

## NATIONAL GRIEVANCE

NG-3/25/25

**Date:** March 25, 2025

**To:** Denise Biaggi-Ayer  
Executive Director  
Office of Labor Management Relations  
U.S. Department of Veterans Affairs  
[Denise.Biaggi-Ayer@va.gov](mailto:Denise.Biaggi-Ayer@va.gov)  
*Sent via electronic mail only*

**From:** Shanita Asante, Staff Counsel, National Veterans Affairs Council (#53) (“NVAC”), American Federation of Government Employees, AFL-CIO (“AFGE”)

**RE:** National Grievance against the Department of Veterans Affairs for bypassing the Union when it directed employees to respond to emails from OPM titled, “What did you do last week?” and for violating applicable authorities by requiring employees to respond while in a non-duty status and/or without proper compensation

## STATEMENT OF THE CHARGES

Pursuant to the provisions of Article 43, Section 11 of the Master Agreement Between the Department of Veterans Affairs and the American Federation of Government Employees (2023) (“MCBA”), American Federation of Government Employees/National Veterans Affairs Council (“NVAC” or “the Union”) is filing this National Grievance against you and all other associated officials and individuals acting as agents on behalf of the Department of Veterans Affairs (“Department” or “VA”) for violating the MCBA and federal law when it bypassed the Union by directing employees to respond to emails from the Office of Personnel Management (“OPM”) titled, “What did you do last week?” and for violating applicable authorities by requiring employees respond to those email while in a non-duty and/or without proper compensation.

Specifically, the Department violated and continues to violate, Articles 2, 3, 17, 21, 36, 47, and 49 of the MCBA; Sections § 7114(a) and § 7116(a) of the Federal Service Labor Management Relations Statute (“the Statute”); the Fair Labor Standards Act (“FLSA”); 5 U.S.C. § 5542 and corresponding regulations (Title 5 overtime rules); 38 U.S.C. Chapter 74 (Title 38 overtime rules), and any and all other relevant articles, laws, regulations, and past practices not herein specified. The Union reserves the right to supplement this National Grievance based upon the discovery of new evidence or information of which it is not presently aware, or otherwise, as necessary.

## STATEMENT OF THE CASE

On Saturday, February 22, 2025, OPM, via the email address, “hr@opm.gov,” sent an email directly to bargaining unit employees (“BUEs”) entitled “What did you do last week?”<sup>1</sup> The email directed BUEs to reply to the email with 5 bullet points of what they accomplished at work during the prior week, copying their manager. Without regard for an employee’s tour of duty, scheduled workdays,

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<sup>1</sup>Attached as Exhibit A.

travel status, or leave status, the email provided the deadline for response of Monday, February 24, 2025, at 11:59pm eastern time.

On February 23, 2025, the Department's Chief of Staff, Chris Syrek, corroborated OPM's February 22, 2025, email and informed employees that **the email was valid**.<sup>2</sup> However, Mr. Syrek did not provide guidance to the employees on how they should respond and instead merely explained, "please **do not send** any classified, Health Insurance Portability and Accountability Act (HIPAA), or personally identifiable information, links, or attachments." *Id.* (emphasis in original).

On February 24, 2025, NVAC President Alma Lee sent a letter<sup>3</sup> to VA Secretary Douglas Collins seeking clarification and guidance on behalf of BUEs. Most importantly, President Lee asked Secretary Collins to excuse BUEs from this requirement, and pointed to other Executive Agencies, such as the Department of State, Department of Justice, and the Department of Homeland Security, all of which had already excused their employees from responding to the OPM email.

On February 25, 2025, the Department's Office of Labor-Management Relations replied to President Lee by email but failed to provide a substantive response and instead claimed that the Department had no further information to provide.<sup>4</sup>

On Friday, February 28, 2025, OPM sent another email titled, "*What did you do last week? Part II*" to BUEs.<sup>5</sup> This email contained the same instructions, but this time notified BUEs that they would be required to provide this information on a weekly basis, with each following Monday, starting on March 3, 2025 at 11:59 pm eastern time, as a continuing deadline.

On March 3, 2025, Mr. Seyek validated OPM's February 28 email, with a message identical to the one he sent on February 23.<sup>6</sup> This second email again confirmed the validity of the OPM mandate. The NVAC has confirmed that the OPM emails continue to be sent to BUEs on a weekly basis. Accordingly, this Grievance encompasses and challenges all past and future iterations of the OPM initiative, which constitutes an ongoing act or occurrence of a continuing violation under Article 43 of the MCBA.

At the regional and facility level, chaos ensued in response to the OPM's email. Employees were not sure whether responses were mandatory, and employees were not sure what information to submit to OPM, given the sensitive nature of their job duties. Supervisors called employees over the weekend, while they were not scheduled to work, or while they were on leave instructing them to reply. Conflicting directives were issued by VACO leadership, VISN leadership, facility leadership, and others.

Representative examples include the following:

- On March 1, 2025, Thomas Hossfeld, Assistant Medical Center Director at the Indianapolis VA Medical Center, provided "FAQs" to employees at the medical center.<sup>7</sup> Among other things, the FAQs instructed employees to respond to OPM's email upon their return to duty if they were on leave or had a regularly schedule day off on Mondays. The FAQs further noted that if the employee was on leave during the requested week, they could list their accomplishments from the

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<sup>2</sup> Exhibit B.

<sup>3</sup> Exhibit C.

<sup>4</sup> Exhibit D.

<sup>5</sup> Exhibit E.

<sup>6</sup> Exhibit F.

<sup>7</sup> Exhibit G.

prior week. It also stated that employees would not be entitled to overtime for responding. The Union is not aware that these FAQs were distributed beyond the Indianapolis Medical Center.

- On March 3, 2025, AFGE Local 3669 sought clarity on how employees who are deployed and actively serving in the military should respond.<sup>8</sup> OPM has not provided guidance to this critical question that specifically impacts VA employees. This confusion in OPM's messaging decreases productivity, causing excess time to decipher an email—when federal employees could use that time to carry out agency mission critical tasks.
- On March 3, 2025, AFGE Local 3669 also expressed concern that many VA employees, because of their direct patient care duties that are not performed during a typical Monday to Friday schedule, would not be available to respond within OPM's responsive window.<sup>9</sup> Managers voiced concerns about the draconian consequences of not responding to OPM's weekly email requirement during a response window, when VA employees are not scheduled to work.
- On March 3, 2025, Local 2338, shared correspondence between management and employees, where management advised that "individuals have the choice whether to respond or not." OPM did not direct management to give employees discretion to respond. The OPM mandate created immense confusion and leaves VA employees in danger of consequences that could end their federal careers.

These emails from OPM and various VA officials, sent without the Union's knowledge or involvement, constitute ongoing direct dealing and unlawful bypasses of the Union in violation of the Statute and the MCBA. An agency bypasses the union when it communicates directly with unit employees concerning conditions of employment. Such conduct constitutes direct dealing with an employee and specifically violates § 7116(a)(1) and (5) of the Statute, because it interferes with the Union's rights under § 7114(a)(1) to act for and represent employees in the Union. Article 1 of the MCBA mirrors the statutory language prohibiting bypass and sets forth the Union's status as the sole and exclusive representative of its BUEs.

The Department's emails, not only in support of, but *enforcing* an OPM mandate, are the latest example of the Trump Administration's coordinated attempts to demean federal employees and dismantle the civil service. Further, the Department's communications are coercive, as some employees were contacted while on approved leave, or during off-tour hours over the weekend, and instructed to respond, thereby, forcing these employees to send a frivolous email without overtime compensation.

Representative examples of these communications include:

- On February 21, a Chillicothe Medical Center employee was ordered to report on station to respond before the Monday deadline, or risk termination.<sup>10</sup> The employee was also told that overtime was not authorized.
- In addition, while on paid parental leave, a Cleveland-based BUE was required to respond to the mandate, without compensation.<sup>11</sup>

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<sup>8</sup> Exhibit H.

<sup>9</sup> Exhibit H.

<sup>10</sup> Exhibit I.

<sup>11</sup> Exhibit J.

- On March 3, 2025, while on a scheduled day off, management required a Los Angeles based BUE to come into work and draft the OPM 5 bullet points email, without overtime compensation.

The Union expects that thousands of employees received similar instructions.

The FLSA provides that, employees (unless exempted) must receive overtime pay, in increments of 15 minutes, for hours beyond 40 hours in a workweek. *See 29 U.S.C. § 207*. The FLSA further provides that all overtime work that is ordered must be compensated. All overtime work that is “suffered or permitted” also must be compensated. *See 5 C.F.R. Part 551*. Further, the FLSA creates a presumption in favor of liquidated damages. *NTEU*, 53 FLRA 1469, 1481 (1998). The standard for when an award of liquidated damages is appropriate is set forth in 29 U.S.C. § 260, which provides that such damages are appropriate unless an employer can show that it acted in good faith and on a reasonable belief that it complied with the FLSA. Now that the Department has adopted OPM’s mandate requiring employees to draft and send an email to OPM, regardless of their pay status, liquidated damages are appropriate. Impacted employees entitled to overtime compensation under different legal authorities, such as 5 U.S.C. § 5542 (Title 5 overtime) and corresponding regulations or 38 U.S.C. Chapter 74 (Title 38 overtime), may alternatively be entitled to back pay and interest. *See also*, Article 21, Section 4 of MCBA. Similarly, employees were contacted by Department officials or required to perform work while on paid leave are entitled to back pay, interest, and leave restoration.

The Department also failed to provide the Union advance notice and an opportunity to bargain over the weekly email mandate. The requirement for bargaining unit employees to send five weekly accomplishments constitutes a change to the terms and conditions of work.

The Department’s implementation of the OPM mandate also jeopardizes the sensitive nature of the Department’s work. The Union, nor the employees, have been notified to whom these emails are being sent, and for what purpose. Indeed, many BUEs thought the emails were spam and reported it as such. Subsequent reporting from the Trump Administration implied that the OPM mandate was not meant to be taken seriously, and that employees could ignore the OPM mandate to send an email detailing 5 accomplishments from last week.<sup>12</sup>

The Trump Administration contends that this OPM mandate aims to monitor and cease government waste. Yet, this mandate, as adopted by the VA is illegal, inefficient, and woefully nonsensical.

## Violations

The Department’s implementation of OPM’s mandate is onerous to all employees’ time and responsibilities; this action demonstrates the Department’s lack of integrity to stand up for its employees and honor its legal obligations. Moreover, on a continuing and ongoing basis, the VA and OPM’s direct dealing with BUEs and effectively bypassing the Union, violated 5 U.S.C. § 7114(a)(1) and 5 U.S.C. § 7116(a)(1), (a)(5), and (a)(8). By unilaterally implementing changes in conditions of employment without satisfying its duty to bargain in good faith with the Union, OPM and the Department violated Articles 47 and 49 as well as the statutory obligation to bargain in good faith. Failure to compensate BUE

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<sup>12</sup> *See, for example*, <https://www.msn.com/en-us/news/us/trump-administration-tells-agencies-they-can-ignore-musk-order-on-email-reply/ar-AA1zH4ow> (“The Trump administration has told federal agency leaders that they can ignore the public decree from Elon Musk to effectively fire employees who do not send in bullet-point summaries of their work last week, according to three people familiar with the matter, a break with the billionaire who has exerted significant power to slash the 2.3-million-person federal workforce.”).

for having to respond to these emails off-duty or while on leave violates Article 21 and 36 of the MCBA, applicable authorities concerning overtime pay, and the Back Pay Act. Lastly, OPM and the Department's failure to comply with relevant legal obligations and unfair treatment of its employees violated Articles 2, 3 and 17 of the MCBA.

In sum, OPM and the Department violated and continue to violate Articles 2, 3, 17, 21, 36, 47, and 49 of the MCBA, 5 U.S.C. §7114(a), 5 U.S.C. §7116(a), the FLSA, Title 5 overtime rules, Title 38 overtime rules, and any and all other relevant articles, laws, regulations, and past practices not herein specified.

### **Remedies Requested**

The Union requests the following remedies:

- To return to the *status quo ante*;
- To rescind the February 23, 2025, email entitled, "*What did you do last week?*" and all subsequent emails pertaining to the subject of, "*What did you do last week?*;"
- To cease and desist from further direct dealings with bargaining unit employees and compliance with the email directive;
- To make-whole and rescind any disciplinary action issued to any bargaining unit employees who did not respond to the OPM emails;
- To make whole any bargaining unit employees otherwise affected by the Department's violations, to include back pay, benefits, interest, attorney's fees, overtime, and liquidated damages;
- To fully comply with the MCBA, the Statute and all other applicable authorities;
- To issue an electronic notice posting signed by the Secretary to all AFGE bargaining unit employees concerning its unfair labor practices; and
- To agree to any and all other remedies appropriate in this manner.

### **Time Frame and Contact**

This is a National Grievance, and the time frame for resolution of this matter is not waived until the matter is resolved or settled. If you have any questions, please contact the undersigned at the AFGE Office of the General Counsel. The undersigned representative is designated to represent the Union in all matters related to the subject of this National Grievance.

Submitted by,



Shanita Asante  
Staff Counsel, National VA Council  
AFGE, AFL-CIO  
80 F Street, NW  
Washington, DC 20001  
Tel: 202-639-6424  
Fax: 202-379-2928  
[Shanita.Asante@afge.org](mailto:Shanita.Asante@afge.org)

cc: Alma L. Lee, President, AFGE/NVAC

William Wetmore, Chairperson, Grievance and Arbitration Committee, AFGE/NVAC  
Thomas Dargon, Jr., Deputy General Counsel, AFGE/NVAC  
Kurt Martin, Deputy Director, VA LMR

# Exhibit A

**From:**



**Subject:** Fw: What did you do last week?

**Date:**

Saturday, February 22, 2025 5:21:14 PM

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**From:** HR <hr@opm.gov>

**Sent:** Saturday, February 22, 2025 3:46 PM

**Subject:** What did you do last week?

**Importance:** High

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Please reply to this email with approx. 5 bullets of what you accomplished last week and cc your manager.

Please **do not send** any classified information, links, or attachments.

Deadline is this Monday at 11:59pmEST.



# Exhibit B

From:

Subject:

RE: MESSAGE FROM THE CHIEF OF STAFF

Date:

Monday, February 24, 2025 9:04:25 AM

Importance:

High

**This Message Is From an External Sender**

This message came from outside your organization.

[Report Suspicious](#)

By what law, rule or Federal regulation is this required by?

[REDACTED]

[REDACTED] US Department of Veterans Affairs <US.VA@va.gov>

Sent: Sunday, February 23, 2025 5:54 PM

To: VA All Mailboxes <VAAll.Mailboxes@va.gov>

Subject: MESSAGE FROM THE CHIEF OF STAFF

**MESSAGE FROM THE  
CHIEF OF STAFF**

**What did you do last  
week?**

Fellow VA Employees,

By now, you should have received an email titled "What did you do last week?" from [hr@opm.gov](mailto:hr@opm.gov) (included below), asking you to provide bullets about what you accomplished last week and to cc your manager.

On behalf of the Department of Veterans Affairs, I am informing you that **the email is valid.**

In responding to the email, please **do not send** any classified, Health Insurance Portability and Accountability Act (HIPAA), or **personally identifiable information**, links, or attachments.

Thank you.

Chris Syrek

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**From:** HR <[hr@opm.gov](mailto:hr@opm.gov)>

**Sent:** Saturday, February 22, 2025 7:12 PM

**Subject:** [EXTERNAL] What did you do last week?

**Importance:** High

Please reply to this email with approx. 5 bullets of what you accomplished last week and cc your manager.

Please **do not send** any classified information, links, or attachments.

Deadline is this Monday at 11:59pmEST.

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**PLEASE PRODUCE LOCALLY FOR ALL THOSE WHO DO NOT ROUTINELY ACCESS EMAIL DUE TO THEIR SPECIALTIES.**

# Exhibit C



## NATIONAL VETERANS AFFAIRS COUNCIL

American Federation of Government Employees  
Affiliated with the AFL-CIO

February 24, 2025

The Honorable Secretary Douglas A. Collins  
Secretary of Veterans Affairs  
810 Vermont Avenue, NW  
Washington, DC 20420

RE: OPM Email, dated 2/22/25

Honorable Secretary Collins:

First, let me thank you for your service, and I am delighted that someone with your background is leading the Department of Veterans Affairs and very much look forward to working with you. As a veteran yourself, you understand the sacrifices that our veterans have made and continue to do so for our country, and I trust that you will make the best decisions to improve their healthcare, increase patient access, and continue to improve the veterans' trust score.

On behalf of the American Federation of Government Employees, AFL-CIO, National Veterans Affairs Council, which represents more than 311,000 bargaining unit employees across the U.S. Department of Veterans Affairs (VA), it is my understanding VA employees are in receipt of the U.S. Office of Personnel Management (OPM) email, "*What did you do last week?*" asking them to provide a listing of 5 bullet points and cc'ing that information to their supervisor NLT Monday, February 24, 2025 by 11:59 pm EST.

Since the OPM email was released on Saturday, February 22, 2025, I have not seen any communication from your office to VA employees clarifying whether, and if so, how they should respond to OPM's demand for this information. As you know, VA employees are the backbone of the nation's largest and best health care system. Their dedication to the mission of the VA is steadfast.

I also understand that various social media posts and news outlets reported that this action was being taken to intimidate federal workers. While VA Chief of Staff, Chris Syrek, sent an email blast asking VA employees to comply but not to disclose personnel identifiers or HIPAA information, this guidance did not answer many of the questions raised by VA employees.

It is my understanding, Departments State, Justice, Homeland Security, and other agencies excused their respective employees from responding to the OPM email.

Although it is late in the day, I am respectfully requesting that you also excuse VA employees from participating in this program. But, in lieu and in anticipation of not hearing from you prior to the deadline, we have advised employees to comply with directives from their chain of command at medical centers, benefits offices, cemeteries, and other VA facilities.

How do emails like this, which pull employees away from the important work they are doing on behalf of our nation's heroes, aid in taking care of veterans and their families, Secretary Collins? It only seems to serve to scare, frighten, and bully VA workers. Is this what you want?

I look forward to your immediate response.

Sincerely,

A handwritten signature in dark ink that reads "Alma L. Lee". The signature is written in a cursive, flowing style.

Alma L. Lee, President  
National Veterans Affairs Council, #53  
American Federation of Government Employees, AFL-CIO

# Exhibit D

**From:** [REDACTED]  
**Subject:** FW: IMPORTANT Message from the National VA Council  
**Date:** Tuesday, March 11, 2025 12:15:07 PM  
**Attachments:** [Letter to Sec Collins - 2-24-25.pdf](#)  
[RE MESSAGE FROM THE CHIEF OF STAFF.msg](#)  
**Importance:** High

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**This Message Is From an External Sender**

This message came from outside your organization.

[Report Suspicious](#)

Below you will find the response (including attachments) from VA Secretary's response from Denise Biaggi-Ayers. Thanks!

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**From:** Biaggi-Ayer, Denise <Denise.Biaggi-Ayer@va.gov>

**Sent:** Tuesday, February 25, 2025 09:13

**To:** [REDACTED]  
[REDACTED]  
[REDACTED]; Martin, Kurt

P. <Kurt.Martin@va.gov>

**Subject:** IMPORTANT Message from the National VA Council

**Importance:** High

**CAUTION:** This email originated from outside the organization. Do not click links or open attachments unless you verify the sender and know the content is safe.

[REDACTED]  
Thank you for your letter. We appreciate your support for VA employees. Chief Syrek submitted a message informing employees the e-mail sent from [hr@opm.gov](mailto:hr@opm.gov) is valid. OPM issued a memorandum titled, [Guidance on Government-wide email What did you do last week?](#) At this point, we have no additional information to provide.

Denise

Denise Biaggi-Ayer  
Executive Director  
Office of Labor Management Relations  
Department of Veterans Affairs  
Washington, DC 20420  
202-461-4009 Office  
202-436-2549 Cell



[Denise.Biaggi-Ayer@va.gov](mailto:Denise.Biaggi-Ayer@va.gov)

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**From:** [REDACTED] **On Behalf Of** Alma Lee

**Sent:** Monday, February 24, 2025 3:16 PM

**To:** Collins, Doug <[Doug.Collins@va.gov](mailto:Doug.Collins@va.gov)>

**Cc:** [REDACTED]  
[REDACTED]

**Subject:** [EXTERNAL] IMPORTANT Message from the National VA Council

**Importance:** High

Greetings! Please see attached correspondence from the National Veterans Affairs Council regarding the recent email from OPM. Look forward to your reply. Thank you.

Alma L. Lee | National President | National VA Council, #53

**1970 Roanoke Blvd (76-106) Salem, VA 24153 | phone 540 345 6301 | fax 540 342 2196**



Save Paper – Do you really need to print this e-mail?

*"This e-mail and any attachments are intended only for the use of the addressee(s) named herein and may contain privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution or copying of this e-mail, and any attachments thereto, is strictly prohibited. If you have received this e-mail in error, please notify me via return e-mail and via telephone at (540) 345-6301 and permanently delete the original and any copy of any e-mail and any printout thereof."*

# Exhibit E

**From:** [REDACTED]  
**Subject:** FW: [EXTERNAL] What did you do last week? Part II  
**Date:** Sunday, March 2, 2025 10:56:38 PM  
**Importance:** High

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**This Message Is From an External Sender**

This message came from outside your organization.

[Report Suspicious](#)

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**From:** HR <hr@opm.gov>  
**Sent:** Friday, February 28, 2025 10:50 PM  
**Subject:** [EXTERNAL] What did you do last week? Part II  
**Importance:** High

Please reply to this email with approx. 5 bullets describing what you accomplished last week and cc your manager.

Going forward, please complete the above task each week by Mondays at 11:59pmET.

Please **do not send** links, attachments, or any classified/sensitive information. If all of your activities are classified or sensitive, please write "All of my activities are sensitive".

# Exhibit F

**From:** [REDACTED]  
**Subject:** FW: [EXTERNAL] What did you do last week? Part II  
**Date:** Thursday, March 6, 2025 9:28:11 AM  
**Attachments:** [image001.png](#)

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**From:** [REDACTED]  
**Sent:** Thursday, March 6, 2025 9:25:36 AM  
**Subject:** FW: [EXTERNAL] What did you do last week? Part II

Message that went out to all user regarding COE and 5 things did last week.

**From:** Hossfeld, Thomas D. (VISN 10) <Thomas.Hossfeld@va.gov>  
**Sent:** Saturday, March 1, 2025 6:22 AM  
**To:** IND EXCH USERS <INDEXCHUSERS@med.va.gov>  
**Subject:** FW: [EXTERNAL] What did you do last week? Part II  
**Importance:** High

Good morning, we understand there has been another email from OPM asking what you did last week. It also appears to be asking for this to be a weekly task. The guidance we received from VA leadership is that it is a valid email.

I have pasted below previous FAQs, a few new ones and previous guidance from the VA Chief of staff.

1. Do fee basis providers need to answer?
  - a. Yes, they can.
2. What about people who did not work last week, like a hospitalist who was scheduled off (they work one week on, one week off).
  - a. They could state that they were on leave or provide the most recent week bullet points when they did work.
3. Would they put in an email what they would have done if it was their week on?
  - a. Yes
4. I have an employee that states he did not get the HR-OPM email. Can I simply forward the email I received?
  - a. Yes, they can email [HR@OPM.gov](mailto:HR@OPM.gov)
5. Should we attempt to contact employees that do not work weekends and today is either PTO or RDO to inform them this needs completed by 1159pm tonight or will there be an extension?
  - a. Guidance is for them is they can send when they return from leave.
6. Our Chief is weighing responding to bullet points email using encryption. Does HR have any advice re: encryption? On the one hand, we are to keep things secure. On the other hand, I'm concerned that with the unknown nature of the receiving server they may not be able to open encryption and consider it a non-response. Any advice would be greatly appreciated.
  - a. Please do not send any classified, Health Insurance Portability and Accountability Act (HIPAA), or personally identifiable information, links, or attachments.
7. I was informed by my direct supervisor to reach out to you about my question. Regarding the HR email about the 5 bullet points, I initially reported it as a phishing threat/scam since the email raised concern regarding its authenticity for me based off the format/information in the email. I am now being informed by my supervisor to respond to the email. However, since I reported it as a phishing scam, it is now gone from my email. If I have my supervisor forward me her email and I respond to that will that still count? Or do I need to respond to the original email sent directly to me?
  - a. You can still send to the HR@OPM email.
8. What if I was on leave last week?
  - a. You could state that you were on leave or list your accomplishments from the previous week you worked.
9. What if most/all my work is sensitive/classified?
  - a. In responding to the email, please do not send any classified, Health Insurance Portability and Accountability Act (HIPAA), or personally identifiable information, links, or attachments.
10. What Happens if we don't respond?
  - a. We have not received any further guidance from VA leaders suggesting there will be any consequences.
11. Why is this response necessary? Shouldn't my supervisor know what I did last week?
  - a. VA Local leadership has not received the "why" behind this request or what it will be used for
12. Is OPM in my chain of command?
  - a. The U.S. Office of Personnel Management (OPM) is the Federal agency responsible for management of Federal human resources policy and oversight of the merit civil service system. [Agency Roles - OPM.gov](https://www.opm.gov/policy-data-oversight/agency-roles/)
13. Is this in line with the OPM guidance <https://www.opm.gov/media/kfpozkad/gwes-pia.pdf>
  - a. We have raised this to VA leadership. This is a privacy impact assessment.
14. What if an employee is on leave ?
  - a. They can respond during their next scheduled tour.
15. Is Overtime/Comp time authorized to respond?
  - a. No, employees should respond during their regularly scheduled tour.

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**From:** Hossfeld, Thomas D. (VISN 10) <Thomas.Hossfeld@va.gov>  
**Sent:** Saturday, March 1, 2025 6:22 AM  
**To:** IND EXCH USERS <INDEXCHUSERS@med.va.gov>  
**Subject:** FW: [EXTERNAL] What did you do last week? Part II  
**Importance:** High

Good morning, we understand there has been another email from OPM asking what you did last week. It also appears to be asking for this to be a weekly task. The guidance we received from VA leadership is that it is a valid email.

I have pasted below previous FAQs, a few new ones and previous guidance from the VA Chief of staff.

1. Do fee basis providers need to answer?

- a. Yes, they can.
2. What about people who did not work last week, like a hospitalist who was scheduled off (they work one week on, one week off).
  - a. They could state that they were on leave or provide the most recent week bullet points when they did work.
3. Would they put in an email what they would have done if it was their week on?
  - a. Yes
4. I have an employee that states he did not get the HR-OPM email. Can I simply forward the email I received?
  - a. Yes, they can email [HR@OPM.gov](mailto:HR@OPM.gov)
5. Should we attempt to contact employees that do not work weekends and today is either PTO or RDO to inform them this needs completed by 1159pm tonight or will there be an extension?
  - a. Guidance is for them is they can send when they return from leave.
6. Our Chief is weighing responding to bullet points email using encryption. Does HR have any advice re: encryption? On the one hand, we are to keep things secure. On the other hand, I'm concerned that with the unknown nature of the receiving server they may not be able to open encryption and consider it a non-response. Any advice would be greatly appreciated.
  - a. Please do not send any classified, Health Insurance Portability and Accountability Act (HIPAA), or personally identifiable information, links, or attachments.
7. I was informed by my direct supervisor to reach out to you about my question. Regarding the HR email about the 5 bullet points, I initially reported it as a phishing threat/scam since the email raised concern regarding its authenticity for me based off the format/information in the email. I am now being informed by my supervisor to respond to the email. However, since I reported it as a phishing scam, it is now gone from my email. If I have my supervisor forward me her email and I respond to that will that still count? Or do I need to respond to the original email sent directly to me?
  - a. You can still send to the HR@OPM email.
8. What if I was on leave last week?
  - a. You could state that you were on leave or list your accomplishments from the previous week you worked.
9. What if most/all my work is sensitive/classified?
  - a. In responding to the email, please do not send any classified, Health Insurance Portability and Accountability Act (HIPAA), or personally identifiable information, links, or attachments.
10. What Happens if we don't respond?
  - a. We have not received any further guidance from VA leaders suggesting there will be any consequences.
11. Why is this response necessary? Shouldn't my supervisor know what I did last week?
  - a. VA Local leadership has not received the "why" behind this request or what it will be used for
12. Is OPM in my chain of command?
  - a. The U.S. Office of Personnel Management (OPM) is the Federal agency responsible for management of Federal human resources policy and oversight of the merit civil service system. [Agency Roles - OPM.gov](https://www.opm.gov/media/kfpozkad/gwes-pia.pdf)
13. Is this in line with the OPM guidance <https://www.opm.gov/media/kfpozkad/gwes-pia.pdf>
  - a. We have raised this to VA leadership. This is a privacy impact assessment.
14. What If an employee is on leave ?
  - a. They can respond during their next scheduled tour.
15. Is Overtime/Comp time authorized to respond?
  - a. No, employees should respond during their regularly scheduled tour.



Tom Hossfeld  
Assistant Medical Center Director (Interim)  
Indianapolis VA Medical Center  
Cell: 317-373-3689

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**From:** HR <[hr@opm.gov](mailto:hr@opm.gov)>  
**Sent:** Friday, February 28, 2025 10:37 PM  
**Subject:** [EXTERNAL] What did you do last week? Part II  
**Importance:** High

Please reply to this email with approx. 5 bullets describing what you accomplished last week and cc your manager.

Going forward, please complete the above task each week by Mondays at 11:59pmET.

Please **do not send** links, attachments, or any classified/sensitive information. If all of your activities are classified or sensitive, please write "All of my activities are sensitive".

# Exhibit G

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**From:** [REDACTED]  
**Sent:** Monday, March 3, 2025 9:04 AM  
**To:** VHADAY STAFF <[daytonexchangemembers@med.va.gov](mailto:daytonexchangemembers@med.va.gov)>  
**Subject:** OPM GUIDANCE

**MESSAGE FROM THE  
CHIEF OF STAFF**

**What did you do last  
week?**

Fellow VA Employees,

By now, you should have received an email titled "What did you do last week?" from [hr@opm.gov](mailto:hr@opm.gov) (included below), asking you to provide bullets about what you accomplished last week and to cc your manager.

On behalf of the Department of Veterans Affairs, I am informing you that **the email is valid**.

In responding to the email, please **do not send** any classified, Health Insurance Portability and Accountability Act (HIPAA), or personally identifiable information, links, or attachments.

Thank you.

Chris Syrek



# Exhibit H

From: [REDACTED]  
Subject: Evidence  
Date: Friday, February 28, 2025 1:40:19 PM  
Attachments: [image1.png](#)

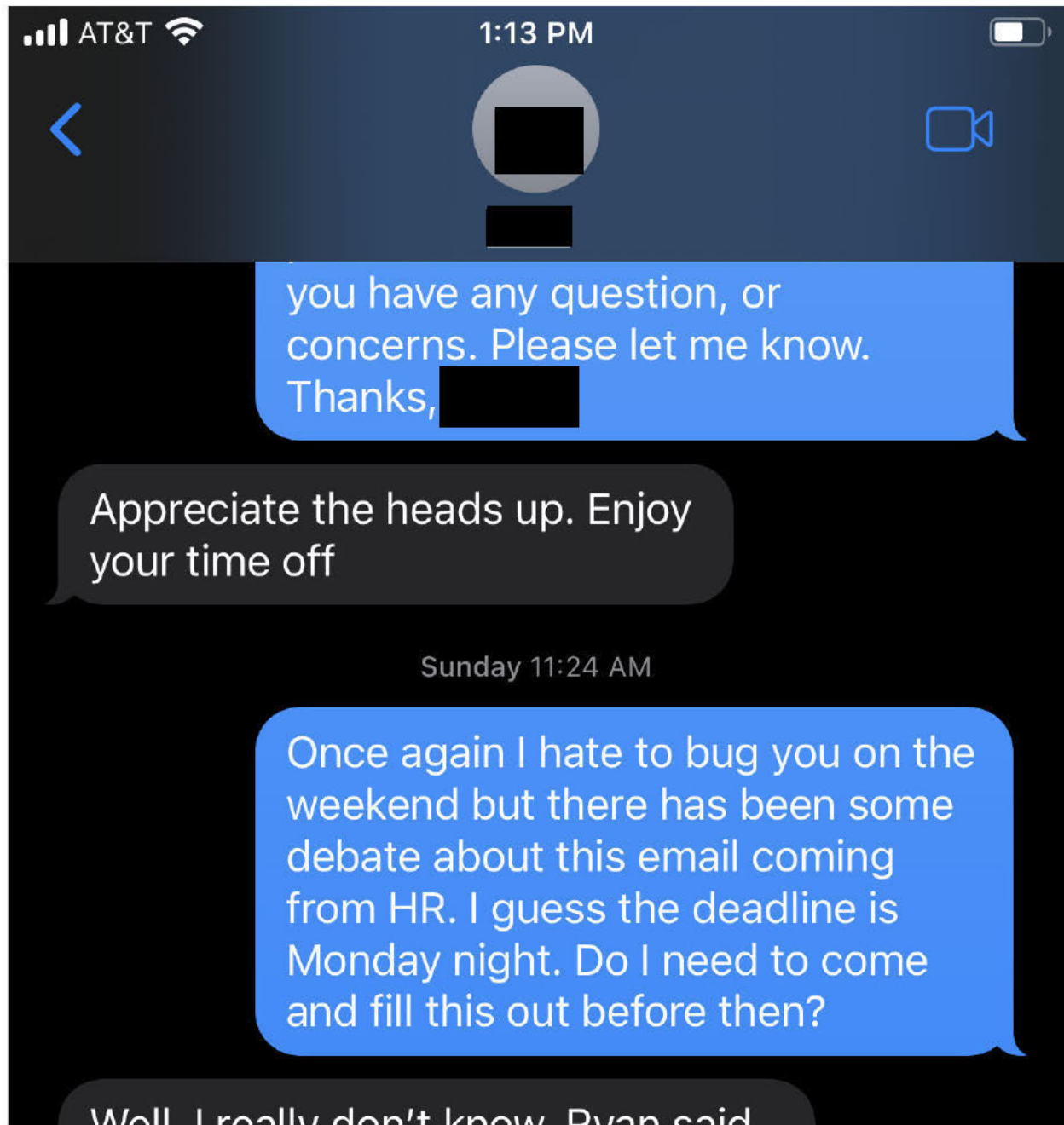
This Message Is From an Untrusted Sender  
You have not previously corresponded with this sender.

Report Suspicious

My name is [REDACTED] and I work as a USRO(4742) at the VA Hospital in [REDACTED]. I was off this past Saturday and Sunday (2/21/25 and (2/22/25) and had approved annual leave for the dates of (2/23-24/25). On Saturday 2/21 in the late evening, I was contacted by my work center that I needed to come in and send an email to HR about what tasks I accomplish last week. I was informed also that the email had to be completed by Monday evening or risk termination.

On 2/22/25, I contacted my O&M supervisor BJ Pickerrell about this email and his response that it was my choice to respond. He also informed me that the Chief Engineer (Ryan Jeter) was not authorizing overtime for people to come in and send out an email. I did drive down later that evening on 2/22/25 (almost an hour commute) to the facility and responded to email I received from HR.

If you have any more questions for me or need evidence of my email that I sent to HR on 2/22/25. Please feel free to contact me.



Well, I really don't know. Ryan said he was instructed not to pay OT for people to come respond. On the other hand the news article says not responding is grounds for termination. I can't see that holding up in court but I'm going to go in and respond

Okay, I guess I will head in also. Thanks.

Delivered



iMessage





I've got three people that won't be there Monday so I will get a hold of them and have them come in correct

That's up to them.

Understood

To be clear, I'm not offering over time for people to come in on their day off or from leave to check their emails. I do want everyone to be aware and then do whatever they choose to do with the information. From what very little I know about this, failure to respond is grounds for termination. But all I know is second hand.

+ Text Message



**Subject:**



Fw: QUESTION ABOUT 5 BULLET POINTS

**Date:**

Monday, March 24, 2025 1:05:36 PM

**Attachments:**

[Outlook-c2ruivbh.png](#)

**This Message Is From an External Sender**

This message came from outside your organization.

[Report Suspicious](#)

Example 1



**Sent:** Monday, March 3, 2025 7:46 AM



**Subject:** QUESTION ABOUT 5 BULLET POINTS

Many of our colleagues at the VA are also still actively serving in the military. How does the 5 bullet points a week affect them if they were to deploy?



**From:** HR <hr@opm.gov>

**Sent:** Friday, February 28, 2025 7:59 PM

**Subject:** [EXTERNAL] What did you do last week? Part II

**Importance:** High

Please reply to this email with approx. 5 bullets describing what you accomplished last week and cc your manager.

Going forward, please complete the above task each week by Mondays at 11:59pmET.

Please **do not send** links, attachments, or any classified/sensitive information. If all of your activities are classified or sensitive, please write "All of my activities are sensitive".

# Exhibit I



**Subject:** FW: Key Topics for your Awareness  
**Date:** Monday, March 3, 2025 4:07:18 PM  
**Attachments:** [image001.png](#)

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Looks like [REDACTED] got a response below.....

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[REDACTED]

**Sent:** Monday, March 3, 2025 2:20 PM

[REDACTED]

[REDACTED]

**Subject:** FW: Key Topics for your Awareness

FYI—

[REDACTED]

[REDACTED]

[REDACTED]

---

[REDACTED]

**Sent:** Monday, March 3, 2025 2:03 PM

[REDACTED]

[REDACTED]

**Subject:** RE: Key Topics for your Awareness

[REDACTED]

Thank you so much for providing an update, it is greatly appreciated. I replied to the last email, and I'm working on a response for this week's request. Thank you for keeping us informed on all of the new updates.

[REDACTED]

[REDACTED]



[REDACTED]

[REDACTED]

---

**From:** [REDACTED]

**Sent:** Monday, March 3, 2025 1:59 PM

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Subject:** FW: Key Topics for your Awareness

[REDACTED]

[REDACTED] 1) below → VHA COO provided that each individual makes the choice whether to respond or not. I personally, have responded. In regards to ramifications, at the VAMC/VISN levels, I am not apprised of ramifications at least at this time.

For 3) below, I have yet to see the email. Again, personally, I will reply to it. Not seeing the email, I am not apprised if the VHA intent is to make this mandatory or open to each individual's choice. Likely more to come on this topic.

[REDACTED]

---

[REDACTED]

**Sent:** Monday, March 3, 2025 11:11 AM

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Subject:** RE: Key Topics for your Awareness

Good morning. I received the email below and I have a couple clarifying questions, as an employee. My questions are as follows:

1. What are the ramifications from not responding to the email as outlined in paragraph 1?
2. As for paragraph 3, is a response to that email also optional/voluntary? Additionally, could there be more guidance, if you have some available, regarding discussion point 3?

Thank you for providing up to date information with what you have.

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

**Sent:** Monday, March 3, 2025 11:03 AM

**To:** POPBLUFF-AllExchange-users <[Vhapopallusers@med.va.gov](mailto:Vhapopallusers@med.va.gov)>

**Subject:** Key Topics for your Awareness

Good morning colleagues,

I wanted to update you on a few topics that you should be aware of:

1. Everyone should have received an email from OPM titled “[EXTERNAL] *What did you do last week? Part II*”. This email requested that employees send 5 bullets describing what you accomplished last week. This email requests that a response be provided weekly each Monday by 11:59pmET. At this time, it is an individual’s decision if they want to respond to the email. The agency will not offer overtime to staff to write the bullet points and the bullet points should be written by the employee based on their perspectives. If you are on leave during this time, please complete the email when you return.
2. The VA Secretary sent an email to all staff on 2/21/2025 related to “Return to Office” activities. Please review the attached email and be aware of key dates noted in the email. As a reminder, JJP leadership has established procedures for space allocation relating to “Return to Office.” Staff members who have not yet been assigned workspace should refrain from claiming any areas at this time.
3. We were alerted today that HR/OPM will be sending out an email to all employees asking them where they work (i.e., office, home, etc.). I

wanted to make sure you were aware and not surprised if you saw the email.



# Exhibit J



**Subject:**  
**Date:**



Fw: Paid Parental Leave and HR@OPM emails  
Wednesday, March 12, 2025 1:16:36 PM

**This Message Is From an External Sender**

This message came from outside your organization.

[Report Suspicious](#)

Here is an example for you.



**Sent:** Monday, March 3, 2025 12:39 PM



**Subject:** Paid Parental Leave and HR@OPM emails

Hello [REDACTED] and [REDACTED],

I'm sure you and the other union officials are flooded with complaints about the "What did you do last week," emails.

I wanted to make you both aware that I have been asked to respond to both of these emails despite being on approved Paid Parental Leave until 5/28/25.

I have happily complied with my chain of command's directions as I know they are not at fault and are doing their best to serve our Veterans by helping us keep our jobs.

However, I would like to make a formal complaint that replying to these emails is in conflict with policies and procedures related to leave status. I am also requesting from my chain of command 1 hour of compensatory time or a restoration of 1 hour of paid parental leave.

Please let me know what my actions I need to take next.

I can be reached at [REDACTED].

Thank you,



# Exhibit K

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[REDACTED]

**Sent:** Monday, March 3, 2025 10:42 AM

[REDACTED]

[REDACTED]

[REDACTED]

**Subject:** Change in Work Location and compensation for filling out the 5 bullet points.

[REDACTED]

Unrelated to the meeting. I have had to come in and fill out the 5 bullet points because I'm off on Mondays. [REDACTED] informed me that we are not compensated for coming in. Just checking if this is the case.

Below are my requests about the Change in Working Conditions.

- Since seniority does matter and I am the most senior outpatient therapist. Back in 2003-2004 the supervisor at the time asked if anyone wanted to work full time at the VA Sepulveda. I was the only person that accepted the offer and was working only at Sepulveda. From that time until approximately August 2021 when Katia informed me that I would have to rotate between WLA and Sepulveda. During this rotation other employees with less seniority were working at Sepulveda while I was working at WLA. We were doing the same job at both locations. There really was no justification to have me rotate since there was a need for me at Sepulveda. I can still complete every task that is needed at Sepulveda currently. I feel that my schedule should be changed back to Sepulveda since I was the first person to take the offer.
- Working Fridays, I currently work every other Friday and am off every Monday currently. I feel that if Katia cannot accommodate all employees' requests to work certain days, it should first go by seniority. If it comes to every employee having to work the same schedule for coverage, then it should work on a rotating schedule. We work 12-hour shifts, one week you work Monday, Tuesday, Wednesday, Thursday, the next would be Wednesday, Thursday, Friday. They should have another employee mirroring the opposite of that employee. This is just an example.
- Currently one employee requested to work once a week at LAO. I have no problem currently with this person working at that location. If management is going to add locations at Bakersfield, SLO, Santa Maria, Lancaster, and Ventura then I feel that LAO should be included in that rotation. All employees should rotate, no one should be exempt if this is mandated by management.
- Currently there is a job where one employee's job is to just call patients to check on the patients sleep compliance. I have no problem with this person continuing with this job unless management is mandating that employees will be rotating to different facilities. If we are mandated to rotate, then this person and this job should be rotated between all therapists. All therapists can complete this job. When this therapist has called in sick, all RT's have had to cover for this employee, but if we are short-handed this employee is never asked to cover.
- Adding of additional clinics should be negotiated if we have enough staff to cover these new locations. If they are added it should first be asked if anyone wants to work at these new locations before it is mandated that we will be forced to work at these locations.
- I attached an email from management where seniority is not included in fairness. I believe that they do not feel that seniority matters.
- Either seniority does matter and is being used, or all therapists will be mandated to rotate equally.

Thank you for helping in this matter. In the 29 years that I have worked here, it has never been this bad. I feel that the employees could have worked out the schedule, but we were never given a chance by management.

[REDACTED]