

United States Senate

WASHINGTON, DC 20510

July 6, 2020

The Honorable Robert Wilkie
Secretary of Veterans Affairs
Department of Veterans Affairs
810 Vermont Avenue NW
Washington, D.C. 20420

Dear Secretary Wilkie,

We are appreciative of the Department of Veterans Affairs' (VA) efforts to provide quality healthcare for veterans and non-veterans during this COVID-19 pandemic and national emergency. As the COVID-19 outbreak continues, it is critical to ensure we are also safeguarding the health and recognizing the sacrifice of those who provide critical care at VA facilities.

We remain concerned to hear reports that VA frontline medical employees still do not feel adequately supported to conduct their jobs safely – including having access to appropriate Personal Protective Equipment (PPE). Employees have also noted a lack of hazard pay in recognition of their daily risk of working in hospitals with COVID-19 patients. A recent article quoted VA press secretary Christina Noel as saying the purpose of hazard pay “is to compensate employees when risks cannot be reasonably mitigated and employees cannot be safely protected, and that is the opposite of the current environment at VA.”¹ However, until recently VA was operating under austerity measures for mask usage due to supply shortages, leaving many VA staff at risk. In fact, while VA is beginning to re-open facilities across the country, VA employees contend that they remain at constant risk of contracting COVID-19 given their direct and indirect contact with patients. This seems to be borne out by the VA's own statistics, which show there are 1,573 active employee cases of COVID-19 and 2,776 staff quarantined and unable to work as of July 2. Tragically, 39 VA employees have died.² While we cannot pinpoint exactly where VA staff were exposed to COVID-19 and community exposure is always a possibility, working in a health care setting is an undeniably high risk factor. VA's recent PPE austerity measures risked the health of countless VA staff, and while PPE supply has since improved, essential staff are still in danger of exposure by reporting to work every day.³

¹ <https://www.militarytimes.com/news/pentagon-congress/2020/05/14/va-hiring-jumps-amid-coronavirus-crisis-but-department-opposes-hazard-pay-for-front-line-staff/>

² <https://www.accesstocare.va.gov/Healthcare/COVID19EmployeeDeaths>

³ <https://federalnewsnetwork.com/veterans-affairs/2020/04/va-juggles-rising-number-of-staff-illnesses-multiple-missions-during-coronavirus/>

Our hardworking VA clinical staff should feel fully supported by the Department as they continue to serve on the front lines of the pandemic. We are requesting that VA provide the following information:

1. Does VA Central Office expect to make a department-wide decision on whether to offer hazard pay to VA employees during the COVID-19 pandemic, or is this decision delegated to regional Veterans Integrated Service Networks or individual health care facilities?
2. If hazard pay has been offered, what is the process for determining which VA employees were eligible?
 - a. How many employees have been offered hazard pay, at what rate, what were the criteria, and who was eligible?
 - b. Have there been any instances of VA employees who were offered hazard pay to have the offer rescinded? If so, how many employees had offers of hazard pay rescinded and what was the reasoning behind this decision?
3. How has VA determined which employees receive COVID-19-specific retention incentives, and at what rates? We request that also you share all information outlining current retention pay policies.
4. Are there VA employees who have been deemed ineligible for hazard pay because they are already receiving retention incentives unrelated to COVID-19? If so, how many people have been affected?
5. The Office of Personnel Management (OPM) has a payment limit on recruitment, relocation, and retention incentives for federal employees that limit such incentives generally to a maximum of 25 percent annual rate of basic pay. However, in April 2020, OPM announced that due to COVID-19, federal agencies may request that OPM waive certain limits on retention pay in order to address a critical agency need due to this unprecedented circumstance.⁴ Additionally, the VA section of the CARES Act also waives federal pay caps for VA employees working on the COVID-19 response.
 - a. Has VA requested relief, or considered requesting relief, from retention payment limits from OPM due to the circumstances of the COVID-19 pandemic?
 - b. If so, how does VA plan to apply the retention payment waiver? Which types of VA staff would receive retention payments and at what rates? If the waiver has been used to-date, please provide a summary of how many employees have received retention payments, and a breakdown by location, position, and rate.

We will continue to advocate for hazard pay for workers on the front lines of this pandemic to recognize their service, bravery and risk in this unprecedented time. Given VA was appropriated more than \$19 billion in the CARES Act for the COVID-19 response, we urge you to implement hazard pay for VA health care employees regardless of current incentives unrelated to the COVID-19 pandemic they may also be receiving.

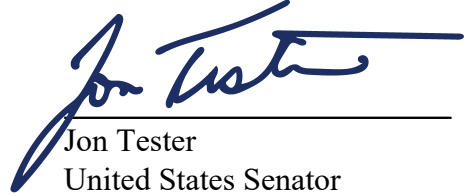
⁴ <https://www.opm.gov/policy-data-oversight/covid-19/opm-fact-sheet-recruitment-relocation-and-retention-incentive-waiver-requests-for-covid-19-pandemic-health-crisis/>

We appreciate your attention to this matter and look forward to your responses to our questions.

Sincerely,



Catherine Cortez Masto
United States Senator



Jon Tester
United States Senator

/s/

Chris Van Hollen
United States Senator



Elizabeth Warren
United States Senator

/s/

Richard Durbin
United States Senator

/s/

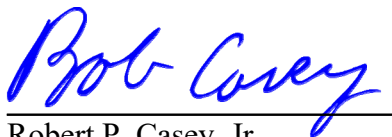
Dianne Feinstein
United States Senator

/s/

Richard Blumenthal
United States Senator



Jack Reed
United States Senator



Robert P. Casey, Jr.
United States Senator

/s/

Sherrod Brown
United States Senator



Sheldon Whitehouse
United States Senator



Kirsten Gillibrand
United States Senator

/s/

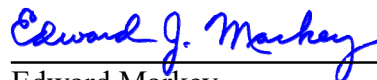
Tina Smith
United States Senator

/s/

Bernard Sanders
United States Senator



Amy Klobuchar
United States Senator



Edward Markey
United States Senator



Gary Peters
United States Senator



Kamala Harris
United States Senator

/s/

Tammy Duckworth
United States Senator