

115TH CONGRESS
1ST SESSION

H. R. 1461

To amend title 38, United States Code, to require the Secretary of Veterans Affairs to submit an annual report to Congress relating to the use of official time by employees of the Department of Veterans Affairs, to limit the instances in which official time may be granted for certain purposes to employees of the Department, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 9, 2017

Mr. ARRINGTON introduced the following bill; which was referred to the Committee on Veterans' Affairs, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 38, United States Code, to require the Secretary of Veterans Affairs to submit an annual report to Congress relating to the use of official time by employees of the Department of Veterans Affairs, to limit the instances in which official time may be granted for certain purposes to employees of the Department, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Veterans, Employees,
3 and Taxpayers Protection Act of 2017” or the “VET Pro-
4 tection Act of 2017”.

5 **SEC. 2. LABOR MANAGEMENT IN DEPARTMENT OF VET-**
6 **ERANS AFFAIRS.**

7 (a) IN GENERAL.—Chapter 7 of title 38, United
8 States Code, is amended by adding at the end the fol-
9 lowing new subchapter:

10 “SUBCHAPTER III—LABOR MANAGEMENT
11 “§ 741. Records on use of official time

12 “(a) TRACKING OF OFFICIAL TIME.—The Secretary
13 shall track the use of official time by employees of the
14 Department of Veterans Affairs in a manner that accounts
15 for such time accurately and to a specific degree without
16 the use of estimates or ranges of time.

17 “(b) ANNUAL REPORT.—(1) Not later than October
18 1 of each fiscal year, the Secretary shall submit to the
19 Office of Personnel Management and the Committees on
20 Veterans’ Affairs of the House of Representatives and the
21 Senate a report on the use of official time by employees
22 of the Department during the most recently ended fiscal
23 year.

24 “(2) Each report under paragraph (1) shall include,
25 with respect to the fiscal year covered by the report, the
26 following information:

1 “(A) The total amount of official time granted
2 to employees.

3 “(B) The average amount of official time ex-
4 pended per bargaining unit employee.

5 “(C) The specific types of activities or purposes
6 for which official time was granted, and the impact
7 which the granting of such official time for such ac-
8 tivities or purposes had on the operations of the De-
9 partment.

10 “(D) The total number of employees to whom
11 official time was granted, and, of that total, the
12 number who were not engaged in any activities or
13 purposes except activities or purposes involving the
14 use of official time.

15 “(E) The total amount of compensation (includ-
16 ing fringe benefits) afforded to employees in connec-
17 tion with activities or purposes for which they were
18 granted official time.

19 “(F) A description of any room or space des-
20 ignated at the Department where official time activi-
21 ties will be conducted, including the square footage
22 of any such room or space.

23 “(c) For purposes of this section, the term ‘official
24 time’ means any period of time—

1 “(1) which may be granted to an employee
 2 under chapter 71 of title 5 (including a collective
 3 bargaining agreement entered into under such chap-
 4 ter) or chapter 74 of this title to perform represen-
 5 tational or consultative functions; and

6 “(2) during which the employee would otherwise
 7 be in a duty status.

8 **“§ 742. Limitations on use of official time for certain**
 9 **purposes and individuals**

10 “(a) POLITICAL ACTIVITIES AND LOBBYING.—Not-
 11 withstanding section 7131 of title 5, an employee of the
 12 Department may not use official time to carry out political
 13 activities or activities relating to lobbying.

14 “(b) PROHIBITION ON USE OF OFFICIAL TIME BY
 15 CERTAIN EMPLOYEES.—A physician, dentist, podiatrist,
 16 chiropractor, or optometrist employed by the Department
 17 may not use official time for any purpose.

18 “(c) DIRECT PATIENT CARE.—An employee of the
 19 Department not covered by subsection (b) may spend no
 20 more than 25 percent of the time such employee would
 21 otherwise be in a duty status on official time if such em-
 22 ployee—

23 “(1) is involved with direct patient care; or

1 “(2) occupies a position with a rate of basic pay
2 equal to or higher than the rate of basic pay for
3 GS–13 of the General Schedule.

4 “(d) LIMITATION ON ALL EMPLOYEES.—An em-
5 ployee of the Department not covered by subsection (b)
6 or (c) may spend no more than 50 percent of the time
7 such employee would otherwise be in a duty status on offi-
8 cial time.

9 “(e) OFFICIAL TIME DEFINED.—For purposes of
10 this section, the term ‘official time’ has the meaning given
11 that term in section 741(c).

12 **“§ 743. Termination of collection of dues**

13 “Any exclusive bargaining agreement entered into
14 pursuant to chapter 71 of title 5 by the Department shall
15 provide that an employee of the Department may termi-
16 nate a voluntary allotment for the payment of dues at any
17 time. Any deductions for dues made pursuant to such al-
18 lotment shall cease beginning on the first pay period after
19 the termination is made.”.

20 (b) APPLICABILITY.—Sections 743 and 742 of title
21 38, United States Code, as added by subsection (a), shall
22 apply with respect to any collective bargaining agreement
23 entered into after the date of enactment of this Act.

1 (c) CLERICAL AMENDMENT.—The table of sections
 2 at the beginning of such chapter is amended by adding
 3 at the end the following:

“SUBCHAPTER III—LABOR MANAGEMENT

“741. Records on use of official time.

“742. Prohibition on use of official time for certain purposes.

“743. Termination of collection of dues.”.

4 **SEC. 3. REQUIRED PROBATIONARY PERIOD FOR NEW EM-**
 5 **PLOYEES OF DEPARTMENT OF VETERANS AF-**
 6 **FAIRS.**

7 (a) PROBATIONARY PERIOD.—

8 (1) IN GENERAL.—Chapter 7 of title 38, United
 9 States Code, is further amended by inserting after
 10 section 717 the following new section:

11 **“§ 719. Probationary period for employees**

12 “(a) IN GENERAL.—Notwithstanding sections 3321
 13 and 3393(d) of title 5, the appointment of a covered em-
 14 ployee shall become final only after such employee has
 15 served a probationary period of 18 months.

16 “(b) COVERED EMPLOYEE.—In this section, the term
 17 ‘covered employee’—

18 “(1) means any individual—

19 “(A) appointed to a permanent position
 20 within the competitive service at the Depart-
 21 ment; or

22 “(B) appointed as a career appointee (as
 23 that term is defined in section 3132(a)(4) of

1 title 5) within the Senior Executive Service at
 2 the Department; and

3 “(2) does not include any individual with a pro-
 4 bationary period prescribed by section 7403 of this
 5 title.

6 “(c) PERMANENT HIRES.—Not later than 90 days
 7 before the expiration of a covered employee’s probationary
 8 period under subsection (a), the supervisor of the em-
 9 ployee shall determine whether the appointment becomes
 10 final based on regulations prescribed for such purpose by
 11 the Secretary.”.

12 (2) CLERICAL AND CONFORMING AMEND-
 13 MENTS.—

14 (A) CLERICAL.—The table of sections at
 15 the beginning of such chapter, as amended by
 16 section 2, is further amended by inserting after
 17 the item relating to section 717 the following
 18 new item:

“719. Probationary period for employees.”.

19 (B) CONFORMING.—Title 5, United States
 20 Code, is amended—

21 (i) in section 3321(c)—

22 (I) by striking “Service or” and
 23 inserting “Service,”; and

24 (II) by inserting at the end be-
 25 fore the period the following: “, or

1 any individual covered by section 719
2 of title 38”; and

3 (ii) in section 3393(d), by adding at
4 the end after the period the following:
5 “The preceding sentence shall not apply to
6 any individual covered by section 719 of
7 title 38.”.

8 (b) APPLICATION.—Section 719 of title 38, United
9 States Code, as added by subsection (a)(1), shall apply
10 to any covered employee (as that term is defined in sub-
11 section (b) of such section 719, as so added) appointed
12 after the date of the enactment of this Act.

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