



THE SECRETARY OF VETERANS AFFAIRS
WASHINGTON

November 25, 2024

**MEMORANDUM FOR UNDER SECRETARIES, ASSISTANT SECRETARIES, AND
OTHER KEY OFFICIALS**

SUBJECT: Delegation of Authority for Incentives for Critical Skills: Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics Act of 2022 (P.L. 117-168) (VIEWS 11828604)

1. DELEGATION. This memorandum delegates to the Department of Veterans Affairs (VA) Under Secretaries, Assistant Secretaries, and Other Key Officials the authority to approve critical skills incentives (CSI) pursuant to 38 U.S.C. § 706(d).

2. AUTHORITIES.

- a. [38 U.S.C. § 706\(d\)](#)¹, Incentives for critical skills (created by section 909 of the Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics (PACT) Act of 2022 (P.L. 117-168)).
- b. [38 U.S.C. § 303](#)², Secretary of Veterans Affairs.
- c. [38 U.S.C. § 512](#)³, Delegation of Authority; assignment of functions and duties.
- d. [VA Directive 0000](#)⁴, Delegations of Authority.

3. REFERENCES.

- a. [VA Directive 5001](#)⁵, System of VA Human Resources Management Directives and Handbooks General Introduction and Administration.
- b. [VA Handbook 5007](#)⁶, Pay Administration.
- c. [5 U.S.C. § 3132\(a\)](#)⁷, Definitions and exclusions.
- d. [5 U.S.C. § 5754\(a\)\(2\)](#)⁸, Ineligible categories of employees.

¹ <https://uscode.house.gov/view.xhtml?path=/prelim@title38/part1/chapter7&edition=prelim>

² <https://uscode.house.gov/view.xhtml?req=granuleid%3AUSC-prelim-title38-chapter3&edition=prelim>

³ <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title38-section512&num=0&edition=prelim>

⁴ https://www.va.gov/vapubs/viewPublication.asp?Pub_ID=1000&FTtype=2

⁵ https://www.va.gov/vapubs/viewPublication.asp?Pub_ID=169&FTtype=2

⁶ https://www.va.gov/vapubs/viewPublication.asp?Pub_ID=1270&FTtype=2

⁷ <https://uscode.house.gov/view.xhtml?req=granuleid:USC-2007-title5-section3132&num=0&edition=2007>

⁸ <https://www.ecfr.gov/current/title-5/chapter-I/subchapter-B/part-575>

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- e. [5 C.F.R. § 575.304⁹](#), Ineligible categories of employees.
 - f. [5 C.F.R. § 575.305\(c\)¹⁰](#), Applicability to employees.
 - g. [VA Functional Organization Manual, vol. 2, page 10¹¹](#), defining “Other Key Officials.”
4. **RESTRICTIONS.** The authority delegated herein is intended solely to support the Department’s ability to recruit and retain VA personnel in accordance with the PACT Act. The requirements of coverage, exclusions, and administration of CSIs are set forth in 38 U.S.C. § 706(d) and the PACT Act CSI Implementation Policy Notice, dated February 17, 2023, and upon publication, VA Handbook 5007, part VI, appendix H. Additionally, for the purpose of this delegation, “Other Key Officials” is defined as the General Counsel, the Chairman of the Board of Veterans’ Appeals, the Chief Acquisition Officer, the Chief Veterans Experience Officer, and the Inspector General. See [VA Functional Organization Manual, vol. 2, page 10¹²](#).
- a. The Secretary is the approving official for CSIs for direct reports of Under Secretaries, Assistant Secretaries, Deputy Secretary, VA Chief of Staff, and Other Key Officials. This authority may not be redelegated.
 - b. The Secretary is the approving official for CSIs for employees in the Senior Executive Service (SES), title 38 SES-equivalents, and senior-level or scientific and professional positions paid under 5 U.S.C. § 5376. This authority is not delegated.
 - c. CSIs may not be approved for a group or on a category basis for employees appointed in SES or title 38 SES-equivalent positions; senior-level, scientific, or professional positions referenced under 5 U.S.C. § 5376; or positions otherwise described in 5 C.F.R. § 575.305(c).
 - d. The following categories of employees are excluded from eligibility:

⁹ <https://www.ecfr.gov/current/title-5/chapter-I/subchapter-B/part-575>

¹⁰ [https://ecfr.io/Title-5/Section-](https://ecfr.io/Title-5/Section-575.305#:~:text=%28c%29%20An%20agency%20may%20not%20include%20in%20a,receive%20retenti)

[575.305#:~:text=%28c%29%20An%20agency%20may%20not%20include%20in%20a,receive%20retenti](https://ecfr.io/Title-5/Section-575.305#:~:text=%28c%29%20An%20agency%20may%20not%20include%20in%20a,receive%20retenti)
[on%20incentives%20under%20%2C%27%20575.303%20%28a%29%20%287%29.](https://ecfr.io/Title-5/Section-575.305#:~:text=%28c%29%20An%20agency%20may%20not%20include%20in%20a,receive%20retenti)

¹¹ <https://department.va.gov/wp-content/uploads/2024/06/va-functional-organizational-manual-volume-2.pdf>

¹² <https://department.va.gov/wp-content/uploads/2024/06/va-functional-organizational-manual-volume-2.pdf>

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- (1) Political Appointees, which are positions to which an individual is appointed by the President, by and with the advice and consent of the Senate;
 - (2) Employees in the SES as non-career appointees (as such term is defined under section 5 U.S.C. § 3132(a));
 - (3) Employees appointed as an SES limited term appointee or limited emergency appointee (as defined in 5 U.S.C. § 3132(a)(5) and (a)(6), respectively) when the appointment must be cleared through the White House Office of Presidential Personnel; and
 - (4) Employees who have been excepted from the competitive service by reason of their positions' confidential, policy determining, policy-making or policy-advocating character or any other categories of ineligible employees as defined by 5 C.F.R. § 575.304.
- e. Administrations and Staff Offices must develop a data-driven strategy for using CSI authority before approving any CSIs. This strategy must set forth rules and requirements pertaining to CSIs being paid concurrently with other pay flexibilities including Recruitment, Retention, and/or Relocation Incentives, Critical Position Pay, Nurse/Pharmacist Executive Special Pay, and awards over \$10,000 (excluding performance awards). The strategy must be concurred upon by the Assistant Secretary for Human Resources and Administration/Operations, Security, and Preparedness, and approved by the VA Operations Board before any CSIs may be approved.
- f. No individual may serve as an Approving Official, Recommending Official (see VA Handbook 5007, Part VI, Chapter 2, para. 5(f)), Human Resources Technical Reviewer, or other key decision maker (which is based on each Administration's or Program Office's internal roles and processes) on a CSI authorization for which they will receive payment.
- 5. REDELEGATION.** This authority to approve CSIs may be redelegated in writing as outlined below. No further redelegation is authorized unless otherwise noted in writing.
- a. Approving Officials for CSIs up to 10% for employees in non-centralized positions within their jurisdiction, provided the position is on an approved shortage occupation list:

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- (1) Veterans Health Administration (VHA): Medical Center Directors and VHA Central Office Executive Directors.
 - (2) Veterans Benefits Administration (VBA): VBA Central Office Business Line and District Directors.
 - (3) National Cemetery Administration (NCA): Principal Deputy Under Secretary for Memorial Affairs.
 - (4) Staff Offices (not including the Office of General Counsel (OGC)): Deputy Assistant Secretaries or Other Key Officials.
- b. Approving Officials for CSIs up to 20% for employees in non-centralized positions under their jurisdiction based on either shortage occupations and/or high-demand skills:
- (1) VHA: Network Directors and VHA Central Office Chief Officers or Assistant Under Secretaries for Health.
 - (2) VBA: Deputy Under Secretaries, Chief of Staff, and Principal Deputy Under Secretary.
 - (3) NCA: Under Secretary for Memorial Affairs.
 - (4) Staff Offices (not including OGC): Principal Deputy Assistant Secretary or Other Key Officials.
- c. Approving Officials for CSIs up to 25% for employees in non-centralized positions under their jurisdiction based on either shortage occupations and/or high-demand skills:
- (1) VHA: Deputy Under Secretary for Health, Chief of Staff, and Principal Deputy Under Secretary for Health.
 - (2) VBA: Under Secretary for Benefits.
 - (3) NCA: Under Secretary for Memorial Affairs.
 - (4) Staff Offices (not including OGC): Assistant Secretaries or Other Key Officials.

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- d. The Deputy Secretary, VA Chief of Staff, Under Secretaries, Assistant Secretaries, and Other Key Officials are the approving officials for CSIs for employees occupying positions centralized to that office and are within their supervisory control based on either shortage occupations and/or high-demand skills. This excludes employees who directly report to the Deputy Secretary, VA Chief of Staff, Under Secretaries, Assistant Secretaries, and/or the requisite Other Key Officials. See paragraph 4(a) above for approval authority.
 - e. OGC: The Principal Deputy General Counsel and the Deputy General Counsels are the approving officials for employees within their jurisdiction.
6. **RESCISSION.** This delegation rescinds the previous delegation of authority dated December 20, 2022, Incentives for Critical Skills; Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics Act of 2022 (P.L. 117-168) Related to Recruitment and Retention of Personnel (VIEWS 8746762).
7. **EFFECTIVE DATE AND EXPIRATION DATE.** This delegation of authority is effective upon signature and pursuant to VA Directive 0000. I have waived the 2-year expiration date. Therefore, this delegation of authority will be in effect until September 30, 2027, to coincide with the termination date of the PACT Act provision.



Denis McDonough