



AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO

J. David Cox, Sr.
National President

Eugene Hudson, Jr.
National Secretary-Treasurer

Augusta Y. Thomas
National Vice President
for Women and Fair Practices

May 18, 2015

RE: H.R. 1038, Ensuring VA Employee Accountability Act

Dear Representative:

On behalf of the American Federation of Government Employees (AFGE), which represents over 670,000 federal employees, including over 220,000 non-management employees of the Department of Veterans Affairs (VA), I strongly urge you to oppose H.R. 1038, the *Ensuring VA Employees Accountability Act*, introduced by Representative Ryan Costello (R-PA). The bill is scheduled for floor consideration today under suspension of the rules.

H.R. 1038 would not increase accountability for VA mismanagement. However, it would divert significant VA funding away from current essential investigations of mismanagement in order to handle the massive increase in litigation resulting from elimination of Clear Record Settlement Agreements (CRAs).

CRAs give VA managers the flexibility to resolve routine personnel disputes efficiently and quickly without protracted litigation or destruction of the VA careers of front line employees, including large numbers of service-connected disabled veterans who provide medical care, clean operating rooms, process benefit claims, police VA facilities, and set cemetery headstones.

H.R. 1038 would have an extremely broad adverse impact on agency operations and the VA's ability to recruit and retain a strong workforce. The Merit Systems Protection Board (MSPB) stated in its 2013 report, *Clear Record Settlement Agreements and the Law*, that 95% of agency representatives resolved disputes using negotiated settlement agreements (NSAs) and 89% of these agreements involved CRAs.

Congress has received a great deal of testimony in recent years from brave whistleblowers and their labor representatives regarding the widespread management abuse of reprimands to punish employees and destroy their VA careers.

Similarly, Congress has provided steadfast support to active duty personnel making the often difficult transition to civilian employment, including VA support in the form of vocational rehabilitation, compensated work therapy, PTSD treatment, and programs to address homelessness and substance abuse. H.R. 1038 would take away their second chances at a VA career after receiving a reprimand.

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H.R. 1038 is at best ambiguous about the fate of veterans who leave VA employment for deployment and then seek to return to the VA workforce. Would reprimands that were placed in their personnel files prior to deployment still be visible to all potential VA employers reviewing the returning veteran's application?

If enacted, H.R. 1038 would deprive every VA employee, including non-managerial employees, of the chance to clear his or her name after receiving an unjustified reprimand from a manager who is acting out of incompetence, bias, anti-veteran animus or whistleblower retaliation.

In closing, AFGE urges lawmakers to reject this extreme and counterproductive assault on VA front line employees who are, too often, unfairly reprimanded by hostile, unsupportive and incompetent managers and human resources personnel. H.R. 1038 would drastically reduce accountability for these management actions even when these actions destroy the careers of valuable front line employees.

Thank you for considering our views on H.R. 1038. Please contact Marilyn Park at mpark@afge.org if you have any questions.

Sincerely yours,

A handwritten signature in cursive script that reads "Beth Moten".

Beth Moten
Legislative and Political Director