

STATEMENT BY
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NATIONAL SECRETARY-TREASURER
AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO
BEFORE
THE SUBCOMMITTEE ON DISABILITY ASSISTANCE AND
MEMORIAL AFFAIRS
HOUSE VETERANS' AFFAIRS COMMITTEE
ON
VBA TRAINING AND PERFORMANCE STANDARDS
SEPTEMBER 13, 2006

Dear Chairman and Members of the Subcommittee:

The American Federation of Government Employees, AFL-CIO, which represents more than 600,000 federal employees who serve the American people across the nation and around the world, including roughly 150,000 employees in the Department of Veterans Affairs (VA), is honored to testify today regarding the training provided to the Veterans Service Representatives (VSRs) and Rating Specialists who adjudicate claims for the Veterans Benefits Administration (VBA), and the standards used to measure their proficiency and performance.

In my capacity as 1st Vice President of AFGE's National Council and a local union president, I have visited the vast majority of VBA Regional Offices (ROs) around the country. VSRs and Rating Specialists everywhere are

concerned. They share the Subcommittee's concerns about inconsistencies in decisionmaking. They are equally concerned about the training deficiencies and unrealistic performance standards that contribute to these inconsistencies. The Government Accountability Office (GAO) and the VA Office of the Inspector General (IG) have both linked training deficiencies to backlogs and decision inconsistencies. The IG even found a direct correlation between the frequency of classroom instruction and payment levels. If training were standardized and more uniform, VBA would be better able to do a root cause analysis of geographic variations in disability awards.

Training is an investment worth making, and we greatly appreciate this Subcommittee focusing on it at today's hearing, as well as the Committee's Fiscal Year 2007 budget recommendations for more VBA adjudication staff and training resources.

When I go out in the field, I see employees working evenings and weekends without compensation in order to try to keep up with their cases. I see employees meeting on their lunch hours to familiarize themselves with new laws and regulations in the absence of more formal sessions set up by management.

I see VSRs¹ feeling anxious about passing the skills certification test because they were not adequately informed about what to study in order to prepare for the test, or what proficiency level is needed to pass. VSRs and Rating Specialists are very dedicated to getting every veteran an accurate, timely claims decision. In some offices, half the employees are veterans and many are themselves service-connected.

¹ Only VSR GS-10s are eligible to take the skills certification test at this time.

In my testimony today, I hope to give you helpful examples of problems occurring out in the field as well as suggestions for improvement. I also want to point out what *is* working well. However, my ability to report from the field or comment on management action is severely limited by VBA's refusal to share information with us. We hear many troubling reports but we cannot measure the full extent of the problems with training and performance standards.

More generally, we are concerned about management's increasing refusal to collaborate with us about training and performance standards. For example, AFGE initially worked with VBA on the development of the Claims Process Improvement (CPI) Model, and reached an agreement with them regarding the recommendations of the CPI Task Force. Even though VBA has since made a number of revisions to the CPI model, such as removing Rating Specialists from Pre-Determination Teams and centralizing the Public Contact Unit, employee representatives were excluded from recent Task Force meetings.

We believe that *all* stakeholders -- including employee representatives and veterans' groups -- should have input into the design of training programs, and information about how well these programs are working in different ROs around the country. Similarly, stakeholders need a voice in developing and monitoring the certification testing process and production quotas. Flawed training and performance standards lead to processing delays and more appeals, and most important, impact every veteran filing a claim with VBA.

As a registered nurse, I can say firsthand that there is a vast difference between the training needs of a VHA medical professional and a VSR at VBA.

While a nurse or doctor can perform effectively at a VA hospital after orientation, virtually all the skills of a claims adjudicator must be acquired on-the-job. By VBA's own estimates, it takes at least two to three years for a new VSR to operate at a fully productive, independent level – whether he or she comes to VBA right out of high school or after graduate school. VSRs with fewer than five years of experience need ongoing training and intense supervision to become facile enough to achieve high levels of accuracy and customer service. That is why VBA called on its most experienced rating specialists when it formed the Tiger Team in 2001 to reduce backlogs of older veterans' cases. A shortage of experienced employees will only become more pronounced as senior VSRs and Rating Specialists retire and current policies cause frustrated, newer employees to leave VBA within a few years of arrival.

RECOMMENDATION: A joint VBA-stakeholder team should develop a national training plan.

As VBA testified before this Subcommittee last fall, training is central to every quality organization. We are pleased with VBA's efforts to develop new training tools and centralized training programs, but much more needs to be done to ensure that quality and consistent training is provided to every VSR and Rating Specialist. VBA training operates much more like national guidance than a national training plan, resulting in tremendous variations in quality between ROs.

A joint labor/management team should be established to develop a formal national training plan with clearly defined curriculum. In his response to the

Inspector General's report on state variations in awards, the Under Secretary for Benefits concurred with the need for centrally developed and directed training. The current training directives are too vague. For example, to provide VSRs with refresher training on "Duty to Assist", a critical issue that was the subject of litigation, the only guidance given to the trainer is a set of four topic bullets and the requirement that it last one hour.

A joint labor/management team would also be able to identify best practices from local facilities, and regularly assess the quality and thoroughness of local training programs.

This plan should mandate that every employee receive roughly the same amount of training under defined timeframes. Currently, VBA requires that VSRs receive a set number of hours of training each year. However, mandatory training in areas other than benefits, such as ethics, privacy and sexual harassment also count toward that hours requirement. Thus, when it comes to finding time for training on benefit programs, supervisors facing tremendous pressure to clear backlogs are likely to sacrifice training for production numbers. Training on computer help aids is often cut short also.

Another common inconsistency is that older employees are much less likely than newer employees to receive instruction under the recently Training Performance and Support System (TPSS) tool.

RECOMMENDATION: Rotation of VSRs through all claims processing teams should be mandatory and monitored.

More and more employees are losing training opportunities because their supervisors are not rotating them through all the relevant teams. (VSRs work in four teams: Pre-Determination, Post-Determination, Triage and Appeals.) This impedes their ability to handle a full array of claims effectively and lessens their chances of passing the skills certification test. Some VSRs have worked on only *one* team during their entire tenure at VBA.

RECOMMENDATION: VBA should develop a cadre of effective, competent trainers with formalized training skills and adequate subject matter expertise.

Trainers are currently selected without well-defined criteria, resulting in great variations in the quality and thoroughness of the training. The typical trainer is a mid-level or senior VSR who has not had formalized instruction on training. Some employees go to the VBA Academy where they are more likely to learn from experienced trainers; others never go to the Academy. For skills certification training, some VSRs were taught by the same person who designed the test (presumably well-versed in what to study), while others did not have this advantage. We received reports that some trainers did not even know what the test was going to cover!

RECOMMENDATION: Continuing education should be mandatory and the curriculum and schedule should be set nationally.

VSRs and Rating Specialists must stay updated on a steady stream of new laws, regulations and court decisions. They need timely, well-developed, refresher courses to ensure that they understand the impact of these changes and implement them correctly and uniformly across offices. Managers should set aside specific, regular times for current employee training. Employees tell us that in the past, it was standard practice to have regular end-of-the-week meetings to learn about new development and go over significant cases. Where this practice is still in place, such as the Public Contact Unit in Roanoke, Virginia, the employees find the meetings to be a valuable learning tool. Clearly, elimination of this practice is another byproduct of productivity pressures on the workforce.

RECOMMENDATION: Oversight of VBA's training program should be formalized, ongoing and transparent.

As already noted, all stakeholders should be able to monitor the effectiveness of VSR and Rating Specialist training. Veterans' groups and employee representatives are on the front lines, and therefore, are in an excellent position to identify best practices and areas of weakness. Given the vast subject matter that needs to be learned, and the number of offices involved, a formal quality assurance program for VBA training is especially important. The oversight process should also allow require regular reports to Congress.

RECOMMENDATION: Current performance standards should be revised to enable VSRs to adequately develop claims and receive needed training.

Pursuant to an agreement between VBA and AFGE, national performance standards to boost VSR productivity were put in place in 1997. They were revised by agreement in 2005. These standards set a national floor and each RO is free to set them higher. Prior to the creation of national standards, each station set its own production quotas.

The national standards continue to need revision. The share of employees who are meeting the standards is inexplicably low, calling into question the validity of these measures. Approximately a third of those evaluated around the country are failing to satisfy the standards, on the basis that they are not meeting production quotas. Something is clearly wrong when VSRs are working long nights and weekends and still cannot meet their quotas.

At first, management promised to revisit this problem but has since denied a problem even exists, claiming that the trend is improving even though there are still more than 20% of VSRs failing to meet the standards. This response is causing VSRs to leave or transfer.

With no opportunity for collaboration, AFGE has had to invoke arbitration, which is currently pending along with a request for performance standard data to enable us to assess whether these standards are reasonable. A key issue raised by AFGE is that the current work credit (“weight”) system was developed before CPI specialization was put in place, and some employees are now exclusively

handling cases that receive less weight. We are asking VA management to work with us to reassess this process and design a system that has CPI in mind. The agreement that AFGE and VBA entered into last year also requires that management monitor the implementation of the national performance plan and make adjustments as needed. We encourage this Subcommittee to look into more effective ways to measure performance and ensure quality. .

RECOMMENDATION: Implementation of the Skills Certification test should involve key stakeholders and include a clearly defined national training program designed to teach the subject areas and skills being tested.

Pursuant to an agreement between VBA and AFGE, qualified GS-10 VSRs who pass a skills certification test can receive a noncompetitive promotion to a GS-11. AFGE has a number of concerns about the way this testing process has been implemented.

First, contrary to assurances from VBA and the terms of our agreement, the training is not always sufficiently aligned with the scope of the exam, and trainers are often confused about what training materials are relevant to the test.

There was significant variation in the amount of time employees had to train for the test. Even though the test is “open book”, it tests for a tremendously high level of expertise. For example, an employee who got a wrong answer was directed to a *163- page* user manual to find the right answer. More generally, it would be helpful to provide employees with test results and feedback using links to training syllabus, not source material. VSRs everywhere want to pass this test

and want the comprehensive and high quality training they deserve to accomplish this.

To date, the tests resulted in extremely low passage rates (25% and 29% for the first two validity tests). This is very demoralizing to competent VSRs with years of experience, as well as an indicator of what a poor predictor the test is. Although the pass rate from the May 2006 test was somewhat higher (42%), we still find it very troubling that more than half the VSRs taking the test failed.

We hope that other recent problems, such as inadequate notice of testing dates, duplicate test questions and trainer confusion, will be permanently resolved in the near future.

AFGE was not allowed to collaborate in the process of refining the test and working out test administration problems. We were also denied access to raw test data to help address low passage rates. AFGE and veterans' groups have a valuable role to play in improving the testing process if VBA permits it.

The certification test raises the much larger issue of classification of the VSR and Rating Specialist positions. Currently, the VSR career ladder ends at a GS-10. The certification test is the only path to a GS-11. Comparable adjudication jobs in other federal agencies have career ladders up to a GS-11. VBA has recently completed a review of the VBA claims adjudication classifications and submitted recommendations to the Secretary. Unfortunately, here too, AFGE was not allowed to have input into this classification review.

We hope that this Subcommittee will look into the related questions of job classification and certification testing to determine the best approach to ensuring

that VSRs obtain the full set of skills they need to effectively serve veterans and that they are recognized for the skill levels they achieve.

We look forward to working with Chairman Miller and Ranking Member Berkley to ensure that meaningful training and performance standards are in place. To do otherwise would be a great disservice to veterans. Thank you.

BIOGRAPHY

J. David Cox, R.N.

**National Secretary-Treasurer
American Federation of Government Employees, AFL-CIO**

Jeffrey David Cox, Sr. is the National Secretary-Treasurer of the American Federation of Government Employees (AFGE), the nation's largest union representing federal and D.C. government employees. Prior to winning the election for Secretary-Treasurer in August 2006, Cox served for 18 years as president of Local 1738, which encompasses the Salisbury Medical Center, National Cemetery, Winston Salem Out-Patient Clinic, VA Regional Office, Charlotte Out-Patient Clinic, Fayetteville VA Medical Center and the Durham VA Medical Center. Cox has served as co-chair of the VA National Partnership Council. He also served as first executive vice president of AFGE National VA Council (NVAC) for more than 11 years and as vice president of the North Carolina State AFL-CIO.

Cox is a graduate of North Carolina's Rowan-Cabarrus Community College, of which he served on the board of trustees. He also attended Gardner Webb University in Boiling Springs, North Carolina. He began his career in health care services in 1970 as a food service worker. In 1971 he started working as a nursing assistant and one year later became a licensed practical nurse. Cox became a registered nurse in 1983.

Originally from North Carolina, Cox and his wife, Lynn, currently reside in the Washington, D.C. area.

September 13, 2006

The Honorable Jeff Miller, Chairman
Committee on Veterans' Affairs
Subcommittee on Disability Assistance and
Memorial Affairs
335 Cannon House Office Building
Washington, DC 20515

Dear Chairman Miller:

The American Federation of Government Employees has not received any federal grants or contracts, during this year or in the last two years, from any agency or program relevant to the subject of the September 13, 2006 hearing of the Subcommittee on Disability Assistance and Memorial Affairs concerning training provided to Veterans Benefits Administration Claims Adjudicators or the standards used to measure their proficiency and performance.

Sincerely,

A handwritten signature in cursive script that reads "Beth Moten".

Beth Moten
Legislative and Political Director