

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO

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May 1, 2006

By Facsimile and Regular Mail

Ronald E. Cowles
Associate Deputy Assistant Secretary
for Labor-Management Relations
Department of Veterans Affairs
810 Vermont Avenue, NW
Washington, DC 20420

Re: **National Grievance**

This is a National Grievance filed by the American Federation of Government Employees (AFGE) in accordance with Article 42, Section 11 of the Master Agreement between the Department of Veterans Affairs (VA) and AFGE signed March 21, 1997 (hereinafter, "Master Agreement"). This National Grievance is filed against VA and any and all other associated VA officials for its non-compliance with the May 11, 2005 Memorandum of Understanding between VA and AFGE ("MOU") regarding "Revised VSR Performance Standards".

On May 11, 2005, Veronica Wales representing VA and Alberta Franklin representing AFGE signed the above-mentioned MOU. The MOU constitutes an agreement between VA and AFGE "regarding a revised national performance plan for Veterans Service Representatives (VSR)." Additionally, the "national performance plan establishes minimum performance levels for VSRs."

In pertinent part, the parties agreed that:

7. Management will monitor and assess the implementation of the national performance plan and make adjustments where necessary. On a monthly basis during the first six months and then quarterly through the end of the first year, a consolidated production report showing aggregate employee performance data, by office, will be provided to the mid term bargaining team.

Subsequently, on September 14, 2005, Michael Walcoff, VA Associate Deputy Under Secretary for Field Operations (Veterans Benefit Administration) submitted a letter to all VA Regional Offices and Centers regarding "Implementation of Revised National VSR Performance Plan". Mr. Walcoff stated that the letter "provides information on the implementation of the Revised National Service Representative (VSR) Plan, as well as

the ASPEN (Automated Standardized Performance Elements Nationwide) application, that will be used to capture the revised standards.”

Mr. Walcoff further stated that the implementation of the National VSR Performance Plan would be effective October 17, 2005. He also noted that, in conjunction with the guidance contained in the letter, the VA Regional Offices and Centers should refer to the MOU signed May 11, 2005 by AFGE and VA “regarding the implementation of the revised performance plan.” Mr. Walcoff related that “[t]he revised VSR National Performance Plan represents minimum performance levels to be used in establishing local standards for VSR at the GS-7 level and above.

Initially, AFGE notes that on March 9, 2006, Ms Franklin, Chairperson of AFGE's Mid-Term Bargaining Committee submitted AFGE's concerns regarding the VSR National Performance Plan to William Carson, VBA VACO (VA Central Office). Ms Franklin informed Mr. Carson that the AFGE Mid-Term Bargaining team had received an extensive amount of feed back from the field concerning the current VSR performance standards. She noted that most of the offices across the country are reporting that many of their employees are having difficulty meeting the national standard of eight (8) weighted cases per day.

Ms Franklin stated that the AFGE Mid-Term Bargaining Team has also received feed back from front line supervisors. She related that these comments have expressed concerns that the current standards are unreasonably high in regards to the specific weights assigned for some development actions and authorization actions as well.

Ms Franklin reported that, in addition to the anecdotal feedback that AFGE was receiving, the results of the pilot tests that were conducted on the revised weights and performance standards, the ASPEN reports being received by the stations, and the reports that VA has provided indicates that the performance standards are fatally flawed. She stated that based on the only the reports that have been provided to AFGE in accordance with the parties MOU, approximately 31% of all VSRs are failing to meet the performance standards.

Further, Ms Franklin maintained that it has been her personal observation that many frontline supervisors in the field are taking it upon themselves to try to mitigate the uneven nature of these standards, or more specifically, the “work credit” or “weight” assigned for each specific task.

She noted that one specific example of the problems with the performance plan is in the area of “pre-determination” type work. In this regard, she related that a development letter for an original claim is assigned 1.5 weighted credits while all letters for subsequent development results in only a one-half point or .5 weighted credits. She contends that this means that if a veteran submits a claim for a single issue or disability, the VSR would receive 1.5 weighted credits for the development letter.

Ms Franklin noted that, subsequently, if the veteran responds to this original development letter and adds issues to his claim or provides the Regional Office with five (5) different doctors who have treated him over the last 5 years, the VSR would receive only point-five (.5) credit for all work associated with this response. She related that this includes the five (5) separate letters that would have to go out to the different doctors or medical facilities where the veteran received treatment and the development letter for any additional issues raised in conjunction with the original claim for benefits, along with updating all the various computer systems and diaries.

AFGE is concerned that when the weights or the work credit system was first developed, most VSRs and RVSRs were organized into teams under Business Processing Reengineering (BPR). Ms Franklin stated that this results in the situation where an average employee performing any number of general duties through out his or her work day. Along with this well-rounded approach to workload management, it attempted to ensure that if any particular weight for any specific function was too low or too high, it would all average out in the end.

In this regard, AFGE notes that due to the re-organization and implementation of "Claims Process Improvement" (CPI) the work environment has been drastically changed. In an attempt to monitor and direct work in a more efficient way, management has created and implemented the concept of "specialization" and has effectively exercised complete control over the workflow and production of certain claims. It is not uncommon in some Regional Offices to identify and isolate certain types of work or end products and work them in a way that appears to be more efficient bring the average day pending under control.

In doing so, management has relied more and more on specialization, first beginning with establishing the five (5) different teams defined by CPI itself. However, specialization does not end there, at most offices you find temporary work teams focusing on isolated grouping of specific type cases.

This tendency towards specialization has the effect of necessitating that the VA acknowledges the importance of adequate work credit. For instance, a VSR may receive less credit on average for a DIC case or a burial claim. But if that individual's team was to specialize in just doing burial claims the employee affected would no longer have the option of completing a heavily weighted case along with the burial claims in order to meet production. Instead, they must produce three or four times the amount of work at half credit in order to meet the basic production requirement. CPI was not a consideration when the VA first began to develop weight for work actions.

AFGE contends that front line managers must also find ways to deal with this problem on a day-to-day basis. In this vein, in many cases this might result in the need for "detail time" or the allowance of double credit for particularly difficult cases. AFGE contends that the problem with allowing the situation to continue unchecked is that there are too many outside forces determining what this Agency determines to be its priority at any given time. AFGE maintains that employees and management alike do not need to be

placed in a situation where constant adjustments or excessive detail time is the only answer to faulty work credit being assigned.

As previously mentioned, Ms Franklin submitted AFGE's concerns noted above to Mr. Carson on March 9, 2006. After not receiving a response from Mr. Carson, on March 20, 2006, Ms Franklin sent an e-mail to Mr. Carson asking him whether "his team had a chance to digest our concerns regarding VSR's standards that we sent on March 9, 2006.

Thereafter, on April 6, 2006, Mr. Carson responded to Ms Franklin's e-mail message by stating that "I have shared the AFGE's concerns regarding the current VSR Standards (below) that you sent me on March 9. He related that the Office for Field Operations (OFO) responded with the following:

We have considered your concerns and believe the current VSR standards are reasonable. We will continue to monitor organized performance and make appropriate adjustments to the standards if and when necessary.

Based on the above, AFGE contends that VA management has not complied with the parties signed May 11, 2005 MOU regarding "Revised VSR Performance Standards". AFGE further contends that the current performance standards are unreasonable and unattainable by a significant number of VSR's across the country and appear to be absolute.

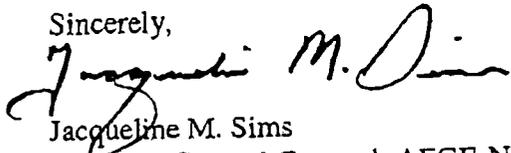
As a remedy to this problem, AFGE requests that VA management and AFGE reassess this process and attempt to design and implement a system that has CPI and specialization in mind. The work credit or weights should be based on the knowledge that employees are allowed less and less to manage their own work loads and are often forced to specialize in the types of work they are completing day to day.

In this vein, AFGE reminds VA and seeks to invoke paragraph 7 of the MOU on Revised VSR Performance Standards that was signed on May 11, 2005 and implemented on October 17, 2005. As set forth earlier, this MOU, in pertinent part, provides that **"Management will monitor and assess the implementation of the national performance plan and make adjustments where necessary. . ."**

This is a National Grievance and the time frame for resolution of this matter is not waived until the matter is resolved or settled. If you have any questions regarding this National Grievance, please feel free to contact me, prior to May 15, 2006, at 202-639-6525. On or after May 15, 2006, please direct any questions and/or forward your

response to William Wetmore, Chairman, Grievance and Arbitration Committee, AFGE-NVAC, at 202-565-8510, 811 Vermont Avenue, NW, Washington, DC 20420.

Sincerely,



Jacqueline M. Sims
Assistant General Counsel, AFGE-NVAC

cc: William Wetmore, Chairman, Grievance
and Arbitration Committee, AFGE-NVAC