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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

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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,*

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Veterans, Employees, and Taxpayers Protection Act of 2017'' or the ''VET Protection Act of 2017''.

SEC. 2. LABOR MANAGEMENT IN DEPARTMENT OF VETERANS AFFAIRS.

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

''SUBCHAPTER III—LABOR MANAGEMENT

''§ 741. Records on use of official time

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

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

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

"(A) The total amount of official time granted to employees.

"(B) The average amount of official time expended per bargaining unit employee.

"(C) The specific types of activities or purposes for which official time was granted, and the impact which the granting of such official time for such activities or purposes had on the operations of the Department.

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

"(E) The total amount of compensation (including fringe benefits) afforded to employees in connection with activities or purposes for which they were granted official time.

"(F) A description of any room or space designated at the Department where official time activities will be conducted, including the square footage of any such room or space.

"(c) For purposes of this section, the term 'official time' means any period of time—

"(1) which may be granted to an employee under chapter 71 of title 5 (including a collective bargaining agreement entered into under such chapter) or chapter 74 of this title to perform representational or consultative functions; and

"(2) during which the employee would otherwise be in a duty status.

"§ 742. Limitations on use of official time for certain purposes and individuals

"(a) POLITICAL ACTIVITIES AND LOBBYING.—Notwithstanding section 7131 of title 5, an employee of the Department may not use official time to carry out political activities or activities relating to lobbying.

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

"(c) DIRECT PATIENT CARE.—An employee of the Department not covered by subsection (b) may spend no more than 25 percent of the time such employee would otherwise be in a duty status on official time if such employee—

"(1) is involved with direct patient care; or

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

"(d) LIMITATION ON ALL EMPLOYEES.—An employee of the Department not covered by subsection (b) or (c) may spend no more than 50 percent of the time such employee would otherwise be in a duty status on official time.

"(e) OFFICIAL TIME DEFINED.—For purposes of this section, the term 'official time' has the meaning given that term in section 741(c).

"§ 743. Termination of collection of dues

"Any exclusive bargaining agreement entered into pursuant to chapter 71 of title 5 by the Department shall provide that an employee of the Department may terminate a voluntary allotment for the payment of dues at any time. Any deductions for dues made pursuant to such allotment shall cease beginning on the first pay period after the termination is made.".

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

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding 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.".

SEC. 3. REQUIRED PROBATIONARY PERIOD FOR NEW EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS.

(a) PROBATIONARY PERIOD.—

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

"§ 719. Probationary period for employees

"(a) IN GENERAL.—Notwithstanding sections 3321 and 3393(d) of title 5, the appointment of a covered employee shall become final only after such employee has served a probationary period of 18 months.

"(b) COVERED EMPLOYEE.—In this section, the term 'covered employee'—

"(1) means any individual—

"(A) appointed to a permanent position within the competitive service at the Department; or

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

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

"(2) does not include any individual with a probationary period prescribed by section 7403 of this title.

"(c) PERMANENT HIRES.—Not later than 90 days before the expiration of a covered employee's probationary period under subsection (a), the supervisor of the employee shall determine whether the appointment becomes final based on regulations prescribed for such purpose by the Secretary.".

(2) CLERICAL AND CONFORMING AMENDMENTS.—

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

"719. Probationary period for employees.".

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

(i) in section 3321(c)—

(I) by striking "Service or" and inserting "Service,"; and

(II) by inserting at the end before the period the following: ", or

any individual covered by section 719 of title 38''; and

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

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

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