



AFGE Congressional Testimony

STATEMENT BY

**AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO
AND THE AFGE NATIONAL VA COUNCIL**

BEFORE

SENATE COMMITTEE ON VETERANS AFFAIRS

ON

PENDING BENEFITS LEGISLATION

MAY 13, 2015

American Federation of Government Employees, AFL-CIO
80 F Street, NW, Washington, D.C. 20001 ★ (202) 737-8700 ★ www.afge.org



Overview

The American Federation of Government Employees and the AFGE National Veterans' Affairs Council (hereinafter "AFGE"), representing over 220,000 employees working for the Department of Veterans Affairs at medical centers, regional offices (ROs), and veterans' cemeteries, appreciates the opportunity to share our concerns and recommendations regarding pending benefits legislation. Veterans' issues are personal for AFGE members; over 40% of our overall membership are veterans themselves, and countless others are directly related to veterans.

S. 627

S. 627 would require the VA Secretary to name employees and supervisors who contributed to the purposeful omission of one or more veterans waiting for health care based on findings from Inspector General (IG) reports in 2014 that focused on scheduling practice failures in VA medical facilities. The Secretary would then be required to recoup bonuses from these employees, pending a hearing and appeal to the Merit Systems Protection Board. AFGE remains committed to helping VA provide the best possible care to veterans and exposing any and all issues involving illegal and malicious scheduling practices that harm veterans.

AFGE has significant concerns regarding the targets of the performance bonus repayments in S. 627. S. 627 unfairly targets all Medical Support Assistants (MSAs), the scheduling clerks who are responsible for setting appointments for veterans. AFGE is particularly concerned with Section 1(a)(1)(A) in S. 627, which requires the VA Secretary to identify employees (including MSAs) who contributed to purposefully omitting the names of veterans from the electronic wait list. Before blaming MSAs for the mishandling of VA patient schedules by managers, it is critical to understand MSAs' particular job duties and their status within VA. A current position description for MSAs includes the following duties:

- Perform receptionist duties, customer service and other duties assigned for the proper and timely treatment of patients and maintains appointments schedules
- Interpret and communicate requirements of VHA Scheduling Directives and complete accurate scheduling responsibilities
- Schedule appointments and utilize the Electronic Waiting List (EWL)
- Complete personnel reports, rosters, and maintain supplies and forms
- Coordinate administrative services for Veterans, family members, caregivers, and general public

MSAs make no decisions regarding scheduling policies and practices in their facilities as demonstrated by their position descriptions. MSAs work at the direction and within the complete control of their immediate and higher level supervisors. Furthermore, MSAs regularly fear for their jobs. Over the past year, Congress has heard extensive testimony regarding VA's culture of fear and retaliation against rank and file employees at the VA. Many of the critical whistleblowers in Phoenix and elsewhere around the country from last summer's VA scandal were MSAs themselves. They are a critical component of the work done at the VA. However, since MSAs have no strategic decision making power and fear for their jobs, they should not be blamed for abhorrent scheduling practices.

Furthermore, as front line employees at the VA, MSAs rarely receive performance bonuses. The few performance bonuses paid to them are very modest. In 2014, out of 15,778 MSAs nationwide, only 2,501 received a performance bonus (16%). 470 of these performance bonuses were \$100 or less and 1,998 of these bonuses were \$500 or less. Just 115 MSAs received a performance bonus over \$1,000 (.7% of total MSAs). In Phoenix, where the waitlist scandal burst onto the scene, just 5 MSAs received a performance bonus out of 230 employed there, or 2% of MSAs.

As front line employees, MSAs earn modest salaries. In fact, the salary of a first year MSA GS-4 Step 1 employee working as the sole earner in a family of four could actually approach the federal poverty line. MSAs range from GS-4 to GS-6 employees, who earn between \$25,011 and \$32,517 as GS-4 employees and \$31,192 and \$40,552 as GS-6 employees. For the mere 16% of these employees receiving performance bonuses, they can typically hope for a bonus between 1-2% of their base salary at best.

As this data makes clear, the average MSA either receives no performance bonus or very small bonuses to their modest salary. Instead of recouping performance bonuses from low wage employees, Congress should focus on improving care for veterans at the VA, including oversight of the \$5 billion in funding for hiring additional staff provided last year. AFGE fully supports accountability in performance bonuses for both managers and employees. The VA needs more vehicles to reward good behavior and attract talented employees. However, accountability comes from building a culture of transparency and collaboration at the VA, rather than punishing low wage employees for following the directions of their supervisors.

As an alternative, AFGE would support legislation that provides additional transparency for the taxpayer and lawmakers for performance bonuses, including a study of the variety of hidden bonuses management receives. AFGE would also support a study of ways to improve performance bonuses to recruit, retain, and reward innovation at the VA.

S. 1203, 21st Century Veterans Benefits Delivery Act

AFGE, as the exclusive representative of VA employees working to process claims in ROs, would also like to weigh in on S. 1203 from Senators Casey and Heller. AFGE applauds Senators Casey and Heller for their leadership in acting to end the backlog through legislation, oversight, and bipartisan cooperation.

AFGE supports many of the provisions in S. 1203, including but not limited to:

- **Section 205**, which mandates a time-motion study from the VA Secretary and a subsequent analysis in the President's budget to determine the proper amount of Full Time Employees required to process claims to end the backlog. VBA has relied on mandatory overtime from employees for their record breaking level of production of the past two years. AFGE argues that VBA is understaffed because utilizing mandatory overtime leads to burnout amongst employees and is a high cost short term solution to a long term problem.
- **Section 206**, which requires VBA to complete its resource allocation model, a long broken system that reduces resources from struggling ROs.

- **Section 210**, which provides public access for appeals information. Appeals continue to be neglected, with employees on appeals teams regularly placed on initial claims production. Veterans with appeals deserve to have their responses in a timely manner.

AFGE has concerns with Section 211, regarding licensure portability for non-VA providers conducting compensation and pension (comp and pen) exams. AFGE has received reports from a number of front line employees working in VA medical facilities regarding quality and timeliness issues with exams performed by non-VA providers. Allowing for portability of licensure removes an additional level of accountability. Physicians are accountable to their local licensing boards and removing this provision could create issues. Overall, AFGE believes that more of the contracted comp and pen exams should be brought back into the VA and performed by VA clinicians specializing in these evaluations, who are better able to identify disabilities and refer veterans for treatment to other VA clinicians when needed, and are also able maximize coordination between VHA and VBA.