

Restore Department of Veterans Affairs Accountability Act

The *Department of Veterans Affairs (VA) Accountability and Whistleblower Protection Act of 2017 (VA Accountability Act)* gave VA leaders the ability to break through the bureaucracy and hold bad employees accountable while protecting whistleblowers. Congress passed the *VA Accountability Act* with overwhelming bipartisan support after the 2014 nationwide VA access crisis exposed a toxic workforce culture negatively impacting veterans care. A majority of the VSO community supported the legislation, to include the American Legion, VFW, MOAA, AMVETS, and IAVA. Congress acted to correct VA's "look the other way" acceptance of the status quo that routinely put good and dedicated VA employees and, more importantly, veterans, through unacceptable risks and exposure to harm without any accountability or repercussions.

The *VA Accountability and Whistleblower Protection Act of 2017*:

- Granted the VA Secretary the authority to expedite the removal, demotion, or suspension of VA employees based on misconduct or substandard performance.
- Heightened the standard of review to ensure VA's disciplinary decisions would not be overturned on appeal just because the appellate body might have decided differently.

Passage of the *VA Accountability Act* allowed VA to cut through the red tape of the cumbersome bureaucratic process to hold bad employees accountable, providing VA employees with a healthier workplace, and increasing veterans' trust in the VA.

- Employee satisfaction with senior leaders' honesty and integrity increased from 45% in 2016 to 59% in 2020.
- Veterans' VA-Wide trust scores increased from 59% in 2016 to 80% in 2020.

Unfortunately, the bureaucracy is back. Decisions from the Federal Circuit, the Federal Labor Relations Authority, and the Merit Systems Protection Board defied Congressional intent, rendering the authority provided in the *VA Accountability Act* unusable for most of the VA workforce. Now, the bureaucracy is prioritizing underperforming and sometimes dangerous federal employees over our nation's veterans.

The *Restore VA Accountability Act* would:

- Ensure VA decisions supported by substantial evidence are upheld on appeal.
- Negate the requirement for a performance improvement plan prior to disciplinary action.
- Unlock expedited removal, demotion, or suspension authority for use with all categories of VA employees.
- Align the disciplinary authority for unsatisfactory VA managers and supervisors with the process currently in place for members of the Senior Executive Service, by removing the Merit Systems Protection Board and requiring managers and supervisors to appeal directly to the VA Secretary under an expedited timeline. Managers and supervisors could still appeal final VA decisions in federal court.

Bottom line: The *Restore VA Accountability Act* restores the intent of Congress and the priority of the leading veteran and military service organizations – to put our veterans first.