

LEGAL

- 1. REASON FOR ISSUE:** To update Department of Veterans Affairs (VA) policy in VA Directive 5025 in accordance with Public Law 108-170.
- 2. SUMMARY OF CONTENTS/MAJOR CHANGES:** This handbook is revised to include “chiropractors” to the list of positions in Part IV, paragraph 2b, in accordance with Public Law 108-170, dated December 6, 2003 , under title 38. This change will be incorporated into the electronic version of the VA Handbook 5025 that is maintained on the [Office of Human Resources Management Website](#).
- 3. RESPONSIBLE OFFICE:** The Office of the Deputy Assistant Secretary for Human Resources Management.
- 4. RELATED DIRECTIVE:** VA Directive 5025, Legal.
- 5. RESCISSIONS:** Refer to the Transmittal Sheet for VA Handbook 5001, “General Introduction and Administration.”

CERTIFIED BY:

**BY DIRECTION OF THE SECRETARY
OF VETERANS AFFAIRS:**

/s/Robert N. McFarland
Assistant Secretary for
Information and Technology

/s/William H. Campbell
Assistant Secretary for Management
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PART IV. ETHICAL CONDUCT

1. ETHICS FRAMEWORK AND ADVICE

a. All VA employees are subject to the criminal conflict of interest statutes at chapter 11 of title 18, United States Code and the Executive Branch Standards of Conduct at 5 CFR. Part 2635.

b. VA Regional Counsels and General Counsel (023) maintain ethics expertise and provide ethics counseling services. By regulation, employees consulting these ethics counselors receive a guarantee that they will not be disciplined for conforming to the advice of these ethics counselors. Employees are encouraged to contact their respective Regional Counsels, and those at Central Office should contact the Assistant General Counsel for Professional Staff Group III (023) who serves as the Designated Agency Ethics Official. A [VA Ethics Website](#) is maintained by the Office of the General Counsel.

c. The U.S. Office of Government Ethics (OGE) maintains a [Website](#) that provides information on, and the text of, the aforementioned ethics laws, and includes a list of other agencies to contact regarding other applicable laws which do not fall under OGE's jurisdiction, e.g. the Hatch Act. (See part V of this handbook.) In addition to seeking counseling, employees concerned about whether certain conduct will implicate these laws may thus access the [OGE Website](#). The fourteen principles of ethical conduct for Federal employees are listed in Appendix A of this part.

2. OUTSIDE ACTIVITIES AND TITLE 38 EMPLOYEES

a. The following references are used to implement changes in Veterans Health Administration (VHA) policy regarding outside activities and title 38 employees.

- (1) Public Law 104-262, the Veterans Health Care Eligibility Reform Act of 1996;
- (2) Title 38 U.S.C. chapters 73 & 74;
- (3) Title 18 U.S.C. Section 208(a); and
- (4) 5 CFR Section 2635.

b. Call Back provisions including call back for emergency, disaster, or other patient care needs require full-time employees appointed under title 38 U.S.C., chapter 73 and 74 to be able to meet those needs beyond the minimum tour of duty and meet other institutional requirements as prescribed by the Under Secretary for Health. Full-time physicians, dentists, podiatrists, [chiropractors,] and optometrists will be continuously subject to call, 24 hours per day, 7 days per week. Nurses, nurse anesthetists, physician assistants, and Expanded-Function Dental Auxiliary (EFDAs) are subject to call back, but entitled to premium pay. Employees will continue to be expected to report for work on time, capable of performing assigned duties without interference or interruption from non-VA employment sources.