



## NATIONAL FEDERATION OF FEDERAL EMPLOYEES, IAMAW, AFL-CIO



### Rescind the VA Whistleblower and Accountability Act, and Oppose Weakening Due Process and Appeals at Additional Agencies

**Position:** Early returns on the performance of the VA Whistleblower and Accountability Act of 2017 indicate that the bill is failing. Upon the law passing in June 2017, terminations rose at the Department of Veterans Affairs by 60% during the rest of the year. Because the new law provides the authority to terminate federal employees without meaningful due process or appeals rights, the law was used almost exclusively to fire 1,700 low level employees, such as housekeepers, nursing assistants, and food service workers. In contrast, the law, while intended for mid-level and senior managers, was used 4 times during 2017. In addition, it has effectively quashed whistleblowers who now fear reprisal through the loss of due process. The law failed, and it damaged processes critical to VA success.

**Despite its failures, some in Congress and the Administration want to expand this failed and nonsensical law to the rest of the Executive Branch. This would remove all systematic protections of the career workforce and open federal workers to political exploitation and corruption.**

What the VA Whistleblower and Accountability Act of 2017 did:

- This legislation lowered the burden of proof for misconduct to from “preponderance of the evidence” to “substantial evidence,” which under existing case law can be essentially nothing (i.e. the evidence shows there is less than 1% chance you did what you were disciplined for, and it could still be upheld). This invites retaliation and targeting, using misconduct charges for virtually anything.
- It erodes collective bargaining rights by shortening the timelines for grievances, and shortening the timelines for appeals to the Merit Systems Protection Board (MSPB).
- It eliminates the ability of an MSPB judge to mitigate a penalty proposed by the agency. This is a new restriction of MSPB administrative judges to properly adjudicate.
- It created an internal review board of disciplinary action headed by a political appointee; this appointee need not have any adjudication experience yet will have broad powers to remove employees.
- Even worse, this law allows for the forfeiture of an employee’s pension under certain circumstances; something not allowed in the private sector.

Why the VA Whistleblower and Accountability Act of 2017 is failing:

- It is one of the most disturbing blows to civil service and whistleblower protections.
- It hides mismanagement by scapegoating workers instead of managers, and completely shelters political appointees who oversee the department.
- Veterans will share the pain along with employees as safeguards against retaliation, political corruption, whistleblower protections, and discrimination erode.
- Finally, this law hurts VA employees who are veterans themselves.

Join Senators Baldwin, Blumenthal, Brown, Hirono, Murray and Tester in questioning this failed law, and stop the spread of political exploitation and corruption to the rest of government.



## NFFE-IAM Opposes Privatization of the USDA Job Corps Civilian Conservation Centers

**Position:** **The Job Corps program, administered by the Department of Labor (DOL), provides at-risk youth with career and technical education they need for in-demand careers. The program saves lives and saves taxpayer dollars. The U.S. Department of Agriculture (USDA) operates 26 Civilian Conservation Corps (CCC) Job Corps centers as part of this program. The funding for CCC centers flows through DOL to USDA. The President's FY 2019 budget proposes to end USDA's role in Job Corps, and requests authority to privatize the 26 CCCs. The rationale provided in the DOL budget is inaccurate, is inconsistent with the law, and evades DOL mismanagement that is hindering program performance. NFFE *strongly opposes* any closure or privatization of the CCCs.**

In March 2018, NFFE published a Special Report covering the mismanagement of Job Corps under DOL and provides corrections to inaccuracies in the FY 2019 DOL budget request regarding the state of Job Corps centers under USDA versus DOL. The following highlights some of those findings. A complete copy of the Special Report is available at [NFFE.org](http://NFFE.org).

### Performance:

- USDA centers are not overrepresented in the lowest performing quartile, as claimed by DOL, but include the highest performing centers at a lower cost per student than DOL.
- The performance of CCC centers has been trending upward over the last four years.

### Cost:

- From 2010 to 2017, the cost per student enrolled in a CCC center was \$6,181 to \$13,705 **less than the cost per student** at DOL privately run Job Corps centers.
- In total dollars, that is an average of \$31,323 per USDA student versus \$41,175 per student DOL student. USDA successfully operates at 76% the cost of DOL centers.
- The above equated to a savings of over \$410 million from 2010 to 2017.

### Mission Alignment:

- The core role of USDA in workforce development goes back decades, is codified in law, and remains unique and vital to the success of rural communities and public projects.
- In 2017, USDA students worked 430,000 hours of support to wildfire firefighting and natural disasters; 88,328 hours of land management; and 95,218 hours on community projects. **Annually, over a half-million hours of service at no additional cost to the taxpayer.**

### DOL Mismanagement:

- There is a revolving door between upper DOL management and lucrative positions with contractors running centers overseen by DOL.

Therefore, NFFE respectfully requests the following:

1. Reject any proposal to eliminate or privatize the CCC Job Corps program at USDA.
2. Reject DOL's mischaracterization and inaccurate report of performance at CCCs.
3. Investigate DOL mismanagement of Job Corps, effecting both USDA and DOL centers.



## NATIONAL FEDERATION OF FEDERAL EMPLOYEES, IAMAW, AFL-CIO



### NFFE-IAM Opposes Legislative Efforts to Ban or Curb Agency Use of Official Time

**Position:** Several pieces of legislation purport to “reform” use of official time even though neither management nor labor requested any reforms. All legislative efforts to curb official time share a common mischaracterization: The failure to recognize the beneficial role of official time as provided for and legally mandated within Labor Relations Statute. These efforts also fail to recognize that official time has worked well for decades, proving its benefits to management and agency as well as to the American people. One recent effort went as far as to retroactively rescind time spent on official time as invalid for retirement calculations. This malicious language does little more than punish federal employees who lawfully performed the required functions of their job.

After an extended deliberative process, Congress enacted the Labor Relations Statute (hereafter, the Statute) as part of the Civil Service Reform Act of 1978. Much like the checks and balances of our Constitutional system of government, the Statute consists of interacting pieces, all of which are necessary for the proper functioning of the whole.

The Statute charges federal unions with the responsibility of representing all employees in their bargaining units, whether they join the union or not. To meet this “duty of fair representation,” Congress authorized unions and federal agencies to negotiate use of official time. “Official time” is time during which union officials perform these representational duties – again, duties assigned by law – in lieu of their normal duties.

Opponents of official time have asserted that union business is performed on official time and that the amounts are unreasonable. They are making this assertion ill-informed. By law, only representational duties may be performed on official time. By law, only that amount of official time that federal agencies agree is “reasonable, necessary, and in the public interest” is granted. See Title 5, U.S. Code, Sec. 7131. Checks and balances are in place.

In passing Civil Service Reform Act of 1978, Congress made several findings that are worth reviewing. Among other items, Congress found that the statutory protection of the right of employees to organize, bargain collectively, and participate through labor organizations safeguards the public interest and contributes to the effective conduct of public business. Congress concluded that labor organizations and collective bargaining in the civil service are in the public interest (5 USC 7101). Previous anti-official time legislative efforts made no effort to address this. Rather, those legislative efforts were a dishonest attack on the ability of federal employees serving as union officials to meet their obligations under the law, along with draconian punishments for those who have served in the past.

It is difficult to interpret many of the anti-official time efforts as anything other than an underhanded effort to undermine federal unions at the expense of the American people. This would leave the front-line firefighter and the nurse at the bedside without a voice in their workplace. Without the protection of a union, such employees would be powerless to blow the whistles on abuse that sometimes occur in federal agencies and departments. An important check and balance on the power of the Executive Branch would be destroyed. This would be bad for employees and bad for American citizens who depend on good government. For these reasons, NFFE-IAM strongly supports continuing use of official time.



**NATIONAL FEDERATION OF FEDERAL EMPLOYEES,  
IAMAW, AFL-CIO**



**NFFE-IAM Supports the Federal Employees Paid Parental Leave Act  
(H.R. 1022 / S. 362)**

**Position:** **The U.S. federal government, unlike many other countries and large private employers, does not provide paid parental leave to its employees. Employees must save accrued annual and sick leave to receive paid time off. While the current practice works for the lucky few who never get sick or take a vacation, it is unrealistic for most. The Federal Employees Paid Parental Leave Act of 2017 (H.R. 1022 / S. 362) will promote the values of parenthood and family by providing six weeks of paid leave to federal employees who adopt, foster or have a child. NFFE-IAM strongly *supports* the Federal Employees Paid Parental Leave Act of 2017.**

Most federal workers are eligible for 12 weeks of unpaid leave under the Family Medical Leave Act. However, if an employee wants to receive pay for any portion of their parental leave they must use accrued vacation time or sick days, a difficult task for those who are newly employed or have experienced any health problems in the past. This outdated policy does not promote a family-friendly environment and stands in stark contrast with the rest of the industrialized world.

The United States is one of the only industrialized nations in the world that does not offer paid parental leave to all workers. Most countries recognize how important it is for mothers to recover from childbirth and for parents to nurture their children during their most important developmental stages. As the federal government often sets the bar for employee benefits, passage of this bill could inspire other sectors of government and private corporations to offer paid parental leave and bring our country closer to the global standard of paid parental leave.

Offering paid leave will also improve recruitment and retention for federal employees and make federal agencies more competitive. In the coming years, recruitment and retention will be increasingly important as the number of retirements continues at an unprecedented rate. While the federal government cannot compete with private-sector salaries, the Federal Employees Paid Parental Leave Act of 2017 will help put the federal government on an equal playing field when it comes to being a family-friendly employer.

NFFE-IAM strongly supports the Federal Employees Paid Parental Leave Act of 2017, H.R. 1022 / S. 362, legislation that will provide six weeks of paid leave to federal employees who adopt, foster or have a child. This would ease the burden for parents who are too often forced to choose between their paycheck and their child.



## NFFE-IAM Supports Appeals Rights for Federal Employees Working in Sensitive Positions (H.R. 5355)

**Position:** **The right to appeal adverse actions related to employment is a fundamental aspect of due process. Meaningful due process in federal employment is critical to protecting the workforce against political corruption and extortion. It is also vital to sustaining a legitimate whistleblower process. Misrepresented as an individual right not available in the private sector, there is a consistent effort by some in Congress to eliminate or reduce appeals rights and due process for federal employees. By falsely claiming that federal employees are impossible to terminate—disproven by thousands of terminations each year—these members of Congress attempt to pave the way for more undue political influence and corruption of the Executive Branch. H.R. 5355 returns appeals rights and due process to a portion of federal employees who unnecessarily lost full appeals rights by being lumped in with employees who hold security clearances. This is a technical fix in the law. NFFE-IAM *strongly supports* H.R. 5355.**

The enemies of meaningful due process often mischaracterized it as an individual right that delays discipline of federal employees and prevents the termination of poor performers. Both claims are false, easily disproven by the tens of thousands of disciplinary actions and terminations executed each year in the federal workforce.

Opponents of due process will then argue that the termination rate for federal employees is far below the termination rate of the private sector. This is true, as it should be, considering the great lengths the federal government takes to carefully vet the qualifications of each applicant, necessary for the higher level of trust federal employment requires versus the private sector. If the termination rates were the same, then logic would dictate the government was failing to properly vet applicants.

H.R. 5355 is a technical fix in the law that returns appeal rights to federal employees in sensitive but not classified (i.e., security clearance) positions. In 2013, the Federal Circuit Court of Appeals in the case of *Kaplan v. Conyers and Northover*, the court decided that the MSPB's ability to review a federal agency decision on an employee's eligibility to hold a sensitive position is limited, even when it does not involve access to classified information.

H.R. 5355 will reverse the federal circuit court ruling by allowing federal employees working in "sensitive" positions to appeal adverse action decisions to the MSPB. It does not issue any new authorities or expand due process or appeals rights, it only returns what was unnecessarily lost because of an overreach of the law. NFFE supports the passage of H.R. 5355 to protect whistleblowers and ward off political corruption and extortion in the Executive Branch.



**NATIONAL FEDERATION OF FEDERAL EMPLOYEES,  
IAMAW, AFL-CIO**



---

**NFFE-IAM and the FY 2019 National Defense Authorization Act**

**Position:**        **The National Defense Authorization Act (NDAA) provides the annual budget and related expenditures for the U.S. Department of Defense. The Act also provides guidance on many important policy changes to federal operations and the workforce. As the 115<sup>th</sup> Congress begins to debate the NDAA for FY 2019, NFFE respectfully requests the following deliberations:**

Repeal and/or defund DOD's unilateral implementation of cuts to long term travel for DOD civilian and military travelers in the Joint Travel Regulation (JTR) - This policy has resulted in a 25% cut to both the per diem allowance and the lodging stipend for travel scheduled in excess of 30 days, and a 45% cut for travel scheduled longer than 180 days; which has already caused harm to civilian workers.

Repeal and/or defund Section 1103 of the FY16 NDAA which waters down Veterans Preference by reducing the impact a worker's veteran status has when determining a Reduction in Force.

Maintain the A-76 moratorium until DOD properly provides a cost analysis of outsourcing government functions to contractors – Fortunately, the FY18 NDAA conference report removed Senate language to allow for A-76 privatization competitions absent a DOD inventory of its service contracts. The current A-76 moratorium was put in place after GAO and the DOD IG determined that the DOD could not prove that contracting out government work provided cost savings to the government.

Reintroducing the service contract spending cap – In addition to the current hiring freeze, a cap on federal personnel also exists, yet a similar cap on service contractors that had been in place since FY12 was removed by the FY16 NDAA. This cap is needed as a deterrent to shift federal work that is capped to service contractors.

Conversions of non-military essential work – include language to require that before conversions of non-military essential work can occur, DOD must establish a professional link between military personnel and the work they would take from civilian personnel and conduct a cost comparison to determine that military personnel are cheaper than civilian personnel.

Include pay protection for workers receiving Special Salary Rate (SSR) in Non-Foreign Areas - By including an exception to 5 USC 5305(h) and 5 CFR 530.303(d), which prevents workers in Non-Foreign areas like Hawaii, Alaska and elsewhere from receiving both SSR and Locality pay.



## NATIONAL FEDERATION OF FEDERAL EMPLOYEES, IAMAW, AFL-CIO



### NFFE-IAM Supports the Fair RETIRE Act (S. 29) / First Responder Fair RETIRE Act (H.R. 3303)

**Position:** Under current OPM guidance, employing agencies are not authorized to protect injured Federal Law Enforcement Officers and Firefighters from losing their 6c retirement if they are placed in a non-6c position. The Fair RETIRE Act (S. 29) and First Responder Fair RETIRE Act (H.R. 3303) will require that the term “equivalent position” in 5 USC 8151(b) will truly come to mean equivalent, *i.e.* that employees who were in the 6c retirement system prior to their injury be left in that system regardless of the job into which they are placed after debilitating injury. NFFE-IAM *strongly supports* the Fair RETIRE Act in the Senate (S. 29) and First Responder Fair RETIRE Act in the House (H.R. 3303).

Federal firefighters (FF) and law enforcement officers (LEO) put their lives on the line for America every day. America needs and depends on brave men and women to fill these demanding, arduous and hazardous duty positions. For those men and women who accept the challenge they face the very real potential that an on-the-job injury could leave them disabled and unable to return to service.

In acknowledgement of the strenuous and hazardous nature of work, Congress created an accelerated retirement system for these positions. The hallmarks of this special system (nicknamed “6c” for the section of the law it is contained in) is a shorter length of service (20 years) and higher employee contributions to the retirement system. The higher contribution allows the employee to make the same contributions to the system over 20 years as would be made in the standard 30 year timeframe of CSRS/FERS retirement systems, to allow for the shorter career length of service.

This works when things go well. Unfortunately, this is not always the case. A disabling on the job injury is a daily fear for our federal first responders. Should that happen, these employees face losing benefits they were promised upon taking these hazardous duty positions. FFs and LEOs who become injured and unable to perform the duties of their position can be placed in other positions in an agency – positions that are not covered by the 6c retirement system. When this happens, those employees involuntarily forfeit the job they love, the 6c retirement system, and the increased contributions they have already deposited into the 6c retirement promised them.

The Fair RETIRE and First Responder Fair RETIRE Acts address these inequities by allowing an ill/injured employee to stay in the “6c” retirement system if put into a position outside the “6c” retirement system (the employee would continue to make the higher contributions to the system).

Current regulation, 5 USC 8151(b), requires an injured/ill employee to be placed in “equivalent positions” upon their return to work. Deferred compensation is—by definition—compensation. S. 29 and H.R. 3303 will allow this requirement to be honored for those who have given their health and well-being in service to the U.S. Forest Service and other government agencies. The Fair RETIRE and First Responder Fair RETIRE Acts will keep these agencies from breaking the promise made to these employees.

Federal law enforcement officers and firefighters are in dire need of fairness in the federal retirement system; this legislation will give them the fairness they deserve. For these reasons, NFFE-IAM and the NFFE Forest Service Council strongly urges you to support the Fair RETIRE Act (S. 29) and the First Responder Fair RETIRE Act (HR 3303).

## Below are a few examples of how this affects real people:

- Greg, a disabled veteran, got his first appointment with Forest Service in 2001 as a Recreation Technician. In 2004, he applied for and received a Law Enforcement Officer position. He was injured in the line of duty. In 2013, he was deemed unable to perform the duties of his position. He was assigned to a fleet management position. He lost his 6c retirement and 9 years of extra contributions into the 6c system.
- Bob, a smoke jumper, was assigned to fires in the Selway Bitterroot Wilderness area. After he jumped, the wind suddenly changed and he was taken into the top of a 120-foot tall Grand Fir. As trained, Bob started to rappel down the tree, but the top broke off the tree. Bob fell 80 feet to the ground, with the broken top landing on him. It took 5 hours to get him to emergency medical help. His back was broken in 5 places; he was told he might never walk again. Bob eventually recovered and was placed in an engineering technician position. He lost his 6c retirement and 12 years of extra contributions into the 6c system.
- Lana was just 5 years old when she decided she wanted to be a fire fighter. She got a position with the Forest Service in 2005 and she was on her way. During the 2009 season, Lana sustained a serious leg injury that left her unable to carry weight over 10 pounds. This ended her dream career, but she could still work. Lana was placed in an administrative support clerk position. She lost her 6c retirement and extra contributions.
- Walt was born and raised in a logging family living on the Klamath National Forest. Forest Service FFs were the heroes of his childhood. Much to the dismay of his parents, he always knew he was going to be a firefighter. Walt got out of the Army in 1978 and started in a temporary firefighting position with the Forest Service in 1980. In 1987 he got a permanent position in fire. He had achieved his dream. While working with the Lassen Hotshots in 1991, he was injured while fighting a fire in Alaska. As Walt says:  
*“My firefighting career was over. I was devastated, my life was over. I have talked to many employees who know what happens when they get hurt. They hide injuries that could have been treatable to not lose their jobs. I knew an engine captain that was given a job as a GS/4 mail room clerk. I know for a fact that he was considering suicide when he finally just quit the agency.”*
- Walt was placed in timber contracting position, losing his 6c retirement and his extra contributions into that system. After 7 years, he worked his way back to a position in fire dispatch, but it had taken too long; he was no longer eligible for firefighter retirement in the secondary position because of his break in service in a 6c position.
- Ernest started as a federal fire fighter in June 1991. In 2011 he reinjured a previous on-duty injury to his back. In 2012 it was determined that he could no longer perform the duties of his position, and he was placed in a non-6c retirement position, issuing badges. Although he had 21 years of service, he had not yet reached age 50, so was not eligible to retire. Over time the damage from his injuries have deteriorated his physical condition such that he cannot perform his current job fulltime. He also has not yet reached the minimum retirement age for the standard retirement system. He lost his 6c retirement and 21 years of extra contributions into the 6c system, and has been forced into a 30 year career rather than the 20 year career promised him.





## NATIONAL FEDERATION OF FEDERAL EMPLOYEES, IAMAW, AFL-CIO



### NFFE-IAM Opposes a Federal Pay Freeze, and Supports the Federal Adjustment of Income Rates (FAIR) Act (H.R. 4775/S. 2295)

**Position:** Federal employees have sacrificed a tremendous amount in the name of deficit reduction in recent years. They were forced to accept frozen pay from 2011 - 2013. Since then, annual adjustments have ranged between 1% and 2.1%, but as a whole the annual adjustments have lagged far behind private sector wage increases in the same time period. Years of substandard pay adjustments has led to federal workers making an average of 32% less than private sector workers performing the same jobs, according to the Federal Salary Council. This is unsustainable. The Federal Adjustment of Income Rates (FAIR) Act (H.R. 4775/S. 2295), introduced in January of this year, would provide federal workers - like VA nurses and doctors, U.S. Border Patrol agents, and USDA food inspectors - a modest, but much-needed, 3.0% average pay adjustment in 2019. Since 2011, federal employees have sacrificed over \$195 billion in the name of deficit reduction. Enough is enough. Federal workers deserve an adequate pay adjustment. NFFE-IAM strongly *supports* the FAIR Act.

Receiving annual pay adjustments that fail to keep pace with private sector wages year after year has been devastating to federal workers whose average pay now lags significantly behind workers performing the same jobs in the private sector. Federal workers have seen their buying power greatly eroded over the last eight years due to pay adjustments that were nonexistent or failed to keep pace with inflation. Passage of the FAIR Act would keep this worrisome trend from continuing in 2019.

Contrary to numerous myths circulated by non-government sources about federal employee compensation, federal workers are significantly underpaid when compared to workers performing the same jobs in the private sector. Based on data collected by the Bureau of Labor Statistics, and reported by the Office of Personnel Management, private sector workers continue to have a significant salary advantage over federal employees. This advantage has grown significantly in the last decade. This ballooning pay gap not only frustrates the federal workers at many of our critical government agencies, but it also discourages younger job-seekers from looking towards the federal government for stable, competitive employment.

While false reports of inflated federal compensation and a broad focus on deficit reduction have led to calls by some lawmakers to freeze or reduce federal pay, history shows that the underlying rationale for reducing federal compensation – that federal workers are overpaid – is not based in fact. In every administration since the Clinton administration, regardless of political party, the White House has acknowledged a double-digit pay discrepancy between federal employees and higher-paid private sector workers. In 2005, the President’s Pay Agent reported that the public-private pay was just 13%. Today, the federal pay gap stands at 32%.

To keep our country on a sustainable path forward, federal agencies and departments must be able to recruit and retain a qualified and talented workforce. Providing inadequate pay adjustments year after year makes this difficult, if not impossible, to accomplish. As a result of the squeeze on federal workers’ pay, morale in the federal workforce has fallen dramatically, and critical services to the American people are suffering.

Federal employees have made significant financial sacrifices in the name of deficit reduction - nearly \$100,000 per federal employee - which is hurting communities where federal employees reside across the country. This effects every congressional district and state. NFFE-IAM strongly *supports* the FAIR Act, which would give federal employees a fair pay adjustment of 3.0% in 2019.



## NATIONAL FEDERATION OF FEDERAL EMPLOYEES, IAMAW, AFL-CIO



### NFFE-IAM Opposes Further Cuts to Federal Employees' Retirement Security

**Position:** **In a shocking affront to working Americans, the White House budget proposal for FY 2019 requests devastating cuts to federal employee retirement, including cuts to the annuities of current retirees. Without any meaningful fiscal logic, the administration proposes the elimination of COLAs, a 6% increase in retirement contributions without an annuity increase, elimination of the social security supplement, lower annuities based on 'High 5' calculations, lowering the rate of return on the TSP G Fund, and increasing FEHBP employee contributions (on top of the current average annual premium increase of 6.5%). Together, these cuts will take \$200 to \$300 billion more from federal employees, retirees, and their families over the next ten years. NFFE-IAM strongly *opposes* these measures.**

No other single group has been asked to sacrifice more than the federal workforce. Federal workers have endured three years of pay freezes and minuscule cost of living adjustments all while being asked to contribute more for their health care coverage and pensions. Congress has used the federal workforce as a piggy bank for "deficit reduction," and this is creating unsustainable damage to the productivity and efficiency of the United States Government. In addition, state and local economies will continue to suffer under austere conditions if four million federal employees and annuitants have less money to spend in their communities.

There are numerous provisions contained in the budget request that would erode the basic financial security of middle-class federal workers, retirees, and their families who live and work in every community and congressional district. These proposals renege on the government's commitments to its current and former employees in exchange for their hard work over long careers. The proposals in the budget would undoubtedly make it harder to afford to retirement, requiring employees to consider working longer, reducing government savings and delaying the career progression of younger employees. In addition, these proposals would undermine our government's ability to recruit and retain an effective and well-qualified workforce to serve our nation's needs by slashing workers' take-home pay and undermining retirement security.

Federal employees have consistently been the target of political attacks from members of Congress seeking to cut government spending at the expense of those who allow the government to function properly. They have been an easy scapegoat for legislators, already having lost \$182 billion in earnings due to pay freezes, pension cuts, and other methods. They have been punished for economic problems they did not create, and singling them out for further pain and sacrifice is not only wrong but detrimental to the effectiveness and competitiveness of the federal workforce.

Vote to stop this 'race to the bottom' for working Americans. NFFE *strongly opposes* any further cuts to federal employees' retirement security.



## NATIONAL FEDERATION OF FEDERAL EMPLOYEES, IAMAW, AFL-CIO



### NFFE-IAM Opposes Expanded Privatization of the VA:

- Oppose the Caring for our Veterans Act (S. 2193)
- Oppose the VA Asset and Infrastructure Act (H.R. 4243)
- Oppose Expansion of the Choice Act Program

**Position:** These bills, as currently written, provide the VA Secretary with the authority to privatize and dismantle much of the of the VA health care system with little or no oversight from Congress, veterans, or other important stakeholders. Passing these bills in current form provides an unfair and unchecked advantage for private sectors providers to acquire operational authority and VA assets without proper transparency or evidence of competency of care.

Granting additional authority to privatize VA assets or transfer out additional VA funding further jeopardizes the current veteran-centric, comprehensive, integrated health care system. As proof of concept, the controversial Choice program—currently in its third year of operation offering privatized care to veterans—continues to exhibit chaos producing delays in veterans' care by outside networks, chronic disruptions in care coordination, and increased competition for overextended funding that further stresses VA centers.

**Instead of continuing the loss of investment in VA privatization, NFFE supports: 1) mandates to fill the existing 49,000 vacancies at the VA, 2) more investment in current VA infrastructure, and 3) effective transparency and accountability of private sector providers.**

Former VA Secretary, Dr. David Shulkin was fired for speaking the truth about the negative impacts of privatizing VA services and care. The White House—and presumably the next VA secretary—will place intense political pressure on Congress and VA leadership to pursue privatization against the best interests of veterans. The administration will continue to employ cunning techniques, including: the rapid expansion of the controversial Choice Act, closures of beds and facilities within the VA, a focus on VA oversight while suppressing scrutiny of unsafe private providers, attacking career VA caregivers while protecting political appointees, delaying the hiring of VA personnel, and manipulating data to hide the higher cost of expensive private sector health and medical providers.

To ensure proper care for veterans, and to stop irresponsible outsourcing measures, NFFE recommends the following:

- Accurate oversight on the cost, use and implementation of the Choice Act to include: the impact on the VA workforce, the work of third-party administrators, the impact on care received by veterans, and the cost and quality of private care versus care provided by the VA.
- Oppose all legislation that would extend or expand the Choice contract care program.
- Oppose all legislation that would replace the Choice program with a permanent community care program.
- Enact legislation to mandate that the VA hire enough front-line federal employees to erase the 49,000 unfilled in-house positions.
- Conduct oversight of VA's accounting practices and agreements related to claims made through the VA's private-care programs, including the Choice Program.
- Rescind the VA Accountability and Whistleblower Protection Act of 2017, widely criticized as failing, and investigate its negative effects on VA hiring goals for veterans, women and minorities.
- Oppose all legislation to reduce or limit use of official time at the VA.
- Cosponsor S 336/HR 980, the VA Employee Fairness Act of 2017, to restore equal collective bargaining rights to all VA clinicians.