



The VA Accountability First Act of 2017

Section 1. Short Title

This section cites the short title of this bill as the “VA Accountability First Act of 2017”

Section 2. References to Title 38

This section cites that amendments made by this bill are in reference to title 38, U.S.C.

Section 3. Removal, Demotion, and Suspension of Employees Based on Performance or Misconduct

This section would authorize the Secretary of the Department of Veterans Affairs (VA) to remove/fire, demote, or suspend for longer than 14 days without pay, any VA employee (including all SES employees and excluding title 38 Employees (see section 9) or Political employees) for performance or misconduct. The employee would be entitled to:

- Advanced written notice and an opportunity to respond. This period shall not exceed 10 business days and then the Secretary shall provide a final decision within 5 business days of receiving the employee’s response;
- Expedited appeal to an administrative judge at the Merit Systems Protection Board (MSPB), the appeal must be decided within 45 business days and the administrative judge would be required to uphold the removal, demotion, or suspension if it is supported by substantial evidence and the administrative judge would provide deference to the Secretary’s decision regarding punishment for the offense;
- Further appeal to the full MSPB Board; and
- Limited judicial review of the MSPB decision by the U.S. Federal Circuit.

Section 4. Reduction of Benefits for Department of Veterans Affairs Employees Convicted of Certain Crimes

This section would authorize the Secretary to reduce a VA’s employee’s pension if they were convicted of a felony which influenced their job performance. The employee would be entitled to advance notice, an opportunity to respond to the order, and the opportunity to appeal the Secretary’s final decision before the Director of the Office of Personnel Management. This appeal would have to be completed within 30 business days after the appeal has been filed by the employee.

Section 5. Authority to Recoup Bonuses of Awards Paid to Employees of Department of Veterans Affairs

This section would authorize the Secretary to recoup any bonus or award paid to any VA employee if the Secretary deems that the employee engaged in poor performance or misconduct prior to receiving a

bonus and the bonus would not have been paid if their poor performance or misconduct was known at that time. Prior to the recoupment, the employee would be entitled to advance notice of the proposed order, an opportunity to respond to the order and the opportunity to appeal the Secretary's final decision to the head of another agency or department within the Federal Government. This appeal would have to be completed within 30 business days after the appeal has been filed by the employee.

Section 6. Authority to Recoup Relocation Expenses Paid to or on Behalf of Employees of Department of Veterans Affairs

This section would authorize the Secretary to recoup relocation expenses paid to a VA employee if the Secretary determines that the employee committed an act of fraud, waste, or malfeasance. Before the recoupment could occur, the employee would be entitled to advance notice of the proposed order, an opportunity to respond to the order, and the opportunity to appeal the Secretary's final decision to the head of another agency or department within the Federal Government. This appeal would have to be completed within 30 business days after the appeal has been filed by the employee.

Section 7. Time Period for Notice of Adverse Action against Supervisory Employees who Committee Prohibited Personnel Practices

This section would align the current procedures in place for disciplining an employee who retaliates against a VA whistleblower with the procedures authorized in section three.

Section 8. Direct Hiring Authority for Medical Center Directors and VISN Directors

This section would authorize the Secretary to directly appoint individuals to the positions of Medical Center Director and Director of Veterans Integrated Service Network (VISN) if they have a demonstrated ability in the medical profession, health care administration, or health care fiscal management.

Section 9. Time Periods for Review of Adverse Actions with Respect to Certain Employees

This provision would change the current disciplinary process timelines for title 38 employees at VA (Physicians, Dentists, Podiatrists, Chiropractors, Optometrists, Registered Nurses, Physician Assistants and Expanded-Function Dental Auxiliaries) to align with the disciplinary timelines for other VA employees as described in section three of this bill.