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Ripe for reform

Veterans act should have included fixes to corrupted civil service

By Augusta Chronicle Editorial Staff
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The \$16-plus-billion emergency fix for the scandal-plagued Department of Veterans Affairs is designed to do a lot of things.

It is intended to help hire more doctors and nurses; build more VA facilities; and make it easier for veterans to get health care from non-VA providers.

What it *won't* do is start to reform a culture that rewards liars, punishes whistleblowers and shields itself from scrutiny with a bureaucratic brick wall.

That would require the ability to quickly and easily fire bad employees, which this recently approved bill doesn't do.

“Throwing money at the VA won't solve their problem,” said U.S. Rep. Tim Huelskamp, R-Kan. “A fundamental change in culture and real leadership from the president on down is the only way to provide the quality, timely care our veterans deserve.”

The media have ballyhooed provisions enabling the VA secretary to immediately terminate senior executives – an authority new Secretary Bob McDonald should have anyway. But the measure signed recently by President Obama does nothing to streamline the termination process for the VA's rank-and-file civil service employees.

As many as 1,000 veterans may have died while languishing on secret waiting lists at VA facilities nationwide, including in Augusta. Considering the depth and breadth of the scandal, one would assume at least *some* mid- to low-level employees also should be held to account.

After all, the falsified and omitted records and cover-ups that led to the preventable veteran deaths – and \$100 million in pay bonuses for VA administrators over a three-year period – clearly bear the fingerprints of federal employees at multiple pay grades.

Reforming the VA requires overhauling its employee culture, from the top down and the bottom up.

Yet, as *Military Times* reports, fewer than 500 of the VA's 380,000 employees are covered by the bill's streamlined termination and discipline provisions. And even then, "it's unclear whether they face any real threat to their jobs."

It's also unclear whether the VA has fired *anyone* in this scandal. Before the appointment of former Procter & Gamble CEO McDonald as VA secretary last month, the agency said it "might" discipline six officials, whom it declined to name, and that only two of them *could* be fired.

Remember, this is an agency whose inspector general found falsified wait times at 70 percent of its facilities.

A wholesale house-cleaning might be just what the doctor ordered.

"If you've been in an organization that's failed across the board the way the VA has, the writing is on the wall and probably a lot of the senior people have to go," Todd Henshaw of the University of Pennsylvania Wharton School of Business told *Stars and Stripes*. "(McDonald is) going to need some people coming in from the outside."

An old saying goes that it's impossible to fire a federal employee for anything less than murder. So what would you call it when a veteran dies from the willful withholding of medical treatment to which he is entitled?

And what about the fact that performance bonuses were linked to these deaths?

Honestly, where's the accountability?

Sadly, it's not found abundantly in the VA reform act. Any terminated "senior executive service" employee – or equivalent medical professional – still would have seven days to appeal to the Merit Systems Protection Board, which in turn has 21 days for an expedited adjudication. The MSPB's decision to retain or terminate is final.

That's only slightly better than the existing appeals process, which can take months to resolve, but far too cumbersome when compared to the termination process in the private sector – which consistently delivers better outcomes at lower costs than government health care.

The private sector fires employees at six times the rate of government, which in 2013 terminated just .049 percent of workers, according to the Office of Personnel Management.

The civil service laws Congress enacted decades ago to protect employees from politically motivated firings has created a job-for-life system that serves the interest of the federal bureaucracy, not the general public.

If a government worker is deemed a poor performer – a designation that itself is subject to interpretation – the onus for improvement is put on the organization rather than the employee.

Even when misconduct – not performance – is the cause for action, employees still are entitled to lengthy due process and a period of administrative leave. All of this generates paperwork and confrontation. Most managers try to avoid that.

And even when managers take a termination to the furthest level, there's always the chance the MSPB will overrule their decision.

This is a big reason why IRS employees can harass conservative groups; Secret Service agents can hire prostitutes; and General Services Administration employees can treat themselves to a lavish Las Vegas conference with near-impunity.

More often than not, career government employees get reassigned or demoted, or are allowed to retire – almost anything but terminated.

“I actually think the federal workforce would be better off with more firing,” Chris Edwards of the Cato Institute told CNN. “The good workers get disheartened and demoralized if they see these nonperforming workers making as much as them and they're not doing their job.”

If lawmakers are serious about reform, they should change the way government employees are evaluated, promoted and disciplined. And they should start at the VA, where decisions by government workers literally can be a matter of life and death.

Otherwise, the \$16 billion VA bill is nothing but a reward for failure, and it's only a matter of time before the next scandal arises.