

## EMPLOYEE/MANAGEMENT RELATIONS

1. **REASON FOR ISSUE:** To implement Department of Veterans Affairs (VA) procedures regarding:
  - a. 38 U.S.C. § 731, adverse actions against supervisory employees who commit prohibited personnel actions relating to whistleblower complaints, and
  - b. 5 U.S.C. § 7515, discipline of supervisors based on retaliation against whistleblowers.
2. **SUMMARY OF CONTENTS/MAJOR CHANGES:** Creates Part VII of VA Handbook 5021, Employee/Management Relations to incorporate the procedures for disciplining supervisors who engage in whistleblower retaliation. These changes will be included in the electronic version of VA Handbook 5021, Employee/Management Relations, maintained on the [Office of the Chief Human Capital Officer website](#) and [VA Publications website](#).
3. **RESPONSIBLE OFFICE:** Office of the Chief Human Capital Officer (OCHCO) (05), Employee Relations and Performance Management Service (051).
4. **RELATED DIRECTIVE:** [VA Directive 5021](#), Employee/Management Relations, April 15, 2002.
5. **RESCISSIONS:** None.

**CERTIFIED BY:**

**BY DIRECTION OF THE SECRETARY  
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**PART VII. ACTIONS TAKEN AGAINST SUPERVISORS  
FOR WHISTLEBLOWER RETALIATION**

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**PART VII. ACTIONS TAKEN AGAINST SUPERVISORS  
FOR WHISTLEBLOWER RETALIATION**

**CHAPTER 1. GENERAL**

1. **SCOPE.** This policy provides guidance on the procedures for taking disciplinary action against supervisors who have been determined to have committed a prohibited personnel action (PPA). Chapter 2 of this part covers actions taken against supervisors for a PPA under the provisions of 38 U.S.C. § 731. Chapter 3 of this part covers actions taken against supervisors for a PPA under 5 U.S.C. § 7515. Actions involving a supervisor who has committed a PPA that is covered by 38 U.S.C. § 731 will be taken under that authority. (See Chapter 3, paragraph 4.a.)
2. **REFERENCES.**
  - a. [5 U.S.C. § 2302](#), Merit System Principles, Prohibited personnel practices
  - b. [5 U.S.C. § 6103\(a\)](#), Hours of Work, Holidays
  - c. [5 U.S.C. § 7103](#), Labor-Management Relations, Definitions; application
  - d. [5 U.S.C. Chapter 75](#), Adverse Actions
  - e. [5 U.S.C. § 7503\(a\)](#), Adverse Actions, Cause and procedure
  - f. [5 U.S.C. § 7513\(a\)](#), Adverse Actions, Cause and procedure
  - g. [5 U.S.C. § 7515](#), Adverse Actions, Discipline of supervisors based on retaliation against whistleblowers
  - h. [41 U.S.C. § 4705\(b\)](#), Protection of contractor employees from reprisal for disclosure of certain information.
  - i. [41 U.S.C. § 4712\(a\)\(1\)](#), Enhancement of contractor protection from reprisal for disclosure of certain information
  - j. [5 C.F.R. Part 752](#), Subpart B, Adverse Actions, Regulatory Requirements for Suspension for 14 days or less
  - k. [5 C.F.R. Part 1201.4\(p\)](#), Merit Systems Protection Board, General definitions
  - l. [38 U.S.C. § 713](#), Employees, Senior executives: removal, demotion, or suspension based on performance or conduct
  - m. [38 U.S.C. § 714](#), Employees, Employees: removal, demotion, or suspension based on performance or conduct
  - n. [38 U.S.C. Ch. 74, Subchapter V](#), Disciplinary and Grievance Procedures

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- o. [38 U.S.C. § 731](#), Adverse actions against supervisory employees who commit prohibited personnel actions relating to whistleblower complaints
- p. [VA Directive 0500](#), Office of Accountability and Whistleblower Protection: Investigation of Whistleblower Disclosures and Allegations Involving Senior Leaders or Whistleblower Retaliation

**3. DEFINITIONS.**

- a. **Business day(s).** Weekdays, which are Monday through Friday, except when such a day is designated as a Federal holiday by the Office of Personnel Management or the employee's assigned facility is closed for regular business, e.g., inclement weather. For calculation purposes, the period for a decision to be issued under these procedures begins on the first business day after the proposal is issued to the employee (e.g., hand delivered to the employee or, if mailed, the date received or 5 calendar days after mailed).
- b. **Deciding official.** Those individuals delegated authority to decide an action proposed under 38 U.S.C. §§ 713, 714, and 5 U.S.C. § 7515 as described in Chapter 4 of this part, or other disciplinary authority, if applicable.
- c. **Demotion or demote.** The involuntary transfer of a supervisor with a reduction in grade and annual rate of pay to a position that the deciding official determines is appropriate, and for which the covered employee is qualified.
- d. **Insufficient evidence.** Evidence that fails to refute the determination that the supervisor committed a PPA.
- e. **Personnel Action.** The following are considered personnel actions under this part:
  - (1) Appointment;
  - (2) Promotion;
  - (3) Action taken under the provisions of 5 U.S.C. Ch. 75, 38 U.S.C. §§ 713 or 714, or 38 U.S.C. Ch. 74, or other corrective action;
  - (4) Detail, transfer, or reassignment;
  - (5) Reinstatement;
  - (6) Restoration;
  - (7) Reemployment;
  - (8) Performance evaluation under the provisions of VA Directive and Handbook 5013;

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- (9) Decision concerning pay, benefits, or awards, or concerning education or training if the education or training may reasonably be expected to lead to an appointment, promotion, or performance evaluation, or other action described as a personnel action in this part;
  - (10) Decision to order psychiatric testing or examination;
  - (11) Implementation or enforcement of any nondisclosure policy, form, or agreement; or
  - (12) Any other significant changes in duties, responsibilities, or working conditions.
- f. **Preponderance of the evidence.** The degree of relevant evidence that a reasonable person, considering the record as a whole, would accept as sufficient to find that a contested fact is more likely to be true than untrue.
- g. **Prohibited Personnel Action (PPA) under 38 U.S.C. § 731.** A PPA under 38 U.S.C. § 731 is described as any of the following actions taken by a supervisor or management official:
- (1) Taking or failing to take a personnel action in violation of 5 U.S.C. § 2302 against an employee relating to the employee—
    - (a) Making a whistleblower disclosure to the Assistant Secretary for Accountability and Whistleblower Protection, the Inspector General of the Department, the Special Counsel, or Congress;
    - (b) Providing information or participating as a witness in an investigation of a whistleblower disclosure made to the Assistant Secretary for Accountability and Whistleblower Protection, the Inspector General of the Department, the Special Counsel, or Congress;
    - (c) Participating in an audit or investigation by the Comptroller General of the United States;
    - (d) Refusing to perform an action that is unlawful or prohibited by the Department; or
    - (e) Engaging in communications that are related to the duties of the position or are otherwise protected.
  - (2) Preventing or restricting an employee from making an action described in any of subparagraphs (a) through (e) of paragraph (1).
  - (3) Conducting a negative peer review or opening a retaliatory investigation because of an activity of an employee that is protected by 5 U.S.C. § 2302.

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(4) Requesting a contractor to carry out an action that is prohibited by 41 U.S.C. §§ 4705(b) or 4712(a)(1), as the case may be.

h. **Prohibited Personnel Action (PPA) under 5 U.S.C. § 7515.** A PPA under 5 U.S.C. § 7515 is described as any of the following actions as described in 5 U.S.C. § 2302(b)(8), (9), and (14) when supervisors or management officials:

(1) Take or fail to take, or threaten to take or fail to take, a personnel action with respect to any employee or applicant for employment because of—

(a) Any disclosure of information by an employee or applicant which the employee or applicant reasonably believes evidences—

i Any violation of any law, rule, or regulation, or

ii Gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, if such disclosure is not specifically prohibited by law and if such information is not specifically required by Executive Order to be kept secret in the interest of national defense or the conduct of foreign affairs;

(b) Any disclosure to the Special Counsel, or to the Inspector General of an agency or another employee designated by the head of the agency to receive such disclosures, of information which the employee or applicant reasonably believes evidences—

i Any violation (other than a violation of this section) of any law, rule, or regulation, or

ii Gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; or

(c) Any disclosure to Congress (including any committee of Congress) by any employee of an agency or applicant for employment at an agency of information described in subparagraph (b) that is—

i Not classified; or

ii If classified—

(A) Has been classified by the head of an agency that is not an element of the intelligence community (as defined by section 3 of the National Security Act of 1947 ([50 U.S.C. § 3003](#))); and

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- (B) Does not reveal intelligence sources and methods.
- (2) Take or fail to take, or threaten to take or fail to take, any personnel action against any employee or applicant for employment because of—
- (a) The exercise of any appeal, complaint, or grievance right granted by any law, rule, or regulation—
    - i With regard to remedying a violation of paragraph (8); or
    - ii Other than with regard to remedying a violation of paragraph (8);
  - (b) Testifying for or otherwise lawfully assisting any individual in the exercise of any right referred to in subparagraph (a)(i) or (ii);
  - (c) Cooperating with or disclosing information to the Inspector General (or any other component responsible for internal investigation or review) of an agency, or the Special Counsel, in accordance with applicable provisions of law; or
  - (d) Refusing to obey an order that would require the individual to violate a law, rule, or regulation.
- (3) Access the medical record of another employee or an applicant for employment as a part of, or otherwise in furtherance of, any conduct described in 5 U.S.C. § 2302(b).
- i. **Proposal Notice.** A memorandum from the proposing official to a supervisor that provides advance notice of a proposed action taken under such authorities as 38 U.S.C. § 713, 5 U.S.C. Chapter 75, 38 U.S.C. §§ 7461–7464, or other applicable disciplinary authority.
  - j. **Proposing Official. Those individuals delegated authority to propose an action** taken under such authorities as 38 U.S.C. § 713, 5 U.S.C. Chapter 75, 38 U.S.C. Ch. 74, or other applicable disciplinary authority.
  - k. **Removal.** The involuntary separation of a supervisor from the civil service.
  - l. **Retaliation or Retaliating.** Retaliation includes but is not limited to instances in which:
    - (1) A supervisor takes or fails to take a personnel action in violation of 5 U.S.C. § 2302 (see paragraph 3.j. or k. of this chapter) or prevents or restricts an employee from making an action for the following reasons:

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- (a) Making a whistleblower disclosure to the Office of Accountability and Whistleblower Protection, Office of Inspector General, Office of Special Counsel, or Congress;
  - (b) Providing information or participating as a witness in an investigation of a whistleblower disclosure made to Office of Accountability and Whistleblower Protection, Office of Inspector General, Office of Special Counsel, or Congress;
  - (c) Participating in an audit or investigation by the Comptroller General of the United States;
  - (d) Refusing to perform an action that is unlawful or prohibited by VA; or
  - (e) Engaging in communications that are related to the duties of the position or are otherwise protected, including communications protected by 5 U.S.C. § 2302(b)(8) and (9.)
- (2) A supervisor prevents or restricts an employee from taking an action described in paragraph 3.r.(1) of this chapter.
- (3) A supervisor conducts a negative peer review or opens a retaliatory investigation because of an activity that is protected by 5 U.S.C. § 2302 (see paragraph 3.j. or k. of this chapter).
- m. **Supervisor.** An employee who is a supervisor as defined in 5 U.S.C. § 7103(a)(10).
- n. **Suspension or Suspend.** Placing a supervisor, for reasons of misconduct, in a temporary status without duties and pay.
- o. **Whistleblower Disclosure.** A disclosure of information by a VA employee, or individual applying to become a VA employee, which the employee or individual reasonably believes evidences:
- (1) A violation of a law, rule, or regulation; or
  - (2) Gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.



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CHAPTER 2**

**CHAPTER 2. ACTIONS TAKEN IN ACCORDANCE WITH 38 U.S.C. § 731**

- 1. SCOPE.** To provide guidance on the procedures for taking disciplinary action against supervisors who have been determined to have committed a PPA under 38 U.S.C. § 731.
- 2. EMPLOYEES COVERED.** All VA supervisors as defined in 5 U.S.C. § 7103(a)(10), including those in the Senior Executive Service (SES), SES equivalent, and supervisors appointed to positions under the provisions of 38 U.S.C. Chapters 73 and 74.
- 3. EMPLOYEES EXCLUDED.** Any employee who does not meet the definition of supervisor under 5 U.S.C. § 7103(a)(10) or paragraph 2 of this chapter.
- 4. TAKING AN ACTION.**
  - a. **Authority.** An action based on a determination covered by 38 U.S.C. § 731 will be proposed under an existing authority used for taking disciplinary, adverse, or major adverse actions, e.g., 5 U.S.C. §§ 7501-7504 for suspensions of 14 calendar days or less; 5 U.S.C. §§ 7511-7514 for suspensions of 15 calendar days or more, demotions, or removals; 38 U.S.C. § 714 for suspensions of 15 calendar days or more, demotions, or removals; 38 U.S.C. § 713; 38 U.S.C. §§ 7461-7463. The procedures of 38 U.S.C. § 731 will supersede any conflicting procedures in the existing statutory authority used to take the action. The appeal rights of the existing statutory authority used to take the action will apply because 38 U.S.C. § 731 does not identify separate appeal rights.
  - b. **Basis for Action.** For purposes of taking an action against a supervisor under 38 U.S.C. § 731, a PPA means any of the following:
    - (1) Taking or failing to take a personnel action in violation of 5 U.S.C. § 2302 against an employee:
      - (a) For making a whistleblower disclosure to Office of Accountability and Whistleblower Protection, Office of Inspector General, Office of Special Counsel, or Congress;
      - (b) Providing information or participating as a witness in an investigation of a whistleblower disclosure made to Office of Accountability and Whistleblower Protection, Office of Inspector General, Office of Special Counsel, or Congress;
      - (c) Participating in an audit or investigation by the Comptroller General of the United States;
      - (d) Refusing to perform an action that is unlawful or prohibited by VA; or

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- (e) Engaging in communications that are related to the duties of the position or are otherwise protected, including communications protected by 5 U.S.C. § 2302(b)(8) and (9). (See paragraph 3.j.(8) and (9) of Chapter 1 of this part.)
  - (2) Preventing or restricting an employee from taking an action described in paragraph 4.b.(1) of this chapter.
  - (3) Conducting a negative peer review or opening a retaliatory investigation because of an activity of an employee that is protected by 5 U.S.C. § 2302. (See paragraph 3.j. of Chapter 1 of this part.) Requesting a contractor to carry out an action that is prohibited by 41 U.S.C. § 4705(b) or 4712(a)(1), as the case may be.
- c. **Determination.** A disciplinary action will be proposed against a supervisor if it is determined by one of the following entities, that the supervisor committed a PPA as described in paragraph 4.b. of this chapter:
- (1) The Secretary;
  - (2) The Office of Inspector General; or
  - (3) One of the following, unless the matter is under appeal:
    - (a) An administrative judge;
    - (b) Merit Systems Protection Board (MSPB), including an MSPB administrative judge;
    - (c) Office of Special Counsel;
    - (d) An arbitrator or adjudicating body whom the VA and union have selected to adjudicate a matter in accordance with an applicable contract; or
    - (e) A Federal judge.

A determination is a written finding by one of the officials or entities identified in (1) through (3) that the supervisor engaged in a PPA.

d. **Penalty.**

- (1) In accordance with 38 U.S.C. § 731(a), the level of penalty to be imposed is as follows:
  - (a) A suspension of no less than 12 calendar days and not more than removal for the first offense in which a supervisor is determined to have committed a PPA; and

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- (b) A removal for the second offense in which a supervisor is determined to have committed a PPA.
- (2) When proposing an adverse or major adverse action against a supervisor for a PPA covered by this statute, the proposing official may propose more than one adverse or major adverse action in the same proposal notice, e.g., a demotion and a suspension, if the total severity of the adverse or major adverse actions do not exceed the levels specified in paragraph 4.d.(1)(a) of this chapter.
- (3) In accordance with 5 U.S.C. § 1214(f), if an action is initiated against a supervisor resulting from an investigation conducted by the Office of Special Counsel, no disciplinary or adverse action will be taken against the supervisor without the approval of the Office of Special Counsel.

**e. Imposing the Action.**

- (1) A written proposal notice will be drafted, in collaboration with the servicing Human Resources (HR) office, to ensure compliance with applicable statutes, regulations, VA policies, collective bargaining agreements, and any other applicable requirements before being released to the employee. The servicing HR office will review the evidence and provide a technical review of the action. The Office of General Counsel (OGC) will provide legal review prior to the issuance of the proposal notice.
- (2) A supervisor is entitled to 10 calendar days following issuance of a proposed action to provide a written reply and furnish evidence in support of their response to the reasons cited in the proposed action regardless of the authority used to propose the disciplinary, adverse, or major adverse action described in this chapter.
- (3) The supervisor will be afforded all rights prescribed in the applicable authority under which the action is proposed, e.g., 38 U.S.C. § 713, 38 U.S.C. § 714, 5 U.S.C. Ch. 75, 38 U.S.C. §§ 7461-7463.
- (4) The action will be imposed after the 10-calendar-day period has expired if the supervisor does not furnish any evidence as indicated in paragraph 4.d.(2) of this chapter, or if the deciding official determines that such evidence furnished by the supervisor is not sufficient to reverse the determination to propose the action. (See paragraph 3.f. of Chapter 1 of this part.)
- (5) If the proposing official proposes more than one adverse action as described in paragraph 4.d.(2) of this chapter, the deciding official may impose both adverse actions or may choose to impose only one of the proposed actions, if the action meets the requirements of paragraph 4.d.(1) of this chapter.

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- (6) The supervisor is entitled to a written decision and the specific reasons for reaching the decision at the earliest practicable date.
- (7) A supervisor against whom an action is taken under this section is entitled to appeal the action in accordance with the authority used to take the action, e.g., 5 U.S.C. Ch. 75, 38 U.S.C. §§ 713, 714, or 7461-7463.

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**CHAPTER 3. ACTIONS TAKEN IN ACCORDANCE WITH 5 U.S.C. § 7515**

- 1. SCOPE.** To provide guidance on the procedures for taking disciplinary action against supervisors who have been determined to have committed a PPA under 5 U.S.C. § 7515.
- 2. EMPLOYEES COVERED.** All title 5 and hybrid-title 38 supervisors as defined in 5 U.S.C. § 7103(a)(10), including those in the SES.
- 3. EMPLOYEES EXCLUDED.**
  - a. Any employee who does not meet the definition of supervisor under 5 U.S.C. § 7103(a)(10).
  - b. Supervisors appointed under 38 U.S.C. § 7401(1) or in occupations included in 38 U.S.C. § 7401(1) who are appointed under 38 U.S.C. § 7405.
- 4. TAKING AN ACTION.**
  - a. **Relationship with 38 U.S.C. § 731.** Some determinations that a PPA occurred might fall under the provisions of both 38 U.S.C. § 731 and 5 U.S.C. § 7515. For example, a determination that a PPA occurred violating 38 U.S.C. § 731(c)(1)(A) will likely also violate 5 U.S.C. § 7515(a)(2). In these cases, the proposing and deciding officials will propose and decide an action in accordance with 38 U.S.C. § 731 (see Chapter 2 of this part.) Questions concerning which authority to use should be directed to OGC.
  - b. **Basis for Action.** For the purposes of taking an action against a supervisor under 5 U.S.C. § 7515, a PPA means any of the following:
    - (1) Taking or failing to take an action in violation of 5 U.S.C. § 2302(b)(8) and (9) (see Chapter 1, paragraph 3.k.(1) and (2) of this part); or
    - (2) Accessing the medical record of an employee or applicant for employment as part of, or in furtherance of, any conduct described in 5 U.S.C. § 2302(b)(1) through (13) (see Chapter 1, paragraph 3.k.(3) through of this part).
  - c. **Standard of Action.** The standard of action for disciplinary or adverse actions taken under these provisions is for such cause as will promote the efficiency of the service.
  - d. **Determination.**
    - (1) A disciplinary action will be proposed against a supervisor if it is determined by one of the following entities that the supervisor committed a PPA as described in paragraph 4.b. of this chapter:

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- (a) The Secretary;
- (b) The Office of Inspector General; or
- (c) One of the following, unless the matter is under appeal:
  - i An administrative judge;
  - ii MSPB, including an MSPB administrative judge;
  - iii Office of Special Counsel;
  - iv An arbitrator or adjudicating body whom the VA and union have selected to adjudicate a matter in accordance with an applicable contract; or
  - v A Federal judge.
- (2) A determination is a written finding by one of the officials or entities identified in (a)-(c), that the supervisor engaged in a PPA.
- e. **Penalty.** In accordance with 5 U.S.C. § 7515(b)(1)(A), the level of penalty to be proposed is as follows:
  - (1) A suspension of no less than 3 calendar days for the first PPA committed by the supervisory employee. The proposing official may propose an additional action determined appropriate, including a reduction in grade or pay; and
  - (2) A removal for the second PPA committed by the supervisory employee.
    - (a) When proposing an adverse action against a supervisor for a PPA covered by this statute, the proposing official may propose a suspension of not less than 3 calendar days and a demotion. (See paragraph 4.e.1.(a).)
    - (b) In accordance with 5 U.S.C. § 1214(f), if an action is initiated against a supervisor resulting from an investigation conducted by the Office of Special Counsel, no disciplinary or adverse action will be taken against the supervisor without the approval of the Office of Special Counsel.
- f. **Suspensions of 14 Calendar Days or Less.** The procedures under this chapter must be used for taking a suspension of 14 calendar days or less if a determination has been made that a supervisor has engaged in whistleblower retaliation. (The provisions of Part II of this handbook cannot be used).

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- (1) A written proposal notice will be reviewed by the servicing HR office for compliance with applicable statutes, regulations, VA policies, collective bargaining agreements, and any other applicable requirements before being released to the employee. The servicing HR office will review the evidence and provide a technical review of the action. Consultation with OGC is recommended prior to the issuance of the proposal notice.
  - (2) A supervisor is entitled to written proposal notice that states the specific reasons for the proposed action.
  - (3) The proposal will inform the supervisor that they have the right to review the material that is relied on to support the reasons given in the proposal notice.
  - (4) A supervisory employee will be granted no more than 14 calendar days after the date on which the supervisor received the notice to submit a written reply, and furnish evidence in support of their response to the reasons cited in the proposed action.
  - (5) The supervisor has a right to be represented by an attorney or other representative.
  - (6) If the supervisor does not furnish any evidence by the end of the 14-calendar-day period, or if the deciding official determines that such evidence is insufficient to reverse the action proposed, the action will be imposed after the 14-calendar-day period has expired. (See definition of insufficient evidence located in Part VII, Chapter 1 of this handbook.)
  - (7) If the proposing official proposed a penalty higher than the minimum penalty required or proposed an additional penalty, e.g., a demotion and at least a 3-day suspension, the deciding official may mitigate the penalty if the supervisor provided evidence sufficient to support a lower penalty. For a first offense, the penalty may only be mitigated to the lowest mandatory level. The penalty of removal is required for a second offense if substantiated by the evidence.
  - (8) The supervisor is entitled to a written decision and the specific reasons at the earliest practicable date but to the extent practicable, a decision should be issued within 15 business days of the conclusion of the employee's opportunity to respond.
  - (9) A supervisor may grieve the disciplinary action in accordance with VA grievance procedures outlined in VA Handbook 5021, Part IV, if applicable.
- g. **Suspensions of 15 calendar days or more, demotions or removal.** The procedures under this chapter and paragraph must be used for taking a suspension of 15 calendar days or more, demotion and/or removal, if a

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determination has been made that a supervisor has engaged in whistleblower retaliation. The provisions of Part II of this handbook cannot be used.

- (1) The provisions of Chapter 3, paragraph 4.f.(1) through (8) of this part are applicable to suspensions of 15 calendar days or more, demotions and/or removals.
- (2) A supervisor against whom an action is taken under this section is entitled to appeal to MSPB under 5 U.S.C. § 7701 if the action taken is a 15-calendar-day suspension or more, a demotion or removal, seek corrective action from the Office of Special Counsel, or file a discrimination complaint through the Office of Resolution Management, Diversity, and Inclusion.



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CHAPTER 4**

**CHAPTER 4. DELEGATIONS FOR ACTIONS TAKEN IN ACCORDANCE WITH  
38 U.S.C. § 731 AND 5 U.S.C. § 7515**

1. **SCOPE.** The chapter governs the delegations of authority for actions taken in accordance with 38 U.S.C. § 731 and 5 U.S.C. § 7515.
2. **5 U.S.C. § 7515.** If the Secretary is responsible for determining whether a supervisor has committed a PPA under 5 U.S.C. § 7515, the Secretary may not delegate that responsibility.
3. **DELEGATIONS UNDER 38 U.S.C. § 713 WHEN TAKING AN ACTION REQUIRED UNDER 38 U.S.C. § 731.** Unless the provisions of VA Directive and Handbook 5025, Senior Executive Service, or other guidance prescribed by the Corporate Senior Executive Management Office, the following delegations are applicable:
  - a. **Proposing Official.** Supervisor who is at least one supervisory level above and within the same supervisory line as the receiving employee, or other individual who is otherwise delegated such authority by the Secretary.
  - b. **Deciding Official.** Supervisor who is at least one supervisory level above and within the same supervisory line as the proposing official, or other individual who is otherwise delegated such authority by the Secretary.
  - c. **Grievance Official.** Secretary, Deputy Secretary, Under Secretary, Assistant Secretary that is appointed by the President and confirmed by the Senate, and other key officials who are appointed by the President and confirmed by the Senate, or other individual delegated such authority by the Secretary.
4. **DELEGATIONS WHEN TAKING AN ACTION REQUIRED UNDER 38 U.S.C. § 731.** For disciplinary, adverse, and major adverse actions imposed against a supervisor under the provisions of 38 U.S.C. § 731, the proposing officials and deciding officials prescribed in Part II and III of this handbook will be applicable, or any other applicable delegations of authority approved by the Secretary.
5. **DELEGATIONS WHEN TAKING AN ACTION REQUIRED UNDER 5 U.S.C. § 7515.**
  - a. For suspensions, demotions, and removals taken against supervisors covered by 38 U.S.C. § 713 but imposed under the provisions of 5 U.S.C. § 7515, the proposing officials and deciding officials as defined in paragraph 3 of this chapter are applicable or any other applicable delegations of authority approved by the Secretary.
  - b. For disciplinary and adverse actions imposed against all other supervisors covered under the provisions of 5 U.S.C. § 7515, the proposing officials and deciding officials prescribed in Part II of this handbook will be applicable or any other applicable delegations of authority approved by the Secretary.