

# United States Senate

WASHINGTON, DC 20510

July 31, 2019

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

Dear Secretary Wilkie:

We write today to express our deep concern regarding the Department of Veterans Affairs (VA) anti-worker, anti-union negotiating tactics with the American Federation of Government Employees (AFGE). A strong labor-management relationship is essential to the effective and efficient operations of VA and improves the provision of care and benefits to veterans. We urge the Department to abandon its current destructive approach to the talks with the union and to negotiate in good faith and in a manner that is consistent with U.S. law.

For decades, VA and AFGE have sat together at the bargaining table to forge an agreement that benefits employees, veterans and the Department. These negotiations, however, have been entirely different. From the outset, VA has taken multiple steps to ensure the negotiations with AFGE do not succeed. The Department refused to negotiate ground rules such as when and where to meet, or to pay for travel to the talks. In an unprecedented action, VA sent those decisions to an impasse panel immediately, clearly demonstrating that the agency had no intention of engaging in a productive contract negotiation. In addition, the Department has made the draconian proposal to eliminate 28 articles from the 2011 Master Agreement without providing justification. VA negotiators also proposed reducing 14 additional articles to generic language about the Department following appropriate procedures in law and regulations. In total, VA is proposing to effectively scrap 63 percent of the existing contract without providing any legitimate rationale for doing so. The articles proposed for elimination cover issues including procedures for local level bargaining, labor management cooperation, and grievance procedures, all of which are crucial for an effective labor-management partnership.

VA has also changed the members of its bargaining team, which is another clear delaying tactic. Furthermore, your agency has also referred negotiations to the Federal Mediation and Conciliation Service after only 10 days. The talks were scheduled to continue to December, and the request for a federal mediator is an effort by VA to short-circuit negotiations on important topics. These extreme tactics are not in the interest of VA's federal employees, nor are they in the interests of the veterans these employees serve.

To better understand the Department's approach to these contract negotiations, we ask you to respond to the following specific questions:

- 1) Did the White House, Office of Management & Budget (OMB), or any entity outside of VA provide direction, guidance or suggestion on any proposals VA negotiators have submitted? If so, please describe the nature and source of this input.
- 2) Did the White House, Office of Management & Budget (OMB), or any entity outside of VA provide direction, guidance or suggestion on any tactics VA representatives have used in these negotiations? If so, please describe the nature and source of this input.
- 3) Please explain and provide documented evidence of the demonstrated need for each of the following proposals:
  - a. Extension of contract term to 10 years;
  - b. Authority of VA to change contract outside of negotiations during those 10 years but no equal authority for the union;
  - c. Requirement that leave taken for doctors' appointments be taken in 60 minute increments and some leave requests, including those for some medical appointments, must be made 60-90 days in advance;
  - d. Requirement that grievances must be handled at the national level, instead of in local offices;
  - e. Elimination of labor-management cooperation;
  - f. Requirement that dues withholding be renewed by each federal employee at VA on an annual basis;
  - g. Elimination of all memorandums of understandings and past practices; and
  - h. Requirement that the union pay for all management time and Department attorney's fees spent dealing with union matters, which has no basis in U.S. law.
- 4) Has VA, anyone in the Trump Administration, or a third party completed an analysis of the employment impact of the Department's negotiating positions? If not, why not? If so, please describe the methodology of the analysis, the process by which data was collected, and the conclusions of the analysis. Please provide all associated documentation.

VA employees provide medical care, process education benefits, and adjudicate disability claims and appeals on behalf of veterans and their families. Attracting and retaining high quality, motivated employees will better serve our nation's veterans and ensure taxpayer dollars are well spent. The harsh negotiating tactics currently being taken by your agency undermine VA's mission and threaten the quality of the services it is entrusted to provide to our constituents, our nation's veterans.

We urge VA to return to the bargaining table with AFGE immediately to negotiate in good faith and we look forward to reviewing your response to our concerns and specific questions.

Sincerely,



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Sherrod Brown  
United States Senator



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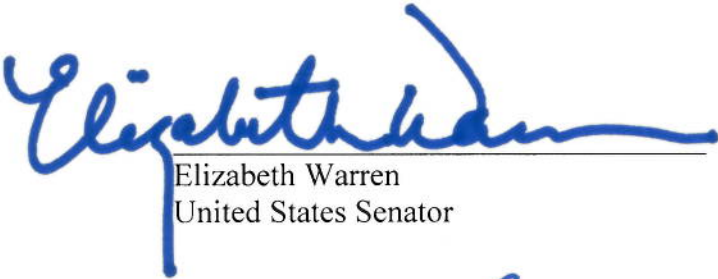
Bernard Sanders  
United States Senator



Richard J. Durbin  
United States Senator



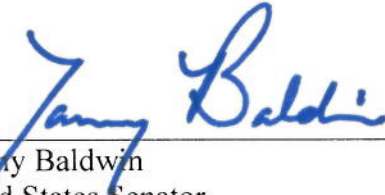
Richard Blumenthal  
United States Senator



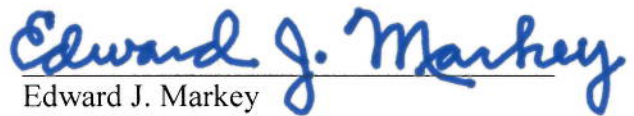
Elizabeth Warren  
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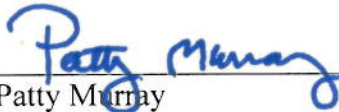
Benjamin L. Cardin  
United States Senator



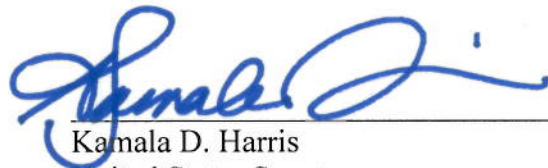
Tammy Baldwin  
United States Senator



Edward J. Markey  
United States Senator



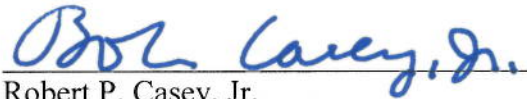
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United States Senator



Kamala D. Harris  
United States Senator



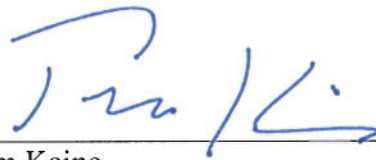
Chris Van Hollen  
United States Senator



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United States Senator



Tom Udall  
United States Senator



Tim Kaine  
United States Senator



Kirsten Gillibrand  
United States Senator



Maria Cantwell  
United States Senator



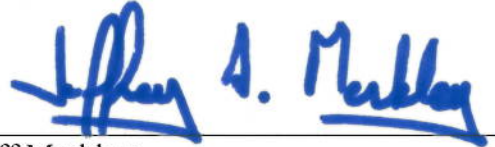
Brian Schatz  
United States Senator



Tina Smith  
United States Senator



Jack Reed  
United States Senator



Jeff Merkley  
United States Senator



Amy Klobuchar  
United States Senator



Ron Wyden  
United States Senator



Mazie K. Hirono  
United States Senator



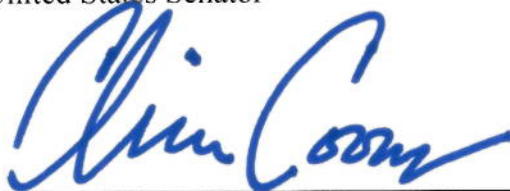
Mark R. Warner  
United States Senator



Sheldon Whitehouse  
United States Senator



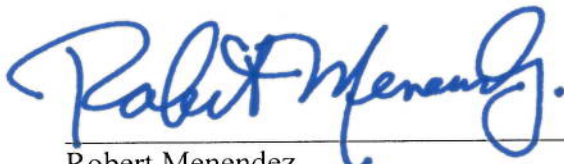
Tammy Duckworth  
United States Senator



Christopher A. Coons  
United States Senator



Cory A. Booker  
United States Senator



Robert Menendez  
United States Senator



Catherine Cortez Masto  
United States Senator



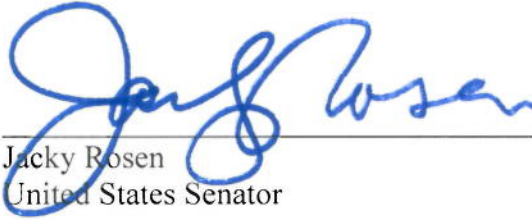
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Thomas R. Carper  
United States Senator



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Charles E. Schumer  
United States Senator



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Jacky Rosen  
United States Senator



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Jeanne Shaheen  
United States Senator