AFGE

Congressional Testimony

STATEMENT OF CHARLES JENKINS, PRESIDENT
LOCAL 589 OF THE AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES
G.V. "SONNY" MONTGOMERY VA MEDICAL CENTER
JACKSON, MISSISSIPPI

BEFORE

THE HOUSE COMMITTEE ON VETERANS' AFFAIRS
SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

NOVEMBER 13, 2013

American Federation of Government Employees, AFL-CIO
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EXECUTIVE SUMMARY OF TESTIMONY
BY CHARLES JENKINS, PRESIDENT, AFGE LOCAL 589
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- G.V. "Sonny" Montgomery VA Medical Center in Jackson, MS has suffered for many years from understaffing of nursing positions, nepotism in hiring of nursing positions and other harmful management practices that have hurt patient care and employee morale.

- AFGE Local 589 has repeatedly requested that management at the facility level and the VISN level address these issues. In almost every instance, management has been very slow to respond and typically has not taken any or preventive measures or other significant actions to address the problems raised.

- Understaffing in several areas of the facility has led to an increase in patient falls.

- Leadership at the VISN and facility levels have not held management accountable for providing unauthorized access to My Healthy Vet that resulted in violations of patient privacy and improper manipulation of enrollment data.

- Several managers have engaged in illegal nepotism by hiring their immediate family members to fill nursing positions at this facility, and have not been held responsible for their actions despite repeated requests by Local 589 for an investigation.

Chairman Coffman, Ranking Member Kirkpatrick and Members of the Subcommittee:

Thank you for the opportunity to testify today on behalf of Local 589 of the American Federation of Government Employees (AFGE) regarding understaffing of nursing personnel, nepotism in hiring and other practices that have adversely impacted employee morale and patient care at the G. V. "Sonny" Montgomery VA Medical Center in Jackson, Mississippi.

I have served as President of AFGE Local 589 since 2001. I have worked at the Jackson VA Medical Center for 18 years as a housekeeping aide, nursing assistant, and most recently, medical supply technician.

I am a service-connected disabled veteran who served in the Navy. Many of my coworkers also represented by AFGE are veterans who consider it a great honor to take care of other veterans as VA employees.

The front line employees represented by Local 589 are hardworking men and women who do their best to provide exemplary service to our Nation's Veterans. We have become increasingly concerned about a number of issues, summarized below. (A more detailed list of requests for investigation submitted by Local 589 is set forth in the Appendix.)

I. UNDERSTAFFING OF NURSING PERSONNEL

Since 2003, Local 589 has requested that management address severe short staffing of nursing personnel in a number of inpatient areas that were resulting in frequent patient falls and other patient harm. Management has been very slow to respond and has not taken sufficient action to resolve the problem. While management has addressed understaffing in some areas, Ward 2A (where surgery and general medicine patients are cared for) continues to be very short staffed. On October 16, 2013, Local 589 learned that fourteen patients fell during the month of September.

II. NEPOTISM IN HIRING OF NURSING PERSONNEL

Since 2012, Local 589 has submitted multiple requests to the VISN Director and the Medical Center Director to investigate instances of nepotism involving the Associate Director of Patient Care Services and several Deputy Associate Directors hiring their own family members for nursing positions. Management waited for more than a year to convene an investigation. On September 30, 2013, the Medical Center Director informed Local 589 through a memorandum that the investigation is still ongoing.

III. MANAGEMENT VIOLATIONS OF PATIENT PRIVACY AND MANIPULATION OF ENROLLMENT DATA IN MY HEALTHY VET

Local 589 also asked management to investigate actions by a service chief that provided employees with unauthorized access to the My Healthy Vet accounts in order to artificially boost enrollment numbers for our facility. Management conducted an investigation in May 2013 but has not provided us with any of their findings.

Thank you for the opportunity to share the concerns of AFGE Local 589.

APPENDIX

- On May 29, 2013, (**more than a year after I requested an investigation**) I received a memorandum signed by Center Director, Joe D. Battle, which states they were appointing an Administrative Board of Investigation to investigate then Associate Director of Patient Care Services (PCS) Dorothy M. White-Taylor for making threatening remarks to me following my complaint about how she treated employees, her alleged employment of a nephew in PCS and her alleged receipt of prescribed controlled substances from certain VA providers.

- On June 6, 2012, Local 589 Vice President Nena P. Jackson and I sent a memorandum entitled "Request for Investigation" to Center Director Joe D. Battle, and Acting Associate Director of Patient Care Service (PCS) Ms. Thelma Gray-Becknell. Our memorandum requested an External Administrative Board of Investigation into the hiring and promotional practices of Nursing/Patient Care Services, in violation of Center Policy K-05-37 that restricts the employment of relatives.

- On June 12, 2012, Local 589 Executive Board sent a memorandum to the Director's office (date and time stamped June 12, 2012 @12:47 noon) which requested an "External Audit & Investigation" to be done in reference to all bargaining unit promotions and individuals hired by the prior Associate Director, of Nursing/PCS (Dorothy M. White-Taylor).

- On June 14, 2012, Local 589 Executive Board received a written response to our June 12, 2012 Request for External Audit & Investigation. The response was from Acting Chief of Human Resources Management Service (HRMS) Tracy L. Skala and stated that the request was being reviewed. We have not been informed about any other actions since that date.

- On June 14, 2012 @3:14pm I sent six (6) emails with attachments stating our concerns about staffing and nepotism, among other matters, to the VISN Director and Medical Center Director. I was fully aware that Ms. Lewis-Payton and Mr. Battle were new to their positions. My information to them was a sincere attempt to inform them about past and current problems at our Jackson VAMC. On June 14, 2012 @9:33pm, Ms. Rica Lewis-Payton responded to my email. She stated, "I am on travel the next couple of weeks. Please be assured I will thoroughly review the documents. Thanks for your commitment to Veterans and the Jackson VAMC."

- On June 19, 2012, @5:00am I sent an email to Mr. Battle and Ms. Gray-Becknell discussing mismanagement, abuse of authority and understaffing, and requesting an external investigation.

- On June 25, 2012, I sent another email to Director Battle and VISN 16 Network Director Rica Lewis-Payton requesting an investigation of the same matters.

- On August 8, 2012 Local 589 sent a second request for an External Audit, in regards to the hiring and promotional practices of Dorothy M. White-Taylor.

- On September 4, 2012, during a Labor/Management meeting, Center Director, Joe D. Battle verbally stated that the Union's request for an External Audit & Investigation would be honored. There was no follow up action.

- On September 18, 2012 I sent an email to Director Battle to discuss the Union's request for an External Audit & Investigation that still had not been done.

- On September 24, 2012, @6:07am, I sent an email to Director Battle stating, "I have no faith in this VACO investigation at this point. If the investigator is Attorney John Davis (an HR consultant with VHA), I am extremely disappointed and believe a cover-up is at work."

- On September 26, 2012, @4:28pm, I sent an email to Director Battle requesting a written response to the AFGE Local 589's September 12, 2012 memorandum.

- On September 28, 2012, I receive a memorandum from Director Battle, stating that he had appointed John Davis over my objections, to conduct a fact-finding inquiry in connection with the various issues the Union has brought forward.

- On October 17, 2012, @6:01pm, I sent an email to John F. Davis, Mr. Battle and Ms. Lewis-Payton. I informed them that the Union disagreed with the "fact-finding" Mr. Davis did regarding the Union's allegations of nepotism.

- On November 14, 2012, @8:22am, Local 589 Vice President Nena P. Jackson sent an email to Director Battle asking him the status on the investigation concerning nepotism.

- On December 1, 2012, @3:07pm, Mr. Battle sent an email to VP Jackson and me. He stated: "I was given a preliminary review earlier in November but I asked for more work to be done so it is still in progress."

- Mr. Battle waited more than one year before he convened an ABI against Dorothy M. White-Taylor. (May 29, 2013) He used John F. Davis as the Chairperson.

- On September 25, 2013, Vice President, Nena P. Jackson and I sent a memorandum to Mr. Battle, requesting the status of the ABI done on Dorothy M. White-Taylor.

- On September 30, 2013, Mr. Battle sent the Union a memorandum stating that the investigation is still ongoing.

- As of the date of this hearing, the Union has not received any more information on this matter from Mr. Battle. Union officials were informed by anonymous sources that Dorothy M. White-Taylor was reassigned to a VISN position.

- Privacy violations:

  - On December 7, 2012, I sent a memorandum to Center Director Battle, requesting an External Board of Investigation against Chief of Human Resources Office Management Services, Tiffany S. McFadden. Local 589 alleged the following violations against her: abuse of authority, violation of agency regulations and rules, violation of Privacy Act and Medical Center Policy Number B-136-25, gross mismanagement, violation of law against "Prohibited Personnel Practices" , 5USC Section 2302(b) (6). The memorandum also provided witness statements from six (6) employees.

  - On December 10, 2012, the Chief of HRMS, Tiffany S. McFadden openly admitted to Jessie J. Thompson, President of SEIU, and me that she had assigned her husband (a non-employee) to work in a sensitive area of HRMS reviewing sensitive information.

  - On December 11, 2012, during a Labor/Management meeting, I spoke with Center Director, Battle, and other PENTAD Leaders, regarding Ms. McFadden's admittance of having a non-VAMC individual (her husband) in a sensitive area. I further explained how she forced employees to work overtime without negotiating, and how her husband, a non-VA employee was reviewing sensitive information that had employees' names on it.

  - On December 13, 2012, @9:29am, I sent an email to Ms. Rica Lewis-Payton, Mr. Battle and other PENTAD Leaders. I asked Ms. Lewis-Payton for her assistance, and requested that she investigate Ms. McFadden's conduct.

  - On December 14, 2012, I spoke with Ms. Rica Lewis-Payton via telephone. I mentioned to her the Union's concerns about Ms. McFadden forcing employees to work overtime, and having her husband in a sensitive area of HRMS, and reviewing employee information. Ms. Lewis-Payton made a statement to me about this being a "witch hunt". Later on that same phone call, Ms. Lewis-Payton stated that there is no further need for an investigation into my allegations.

- Nepotism: On January 8, 2013, @7:30pm I sent an email to Mr. Battle and Ms. Lewis-Payton, informing them that an employee hired by Ms. McFadden had the same mailing address as Ms. McFadden. It was alleged that the employee is related to Ms. McFadden, which would constitute a violation of the law "Prohibited Personnel Practices" if proven true.

- On January 9, 2013, @2:44pm I sent an email to Mr. Battle and Ms. Lewis-Payton, in which employees had witnessed Ms. McFadden's husband in a sensitive area of Human Resources again.

- On January 10, 2013, I was verbally informed by Mr. Battle that Ms. McFadden would be detailed out of HRMS and an ABI would be convened.

- On January 13, 2013 @04:24pm, I sent an email to Mr. Battle, thanking him for detailing Ms. McFadden out of HRMS and deciding to convene an ABI.

- On January 22, 2013, I received a memorandum from Mr. Battle informing me that an ABI would be done regarding the allegations that AFGE Local 589 brought forward about Ms. McFadden, Chief of HRMS. The allegations were: hostile working environment prohibited hiring practices by Chief of HRMS, fraternization by human resources management, unauthorized access to Human Resources by visitors, and mismanagement of HRMS processes by HRMS Leadership.

- On March 27, 2013, May 6, 2013, June 10, 2013, and September 25, 2013 I sent a memorandum to Director Battle asking for the status of the ABI on Ms. McFadden, and the recommendations from the ABI.

- On October 9, 2013 I received a memorandum in the AFGE mail slot, predated June 18, 2013. It stated, "Once the actions of the Board have been completed we will process your request under the Freedom of Information Act." This was signed by Center Director, Battle.

- On April 11, 2013, @5:11pm I sent an email to Center Director Battle requesting that Medical Administration Service Fred A. Nichols be investigated. My emails provided documentation of some of Mr. Nichols' past inappropriate conduct.

- On April 22, 2013, I sent an official memorandum requesting an External Investigation against Fred A. Nichols, for the following allegations: bullying and disrespectful conduct, mismanagement and abuse of authority.

- On May 29, 2013, Director Battle sent me a memorandum, stating that an ABI was being appointed to investigate the following allegations regarding Fred A. Nichols; hostile work environment, privacy violations pertaining to MyHealthyVet and abuse of authority.

- On September 25, 2013, AFGE Vice President, Nena P. Jackson and I sent a memorandum to Mr. Battle, requesting the status of the ABI done on Fred A. Nichols.

- On October 9, 2013, the Union received a predated memorandum (dated September 30, 2013) in the AFGE mail slot. It stated, "As of this date, the investigation on the Chief, MAS is still ongoing."

- Request for an Investigation against prior Acting Chief of Pharmacy Service, James H. Whelan: On June 21, 2013, I sent a memorandum to Center Director Battle, (date and time stamped @ 2:36pm) requesting an External Investigation (ABI) against James H. Whelan, Acting Chief of Pharmacy Service for abusing the leave of pharmacy techs and other employees we represent.

- On October 9, 2013, @6:46pm I sent an email to Mr. Battle, entitled "Following up on issues of importance". I mentioned that the Union's request for an ABI on James H. Whelan had not been replied to.

- As of the date of this hearing, the Union had not received a response from Mr. Battle regarding our request for an ABI on James H. Whelan. Mr. Whelan is no longer Acting Chief of Pharmacy Service, but I was told he is still in a management role.

- Concerns about understaffing during Dorothy M. White-Taylor's tenure as Chief Nurse/Associate Director of Nursing/Patient Care Services:

    - On September 18, 2003, AFGE Local 589 officers sent a memorandum to Chief Nurse, Dorothy M. White-Taylor and Center Director, Richard J. Baltz. We requested the Nurse Staffing Plans for all inpatient wards (4CS, 4CN, 2A, Ground Floor Nursing Home, First Floor Nursing Home).

    - On February 5, 2004, Center Director Baltz proposed a Pilot Program to address patient falls to start in the GFNH –Ground Floor Nursing Home. The program would utilize log sheets to ensure that patients are observed every hour, and staff are assigned hourly rounds.

    - On February 18, 2004, AFGE Local 589 responded to Center Director Baltz, stating the fact that AFGE had more than two years of continual communication with Chief Nurse Dorothy M. White-Taylor and the Center Director in regards to staffing needs, and that the union had repeatedly communicated their concerns about the impact of short staffing on patient falls.

    - On March 30, 2004, the union sent emails regarding gross staffing problems in the Ground Floor Nursing Home. We sent these emails to Dorothy M. White-Taylor, Prior Chief of Staff, Kent A. Kirchner, and Rosa T. Garner, (one of the Deputy Chief Nurses).

    - On September 16, 2005 I sent emails to Dorothy M. White-Taylor, Rosa T. Garner, Acting Center Director, Rebecca J. Wiley, in regards to

inadequate staffing levels and other deplorable working conditions in the Ground Floor Nursing Home.

- On December 29, 2005 @11:03am I sent an email to Associate Director, James Pasquith in regards to the fact that no one from the Chief Nurse's (Dorothy M. White-Taylor) or Center Director's office had contacted Union officials regarding the September 16, 2005 email addressing staffing in the GFNH.

- On June 5, 2005, @05:02pm, I sent an email to GFNH Head-Nurse, Jerrie Williams in regards to meeting with her and GFNH Staff, on June 17, 2005 to discuss staffing and other concerns.

- On January 5, 2006, Union officials filed a 2nd step Grievance against Dorothy M. White-Taylor in regards to unhealthy and unsafe working conditions in Ground Floor Nursing Home and First Floor Nursing Home.

- On February 10, 2006 Union officials received a written response from Chief Nurse Dorothy M. White-Taylor. She stated: "I have reviewed information on the current staffing in the NHCU and shared it with the Center Director. He has also reviewed the information and discussed it with me. And although staff levels have met the required patient care hours, senior management has made the decision to add additional nursing assistants to enhance the current staffing levels. This staff will allow the NHCU Head Nurses to schedule three (3) nursing assistants (rather than 2 nursing assistants) for each hall on the day and evening tours when the patient care activity is high. Licensed staff will also be added to ensure patient care is well coordinated with the additional direct patient caregivers in the NHCU."

- On February 13, 2006 AFGE Local 589 Vice President Nena P. Jackson (then Nena P. Davis) and I sent a memorandum proposing nineteen (19) items that AFGE Local 589 and staff in the FFNH & GFNH, thought would improve employee morale and the working environment. This was delivered to Dorothy M. White-Taylor, and Center Director, Richard J. Baltz.

- On January 24, 2008 I sent a memorandum to Director, Baltz, and Chief Nurse Dorothy M. White-Taylor, requesting to meet to address staffing concerns and other issues.

- On September 22, 2009, during a Labor/Management meeting with Center Director, Linda F. Watson, and Chief Nurse, Dorothy M. White-Taylor, Union officials brought to their attention staffing shortages on Wards 4CNorth, 4CSouth, FFNH, and 3K.

- On October 1, 2009, @1:26pm, I sent an email to Dorothy M. White-Taylor, Center Director, Linda F. Watson, Chief of Staff, Dr. Kent A. Kirchner, and Associate Director, Shannon C. Novotny informing them of inadequate staffing in the ENT Clinic.

- On January 14, 2010, @6:22pm, I sent an email to Center Director, Linda F. Watson, and VISN 16 Network Director, George Gray, in regards to serious understaffing in the Supply Processing and Distribution (SPD) Section of Decontamination. (Dorothy M. White-Taylor managed this area as Chief Nurse).

CURRICULUM VITAE

Charles Jenkins has served as President of AFGE Local 589 at the G.V. "Sonny" Montgomery VA Medical Center in Jackson, Mississippi since 2001. He previously held other offices with Local 589.

Mr. Jenkins started working for the VA in 1995 as housekeeping aide. His other positions at the VA include nursing assistant and medical supply technician.

Mr. Jenkins is a service-connected disabled veteran of the Navy. He was born and attended school in Cleveland, Ohio. Mr. Jenkins has been married for 24 years and has three children.