

Summary: In a thinly veiled attempt to shrink its workforce and privatize the Veterans Benefits Administration, the Department of Veterans Affairs has warned of the potential dismissal of up to 1,750 Veteran Service Representatives, roughly 23% of individuals who perform this function. In these same warning letters to employees, the Department of Veterans Affairs also states its goal to finish FY 2017 **“with fewer than 70,000 claims in the backlog”**, which will be exponentially more difficult if these dismissals take place. It is imperative that the VA stop this counterproductive purge of dedicated public servants, more than half of whom are veterans themselves, and allow them to reduce the backlog and continue their critical work to make sure that Veterans get the care they have earned.

Background: There are approximately 7,500 Veteran Service Representatives (VSRs) who are employed by the Department of Veterans Affairs within the Veteran Benefits Administration (VBA). These VSRs process the claims that allow veterans to receive the compensation and medical treatment they have earned while serving our nation. Each veteran’s file is unique, and, depending on the number and complexity of claims made by a veteran, each file takes varying amounts of expertise and time to process.

Until February 28, 2017, VSRs were evaluated on a points system that measured their productivity. Each veteran’s claim(s) was given a certain amount of points based on the number of claims in the file, as well as the complexity of the veteran’s needs. In some cases, this led to certain VSRs, particularly those with more experience, to specialize in processing the more difficult and intricate claims to meet their quota, while completing less claims overall. Examples include cases involving Post Traumatic Stress Disorder (PTSD), Agent Orange Exposure, Military Sexual Assault Victims, and veterans suffering from contaminated water at Camp Lejeune.

Effective March 1, 2017, VBA changed this system in several ways, including making each veterans’ set of claims uniform in weight, regardless of the difference of complexity in files. AFGE has long believed that the weight awarded to each case did not fully reflect the expertise and effort put into each case by a VSR, and this change made matters worse. After three months under this new system, VBA made unilateral changes to this system on June 30, 2017 (retroactive to June 1, 2017) attempting to repair the damage this system was doing to the productivity of its VSRs. Unfortunately, this was done in an ad-hoc manner, and has only worsened the problem at VBA. Without regard to the flaws in this system, in late August/early September of 2017, VBA sent letters to each of its VSRs in which VBA informed VSRs about their output of claims, as broken into four categories: 1) “Exceptional”; 2) “Fully Successful”; 3) “Less Than Fully Successful”; and 4) “Unacceptable”.

These letters informed VSRs that 39% of VSRs were in the “Exceptional” category, and another 38% were performing in the “Fully Successful” category. This leaves another 23% of VSRs in the lower two categories, with a warning that they may be fired by September 30, 2017 if they do not improve their output standard in September.

Talking Points:

1. Firing 23% of the VSR workforce will delay care and compensation to veterans, and this reduction in the capacity of the workforce will interfere with VBA’s goal to reduce the claims backlog to under 70,000 by the end of the fiscal year, not help it.
2. It is irresponsible to reduce processing capacity when you have no alternative means to complete the growing amount of work. It takes at least two years to train new a VSR.

3. With VBA changing its standards to weigh cases equally and not give more credit for complex cases, the VSRs getting fired are by no means all poor performers, but are in many cases the most experienced in the workforce who are still getting assigned the most complex and time consuming cases by their supervisors.
 - a. This includes VSRs who are brought by VBA to train new VSRs at their training facility.
4. The letters issued by VBA only referred to output when grading VSRs, and fail to mention both quality and timeliness, which are the other two core criteria that are used to evaluate VSRs.
5. Half of VBA employees (including VSRs) are veterans themselves, are dedicated to the VA's mission, and should not be punished for putting quality over output in serving their fellow veterans.
6. Eliminating specialization among VSRs wastes the expertise and resources of its workforce, further delays complex claims, and is counterproductive to VBA's mission.
7. VBA is firing VSRs who have disabilities and have been given reasonable accommodations by VBA in the past. Now they are getting fired without factoring in special circumstances.
8. An examination of VBA's own workforce data from OPM shows that firing VSRs has the potential have a disparate impact on racial minorities.
9. AFGE's National Veterans Affairs Council had previously collaborated with VBA on the standards for VSRs, but most recently has refused to work with AFGE on fixing these guidelines or provided AFGE with promised information. The Federal Labor Relations Agency (FLRA) found merit in an Unfair Labor Practice (ULP) charge against VBA by AFGE, resulting in VBA being required to post notice that it will follow the law.
10. VBA is failing to provide information that it agreed to share under a memorandum of understanding (MOU) with AFGE, and is refusing to engage in agreed upon negotiation on issues covered by the same MOU.
11. Failed technology plays a significant role in suppressing the output of VSRs. VSRs often deal with computers that must regularly be restarted because of insufficient capacity, as well as software that fails in assigning work to VSRs. However, VSRs are still rated for their output as though their computers and software were operational. Additionally, software sometimes fails to record a VSR's work, and in turn does not give the VSR credit for the completed work, harming the VSR's rating.
12. Rating Veteran Service Representatives (RVSRs) work flow depends upon VSRs completing their work. The proposed firings will bottleneck the VSR workflow, and soon negatively impact RVSRs, leading to the next round of termination letters in the foreseeable future.