



THE SECRETARY OF VETERANS AFFAIRS
WASHINGTON

September 16, 2020

**MEMORANDUM FOR UNDER SECRETARIES, ASSISTANT SECRETARIES AND
OTHER KEY OFFICIALS**

SUBJECT: Delegation of Authority to Determine Employees Who are Essential to Respond to the National Emergency Related to the COVID-19 Pandemic and Response (VIEWS 3173788)

1. DELEGATION. On August 27, 2020, the Office of Personnel Management (OPM) determined that the COVID-19 national emergency constitutes an exigency of the public business for the purpose of restoring forfeited annual leave under 5 CFR 630.310 (85 Fed. Reg. 48096, August 10, 2020). (See OPM [Compensation Policy Memorandum \(CPM\) 2020-11](#).) This memorandum delegates to the Department of Veterans Affairs (VA) Under Secretaries, Assistant Secretaries and Other Key Officials at equivalent levels of authority, the authority to make determinations identifying the specific employees or group of employees who are performing services that are essential in response to the COVID-19 national emergency and thus, qualify for restoration of annual leave under 5 CFR 630.310.

2. AUTHORITY. 5 U.S.C. § 6304(d)(1)(B), 38 U.S.C. § 512, 5 CFR 630.310 (85 Fed. Reg. 48096, August 10, 2020), VA Directive 0000 (Delegations of Authority).

3. REFERENCES. OPM CPM 2020-11 (August 27, 2020).

4. RESTRICTIONS. An employee or group of employees whose services are determined to be essential for the response to the COVID-19 national emergency must provide direct patient care or mission-critical support services in connection with the national emergency, thereby preventing the employee or group of employees from using their annual leave (including previously restored annual leave). The determination as to employees or groups of employees whose services are essential in responding to the COVID-19 national emergency may not be made by any official whose leave would be affected by the decision. This delegation of authority is concurrent with the Secretary's authority to make such determinations, and does not preclude the Secretary from exercising, modifying or further delegating such authority.

5. REDELEGATION. This authority may be redelegated, in writing, to facility directors, or an equivalent level of authority. No further redelegations are authorized.

6. EFFECTIVE DATE. This delegation is effective upon signature, unless rescinded or modified by the Secretary and remains in effect for two years.

A handwritten signature in blue ink that reads "Robert L. Wilkie".

Robert L. Wilkie