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**AFGE LOCAL 2442, AFL-CIO**



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Date: March 10, 2016  
To: Michael Blazis, Director, Newark VARO  
From: Yetta Armstrong, President, AFGE  
Subject: Vote of No Confidence

Dear Director Blazis:

As the sole and exclusive representative for all Newark VA Regional Office (VARO) bargaining unit employees, AFGE Local 2442, AFL-CIO (Union) is hereby issuing you, the Human Resources Liaison, Veterans Service Center Manager and Assistant Veterans Service Center Manager a VOTE OF NO CONFIDENCE.

The Union has identified ongoing actions taken and not taken by you and the Newark VARO Veterans Service Center management staff which do not support VA's core values. Additionally, the Union has asked you and the Newark VARO VSC management staff to address several specific issues and concerns, however, your delay in resolving these matters as well as your failure to correct the deficiencies shown below have caused the Union – by a majority vote - to issue you this VOTE OF NO CONFIDENCE. You have been made aware of these matters but have either refused to take appropriate actions, intentionally delayed or have just ignored them.

1. Failure to follow your own regulations and procedures and thereby abusing management discretion.
2. Failure to endeavor to establish working conditions that are conducive to enhancing and improving employee morale and efficiency.
3. Failure to demonstrate VA's core values and characteristics.

- 4. Failure to demonstrate VA’s promise to be a “Model Employer” by not creating a barrier-free environment where all applicants and employees have the opportunity to compete and work to their fullest potential.
- 5. Failure to provide career development and enhancement opportunity training.
- 6. Failure to demonstrate VA’s commitment to use progressive discipline when prudent versus administering punitive adverse actions for first time and minor infractions.
- 7. Failure to identify and show transparency on “curved” performance standards based on known workload and VBMS problems.
- 8. Failure to endeavor to keep a skillful workforce in the claims processing environment.
- 9. Failure to demonstrate VA’s commitment to help the employees who are directly caring for Veterans

Your failures in these areas are the basis for the NO CONFIDENCE VOTE. Examples for each instance cited are noted on the attached addendum.

The Union is committed to establishing a meaningful partnership with management and remains available to fully participate in endeavors to resolve these matters. However, partnership requires both labor and management coming to the table with a willingness to resolve the matters at hand. Both management and labor must be willing to have meaningful dialogue which not only promote the efficiency of the Agency but also improves morale and reflect our CORE values; thereby enhancing the service we provide to Veterans.

Respectfully submitted,

Yetta N. Armstrong, President  
AFGE Local 2442, AFL-CIO  
973-297-3363 (office)  
973-297-3364 (facsimile)

Cc: House of Veterans Affairs Committee  
Willie Clark, Eastern Are Director  
Robert McDonald, Secretary of VA  
J. David Cox, Sr. AFGE President  
Alma Lee, AFGE NVAC President  
Vincent Castellano, AFGE 2<sup>nd</sup> District NVP

**ADDENDUM Attached**

**CERTIFICATE OF SERVICE**

**Served by:**

PRINT NAME: Yetta Armstrong

SIGNATURE: \_\_\_\_\_

**Received by:**

PRINT NAME: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

DATE: March 10, 2016

TIME: \_\_\_\_\_

## Addendum

### **1. Failure to follow your own regulations and procedures and thereby abusing management discretion.**

We are still concerned about the mixed messages VA is sending regarding its commitment to quality because of how business is conducted in the Newark VARO. VSC management and the Director's Office staff are allowed to process claims without being held to the same standard as bargaining unit employees who process claims on a daily basis. VSC management and the Director's Office staff often process claims that require correction and which could have assisted a bargaining unit employee with his or her production. Quite often the correction needed is a compliant issue and when the bargaining unit employee takes his or her corrective action he or she is unable to benefit from any production point because of doing so, i.e., updating suspense dates. This has been an ongoing concern mentioned several times to you and VSC management, however it continues.

As you are aware, over the past couple of years the individuals making the most errors were supervisors and/or employees in your office who do not process claims on a daily basis. They are being allowed to push claims through to reduce the average days pending while at the same time are not being held accountable for the same quality standards bargaining unit employees - who process claims on a daily basis - are held to. We question whether or not "quality" is really important to the VA since quality errors are applied with prejudice. Quality is one of VA's Core Characteristics; however, you and the Newark VARO management staff fail to lead by example concerning it. .

### **2. Failure to endeavor to establish working conditions that are conducive to enhancing and improving employee morale and efficiency.**

We continue to be concerned about management's failure to distribute work so bargaining unit employees can meet their production; assign training deadlines that can realistically be met; and staff teams so that employee are not unduly burdened and/or adversely affected.

Even though there are enough claims in our inventory to keep employees busy, bargaining unit employees are burdened with looking for work each and every day because they can only process claims that help the average days pending number.

Overtime is offered but when bargaining unit employees come in on some Saturdays to work it, there is oftentimes no work available for them. There have been several occasions when employees had to return home because there was no work for them to do on overtime, and this is concerning. Bargaining unit employees are unable to meet production because of how management continues to assign work. Approximately 90 percent of the veterans service representatives, rating veteran services representatives and decision review officers combined did not meet their production or quality goals in Fiscal Year 2015, however, management certified them as fully successful. We have been voicing this concern since 2014, but to no avail, it continues to happen.

Employees are assigned training deadlines that cannot realistically be met. For example no provisions are made for employees on the under-staffed Public Contact Team to accomplish their training assignments without interruption. When there are only two (2) people servicing 20 to 30 veterans per day each one acts as a backup for the other when breaks and lunch are taken. In the middle of their training, they are required to pause the training they are taking and relieve each other on the Public Contact Team Front Desk. On many occasions, the employees finish the training tutorials but are not allowed to certify completion until he or she received 100 percent. The employee can attain a 90 percent passing score; getting one question wrong, however the training will not allow them to certify the training as completed until they get all of the questions right. Public Contact Team bargaining unit employees are often forced to leave their training in this incomplete status because of the multiple other customer service assignments they must also complete. They are not afforded an opportunity to sit there and get it done, and this has oftentimes caused them to work beyond their regularly scheduled tour of duties without being compensated for overtime hours worked. One employee was recently punished because of her inability to certify her training as complete in a timely manner. Her training status was interpreted by VSC management as an intentional delay to carry out her supervisor's instructions. Your failure to provide the proper training to your management staff so that they realistically assign work and training deadlines that can be completed within the timeframe they require is concerning.

Instead of utilizing the Memorandum of Understanding agreed upon by the VSC Manager and Union President, two Public Contact Team employees were forced to provide coverage for one another from December 2015 through February 2016 and during a time when they also had to keep up with online inquiries and the ongoing

training assignments. Public Contact Team bargaining unit employees serve 20 to 30 plus veterans, family members of veterans, and/or other people in the public domain on a daily basis. If coverage cannot be accomplished because of training demands and/or inadequate staffing, it does not serve the Agency well to not utilize the solution proposed by the Union and agreed upon by management. The understaffed Public Contact Team coupled with the unrealistic training demands imposed on them, do not contribute to improving employee morale and efficiency.

### **3. Failure to demonstrate VA's core values and characteristics.**

In addition to "respect," we continue to be concerned about the integrity of the Newark VARO management because of what appears to be a blatant disregard to adhere to the same highest professional standards it enforces on its employees. The Assistant Veterans Service Center Manager (AVSCM) and Human Resources Liaison encouraged a bargaining unit employee to apply and interview for a career ladder position having full disclosure of her not being qualified to do so, The employee did not have 52 weeks in her existing position, and she informed both the AVSCM and H/R Liaison of this fact. She told them that she did not have 52 weeks in her current grade and was not qualified to apply for the vacancy announcement posted. However, both management officials continued to encourage her to apply, completely ignoring the "Qualification Required" section set forth. After allowing this employee to apply and take the test administered in place of an interview, the employee was selected for the position and received a "Congratulations" letter from the Human Resources Center in Baltimore. It was not until after this was brought to management's attention as improper that the offer was rescinded. Had this not been brought to management's attention, the "unqualified applicant" would have been able to continue in her promotion and be sent away to training.

After allowing a GS-13 supervisor step down to do GS-12 work while still being compensated as a GS-13, management continued to allow the "use to be" supervisor to perform work she did as a supervisor and did not make her accountable in the same way as those who she once supervised. This allowance allowed the "use to be supervisor" to take production credit for burial end products that are not processed in the Newark VARO and which are under the jurisdiction of the pension maintenance centers. The "use to be supervisor" was allowed to process EP 160's at .7 ASPEN point each for confirming the death of Veterans to the National Cemetery. Our local QRT Team is unable to monitor end product 160's and this use to be supervisor has been able to benefit from production points based on work that did not have to be

checked by quality. Both you and the Veteran Service Center Manager signed off on these death-related reports and were fully aware of this individual still being allowed to do this type of work which she once did as a supervisor. When asked about the obvious favoritism shown to this use to be supervisor, the IPC Coach, who replaced her, said that he was unaware she retained work, like VA Form 21-0538's, which she did as a supervisor and which could have helped her now coworkers meet their production in the same way it was helping her. The IPC Coach obviously paid no attention to the .7 ASPEN points this use to be supervisor was taking because of the burial end products nor the .7 ASPEN points for the dependency verifications she took credit for. He did not question why this bargaining unit employee who use to be a supervisor was continuing to do the same work she did as a supervisor and which therefore contributed to her exceeding her production standards while her coworkers struggled to meet them. By meeting and exceeding her production goals, this use to be supervisor was immediately allowed her to work at home. If this same work this use to be supervisor was doing was evenly distributed so that all employees could benefit from doing it, more employees would have been able to perhaps meet and exceed their production goals instead of being put on a performance improvement plans (PIP). This type of management style wherein a select few are able to be successful because of the unfair and unequal distribution of work and special projects is indicative of the culture of favoritism and cronyism in the Newark VARO, and it continues to deteriorate the health of the office.

Preferred bargaining unit employees are given special projects to assist in achieving maximum performance while others are not afforded this opportunity until after they are placed on PIPs.

**4. Failure to demonstrate VA's promise to be a "Model Employer" by not creating a barrier-free environment where all applicants and employees have the opportunity to compete and work to their fullest potential.**

There are several EEO's pending in the Newark VARO and we continue to witness actions that give the appearance of ownership. For example, one employee who works for the Support Services Division and was in charge of the parking coupons issued to visitors, was made to feel embarrassed by her supervisor who asked an outside parking attendant how she paid for her parking on a given day is concerning. There was no just cause for this investigation, the employee was not told she was being investigated, and the parking attendant told the Union that he felt like he was being put in the middle of VA's affairs. This culture of ownership is indicative of the management style in the Newark VARO and it is concerning.

**5. Failure to provide career development and enhancement opportunity training.**

Employees are not trained sufficiently in order to advance. Instead of meeting this obligation Newark VARO management chooses to import employees from other regional offices to fill RVSR positions. The Union has asked that labor be included when employee trainings are considered for the fiscal year, however, it is always met with resistance. It appears as though upper management is not interested in bridging the gap between management and labor and has chosen not to have decision makers at the Labor Management Forums and only supervisors who are unable to confirm what is decided. On the job training that perhaps would help position employees for promotion are too many times given to employees who are “favored” under the auspices of “special projects.” This continues to affect the morale of the office and deteriorates the work environment.

**6. Failure to demonstrate VA’s commitment to use progressive discipline when prudent versus administering punitive adverse actions for first time and minor infractions.**

Newark VARO management continues to fail to honor VA’s commitment to “progressive discipline” by ignoring oral and verbal counseling for matters that warrant it. You and the VSC management staff continue to admonish and suspend employees taking actions that will remain in their personnel record for two to three years. It seems as though you have interpreted “progressive discipline” as changing a reprimand to an admonishment or by suspending an employee softly by not taking any money away. This is not how VA defines progressive discipline in that all of the said actions are ‘punishment.’ The Union has noticed that these actions are mostly taken against veteran-employees and it seems as though they are done to discredit them and muddy up their OPF files and to prove a false impression of veteran employees not being up to par like non-veteran employees. This is not in keeping with VA’s commitment to Veterans, and it is concerning.

**7. Failure to identify and show transparency on “curved” performance standards based on known workload and VBMS problems.**

You knowingly allowed VSC management and the Human Resources Liaison to create unknown alternate standards to apply to bargaining unit employees’

performance without proper notice and without first bargaining with the Union. This allowed favoritism among “preferred” employees and in some areas actually harmed employees by refusing so similarly “curve” performance standards for all employees; and thereby causing some employees to fail and be placed on performance improvement plans (PIPs).

Employees are not being allowed to take ASPEN excluded time for taking video display terminal (VDT) breaks away from the computer.

Although VA claims it provides a safe and healthy workplace for all employees and acknowledges that there are certain ergonomic and environmental factors that can contribute to the health and comfort of VDT users, you fail to acknowledge the health risks associated with the continued use of looking at a computer screen without resting the eyes. Employees are made to feel as though they are attempting to “game the system” because they genuinely need a 10-minute break to rest their eyes after every hour of work on their computers in the VBMS environment.

**8. Failure to endeavor to keep a skillful workforce in the claims processing environment.**

Only 1 percent of the certified and senior veterans service representatives passed the last Skilled Certification Test and only 1 person passed the one taken prior to the last one taken. Newark VARO VSC management refuse to rotate these employees to teams that would contribute to these senior and seasoned employees’ skill level in the VBMS environment.

In one year a new employee was rotated 5 times back and forth between teams because the AVSCM said he was the best fit for those teams; not being explain what he meant by “best fit.” In the same way, there was another “seasoned and senior employee” who asked to be rotated so that she could keep her skill level up, however, was refused the request even though she had been on the assigned team for over four (4) years.

There appears to be an inability to plan and properly execute staffing. Less than 1 month after management decided on a rotations schedule which was based on a “dodge ball” type pick rather than considering the needs of the employees and the needs of the Newark VARO, some employees who had been rotated were again temporarily and/or permanently rotated because the initial rotations were insufficient.



The lack of quality training undermines the strength of the workforce and employee morale. The lack of proper rotations further highlights the need for effective on-the-job training for senior and certified veterans service representatives. Training is a development tool and VSC management's failure to rotate employee so that they experience all of the work they are required to know is concerning.

The limited training afforded provides few, if any, development opportunities and reveals that the Newark VARO lacks an effective plan to retain talent.

**9. Failure to demonstrate VA's commitment to help the employees who are directly caring for Veterans**

Your failure to properly staff and provide appropriate backup for the Public Contact Team is not in keeping with VA's commitment to help employees who are directly caring for Veterans.

Your failure not to allow a fair and equitable point system for rating veterans service representatives and decision review officers, who may have to spend one or two hours reviewing a claim only to discover it is not ready for decision because more development is required due the decision being a denial, is not in keeping with VA's commitment to help employees who are directly caring for Veterans.

Your failure to evenly distribute work so that all employees are successful and not a "preferred" few is not in keeping with VA's commitment to help employees who are directly caring for Veterans.