



**THE SECRETARY OF VETERANS AFFAIRS
WASHINGTON**

October 8, 2020

MEMORANDUM FOR THE UNDER SECRETARY FOR HEALTH

SUBJECT: Delegations of Authority for Disciplinary Actions Taken Under 5 U.S.C. Chapter 75 and 5 U.S.C. Chapter 43 Within the Veterans Health Administration (VHA) (VIEWS 1588843)

1. DELEGATION. For adverse actions taken under 5 U.S.C. Chapter 75 and Chapter 43, within VHA, the delegation of authority to proposing officials and deciding officials outlined in Department of Veterans Affairs (VA) Directive and Handbook 5021, "Employee/Management Relations," will apply with the modifications identified below.

- a. GS-14 and GS-15 supervisors in VHA are delegated the authority to serve as proposing officials in cases within their supervisory line of authority, even if they are not considered to be a Division/Supervisory Chief as described in VA Directive and Handbook 5021, "Employee/Management Relations."

2. REDELEGATION. Notwithstanding the delegation of authority outlined in VA Directive and Handbook 5021, "Employee/Management Relations" and subject to the restrictions below, the authority to serve as a deciding official in an action under 5 U.S.C. Chapter 75 and 5 U.S.C. Chapter 43, within VHA, may be redelegated, on a case-by-case basis, as follows:

- a. A senior executive service (SES) member in VHA Central Office may redelegate to an SES member, SES Equivalent, or GS-15 supervisor within his or her supervisory line of authority.
- b. Network Directors may redelegate to the following employees within the Network Director's supervisory line of authority:
 - i. Other SES members (e.g., Medical Center Directors);
 - ii. SES Equivalents (e.g. Veteran Integrated Service Network (VISN) Chief Medical Officers);
 - iii. Nurse Vs (e.g. VISN Chief Nursing Officers); and
 - iv. VISN GS-15 supervisors.

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- c. Medical Center Directors may redelegate to the following employees within the Medical Center Director's supervisory line of authority:
 - i. Medical Center Deputy Directors;
 - ii. Medical Center Associate Directors;
 - iii. Associate Directors for Patient Care Services/Nurse Executives; and
 - iv. Chiefs of Staff.

3. AUTHORITY. 38 U.S.C. §§ 303; and 512; 5 U.S.C. Chapter 75; 5 U.S.C. Chapter 43; and VA Directive 0000, "Delegation of Authority."

4. REFERENCES. VA Directive and Handbook 5021, "Employee/Management Relations," Part I, Appendices B-C; VHA Handbook 1100.19, "Credentialing and Privileging;" and VA Directive 0500, "Investigation of Whistleblower Disclosures and Allegations Involving Senior Leaders or Whistleblower Retaliation."

5. RESTRICTIONS.

- a. Redelegations under paragraph 2 of this document must be in writing and be included in the evidence file to show the re delegation was authorized.
- b. Under this delegation of authority, a proposing official must be at the same grade or higher than the employee being issued the proposed action.
- c. Actions against employees for matters involving the reduction or revocation of privileges may not be redelegated as the facility Chief of Staff must be the proposing official in accordance with VHA Handbook 1100.19, "Credentialing and Privileging."
- d. Matters in which the VA Office of Accountability and Whistleblower Protection has made a recommendation for disciplinary action against a senior leader pursuant to VA Directive 0500, "Investigation of Whistleblower Disclosures and Allegations Involving Senior Leaders or Whistleblower Retaliation," may not be redelegated under this authority.
- e. Under this delegation of authority, a deciding official is not required to be in a supervisory level higher than the proposing official, but the proposing official and the deciding official may not be the same individual.

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- f. Actions involving employees subject to Medical Center bylaws must comply with those bylaws.
- g. This delegation of authority is concurrent with the Secretary's authority and does not preclude the Secretary from exercising or modifying such authority.

6. EFFECTIVE DATE. This delegation is effective upon signature. In accordance with VA Directive 0000, "Delegation of Authority," I waive the 2-year expiration date for delegations of authority. This delegation shall expire 4 years from the date of signature, unless the Secretary rescinds, or reissues a superseding delegation at an earlier date.



Robert L. Wilkie