



# National Association of Government Employees

AFFILIATED WITH THE SERVICE EMPLOYEES INTERNATIONAL UNION

April 16, 2020

The Honorable Robert Wilkie, Jr.  
Secretary of the Department of Veterans Affairs  
U.S. Department of Veterans Affairs  
810 Vermont Avenue N.W.  
Washington, D.C. 20571

Dear Secretary Wilkie:

The National Association of Government Employees (NAGE) is an organization of public and private sector members united by the belief in the dignity and worth of workers and the services they provide. NAGE is proud to represent nearly 20,000 bargaining unit employees responsible for providing care to the nation's veterans at over 40 facilities in more than 20 states. NAGE members include professional and non-professional employees in almost every job category.

As the National President, I am writing to express my deep concern that after numerous letters sent to you by several unions representing VA employees, many of which were signed by NAGE, NAGE continues to receive reports and examples of the VA's failure to take necessary measures to protect the health and safety of its members. Because NAGE members and their families have dedicated their lives to the care of veterans who have dedicated their lives to this nation, I am compelled to speak on their behalf.

Let me be clear: NAGE understands the challenges that the VA faces in combatting this deadly virus. However, it has been over a month since the World Health Organization first declared the coronavirus a pandemic. Thus, I am hard pressed to understand why there has been no improvement in ensuring the safety of VA employees and veterans by providing the proper personal protective equipment and other equipment; no attempts to minimize the spread of the disease by allowing employees who can telework the opportunity to telework and; denial of weather and safety leave as an option to employees quarantined by Employee Health and Occupational Safety and their own primary care physicians. These are all measures that have been recognized and encouraged by agencies and experts throughout the Trump administration, including OPM, OMB, and CDC.

Major concerns that should be immediately addressed to ensure the protection of veterans and staff include ensuring staff are provided adequate and proper personal protective equipment, helping to minimize and stop the spread of the virus by offering telework to those employees who have telework capability. Allowing employees weather and safety leave as an option should also be offered to individuals who are quarantined rather than requiring them to use personal leave or placing them in a non-pay status when they have been exposed to the virus. Reasonable accommodations also need to be made available for employees who fall into the "high risk" category as defined by the CDC. Unless the VA can show otherwise, NAGE will continue to



believe that these are measures that the Union must advocate for nonstop on behalf of its members.

**Failure to address safety concerns are placing employees at risk.**

NAGE has received countless examples of inadequate and improper PPE. Most striking is that employees throughout the country are being ordered to reuse masks up to 2 weeks even though recommended guidelines dictate masks should be changed after 8 hours of use. In the Baltimore facility, nurses are being given one mask to use for 3-4 days and when requesting fresh masks, nurses are first asked the number of hours the mask has been used before being issued a new one. Most nurses are apprehensive about asking for new masks for fear of being publicly berated. In one instance, a nurse had to sign out a surgical mask and was told to wear it into every patient's room on his shift and to make the mask last for 2 weeks. In other cases, nurses are being intimidated and bullied. Employees are afraid to speak up for fear of retribution. Staff at the Indianapolis VA have also cited shortages of gowns and personal protective equipment and at least two employees have died as a result of their exposure to the virus.

Most disturbing are reports of employees lacking the proper PPE who have been unable to get tested when showing signs of being infected with the virus or when it is known that they have been exposed to a patient who tested positive. A manager at one of the facilities was allowed to continue working even though it was known that his children were having symptoms and had tested positive for COVID-19. The employee continued working for 3 days exposing several other employees throughout the facility. Two employees at the facility have tested positive, three are home sick. Another has been out with no information on whether he has tested positive for the virus. A doctor at another facility was observed with a severe cough in the ED but was not sent home to quarantine even though a nurse who was also seen coughing was sent home. Obviously, staff was concerned to later learn that the doctor had tested positive for the virus.

Knowingly asymptomatic employees who come into contact with COVID-19 veterans or employees need to be tracked so as to effectively control the spread of the virus. These employees and veterans should not be around others unless they are wearing the proper PPE (masks and gloves) so they do not spread the virus and should be quarantine for 14 days as a safety precaution. The employees also need to be tested before being required to return to work.

**Failure to allow employees who exhibit symptoms to use weather and safety leave as an option is negatively impacting employee morale.**

Another concern involves the Agency's denial of weather and safety leave as an option for employees who were instructed by Employee Health and Occupational Safety or their personal physician to quarantine. NAGE has learned of multiple employees who were exposed on the job and sent home because of mild symptoms, denied weather and safety leave, administrative leave, or paid leave under the Families First Coronavirus Response Act, and were forced to use their personal leave or placed on leave without pay or AWOL.

One VA employee who started exhibiting symptoms and had to call out sick was instructed by Employee Health and Occupational Safety to quarantine. When he returned to work, he was

denied weather and safety leave and was forced to request LWOP after being denied annual leave because he did not have enough sick leave.

A high risk employee at one of the facilities who exhibited symptoms and originally tested negative was instructed by Employee Health and Occupational Safety to remain away from work and to see his primary care physician because the test he had taken could be providing a false negative, which he did. However, upon returning to work, the employee was denied weather and safety leave and was forced to use personal leave. Another employee with “flu like” symptoms was instructed by Employee Health and Occupational Safety to stay out for seven days. The employee’s physician refused to test the employee because of limited supply. After the employee’s fever broke, and while still exhibiting other signs, she was instructed to return to work but to remain in her office with a mask. She was later sent home after symptoms worsened. She was also denied use of weather and safety leave.

An employee at one the facilities who presented with COVID-19-like symptoms was sent home by Employee Health and Occupational Safety for seven days. Even though the employee later tested negative for the virus, her request to use weather and safety leave was denied.

At the Indianapolis facility, multiple bargaining unit employees on the Purple Team, High Consequence Incident Clinic, and Podiatry Clinic, were told that they were exposed on the job and were sent home to quarantine. They were subsequently forced to use their own leave or LWOP. This was before management reversed and decided that the employees should continue to come to work wearing a mask.

These reports are disturbing given OPM has determined that agencies may authorize weather and safety leave when an asymptomatic employee is subject to movement restrictions under the direction of public health authorities due to a significant risk of exposure to a quarantinable communicable disease, such as COVID-19. Denying weather and safety leave under these circumstances and requiring employees to use their own leave or placing them in a non-pay status after being quarantined under the direction of Employee Health and Occupational Safety is having a negative effect on the morale of an already anxious and concerned staff.

**Failure to practice measures such as social distancing is morally wrong.**

NAGE is concerned that the failure to social distance is also unnecessarily exposing staff and veterans to the spread of the virus. As you are aware, the CDC issued guidance early in this crisis encouraging social and physical distancing to help combat the disease, yet the Union has received examples of facilities that are not practicing these accepted protective measures.

At one facility, a face to face staff meeting was held for the conversion of 60 beds in the Community Living Center into a COVID-19 patient care area in the auditorium. The organizer and assistant organizer walked throughout the area sharing one cell phone in order to have people ask and answer questions to ensure those who had dialed in could hear the conversation. The two individuals walking around sharing the phone with multiple employees were not practicing social distancing. One of the individuals in the meeting that used the phone had been exposed to the virus. A number of direct care providers were present and potentially exposed.

Housekeeping employees at another facility were required to huddle at the beginning of each shift, which meant that approximately 30-40 housekeepers were holding meetings in the basement hallway - each huddled and failing to practice social distancing by not remaining six feet apart.

Employees in administrative areas such as HIMS and Fiscal are sitting less than six feet apart because management feels that the cubicle walls are enough of a barrier despite the fact that many of these same employees have to pass each other in the aisles and use common equipment such as printers, bathrooms, doors, etc. Naturally, employees are terrified because the cleaning is done through the landlord and the VA does not control the cleaning and sanitization. After the Union brought this to management's attention, employees were told to clean the areas themselves, placing them at greater risk to contract the virus.

**Failure to allow teleworking is unnecessarily exposing members to the virus.**

NAGE is concerned that its members are not being allowed to telework in spite of an OPM guidance encouraging telework for those employees whose jobs can be performed remotely. It is accepted that teleworking is one of the most effective ways to reduce the spread of the virus particularly for employees who are not involved in direct patient care. Another effective way to accomplish social distancing for those employees who are not involved in direct patient care is to reduce the number of days that employees are at the facility. Yet, I have been inundated with stories of NAGE members who have been denied the option of teleworking without any real justification even though they have the ability to work remotely. I am having difficulty understanding the VA's policy given that the Office of Management and Budget (OMB) issued a memorandum on March 3, 2020, encouraging all agencies to maximize the use of telework flexibilities across the Federal workforce.

Mental health providers (including employees considered high risk or have children who are high risk) are being required to meet face to face with patients even though telephonic or video teleconference is set up to allow these providers to speak with patients. This is no different than a walk-in patient coming into the facility. High risk employees have asked to temporarily work remotely during the pandemic but have been denied or have not received a response.

An LPN who is considered high risk at one facility whose duties are more than 50% administrative in nature has also been denied telework. The LPN is responsible for the electronic processing of PCMM for mental health. She also serves as the watchdog for the mental health providers, which requires accessing CPRS to ensure that all providers are accomplishing and completing their encounters for each patient daily. While she may hold the title LPN, her actual job duties are administrative and thus makes her capable of teleworking. Yet, her request to telework was denied.

The Health Information Management Service is a department whose employees certainly could telework. HIMS employees include record processing technicians, coders, file clerks, and release of information staff. While the coders are allowed to telework, the Record Processing

Unit technicians have been denied teleworking even though they are capable of teleworking. MSAs who are capable of teleworking have also been denied teleworking without valid reason.

The VA has already acknowledged that teleworking can be used as a flexibility to promote social distancing and should be an alternative to the use of weather and safety leave for exposure to a quarantinable communicable disease for an employee who is asymptomatic, yet throughout the Agency employees continue to be denied telework.

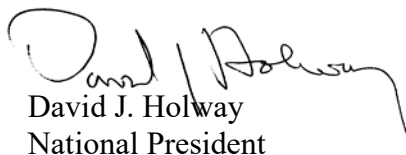
NAGE understands that VA's staffing issues may be partly to blame for refusing to allow employees to telework. After all, the VA entered the crisis already understaffed. Recent reports revealed the VA was understaffed by 44,000 front-line health workers, including 2,700 doctors and 11,300 nurses and nursing assistants throughout the country. However, denying telework to those who are capable will not fix VA's staffing problem. The more employees who become exposed to the virus will only add to the problem.

At last count more than 4,400 patients had tested positive nationwide and more than 270 patients have died from the disease. Of those patients who tested positive and died over 260 were in facilities where NAGE members are employed, resulting in over 150 NAGE staff members testing positive. Naturally, the Union is deeply concerned by these numbers that are growing by the day.

NAGE members have as much at stake in seeking a solution to this growing pandemic as management - if not more. These employees are on the frontline providing direct care to the patients. They are the ones who are going home day after day potentially placing their families at risk. Therefore, it's their voices and recommendations that should be heard even more than ever before. Employees need to know that the Agency respects their commitment and sacrifices by including their representatives in discussions that will help them better understand all that is being done to protect them from the spread of this deadly disease. NAGE requests the Union be allowed to work with VA officials to help address the concerns raised so that all who are invested in the care and protection of our nation's veterans can come together to ensure measures are taken to help fight against this deadly disease.

We can succeed if we all work together.

Sincerely,

  
David J. Holway  
National President