

## Without Compensation Employee Checklist

### What is a WOC Appointment?

1. WOC is a Without Compensation VA appointment authorized by 38 USC 7405, used by VA to employ individuals to do VA work (e.g., a task, service, research) without compensation. A WOC is a federal employee for all purposes with the exception of salary and benefits.
2. If you hold a VA WOC appointment you are subject to the Government ethics laws and rules. You must be fully credentialed and you are considered a VA employee during periods when you are engaged in VA service. In addition, you are covered by VA's definition of "Government employee" for purposes of determining rights for VA employee inventions. You must also undergo the appropriate level of employee background investigation.
3. WOCs conducting research come from both affiliates and Non-Profit Corporations (NPCs). The facility Director is the approving authority for your WOC appointment at your VA facilities.
  - a. NPCs are established at VA medical centers and managed in accordance with the NPC Statute. [See VHA Handbook 1200.17](#).
  - b. NPCs exist to provide VA medical centers with flexible funding mechanisms for the conduct of (and to facilitate functions related to the conduct of) approved research and education at one or more VA medical centers.
  - c. During periods when you are actually engaged in VA service on a WOC basis, you are covered under the Federal Torts Claims Act (FTCA) and Federal Employees' Compensation Act (FECA).
4. A noncitizen may be a WOC appointee. However, the type of WOC appointment depends on the noncitizen's immigration status and specific visa conditions. The Immigration categories most relevant to VA WOC appointments are below:
  - a. Lawful Permanent Resident (LPR)
  - b. Employment Authorization Document (EAD)
  - c. J-1 Visa Holder
  - d. H-1B Visa Holder
  - e. B-1 Visa Holder

Please consult with OGC Personnel Law if you have further questions regarding your WOC appointment as it relates to your immigration status.

5. Your WOC appointment duties and obligations:
  - a. Conduct VA research.
  - b. Disclose all inventions and intellectual property assignments.
  - c. You may only serve in one capacity at any given time—either you are acting as a university employee, an NPC employee, or a WOC at VA conducting VA

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- research.
- d. You have an obligation to submit a [Research Conflict of Interest Form](#) with research proposals going to a VA Research and Development committee or subcommittee.
  - e. You have a duty to maintain confidentiality and information security of VA information. Patient privacy and information security laws and policies as outlined in [VHA Handbook 1200.05](#) and [6500](#) apply to WOCs.

### Who Should You Contact?

OGC Ethics Specialty Team (EST): If you have questions regarding the information listed above or other Ethics related issues please visit the [EST Client Site](#).

OGC Personnel Law Group - If you have questions regarding the information listed above or other immigration related issues please visit the OGC [Personnel Law Group Client Site](#).

OGC Specialty Team Advising Research (STAR): If you have questions regarding the information listed above or other research law related issues please visit the [OGC STAR Client Site](#).

Technology Transfer Program (TTP): If you have questions regarding the information listed above or other invention disclosure or technology transfer related issues please visit the [TTP Client Site](#).