

# HOUSE COMMITTEE ON VETERANS' AFFAIRS

CHAIRMAN MIKE BOST

## The VA Correct Compensation Act of 2023

### Background:

Under current law (38 U.S.C. 7422), the Department of Veterans Affairs (VA) has the authority to deny collective bargaining and grievance rights to certain Title 38 employees that are otherwise available to VA employees. This includes physicians, dentists, podiatrists, chiropractors, optometrists, registered nurses, and physician assistants. Specifically, this prevents these medical professionals from collectively bargaining or grieving issues related to direct patient care, clinical competence, peer review, and notably the “establishment, determination, or adjustment of employee compensation under this title.”

VA has often interpreted the “establishment, determination, or adjustment of employee compensation under this title” language broadly, denying employees the right to grieve situations where VA has consistently failed to pay salaries and overtime required by law. The *VA Correct Compensation Act of 2023 (VA Correct Compensation Act)* **would not allow** VA medical professionals to collectively bargain over patient care or clinical competency. Instead, it takes a more balanced approach by defining exactly what components of compensation can be negotiated. While collective bargaining should never jeopardize patient care, there are clearly instances where VA is prohibiting certain Title 38 employees from grieving compensation issues that have nothing to do with negotiating salary. The Committee has identified numerous instances where VA fails to pay the correct salary to employees. These issues often put VA employees in financial distress and have led to very unfair situations which lower morale and harm VA’s employee retention efforts.

### Legislation:

- VA repeatedly fails to pay legally required overtime or pay rates and refuses to allow medical professionals to grieve these failures.
- The *VA Correct Compensation Act* would define what “establishment, determination, or adjustment of employee compensation,” means, as VA has interpreted it to prevent medical professionals from grieving instances where VA fails to follow the law.
- The *VA Correct Compensation Act* would make it clear that rates of pay cannot be collectively bargained or grieved, but would allow certain VA medical professionals to collectively bargain and grieve compensation issues where VA doesn’t follow the “law, rule, regulation, or binding agreement.” This clarification is needed to hold VA accountable.