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ONE HUNDRED SIXTEENTH CONGRESS

B-234 LONGWORTH HOUSE OFFICE BUILDING

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<http://veterans.house.gov>

May 20, 2020

The Honorable Robert Wilkie
 Secretary
 U.S. Department of Veterans Affairs
 810 Vermont Ave, NW
 Washington, DC 20420

Dear Mr. Secretary:

As Department of Veterans Affairs (VA) employees continue to perform vital services and provide care to our nation's veterans during the ongoing Novel Coronavirus 2019 (COVID-19) pandemic, they face great risk. We urge the Department to implement policies and procedures to keep its employees safe and healthy, as well as to ensure that those policies are implemented fully and fairly across all VA operations.

Even as VA transitions to new phases of operations under its Moving Forward Plan, the impact of COVID-19 and the need for flexible telework and leave policies will remain. While we understand that the operational needs of VA, particularly in the clinical setting, will dictate staffing needs, the Office of Personnel Management (OPM) has given federal agencies guidance that emphasizes maximum flexibility for allowing telework and leave. Similarly, the Families First Coronavirus Response Act expanded paid leave for federal workers - including VA employees - who are facing quarantine.

While VA's Office of the Chief Human Capital Officer has indicated that it will implement OPM's guidance and VA has a strong interest in ensuring maximum flexibility for employees, there remain troubling reports of VA staff not being granted telework or leave when those flexibilities appear to be warranted. The ability of VA employees to telework, to have flexible schedules and leave policies, and to receive adequate paid leave is critical to prevent the spread of COVID-19, as well as to ensure adequate financial resources for those needing to quarantine. VA has the responsibility to implement these policies and procedures consistently and effectively.

Telework gives the workforce the ability to avoid exposure at the workplace while still performing their duties. Congress recognized the need to enhance VA's telework capabilities by providing \$2.15 billion in new information technology funding to support increased system capacity and the purchase of necessary devices.

Since the onset of this public health crisis, VA has communicated to our Committee that the number of VA employees teleworking has been increasing. Additionally, the Office of Information and Technology has stated that it stands ready to assist program offices with getting staff prepared to telework and that VA is not hindered by a lack of devices, nor by system concerns (such as capacity). Given these statements, it seems that reports of VA employees being unable to telework are the result of management decisions made by supervisors in individual VA offices and medical facilities, rather than a lack of necessary resources.

Providing paid leave when a VA employee becomes ill with COVID-19 helps protect these employees from undue financial hardship caused by lost wages. The Families First Coronavirus Response Act expanded paid sick leave for federal workers, including those at VA, who are quarantined, among other reasons. However, the Committee continues to hear that some employees have been denied this leave.

Based on the Committee's review of current VA policies and guidance, including documents issued since the start of the COVID-19 crisis, it appears that VA leadership has not fully implemented telework and paid leave as Congress intends. Since VA has issued guidance rather than directives about granting leave or telework during the pandemic, approval decisions rest with individual VA supervisors. This means strong management oversight is therefore necessary to ensure consistent, equitable, and effective adherence to the policies throughout all VA facilities. As part of the Committee's ongoing oversight of VA's response to the COVID-19 pandemic, we ask that you provide the information requested below in a written response by close of business on June 5, 2020.

For implementation of both telework and leave policies, please describe:

- To what extent does VA enforce approval policies, and how is each administration and Veterans Integrated Service Network (VISN) providing oversight of the application of those policies?
- If a VA employee believes that they were improperly denied a telework or leave request, what is the process for appealing or seeking a review of that decision?

Regarding implementation of telework:

- What office and which official in each VA administration has responsibility for ensuring that employees have the necessary devices to support telework?
- For each VA administration, what is the number or percentage of employees who are currently unable to telework? Please indicate if this inability is due to system limitations, software issues, hardware issues (including lack of end-user devices), or other reasons.
- Between January 1 and April 30, 2020, how many employees had new continuous telework agreements approved, and how does this compare to the number of employees with new telework agreements approved during the same time period in 2019?

- Is each VA administration permitted to issue broad telework policies that apply to all staff? If not, why not? How is VA ensuring that telework policies are applied uniformly for similarly situated staff?

Regarding implementation of paid leave:

- The Families First Coronavirus Response Act grants VA the authority to decide whether it should exclude health care workers from receiving paid sick leave. Please describe under what circumstances and for what purposes VA would exclude health care workers, especially considering their heightened risk of contracting COVID-19 or exposing the virus to others.
- What were the levels and types of leave granted to VA employees from January 1 through April 30 of this year, and how does this compare to the previous year?

Thank you for your attention to these critical issues that affect the health and safety of VA employees.

Sincerely,



Mark Takano
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Committee on Veterans' Affairs



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