



# NATIONAL FEDERATION OF FEDERAL EMPLOYEES

Affiliated with the International Association of Machinists and Aerospace Workers



## NFFE News Story

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### NFFE-IAM VA MEMBERS PROTECT EMPLOYEE DUE PROCESS RIGHTS AT AGENCY

Recently, the Department of Veterans Affairs (VA) announced it will no longer use the expedited firing process for Senior Executives as outlined in the Veterans Access, Choice, and Accountability Act of 2014, following constitutional questions raised by the Department of Justice (DoJ). While NFFE does not represent members of the Senior Executive Service (SES), Congress has repeatedly attempted to apply this expedited firing process to the full VA workforce. This decision by the VA is not only a victory in the protection of VA Senior Executives' due process rights, but is indicative of DoJ finally stepping in to stop the trampling of employee due process protections that Congress has sought to apply to the federal workforce at-large.



*NFFE VA members stopped the agency from eroding employee due process rights*

In the wake of the Phoenix VA scandal in 2014, The Veterans Access, Choice and Accountability Act was passed with the intention of bringing accountability to Senior Executive officials at the VA. Following the bill's quick passage, various Agency and Administration officials raised concerns about legislative language that expedited the firing process for SES employees. During a hearing in 2015 on the subject, VA Deputy Assistant Secretary for the Office of Resource Management Human Resources and Administration, Cathy Mitrano, said [the expedited firing process of H.R. 1994] may go too far and prevent employees from adequately defending themselves. Susan Grundmann, Chair of the U.S. Merit Systems Protection Board (MSPB), questioned the very constitutionality of such measures when discussing the language of the 2014 legislation.

Despite warnings from various Agency and Administration officials, Congress has sought to apply the same expedited firing language to the VA workforce at-large in subsequent legislation. Rank-and-file VA medical professionals—those providing direct care for our nation's cherished veterans—were not responsible for the scandals at the VA. The VA employees NFFE represents, many of them veterans themselves, are among the most dedicated employees in the federal workforce. There is no defensible reason to be expediting disciplinary proceedings for rank-and-file VA employees.

But to the credit of NFFE-IAM VA members' unshakable resolve, we have successfully fought back against and halted any recent legislation seeking to erode due process protections of VA employees. It was NFFE-IAM members that fought against the inappropriately titled "VA Accountability Act of 2015," H.R. 1994, and is now urging Congress to oppose the Senate counterpart, VA Accountability Act of 2016, S.2554.

"This is a welcome decision by the VA to end its practice of this baseless attack on federal employee due process rights," said NFFE National President William R. Dougan. "The repeated attacks by Congress on the dedicated VA employees achieves nothing but creating a culture of fear among the workforce. When VA doctors and nurses are under constant fear for their jobs, their ability to provide the quality care that our veterans need and deserve suffers. NFFE-IAM members will continue to work with our allies on Capitol Hill to protect our VA brothers and sisters from these attacks on federal employee due process rights."