

Congress of the United States
House of Representatives
Washington, DC 20515-0904

March 20, 2018

The Honorable David J. Shulkin, M.D.
Secretary
U.S. Department of Veterans Affairs
810 Vermont Ave., NW
Washington, D.C. 20410

Dear Secretary Shulkin:

Last month, the American Federation of Government Employees (AFGE) conducted their annual Legislative and Grassroots Mobilization Conference in Washington, DC. As part of this conference, attendees participated in rallies and protests regarding staffing of the U.S. Department of Veterans Affairs (VA). The first of these events took place on February 13, 2018 with a rally outside the headquarters of the American Federation of Labor-Congress of Industrial Organization (AFL-CIO) and then led to a march to a planned protest of staff levels at VA facilities outside the VA central office dubbed the "March on VA." The following day, attendees participated in a rally on the grounds of the U.S. Capitol where they once again protested staffing levels and pushed for increased pay.

I recognize and support the attendee's freedom to exercise constitutional rights to participate in these rallies and protests. However, I am concerned that some VA employees protests may have violated Federal law, specifically section 7131 of title 5 United States Code (U.S.C), in relational to the use of official time. Following this protest, my staff forwarded videos of the event on the 13th to your staff and inquired if they violated the standard for use of official time. They received a response that stated, "employees may only participate in a rally or informational picketing while on leave. They cannot be in a paid duty status when they are protesting or rallying." In my estimation, these protests in question meet this standard and all attendees should have taken annual leave for the period in which they participated in these protests.

As such, I ask that you work with AFGE and VA facilities to identify all VA employees who participated in these two protests and ensure proper leave protocols were followed, especially for employees who are on 100% official time. I request that you report back to me about all involved employees and the duty status that they were on while participating in these rallies. House Committee on Veterans' Affairs staff will also be forwarding several names to your staff that we would like to receive specific information on as well.

In addition, I would request that you work with the Office of Labor Management Relations to determine if all other portions of this conference meet the standard for "appropriate lobbying functions" as set forth in section 7151 title 5 U.S.C. I appreciate your assistance in this matter to ensure that all VA employees on official time are accountable to taxpayers and veterans. Please

provide a response to my request no later than close of business April 6, 2018. If you have questions please contact Jon Clark or Kelsey Baron with the Subcommittee on Economic Opportunity of the House Committee on Veterans' Affairs at (202) 225-3527.

Sincerely,



John Rutherford
Member of Congress