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Whatever Happened to Hybrid Title 38?

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In collaboration with the AVASW Executive Committee

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PURPOSE

As an elected officer of the Association of VA Social Workers (AVASW) I respond to inquiries entered in the “Contact Us” section of the AVASW website. Several VA social workers inquired about problems with the application of Public Law 108-170, Hybrid Title 38 (HT38), at their local facilities. Enough inquiries were received to arouse curiosity and a subsequent inquiry. Although this document reflects information obtained from a variety of reliable sources, it is not the result of a formal survey or study. Thanks to Barbara Fretwell for her editorial expertise and assistance. Thanks also to Miguel Ortega for his knowledge and expertise.

BACKGROUND

Historically social workers in the VA were under the Federal Civil Service Title 5 personnel system and were paid based on the classification of the positions they occupied. The classification standards were written by the Civil Service Commission, which became the Office of Personnel Management (OPM). The position classification standards were outdated, having been last modified in 1957. They didn't accurately, or even remotely, describe many social work practices in the VA, including advances in knowledge and/or social work practice in the many VA programs that developed after 1957.

Recruiting was a problem. Under Title 5 the bureaucratic multi-step process in hiring VA social workers resulted in delays of weeks and months, sometimes over a year, in filling vacancies

In 1991 a federal law was passed requiring VA social workers to be licensed. The state licenses normally granted independent practice. People were licensed, not positions, so the license credential was not included in position descriptions as a pay controlling factor.

HYBRID TITLE 38

Several times the VA proposed changing the occupational status of social workers, and several other occupations, from Title 5, to Hybrid Title 38 (HT38). Physicians, Dentists, Nurses, etc., have historically been under the Title 38 pay system. The term Hybrid Title 38 evolved as it was intended to include the best parts of both the Title 5 and the Title 38 personnel systems. The change of several occupations to HT38 was part of regular VA budget submissions through the Office of Management & Budget (OMB) to Congress. If approved, the change would have been made as part of the VA funding appropriations laws. OMB always removed the HT38 proposals from the VA's budget submissions, so they were never considered by Congress.

March 11 & 12, 2003, Judith Talbert, AVASW President, and Jerry Satterwhite, Congressional Liaison, traveled to Washington DC to educate Congress about VA social work issues. They met with staffers from the House and Senate Committees on Veterans Affairs, as well as Senators from their respective states. A primary purpose of the visits was to encourage legislation to move VA social workers to HT38. On March 13, 2003, staffers from the Senate Committee on Veterans Affairs called VACO for information about HT38. This permitted VACO to communicate directly with Congress without going through OMB. On 5-23-03 Senator Arlen

Specter (R-Penn) Chair, Senate Committee on Veterans Affairs, introduced Senate Bill 1156, which proposed, among other things, to move social work (and other professions) from the Title 5 personnel system to HT38. The Secretary of Veterans Affairs was given the authority and responsibility for implementing HT38. The bill passed the Senate and House, and was signed into law by President Bush on 12-6-03, becoming Public Law 108-170, Veterans Health Care, Capital Asset and Business Improvement Act of 2003. Shortly thereafter the VA General Counsel ruled that the law went into effect the moment President Bush signed it. The Secretary of Veterans Affairs delegated the primary responsibility for implementing HT38 to the Office of Human Resources Management (OHRM) in VA Central Office (VACO). It took OHRM over 5 years before it was implemented for social work.

Under HT38 the administration of annual leave, sick leave, tours of duty, overtime, retirement, life and health insurance, etc., remained the same as it had been under Title 5. Hence the “hybrid” part of Hybrid Title 38. The intent of HT38 was to set a person’s pay based on their credentials, their training, years of experience, etc. People were to be classified, not positions.

RECRUITING

Recruiting and hiring practices were changed immediately. HT38 allows any person who has the qualifications for a vacancy to be hired to fill that vacancy, without considering any other candidates. In practice most VA facilities announced vacancies, normally on USA Jobs, a website operated by OPM. The announcements describe the assignments, their location, a deadline to apply, and give instructions about required application paperwork. An applicant can apply for a single vacancy or multiple vacancies at a VA facility, or at several facilities. In general the hiring time changed from months to weeks.

PAY ADMINISTRATION

Professional Standards Boards: Under HT38 VA social workers have their credentials reviewed by a Professional Standards Board (PSB), a group of social workers with representation from local HR departments. PSBs submit their recommendations through the Social Work Chief/Executive to the facility Director. The Director has the final authority in implementing the recommendations of all PSBs, not just Social Work. The Director may accept, reject, or alter the recommendations. A cash award may be substituted for a recommended step increase or promotion, or one step may be approved instead of the two steps recommended. These are options for the PSB and for the Director to consider. Directors are not consistent between facilities in supporting, or not supporting, PSB and SW Chief recommendations.

Special Advancement for Achievement: One may receive a cash award or promotion for achievements such as advanced education or training, research and publications, or professional accomplishments. Some facility PSBs allow advancement based on weak criteria. Others employ more rigorous standards and accept only measurable and/or significant achievements that are relevant to a social worker’s assignment and practice.

Special Advancement for Performance: Performance award nominations do not require PSB review.

Licensure: Social workers with no qualifying experience may be hired at the GS-9 level. They are then supervised by a licensed social worker until they are licensed to practice independently. Under Title 5 social workers with one year of practice in a healthcare setting were normally promoted to GS11. The Qualification Standards continue to provide that option by providing an exception to the licensing requirement. GS9 social workers may still be promoted to GS11 after one year of qualifying experience. However, not all facilities are apparently aware of this option, and some are not doing it. Some facilities apparently believe licensure is necessary before a social worker is qualified for the GS11 grade.

Acceptance of licenses by all VA facilities is not uniform. This is due in part to the differences in state licensing laws and rules and VA’s definition of independent practice. Some states have multiple levels of licensure, with the lower levels not granting independent practice. However, many states have a single license that authorizes independent practice. The standards only specify that a social worker must be licensed in “a state”. A VA social worker who holds any state license that authorizes independent practice should be deemed qualified to practice independently.

Advanced Practice or Senior Social Worker: There is continued debate and uncertainty over what constitutes a GS12 Senior Social Worker. In early drafts of the Qualifications Standards the grade was to be based on advanced licensure, experience and specialty practice. There was much debate between Social Work and OHRM over this. Several white papers were written. Panels of experts from various graduate social work programs and professional organizations presented opinions on advanced practice social work. Ultimately the Qualification Standards base the Senior Social Worker grade on functions, responsibilities and assignment, instead of credentials and practice experience. However, the potential to recognize the impact of the person on

their assignment exists in the standards. Those with advanced training and expertise in specific program areas, those deemed able to supervise new hires for licensure requirements, etc., may qualify for the GS-12 Senior Social Worker designation. The standards describe the difference between the full performance and the advanced practice level. VA facilities vary widely in their application of these standards.

Credentialing: PSBs review social workers' credentials, their years of practice experience, their assignments, post graduate training, advanced degrees or certifications, recognition by national organizations, etc., in order to make recommendations regarding pay levels. There are VA handbooks that give general guidance on the function of PSBs and the methods and criteria they are to use in making recommendations. In addition, VACO social work staff and social work national committees have provided guidelines and instructions for the social work boarding process. Apparently the information has not been uniformly distributed. Some social workers still don't know what information is necessary to have their credentials and qualifications fairly reviewed.

The VA is a national agency with facilities throughout the country. Communication with every social worker is a challenge. There are communication gaps. However, in today's world, communication gaps are not due to technology or geography. Email, monthly national social work leadership conference calls, websites, and other forms of distribution can make information available to all VA social workers. VA social workers also have a responsibility to use the available information in presenting their credentials, and to learn the credentialing and boarding process, if they expect an accurate review of their qualifications.

SUMMARY & CONCLUSIONS

HT38 is a better, and fairer, pay system than Title 5. National data indicates the VA has implemented HT38 for social workers in the 185 occupational series generally as it was intended. Most often pay is set fairly, based on one's qualifications. Advancements and promotions are available for social workers who qualify for them.

Those involved with the implementation of HT38 have made several efforts to ensure that it would be applied uniformly, equally and consistently. However, the concerns expressed by our members in the field, and the data obtained from others who contributed to this inquiry, indicate that this has not been completely achieved. Some irregularities and inconsistencies remain. If the causes can be identified, and the irregularities corrected, HT38 will achieve its purpose uniformly throughout the VA.

In response to this issue, AVASW has the following goals:

1. Continue to educate AVASW members about the Social Work Qualification Standards and Professional Standards Board processes.
2. Invite the submission of articles for the AVASW Newsletter to inform the members and to address their concerns and questions.
3. Continue to provide information and strategies to support members' efforts to address issues and to advocate for individual and systems change.

REFERENCES (On the AVASW Website, www.vasocialworkers.org under the Members Only Section)

1. VA HANDBOOK 5005/17, Part II, Chapter 3, SECTION C. PROFESSIONAL STANDARDS BOARDS, June 15, 2006
2. VA HANDBOOK 5005/23, Part II, Appendix G39, SOCIAL WORKER QUALIFICATION STANDARD, GS-185, February 13, 2009
3. VA HANDBOOK 5017/5, EMPLOYEE RECOGNITION AND AWARDS, May 18, 2006
4. SOCIAL WORK PROFESSIONAL STANDARDS BOARD, FAQs, January 2011