



CONGRESSIONAL TESTIMONY

STATEMENT FOR THE RECORD BY

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO

BEFORE

HOUSE COMMITTEE ON VETERANS' AFFAIRS

ON

**“MORE THAN JUST FILLING VACANCIES: A CLOSER LOOK AT VA HIRING AUTHORITIES,
RECRUITING AND RETENTION”**

JUNE 21, 2018

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO

PROVIDED TO THE

HOUSE COMMITTEE ON VETERANS' AFFAIRS

SUBCOMMITTEE ON HEALTH

**"MORE THAN JUST FILLING VACANCIES: A CLOSER LOOK AT VA HIRING
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Chairman Dunn, Ranking Member Brownley, and Members of the Subcommittee:

The American Federation of Government Employees, AFL-CIO (AFGE) and its National VA Council (NVAC) appreciate the opportunity to submit a statement for the record for the June 21, 2018 hearing titled, "More Than Just Filling Vacancies: A Closer Look at VA Hiring Authorities, Recruiting and Retention." AFGE and NVAC represent more than 700,000 employees in the federal and D.C. government, including 250,000 front line employees at the Department of Veterans Affairs (VA) providing comprehensive benefits, health care, and other critical services for veterans.

As numerous studies, reports, and anecdotal evidence have shown, veterans receive the best care for their conditions in a system that is specifically designed for the treatment of veterans, the VA. In turn, it is not surprising that the preferred "CHOICE" of veterans regarding where to receive care is also the VA. Because of these preferences, and the nation's commitment to those and the families of those who have served, Congress must do all in its power to staff the VA to a point where capacity meets the VA's exceptional demand, and where veterans receive the VA care they have earned. If proper staffing is not accomplished and positions are not filled, the VA will continue down the path of privatization, and veterans will instead have a "CHOICE" made for them by being sent to non-VA care.

AFGE and NVAC welcomes the opportunity to comment on several components that have an impact on the future of VA staffing, including:

Office of Inspector General Report on Staffing

For years AFGE and NVAC have urged Congress to take a real look at hiring at the VA. With over 33,000 unfilled positions currently on the books at the VA, this hearing is timely. It is impossible for us to keep the promise made to our veterans without adequately funding and staffing the VA. The VA provides world-class, comprehensive, veteran-centric care and services that simply are unavailable elsewhere and that is a system which must be preserved. We hope that the end result of the hearing today is with an even greater interest in staffing and a desire to fill all 33,000 vacant VA positions.

Additional data on nonclinical staffing needs: Last week the VA Office of Inspector General (OIG) released its annual report on staffing at the VA. Unlike past years, Congress directed the OIG to now include the top five clinical and non-clinical occupations which are the most short

staffed. To comply, the OIG released data from 140 VA facilities nationwide and rank ordered the data based on how frequently the facilities cited an occupation as short staffed.

AFGE and NVAC were pleased to see the OIG provide a more thorough and complete review of facility staffing deficiencies including additional data on nonclinical staffing needs. This information will be useful to all stakeholders as we attempt to identify how to best staff the VA and fill these vacancies with fulltime federal employees who will make a career out of serving our veterans.

AFGE and NVAC are pleased to see an increased spotlight on the need for adequate staffing of nonclinical positions. Staffing levels for VA police ensure the safety of patients and employees, and staffing the VA with an appropriate number of custodial workers reduces the risk of hospital-acquired infections. These are life and death issues.

Given the enormous burden that Choice and other non-VA private care programs have placed on VA's own support staff who are handling consults, medical records and requests for assistance from patients trying to navigate the private care maze, AFGE and NVAC strongly recommend that additional staffing data be collected to reflect staffing needs for these support positions as the Mission Act is rolled out.

Mental health staffing needs: Sadly, once again mental health topped the list of difficult to fill positions in the OIG report. Of the 140 facilities surveyed, 98 facilities listed psychiatrist as the position which is most difficult to fill. This made mental health the top category of those reported in the surveys. At a time when private sector entities are hoping to carve out mental health care as a primary avenue for privatization, this finding is particularly disturbing. The VA does veteran-centric mental health care better than any comparable entity in the private sector, and those professionals work every day to make sure our veterans get the help that they need.

AFGE and NVAC urge Congress to work to increase internal capacity within the VA's mental health practices instead of supplementing this care with the private sector. AFGE and NVAC are very troubled by field reports from our locals who have observed that there appears to be widespread noncompliance with VA's own mental health staffing ratios. Chronic short staffing of clinicians providing mental health treatment to our wounded warriors will directly undermine VA's continued ability to provide the exemplary specialty mental health care and Primary Care Mental Health Integration that are a national model.

Direct Hire Authority

The VA has long called for, and the Congress has consistently provided, direct hiring authority to bypass the regular civil service process and fill positions within the VA. Less than a year ago, in August of 2017, the "VA Choice and Quality Employment Act of 2017" was enacted into law. This law goes beyond traditional direct hiring authority, and exclusively grants the VA additional direct authority when "there exists a severe shortage of highly qualified candidates" (Sec. 213). Furthermore, just as recently as last month, the VA MISSION ACT was signed into law, making two distinct references to how the VA should use direct hiring authority. Specifically, it says it

should be used as a part of the remediation of closed medical service lines (Sec. 109), as well as for addressing the problems facing underserved facilities (Sec. 401).

Currently, tens of thousands of vacancies exist throughout the VA, and short staffing requires some veterans to receive non-VA care despite their preference to be treated within the VA. While the aforementioned laws address VA's direct hire authority, we must ask how the VA is using these hiring tools to address staffing challenges.

Accountability Act

Since the day of its introduction, AFGE and NVAC have vociferously opposed the "Department of Veterans Affairs Accountability and Whistleblower Protection Act of 2017." AFGE opposed this law with the belief that it would lead to a purge of frontline employees at the VA, including many veterans continuing their service to the nation within the VA, while failing to address managers who have failed in their ability to lead staff and serve the mission of the VA. While the VA has made collection of data related to terminations under the powers granted by the Accountability Act difficult to say the least, AFGE and NVAC have worked to compile and analyze data from these terminations. Through February 2018, 1646 individuals were removed under the Accountability Act, including 44 physicians, 100 Registered Nurses, 51 Licensed Practical Nurses, 40 Nurses, and eight Physicians Assistants, while only 18 Supervisors were terminated. With so many veterans requiring care, it is counterproductive to arbitrarily terminate medical personnel in short supply, while simultaneously failing to hold supervisors accountable. AFGE and NVAC are very pleased that a bipartisan bill, the VA Personnel Equity Act of 2018 (HR 6101) has just been introduced to restore critical workplace rights that the 2017 law severely weakened or eliminated. Regarding staffing, passage of this legislation will enable the VA to restore a more just and fair workplace that will enable it to be on a more level playing field in competing with other health care employers,

Transparency

AFGE and NVAC have urged Congress to seriously address VA staffing in a way that is transparent to patients, workers, and job seekers. We were pleased to see Congress include new transparency language in the VA MISSION Act, which is now law. Specifically, Sec. 505 of the new law requires the VA to submit a report to Congress outlining how many unfilled positions exist by occupation and by facility. This information will be posted on a publicly available website so that all interested parties will have access to the information. This section of the new law is an important step forward in staffing transparency at the Department. For entirely too long we have allowed the public to only see one side of the VA story: wait times. Now the public will be able to see how many unfilled positions exist at these facilities and ask questions about why those positions are going unfilled. We were also pleased to see Sec. 505 include a reporting requirement so that the Department will have to face Congress and explain what steps it is taking to fully staff every VA facility across the country. This new transparency requirement is important, and we ask that Congress make certain that the VA complies with this section of the new law.

Other comments: Physician Assistant Pay

As the OIG noted in its June 14, 2018 report, VHA has consistently faced a shortage of physician assistants (PA) in its workforce. Section 212 of the VA Choice and Quality Employment Act of 2017 (VCQEA) added the requirement that physician assistants employed by VHA receive competitive pay through the same locality pay setting process already in place for registered nurses.

AFGE and NVAC have monitored the implementation of this new PA pay requirement. Our locals in multiple locations report problems with the types of surveys used. Management at some facilities are using 2016 contract wage surveys and they appear unwilling to consider any other options. Given that the Medical Center Director has total discretion over the salary levels when converting to the new salary schedule and is only required to notify the Secretary of his decision, this leaves little recourse for the PAs adversely affected by the choice of survey, or their employee representatives to challenge unfair salary schedules.

As a result, despite these new provisions in the law, PAs working for the VA are paid significantly less than other PAs in the same local market; some report a \$20,000 pay gap. PAs with longstanding tenure with the VA are facing some of the worst pay gaps due to the VA's current pay ceilings for PAs.

PAs also report that their years of experience are undervalued relative to VA advanced practice registered nurses (APRNs). For APRNs working at the VA, nursing years of experience are counted as years of experience towards their APRN salary determination. This practice results in APRNs receiving higher salaries than PAs with the same or less APRN experience.

AFGE and NVAC appreciate the opportunity to comment on these important staffing issues.