DETERMINING APPROPRIATE PROCEDURES FOR HOLDING EMPLOYEES ACCOUNTABLE

(Refer to VA Accountability Processes Chart for Detailed Overview)

Title 5

- Admonishment/ Reprimand/ Suspension of 14 calendar days or less
  - VA Handbook 5021, Part I
- 15 or more calendar day suspension, demotion, removal (conduct or performance)
  - Non-bargaining
    - Supervisory
      - If misconduct involves whistleblower reprisal against employee, contact **OAWP**
      - If misconduct does not involve whistleblower reprisal against employee
    - Non-supervisory
  - Bargaining
    - HRML 05-17-06

For actions involving Senior Executives – Contact OAWP

Hybrid

- Full-time, Permanent
  - Admonishment/ Reprimand/Suspension of 14 calendar days or less
    - VA Handbook 5021, Part I
  - 15 or more calendar day suspension, demotion, removal (conduct or performance)
    - Non-bargaining
      - Supervisory
        - If misconduct involves whistleblower reprisal, contact **OAWP**
        - If misconduct does not involve whistleblower reprisal against employee
      - Non-supervisory
    - Bargaining
      - HRML 05-17-06
  - Any disciplinary or adverse action or performance-based action.
    - Performance – VA Handbook 5013 Conduct – VA Handbook 5021
- Part-time/ Intermittent/ Temporary

HRML 05-17-05

Probationary/ Trial Period

- Performance – VA Handbook 5013 Conduct – VA Handbook 5021

Title 38

- Full-time, Permanent
  - All disciplinary and major adverse actions (conduct or performance)
    - Non-bargaining
      - HRML 05-17-07
    - Bargaining
      - HRML 05-17-08

Title 38 Note: The Act only changed the time frames for the reply period, issuance of a decision and appealing to a DAB. Additionally, the evidence file must be given to employee at time of issuance of proposal notice.

The following provisions for addressing Title 38 performance or conduct remains unchanged:

- Opportunity to improve period is still required as outlined in VA Handbook 5013, Part II.
- Standard of proof remains preponderance of evidence.
- Part-time RNs time frames remain unchanged so refer to VA Handbook 5021, Part II.
- No changes to Title 38 employees appointed under 38 U.S.C. § 7405.

OHRM ER&PMS
Revised 6/30/2017