

AFGE/NVAC and GAO

Systemic Racism at the VA

January 26, 2022



Introductions

Representatives from AFGE and the National VA Council (NVAC)

- **Tinita Cole:** NVAC National Representative & Chair of EEO Committee
 - Dayton, OH VA Medical Center
- **Donald Fowler:** NVAC District 11 Representative
 - Puget Sound Health Care System American Lake Division (retired)
- **Paul Fleming:** Chair of VBA Mid-Term Bargaining Committee and Local President
 - Jackson, MS VBA Regional Office
- **Jeremy Lannan:** AFGE National Vice President for Women and Fair Practices
 - AFGE Headquarters, Washington, DC



Systemic Racism at the VA



Over 3 out of 4
VA Staff have directly experienced
racism at work



*Statistics based off AFGE internal survey responses from union members



76% of VA Staff
have experienced racism at work



*Statistics based off AFGE internal survey responses from union members



65% of VA Staff
believe racism makes their job harder



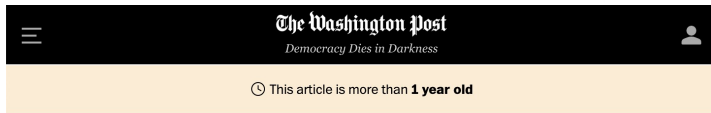
*Statistics based off AFGE internal survey responses from union members



AFGE Systemic Racism Survey Media Hits

RACE MATTERS

Black Employees Say Veterans Affairs Has a Serious Racism Problem, and the Stories Are Pretty Damning



National Security

Most VA workers see racism against colleagues and veterans, union survey finds

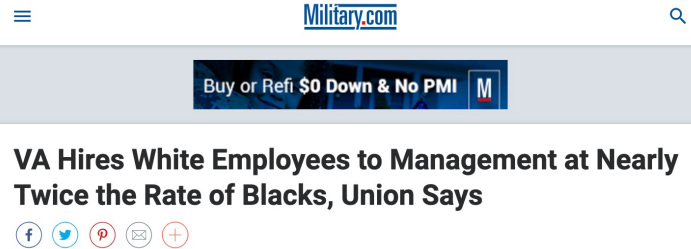
Newsweek

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NEWS

55% of VA Staff Have Seen Racial Discrimination Against Vets, Union Says

BY AILA SLISCO ON 8/8/20 AT 12:01 AM EDT



Overnight Defense: Most VA workers find racism 'moderate to serious problem' at instalaciones I Trump advisers were wary of talking military options over fears he'd accidentally start war

CONNECTING VETS | NEWS | INSIDE THE VA

Nearly 80% of Veterans Affairs staff say racism is a 'moderate to serious problem' at VA



FOIA Data on VA Promotions

According to data obtained by AFGE/NVAC through FOIA,
White VA employees are TWICE as likely to be promoted as Black VA employees.

Between FY 2017 – July 2020, the **selection rate for Black VA employees** who applied for management positions was between **1.8 percent and 2.5 percent.**

Between FY 2017 – July 2020, the **selection rate for White VA employees** who applied for management positions was between **2.8 percent and 4.7 percent.**

FOIA Data on VA Promotions

In FY 2019, a total of 176,352 individuals applied for management positions, with 6,711 individuals selected for those positions.

- A total of **40,578 Black individuals** applied for management positions, with 1,012 individuals selected for those positions. **The selection rate was 2.5%.**
- A total of **58,803 White individuals** applied for management positions, with 2,745 individuals selected for those positions. **The selection rate was 4.7%.**

In FY 2020 (until July 13, 2020), a total of 74,578 individuals applied for management positions, with 2,620 individuals selected for those positions.

- A total of **17,257 Black individuals** applied for management positions, with 436 individuals selected for those positions. **The selection rate was 2.5%.**
- A total of **22,650 White individuals** applied for management positions, with 989 individuals selected for those positions. **The selection rate was 4.4%.**

FOIA Hiring Data Media Hits

POLITICO PRO

DISCRIMINATION AND BIAS & 10 OTHERS



White VA employees twice as likely as Black workers to be promoted, union says



HR

White employees twice as likely to be promoted to management at the VA

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White Veterans Affairs employees twice as likely to be promoted as Black staff, union says



STARS AND STRIPES

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VETERANS



Promotion rates an issue as VA, union spar over treatment of Black employees

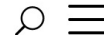


Military.com



VA Hires White Employees to Management at Nearly Twice the Rate of Blacks, Union Says

Government Executive



Management

White VA Employees Twice as Likely to Be Promoted as Black Workers

FEDERAL NEWS NETWORK

VETERANS AFFAIRS

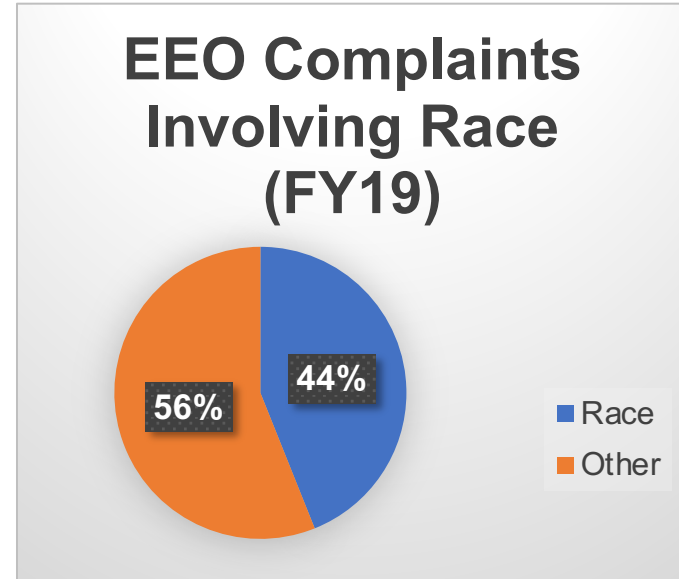
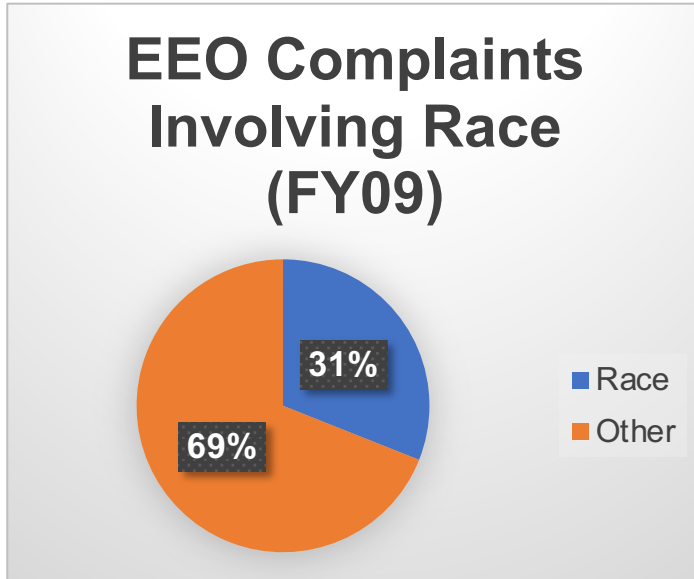
AFGE accusing VA of not promoting enough minorities to management positions

Out of Many One Unites



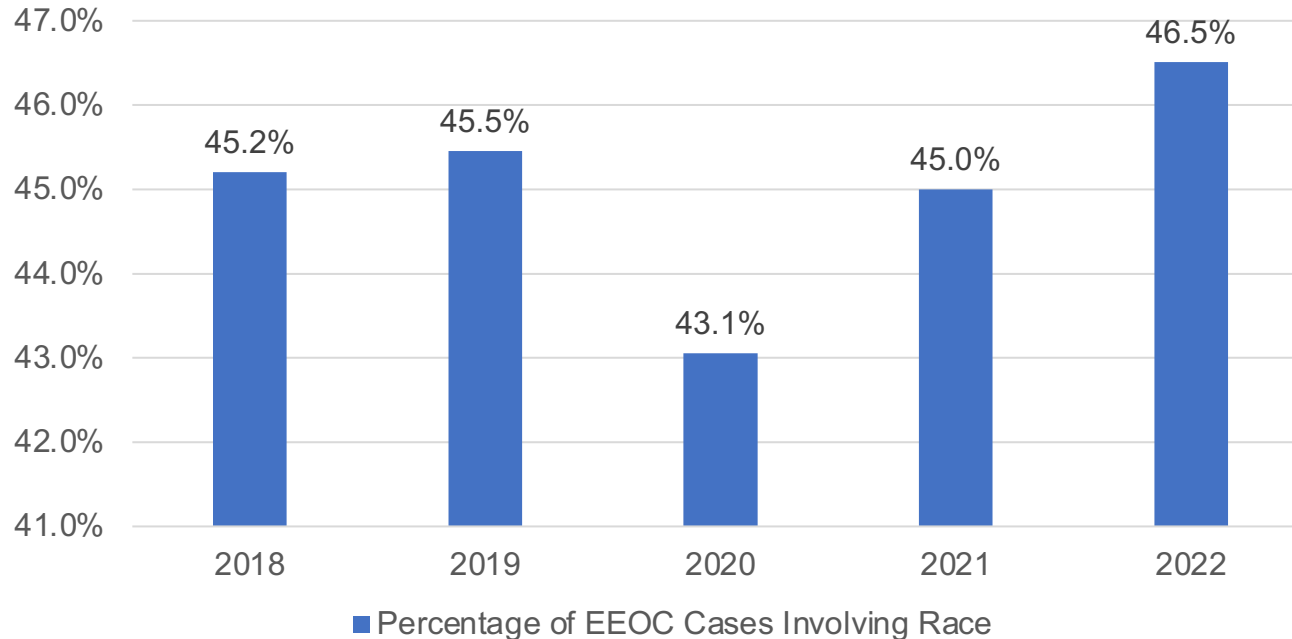
EEO Complaints (FY09 vs FY19)

EEO Complaints Involving Race Increased Substantially From FY09 to FY19.



AFGE Representation Statistics

Percentage of EEOC Cases Involving Race



7 Areas of Concern Identified by AFGE/NVAC & Proposed Solutions



Area of Concern #1

Issue

VA lacking equal representation for people of color from within management.

Recommendation

GAO should request data from VA, including demographics, and study the disparity in representation amongst management officials.

Implement an initiative like the EEOC's Hiring Initiative to Reimagine Equity (HIRE) program to identify strategies to remove hiring barriers that limit the opportunity.

Area of Concern #2

Issue

Overall lack of advancement opportunity for people of color.

Vast majority of employees in Food Service and EMS (Housekeeping) are disabled people of color. VA keeps them on part-time schedules and positions have little or no promotion potential.

Recommendation

Work with union representatives to create upward mobility plans within these occupations.

Increase investment in training and professional development programs.

Area of Concern #3

Issue

New supervisors are hired without the requisite management skills and experience in a unionized workforce.

Recommendation

Include bargaining unit employees and their union representatives on interview panels for supervisory positions.

Area of Concern #4

Issue

Amongst qualified applicants, people of color are not fairly considered for promotion opportunities.

Recommendation

Create succession planning program at each VA facility that provides training and professional development to employees who may want to apply for supervisory positions.

Area of Concern #5

Issue

VA is found liable for discrimination in EEOC and grievance proceedings, but there is no accountability for culpable supervisors.

Recommendation

VA Central Office should take appropriate disciplinary action against supervisors and management officials who are found liable in connection with discrimination and retaliations complaints.

Area of Concern #6

Issue

Annual EEO/discrimination training is entirely electronic and severely lacking.

Recommendation

VA should supplement annual TMS training with mandatory in-person training. This in-person training advances the goals set forth in Executive Order 13985.

Area of Concern #7

Issue

VBA disability ratings system includes information about Veteran's race and ethnicity, but this is not relevant to the disposition of the Veteran's claim.

Recommendation

Study VA's basis for including irrelevant race and ethnicity information included in VBMS.

Questions?



Supplemental Information



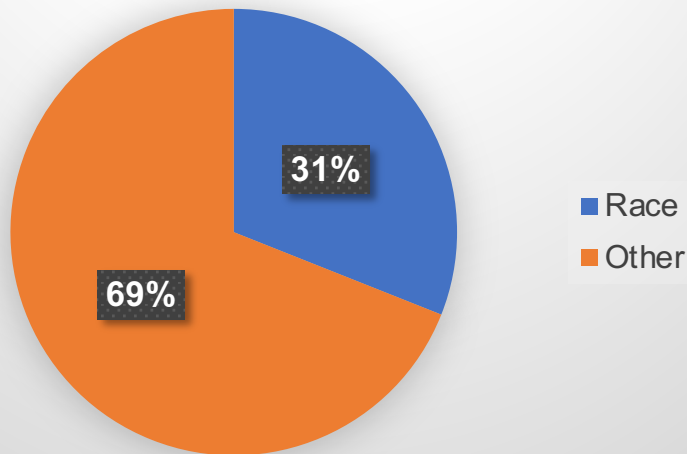
Analysis of VA's MD-715 (FY19)

Part H of the MD-715 requires VA to note discrepancies in its abilities to attain the essential elements of a model EEO program. Notable excerpts include:

- P. 47: VA admits it does not have enough staff to effectively monitor compliance with EEOC orders.
- Pg. 51: VA's EEO office does not inform its anti-harassment program of all EEO counseling activity alleging harassment, meaning that there is a communication barrier between the two arms of the Agency intended to combat harassment and discrimination.
- Pg. 53: VA admits it does not have a system to track whether it conducts a prompt inquiry of harassment allegations raised by employees in the EEO complaint process.
- Pg. 65: VA admits it has not established any timetables to review its merit promotion programs, employee recognition awards program, employee development programs, and management programs that may be impeding full participation by all EEO groups.
- Pg. 69: VA's EEO office does not have timely access to accurate and complete data required to prepare the MD-715 workforce data tables that tabulate the composition of the workforce across various levels of leadership in VA.
- Pg. 71, 73: VA's HR office does not collaborate with the EEO office regarding outreach and recruiting initiatives or preparation of the MD-715 report.

EEO Complaints (FY09)

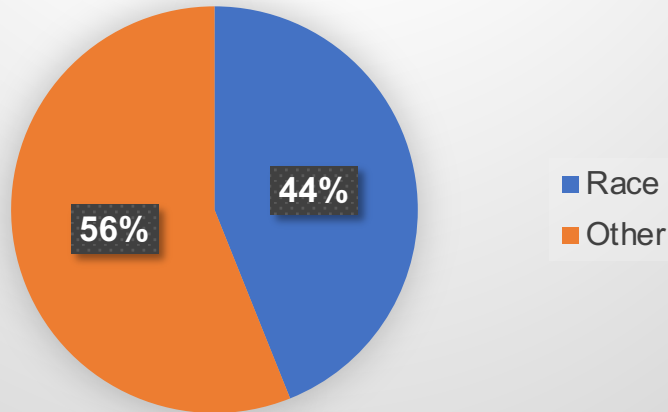
EEO Complaints Involving Race (FY09)



- According to FY 2009 data published on the EEOC's website, there were 2221 EEO complaints filed in FY 2009. Of those, race was the third-leading basis of discrimination alleged in approximately 689 cases.
- <https://www.eeoc.gov/federal-sector/reports/departments-veterans-affairs-va>

No FEAR Act (FY21)

EEO Complaints Involving Race (FY19)



- According to EEO data published by the VA pursuant to the No FEAR Act, a total of 2601 EEO complaints were filed VA-wide through the 4th quarter of FY 2021. Of those complaints, race was an alleged basis in 967 complaints.
- <https://www.va.gov/ORMDI/NOFEAR/No-Fear-Act-Data-FY21-Q4-VA-Wide.pdf>