Department of Veterans Affairs
Washington, DC 20420

VA DIRECTIVE 5025
Transmittal Sheet
September 21, 2022

EMPLOYEE LEGAL REQUIREMENTS

1. **REASON FOR ISSUE**: To change the title of the directive, update the responsible office for this directive and revise the related handbook covering various legal topics pertaining to Federal employment.

2. **SUMMARY OF CONTENT/MAJOR CHANGES:** This directive sets forth policies previously contained in law, Federal regulation and numerous other issuances. The Department of Veterans Affairs (VA) Executive Branch Financial Disclosure program (5 C.F.R. Part 2634) is covered in VA Directive and Handbook 8002. The electronic version of VA Directive 5025, Employee Legal Requirements, is maintained on the Office of the Chief Human Capital Officer website and VA Publications website.

3. **RESPONSIBLE OFFICE:** Office of the Chief Human Capital Officer (OCHCO) (05), Human Resources and Administration/Operations, Security and Preparedness (006).

4. **RELATED HANDBOOK:** VA Handbook 5025, Employee Legal Requirements, dated March 25, 2022.

5. **RESCISSION:** VA Directive 5025, Legal, dated April 15, 2002.

CERTIFIED BY:

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BY DIRECTION OF THE SECRETARY OF VETERANS AFFAIRS:

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EMPLOYEE LEGAL REQUIREMENTS

1. **PURPOSE.** This directive provides Department-wide policies on various legal issues pertaining to Federal employment, such as employee responsibilities and conduct, ethical conduct, political activity under the Hatch Act of 1939, claims against the Government and the employment of relatives.

2. **POLICY.** Statutes and regulations establish the policies concerning the matters contained in this directive. (See references below in paragraph 4.) These policies are covered in the accompanying VA Handbook 5025, Employee Legal Requirements. This directive and accompanying handbook set forth mandatory procedures for VA employees, including but not limited to employee standards of conduct, ethical conduct such as outside employment and post-Government employment, permitted and prohibited political activity, ethics training requirements, restrictions and exceptions to employment of relatives, limitations on employee organizations and activities and limitations on outside activities for employees of the Veterans Health Administration. These significant employee legal requirements are further summarized as follows:

   a. **Employee Responsibilities and Conduct/Ethical Conduct.** Public service is a public trust. Each employee is responsible to the United States Government and Veterans to place loyalty to the Constitution, laws and ethical principles above private gain.

   b. **Political Activity**. The Hatch Act governs employee participation in political activity.

   c. **Annual Ethics Training and Required Ethics Notices.** All VA employees must have one hour of annual Government ethics training that includes coverage of at least financial conflicts of interest, impartiality, misuse of position and gifts. The Office of the Chief Human Capital Officer must ensure that prospective employees and new supervisors receive notice of VA's commitment to Government ethics, the Standards of Conduct, the criminal conflict of interest statutes, ethics training requirements and how to contact a Government ethics official. New supervisors must also be advised of the Government ethics responsibilities of supervisors.

   d. **Employment of Relatives.** The nepotism statute (5 U.S.C. § 3110) prohibits public officials of the Government from appointing, employing, promoting, advancing or advocating the appointment, employment, promotion or advancement of a relative in the agency in which the official is serving or over which the official exercises jurisdiction or control. It prohibits the appointment, employment, promotion or advancement of an individual in or to a civilian position in an agency, if a relative of the individual who is a public official serving in or exercising jurisdiction or control over the agency has advocated such action.

e. **Claims Against the Government.** Employees may file monetary claims against the Federal Government due to damage or loss of personal property.

f. **Employee Liability.** Claims made against Government employees for injury or death resulting from negligent or wrongful acts or omission are covered under the Federal Tort Claims Act (28 U.S.C. §§ 2671 – 2680). A suit against the United States is the exclusive remedy available to a claimant for injury or death resulting from a negligent or wrongful act or omission of any Government employee while acting within the scope of employment. An administrative claim must be filed with VA before suit may be filed in U.S. District Court.

g. **Employee Organizations and Activities.** Voluntary, cooperative activities by employees to meet their mutual needs or interests, serve their common welfare or make their relationships and employment more pleasant can contribute substantially to a favorable work environment. VA, therefore, looks with favor on such activities and on democratically constituted associations and similar groups voluntarily formed for those purposes. These employee organizations are not permitted to engage in employee representational activities.

h. **Limitations on Remunerated Outside Professional Activities of Incumbents of Certain Veterans Health Administration Employees.** To ensure that conflicts of interest do not restrict the Veterans Health Administration (VHA) senior clinician managers from carrying out the full responsibilities of their positions with regard to contracts and other matters with affiliated institutions, individuals occupying full-time title 38 physician and dentist positions and serving as facility Director, Chief of Staff, Veterans Integrated Service Network (VISN) Director, VISN Service/Product Line Manager, VISN Chief Medical Officer and VA Central Office Clinical Executive (including Chief Officers, Deputy Chief Officers, Chief Consultants and national program managers) are prohibited from accepting remuneration from institutions affiliated with a VHA organization to which they are assigned, or which fall under their official responsibility.

3. RESPONSIBILITIES.

a. **Under Secretaries, Assistant Secretaries and Other Key Officials** shall ensure the proper communication and workforce training regarding the legal and ethical conduct issues pertaining to Federal employment.

b. **The Chief Human Capital Officer, Human Resources and Administration/ Operations, Security and Preparedness** shall advise management and operating officials on the policies and procedures contained herein.

c. **The General Counsel, Office of General Counsel (OGC)** shall provide substantive legal guidance on the legal and ethics policies

d. **The Principal Deputy General Counsel, OGC** shall serve as VA's Designated Agency Ethics Official and has overall responsibility for the management of VA's Executive Branch Ethics Program (5 C.F.R. Part 2638).

4. REFERENCES.

a. 5 U.S.C. §§ 7321 - 7326, Political Activities (The Hatch Act)

b. 18 U.S.C. § 201, Bribery of public officials and witnesses

c. 18 U.S.C. § 203, Compensation to Members of Congress, officers, and others in matters affecting the Government

d. 18 U.S.C. § 205, Activities of officers and employees in claims against and other matters affecting the Government

e. 18 U.S.C. § 207, Restrictions on former officers, employees, and elected officials of the executive and legislative branches

f. 18 U.S.C. § 208, Acts affecting a personal financial interest

g. 18 U.S.C. § 209, Salary of Government officials and employees payable only by United States

h. 38 U.S.C. § 7421, Personnel administration: in general

i. 5 C.F.R. Part 733, Political Activity - Federal Employees Residing in Designated Localities

j. 5 C.F.R. Part 734, Political Activities of Federal Employees

k. 5 C.F.R. Part 2635, Standards of Ethical Conduct for Employees of the Executive Branch

l. 5 C.F.R. Part 2638, Executive Branch Ethics Program

m. 5 C.F.R. Part 2640, Interpretation, Exemptions and Waiver Guidance Concerning 18 U.S.C. § 208 (Acts Affecting a Personal Financial Interest)

n. 5 C.F.R. Part 2641, Post-Employment Conflict of Interest Restrictions

o. 38 C.F.R. Part 0, Values, Standards of Ethical Conduct, and Related Responsibilities

p. Executive Order 12674, as amended by Executive Order 12731, Principles of Ethical Conduct for Government Officers and Employees

q. VHA Directive 1400.01, Supervision of Physician, Dental, Optometry, Chiropractic, and Podiatry Residents

r. VHA Directive 1400.03, Educational Relationships

s. VHA Directive 1660.03, Conflict of Interest for Sharing of Health Care Resources

t. VA Handbook 5025, Employee Legal Requirements

u. Office of Special Counsel Hatch Act Overview