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Department of Veterans Affairs VA DIRECTIVE 5009

Washington, DC 20420 Transmittal Sheet

April 15, 2002

VA DIRECTIVE 5009/ JULY 6, 2007

JULY 6, 2007 VA DIRECTIVE 5009/1

VA DIRECTIVE 5009/1 JULY 6, 2007

JULY 6. 2007 VA DIRECTIVE 5009/1

EMPLOYEE BENEFITS

- 1. REASON FOR ISSUE:** To issue Department of **Veterans Affairs** (VA) policy regarding employee benefits.
- 2. SUMMARY OF CONTENTS/MAJOR CHANGES:** This directive establishes VA's policy to utilize issuances of the Office of Personnel Management and the Federal Retirement Thrift Investment Board to carry out VA's responsibility to provide employee benefit program information.
- 3. RESPONSIBLE OFFICE:** The Human Resources Management [Worklife and Benefits] Service (05[8]), Office of the Deputy Assistant Secretary for Human Resources [and Labor Relations].
- 4. RELATED HANDBOOK:** None.
- 5. RESCISSIONS:** None.

CERTIFIED BY: BY DIRECTION OF THE SECRETARY

OF VETERANS AFFAIRS:

John A. Gauss Jacob Lozada, Ph.D.

Assistant Secretary for Assistant Secretary for Human

Information and Technology Resources and Administration

EMPLOYEE BENEFITS

1. PURPOSE. The purpose of this directive is to issue Department of **Veterans Affairs** (VA) policy on employee benefits.

2. POLICY

a. Retirement Programs

(1) [] VA will utilize [the Office of Personnel Management's (OPM)] Operating Manual, "The Civil Service Retirement System (CSRS) and the Federal Employees Retirement System (FERS) Handbook for Personnel and Payroll Offices", which contains instructions for agency personnel and payroll offices for carrying out their responsibilities for basic benefits under the CSRS and FERS.

(2) 5 CFR, part 831, subpart L prescribes the procedures to be followed when an agency files an application for disability retirement in the course of removing an employee. When the criteria in Section 831.1203 are met:

(a) Administration Heads, Assistant Secretaries, and Other Key Officials are authorized to recommend disability retirement for all employees occupying positions under their respective jurisdictions except for those which the Secretary retains prior approval authority.

(b) Heads of field facilities are authorized to recommend disability retirement for all employees occupying positions under their respective jurisdictions, except prior approval is required for positions centralized to an administration, assistant secretary, or other key official.

(c) Where prior approval of the Secretary is necessary, it will be obtained through the Deputy Assistant Secretary for [Human Resources Management (HRM)].

[(d) Consistent with 3(b), VA Central Office, Worklife and Benefits Service (058), is responsible for the development and dissemination of guidance, operating instructions, educational tools, and resources to VA Human Resources offices on VA's Retirement Financial Literacy and Education Program and other applicable benefit programs.

(3) At a minimum, servicing Human Resources (HR) offices should provide their employees one annual seminar covering financial literacy and education information. These financial literacy and educational fairs should provide general, rather than specific, financial information and target employees at three career points; new employee, mid-career and pre-retirement. It is suggested that these financial literacy and educational fairs be conducted in conjunction with new employee orientation and retirement seminars. In addition HR offices should consider using guest speakers, web-based training, webinars, etc. on an on-going/annual basis. **HR offices will be required to provide VA Headquarters an annual report on the activities conducted under their retirement financial education programs to facilitate an agency report to OPM.**

(4) HR specialists who make retirement coverage determinations are required to use the Coverage Determination Application (CDA) web-based tool developed and maintained by OPM to verify the coverage of all employees with prior Federal service when they enter on board. Further information about the CDA and how to apply for access may be obtained from the CDA Web site at http://www.opm.gov/hr_tools_resources/coverage_determination_app/index.asp.]

b. Special Retirement Provisions for Law Enforcement Officers and Firefighters

(1) Facility directors are authorized to issue determinations denying special retirement coverage.

(2) The Assistant Secretary for Human Resources and Administration approves special retirement coverage. If a facility director determines that coverage may be appropriate, all relevant information including the rationale for concluding that coverage may be appropriate will be forwarded to the Deputy Assistant Secretary for Human Resources Management [] (05) or designee for review and recommendation. If it is determined that coverage is not appropriate, the case will be returned to the facility [d]irector for completion as a denial.

(3) Coverage decisions will be based on the guidance contained in Chapter 46 of the OPM [CSRS and FERS] Handbook [for Personnel and Payroll Offices]. The Handbook provides a Statement of Authority listing the statutory and regulatory provisions covering the special retirement coverage rules.

c. Federal Employees Health Benefits (FEHB) Program. VA will utilize the FEHB policies, procedures, and guidance contained in [] OPM[’s] Operating Manual, “The Federal Employees Health Benefits Program Handbook: A Handbook for Enrollees and Employing Offices”.

d. Federal Employees[’] Group Life Insurance (FEGLI) Program. [] VA will utilize the FEGLI policies, procedures, and guidance contained in [] OPM[’s] Operating Manual, “The Federal Employees[’] Group Life Insurance Handbook: A Handbook for Employees, Annuitants, Compensationers and Employing Offices”.

e. Thrift Savings Plan (TSP) Program. [] VA will utilize the TSP policies contained in the TSP Booklet, “Summary of the Thrift Savings Plan for Federal Employees”.

f. [Federal Employees Dental and Vision Insurance Program (FEDVIP). VA will utilize the FEDVIP policies, procedures, and guidance as published and distributed by OPM.]

g. [Federal Flexible Spending Accounts (FSAFEDS) Program. VA will utilize the FSA policies, procedures, and guidance as published and distributed by OPM and the Federal Program Administrator for FSAFEDS, Sykes Health Plan Services, Inc. (SHPS).

h. Federal Long Term Care Insurance Program (FLTCIP). VA will utilize the FLTCIP policies, procedures, and guidance as published and distributed by OPM and the Federal Program Administrator for FLTCIP, Long Term Care Partners, LLC.

i.] Professional Liability Insurance

(1) In accordance with Public Law 106-58 dated, September 29, 1999, the Department will reimburse **professional liability insurance** premiums to VA supervisors, management officials, and law enforcement officers for up to one-half the cost incurred by qualified employees not to exceed \$150.00 per year.

(2) The **reimbursement** cost will be the responsibility of the organization in which the employee works using local vouchering procedures.

(3) Supervisors and management officials have the meaning given them by section 7103(a) of title 5.

(a) Supervisors are defined as individuals employed by an agency having authority in the interest of the agency to hire, direct, assign, promote, reward, transfer, furlough, layoff, recall, suspend, discipline, or remove employees, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature but requires the consistent exercise of independent judgment, except that with respect to any unit which includes firefighters or nurses, the term supervisor includes only those individuals who devote a preponderance of their time to exercising such authority.

(b) Managers are individuals employed by the agency in positions the duties and responsibilities of which require or authorize the individuals to formulate, determine, or influence the policies of the agency.

(4) Law enforcement officers are employees, the duties whose positions are primarily in the investigation, apprehension, prosecution or detention of individuals suspected of, or convicted of offenses against the criminal laws of the United States, including any law enforcement officer under section 8331(20) or 8401(17) of title 5, or under section 4823 of title 22, United States Code.

[j.] **Death Gratuity Payment**

(1) The Department will make a payment of \$10,000 minus any payments authorized under 5 U.S.C. 8133(f), 8134(a) and section 312 of Public Law 103-332 to the personal representative of any employee who dies from an injury in the line of duty. This payment also covers an employee no longer on the rolls if the death is the result of an injury sustained in the line of duty. Any other payments, to include other benefits payable under the Federal Employees' Compensation Act (FECA) do not affect the \$10,000 limit.

(2) The above payment authorization will not be paid if the Department determines that the employee's death was the result of willful misconduct.

(3) A personal representative will generally be the formally designated executor or administrator of the employee's estate under State law. The Secretary will determine who is the personal representative in any particular case.

3. RESPONSIBILITIES

a. Responsibilities are contained in each of the Program Operating Manuals mentioned in the Policy section. The TSP responsibilities are contained in the TSP Booklet, "Summary of the Thrift Savings Plan []".

b. In addition to the responsibilities listed in the Manuals and TSP Booklet, field facilities staff must also follow the standard operation procedures or other guidance that has been or will be established by [] VA [Central Office, Worklife and Benefits Service (058) and the Health Revenue Center (HRC)]. If there

are any concerns regarding matters involving field facility staff responsibilities, facility staff should consult with the [Worklife and Benefits Service (058) or the HRC, as appropriate] for resolution.

4. REFERENCES

a. Retirement

- (1) OPM Operating Manual, “CSRS and FERS Handbook for Personnel and Payroll Offices”;
- (2) OPM Benefits Administration Letters;
- (3) 5 CFR, parts 831, 835, 837, 838, 841, 842, 843, 844, 845, 846, and, 847; [and]
- (4) 5 U.S.C., chapters 83 and 84[.]

b. FEHB

- (1) OPM Operating Manual, “The Federal Employees Health Benefits Program Handbook: A Handbook for Enrollees and Employing Offices”;
- (2) OPM Benefits Administration Letters;
- (3) 5 CFR, part 890; and
- (4) 5 U.S.C., chapter 89.

c. FEGLI

(1) OPM Operating Manual, “The Federal Employees Group Life Insurance Handbook: A Handbook for Employees, Annuitants, Compensationers and Employing Offices”;

- (2) OPM Benefits Administration Letters;
- (3) 5 CFR, part 870; and
- (4) 5 U.S.C., chapter 87.

d. TSP

- (1) TSP Booklet, “Summary of the Thrift Savings Plan []”;
- (2) 5 CFR, part 1600;

(3) 5 U.S.C., chapter 84; and

(4) TSP Bulletins.

[e. **FEDVIP**

(1) OPM Benefits Administration Letters;

(2) 5 CFR, part 894;

(3) 5 U.S.C., chapter 89A (Enhanced Dental Benefits); and

(4) 5 U.S.C., chapter 89B (Enhanced Vision Benefits).

f. **FSAFEDS**

(1) FSAFEDS Booklet, “FSAFEDS Summary of Benefits with Frequently Asked Questions”;

(2) OPM Benefits Administration Letters; and

(3) 26 U.S.C. § 125.

g. **FLTCIP**

(1) FLTCIP Booklet, “Benefit Booklet: The Federal Long Term Care **Insurance** Program”;

(2) OPM Benefits Administration Letters;

(3) 5 CFR, part 875; and

(4) 5 U.S.C., §§ 9001-9008.]

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