

Congress of the United States

Washington, DC 20515

April 29, 2024

The Honorable Denis R. McDonough
Secretary
U.S. Department of Veterans Affairs
810 Vermont Avenue, NW
Washington, DC 20420

Dear Secretary McDonough,

We write today to request your assistance with ongoing challenges at the Veterans Affairs Pittsburgh Health System (VAPHS). Though we can never fully repay our veterans for the sacrifices they make serving our Nation, when they return home, the least we can do is ensure they have world-class health care. We are increasingly concerned that VAPHS may be failing to consistently deliver that standard of care for veterans in Southwestern Pennsylvania.

We believe there are three major issues that require your attention and that of your Central Office leadership team: (1) whether VAPHS is hiring and retaining a workforce sufficiently robust to meet the growing needs of veterans newly enrolled under PACT Act authorities; (2) whether strong relationships between VAPHS management and workers, including the union, are being fostered and maintained in good faith; and (3) the lack of urgency in response to the concerns that we and our staff have expressed. We outline each of these concerns in more detail below.

First, in late in 2023, we heard from VAPHS employees about staffing shortages with significant potential consequences for patient care. Employees reported having to cover the responsibilities of multiple positions for extended periods of time. We were told that health care facility employees were unable to call off sick because there would be no one to do their jobs, and that certain departments' phones would continue to ring unanswered, even if veterans or internal staff were calling.

On January 16, 2024, we wrote to VAPHS Director Donald Koenig asking him to tackle hiring shortages across key disciplines, including registered nursing, behavioral health, medical support assistance (MSA), and housekeeping. We asked that Director Koenig take several measures aimed at meeting staffing needs to improve VAPHS's care to veterans.

Director Koenig responded to us by writing, "I assure you that VA Pittsburgh is not chronically understaffed," while pointing to national recruitment and retention shortages for key positions, including those identified in our initial letter. He also provided our offices with certain statistics, including comparisons of VAPHS to average VA and private sector facilities as well as vacancy rates for MSA (23 percent) and housekeeping positions (25 percent) at VAPHS.

VAPHS's response created more questions than it answered. If VAPHS "is not chronically understaffed," why do approximately a quarter of MSA and housekeeping positions remain unfilled? If there are no shortages of employees at VAPHS, why did VAPHS justify such shortages in its response letter by pointing to "[national labor force] shortages and competition?" Further, VAPHS's response did not specifically address our explicit requests to identify the causes of remaining talent shortfalls and to develop a system to track the time between VAPHS management's awareness of a talent need and the posting of a position to address that need. A subsequent meeting between VAPHS and our staff on February 2 left us with even more questions.

To address these questions, on February 16, our offices requested a significant amount of data on matters related to hiring, retention, and vacancy rates at VAPHS. We hoped that this data would help us better understand the challenges faced by VAPHS on these staffing issues and, ultimately, help VAPHS improve its care to veterans.

As of the date of this letter, VAPHS's only response has been a forwarded email from the Director, dated April 8, announcing that, "VAPHS will implement a temporary hiring freeze, effective immediately." The email later states that licensed care professionals in roles not directly providing patient care "will be asked to help us whenever a staffing shortage presents an opportunity to avoid reducing beds or clinic slots," similar to what VAPHS "implemented during the COVID pandemic."

We find this step unacceptable and antithetical to our concerns. Instead of providing responses to our questions and working collaboratively to address talent shortages, VAPHS told us after the fact that it had implemented a hiring freeze. A hiring freeze is counterintuitive to solving VAPHS's staffing vacancies. Additionally, the PACT Act created new authorities for health systems like VAPHS to compete in the labor market with increased incentives for mission-critical positions.¹ All indications are that VAPHS is not utilizing these new authorities to meet its hiring needs. By failing to take advantage of these tools, it appears that VAPHS is missing an opportunity to improve access to care and quality of care for our veterans.

VAPHS's call for volunteers to perform multiple jobs is not a substitute for hiring new VA workers to fill vacancies. As our staff previously expressed to VAPHS on February 2, long-unfilled vacancies have already forced VAPHS employees to cover the responsibilities of multiple positions for extended periods of time. We are no longer facing a pandemic, and the emergency measures implemented during the pandemic—pushing heroic health care professionals to brink of exhaustion—have contributed to the shortages of health care professionals across the country today. Without answers to our questions, we find it difficult to conclude that VAPHS's best possible course of action to providing quality care for southwestern Pennsylvania veterans is to resort to pandemic-era emergency measures. **Please provide us with a comprehensive update on VAPHS' staffing guidance as informed by Veterans Health Administration and VA Central Office guidance, information on the use of PACT Act and other hiring incentives for in-demand positions, and other efforts to fill vacancies.**

¹ Jory Heckman, *VA tapping into special pay authorities to make in-demand hires*, FEDERAL NEWS NETWORK (Nov. 29, 2023), <https://federalnewsnetwork.com/pay/2023/11/va-tapping-into-special-pay-authorities-to-make-in-demand-hires/>.

Second, our offices have consistently heard of the severely strained relationship between VAPHS management and the health system's union representing its workers, AFGE Local 2028. As noted in our January 16 letter, the quality of the relationships between management, service line leadership, and labor has not improved significantly over the current Director's tenure. Collaborative and trusting relationships and open lines of communication between management and labor are critical to providing high-quality care to our veterans.

Although these relationships can present challenges to every VA facility, we have found VAPHS Director Koenig's responses to his workers' concerns particularly troubling. For example, in our January 16 letter we requested that VAPHS restart its Labor Management Forums (LMFs).² In response to our letter, VAPHS rejected our calls for LMFs by arguing that a different monthly meeting between VAPHS management, human resources, and labor already serves the function of an LMF. This other monthly meeting addresses specific issues about individual employees and, notably, does not include service line leaders, who are critical to the success of LMFs because they have expertise in and control of their departments' day-to-day operations.

We asked VAPHS for the return of LMFs because existing meetings have failed to address the root causes of VAPHS's management-labor relationship strain. Arguing as VAPHS did that, "we [already] hold [a meeting] which serves as our LMF," and that, "the relationship between VAPHS leadership and our employees has never been stronger," denies the existence of a problem. These arguments do not reflect reality: On the same day we received VAPHS's response, we heard concerns from AFGE Local 2028 that employee morale and the management-labor relationship were at an all-time low over the last 20 years.

After VAPHS's lack of acknowledgment of the management-labor problem, our offices requested a detailed justification for VAPHS's statements. The next we heard about VAPHS's management-labor relationship was on February 27, when VAPHS Director Koenig placed two members of AFGE Local 2028's leadership on administrative leave and telework pending the completion of an investigation into alleged property damage. On March 4, 2024, AFGE Local 2028 leaders received notification that the investigation was a criminal matter. In response, AFGE Local 2028 hired a criminal defense firm at a significant expense to their organization. On March 26, AFGE Local 2028 learned that an administrative investigation board was also chartered. **Please provide us with a clarification of the scope and focus of this investigation and when you expect it to be complete.**


² Simultaneous with our efforts, on March 6, 2024, President Biden signed an Executive Order requiring the reestablishment of LMFs. *Executive Order on Scaling and Expanding the Use of Registered Apprenticeships in Industries and the Federal Government and Promoting Labor-Management Forums*, THE WHITE HOUSE (Mar. 6, 2024), <https://www.whitehouse.gov/briefing-room/presidential-actions/2024/03/06/executive-order-on-scaling-and-expanding-the-use-of-registered-apprenticeships-in-industries-and-the-federal-government-and-promoting-labor-management-forums/>.

We do not presume to be privy to these investigations. However, regardless of the investigations' outcome, we have concerns that they will further strain management-labor relationships at VAPHS. In light of the investigations and the continued deterioration of management-labor relationships, we ask that you closely consider whether the VA Office of Accountability and Whistleblower Protection should initiate an investigation into the conduct of VAPHS leadership in relation to VAPHS employees and any retaliation for raising legitimate workplace concerns.

Third and finally, we are wholly dissatisfied with VAPHS's slow and incomplete responses to our significant and valid concerns. We expect that any congressional inquiry be responded to in both a timely manner and in good faith. While we appreciated VAPHS's February 2 response to our January 16 letter, it left many of our questions unanswered, without indicating an intent to provide more substantive answers. On February 16 we requested a significant amount of data from VAPHS to answer our follow-on questions. Instead of taking the opportunity to demonstrate its responsiveness, as of this letter, VAPHS has yet to provide us with more than an acknowledgment of this request's receipt after more than two months. Certainly not all our questions require over two months to answer, yet we have not received even a partial response.

Thank you for your work serving our Nation's veterans and leading VA health care systems like VAPHS to improve their care. We appreciate your attention to our concerns and requests and look forward to your timely and substantive response to this letter.

Sincerely,



Robert P. Casey, Jr.
United States Senator



Chris Deluzio
Member of Congress



John Fetterman
United States Senator



Summer Lee
Member of Congress