



NATIONAL FEDERATION OF FEDERAL EMPLOYEES

Affiliated with the International Association of Machinists and Aerospace Workers



NFFE News

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NFFE Strongly Opposes the VA Accountability First Act

Recently, Rep. Phil Roe (R-TN) introduced H.R. 1259, the inappropriately titled “VA Accountability First Act of 2017,” the latest bill to target dedicated VA doctors, nurses, and other rank-and-file employees. Under the pretense of wanting to make it easier to fire poorly performing employees, this bill is little more than an attempt to obscure transparency surrounding operations and workforce actions at the VA. The bill reduces the level of evidence required for an adverse action by granting the VA Secretary full authority to demote or fire upon his or her discretion, lighting the runway for politically corrupt and bad managers to demote or fine anyone they target. Yet the bill notably excepts VA political appointees from his new accountability authority. This means his so-called accountability only applies to career staff, and not the chief political administrators of the department. If enacted, this bill would instill a fear of retaliation from supervisors and political staff among our dedicated VA workforce. Roe’s bill aims to silence talented and dedicated VA employees, and our veterans will suffer because of it.

NFFE *strongly* opposes this bill and is working to keep it from becoming enacted into law. Points you need to know:

1) About Rep. Roe:

- Roe incorrectly claims that it is hard to fire employees for poor performance or misconduct at the VA in particular. In fact, is not hard to fire poor performers, but it is hard to poorly fire poor performers.
- Roe seeks to privatize the VA. One step in reaching this goal is to attempt to make the VA an undesirable place to work. After destabilizing the VA workforce, he will claim that a defunct VA system is better in private sector hands.
- Roe spends time thinking about ways to make it difficult for the VA to succeed and he shamefully targets hard working and dedicated VA staff to do it. He needs to spend his time properly funding the VA and providing the staff with resources and tools to succeed. But that’s not his goal.

2) About the VA Accountability First Act and the MSPB:

- Roe’s bill seeks to destroy meaningful and legitimate due process by usurping the authority of the US Merit Systems Protection Board.
- The bill reduces the timelines for the accused employees to defend themselves to the Secretary (in writing not to exceed 10 days, an arbitrary timeline).
- The bill instructs the MSPB to issue a decision with 45 days, which is an unrealistic burden to the MSPB and to federal employees and their counsel. It leaves little time for discovery, witness depositions, etc., which are all things common to legitimate court proceedings
- Roe reduces the level of evidence required to “substantial evidence” for misconduct cases (from “a preponderance of the evidence”), which opens all employees to fabricated misconduct cases (such as the general and catch-all “conduct unbecoming a federal employee”).
- In misconduct cases, an incident can be fabricated or exaggerated and then used as a means to remove anyone at any time. The shortened appeals process prevents legitimate rebuttals by reducing time for meaningful discovery, such as witness statements.

Roe and anyone else who votes for this bill are not interested in full transparency or legitimate due process at the VA. Call the Congress switchboard today at 202-224-3121 and tell the operator you want to speak to your representative. Tell them to immediately stop this unfair attack on dedicated VA employees. View our related press release story, [here](#).