



PARTNERSHIP FOR PUBLIC SERVICE

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Senate Committee on Veterans Affairs
United States Senate
412 Russell Senate Office Building
Washington, DC 20510

Dear Members of the Senate Veterans Affairs Committee:

On behalf of the Partnership for Public Service, a nonpartisan, nonprofit organization dedicated to improving the effectiveness of our federal government, I am writing to express my support for S. 1856, the *Department of Veterans Affairs Equitable Employee Accountability Act of 2015*. This legislation was introduced by Sen. Blumenthal on July 23, 2015 to address poor employee performance and broader management challenges at the Department of Veterans Affairs (VA). S. 1856 would improve employee accountability and fix the fatal flaws inherent in S. 1082, the *Department of Veterans Affairs Accountability Act of 2015*, which was ordered reported by the Senate Committee on Veterans Affairs on July 22, 2015.

Although well intentioned, S. 1082 as drafted eliminates due process protections for employees – which will silence the very whistleblowers we rely on to sound the alarm – and could lead to removals for partisan or discriminatory reasons. The bill would also have an adverse impact on the ability of VA to recruit and retain top talent, as seasoned reformers may be less inclined to pursue VA leadership positions without due process protections. In addition, S. 1082 could overwhelm the Merit Systems Protection Board (MSPB) because it expedites the appeals process for large numbers of VA employees without providing MSPB with the resources to manage its workload under these new requirements.

The Partnership strongly agrees that poor performance is a real problem at VA and that federal employees at all agencies must be held accountable for their performance and conduct. We have recommended dozens of reforms to the current civil service system that, we believe, will lead to a better managed government and a higher performing workforce. However, S. 1082's move toward a system of at-will employment will have serious unintended consequences and will not solve the critical management challenges that are hobbling VA and jeopardizing the care of our veterans. We believe a better solution is S. 1856, Sen. Blumenthal's bill that would enable the Secretary to remove individuals who are a threat to public health or safety while improving the management of the Department.

Among other things, S. 1856 would do the following:

- Allow the Secretary to remove employees for performance or misconduct that is a threat to public health or safety.
- Provide for due process to ensure that the law is constitutional and enforceable.

- Hold senior political leaders accountable in performance plans for recruiting and selecting the right people for employment at the agency, engaging and motivating employees, training and developing employees and holding managers accountable for making difficult performance decisions. Accountability for management in government starts at the very top and this provision will ensure all leaders, career and political, are held accountable.
- Ensure managers are fully using the probationary period to develop high-potential employees and to remove someone if they are not the right fit for the position. S. 1856 would require managers to make an affirmative decision as to whether an individual who serves in a probationary period has demonstrated successful performance and should continue past the probationary period. It also requires new supervisors to demonstrate management competencies, in addition to technical skills, in order to remain in a management position.
- Require periodic training for managers on the rights of whistleblowers and how to address an employee allegation of a hostile work environment, reprisal or harassment; how to motivate, manage and reward employees effectively; and how to manage employees who are performing at an unacceptable level.
- Hold VA managers accountable in performance plans for taking action to address poor performance and misconduct and for taking steps to improve or sustain high levels of employee engagement.
- Create a separate promotion track for technical experts so they can advance in their careers without having to go into management positions for which they are ill-suited. Too often we hear that supervisors promote their employees into management positions as the only way to advance them, even when the employees are technical experts who may be uninterested or unskilled in managing people.
- Require GAO to study the implementation of Section 707 of the *Veterans Access, Choice, and Accountability Act of 2014*, which was enacted last year, to understand its impact on performance, accountability, recruitment and retention at VA, particularly at the executive level. The provision would also require GAO to review VA's internal policies for dealing with performance issues and make recommendations for how the Department could expedite the process for addressing performance and misconduct administratively.

The management challenges at VA are critical and must be addressed. We urge all Senators to support S. 1856 and to ensure these critical management provisions are passed by the full Senate.

Very best wishes,



Max Stier
President and CEO