

EMPLOYEE BENEFITS

- 1. REASON FOR ISSUE:** To revise Department of Veterans Affairs (VA) policy regarding employee benefits.
- 2. SUMMARY OF CONTENTS/MAJOR CHANGES:** This directive contains VA policy on the provision of employee benefit program information. This revision clarifies that employees must utilize child care providers who are licensed in the state or location in which they operate in order to participate in the VA Child Care Subsidy Program. The pages in this issuance replace the corresponding page numbers in VA Directive 5009. Revised text is contained in [brackets]. This change will be incorporated into the electronic version of VA Directive 5009 that is maintained on the [Office of Human Resources Management Web site](#).
- 3. RESPONSIBLE OFFICE:** Worklife and Benefits Service (058), Office of the Deputy Assistant Secretary for Human Resources Management.
- 4. RELATED HANDBOOK:** VA Handbook 5009, Employee Benefits.
- 5. RESCISSIONS:** None.

CERTIFIED BY:

/s/
Roger W. Baker
Assistant Secretary for
Information and Technology

**BY DIRECTION OF THE SECRETARY
OF VETERANS AFFAIRS:**

/s/
John U. Sepúlveda
Assistant Secretary for Human
Resources and Administration

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(2) The reimbursement cost will be the responsibility of the organization in which the employee works using local vouchering procedures.

(3) Supervisors and management officials have the meaning given them by section 7103(a) of title 5.

(a) Supervisors are defined as individuals employed by an agency having authority in the interest of the agency to hire, direct, assign, promote, reward, transfer, furlough, layoff, recall, suspend, discipline, or remove employees, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature but requires the consistent exercise of independent judgment, except that with respect to any unit which includes firefighters or nurses, the term supervisor includes only those individuals who devote a preponderance of their time to exercising such authority.

(b) Managers are individuals employed by the agency in positions the duties and responsibilities of which require or authorize the individuals to formulate, determine, or influence the policies of the agency.

(4) Law enforcement officers are employees, the duties whose positions are primarily in the investigation, apprehension, prosecution or detention of individuals suspected of, or convicted of offenses against the criminal laws of the United States, including any law enforcement officer under section 8331(20) or 8401(17) of title 5, or under section 4823 of title 22, United States Code.

j. Death Gratuity Payment

(1) The Department will make a payment of \$10,000 minus any payments authorized under 5 U.S.C. 8133(f), 8134(a) and section 312 of Public Law 103-332 to the personal representative of any employee who dies from an injury in the line of duty. This payment also covers an employee no longer on the rolls if the death is the result of an injury sustained in the line of duty. Any other payments, to include other benefits payable under the Federal Employees' Compensation Act (FECA) do not affect the \$10,000 limit.

(2) The above payment authorization will not be paid if the Department determines that the employee's death was the result of willful misconduct.

(3) A personal representative will generally be the formally designated executor or administrator of the employee's estate under State law. The Secretary will determine who is the personal representative in any particular case.

k. VA Child Care Subsidy Program

(1) VA may authorize a subsidy payment to assist lower income employees with their child care costs per Public Law 107-67, Section 630, and 5 CFR, part 792. The threshold for determining who qualifies as a lower income employee is provided on the [VA Child Care Subsidy Program Web site](#).

(2) Payment will only be authorized if the employee uses a [qualified] child care provider (center-based care, [family child care home], and/or before/after care) that is licensed [to provide child care services in the state or location in which they operate].