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COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

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June 5, 2013

The Honorable Eric K. Shinseki
Secretary
U.S. Department of Veterans Affairs
810 Vermont Avenue N.W.
Washington, D.C. 20420

Dear Secretary Shinseki:

Veterans Affairs' (VA) has made ending veteran homelessness, eliminating the claims backlog, and expanding access to benefits and services its top priorities for Fiscal Year 2014. We are encouraged by your confidence that these goals can be accomplished in the near future. However, in order to accomplish these challenging goals, as you might agree, it is essential that every VA employee is dedicated 100 percent to our nation's mission of providing the best healthcare to our veterans in a timely manner.

Recently, it has come to our attention that a number of VA employees are paid government salaries, funded entirely by taxpayers, to perform work totally unrelated to their formal governmental duties. In a practice known as "official time," taxpayers pay for federal employees to perform union duties instead of their formal jobs they were initially hired to do. Federal employees not serving veterans during official time could lead to the failure of VA's top goals and the well-being of those who have sacrificed in the service our nation, could be compromised.

Moreover, the recent decision to overtime "surge" to help eliminate the backlog is troubling considering VA employees who should be completely dedicated to serving veterans are authorized for large amounts of official time. Accepting policies that foster poor personnel management practices in a critical period of VA's history will undoubtedly negatively impact veterans who could have otherwise been served by taxpayer dollars now reserved for federal employee overtime pay.

Documents from your department list 188 VA employees serving in 100 percent official time capacity during the time period spanning January 1, 2012 through February 2013.¹ During this time of sequestration and tight budgets, it is important to know how so many employees can

¹ Americans for Limited Government, "Consolidated list of union representatives on 100% official time from 2012 to February 2013," http://algfoiafiles.com/images/2/21/100_%25official_time_consolidated_table_2013_VHA_Redacted.pdf, accessed May 7, 2013.

be spared to serve the interest of outside groups, instead of carrying out jobs that are essential to the health, safety and transition of our nation's veterans.

Documents show that your department recently employed at least 85 VA nurses, some with six-figure salaries, who were in 100 percent official time status.² At the same time, the department is recruiting more people to fill open nursing positions. USA Jobs currently has openings for hundreds of nursing positions to be filled.

In addition to nurses, other medical and security personnel at the VA have been shown to be on 100% official time. They include four addiction specialists; nine pharmacists and pharmacists technicians; one Orthotist/Prosthetist; one blind rehabilitation specialist; one audiologist; five social workers; 11 health technicians; 12 medical support assistants; 10 medical instrument technicians (including one for Hemodialysis); two psychologists; seven therapists (including one specializing in readjustment); three dental lab technicians/dental lab assistants; as well as other health specialists and health support staff.³

The documents also show that taxpayers are paying for six police officers and two security assistants, who should be ensuring the security of VA properties and personnel and the public interacting with them, but who are instead on 100 percent official time.

To better understand how taxpayers' money can best serve our nation's veterans, please provide our offices with answers to the following questions:

- 1) How many VA employees work official time 100% of the time? Please provide figures over the last ten years– as well as any comments or context you might have as to why the numbers have fluctuated. Please also include the employees' title, salary, and duty station.
- 2) Please describe and provide the job descriptions of what these employees do in a given day for the VA. How do these activities relate to the mission of the VA?
- 3) If an employee is on official time 100% of the time, does the VA have to hire and compensate another employee to perform the duties the person would otherwise perform in their position of record? If so, how much did this cost the VA last year?
- 4) What is the process for putting a VA employee on official time 100% of the time? Does such an employee go through competitive hiring practices as do other federal employees?
- 5) How does your agency evaluate such employees for performance? Are employees who spend 100% of their time on official time eligible for pay raises? If so, please provide the amount of annual increases (including step increases, bonuses, incentive payments, awards, or other money in addition to base salary), broken down by year over the last 10

² Ibid. According to the FOIA, 1 Licensed Vocational Nurse, 4 Vocational Nurses, 30 Nurses, 1 Nurse Practitioner, 9 Licensed Practical Nurses, 4 Practical Nurses, 26 Register Nurses, 9 Nursing Assistants and 1 staff nurse.

³ Ibid.

years, given to employees on official time. Please also explain the process for determining pay raises for employees on 100% official time.

- 6) If an employee is on 100% official time, is this employee expected to report to his or her work station on a daily basis? How many of these employees work at VA facilities and how many do not? Can employees on official time work from home? If so, please report the number of hours employees on official time worked from home or away from their primary duty station.
- 7) Of the employees who are on 100% official time, do any of their positions of record reflect positions the VA is currently seeking to fill, "hard to fill" positions, or positions which the VA has a critical need to fill? Could this result in any service disruptions to veterans?
- 8) Has the VA agreed to any current collective bargaining agreements that include language on official time? If so, what did the VA agree to? Who approved these provisions?
- 9) Have any members of the Board of Veterans' Appeals been on 100% official time over the past 10 years? If so, how many?
- 10) Have any personnel assigned to processing disability claims been on 100% official time over the past 10 years? If so, how many? How might official time affect VA's efforts to eliminate the backlog?

We would appreciate a response by June 17th of this year. Thank you for your efforts, and if you have any questions about this request, please contact James Gelfand on Doctor Coburn's staff at (202) 224-4751, or Brent Bombach on Senator Portman's staff at (202) 224-3353.

Sincerely,



Tom A. Coburn, M.D.
Ranking Member
Senate Committee on Homeland
Security and Governmental Affairs



Rob Portman
Ranking Member
Subcommittee on Efficiency &
Effectiveness of Federal Programs
& the Federal Workforce