



ASVET MEMORANDUM NO. 4-99

MEMORANDUM FOR: ALL VETS' USERRA STAFF

FROM: 
ESPIRIDION (AL) BORREGO

SUBJECT: Monitoring Progress, Allocating Resources,
and Other Critical Activities to Assure
Timely and Quality USERRA Investigations

REFERENCES: Director's Memorandum No. 1-99, October 9, 1998: *Findings, Initial Recommendations, and Request for Field Input Regarding the FY 1998 USERRA Quality Assurance Reviews*; and

Director's Memorandum No. 29-98, March 26, 1998: *USERRA Quality Assurance Reviews by VETS' National Office and the USERRA Regional Lead Center (URLC)*

BACKGROUND AND PURPOSE: VETS' nationwide Quality Assurance Review (QAR) of USERRA cases conducted during the past year--began at the National Office/URLC levels (*DM No. 29-98*) and then broadened to include field staff input (*DM No. 1-99*)--has highlighted several fundamental aspects of USERRA planning and operations which are absolutely critical to the continued success of this program.

With this ASVET Memorandum, I intend to focus your attention on these key factors, and to urge all staff to redouble their efforts on behalf of our USERRA customers: claimants and employers.

DISCUSSION: This year's QAR results confirmed one fact already well documented over the years: The overwhelming majority of USERRA cases (*e.g., 93% of the cases in this year's QAR*) are properly and effectively handled by VETS' staff. While I will focus below on some areas needing attention or improvements, I first want to commend VETS' USERRA investigators and those staff who support their efforts for their proven dedication and commitment to serving claimants and employers.

But we must not only continue our efforts—we must do better.

The QAR results and feedback point clearly to two basic principles which must guide VETS' USERRA activities:

1. **Each claimant and employer deserves a timely and quality investigation.** Appropriate speed and quality are not mutually exclusive. We can and must achieve both consistently.

With rare exceptions cases must be resolved or referred within the 90 day standard. The rare exceptions must be only those cases which remain open for justifiable, sound reasons focused on the benefit of the claimant and/or employer. "Rare" is defined by the allowable percentages under VETS' established performance standards--i.e., it is anticipated that good reasons will cause 15% of cases to exceed 90 days, 8% to exceed 120 days, and 0.5% to exceed one year before reaching resolution or referral. I am convinced that every investigator, State, and Region can meet these standards, if each lives by the second guiding principle....

2. **Each manager or staffer involved with USERRA must continually monitor timeliness/quality progress of cases within his/her purview. Staff must request from their supervisors, and managers must plan for and allocate, the resources necessary to assure timely and quality investigations. Each Investigator deserves timely and quality support from his or her State Director, Regional Office, the URLC, and the National Office**

Every manager or staffer must focus constant attention on the USERRA cases within their responsibility, doing everything within his/her own time and resources to achieve VETS' timeliness and quality goals for each case. When a manager or staffer determines that his/her own time and resources will not be enough to resolve a case timely or effectively, a staffer in such a situation must consult promptly with the supervisor, and the supervisor in these instances must seek to find the resources needed to meet the timeliness and quality goals, consulting with superiors up the chain of command as necessary to get assistance in seeking and finding the resources needed for successful resolution of that case.

As noted above, some rare USERRA cases will not be resolvable timely, even with the efforts of all levels in VETS' chain of command. However, for all cases which approach the 90 day standard without having been resolved....

- The investigator must take the initiative to advise the supervisor of the anticipated problems, as far in advance of the 90 day benchmark as possible, and

- The supervisor must also exercise initiative to learn from the investigator and from any other available source (e.g., case review; UIMS data, etc.) the nature and scope of the issues holding up resolution--allocating needed resources if available, or requesting help up the chain of command until the needed resources to resolve the case are either secured or determined to be unavailable or non-existent.

Within the broad parameters of "initiative" as stressed above, several specific actions are prime examples of what must be done:

ACTION:

1. RAVETs and their DVETs must establish a "**Red Flag**" method of identifying USERRA cases within their Region/States that will likely go beyond 90 days. Such cases usually become self evident at the 60 day mark. RAVETs and DVETs will closely monitor those cases, and any which stay open longer than 90 days, identifying what assistance the investigator needs, e.g., expert staff assistance, travel funds, training, etc. (*Monitoring aid: The USERRA Information Management System's (UIMS) "Case Log Report" for a Region or a State flags with one, two or three red asterisk(s) those cases which have already exceeded 90, 120, or 365 days, respectively.*) .
2. Each RAVET will be responsible for analyzing monthly each USERRA case in his region older than 90 days, submitting to the N.O. monthly along with the Region's other VETS' Operations and Programs Activity Report (VOPAR) information a "**USERRA Red Flag Report**" which:
 - Identifies problems in each USERRA case older than 90 days
 - Identifies good cause reasons for processing delays in each case older than 90 days
 - Presents plans/suggestions for solutions to resolve each case older than 90 days
 - Measures the quality of USERRA investigation in each case older than 90 days

RAVETs should also include in this USERRA Red Flag Report feedback from any staff level regarding the USERRA support efforts of the N.O. and/or the URLC. Both the N.O. Compliance section and the URLC must constantly address the needs of the investigative staff, to provide them with the necessary tools to meet time lines and to conduct quality investigations. If N.O. and/or the URLC are not providing this assistance, we need to readdress how each operates. Continual feedback from all staff via the USERRA Red Flag Reports will help us in assessing N.O./URLC support, and in correcting any shortcomings.

1. RAVETs have the flexibility to adjust each investigator's Annual Work Plan (AWP). If additional travel money is needed to conduct a timely and quality USERRA investigation or a case review, the RAVET needs to address the additional funding request. The ASVET will accept calls from any RAVET concerning the cost of conducting USERRA investigations.

2. Training is important. With new responsibilities must come additional training. Currently, training in Veterans Preference and USERRA discrimination (38 U.S.C. Section 4311) is being developed and will be offered later this fiscal year through the National Veterans' Training Institute (NVTI). UIMS training packages on CD-Rom will be distributed shortly to all USERRA staff, followed by personal training assistance for each staff member coordinated by the URLC.
3. Many users have expressed concerns with the UIMS. I am therefore authorizing a UIMS Review Team (URT), composed of UIMS Users, to focus on how to make the UIMS more "user-friendly," while also exploring feasible alternatives on whether/how/when to upgrade the UIMS. A "user-friendly UIMS" will be the primary goal of this URT--exploring ways to save staff time and effort and minimize or eliminate confusion and frustration.

A secondary purpose of the URT should be to investigate evolving technologies and software—for example, the potential for having scanning/imaging or fax machines feed USERRA case documents into software which can read typed or handwritten documents and load required reporting data directly into the UIMS, with minimal data entry or quality control needed from investigative staff. After reviewing current technologies and associated costs, the URT should make recommendations regarding UIMS upgrades. To guide the URT efforts, VETS' eventual goal is to make the UIMS a full case management system (instead of essentially a reporting system) by eliminating the duplication of effort now required in having staff maintain hard copy case files while also being required to perform time-intensive data entry into a separate electronic database.

4. Anyone interested in participating on the URT should submit a written or email request through his/her supervisor. All requests should reach the responsible RAVET by April 30, 1999. Each RAVET should then forward at least one nomination to the Acting Director of Operations and Programs by May 14, 1999, who will then select the URT members and organize their mission as outlined above. The URT should complete its work and submit a final report to the ASVET by September 30, 1999.
5. RAVETS are to ensure that this ASVET Memorandum is distributed to all VETS staff who are involved in USERRA activities.

INQUIRIES:

Any questions regarding this ASVET Memorandum should be directed to Rob Wilson at (202) 219-8611.

EXPIRATION DATE: September 30, 1999