

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           “(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 **PLLOYEES 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.

○