

AFL-CIO

LEGISLATIVE ALERT

May 15, 2017

Dear Senator:

The AFL-CIO urges you to oppose the VA Accountability and Whistleblower Protection Act (S. 1094) unless major changes are made to it. In its current form, it is a destructive piece of legislation that singles out the workers at the Department of the Veterans Affairs (VA)—eroding their collective bargaining rights and undermining their civil service protections from management retaliation when they report mismanagement or political corruption.

Undercutting collective bargaining and civil service protections will not fix the VA's management problems or help weed out bad employees. More likely, it will allow supervisors to shift the blame for mismanagement to front line employees, while at the same time diminishing protections against disciplinary actions that are politically motivated or based on personal animus.

Specifically, the bill would weaken evidentiary standards for a discharge. It would lower the burden of proof needed to terminate VA employees for misconduct from a *preponderance of the evidence* to *substantial evidence*—which means the agency could fire an employee even when the majority of evidence is exculpatory. The bill also dramatically shortens timelines established both by law and through collective bargaining for the handling of grievances and appeals to the Merit Systems Protection Board. Finally, the bill eliminates the ability of a Merit System Protection Board administrative judge to mitigate a penalty proposed by the agency.

The bill's sponsors have offered no justification for trampling on the rights of VA employees, many of whom are veterans themselves, or singling them out for harsher treatment than other federal workers. We support Congress' effort to address the mismanagement that has plagued the VA, but it is not reasonable to suggest that workers' due process rights are at the root of those problems.

Finally, the bill would permit the forfeiture of some employees' pensions in certain circumstances—a practice that is prohibited in the private sector by federal pension law. Under this broad provision, a service-connected disabled veteran who works at the VA as a housekeeper or cemetery caretaker could lose his or her pensions as the result of a DUI conviction.

Unless these problems are addressed, I urge you to oppose S. 1094 and stand with the hardworking VA employees who provide vital services for our veterans.

Sincerely,

A handwritten signature in black ink, appearing to read "William Samuel".

William Samuel, Director
Government Affairs Department

WHS/aeb

American Federation of Labor and Congress of Industrial Organizations

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