



CONGRESSIONAL TESTIMONY

STATEMENT BY

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BEFORE

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

ON

**“ENSURING VA'S SECURITY: HOW CAN CONGRESS BEST SUPPORT VA'S LAW
ENFORCEMENT?”**

MAY 16, 2024

Chairwoman Kiggans, Ranking Member Mrvan, and Members of the Subcommittee:

Thank you for inviting the American Federation of Government Employees (AFGE) to participate in today's Subcommittee Hearing on "Ensuring VA's Security: How Can Congress Best Support VA's Law Enforcement?" My name is Bryan Hunt, and I serve as the President of AFGE Local 2384 at the Clarksburg, WV VA Medical Center. I am a U.S. Army Combat Veteran who proudly served our country during Operation Iraqi Freedom and the Global War on Terrorism, and am a service-connected veteran who both works and receives my healthcare at the VA. Additionally, for 12 of my 17 years at the VA, I served as a VA Police officer, including being named the VA Police Officer of the Year in 2012.

On behalf of AFGE and its National Veterans Affairs Council (NVAC), representing over 750,000 federal and District of Columbia government employees, 304,000 of whom are proud, dedicated Department of Veterans Affairs (VA) employees it is privilege to testify today. Specifically, I plan to focus my testimony on the approximately 2,500 VA Police Officers AFGE represents, 90 percent of whom are veterans themselves, serving in facilities throughout the nation. As the Subcommittee continues to evaluate the best ways to support the VA Police Force, AFGE has several recommendations that can help the VA with law enforcement recruitment and retention, and help it better serve veterans particularly related to pensions, staffing, training, and physical security.

VA Law Enforcement Pensions

The single most important and most effective action that Congress can take to help with the recruitment and retention to the VA Police Force is to extend Law Enforcement Officer (LEO) status to VA Police Officers. Under 5 U.S.C 8336(c), any LEO who either serves 25 years or is age 50 or older and serves 20 years may retire without penalty for early retirement.

Currently, the definition of LEO relied upon in the code (5 U.S.C. 8401(17)) does not include VA Police Officers, and in turn they do not receive retirement benefits on par with federal law enforcement officers at other federal agencies. AFGE strongly supports H.R. 1322, the “Law Enforcement Officers (LEO) Equity Act,” introduced by Representatives Bill Pascrell, Jr. (D-NJ), Andrew Garbarino (R-NY), Gerry Connolly (D-VA), and Brian Fitzpatrick (R-PA), which would grant what are sometimes referred to as 6(c) benefits to VA Police Officers. The bill also recognizes police at other agencies who are not currently recognized as LEOs under the law, including those at the Department of Defense (DoD), Federal Emergency Management Agency (FEMA), and the Federal Protective Service (FPS). This bi-partisan bill currently has 83 co-sponsors, including Chairman Mike Bost (R-IL), Ranking Member Mark Takano (D-CA), Ranking Member Frank Mrvan (D-IN), Representative Chris Pappas (D-NH), and five other members of the House Veterans’ Affairs Committee.

Providing full LEO status to VA Police Officers would significantly help the VA Police Force with recruitment and retention. Currently, the VA hires many new recruits, sends them to the Law Enforcement Training Center (LETC) for training similar to other federal LEOs, and then sees these officers depart the force for other opportunities within the federal government that do have 6(c) benefits, or to other state and local police departments. Granting full LEO status to VA Police Officers will diminish this turnover, and help the VA maintain a stronger and better trained police department with higher morale. Additionally, it is important to note that at a joint hearing before the Oversight and Investigations Subcommittee and Health Subcommittee on May 17, 2023, Tracy Therit, the VA's Chief Human Capital Officer, stated: “The last thing that I'll mention is we very much support the ‘Law Enforcement Officer Equity Act.’ We look

forward to being able to provide our police officers with those enhanced benefits as well to make us more attractive and to fill those positions.”

While the “Law Enforcement Officer (LEO) Equity Act,” is not in the jurisdiction of the House Veterans’ Affairs Committee, AFGE urges that members of this Subcommittee, as well as the full committee, join their colleagues to become co-sponsors of H.R. 1322 and support its passage in the House.

Staffing

The VA needs to improve the staffing levels of VA Police. In August 2023, the VA Office of the Inspector General (OIG) released a report entitled “OIG Determination of Veterans Health Administration’s Severe Occupational Staffing Shortages Fiscal Year 2023.”¹ The report noted 73 facilities had a severe shortage of VA Police in the 0083 series, with more common shortages found for only seven positions.² The report goes on to underscore how long the problem has persisted, with the report noting that in a “[c]omparison of the most frequently reported severe occupational staffing shortages from FYs 2018 through 2023 highlighted five occupations that have remained in the top five clinical and top five nonclinical most frequently reported severe shortages. These occupations included Police, Psychiatry, Practical Nurse, Psychology, and Medical Technologist.”³ Additionally, in a FY 2022 VA Shortage Occupation Report, VA wrote:

0083 Police ranked third among the [staffing shortages of] nonclinical occupations in VHA, selected by 71 out of 139 health care systems (51.1%). There were 3,878 onboard and 1,577 vacant FTE (28.9%) as of December 2021. The 3-year average growth rate for this occupation was 2.0%, with a turnover rate of 10.1% in FY 2021. Recruitment challenges were identified as the primary cause for risk of shortage by 56 out of 71 health care systems (78.9%). Limited Supply of Candidates was selected as the primary driver

¹ “OIG Determination of Veterans Health Administration’s Severe Occupational Staffing Shortages Fiscal Year 2023,” August 22, 2023. VA OIG 23-00659-186.

² *Id* at 8.

³ *Id* at 12.

of the shortage by 42 out of 71 health care systems (59.2%). Superior Qualifications, Special Rates, or Special Needs Pay (48/71, 67.6%) and Recruitment and/or Relocation Incentives (36/71, 50.7%) were the flexibilities selected most for addressing [the] shortage.⁴

As for the VA's administrative actions to address staffing, the last time AFGE testified on VA Police issues, AFGE was supportive of certain parts of the VA's Modernization Plan summarized in the "FY 2020-FY 2021 VA Human Capital Operating Plan (HCOP)"⁵ and would like an update on its status. Specifically, "Strategy 5" focuses on the "efforts related to enhanced recruitment, hiring and development of VA's police force."⁶ This includes the VA's plan to "create and communicate new staffing standards for police performance" and that "[a]dditional training and resources will complement the effort. The new standards will provide key inputs into the creation of career roadmaps for the police cadre."⁷ AFGE also believes that the VA's "standardized position descriptions will support efficient and effective recruitment and hiring efforts while a workforce assessment will be completed to evaluate and improve pay, entitlements, and retirement benefits for police officers."⁸ AFGE urges the VA to implement the training and staffing portions of this plan as quickly as possible and ensure that vacancies are filled so the VA Police Force has the staff that it needs to serve.

On the ground, AFGE has seen some of this plan in action, particularly with the creation of the new GS-7 Senior Police Officer position, which is a clear promotional opportunity from the standard GS-6 VA Police Officer. To further improve retention and promotional opportunity, AFGE urges both an increase in the number of GS-8 Senior Police Officer positions to increase promotion potential and allowing Police Officers to advance from GS-07 positions to

⁴ FY 2022 SHORTAGE OCCUPATION REPORT

⁵ FY 2020-FY 2021 VA Human Capital Operating Plan (HCOP) (June 2020)

⁶ *Id.* at 20.

⁷ *Id.* at 22.

⁸ *Id.*

GS-09 positions without a year in GS-08, as is currently required of VA Police. This prevents a number of officers, particularly in facilities where a GS-08 posting is rare, to advance to GS-09.

Furthermore, not all changes to position descriptions have been positive. AFGE remains concerned that the VA Detective position, which has been converted to a Criminal Investigator position, is no longer in AFGE's bargaining unit in certain locations. AFGE believes this is an unnecessary removal of union rights from VA Police Officer units, and that these positions should be universally returned to the bargaining unit immediately. Additionally, AFGE would like to note that these new Criminal Investigator positions were given 6(c) benefits administratively. While AFGE supports granting 6(c) benefits to all federal LEOs, it is surprising that this group of officers would be extended the benefit while officers working on the front lines protecting veterans and staff at VA facilities are not. It would be a serious concern if the VA were conferring benefits in return for removing union rights.

Additionally, AFGE is concerned about the wide discretion local facility management has in determining what position descriptions and organizational charts to use for staffing the facilities' police departments. While AFGE supports permitting facilities to hire additional staff if they demonstrate the need, AFGE has heard reports that leaders in certain facilities are intentionally characterizing their facilities in ways that justify having a smaller police force than what is required. We urge the Secretary and this Subcommittee to ensure that staffing models are accurate and enforced consistently across the VA. Furthermore, AFGE wants to highlight that police officers are funded from the same budgets as other medical center personnel. This practice forces each medical center director to choose between hiring between hiring a medical professional or a police officer, with priority often going to the healthcare provider. AFGE

believes the Committee and VA should consider a dedicated funding source for VA Police to ensure that veterans and employees are protected.

Training

One of the key strengths of the VA Police force is the level of training officers must undergo to serve the veteran population. A key example of this is the crisis intervention training that was passed in the 116th Congress as part of Chairman Takano's VA COMPACT Act that was enacted as part of the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020. Because of this law, VA Police Officers who serve at VA Medical Centers, Community Based Outpatient Clinics, or Veteran Benefits Administration (VBA) Regional Offices (RO) are now trained to prevent a veteran in a crisis situation from harming himself or herself or others.

This training is an extremely important and specialized investment that is intended to save lives. However, the high attrition rates of VA Police Officers who undergo this training puts an added strain on VA resources when considering the cost of training. This is exemplified by the Law Enforcement Training Center (LETC) already charging \$14,620 for a VA Police Officer Standard Training Course, which does not include the crisis intervention training required by the VA COMPACT Act.

When analyzing this figure in relation to the regular attrition of VA Police, the VA is spending a significant amount on training each year. AFGE urges the committee to ask the VA how much it expends on training, as well as a breakdown of costs for officers who leave shortly after receiving training and calculate how it can save money and improve retention with 6(c) benefits and improved use of special salary rates and retention bonuses. AFGE believes that SVAC Ranking Member Moran is correct to point out in a recent letter to Secretary McDonough,

that at least in part as a result of excessive turnover, “[Between] January 2023 to March 2024, only 1,297 out of 4,505 armed VA Police Officers were in compliance with the annual training requirement of the COMPACT Act representing a compliance rate of only 28%.” Improving retention would strongly contribute to improving the percentage of active officers who receive this statutorily required training.

Physical Security

The VA Police’s first obligation is to fulfill its Mission Statement “To Protect Those Who Served.” To achieve this goal, AFGE appreciates that security needs to be tailored to each facility to best protect its veterans.

AFGE supports programs including those proposed in H.R. 7765, the “VA Security Screening Pilot Program Act.” This bill is a strong proposal designed to prevent violence at Veterans Medical Centers. However, as the VA continues to evaluate its physical security AFGE urges the VA to take several considerations into account.

First, AFGE urges that the VA provides its police with training on any new security technologies installed at VA facilities and that only VA Police Officers, who have undergone crisis intervention training required by statute and are best equipped to respond to an emergency at a VA facility, are allowed to operate such technology, and not third-party contractors.

Second, AFGE urges the VA to make sure that facilities using or piloting screening technology account for the extra demand on staff and hire more officers accordingly. Some facility police forces do not have the capacity to operate screening technology and perform their other duties. New screening technologies will require more police staff.

Third, the VA should not limit the use of new screening technologies to Medical Centers. As the VA utilizes larger Community Based Outpatient Clinics (CBOCs), it is worth including them as well as VBA regional offices which are under the jurisdiction of other federal agencies police forces. This will provide a broad cross section of data on the effectiveness of the technologies.

Fourth, AFGE strongly encourages that in sites wherever screening technology is being piloted, there be either separate screening lines or reserved entrances for staff to prevent delays in patient care.

AFGE looks forward to working with the Subcommittee and the VA to improve the recruitment and retention of the VA Police Force and ensure that it is fully staffed. Thank you.