



National Federation of Federal Employees, IAMAW, AFL-CIO



Support Collective Bargaining for VA Health Care Providers (S. 362/H.R. 949)

Position:

Over the last several years, Department of Veterans' Affairs (VA) healthcare professionals have seen their collective bargaining rights diminish appreciably. Agency management's improperly broad interpretation of a certain provision in federal labor law has allowed them to circumvent the bargaining process on numerous critical issues. The effect is taking its toll on the morale of VA health care providers and it is severely hurting recruitment and retention in the Department. It is time for Congress to do what is right for VA workers and the veterans for whom they provide care by passing S. 362/H.R. 949, which will eliminate the collective bargaining exceptions under Sec. 7422 of Title 38.

Background:

In 1991, Congress amended Title 38 to provide Department of Veterans' Affairs medical professionals with collective bargaining rights (which include the rights to use the negotiated grievance procedure and arbitration). Under Sec. 7422 of Title 38, covered employees can negotiate, file grievances and arbitrate disputes over working conditions, except for matters concerning or arising out of professional conduct or competence, peer review, or compensation. Increasingly, VA management is interpreting these exceptions very broadly, and refusing to bargain over virtually every significant workplace issue affecting medical professionals.

VA medical professionals have extremely limited collective bargaining rights in the first place, and the broad interpretation of Sec. 7422 of Title 38 is narrowing the scope of bargaining to the point that it is practically meaningless. As a result, RNs, doctors and other impacted employees at the VA are experiencing increased job stress, low morale and burnout. This in turn exacerbates the VA's well-documented recruitment and retention problems. Chronic short staffing has been shown to adversely impact the quality of care, patient safety, and workplace safety, leading to costly stopgap measures such as the overuse of contract nurses and doctors.

Passing S. 362/H.R. 949 would help to address many of these concerns. This bill would restore a meaningful scope of bargaining for Title 38 VA professionals by eliminating the Section 7422 exceptions (conduct, competence, compensation, and peer review) under the law.

Eliminating these exceptions will extend these health care providers the same rights as other VA providers including psychologists, LPNs, and pharmacists, as well as other federal employees. Title 5 healthcare providers at the VA have full collective bargaining rights. Even nurses and doctors at Army Medical Centers such as Walter Reed, who perform the same exact function as nurses and doctors at the VA, have full collective bargaining rights. Private sector health care providers have bargaining rights over working conditions and participate in hospital affairs. There is no reason for Title 38 VA workers to have these critical rights taken away.

Restoring meaningful bargaining rights will greatly increase morale at the VA. It will also address recruitment and retention issues, which are critical at this time given the influx of veterans returning home from conflicts abroad. All of this will invariably lead to better care for our nation's veterans.

This legislation has been supported by several veterans groups, including: Disabled American Veterans, Paralyzed Veterans of America, and Vietnam Veterans of America.