



# NATIONAL FEDERATION OF FEDERAL EMPLOYEES

Affiliated with the International Association of Machinists & Aerospace Workers, AFL-CIO

August 8, 2025

Dear NFFE-IAM Veterans Affairs Leaders,

This week, the U.S. Department of Veterans Affairs illegally terminated our NFFE-VA Master Agreement which covers thousands of VA bargaining-unit employees across the country. The VA canceled our contract to implement President Trump's Executive Order that excludes certain federal agencies from labor-management relations programs. As you know, NFFE and several other unions are actively litigating whether this Executive Order is legal. This latest move by the VA is harmful, premature, risky, and we believe more than likely, highly illegal.

For months since the EO was signed, the VA made it clear to us that the agency was not terminating the Master Agreement. In addition, OPM guidance reinforced to all agencies the importance of keeping contracts in place until ongoing litigation is fully resolved.

So one question we are asking is, "Why did the VA cancel our Master Agreement now?" Although a procedural court ruling was handed down last Friday, the question of whether the EO is legal is still not decided and this action does not make sense.

The court case we brought with our federal labor coalition in the 9th Circuit is very much active and in progress. In its early stages, the District Court Judge indicated our claims were strong and likely to succeed. Last Friday, a procedural development in the case meant that now, the preliminary injunction NFFE and other unions had won earlier this year is now stayed. That ruling was based in part on the Government's representation that agencies had been directed to refrain from terminating collective bargaining agreements until litigation has concluded. NFFE believes the VA misrepresented to the court and to NFFE all along that it would not do what it has now done.

We assume the VA misread the latest court ruling as reason to move forward with their union busting campaign. We know, however, that the Executive Order could still be found to be illegal. The Court recognized that keeping the contracts in place while the lawsuit works its way through the various stages of litigation mitigates harm to employees.

The VA's aggressive move risks upending years of relative workplace peace and cooperation. Employees and management have all been operating under clear rules about working conditions. We negotiated changes in good faith. We followed the law. Apparently, the VA no longer wants to resolve disputes through a cost efficient, neutral and lawful process that has functioned well for decades and we believe the agency is comfortable risking violating the law to achieve that end.

Not only do we see this as disingenuous, but now they are actively harming VA employees. It remains to be seen the full extent to which this maneuver harms employees, but we anticipate employees will not have access to jobsite representation, employees will be increasingly subject to arbitrary management actions like improper investigations, denied due process protections secured by our Master Agreement, and unfairly targeted for exercising free speech, the right to form a union, and to exercise judgment to follow lawful instructions on the job.

NFFE is taking all possible legal action to stop this latest government overreach. We are coordinating with our fellow union leadership and the Federal Unionists Network on a local action campaign that every member can plug into and have their opinion heard by those with the power to reverse this move.

**To be clear, this action does not negate the union**, nor any local or council from continuing to perform meetings, organizing, or representing employees. Employees still have Weingarten rights and can see an attorney or an individual representative from the union. Under law, NFFE is still your union representative and we will continue to advocate for our members.

Many local presidents received a message from the NFFE VA Council regarding next steps. Here is guidance from the perspective of NFFE Federal District 1:

We advise local leadership to wait until Labor Relations communicates how they would like the transition to occur before taking further action. Every location is different, and we do not expect the same results everywhere. It is management's responsibility to direct an orderly transition and in an appropriate amount of time.

Here is what local leaders can expect, and what you should demand, in the days to come.

1. **Official time will no longer be available.**
  - a. Leaders must perform representation work off-duty time. This might mean you take annual leave or leave without pay or compensatory time, but that would need to be approved under leave procedures in VA policy. If you are performing representational work on your personal time, keep logs and good records tracking the amount of time you have spent and proof of the nature of the representational work. This is so that we may seek damages for lost time and lost pay if we are successful in our lawsuit.
  - b. If you are on official time 100% or less meet with immediate supervisor and begin the process of reintegrating back in the work you did before being a union representative. If you have less than 100% official time this process should be easy to transition back into the workforce.
2. **Re-training.** You are entitled to be retrained prior to being assigned 'new' duties. Check existing VA policy for support for this concept and be clear in requesting opportunity for retraining.
3. **Performance expectations and rating.** Check for help in VA policy regarding performance expectations and review process under this scenario. Request a reasonable grace period for performance evaluation. You should not be negatively rated during the transition period but instead be allowed retraining and re-acclimation.
4. **Office space.** NFFE may be removed from office space, be instructed to remove union data from government equipment, and return property. Talk with your BR if this is problematic.
5. **Communications.** NFFE has been taking steps for months in preparation for an action like this. To the extent your local was not prepared, leadership does need to be sure to maintain contact with bargaining unit employees and members through personal contact, like personal phones, emails and home addresses. Collect this information now if you have not already done so. Those who plan to retire as opposed to returning to work should contact NFFE National or the NFFE-

VA Council so the union has a leader to report to. STOP communication to BUE's on any VA device to avoid discipline.

6. **Documents and materials.** Local officers should keep possession of all union related documents and items, both physical and electronic. If you wish to send to NFFE National, you may do so, however we recommend local officers keep possession to minimize expenses.
7. **Continued union functioning.** Continue to hold union meetings each month as required by DOL. Become politically active in your community speak with elected officials in Congress encourage membership to do the same.
8. **E-Dues.** Many NFFE members have already transitioned to paying dues via e-dues. Many have not. Please communicate to your members that if they have not set up their dues on e-dues, their union membership status may not be current. We need all our union members in good standing now more than ever.

Our union, our advocacy, and our business will continue by using different tools than before, but will continue just the same. We need all union members to reconnect and readjust, but never give in. It is very well possible that we could eventually have all which was taken from us restored by the courts soon. This is not over, and there is much left to do. And we will do it together. Without you and every single member showing up now for this fight, our chances go down. Please encourage all your members to remain dues-paying members of NFFE so that we can continue our litigation, our lobbying, and our campaign to take back our rights.

Our union was created because thousands of employees like you recognized that workplace problems would not be fixed by the good grace of management. Unless we came together, formed a union, asserted our rights and collectively advocated for change, issues at work would not be resolved. Our power to act as a group, with common cause – that power comes from each other – not from a legal document. We don't need management to recognize us to give us power.

Anyone who says 'the union is gone' does not understand what we are and how we win. We have just begun the fight. We need each and every VA employee to stand together in this union, all of us to take action for ourselves and for each other, and to stand up for our rights. This administration will not take our rights away. We will not be silenced. This is a fight to save democracy in the workplace and our union will not go down without a fight.

In Solidarity,



Randy Erwin  
National President  
National Federation of Federal Employees