

ble provisions under subchapter I of chapter 57 of title 5, to any employee of the Department of Veterans Affairs performing official duty described under subsection (a).

(Added Pub. L. 114-223, div. A, title II, §247(b)(1), Sept. 29, 2016, 130 Stat. 890.)

#### Editorial Notes

##### PRIOR PROVISIONS

Prior sections 715 and 716 were renumbered sections 1915 and 1916 of this title, respectively.

#### § 717. Limitation on administrative leave

(a) **IN GENERAL.**—Except as provided in subsection (b), the Secretary may not place any covered individual on administrative leave, or any other type of paid non-duty status without charge to leave, for more than a total of 14 days during any 365-day period.

(b) **WAIVER.**—The Secretary may waive the limitation under subsection (a) and extend the administrative leave or other paid non-duty status without charge to leave of a covered individual placed on such leave or status under subsection (a) if the Secretary submits to the Committees on Veterans' Affairs of the Senate and House of Representatives a detailed explanation of the reasons the individual was placed on administrative leave or other paid non-duty status without charge to leave and the reasons for the extension of such leave or status. Such explanation shall include the job title and grade of the covered individual and the location where the individual is employed.

(c) **COVERED INDIVIDUAL.**—In this section, the term “covered individual” means an employee of the Department—

(1) who is subject to an investigation for purposes of determining whether such individual should be subject to any disciplinary action under this title or title 5; or

(2) against whom any disciplinary action is proposed or initiated under this title or title 5.

(Added Pub. L. 114-315, title V, §503(a)(1), Dec. 16, 2016, 130 Stat. 1568.)

#### Editorial Notes

##### PRIOR PROVISIONS

Prior sections 717 and 718 were renumbered sections 1917 and 1918 of this title, respectively.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Pub. L. 114-315, title V, §503(b), Dec. 16, 2016, 130 Stat. 1568, provided that: “Section 717 of title 38, United States Code, as added by subsection (a)(1), shall apply with respect to any 365-day period beginning on or after the date of enactment of this Act [Dec. 16, 2016].”

#### § 719. Reduction of benefits of employees convicted of certain crimes

(a) **REDUCTION OF ANNUITY FOR REMOVED EMPLOYEE.**—(1) The Secretary shall order that the covered service of an employee of the Department removed from a position for performance or misconduct under section 713, 714, or 7461 of this title or any other provision of law shall not

be taken into account for purposes of calculating an annuity with respect to such individual under chapter 83 or chapter 84 of title 5, if—

(A) the Secretary determines that the individual is convicted of a felony (and the conviction is final) that influenced the individual's performance while employed in the position; and

(B) before such order is made, the individual is afforded—

(i) notice of the proposed order; and

(ii) an opportunity to respond to the proposed order by not later than ten business days following receipt of such notice; and

(C) the Secretary issues the order—

(i) in the case of a proposed order to which an individual responds under subparagraph (B)(ii), not later than five business days after receiving the response of the individual; or

(ii) in the case of a proposed order to which an individual does not respond, not later than 15 business days after the Secretary provides notice to the individual under subparagraph (B)(i).

(2) Any individual with respect to whom an annuity is reduced under this subsection may appeal the reduction to the Director of the Office of Personnel Management pursuant to such regulations as the Director may prescribe for purposes of this subsection.

(b) **REDUCTION OF ANNUITY FOR RETIRED EMPLOYEE.**—(1) The Secretary may order that the covered service of an individual who the Secretary proposes to remove for performance or misconduct under section 713, 714, or 7461 of this title or any other provision of law but who leaves employment at the Department prior to the issuance of a final decision with respect to such action shall not be taken into account for purposes of calculating an annuity with respect to such individual under chapter 83 or chapter 84 of title 5, if—

(A) the Secretary determines that individual is convicted of a felony (and the conviction is final) that influenced the individual's performance while employed in the position; and

(B) before such order is made, the individual is afforded—

(i) notice of the proposed order;

(ii) opportunity to respond to the proposed order by not later than ten business days following receipt of such notice; and

(C) the Secretary issues the order—

(i) in the case of a proposed order to which an individual responds under subparagraph (B)(ii), not later than five business days after receiving the response of the individual; or

(ii) in the case of a proposed order to which an individual does not respond, not later than 15 business days after the Secretary provides notice to the individual under subparagraph (B)(i).

(2) Upon the issuance of an order by the Secretary under paragraph (1), the individual shall have an opportunity to appeal the order to the Director of the Office of Personnel Management