

Congress of the United States
Washington, DC 20515

December 19, 2019

The Honorable Robert Wilkie
Secretary
Department of Veterans Affairs
810 Vermont Avenue, NW
Washington, DC 20420

Dear Mr. Secretary:

We are writing to express our very strong concerns regarding the Department of Veterans Affairs (VA) recent announcement on implementation of President Trump's federal workforce Executive Orders.¹ The announced actions, if implemented, are in violation of the law and will harm basic rights of VA workers.

On November 15, 2019, VA provided the American Federation of Government Employees (AFGE) with written notice that implementation of Executive Orders pertaining to federal labor union activities would begin immediately.² The Department has an obligation to bargain with organized labor prior to implementation, not after. However, VA has not engaged effectively with organized labor on the specifics of implementation. Oddly, a notice you distributed on October 4, 2019 stated that VA would follow the Executive Orders after "completion of its statutory bargaining obligation."³

If implemented as proposed, the Executive Orders will have a major, negative impact on workplace morale and ability of frontline VA workers to speak out. Notably, the proposed changes would severely restrict the ability of employee representatives to work with workers that are the subject of improper political pressure, retaliation for whistleblowing activities, sexual harassment, or other inappropriate actions. Arbitrary limits on the use of official time and restrictions on the ability of workers to receive assistance in challenging adverse actions will greatly restrict due process rights and representation. Further, the Department has proposed a prohibition on the use of employee's official time for such basic actions such as filing grievances and attending arbitrations.

¹ Executive Order 13836 – Developing Efficient, Effective, and Cost-Reducing Approaches to Federal Sector Collective Bargaining: <https://chcoc.gov/content/guidance-implementation-executive-order-13836-developing-efficient-effective-and-cost> Executive Order 13837 - Ensuring Transparency, Accountability, and Efficiency in Taxpayer-Funded Union Time Use: <https://chcoc.gov/content/guidance-implementation-executive-order-13837---ensuring-transparency-accountability-and> Executive Order 13839 – Promoting Accountability and Streamlining Removal Procedures Consistent with Merit System Principles: <https://chcoc.gov/content/guidance-implementation-executive-order-13839-promoting-accountability-and-streamlining>.

² Department of Veterans Affairs, Office Labor-Management Relations, Addendum-Implementation of Executive Orders 13836, 13837, and 13839, November 15, 2019.

³ Department of Veterans Affairs, Office Labor-Management Relations, Implementation of Executive Orders 13836, 13837, and 13839, October 4, 2019.

The proposed actions by the Department were announced just as VA declared that bargaining with AFGE for the new labor union contract had reached an impasse. Congress weighed in with you earlier this summer on VA's behavior during these negotiations.⁴ Now VA is moving to further diminish the rights and morale of its workforce and refusing to meet its very basic bargaining obligations prior to implementing major changes to working conditions. These changes will have a significant impact on the entire VA.

Failure to work effectively with organized labor and protect the rights of workers is a failure to adequately fulfill the mission of VA. We ask that you follow a new approach that will allow for effective bargaining with organized labor in a way that will not silence frontline employees from voicing their views, blowing the whistle on critical problems, and demanding their rights. Further, VA needs to focus on filling the approximately 49,000 vacancies across the Department, improving employee morale, addressing sexual harassment, and ending retaliation against whistleblowers.

We look forward to hearing from you about our concerns.

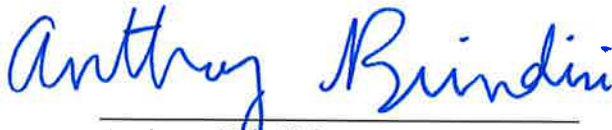
Sincerely,



Mark Takano
Member of Congress



Brendan F. Boyle
Member of Congress




Anthony Brindisi
Member of Congress



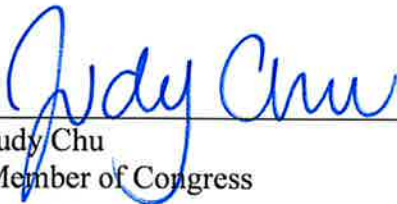
Anthony G. Brown
Member of Congress



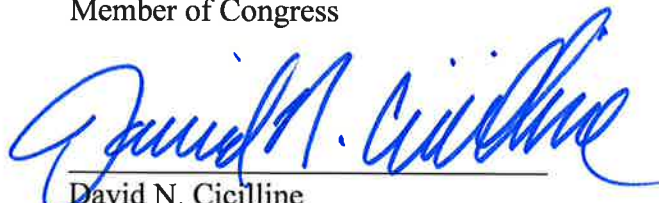
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Cheri Bustos
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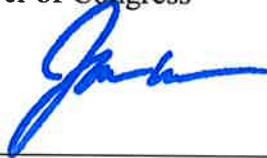


David N. Cicilline
Member of Congress

⁴ Letter from Members of House of Representatives to Department of Veterans Affairs Secretary Robert Wilkie, January 5, 2019.



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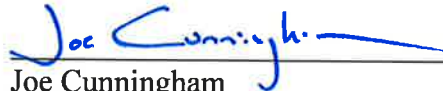
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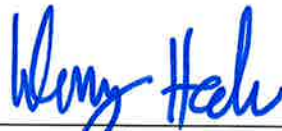
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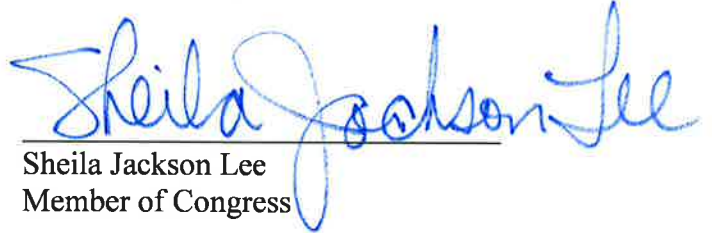
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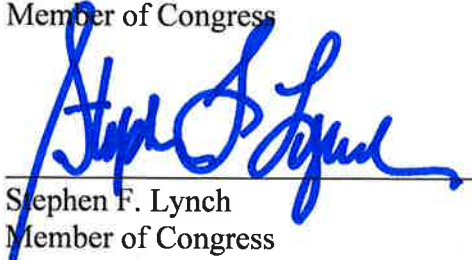
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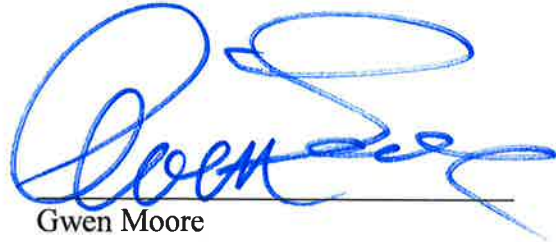
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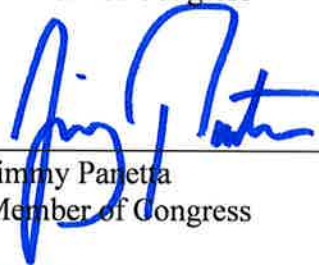
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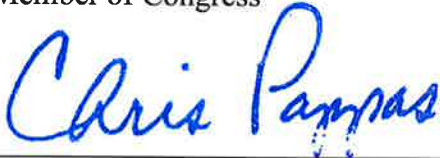
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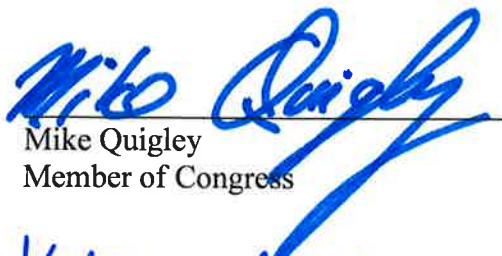
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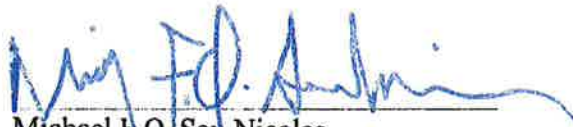
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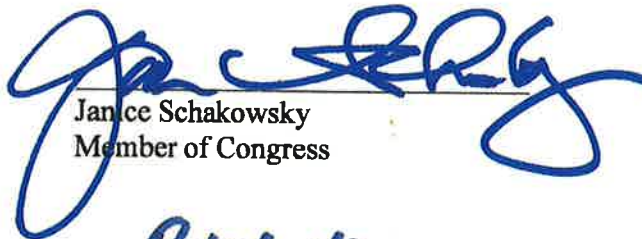
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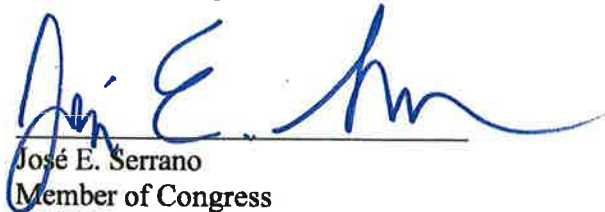
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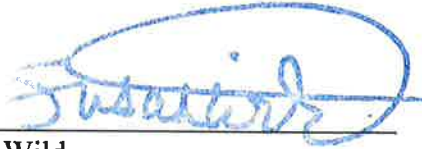
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