February 24, 2025

The Honorable Mike Bost   The Honorable Mark Takano
Chairman   Ranking Member
House Veterans Affairs Committee   House Veterans Affairs Committee
United States House of Representatives   United States House of Representatives
Washington, DC 20510   Washington, DC 20510

Dear Chairman Bost, Ranking Member Takano, and Members of the House Veterans Affairs Committee,

We, the undersigned unions representing hundreds of thousands of bargaining unit employees at the Department of Veterans Affairs, stand united in our opposition to H.R. 472, the "Restore VA Accountability Act."

As the duly appointed representatives of VA frontline workers – a third of whom are veterans themselves – we unequivocally support collective bargaining and due process rights of VA employees. In turn, we firmly believe that disciplinary actions handed out by federal agencies, including the VA with its mission to "promise to care for those who have served in our nation's military and for their families, caregivers, and survivors," must respect traditional civil service protections to help recruit and retain its dedicated workforce.

The "Restore VA Accountability Act" will directly undermine this recruitment and retention goal with its proposed changes to 38 U.S.C. 714 in Section 4 of the bill. Specifically, we oppose the proposed language that overrides collective bargaining agreements (CBA) on disciplinary matters covered by this section. Negotiating is a cornerstone of all CBAs that require give-and-take by both labor and management. Undermining the agreements that cover the VA clinicians who care for veterans, the VA police officers and firefighters who keep veterans safe, the claims processors who ensure veterans get the benefits they have earned, and the electricians, plumbers, and janitors who keep facilities running is a red line.

In terms of civil service protections, we also strongly object to the proposed legislation that treats VA employees like second-class federal employees. Specifically, this includes the reinstatement of the "Substantial Evidence Standard" instead of the widely used "Preponderance of the Evidence Standard," a prohibition on the Merit Systems Protection Board's or an arbitrator's ability to mitigate excessive penalties and limiting which "Douglas Factors" can be considered when determining the appropriateness of a penalty. We also oppose the bill's proposed retroactive coverage for issues that may have occurred up to eight years ago when the 2017 Accountability Act was enacted.

We urge you to vote no on this bill and instead allow the VA to continue using the disciplinary statutes in Title 5 that are used throughout the vast majority of the federal workforce, including those at the Department of Defense taking care of the nation's active duty military, and provide the VA the resources it needs to effectively train managers on Title 5 laws and procedures to hold bad actors accountable.

Respectfully,

American Federation of Labor and Congress of Industrial Organizations (AFL-CIO)
American Federation of Government Employees (AFGE)
American Federation of State, County, and Municipal Employees (AFSCME)
American Federation of Teachers (AFT)
International Brotherhood of Teamsters (IBT)
International Association of Firefighters (IAFF)
Laborers' International Union of North America (LIUNA)
National Association of Government Employees, SEIU (NAGE)
National Federation of Federal Employees (NFFE)
National Nurses United (NNU)
National Veterans Affairs Council, AFGE (NVAC)
Service Employees International Union (SEIU)