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June 12, 2017

U.S. House of Representatives
Washington, D.C. 20515

Dear Representative:

On behalf of the 1.6 million members of the American Federation of State, County and Municipal Employees (AFSCME), I urge you to oppose the Department of Veterans Affairs Accountability and Whistleblower Protection Act (S. 1094), which would unfairly undermine collective bargaining and open the door to the unfair discharge of VA employees, as well as eliminate employees' existing workplace due process protections and weaken the VA's ability to carry out its mission. AFSCME strongly opposes S. 1094.

This bill lowers management's burden of proof (the evidentiary standard) to fire a worker from "preponderance" of evidence to "substantial" evidence. The current standard, which requires more than 50% of the evidence, is fair and appropriate. This standard is important to ensure impartial administration of justice. This bill also changes the process for a worker to appeal an agency's proposed penalty by preventing a Merit Systems Protection Board (MSPB) administrative judge from adjusting or mitigating this penalty. The bill also significantly reduces the time available for an employee to handle their grievance and appeal to MSPB.

S. 1094 would greatly damage federal employees' due process rights and would cause harm to the VA's important mission. AFSCME urges you to oppose this harmful anti-worker bill.

Sincerely,

Scott Frey,
Director of Federal Government Affairs

SF/MG:mc

American Federation of State, County and Municipal Employees, AFL-CIO

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