

Trump administration signs law stripping job protections from Department of Veterans Affairs employees

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President Trump's signing into law of the Accountability and Whistleblower Protection Act last month marks a deepening of the administration's attack on federal workers. The legislation erodes job protections for Department of Veterans Affairs employees; limiting their abilities and time windows to appeal unjust firings while cutting off benefits for workers who are under review for disciplinary action.

The legislation received bipartisan support, with 231 Republicans and 137 Democrats in the House of Representatives voting yes, while passing by a voice vote in the Senate. Trump signed the bill into law on June 23. The legislation was endorsed by a number of right-wing groups, including the Koch brothers-funded Concerned Veterans for America (CVA).

The Accountability and Whistleblower Protection Act "allows [the] VA to take action more expeditiously and to more easily defend its actions on appeal, as judges must now afford deference to VA's choice of penalty and must uphold actions when VA proves misconduct by substantial evidence," VA spokesperson James Hutton told the *Washington Post*.

Under the new law, VA workers will have only seven days to appeal a firing. In addition, firings will be carried out on a flimsy and circumstantial basis, allowing for "substantial evidence" rather than a "preponderance of evidence" to be marshaled to justify a dismissal. Senior officials facing termination will be deprived entirely of an independent appeals process through the Merit Systems Protection Board (MSPB). Under the new law, the Secretary of the Department of Veterans Affairs will have direct oversight of the charges, disciplinary actions taken and deciding of appeals for executive officials facing removal.

In addition, payouts of over \$5,000 to workers who challenge their dismissal will need the approval of a "senior official," supposedly in the name of stopping payouts to silence employees speaking out against the agency.

The legislation builds upon an earlier law, the 2014 Veterans Choice Act, passed by the Obama administration in the wake of the VA scandal of that year, in which officials suppressed stories of veterans dying or committing suicide after facing obscene lengths of time on federal wait lists to get care. Since 2001, nearly 128,000 US military veterans have committed suicide due to post-traumatic stress disorder and other afflictions stemming from their military service.

The Obama administration's law made it easier for the department to fire employees at will, while reducing the time window for a VA executive to appeal a firing to just one week. In addition, the administration introduced a voucher system for veterans, allowing those fed up with the lengthy wait periods to seek help in the private sector.

"I need, as secretary, if I'm going to change this organization, the ability to remove employees that clearly no longer in my view should have the privilege of serving our veterans," stated VA secretary David Shulkin during a press conference organized by the *Christian Science Monitor* last month. Shulkin, the only Obama administration holdover in Trump's cabinet, said of the VA that he wished "to run this organization the way that the private sector runs organizations," thus demonstrating the essentially right-wing outlook of the previous Democratic administration.

In an unprecedented move Friday, Shulkin released

publicly a list of adverse actions taken against over 700 VA employees since January 20, when Trump first took office, 526 of which were firings. The department released a statement declaring, “together with the Accountability bill the president signed into law recently, this additional step will continue to shine a light on the actions we’re taking to reform the culture at VA … Veterans and taxpayers have a right to know what we’re doing to hold our employees accountable and make our personnel actions transparent.”

The list of firings gives the lie to the administration’s claim that it needs extraordinary powers to terminate government employees and enforce “accountability” within the federal workforce. While the VA fired over 2,575 employees for disciplinary infractions in 2016, the Trump administration is set to eliminate more than double that number in its first year in office, according to the Office of Personnel Management.

The Trump administration, rather than supplying the VA with the resources and staff it needs to deliver care for the millions of veterans injured in combat, is engaged in an effort to starve the agency of needed funding and resources, so as to facilitate the eventual privatization of the service altogether. The VA is currently understaffed by nearly 50,000 positions.

Between 2000 and 2014, the federal government has fired more than 77,000 workers, or roughly 5,000 a year. In addition, the number of federal government employees has remained virtually static since the 1960s, despite the growth of the US population during the intervening period.

The law will put workers even more at the mercy of their superiors. “These provisions strike at the heart of the career-run merit based civil service system by empowering the VA Secretary and political appointees to conduct wholesale political firings of VA senior executives,” stated Senior Executives Association President Bill Valdez in a letter to Congress last month. Valdez warned that the law could “trigger a return to the spoils system of patronage,” in which job positions would be filled on the basis of recipients having the appropriate political connections.

Union officials from both the SEA and the American Federation of Government Employees (AFGE), which represents over 70 percent of all VA employees, failed to return a request for comment issued by the *World Socialist Web Site* regarding plans to oppose the new

law. Both unions embrace the Trump administration’s phony arguments about “accountability” and “discipline,” fearing that a wave of mass firings could radicalize the workforce and lead to opposition going beyond the narrow confines of the trade unions and the Democratic Party.



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