



CONGRESSIONAL TESTIMONY

STATEMENT FOR THE RECORD

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO

PROVIDED TO THE

SENATE COMMITTEE ON VETERANS' AFFAIRS

HEARING ON

**"SUPPORTING DISABLED VETERANS: THE STATE OF CLAIMS PROCESSING DURING AND
AFTER COVID-19"**

MAY 12, 2021

Chairman Tester, Ranking Member Moran, and Members of the Committee:

The American Federation of Government Employees, AFL-CIO (AFGE) and its National Veterans Affairs Council (NVAC) appreciate the opportunity to submit a statement for the record on today's hearing titled "Supporting Disabled Veterans: The State of Claims Processing During and After COVID-19." AFGE represents more than 700,000 federal and District of Columbia government employees, 260,000 of whom are proud, dedicated Department of Veterans Affairs (VA) employees. This includes the vast majority of the Veterans Benefits Administration (VBA) workforce responsible for processing veterans' claims, 55 percent of whom are veterans themselves. With this perspective, we have observations and recommendations on many issues related to the claims process and appreciate the opportunity to raise them for this hearing. We hope you find these suggestions both constructive and reasonable, and we stand ready to work with the Members of the Committee to make necessary and positive improvements to VBA.

Implementation of Performance Standards:

There is a saying that "if you have been to one VA Medical Center, you have been to one VA Medical Center." That axiom also holds true for VBA Regional Offices (ROs). However, if you go to any one of the VA's 57 ROs and ask frontline employees what the single biggest obstacle they face to successfully performing their duties and serving veterans, the universal answer is the constantly changing performance standards. The way these standards are introduced and implemented for VBA staff are often termed haphazard, focused on metrics that prioritize quantity and not quality, and are a disservice to veterans.

The most recent example of this was the implementation of new performance standards for Veteran Service Representatives (VSR) and Rating Veteran Service Representatives (RVSR) on October 1, 2020 with a three-month acclimation period. Since the implementation of these standards, VBA has made changes to these standards in November 2020, December 2020, and announced at the end of the end of December they would make more changes leading to another three-month acclimation period. These standards were subsequently changed again in January of 2021, again in March of 2021, and were finalized on April 1, 2021. For context, these standards are incredibly complex and take time to learn, leading to necessary acclimation periods. Having six changes made in six months is severely disruptive and makes it difficult for staff to perform their duties and effectively serve veterans. Had VBA sat down with AFGE representatives from the beginning to discuss these standards and gain employee perspectives and input, many of these problems could have been avoided, and VBA could have been working more efficiently and collaboratively on behalf of veterans.

Meeting Performance Standards or VBA Employees

Beyond the turbulent rollout of performance standards, employees face critical problems in meeting them. While VBA sets ambitious goals, there are several components of employee performance standards that are counterproductive to serving veterans that VBA should immediately change. Three of the components are particularly egregious.

First, if a VSR or RVSR decides that a claim is not ready to advance and needs more time for a veteran to receive an exam, submit forms, or gather more information to make a decision, the employee making the deferral may not receive the same production credit that they would have had they advanced the claim forward. When VSRs and RVSRs start to review a claim, they

do not know yet that the claim will not be ready. An employee may spend hours trying to rectify problems on a claim and receive limited or no credit. This imperils their ability to meet their standards and may lead to discipline. This in turn cynically encourages employees to advance or deny claims prematurely, with a significant possibility of harming the veteran. These decisions should not be rushed, and employees should not be punished for taking the time to determine that a claim is not yet ready. AFGE urges VBA to change this standard and make sure employees receive equal credit regardless of whether or not a claim advances through the process.

Second, while the VA and AFGE value each veteran the same, not all claims are equal. When evaluating claims, VBA does not easily distinguish the number of issues or contentions each veteran makes in their claim, instead using a complex tier system that unnecessarily hurts the ability of VSR and RVSRs to meet their standards. This is arbitrary and punishes employees who get assigned claims with a significant number of contentions, but not enough to earn additional credit. AFGE urges VBA to weigh the number of contentions in a claim equally unless specialty claims are involved.

Third, AFGE is concerned with the VBA's measure of the timeliness or "talk time" component for Legal Administrative Specialists (LAS) who answer veterans' questions at VBA's eight national call centers. Each LAS is allotted a certain amount of time they can be on the phone with a veteran based upon the employee's GS level. This can be as little as eight minutes and thirty seconds. This is a one size fits all standard that does not consider common issues veterans often call in about including a "first notice of death call" where a veteran's spouse is calling to inform the VA that the veteran has passed away. Such a call may take 20-30 minutes. The standard also does not account for a senior citizen veteran who has difficulty communicating nor a veteran who has more than one question or issue to resolve. Additionally,

the standard effectively disincentivizes an employee for making a suggestion to a veteran a benefit or program he or she may be eligible for but does not know to ask about, because it would take more time on the phone.

An employee whose primary responsibility is to answer a veteran's questions should not have their performance measured by how quickly they can get a veteran off of the phone, and the VA should not prioritize a contrived metric over providing strong customer service to veterans.

The National Work Queue:

Another critical component of the claims process that the Senate Veterans Affairs Committee must examine is the use and implementation of the National Work Queue (NWQ), and how it has hurt veterans. AFGE agrees with the Inspector General's (IG) conclusion that eliminating specialization of claims processing has had a detrimental impact on veterans whose claims are more complex and sensitive in nature. As the IG report explains, prior to the implementation of the NWQ:

The Segmented Lanes model required VSRs and RVSRs on Special Operations teams to process all claims VBA designated as requiring special handling, which included MST-related claims. By implementing the NWQ, VBA no longer required Special Operations teams to review MST-related claims. Under the NWQ, VSRs and RVSRs are responsible for processing a wide variety of claims, including MST-related claims. However, many VSRs and RVSRs do not have the experience or expertise to process MST-related claims.¹

Because of the level of difficulty in processing these claims, AFGE strongly supports returning to a "Special Operations" model for cases including Traumatic Brain Injury (TBI), Military Sexual Trauma (MST), Post Traumatic Stress Disorder (PTSD), catastrophic injury, and both agent orange and toxic exposure cases. Much like a doctor choosing to become a pediatrician

¹ VA OIG 17-05248-241 | Page iii | August 21, 2018

and not being expected to be an expert in cardiology, not all VSRs and RVSRs should be expected to process highly specialized cases as well as others. It is both a waste of resources and a disservice to veterans filing these complex claims. The VBA is implementing a pilot program related to TBI claims by routing all of them to the ROs in San Diego, CA and Waco, TX. In doing so, the VBA must recognize the extra burden on these employees and adjust their performance standards to reflect the difficulty of the work compared to employees working on less complex cases. VBA already does this for MST claims as well as Character of Discharge claims and should do so for other highly complex claims. Additionally, while AFGE strongly encourages the re-creation of a “Special Operations” lane, it does so with the caveat that employees not only work one type of specialty claim all the time. Handling some of these claims can trigger mental health issues and burnout, particularly MST and PTSD claims. AFGE urges VBA to take care of its employees and not put undue stress on them.

AFGE also encourages the VA to modify the NWQ so that cases remain within the same RO for VSR and RVSR review. Every RO, despite uniform production standards, has their own way of conducting specific tasks, and having VSRs and RVSRs who are more familiar with each RO’s standard procedures will help process cases efficiently. Additionally, by making which employee worked on a particular easily identifiable, better collaboration between VSRs and RVSRs can be achieved.

Lastly, the NWQ should re-programmed to allow for VSRs and RVSRs to always have access to all readily available claims. Despite the constant national claims backlog, it is a common refrain from VSRs and RVSRs to say they do not have enough work to perform to meet their production standards and that they have to constantly request new work from their coaches. Although the NWQ was designed in part to maximize the VBA’s claims processing capacity, it

is counterproductive to deny employees access to all available claims when the technology to do so already exists. It is beyond comprehension that workers should have to request additional work to meet their standards.

Telework and Information Technology

AFGE fully supports allowing VA employees to telework whenever possible during the COVID-19 pandemic for the safety of employees, veterans and the public. In VBA, the benefits of telework have been evident throughout the pandemic, as claims are being processed at a faster rate when employees have been required to work at home compared to processing rates before the pandemic when the VBA placed restrictions on telework. Telework at VBA should continue to be used for the duration of the COVID-19 pandemic and beyond for employees who prefer to work from home. However, to fully maximize the use of telework and better serve veterans, VBA must address its Information Technology (IT) issues.

The IT issues plaguing VBA have been thrown into sharper relief during the COVID-19 pandemic. When VBA developed its system to allow employees to perform their duties remotely, it was not built to support the entirety of the claims processing workforce performing their duties from home simultaneously. It has become a regular occurrence for VSRs and RVSRs on the east coast to log in every morning and get logged out of the system in the afternoon when their counterparts on the west coast start the workday. To prepare for the future where significant portions of the VBA workforce may continue to work remotely, VBA must address its IT infrastructure. Specifically, VBA must invest in its remote network to allow for larger numbers of its workforce to work at once. It must also provide employees equipment comparable to what they have in the office. This not only includes computers and double

monitors which are necessary to perform duties, but in rural portions of the country where broadband is less accessible, VBA must make sure all employees have the ability to use the internet from their homes. This improvement to technology addresses immediate needs during the pandemic, prepares VBA for future disruptions, and allows for the timelier processing of claims.

Conclusion:

AFGE thanks the Senate Veterans Affairs Committee for the opportunity to submit a Statement for the Record for today's hearing. As Paul Fleming, President of AFGE Local 1037 in Jackson, MS recently said, "AFGE employees want an attainable, reasonable standard, where employees each receive enough work to meet their standards." AFGE stands ready to work with the committee and VBA to address problems and better allow VBA employees to perform their duties and serve veterans.