



NATIONAL FRATERNAL ORDER OF POLICE

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The Honorable Michael J. Bost
Chairman
Committee on Veterans Affairs
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Mark A. Takano
Ranking Member
Committee on Veterans Affairs
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman and Representative Takano,

I am writing on behalf of the members of the Fraternal Order of Police to advise you of our opposition to H.R. 4278, the "Restore VA Accountability Act."

This legislation would take the unprecedented step of amending 38 U.S.C. 714 to allow existing Collective Bargaining Agreements (CBA)—contracts between Federal employees and the U.S. Department of Veterans Affairs (VA)—to be abrogated. This would include the recent CBA ratified and approved by VA Secretary Denis R. McDonough last month after the Department elected to suspend the use of its §714 authority, which gutted the due process protections for VA employees—including the officers of the VA Police.

Contracts represent an agreement between employers and employees to ensure that the agency's mission—serving the needs of our nation's veterans and protecting its facilities from crime and violence—is a success. If H.R. 4278 is enacted, it would set a terrible precedent that existing contracts could be ignored and threaten the right to bargain collectively for all Federal employees—not just those at the VA. If CBAs can be set aside or ignored, then the bargaining process has no real value for employees or their employers.

The legislation would also reinforce the continued use of the "substantial evidence" standard in disciplinary review and prevent the United States Merit Systems Protection Board (MSPB) or any arbitrator to mitigate any punishment they consider excessive—which is exactly why the VA suspended its §714 authority in the first place. We expect our laws to protect due process rights, not undermine them. Should this bill become law, Federal employees in the VA would lose their voice in the workplace, leaving us to wonder who will be next? The FOP cannot support the legislation as currently drafted.

On behalf of the more than 367,000 members of the Fraternal Order of Police, and especially our VA Police members, I urge the Members of this Committee to reject H.R. 4278. If I can provide any additional assistance or information, please do not hesitate to contact me or Executive Director Jim Pasco in our Washington, D.C. office.

Sincerely,

Patrick Yoes
National President