

EMPLOYEE/MANAGEMENT RELATIONS

- 1. REASON FOR ISSUE:** To revise Department of Veterans Affairs (VA) procedures regarding employee/management relations.
- 2. SUMMARY OF CONTENTS/MAJOR CHANGES:** This handbook contains VA procedures on employee/management relations. The pages in this issuance replace the corresponding page numbers in VA Handbook 5021. Revised text is contained in [brackets]. These changes will be incorporated into the electronic version of VA Handbook 5021 that is maintained on the [Office of Human Resources Management Web site](#). This revision clarifies the officials authorized to propose and decide actions for Title 38 employees.
- 3. RESPONSIBLE OFFICE:** The Employee Relations and Performance Management Service (051), Office of the Deputy Assistant Secretary for Human Resources Management.
- 4. RELATED DIRECTIVE:** VA Directive 5021, Employee/Management Relations.
- 5. RESCISSIONS:** None

CERTIFIED BY:

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

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EMPLOYEE/MANAGEMENT RELATIONS

PART II. DISCIPLINARY PROCEDURES UNDER TITLE 38

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CHAPTER 2. DELEGATIONS

1. SCOPE. This chapter contains the authorities as delegated by the Under Secretary for Health for proposing and deciding on disciplinary and major adverse actions. The Under Secretary for Health retains the authority to appoint individuals as members of the Disciplinary Appeals Board Panel.

2. AUTHORITY

- a. Title 38, U.S.C., chapter 74.
- b. 38 U.S.C. 7304, 38 U.S.C. 7421
- c. Section 601 of the Caregivers and Veterans Omnibus Health Services Act of 2010 Public Law (Pub. L.) 111-163.
- d. VA Directive 5021.

3. RESPONSIBILITIES

a. **Delegations of Proposing and Decision Authorities for Disciplinary Actions (Admonishments and Reprimands).** [(See VA Handbook 5021, Part II, Appendix B for reference chart.)]

(1) Field Employees

(a) Non-centralized positions:

1. Proposing Official: Immediate supervisor [or above in the supervisory line].
2. Deciding Official: Service Chief[,] or equivalent[, or above in supervisory line] or senior medical officer.

(b) Service Chiefs and equivalent positions below the level of Chief of Staff or senior medical officer:

1. Proposing Official: Chief of Staff or senior medical officer [or above in the supervisory line].
2. Deciding Official: Facility Director [or above in the supervisory line].

(c) Chiefs of Staff or senior medical officer:

1. Proposing Official: Facility Director [or above in the supervisory line].
2. Deciding Official: Network Director [or above in the supervisory line].

NOTE: Facility directors may issue supplemental delegations of authority to propose and decide disciplinary actions [(admonishments and reprimands)] involving employees in non-centralized positions under their jurisdiction. However, the authority to propose disciplinary action may not be delegated to an official at a lower level than the immediate supervisor, and the authority to decide disciplinary action may not be delegated to an official at a lower level than the service chief or equivalent [or Chief of Staff] or

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senior medical officer. Delegations must be in writing and may be issued as the Director deems appropriate. In exercising supplement[al] delegation authority, directors must ensure that [] the decision official in a [disciplinary] action [is] at a higher level than the proposing official [].

(2) **Title 38 Medical Center Directors** [however, note 38 U.S.C. 713 allows for separate procedures for the removal and transfer of individuals in the Senior Executive Service (SES) or SES-equivalent employees. For further guidance on these procedures contact the Corporate Senior Executive Management Office (CSEMO).]

(a) Proposing Official: Network Director [or above in the supervisory line].

(b) Decision Official: Deputy Under Secretary for Health for Operations and Management [or above in the supervisory line].

(3) **Title 38 Employees in the Office of the Network Director**

(a) All employees except VISN chiefs of staff or senior medical officer:

1. Proposing Official: VISN Chief of Staff or [VISN] senior medical officer or VISN Associate Director, as appropriate[, or above in the supervisory line].

2. Decision Official: Network Director [or above in the supervisory line].

(b) VISN Chiefs of Staff [or VISN senior medical officers]:

1. Proposing Official: Network Director [or above in the supervisory line].

2. Decision Official: Deputy Under Secretary for Health for Operations and Management [or above in the supervisory line].

(4) **Title 38 Employees in VA Central Office**

(a) Proposing Official: Immediate supervisor [or above in the supervisory line].

(b) Decision Official: Next higher level official [in the supervisory line].

b. Delegations of Proposing and Decision Authorities for Major Adverse Actions Involving Reduction in Grade, Reduction in Pay (including reduction in physician and dentist market pay as defined in Chapter 1, paragraph 4 of this Handbook) Suspension, or Discharge. [(See Appendix B for reference chart.)]

(1) **Field Employees**

(a) Non-centralized positions:

1. Proposing Official: Service chief or equivalent [or above in the supervisory line].

[**NOTE:** In accordance with VHA Handbook 1100.19, the proposing official for a major adverse action combined with a revocation or reduction in clinical privileges must be the Chief of Staff.]

2. Decision Official: Facility Director [or above in the supervisory line] (except that transfers will require the concurrence of the Deputy Under Secretary for Health for Operations and Management).

(b) Service Chiefs and equivalent positions below the level of Chief of Staff or senior medical officer [or Associate Director for Patient Care/Nursing Services, or above in the supervisory line]:

1. Proposing Official: Chief of Staff or senior medical officer [or Associate Director for Patient Care/Nursing Services, or above in the supervisory line].

2. Decision Official: Facility Director [or above in the supervisory line].

(c) Chiefs of Staff or senior medical officer [or Associate Director for Patient Care/Nursing Services or above in the supervisory line]:

1. Proposing Official: Field Facility Director [or above in the supervisory line].

2. Decision Official: Network Director [or above in the supervisory line].

NOTE: Facility directors may issue supplemental delegations of authority to propose [] major adverse actions involving employees in non-centralized positions under their jurisdiction. However, the authority to propose major adverse actions may not be delegated to an official at a lower level than the service chief or equivalent. [For example, a delegation could be made to the Associate Director for Patient Care Services or the Chief of Staff but not to a section chief under a service line.] Delegations must be in writing and may be issued as the Director deems appropriate. In exercising supplement delegation authority, directors must ensure that delegations are consistent with the statutory requirement that the decision official in a major adverse action must be at a higher level than the proposing official [keeping in mind the only official that may decide a major adverse action at a non-centralized field facility is the Facility Director].

(2) Title 38 Medical Center Directors

(a) Proposing Official: Deputy Under Secretary for Health for Operations and Management [or above in the supervisory line].

(b) Decision Official: Under Secretary for Health [or above in the supervisory line].

(3) Title 38 Employees in the Office of the Network Director

(a) Non-centralized positions:

1. Proposing Official: VISN Chief of Staff or senior medical officer or VISN Associate Director, as appropriate[, or above in the supervisory line].

2. Decision Official: Network Director [or above in the supervisory line].

(b) Centralized positions (to include VISN chiefs of staff or senior medical officer):

1. Proposing Official: Deputy Under Secretary for Health for Operations and Management [or above in the supervisory line].

2. Decision Official: Deputy Under Secretary for Health [or above in the supervisory line].

(4) Title 38 Employees in VA Central Office

(a) Proposing Official: Service director level or above [in the supervisory line].

(b) Decision Official: Under Secretary for Health, or designee.

c. **Supplemental Delegations.** Facility directors may issue supplemental delegations of authority to propose and/or decide actions involving employees in non-centralized positions under their jurisdiction. However, such authority may not be delegated to officials at lower levels than those authorized to propose and/or decide the action in paragraphs 3a and 3b. [For example, a delegation could be made to the Associate Director for Patient Care Services or the Chief of Staff but not to a section chief under a service line.]

(1) Delegations must be in writing and may be issued as the Director deems appropriate.

(2) In exercising this authority, directors must ensure that delegations are consistent with the statutory requirement that the decision official in a major adverse action must be at a higher level than the proposing official.

[APPENDIX B. OFFICIALS AUTHORIZED TO PROPOSE AND DECIDE ACTIONS

1. INSTRUCTIONS FOR USE OF TABLE

a. Officials authorized to propose and decide actions for Veterans Health Administration (VHA) are defined as follows:

- (1) Immediate Supervisor. The management official the employee directly reports to, and who signs the employee’s performance rating.
- (2) Division/Service Chief. The manager responsible for a division, service, or in some cases, is over managers/supervisors within a division/service.
- (3) Facility Director. An SES or SES equivalent employee who oversees a Medical Center.
- (4) Network Director. An SES or SES equivalent employee who oversees a VISN network within VHA.

b. A Facility Director or Network Director may re-delegate their decision authority in writing to a lower level official acting in their absence under certain circumstances. This written delegation must be included in the evidence file to show the delegation was authorized. The following constitutes when delegation is permissible:

- (1) the deciding official is on long-term leave, generally more than 30 calendar days, or
- (2) the position is vacant and another management official has been officially appointed as acting in that position.

c. Note 38 U.S.C. 713 allows for separate procedures for the removal and transfer of individuals in the Senior Executive Service (SES) or SES-equivalent employees. For further guidance on these procedures contact the Corporate Senior Executive Management Office (CSEMO).

2. OFFICIALS AUTHORIZED TO PROPOSE AND DECIDE ACTIONS

**FIELD EMPLOYEES
NON-CENTRALIZED POSITIONS**

Level of Disciplinary Action	Proposing Official	Deciding Official
Admonishment	Immediate supervisor or above in the supervisory line	Division/Service Chief or above in the supervisory line or Chief of Staff/senior medical officer who is at a higher level than the proposing official

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Reprimand	Immediate supervisor or above in the supervisory line	Division/Service Chief or above in the supervisory line or Chief of Staff/senior medical officer who is at a higher level than the proposing official
Major Adverse Action	Division/Service Chief or above in the supervisory line (except the Chief of Staff must propose any action that also involves the reduction or revocation of privileges)	Facility Director or above in the supervisory line who is at a higher level than the proposing official, and is at the SES or SES equivalent level (except that transfers will require concurrence of the Deputy Under Secretary for Health for Operations and Management)

FIELD EMPLOYEES
SERVICE CHIEFS AND EQUIVALENT POSITIONS BELOW THE LEVEL OF CHIEF OF STAFF OR SENIOR MEDICAL OFFICER OR ASSOCIATE DIRECTOR FOR PATIENT CARE/NURSING SERVICES

Level of Disciplinary Action	Proposing Official	Deciding Official
Admonishment	Chief of Staff or senior medical officer or Associate Director for Patient Care/Nursing Services or above in the supervisory line	Facility Director or above in the supervisory line who is at a higher level than the proposing official
Reprimand	Chief of Staff or senior medical officer or Associate Director for Patient Care/Nursing Services or above in the supervisory line	Facility Director or above in the supervisory line who is at a higher level than the proposing official
Major Adverse Action	Chief of Staff or senior medical officer or Associate Director for Patient Care/Nursing Services or above in the supervisory line	Facility Director or above in the supervisory line who is at a higher level than the proposing official, and is at the SES or SES equivalent level (except that transfers will require concurrence of the Deputy Under Secretary for Health for Operations and Management)

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FIELD EMPLOYEES
CHIEF OF STAFF OR SENIOR MEDICAL OFFICER OR ASSOCIATE DIRECTOR FOR
PATIENT CARE/NURSING SERVICES

Level of Disciplinary Action	Proposing Official	Deciding Official
Admonishment	Facility Director or above in the supervisory line	Network Director or above in the supervisory line who is at a higher level than the proposing official
Reprimand	Facility Director or above in the supervisory line	Network Director or above in the supervisory line who is at a higher level than the proposing official
Major Adverse Action	Facility Director or above in the supervisory line	Network Director or above in the supervisory line who is at a higher level than the proposing official, and is at the SES or SES equivalent level (except that transfers will require concurrence of the Deputy Under Secretary for Health for Operations and Management)

FIELD EMPLOYEES
TITLE 38 MEDICAL CENTER DIRECTORS

Level of Disciplinary Action	Proposing Official	Deciding Official
Admonishment	Network Director or above in the supervisory line	Deputy Under Secretary for Health for Operations and Management or above in the supervisory line who is at a higher level than the proposing official, and is at the SES or SES equivalent level
Reprimand	Network Director or above in the supervisory line	Deputy Under Secretary for Health for Operations and Management or above in the supervisory line who is at a higher level than the proposing official, and is at the SES or SES equivalent level

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Major Adverse Action	Deputy Under Secretary for Health for Operations and Management or above in the supervisory line	Under Secretary for Health or above in the supervisory line who is at a higher level than the proposing official, and is at the SES or SES equivalent level
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FIELD EMPLOYEES
TITLE 38 EMPLOYEES IN THE OFFICE OF THE NETWORK DIRECTOR
EXCEPT VISN CHIEF OF STAFF OR SENIOR MEDICAL OFFICER

Level of Disciplinary Action	Proposing Official	Deciding Official
Admonishment	VISN Chief of Staff or senior medical officer or VISN Associate Director as appropriate provided he/she is in the supervisory line, or above in the supervisory line	Network Director or above in the supervisory line who is at a higher level than the proposing official, and is at the SES or SES equivalent level
Reprimand	VISN Chief of Staff or senior medical officer or VISN Associate Director as appropriate provided he/she is in the supervisory line, or above in the supervisory line	Network Director or above in the supervisory line who is at a higher level than the proposing official, and is at the SES or SES equivalent level
Major Adverse Action	VISN Chief of Staff or senior medical officer or VISN Associate Director as appropriate provided he/she is in the supervisory line, or above in the supervisory line	Network Director or above in the supervisory line who is at a higher level than the proposing official, and is at the SES or SES equivalent level (except that transfers will require concurrence of the Deputy Under Secretary for Health for Operations and Management)

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FIELD EMPLOYEES

TITLE 38 VISN CHIEFS OF STAFF OR SENIOR MEDICAL OFFICERS IN THE OFFICE OF THE NETWORK DIRECTOR

Level of Disciplinary Action	Proposing Official	Deciding Official
Admonishment	Network Director or above in the supervisory line	Deputy Under Secretary for Health for Operations and Management or above in the supervisory line who is at a higher level than the proposing official
Reprimand	Network Director or above in the supervisory line	Deputy Under Secretary for Health for Operations and Management or above in the supervisory line who is at a higher level than the proposing official
Major Adverse Action	Deputy Under Secretary for Health for Operations and Management or above in the supervisory line	Deputy Under Secretary for Health or above in the supervisory line who is at a higher level than the proposing official

VA CENTRAL OFFICE
TITLE 38 EMPLOYEES

Level of Disciplinary Action	Proposing Official	Deciding Official
Admonishment	Immediate supervisor or above in the supervisory line	Next level official in the supervisory line who is at a higher level than the proposing official
Reprimand	Immediate supervisor or above in the supervisory line	Next level official in the supervisory line who is at a higher level than the proposing official
Major Adverse Action	Service Director level or above in the supervisory line	Under Secretary for Health or designee, who is at a higher level than the proposing official

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