



THE SECRETARY OF VETERANS AFFAIRS  
WASHINGTON

December 20, 2022

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

**SUBJECT:** Incentives for Critical Skills; Sergeant First Class Heath Robinson Honoring Our Promise to Address Comprehensive Toxics (PACT) Act (P.L. 117-168) Related to Recruitment and Retention of Personnel (VIEWS 8746762)

**1. DELEGATION.** This memorandum delegates to the Department of Veterans Affairs (VA) Under Secretaries, Assistant Secretaries and Other Key Officials with equivalent levels of authority the authority to approve critical skill incentives pursuant to 38 U.S.C. § 706(d).

**2. AUTHORITIES.**

- a. [38 U.S.C. § 706\(d\)](#) – Incentives for critical skills (Created by section 909 of the PACT Act).
- b. [38 U.S.C. § 303](#) – Secretary of Veterans Affairs.
- c. [38 U.S.C. § 512](#) – Delegation of Authority; assignment of functions and duties.
- d. VA Directive 0000 – Delegations of Authority.

**3. REFERENCES.** VA Directive 5001, System of VA Human Resources Management Directives and Handbooks General Introduction and Administration.

**4. RESTRICTIONS.** The authority delegated herein is intended solely to support the Department's ability to recruit and retain VA personnel in accordance with the PACT Act. The requirements of coverage, exclusions and administration of critical skill incentives are set forth in 38 U.S.C. § 706(d) and the Office of the Chief Human Capital Officer Critical Skill Incentives Policy Notice. Delegations herein should be authorized consistent with guidance issued by VA.

The following categories of employees are excluded from eligibility:

- (1) Political Appointees;
- (2) Employees in the Senior Executive Service (SES) as a non-career appointee (as such term is defined under section 5 U.S.C. § 3132(a));

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(3) Limited term appointees or limited emergency appointees in the SES serving in a position that is political in character; and

(4) Schedule C employees that have been excepted from the competitive service by reason of their positions' confidential, policy determining, policymaking or policy-advocating character or that is determined to be political in character or other categories of ineligible employees as defined by 5 C.F.R. § 575.304.

**5. REDELEGATION.** This authority to approve critical skill incentives may be redelegated in writing as outlined below. No further redelegation is authorized unless otherwise noted.

a. Approving officials for all critical skill incentives up to 25%:

- Veterans Health Administration (VHA): Medical Center Directors, Network Directors, VHA Central Office SES/SES Equivalent Executive Directors and VHA Chief Officers or Assistant Under Secretaries for Health (for offices without a Chief Officer) for employees in noncentralized positions within their jurisdiction;
- Veterans Benefits Administration (VBA): VBA Central Office Business Line Directors, Staff Office Directors and District Directors;
- National Cemetery Administration: Under Secretary for Memorial Affairs; and
- Office of General Counsel: Deputy General Counsels are the approving officials for employees within their jurisdiction.

b. The Deputy Secretary, Chief of Staff, Under Secretaries, Assistant Secretaries and Other Key Officials with equivalent levels of authority within the scope of their supervisory control are the approving officials for critical skill incentives for employees occupying positions centralized to that office. This includes employees in the SES and title 38 SES-equivalents and senior-level or scientific and professional positions. The Corporate Senior Executive Management Office conducts a technical review and makes recommendations for all incentives for SES, title 38 SES-equivalents and senior level positions submitted to the Secretary, or designee, for approval.

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- c. Staff Offices (not including the Office of General Counsel): Principal Deputy Assistant Secretary or Other Key Officials with equivalent levels of authority. This authority may be redelegated to Deputy Assistant Secretaries or Other Key Officials with equivalent levels of authority.
- d. The Secretary approves critical skills incentives for direct reports of Under Secretaries, Assistant Secretaries and Other Key Officials.

**6. EFFECTIVE DATE AND EXPIRATION DATE.** This delegation of authority is effective upon signature, and pursuant to VA Directive 0000, I have waived the 2-year expiration date. Therefore, this delegation of authority will be in effect to coincide with the termination date of the provision, September 30, 2027.



Denis McDonough