourth Mission Summary, <https://www.va.gov/health/coronavirus/statesupport.asp> (last accessed March 31, 2025).



VA is the largest civilian agency in the federal government and the Nation's largest healthcare system.

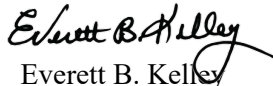
VA employees, more than 150,000 of whom are veterans themselves, are responsible for delivering care and services to military veterans, their spouses, and their beneficiaries. They are the housekeepers cleaning VA hospitals, food service workers delivering meals, mental health professionals providing counseling and psychotherapy, crisis responders answering suicide prevention hotlines, physical therapists helping veterans recover from surgery, claims processors approving applications for benefits, cemetery workers assisting with military funerals, and so much more. These employees are not performing "national security work" as a "primary function" of their job within the meaning of 5 U.S.C. §7103(b)(1).

Every American has the First Amendment right to freedom of association. As Secretary of Veterans Affairs, you have a responsibility to ensure that VA fulfills its sacred mission to veterans and that VA employees remain free to exercise their rights without fear of retaliation, reprisal, or discrimination.

The COVID-19 pandemic is over; the Nation is not at war. Accordingly, no later than April 11, 2025, I urge you to exercise the authority delegated to you by the President to issue an order certifying that the Federal Service-Labor Management Relations Statute can be applied to VA employees in a manner consistent with national security requirements and considerations.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, reading "Everett B. Kelley". The signature is fluid and cursive, with the first name "Everett" and last name "Kelley" clearly legible.

Everett B. Kelley
National President