

March 11, 1996

ASSIGNMENTS, STAFF ADJUSTMENTS, AND FURLoughS

1. REASON FOR ISSUE: To replace Veterans Health Administration (VHA) Supplement to the Department of Veterans Affairs (VA) Manual MP-5, "VA Personnel Policy Manual," Part II, "Employment of Physicians, Dentists, Podiatrists, Optometrists, Nurses, Physician Assistants, and Expanded-Function Dental Auxiliaries and other Excepted Personnel Under Title 38, United States Code, Chapter 73," Chapter 11, "Placements and Furloughs," with VHA Directive 5111, "Assignments, Staff Adjustments, and Furloughs."

2. SUMMARY OF MAJOR CHANGES: This Directive:

- a. Contains revised policies related to assignments, staff adjustments, and furloughs;
- b. Clarifies the responsibilities of management officials and employees;
- c. No longer prohibits the appointment of service chiefs on less than a 5/8ths basis; and
- d. Clarifies the distinction between reassignments under this Directive and transfers taken for performance or conduct reasons under the provisions of Title 38 United States Code (U.S.C.) 7461 and MP-5, Part II, Chapter 8.

3. RELATED DIRECTIVE AND HANDBOOK: VA Directive 5111 and VHA Handbook 5111, both entitled "Assignments, Staff Adjustments, and Furloughs."

4. RESPONSIBLE OFFICE: The Title 38 Employment Division (054D) is responsible for the contents of this Directive.

5. RESCISSIONS: VHA Supplement to VA Personnel Policy Manual MP-5, Part II, Chapter 11, dated January 24, 1992; VHA Directive 10-95-032, Attachment J, pages J-9 and J-10, dated March 23, 1995; and VHA Directive 10-95-032, paragraph 2h, Change 1, dated September 8, 1995.

s/ by
Kenneth W. Kizer, M.D., M.P.H.
Under Secretary for Health

Distribution: **RPC: 1236**
FD EX: EO

Printing Date: 3/96

March 11, 1996

ASSIGNMENTS, STAFF ADJUSTMENTS, AND FURLOUGHS

1. PURPOSE

- a. Scope. Except as provided in paragraph b, this Directive establishes policies on:
 - (1) Assignments, reassignments, staff adjustments, and furloughs of employees appointed under Title 38, United States Code (U.S.C.) 7306, 7401(1), 7405, and 7406; and
 - (2) Assignments of hybrid title 38 employees appointed under 38 U.S.C. 7401(3).
- b. Exclusions. This Directive does not apply to:
 - (1) Transfers for performance or conduct under 38 U.S.C. 7461 (see MP-5, Pt. II, Ch. 8).
 - (2) Separation of employees who fail to accept a properly directed transfer or reassignment based on disciplinary or performance reasons (see VHA Supp., MP-5, Pt. II, Ch. 9).
 - (3) Furlough and reduction-in-force (including incident reassessments) of employees appointed under 38 U.S.C. 7401(3) (see MP-5, Pt. I, Chs. 335, 752, and 351).
 - (4) Intermittent and fee basis employees appointed under 38 U.S.C. 7405.
- (5) Approving officials may exclude full- and part time employees appointed under 38 U.S.C. 7405 and 7406 from the policies in this Directive.

2. POLICY

- a. Actions under this Directive will be consistent with the goal of providing quality medical care to veterans in a cost efficient manner.
- b. Approving officials will make maximum use of an employees' skills and capabilities; provide employees with opportunities for growth and development; and consider any personal problems of affected employees.
- c. Employees will only be assigned duties and responsibilities for which they have appropriate credentials and there is a reasonable expectation that they will be able to perform satisfactorily.
- d. Reassignments or changes of assignments requested by employees for their own convenience will normally be given favorable consideration when consistent with the needs of VHA.

e. Local policies and procedures related to this Directive shall not be developed or implemented without predecisional involvement of Labor-Management Partnerships.

f. Reassignments

(1) Reasons for Reassignment. Reassignments are based on one or more of the following:

(a) An employee's request.

(b) Elimination, modification, or relocation of employees' duties to other work sites or healthcare facilities.

(c) A management determination that an employee's professional skills, knowledge, and abilities would be better utilized in another assignment.

(2) Reassignments Based on Staff Adjustments. Staff adjustment procedures must be used when changes in staff patterns or levels require reassignment outside the commuting area or another facility, or the separation of employees for lack of available assignment (see par. 9d, VHA Handbook 5111).

(3) Temporary Reassignments. When a position is vacant or a temporary need exists, an employee may be temporarily reassigned to such a position. Normally, temporary reassignments will only be made when it is anticipated that the assignment will extend beyond 90 days. Temporary reassignments may be approved in periods not to exceed 1 year and, generally, should not extend beyond 2 years.

g. Details. Employees may be detailed when it is more practical than any other type of regular personnel action.

h. Staff Adjustments

(1) Basis for Staff Adjustments

(a) Authorized budget or staff levels, legislation, technology, population changes, the lack or excess of general or specialized health care skills, and economics are some of the factors which may require changes in staff patterns, staff levels, or employee assignments.

(b) Staff adjustments are to be undertaken if any of these factors require changes in staff patterns or levels through separation or reassignment of employees to other facilities or other commuting areas.

(c) The scope of activities affected may, but need not, coincide with the approved organization (e.g., the factors could affect a particular specialty within Medical Service, all of Medical Service, or a particular specialty or specialties across organizational or facility lines).

(2) Results of Staff Adjustments. Staff adjustments can result in a change in assignment, reassignment, changes to a lower grade, lower rate of basic and/or special pay, or in separation from the service.

(3) Plan. If a staff adjustment is required, a written plan will be developed. The contents of the plan are specified in paragraph 9a of VHA Handbook 5111.

i. Furloughs

(1) When determining which employees are to be furloughed an essential consideration will be continuation of the community standard of care. This will be based on an assessment of which assignments will be critical to the continuing operations of the organization during the furlough.

(2) A furlough may not extend beyond 1 year. A furlough may only be implemented when the Department intends to recall affected employees within 1 year.

j. Appeals. Affected employees may appeal assignments, reassignments, staff adjustments and furloughs as indicated in VHA Handbook 5111.

3. ACTION

a. Management officials shall be responsible for managing the staffing process so as to avoid unnecessary staff adjustments and furloughs.

b. Management officials are responsible for meeting the requirements of paragraph 2e and their labor relations obligations related to this Directive. This includes, but is not limited to, planning and implementing staff adjustments and furloughs, reduction of the advance notice period for staff adjustments, as well as the numbers and types of employees to be affected.

c. Officials are authorized to effect actions covered by this Directive affecting positions over which they have personnel management approval authority.

d. Employees must make themselves available for assignment when it is in the best interest of VA.

e. The Chief Network Officer may approve requests to reduce or waive the general advance notice period for staff adjustments (see par. 9e, VHA Handbook 5111).

4. REFERENCES

- a. Title 38 U.S.C. 512, 7304, and 7421.
- b. VA Directive 5111 and VHA Handbook 5111, both entitled “Assignments, Staff Adjustments, and Furloughs.”
- c. VA Partnership Guide to Collective Bargaining and Joint Resolution of 38 U.S.C. 7422 Issues.

5. DEFINITIONS

- a. **Assignment.** An assignment is a specified set of duties and responsibilities.
- b. **Detail.** A detail is the temporary assignment of an employee to a different set of duties for a specified period of time. There is no formal position change; officially, employees continue to hold the position from which they were detailed and keep the same status and pay.
- c. **Employee.** Unless otherwise specified, the term refers to employees covered by this Directive.
- d. **Furlough.** Placement of an employee in a temporary status without duties or pay because of a lack of work, funds, or other nondisciplinary reasons. Furloughs may be consecutive or non consecutive days.
- e. **Reassignment.** Reassignment is the temporary or permanent change:
 - (1) From one assignment to another under the same facility management involving an official personnel action (the reassignment need not be in the same commuting area); or
 - (2) From one assignment to another for reasons other than performance or conduct and involving different facilities.
- f. **Staff Adjustment.** A staff adjustment is a formal procedure used to modify organizations through changes in staff patterns or levels.
- g. **Transfer.** The movement of an employee from one facility to another for performance or conduct reasons pursuant to 38 U.S.C. 7461.