



August 18, 2015

The Honorable Jeff Miller
Chairman
Committee on Veterans' Affairs
335 Cannon House Office Building
Washington, DC 20515

The Honorable Jason Chaffetz
Chairman
Committee Oversight and Government Reform
2157 Rayburn House Office Building
Washington, DC 20515

The Honorable Johnny Isakson
Chairman
Committee on Veterans' Affairs
412 Russell Senate Office Building
Washington, DC 20510

The Honorable Ron Johnson
Chairman
Committee on Homeland Security and Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Miller, Chairman Chaffetz, Chairman Isakson, and Chairman Johnson:

I am writing to request an inquiry by your committees, either independently or jointly, into a troubling development at the Department of Veterans Affairs (VA) that threatens to further destabilize labor-management relations at a department that has faced serious challenges in recent years.

According to an article that appeared in *The Washington Post* on July 24¹ a chapter of the American Federation of Government Employees (AFGE, AFL-CIO) spent several months on an "internal review," resulting in the creation of a hit list of managers and executives that the union hoped would be used by Secretary Robert McDonald to fire those managers and employees.

The production of this management hit list raises important questions, many of which are detailed in an article that appeared in *FedSmith* on July 30², which we believe merits the attention of your committees.

Topping the list is whether the "internal review" was developed by union officials on official time. As you know, official time provides for federal labor organizations to conduct representational activities. However, to our knowledge, official time does not cover a union investigating agency managers and executives for the purposes of creating a hit list of those it seeks to have removed from the agency.

The *FedSmith* article raises yet additional questions, which should also be investigated.

"Where did the union get its training in the conduct of an "internal review"? Did it take sworn statements and on whose authority? Did it interview the executives and managers to prepare a balanced report? Were the employees who gave evidence on duty time or on their own time? If on duty time, who approved them to stop work to do this? It would seem that in such a serious manner a scrupulous job of documentation would be essential...

¹ http://www.washingtonpost.com/politics/va-union-submits-report-alleging-dysfunction-by-agency-superiors/2015/07/24/633093ee-320d-11e5-8f36-18d1d501920d_story.html

² <http://www.fedsmith.com/2015/07/30/afge-tells-vasecretary-which-vae-executives-managers-to-fire-huh/>

VA has one of the best guides to conducting administration investigations (or used to). It calls for very specific steps to insure that the due process of employees is a primary concern. It also has rigorous standards of evidence and addresses what a report should look like. Did the union follow that guide?

Where was the Inspector General for all this?

What law would authorize a private sector entity [AFGE (AFL-CIO)] to use government time and resources to investigate Federal employees?"

AFGE and federal unions fight for the due process and constitutionally guaranteed protections afforded to federal employees – but what of the rights of their fellow employees, the agency managers and executives? Investigating federal employees, which is typically an agency function, is not an authority granted to unions by federal statute.

The *FedSmith* article asks the question, does a “career SES or other line manager retain the right to initiate legal action if some private sector entity accuses them of misconduct that could affect their livelihood, reputation, career prospects, income or other property right?” We are presently investigating that very question, and are determining whether to take legal action if necessary to protect the rights of the individuals named on the hit list, as well as all agency managers and executives.

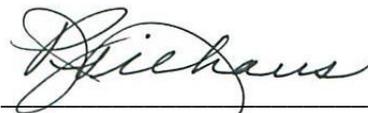
While federal unions, including AFGE, frequently tout positive and collaborative labor-management relations as an important component of fostering an environment that lets all federal employees produce and contribute to their agency missions to the maximum extent possible (a view with which we agree), this unprecedented maneuver suggests AFGE is thinking otherwise. It certainly will not resolve workplace issues that will allow all VA employees to focus on providing the best service possible to America’s veterans.

We appreciate your attention to this critical matter. If you have any questions, please contact SEA Legislative Director Jason Briefel (jbriefel@shawbransford.com) or FMA Government & Public Affairs Director Greg Stanford (gstanford@fedmanagers.org).

Sincerely,



CAROL A. BONOSARO
President
Senior Executives Association



PATRICIA J. NIEHAUS
President
Federal Managers Association

CC: Veterans’ Affairs Ranking Member Corrine Brown
Oversight and Government Reform Ranking Member Elijah Cummings
Veterans’ Affairs Ranking Member Richard Blumenthal
Homeland Security and Governmental Affairs Ranking Member Tom Carper
Subcommittee on Oversight and Investigations Chairman Mike Coffman
Subcommittee on Oversight and Investigations Ranking Member Ann Kuster
Subcommittee on Government Operations Chairman Mark Meadows
Subcommittee on Government Operations Ranking Member Gerry Connolly
Subcommittee on Regulatory Affairs and Federal Management Chairman James Lankford
Subcommittee on Regulatory Affairs and Federal Management Ranking Member Heidi Heitkamp