



LEGISLATIVE ALERT

July 22, 2015

Honorable Johnny Isakson, Chairman
Senate Committee on Veterans' Affairs
Russell Senate Building-Room 412
Washington, DC 20510-6050

Honorable Richard Blumenthal
Ranking Democratic Member
Senate Committee on Veterans' Affairs
Russell Senate Building-Room 412
Washington, DC 20510-6050

Dear Chairman Isakson and Ranking Member Blumenthal;

On behalf of the AFL-CIO, I am writing to strongly urge you to oppose S. 1082, introduced by Senator Marco Rubio. Instead, we urge you to support Ranking Member Richard Blumenthal's substitute amendment which would put in place alternative accountability measures to reduce mismanagement and strengthen protections against retaliation and other prohibited personnel practices.

S. 1082 eliminates fundamental due process rights for non-management Veterans Affairs (VA) employees, including over 100,000 veterans in the VA workforce. These include housekeepers, police officers, cemetery workers, physician assistants, nurses, claims representatives, psychiatrists, psychologists, and social workers.

If S.1082 were enacted, all affected employees would become at-will and subject to the whim of managers engaging in discrimination, retaliation, and patronage. Without the rights currently given to non-management VA employees, the VA civil service will return to a patronage system. These rights include 30 days' advance notice, seven days to respond, representation, and receipt of a written decision. In this context, VA employees may fear speaking in the workplace or at the witness table about problems in the agency.

Current civil service rules do not keep management from holding employees accountable. **In fact, the VA fired nearly 2,600 employees for cause in FY 2014, and demoted and suspended thousands of others.** The VA's termination rates (as a percentage of total workforce) are substantially higher than those for the civilian workforces of the Army, Air Force, Navy, and Department of Defense.

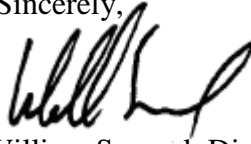
The AFL-CIO also opposes provisions to extend the one-year probationary periods of more than 70,000 Hybrid Title 38 employees of the VA health care system. If enacted, these employees would face 18-month probationary periods and the Secretary would have unfettered discretion to extend these to two or three years, or longer. This is another assault on due process and will do nothing to increase

accountability in the VA. The longer the VA keeps an employee in probationary status without rights or job security, the harder it will be to recruit and retain a high-quality workforce—and the more likely these probationary employees will suffer in a potentially hostile workplace.

Ranking Member Blumenthal's substitute would establish improved employee accountability measures while protecting the basic due process rights of the front-line workforce. This substitute includes an exception to current civil service protections where an employee presents a direct threat to public health, but would retain post-removal appeal rights that include notice, a hearing, and a written decision.

Again, we urge you to oppose S.1082 which would destroy critical civil service protections and the VA's ability to recruit and retain a top-notch workforce. Instead, we urge you to support the Blumenthal substitute that would preserve the ability of front-line employees to continue to speak up for veterans, create new tools to reduce mismanagement, and protect veterans and other vulnerable employees from hostile workplace cultures.

Sincerely,

A handwritten signature in black ink, appearing to read "William Samuel", written in a cursive style.

William Samuel, Director
Government Affairs Department

WS/lkr