

**AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO
AND
THE AFGE NATIONAL VA COUNCIL**

**WRITTEN TESTIMONY OF ERIC JENKINS BEFORE COMMITTEE ON VETERANS' AFFAIRS
SUBCOMMITTEE ON DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS
UNITED STATES HOUSE OF REPRESENTATIVES**

**BEYOND TRANSFORMATION: REVIEWING CURRENT STATUS AND SECONDARY EFFECTS OF
VBA TECHNOLOGY**

FEBRUARY 5, 2014

Executive Summary

The American Federation of Government Employees and the AFGE National VA Council (hereinafter "AFGE"), the exclusive representative of employees processing disability claims at the Department of Veterans Affairs (Department) Veterans Benefits Administration (VBA) Regional Offices (ROs) supports the Department's transformation efforts and appreciates the opportunity to share views on behalf of our members working on the frontline processing claims. AFGE appreciates the opportunity to share our views on the implementation problems associated with VBMS.

Our greatest concern with transformation is VBMS' regular shut downs. AFGE urges the Committee to require VBA to create a national plan in conjunction with AFGE when VBMS is inoperable as well as provide employees with excluded time. AFGE also urges the Committee to address VBA's broken work credit system that is currently not based on data. AFGE also urges the Committee to ensure that AFGE has a more active role in discussions related to new initiatives.

VBMS Updates

AFGE consistently receives reports from members at ROs nationwide regarding shutdowns and technical problems with VBMS. AFGE would like to remain a strong partner with VBA to improve VBMS to better process claims and to make the system more user friendly. AFGE requests the establishment of a working group to improve VBMS, which would include AFGE, management, and VSO stakeholders.

Since the program's expansion, the additional users have exacerbated existing latency problems with VBMS. Employees on the east coast report that the system experiences latency as more users log on to VBMS (as the other time zones begin arriving to work). AFGE has reported the latency issue to VBA management consistently throughout VBMS' rollout.

AFGE members also report that VBMS shuts down on roughly a weekly basis. AFGE regularly receives reports from ROs nationwide of VBMS shut downs. For example, during the last month,

VBMS shut down on roughly a weekly basis. The shut downs varied from just over an hour to spanning multiple days.

During each of these shutdowns, the majority of employees were not provided with excluded time. Excluded time protects employees from missing performance standards based on situations beyond their control. Inoperable software should qualify for excluded time since employees are being judged during shut downs on their performance within VBMS.

When VBMS shuts down, employees are directed to use VBA's legacy software (RBA 2000) that does not use electronic files. However, newer employees have no training in RBA 2000, meaning they cannot be productive during shutdowns. New employees must be trained in RBA 2000 in the event of a VBMS shut down. Employees also receive far lower work credit when completing work in RBA 2000 (or any other work that is not completed in VBMS), meaning their performance standard will be even more difficult to achieve when VBMS is experiencing shut downs and technical problems. There is also limited work to complete in RBA 2000 since most claims are now paperless. AFGE fully agrees with VBA that when system shut downs threaten the service we provide to our veterans, every effort must be made to remain productive during the work day. AFGE urges the Committee to require VBA to develop a plan for when VBMS is inoperable, and AFGE must be at the table when creating this plan.

Offices also report inconsistencies in how managers deal with completing work when VBMS is shut down. As mentioned above, some managers direct their employees to begin work in RBA 2000 or other non-electronic work. We also urge other ROs to follow the lead of the San Diego RO where employees received training when VBMS is not functioning, which is a productive use of time.

Beyond shut downs, AFGE members reported other issues with VBMS. Claim authorization is not yet completed in VBMS, so VSRs cannot complete promulgation of claims. For development and rating, VBMS separates these two tasks in different programs, meaning employees must exit the program and reenter in order to switch from development to rating. This extra step inhibits efficiency, slows down employees, and hurts veterans.

Another malfunction reported by VSRs and RVSRs occurs when additional paperwork enters the system from a claim that is being processed; sometimes, the information disappears for several days. The employee's performance is impacted by this malfunction and the veteran may receive a claim decision with an error. If information is not present when an employee completes a claim due to a system malfunction, VBA should not punish the employee for that error.

AFGE remains frustrated with the lack of success of VBMS. Our members are all motivated to serve veterans as quickly and effectively as possible. AFGE believes that when VBMS is shutdown, VBA must make all efforts to ensure that any production slowdown is avoided while not punishing employees for any inadequacies of the system.

Undersecretary Hickey has mentioned the opportunity for employees to provide feedback to her regarding VBMS' functionality through weekly conference calls. While AFGE applauds Undersecretary Hickey for stating her interest in hearing directly from front line bargaining unit employees (BUEs), this phone call does not include sufficient input or participation from AFGE, resulting in too few BUEs on the calls. The phone calls should include AFGE as the exclusive representative of these employees. Without the union present, many employees fear retaliation from management for any negative feedback related to VBMS. Undersecretary Hickey has stated clearly that she would like to hear any negative feedback related to VBMS so that we can all

continue to improve the system. With active, ongoing union involvement, this information sharing can be accomplished. We urge VBA to work directly with AFGE to ensure sufficient participation of BUEs on these calls.

AFGE Recommendations:

- AFGE urges the Committee to require VBA to provide employees with excluded time when VBMS is not operational.
- The Committee should require VBA to develop a contingency plan for operations when VBMS is shutdown to maintain productivity and not negatively impact employees' performance ratings. AFGE should have a seat at the table when creating this plan.
- AFGE should have an ongoing, meaningful role in providing feedback to VBA and the Committee must involve AFGE in the feedback loop for improving VBMS.

Current Work Credit System Problems

VBA has never had a formal work credit system based on actual data that reflects the amount of time required to process specific types of claims and their components. VBS should not deprive employees of the proper credit for critical work needed to process claims accurately and timely the first time. The broken work credit system creates performance standards that are arbitrary, inconsistent, and focus too much on quantity over quality.

The agency has made a few perfunctory efforts to establish a more reliable set of measures over the years. However, AFGE has not seen any work credit study or work credit system based on actual data. Given VBA's current transformation and the national rollout of VBMS, AFGE believes the timing is ideal for a scientific based time motion study to create a formal work credit system.

The first essential step is to develop an inventory of tasks that employees must complete on a daily basis. The current work credit system does not include an inventory of employees' daily tasks.

Some of the main problems with the current work credit system include:

- **Lack of consistency**
- **Lack of a solid methodology**
- **Failure to update its "system"**
- **Lack of participation from the front line employees and veterans service officers with direct knowledge of the work process**
- **Lack of work credit for a variety of tasks**

The only study AFGE is aware of is the 2008 IBM Gap Analysis study. However, the study is outdated now with VBMS' implementation.

In 2013, AFGE conducted an informal survey of Regional Offices to identify how well the current work credit system measures (or does not measure) the hours and skills required to complete different tasks. Responses from employees working in approximately a dozen different offices indicated widespread inconsistencies in how much work credit is awarded for the same tasks. Perhaps more troubling, employees in every Regional Office and position are required to perform daily tasks for which they are provided zero credit or only partial credit. By denying credit for

significant tasks, the current work credit system increases workplace stress, puts pressure on employees to rush through claims, and results in unwarranted negative performance ratings.

AFGE encourages the House of Representatives to endorse the approach set forth in Chairman Sanders' S. 928, which is currently in the Senate VA Committee's Omnibus legislation S. 1950. Chairman Sanders' approach brings the major stakeholders to the table, including management, employees, and VSOs, into a working group. The working group would be tasked with evaluating and recommending changes to the current work credit system based on data. This approach encourages productivity, while ensuring employees will be evaluated fairly and accurately.

More specifically, employees reported that they receive inadequate or zero work credit for the following tasks:

- **Productive time lost due to breakdowns in VBMS:** As noted earlier, VBMS still has frequent and significant malfunctions, at both the RO and national levels.
 - VBA must create a standardized plan to keep ROs productive during VBMS shutdowns, as well as grant excluded time. Employees must not be evaluated based on the system becoming inoperable.
- **Deferred ratings:** Deferred ratings occur on a daily basis in Regional Offices. It is important to spend time on these issues since the veteran should be assisted and informed accurately about additional medical evidence they will need for their claim. RVSRs do not receive any credit for cases where there is a deferred rating. An RVSR may work on a case where the veteran has claimed ten issues, but only two can be rated. The RVSR must spend significant time on the other eight issues, but will receive no credit for this.
 - VBA must provide credit for employees giving deferred ratings.
- **Multi-issue and complex cases:** VSRs are not given adequate credit for rating a case with significantly more issues or complexity. Given VBA's segmented lanes initiative with VBMS, this problem is now exacerbated. Employees receive additional credit for completing cases with at least three issues. VSRs do not receive any additional credit for developing a case with thirty issues versus a case with three issues. Employees also are denied sufficient credit for processing cases involving complex claims such as military sexual trauma and TBI.
- **RVSRs Working Development:** RVSRs regularly work on developing cases. Sometimes, RVSRs will receive a case to rate that needs additional development. Other times ROs do not have the proper ratio of VSRs to RVSRs; consequently, there are not enough cases to rate. When a case needs additional development, RVSRs do not receive credit for this work.
 - VBA must provide credit for VSR work done by RVSRs.
- **Mentoring:** Experienced processors often mentor newer employees, an essential role for ROs. Congress and VBA have long recognized the benefits of mentoring from experienced employees, yet claims processors receive no credit for assisting or mentoring newer employees.
 - VBA must provide adequate credit for mentoring by experienced employees.
- **Training:** Employees are not given sufficient work credit for time spent during trainings. Often times, training is shifted away from classroom instruction to reading slides or a packet at their desk with less time allotted by managers than required by the curriculum.
 - VBA must provide adequate time and work credit for training.

The absence of a valid work credit system exacerbates the well documented problem of VBA managers manipulating backlog data to improve performance measures. Veterans who fought for

this nation deserve to have their claims processed in a timely manner, and waiting over two years for a decision from VBA is unacceptable. While undergoing transformation, VBA must accurately determine productivity and quality and judge an employees' performance based off of data driven metrics.

Veterans Relationship Management Initiative

VBA has not provided AFGE with an opportunity to play an active role in the implementation of the majority of aspects with the Veterans Relationship Management (VRM) initiative. It is both good policy and required by our labor management contract to engage in meaningful discussions and bargain over changes to the workplace and new initiatives. AFGE did sign a memorandum of understanding with VA on the Customer Relations Management and Unified Desktop aspects on February 9, 2012, two of the VRM aspects. AFGE urges VA to approach us with other initiatives for employee input moving forward and to comply with its contractual obligations to notify us of new pilot projects and initiatives.

Contracting

AFGE recently learned that VBA is considering the use of an outside contractor for dependency claims, work which is currently completed in ROs nationwide. VBA plans on beginning the program in March. AFGE strongly urges Congress to prohibit this counterproductive and illegal solution to the claims backlog. The FY2009 Omnibus Act, P.L. 111-8, Division D, §735 prohibits work last performed by federal employees from being given to contractors without first conducting a formal cost comparison. Past evidence with other contracts, such as the ACS contract, demonstrates that contracts can actually add to the backlog. With the ACS contract, the files set for development were not processed for 9 months and then were sent back to the ROs where they were processed. This contract hurt taxpayers, wasted VA resources, and forced veterans to wait longer for their benefits.

HAIMS and VBMS

Currently, HAIMS, DOD's file system, and VBMS are not well integrated, resulting in unnecessary delays and a worsening of the backlog. The number of delays in claims for veterans would be greatly improved if these two systems were in sync. AFGE encourages VA and DOD to integrate their two files systems for greater ease in transmitting medical evidence for claim processing.

National Work-Queue Strategy

VBA plans on using a national program to assign work to ROs nationwide, once all of the files have been digitized. For example, if a veteran submits a claim with ten contentions, and one is PTSD, the PTSD claim may be sent to a different RO than the rest of the claim. AFGE remains cautious regarding VBA national work queue strategy.

Specifically, AFGE has concerns over how VBA plans on assigning work through the national work queue strategy. For example, AFGE has not received a definition of an "underperforming office." There may be discrepancies in the levels of production between offices, but this must be clearly defined before VBA begins diverting cases away from an RO. If an office is considered

underperforming by VBA, there are concerns that they will now be starved for casework. Also, supposedly high performing offices may fall further back in the pack with the additional casework.

Undersecretary Hickey has referred to improving VBA's current resource allocation model, where struggling ROs are starved of resources (while higher performing offices receive additional resources). However it appears that little progress has been made. Therefore we urge VBA to review its resource allocation model. While implementing any national work queue strategy, VBA must simultaneously review and change its resource allocation model.

Thank you for the opportunity to provide input from AFGE and its National VA Council on this important legislation.

Eric Jenkins Bio

Eric Jenkins works as an RVSR in the Winston Salem RO. Eric has worked at VBA for 9 years, first as a VSR for 6 years, and now as an RVSR for nearly 4 years. Eric is a 15 year veteran of the Marine Corps and a service connected veteran. He is a combat veteran, deployed in Afghanistan and in Iraq for both Operation Desert Storm and Iraqi Freedom. Eric also works as a shop steward in AFGE Local 1738. Eric graduated from North Carolina State University with a degree in political science.