



# NATIONAL FEDERATION OF FEDERAL EMPLOYEES

Affiliated with the International Association of Machinists & Aerospace Workers, AFL-CIO

September 10, 2020

The Honorable Mark Takano  
Chairman  
House Committee on Veterans' Affairs  
B234 Longworth House Office Building  
Washington, DC 20515

Dear Chairman Takano:

On behalf of the 100,000 federal workers represented by the National Federation of Federal Employees (NFFE), I write today to strongly encourage you to eliminate Section 504 of the "Veterans Comprehensive Prevention, Access to Care and Treatment Act of 2020" (Veterans COMPACT Act) that would move psychologists who work at the Department of Veterans Affairs (VA) medical facilities from the Hybrid Title 38 personnel system to the full Title 38 personnel system. Inclusion of Section 504 will destroy the collective bargaining rights of rank and file VA psychologists, and accelerate the Trump Administration's attacks on the rights of every other VA employee, as well as establish a precedent against the union rights of federal employees across the government. Section 504 will not strengthen the Department's ability to deliver mental health services and may undermine it by making it harder to recruit and retain psychologists by destroying essential rights to bargain over the pay policies and working conditions.

We are deeply grateful to you for being the strongest champion of equal collective bargaining rights for VA medical professionals in the House of Representatives. We also commend your leadership in introducing the VA Employee Fairness Act in 115<sup>th</sup> and 116<sup>th</sup> Congresses.

Your support in these difficult times has been a beacon of hope to those of us in the federal labor movement. You have stood by us, even as Secretary Wilkie has worked tirelessly to undermine the rights of federal workers. He has used Title 38 to eliminate all official time for full Title 38 medical professionals and the right to have union representation before agency disciplinary appeals boards. He has also exploited Section 7422 to refuse to negotiate over the retention of more than a dozen articles in our current contract that protect VA medical professionals and the patients for whom they provide care.

Last year, you stood by VA workers and led the fight in the House of Representatives when Secretary Wilkie announced that he was proceeding with plans to implement the three Trump Administration union-busting executive orders. In your letter to Secretary Wilkie, you criticized him for taking actions that would harm the basic rights of VA workers.

Your deep commitment to reduce veteran suicide is inspiring and we at NFFE want to work with you to strengthen the VA's capacity to treat at-risk veterans and provide other essential services. And, we know, as well as you, that the elimination of psychologist bargaining rights will not further the goal of reducing veteran's suicides but rather, will hurt the morale of the mental health professionals represented by federal unions.

Specifically, the elimination of these rights will undermine the ability of the VA to recruit a strong mental health workforce, by:

1. Eliminating the rights of psychologists to bargain with management over virtually all working conditions including schedules, assignments, career development and implementation of pay rules;
2. Making them face an additional year of at-will employment upon hiring because full Title 38 employees have two-year probationary periods while psychologists have one-year probationary periods under Title 5;
3. Allowing the VA secretary to exercise his discretion apply the longstanding “24/7” policy that covers VA physicians to take away their current right to a 40 hour work week and paid overtime; and
4. Move psychologists to the three-tier compensation system, that was established in 2004 for physicians, dentists and podiatrists, which is totally subject to the whims of management. This system has led to gross mismanagement, resulted in widespread frustration and adversely impacted the VA’s recruitment and retention and its ability to fill chronic vacancies.

While we stand ready and willing to work with all stakeholders to make real improvements in the VA’s recruitment and retention of psychologists, we respectfully request you remove Section 504 of the VA COMPACT Act and remove similar language from other pending legislation.

Respectfully,

A handwritten signature in black ink, appearing to read 'Randy Erwin', with a horizontal line extending from the end of the signature.

Randy Erwin  
National President