

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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**Opening Statement**  
**Ranking Member Gerald E. Connolly**  
**Subcommittee on Government Operations**  
**Hearing on “The Use of Official Time for Union Activities at the Department of Veterans Affairs”**  
**February 16, 2017**

Mr. Chairman, thank you for holding this hearing on the use of official time and the ability of unions to protect the whistleblowers who help prevent waste, fraud and abuse in the federal government. Our Committees have a longstanding commitment to whistleblowers. But sometimes I think some of my colleagues forget that whistleblowers are federal employees. Attacks on federal employees, directly harm whistleblowers.

That may suit President Trump, who has already muzzled whistleblowers temporarily at some agencies, but I feel this is detrimental to the positive influence whistleblowers have on federal operations. For this reason, I joined the Chairman of this subcommittee in sending a letter to all agencies to determine the effects of gag orders on whistleblower protections.

Today, we received a letter from a whistleblower, a federal employee at the VA, Dr. Michelle Washington. In 2011, Dr. Washington was a psychologist and Coordinator of Post-Traumatic Stress Disorder Services for the Veterans Affairs facility in Wilmington, Delaware. She observed that veterans were facing severe problems getting access to mental health services. She subsequently testified before the Senate Committee on Veterans Affairs to voice her concerns with a system not fulfilling its mission.

Did she get a bonus and promotion for a job well done? Far from it. Her supervisors at the VA retaliated against her. Her excellent performance evaluation suddenly was downgraded; she was relieved of responsibilities helping veterans; she was uninvited to planning meetings; and her coworkers were pressured not to associate with her.

[cut to video]

The retaliatory actions taken against Dr. Washington were illegal. Last week, the Oversight Committee strengthened these protections when it unanimously passed a bill that I introduced with Rep. Duffy, H.R. 657, the Follow the Rules Act.

However, it is not enough to pass these laws and pay lip service at occasional hearings. These protections must be enforced. In the workplace, federal employee unions enforce the

whistleblower laws Congress passes, and they do it on official time. Current law allows unions to stand up for federal employees facing retaliation in the workplace.

Dr. Washington's letter states that official time is, quote, "absolutely necessary to help protect veterans, workers and whistleblowers."

Dr. Washington explained that AFGE representatives "were only able to help me at designated periods of time when they were allowed to use official time. My union representative... use[d] official time to research OPM regulations, as well as write up and file the grievances. ...[and] attend meetings with me in attempts to address the retaliation."

Some of my Republican colleagues want to eliminate the ability of federal employees to perform union representational duties on official time.

Dr. Washington tells us what the consequence of that policy would be. She wrote, quote, "If official time had not been available to the AFGE representatives we may not have been able to defend my case... it would have set a precedent that management can retaliate without consequence."

I am certain that my colleagues do not intend to disadvantage whistleblowers, but the effect of their concerted attacks on unions and civil service protections would be to strip whistleblowers of their advocates in the workplace – their union.

Thank you, Mr. Chairman.

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