



CONGRESSIONAL TESTIMONY

STATEMENT FOR THE RECORD

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO

PROVIDED TO THE

HOUSE COMMITTEE ON VETERANS' AFFAIRS

SUBCOMMITTEE ON DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS

HEARING ON

**HONORING OUR PROMISE: REVIEWING THE EFFECTIVENESS OF SERVICES FOR DEPENDENTS
AND SURVIVORS**

FEBRUARY 8, 2022

Chairwoman Luria, Ranking Member Nehls, and Members of the Subcommittee:

The American Federation of Government Employees, AFL-CIO and its National Veterans Affairs Council (AFGE) appreciate the opportunity to provide our views on today's Subcommittee on Disability Assistance and Memorial Affairs (DAMA) hearing titled, "Honoring Our Promise: Reviewing the Effectiveness of Services for Dependents and Survivors."

AFGE represents more than 700,000 federal and District of Columbia government employees, 260,000 of whom are dedicated Department of Veterans Affairs (VA) employees. Our membership includes employees who work throughout the Veterans Benefits Administration (VBA), including the Legal Administrative Specialists (LASs) who work in VBA's 10 national call centers and help answer veterans', survivors', and dependents' questions about benefits, and help individuals orient themselves to the claims process. AFGE is also proud to represent claims processors who promulgate pension claims at VBA's three Pension Management Centers (PMCs) in Milwaukee, Wisconsin, Philadelphia, Pennsylvania, and St. Paul, Minnesota.

Today's DAMA Subcommittee hearing will help shine a light on the customer experience for veterans' survivors and dependents. AFGE would like to take this opportunity to highlight various ways that the VA could improve its processes and its performance management that would directly benefit the customer experience. Our first concern relates to the critical function LASs in VBA National Call Centers perform for survivors and beneficiaries. When veterans or their families need to contact VBA with questions about benefits or provide the VBA with updates to a veteran's condition, they speak to an LAS. These employees, many of whom are veterans themselves, are extremely knowledgeable about the broad array of benefits that the VA has to offer veterans and their families. Unfortunately, these same employees also face

significant artificial obstacles to fulfilling their duties, created by the VA, that negatively impact their performance and ability to serve veterans and their families.

AFGE's top concern for LASs is VBA's measure of "timeliness," commonly referred to as "talk time." Each LAS is allotted a certain amount of time they can be on the phone with a veteran based upon the employee's GS level. This can be as little as seven minutes and thirty seconds and as long as nine minutes and thirty seconds, and LASs are graded on an average talk time that is calculated monthly. This is a one-size-fits-all standard that does not consider common issues that LASs encounter daily and overemphasizes the number of calls answered instead of the quality provided. This "talk time" standard is considered a "critical element" of an employee's performance, and failing this metric can lead to an unsatisfactory appraisal and eventual termination. The most egregious example of this standard failing survivors and dependents is when a survivor or dependent calls the VBA to inform the VA that a veteran has passed away, which is considered a "first notice of death call."

When a survivor or dependent is calling to inform the VA that a veteran has passed away, there is a specific checklist that a LAS must go through that requires the LAS to ask the caller very sensitive and technical questions. These calls often take 20 to 30 minutes, which is twice the amount of time that is allotted for an LAS to complete an individual call. This does not include the time needed to answer any other related questions that may arise from the call about other benefits. The length of the checklist also denies LASs the necessary time to show callers the appropriate degree of compassion and comfort in such circumstances beyond a mandatory and minimal phrase of condolence.

Beyond "first notice of death calls," the "talk time standard" does not adjust for individuals who have difficulty communicating, including the aged or disabled, who may require

more time on the phone. This includes a failure of the “talk time” standard to account for the delay caused by individuals, particularly older veterans or spouses, of not having required security information such as a PIN number, further impeding the LAS’s ability to meet the “talk time” standard. The standard also does not adjust for callers with multiple complex questions because each call is treated equally rather than the standard measuring each question on its own. In turn, this cynically disincentivizes a LAS from offering more information than what is being asked. An example of this could easily be seen on a first notice of death call. VBA would prefer for a LAS to answer all of the questions on the checklist, and in order to lower the talk time average, have a separate call to answer a surviving spouse’s questions about state cemeteries or state benefits which are administered by states instead of the VA, and are not on the checklist. In the VA’s view, it would be better for a veteran, survivor, or dependent to make two eight-minute calls rather than one fourteen-minute call all in the name of an artificial metric.

Another example harming survivors and dependents could be a survivor calling VA about a particular benefit the caller is entitled to. Based on the subject the caller is asking about, the LAS may know of another benefit or program that the caller should consider, but as this would take additional time, the LAS would be working against his or her own self-interest to mention this to the caller as this would extend the call. This is a disservice to veterans and their families.

While supervisors have the ability to grant “excluded time” and give extra time for LASs on certain calls, this is done on an ad hoc basis and not granted uniformly throughout the ten call centers. To rectify this problem and allow LASs to focus on providing quality information to veterans, survivors, and dependents, *AFGE strong urges the VA to eliminate the timeliness or “talk time” evaluation from employees’ performance metrics. This element did not exist prior*

to 2008 and has since been eliminated and once again re-established. The VA should again take the precedented step of eliminating talk time to better serve survivors and dependents.

Another way to help LASs perform their jobs and better serve veterans would be to make better use of certain employees' specialized knowledge. Pension claims and issues are significantly different from compensation and disability claims and issues. Having expertise with one set of issues does not automatically create familiarity with the other. Prior to 2020, veterans, survivors, and dependents benefited from the expertise that LASs had in their particular subject areas as all pension calls were routed to one call center, where individuals exclusively answered those questions. Since 2020, that specialization has been eliminated. Now all disability, compensation, and pension calls are routed to nine of the ten call centers nationwide, where LASs are required to answer questions on almost every subject. This is a disservice to callers as it does not allow LASs to leverage their expertise and serve the veterans and their families to the best of their abilities. It is worth noting that VBA still values specialization to some degree; the Muskogee, Oklahoma call center exclusively focuses on questions related to education benefits allowing employees to focus on a particular subject area. ***AFGE urges VBA to re-establish a dedicated call center to handle all pension related questions from veterans.***

AFGE is also proud to represent claims processors who work on pension claims as they proceed through the claims process. Similar to their counterparts who work on compensation and disability claims, unreasonable performance standards are the single biggest concern of Veteran Service Representatives (VSR) and Rating Veteran Service Representatives (RVSR) in the PMCs. These standards emphasize quantity over quality, and force employees to rush through claims as quickly as possible without giving each claim the attention it deserves. Additionally, like other claims processors, PMC VSRs and RVSRs do not receive enough claims

to process from the National Work Queue to meet their performance metrics, despite the continued existence of a national claims backlog, often requiring employees to ask for more work to meet their standards. ***AFGE urges VBA to reform performance standards to better enable claims processors to serve veterans, survivors, and dependents.***

Another significant problem facing PMC claims processors is the complex and nuanced nature of forms that veterans and their families must fill out to receive pension benefits. PMC employees are bound by the rules created by VBA, and the forms that veterans and their families are required to use are overly specific and complex. The forms often set up veterans and their families to fail and receive a denial of benefits. ***AFGE urges the VBA to do an exhaustive review of the forms and steps required for veterans to fill out their claims and include AFGE as the employee representatives for PMC Claims processors in that process.*** This will better enable VBA and its employees to efficiently and effectively serve veterans and their families, instead of leading them into a bureaucratic maze.

Lastly, PMC Claims processors are greatly concerned with the continued expansion of counterproductive automation of the pension claims process. To begin, automated claims can result in errors that claims processors are forced to correct. Unfortunately, claims processors do not receive the same credit for correcting automated claims errors that they would have for completing the claim initially. Additionally, VBA is automating relatively simpler pension claims, leaving more complex work for claims processors. Despite this change, VBA is not recalibrating performance standards for claims processors to adjust for the more consistent complexity of work claims processors now must complete. ***VBA claims processors are dedicated employees who strive to put the veteran first, are better able to adjust to the***

complexity of claims compared to an artificial intelligence reading code and should be fully responsible for veterans' pension claims.

AFGE appreciates the Subcommittee on Disability Assistance and Memorial Affairs holding this important hearing, and we look forward to working with the DAMA Subcommittee on improving the experience of survivors and dependents as they interact with VBA.