

VA, Union Strike Deal To End Litigation Over Firings

By **Micah Danney**

Law360 (July 28, 2023, 8:13 PM EDT) -- Former Department of Veterans Affairs employees who were terminated in recent years can return to work or be paid compensation potentially costing the federal government hundreds of millions of dollars, according to a union-negotiated settlement the VA announced on Friday.

The deal resolves the Federal Labor Relations Authority's finding that the agency failed to bargain with the American Federation of Government Employees, the largest union of federal workers, over the rollout of the contentious Department of Veterans Affairs Accountability and Whistleblower Protection Act of 2017. The law gave the VA secretary the power to hasten firings, demotions and suspensions of agency employees for misconduct or poor performance.

Under the settlement's terms, hundreds of employees who were terminated for "grievous misconduct" won't be eligible to return to the agency.

The VA no longer uses the power at issue, which multiple courts took issue with since the law passed in 2017.

"This agreement will allow VA and AFGE to move forward and focus on what matters most: delivering world-class care and benefits to veterans, their families, caregivers and survivors," VA Secretary Denis McDonough said in a statement. "Union employees are the backbone of VA's workforce, and we are proud to support them — today and every day in our shared mission to serve those who served."

While payouts are expected to total in the hundreds of millions of dollars, the final sum will depend on how many former employees return to work in the coming years, the agency said.

"The associated costs represent a fair agreement between both parties," the VA said in its announcement.

The AFGE did not immediately respond to a request for comment late on Friday.

--Editing by Adam LoBelia.