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May 20, 2014

Dear Representative:

The Senior Executives Association (SEA) represents the interests of career federal executives in the Senior Executive Service (SES), and those in Senior Level (SL), Scientific and Professional (ST), and equivalent positions. On behalf of the Association, and of SEA members who serve at the Department of Veterans Affairs (VA), I am writing to strongly oppose H.R. 4031, the Department of Veterans Affairs Management Accountability Act of 2014. This proposal not only sets the dangerous precedent of politicizing the career executive corps, it will not achieve the goal we all share – to provide the Nation’s veterans with the highest quality care.

SEA cautions against the rash, media driven push to quickly move a bill to allow the Secretary to fire federal career Senior Executives. While it may seem like a quick fix to fire or demote VA executives (one third of whom are themselves veterans), our veterans deserve more than a bogus solution such as H.R. 4031.

Clearly there are problems to be addressed at VA, from backlogs to preventable patient deaths. The VA should aim to ensure that no one has to wait for critical care and that there are no preventable patient deaths. This is an issue that every hospital across the country deals with and strives to achieve. But the legislation in question does not address these issues. In fact, it does a disservice to veterans by distracting from the complex solutions that are needed to get to the root of the problems.

The stated purpose of H.R. 4031 is to hold senior level employees accountable by allowing the Secretary of the VA to terminate Senior Executives “in the same manner as the removal of a professional staff member employed by a Member of Congress.” SEA questions the necessity of this bill since Senior Executives can already be removed for poor performance.

Under current law, Senior Executives may already be removed for poor performance and have no effective appeal rights. By law, Senior Executives must be removed from the SES if they receive two unsatisfactory ratings within five consecutive years or two less than fully successful ratings within three consecutive years. An agency may choose to remove the Senior Executive after just one unsatisfactory rating. SEA strongly supports holding employees accountable for their performance. Should an employee need to be removed, then an agency already has the means to do so.

In a hearing before the Senate Veterans Affairs Committee last week, Secretary Shinseki stated that in the past year 3,000 employees at the VA had been removed, including fourteen Senior Executives over the past two years. In a previous letter to Chairman Miller, Secretary Shinseki

stated: "I believe VA has sufficient authority to take swift action and hold employees and executives accountable for performance." The accountability system does work in that it allows agencies to hold employees accountable, but also ensures fairness and due process in the determinations.

Proponents of this legislation also talk about changing the culture at the VA. This bill will not achieve that goal. Passage of this legislation will politicize the SES corps and will create a culture where quality managers and executives choose to work elsewhere rather than lend their talents to the VA where they may be subject to a trial by media.

Should HR 4031 become law, it would transform career Senior Executives at the VA into another layer of political appointees. Nothing in the bill prevents a Secretary from cleaning house under the guise of performance. It is possible that every time an Administration changes parties, career Senior Executives would be removed. SEA doubts that it is the intention of Congress to allow career federal employees to become targets of political retribution.

Career Senior Executives provide leadership and programmatic continuity and they impartially carry out the laws passed by Congress regardless of politics. Over 100 years of precedent for having a professional, not political, career civil service would be upended by this legislation. This would not provide the type of service that veterans deserve.

SEA believes that problem employees should be held accountable but that an entire corps should not be placed at risk due to the poor performance or misconduct of a few. SEA also supports meaningful efforts to identify policies that strengthen employee accountability systems across government. This legislation does not achieve the goal of accountability and instead is a quick fix sound-bite that does not address the very real issues of backlogs and access to care. SEA calls on Congress to end this attack on federal employees and to instead focus on the goal that we all support – ensuring the best care for veterans.

Veterans warrant nothing less than world class service by the VA and Senior Executives at the VA share this goal. SEA urges Congress to move away from the distracting rhetoric about Senior Executives and to instead focus on the drivers of the backlog and access to care.

Please vote NO on H.R. 4031.

Sincerely,



CAROL A. BONOSARO
President