

## **Appendix II – Responses from Agencies Regarding the Use of Administrative Leave**

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## United States Department of Agriculture

Office of the Secretary  
Washington, D.C. 20250

MAR 18 2015

20 MAR 31 PM 1:00

The Honorable Charles E. Grassley  
Chair  
Committee on the Judiciary  
United States Senate  
224 Dirksen Senate Office Building  
Washington, D.C. 20510

Dear Mr. Chairman:

Thank you for your letter of October 21, 2014, cosigned by Congressman Darrell Issa, concerning the Government Accountability Office's report on the use of paid administrative leave among Federal agencies for fiscal years 2011–2013. I apologize for the delayed response.

The U.S. Department of Agriculture's policy for the use of administrative leave is memorialized in the Departmental Regulation 4060-630-002, Leave Administration – Excused Absence/Administrative Leave, which is available online at <http://www.ocio.usda.gov/document/departamental-regulation-4060-630-002>. In accordance with that policy, use of administrative leave for extended periods of time is limited to use based on medical conditions or disciplinary actions. It should be noted that each situation for which this policy applies is unique, and the determination as to the appropriate length of time for extended administrative leave will vary based on the circumstance.

For Pay Period 22 in 2013 through Pay Period 19 in 2014, the following people were on paid administrative leave:

- 1-3 months: 993 employees and the cost was \$6,159,332.69
- 3-6 months: 47 employees and the cost was \$920,119.22
- 6-9 months: 11 employees and the cost was \$405,673.36
- 9-12 months: 7 employees and the cost was \$391,883.01

No employees have been on paid administrative leave for more than 1 year.

Thank you again for writing. If you have any other questions or concerns, please have a member of your staff contact me at (202) 720-7095.

Sincerely,

Todd Batta  
Assistant Secretary  
Office of Congressional Relations



December 29, 2014

The Honorable Charles E. Grassley  
Ranking Member  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510

The Honorable Darrell E. Issa  
Chairman  
Committee on Oversight and Government Reform  
U.S. House of Representatives  
Washington, DC 20515

Dear Ranking Member Grassley and Chairman Issa:

Thank you for your October 21, 2014 letter regarding paid administrative leave. Department of Commerce employees record paid administrative leave time in a variety of situations in which they have been excused from official duties, including during federal holidays, hazardous weather, and court service.<sup>1</sup> The Department has a number of procedures and controls in place to help ensure that leave-approving officials grant excused absences under appropriate circumstances and to help ensure that employees properly record approved leave.<sup>2</sup> In addition, under certain circumstances, employees may be placed on paid administrative leave during internal or external investigations of alleged misconduct, after disciplinary action has been proposed but before it has been taken, or as a result of certain settlements.<sup>3</sup> These latter situations are reviewed closely to ensure administrative leave is used appropriately.

The request asks about Department employees with more than one month of paid administrative leave time in fiscal year 2014. We have pulled the number of employees who

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<sup>1</sup> Additional situations include voting, blood, organ, and bone marrow donation, time off/incentive awards, treatment for illnesses occurring during working hours, attending certain conferences or conventions, noncompetitive civil service examinations and required medical examinations, certain travel time, early dismissal before certain holidays, and delayed arrival or early dismissal because of inclement weather.

<sup>2</sup> For example, the Department's guidance on excused absences, court leave, leave regulations, and other leave-related issues is available online at <http://hr.commerce.gov/Practitioners/CompensationAndLeave/index.htm>. The procedures used for approving excused absences are established at the level of Department bureaus and operating units. Employees are not permitted to record paid administrative leave time without approval, and they are instructed to provide reasonable notice of their leave plans. Supervisors are instructed to respond timely to employees' requests to be absent.

<sup>3</sup> For example, administrative leave may be used as an alternative to enforced leave when it is not in the interest of the Government for an employee to remain in his or her position in an active duty status. See Department Administrative Order 202-751, Section 3.03e.2., available online at [http://www.osc.doc.gov/opog/dmp/daos/dao202\\_751.html](http://www.osc.doc.gov/opog/dmp/daos/dao202_751.html).

The Honorable Charles E. Grassley  
The Honorable Darrell E. Issa  
Page 2

recorded more than 160 hours of paid administrative leave time, excluding federal holidays, from Pay Period 22 in 2013 through pay period 19 in 2014.<sup>4</sup> Our records reflect that 85 employees, or approximately 0.2% of the Department's workforce, fit this description. The Department's salary costs for these employees during this time were approximately \$1.68 million.

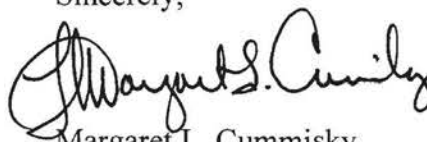
The request also asks how many of these employees fit into certain categories of paid administrative leave time by periods of months. Using the same pay periods described above and 160 hours as a one-month unit, and excluding federal holidays, 63 employees recorded between 1 and 3 months of paid administrative leave time representing salary costs of approximately \$708,000; 15 employees recorded between 3 and 6 months of paid administrative leave time representing salary costs of approximately \$403,000; 3 employees recorded between 6 and 9 months of paid administrative leave time representing salary costs of approximately \$189,000; and 2 employees recorded between 9 and 12 months of paid administrative leave time representing salary costs of approximately \$111,000.

In addition, the request asks how many Department employees currently on paid administrative leave have been on such leave for more than one year. Our records reflect that 2 employees fit this description. As of October 4, 2014, the Department's salary costs for these employees during this time were approximately \$480,000.<sup>5</sup>

Finally, the request asks about employees currently on paid administrative leave for more than one year and about 6 Department employees described in the recent GAO report on the use of paid administrative leave (GAO-15-79). We are working on confirming and identifying the 6 employees described in the GAO report.

If we can be of further assistance, please do not hesitate to contact me at (202) 482-3663.

Sincerely,



Margaret L. Cumisky  
Assistant Secretary for  
Legislative and Intergovernmental Affairs

<sup>4</sup> These pay periods cover the period from November 3, 2013, through October 4, 2014.

<sup>5</sup> Of this amount, approximately \$272,000 represents costs from November 3, 2013, through October 4, 2014, included in the \$1.68 million figure described above.





June 11, 2015

The Honorable Charles E. Grassley  
Chairman  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510

The Honorable Jason Chaffetz  
Chairman  
Committee on Oversight and Government Reform  
U.S. House of Representatives  
Washington, DC 20515

Dear Chairman Grassley and Chairman Chaffetz:

I write to follow up on the Department's letter of December 29, 2014, regarding paid administrative leave. You had asked about six Department of Commerce employees listed in a GAO report (GAO-15-79) as having been on paid administrative leave for more than one year during Fiscal Year 2011 through Fiscal Year 2013. Our records reflect that these six employees on average recorded approximately 17 months of paid administrative leave time during Fiscal Year 2011 through Fiscal Year 2013, representing total salary costs of approximately \$904,000.

If we can be of further assistance, please do not hesitate to contact me at (202) 482-3663.

Sincerely,

A handwritten signature in dark ink, reading "Margaret L. Cumisky". The signature is fluid and cursive.

Margaret L. Cumisky  
Assistant Secretary for  
Legislative and Intergovernmental Affairs



OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE  
4000 DEFENSE PENTAGON  
WASHINGTON, D.C. 20301-4000

II-5

NOV 10 2014

READINESS AND FORCE  
MANAGEMENT

The Honorable Charles E. Grassley  
United States Senate  
Washington, DC 20510

Dear Senator Grassley:

Thank you for your letter to the Secretary of Defense requesting information related to a Government Accountability Office report on the use of paid administrative leave by 24 federal agencies and for information pertaining to the use of paid administrative leave within the Department of Defense.

The volume of data that must be assembled to provide a meaningful response is significant. My office has initiated the required data collection effort with our Components, and we anticipate being able to provide a comprehensive response to you no later than February 10, 2015.

Thank you for your continued support of the Department of Defense civilian workforce.

Sincerely,

A handwritten signature in black ink, appearing to read "Barna", is positioned above the printed name.

Stephanie Barna  
Acting

cc:  
Representative Darrell Issa



UNDER SECRETARY OF DEFENSE  
4000 DEFENSE PENTAGON  
WASHINGTON, D.C. 20301-4000

FEB 12 2015 20 FEB 12 PM 4:56

The Honorable Charles E. Grassley  
United States Senate  
Washington, DC 20510

Dear Senator Grassley:

This is a partial response to your letter to the Secretary of Defense, requesting information related to a Government Accountability Office report as well as information pertaining to the use of paid administrative leave within the Department of Defense (DoD). Civilian personnel policy falls under my purview, and I have been asked to respond.

We currently are analyzing the data we recently received from the Defense Finance and Accounting Service and are working with the DoD Components to obtain additional information. In the interim, enclosed is the Department's response to question 1. I anticipate being able to submit the rest of the requested information within 45 days of the date of this correspondence.

Thank you for your continued support of the DoD civilian workforce.

Sincerely,

  
Jessica L. Wright

Enclosure:  
As stated

cc:  
Representative Darrell Issa

**The Department of Defense Partial Response to  
The Honorable Charles E. Grassley, United States Senate, and  
The Honorable Darrell Issa, United States House of Representatives  
Regarding the Congressional Inquiry into the Department's Use of Administrative Leave,  
dated October 21, 2014  
as described by the General Accountability Office Report, GAO-15-79, October 2014**

**Question 1:** Please provide agency policy on paid administrative leave. If no policy exists, please explain how the agency grants administrative leave, and what controls, if any, are in place to prevent it from being used for extended periods of time. If there are no such safeguards, please explain why not.

**Answer:** Office of Personnel Management (OPM) guidance provides that agencies have discretion to grant excused absence in circumstances in which an employee's absence is not specifically prohibited by law and satisfies one or more of the following criteria: (1) it is directly related to the agency's mission; (2) it is officially sponsored or sanctioned by the head of the agency; (3) it will clearly enhance professional development or skills of the employee in his or her current position; or (4) it is brief and determined to be in the interest of the agency.

The Department's use of excused absence (also known as administrative leave) is administered in accordance with the OPM criteria. Paragraph 6 of the enclosure to Department of Defense Instruction 1400.25, Volume 630, "DoD Civilian Personnel Management System: Leave," provides more agency-specific examples of when DoD considers it appropriate to grant an excused absence. This paragraph states that the authority to grant excused absence must be used sparingly and states that, where absences are for other than brief periods of time, a grant of excused absence is not appropriate unless the absence is in connection with furthering a Department function.

**For Questions 2 through 5 the Department needs additional time to analyze the data received and to prepare the requested narratives related to specific employees. The Department anticipates having answers to these questions 45 days from the date of this response letter.**



**Department of Energy**  
Washington, DC 20585

September 4, 2015

The Honorable Charles E. Grassley  
Chairman  
Committee on the Judiciary  
United States Senate  
Washington, D.C. 20510

Dear Chairman Grassley:

The Department of Energy (DOE) is writing in response to your inquiry dated October 21, 2014, regarding the use of paid administrative leave at government agencies, including DOE. The Department appreciates your interest in DOE's workforce.

The use of administrative leave at DOE is governed by applicable federal laws, regulations, and DOE policy as set forth in DOE Order 322.1C, Pay and Leave Administration and Hours of Duty, a copy of which is enclosed. This DOE Order establishes requirements and responsibilities for the management of pay, including overtime pay and compensatory time, leave administration, time and attendance reporting, and hours of duty. The Order provides for the use of administrative leave, also referred to as excused absence, for extended periods when the absence is in the best interest of the Department or the federal government or when it would be inequitable to charge leave.

DOE uses administrative leave sparingly, and confines its use to situations in which temporarily removing an employee from the workplace is in the best interest of the Department or the federal government, or in the event of natural disasters. Unfortunately, the Department is not able to discuss the use of administrative leave to the extent it pertains to the situations of individual employees, in order to protect the privacy interests of the affected employees. The Department is constrained from commenting on the merits or details of specific uses of administrative leave, as administrative leave use frequently intersects with pending administrative, security, or Inspector General investigations, or security clearance assessments pursuant to DOE's regulations at 10 C.F.R. 710, which govern eligibility appeals for access to classified matter or special nuclear material. The Department's placement of employees in an administrative leave status is also frequently connected to sensitive personnel matters such as allegations of harassment.





The Department is committed to maintaining a safe and secure workplace environment that is free of discrimination, harassment, and retaliation. Administrative leave is one managerial option available to the Department to ensure a safe and secure workplace for all employees, to preserve fairness and due process, and to ensure compliance with all applicable federal laws and regulations.

The Department strives to provide the American public with a ready and available workforce and will continue to limit use of paid administrative leave to appropriate situations.

If you have any additional questions, please do not hesitate to contact Jaime Shimek, Deputy Assistant Secretary, in our Office of Congressional and Intergovernmental Affairs at (202) 586-5450.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Eric J. Fygi', with a stylized flourish at the end.

Eric J. Fygi  
Deputy General Counsel

Enclosure

cc: The Honorable Patrick Leahy, Ranking Member  
Committee on the Judiciary

**ORDER**

**DOE O 322.1C**

Approved: 1-19-2011

# **PAY AND LEAVE ADMINISTRATION AND HOURS OF DUTY**

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**U.S. DEPARTMENT OF ENERGY**  
Office of Human Capital Management



b. Leave Administration.

- (1) Absence Without Leave (AWOL). Unapproved employee absences must be recorded as AWOL. When employees fail to request or obtain approval for appropriate leave on a timely basis, certifying officials must record the absences as AWOL. A recorded AWOL may be changed at a later date if the certifying official approves the absence as a type of paid leave or LWOP.
- (2) Annual Leave. Annual leave shall not be—
  - (a) advanced from a future leave year; however, annual leave that is projected to be earned during the current leave year will be made available even though it creates a negative leave balance during the leave year or
  - (b) substituted retroactively for sick leave.
- (3) Court Leave.
  - (a) DOE will support the judicial process to the maximum extent possible by making employees available to serve—
    - 1 jury service or
    - 2 as witnesses when one party in the proceeding is the United States, the District of Columbia, or a State or local government.
  - (b) Employees who are excused by a court so that 2 or more work hours are available in the work day must return to duty or request annual leave, unless returning to duty creates a hardship.
- (4) Excused Absence (Administrative Leave).
  - (a) Excused absence, which is also referred to as administrative leave, is intended to be used for brief periods of time without charge to leave or loss of pay. At management's discretion, an employee may be excused for extended periods when the absence is in the best interest of DOE or the Federal Government or when it would be inequitable to charge leave.
  - (b) When the Department is relocating an employee, including a temporary or permanent change of station move or detail outside the local commuting area, or to move a new hire to an initial duty station, current and newly hired employees may be excused up to 3 work days (24 hours) when they are unavoidably detained while awaiting or arranging the transportation of household goods or for

other activities necessary for the move, including getting settled in a new location. This situation is also referred to as “transient leave.”

- (c) An employee may be excused up to 10 calendar days (80 consecutive hours) for a house-hunting trip, including travel time.
  - (d) An employee may be excused for career transition services, including travel time (see Chapter VI of DOE O 320.1 Chg 1, *Acquiring and Positioning Human Resources*, dated 9-6-02).
  - (e) An employee may take up to 4 hours of excused absence each leave year for health screenings.
  - (f) An employee returning from active duty with the reserves or National Guard in the Global War on Terrorism may take 5 days (40 hours) of excused absence before reporting for duty if s/he was on active duty for at least 42 consecutive days.
  - (g) An employee who returns from official travel from a location that the Centers for Disease Control or Department of State has issued a travel advisory due to a contagious disease may be authorized up to 3 days (24 hours) of excused absence if they are not able to telework.
- (5) Family and Medical Leave. Coverage of a family member under 5 CFR Part 630, Subpart L, Family and Medical Leave, is expanded to be consistent with the definition of a family member in 5 CFR 630.201, which is used for other leave sharing programs.
- (6) Leave Without Pay.
- (a) LWOP must be documented via an Office of Personnel Management (OPM) Standard Form (SF) 50, “Notification of Personnel Action,” when the LWOP period exceeds 30 calendar days, unless the absence is to perform military duty, in which case an SF 50 is needed to document the entire period covered for military duty.
  - (b) At a minimum, LWOP will be granted when—
    - 1 a disabled veteran needs medical treatment;
    - 2 a member of the military reserves or National Guard has been ordered to active or inactive duty for training;
    - 3 an injured employee elects to use LWOP under the Federal Employees Compensation Act;







**Department of Energy**  
Washington, DC 20585

October 2, 2015

The Honorable Charles E. Grassley  
Chairman  
Committee on the Judiciary  
United States Senate  
Washington, D.C. 20510

Dear Chairman Grassley:

I write this letter in further response to your October 21, 2014 letter regarding the use of paid administrative leave at the Department of Energy (DOE). This response supplements the Department's September 4, 2015 letter and memorializes subsequent communications between the Department and Committee staff.

As referenced in the Department's September 4, 2015 letter to the Committee, the use of administrative leave at DOE is governed by applicable federal laws, regulations, and DOE policy as set forth in DOE Order 322.1C, Pay and Leave Administration and Hours of Duty. DOE uses administrative leave sparingly, and confines its use to situations in which temporarily removing an employee from the workplace is in the best interest of the Department or the federal government, or in the event of natural disasters.

Answers to questions two, three, and four of your October 21, 2014 request are set forth below.

**QUESTION TWO:** How many employees were on paid administrative leave for more than one month in Fiscal Year (FY) 2014? What was the total cost to the agency in FY 2014 in salaries and benefits for those employees' paid administrative leave?

**RESPONSE:** There were 51 DOE employees on paid administrative leave for more than one month in Fiscal Year 2014. The total cost to the agency in salary and benefits for these employees in FY 2014 was \$2,348,110.06.

**QUESTION THREE:** How many employees are currently on paid administrative leave that have been on such leave for 1-3 months; 3-6 months; 6-9 months; and 9-12 months.

Do not include an employee in more than one category. For each category, what is the total cost to the agency in salaries and benefits for those employees' paid administrative leave?

**RESPONSE:**

As of September 30, 2014:

1-3 months: 9 employees totaling \$161,030.50  
3-6 months: 7 employees totaling \$270,718.40  
6-9 months: 4 employees totaling \$317,067.40



9-12 months: 5 employees totaling \$523,132.50


**QUESTION FOUR:** Excluding those referenced above, how many employees currently on paid administrative leave have been on such leave for more than a year? What is the total cost to the agency in salaries and benefits for those employees' paid administrative leave?

**RESPONSE:** At the close of FY 2014, one employee was on paid administrative leave for more than one year at a total cost to the agency in salary and benefits of \$81,029.74.

The Department is in receipt of your letter dated September 30, 2015 and is preparing a response.

If you have any additional questions, please do not hesitate to contact me or Jaime Shimek, Deputy Assistant Secretary for Senate Affairs, in our Office of Congressional and Intergovernmental Affairs at (202) 586-5450.

Sincerely,

  
Eric J. Fygi  
Deputy General Counsel

cc: The Honorable Patrick Leahy, Ranking Member  
Committee on the Judiciary



DEPARTMENT OF HEALTH &amp; HUMAN SERVICES

OFFICE OF THE SECRETARY

Assistant Secretary for Legislation  
Washington, DC 20201

November 14, 2014

The Honorable Darrell Issa  
Chairman  
Committee on Oversight and Government Reform  
United States House of Representatives  
Washington, D.C. 20515

The Honorable Charles E. Grassley  
Ranking Member  
United States Senate  
Committee on the Judiciary  
Washington, D.C. 20510

Dear Chairman Issa and Senator Grassley:

Thank you for your inquiry about employees of the Department of Health and Human Services (HHS or Department) who have been on administrative leave for more than thirty (30) calendar days. Secretary Burwell asked me to respond on her behalf.

HHS policy on administrative leave is described in Section 630-1-80 (Excused Absence) of HHS Instruction 630-1 (December 17, 2010). A copy of that section is attached hereto as Attachment 1. The appropriate use of administrative leave must be evaluated on a case-by-case basis due to the inherent complexities associated with individual cases. While agencies have discretion to use administrative leave, its appropriate use is dependent on a variety of circumstances and legal considerations. Of particular significance is when allegations of wrongdoing or erratic behavior surface on the part of an employee. HHS always takes such allegations seriously. In most circumstances HHS works, with the assistance of OHR, to resolve these personnel matters quickly. At times, however, particular allegations require administrative inquiries, which include but are not limited to, gathering information to ensure objective consideration of all the relevant facts. During such administrative inquiries, an employee may be placed on administrative leave when having the employee on site will interfere with or jeopardize the investigation, or may interfere or jeopardize other employees work product, systems, security or safety. Agencies are not normally authorized to place an employee on an unpaid leave status during the pendency of an administrative investigation. Finally the costs to agencies when a neutral third party tribunal determines insufficient cause to warrant an unpaid suspension may at times be considerably more expensive to taxpayers than the occasional use of administrative leave.

It is important to note that administrative leave is a broad category involving not only time periods during which an employee may be under investigation for alleged

misconduct (pursuant to 5 CFR section 752.404(b)(3)), but also time during which an employee is performing his or her military reserve duties or assisting in civil defense activities such as emergency law enforcement, disaster relief, or clean-up efforts in communities affected by severe weather conditions or other emergency situations. In addition, excused absence may be granted to employees who are prevented from returning to work due to unique circumstances, such as travel delays surrounding the events of a severe weather condition or other emergency situations, and who can be spared from their usual responsibilities. Agencies have discretionary authority to grant excused absence and do not need to obtain prior approval from the U.S. Office of Personnel Management (OPM). (See HHS Instruction 630-1 (dated 12/17/10), § 630-1-80-Excused Absence (Attachment 1).

Addressing your specific questions, to date in Fiscal Year 2014 ninety nine (99) of the approximately 80,000 HHS employees have been on paid administrative leave for a time period in excess of thirty (30) days. The salary costs for those employees totaled \$1,987,793. A breakdown of the number of employees and total salary costs per the time periods as requested in your letter is as follows;

1-3 months – Fourteen (14) employees (\$361,786)  
3-6 months – Eleven (11) employees (\$540,316)  
6-9 months – Five (5) employees (\$316,981)  
9-12 months – Two (2) employees (\$72,519)  
12 months & over – Six (6) employees (\$696,191)

Regarding the six employees whose administrative leave exceeded 12 months, one was on administrative leave from November 1, 2012 through April 22, 2014 and was paid \$74,396 during that time period. That employee was placed on administrative leave during an investigation of misconduct and the employee was terminated on April 23, 2014. A second employee was placed on administrative leave in May of 2013 due to issues that arose during a background investigation. To date that employee has been paid approximately \$78,824. The agency reviewed the employee's suitability for continued employment and has proposed to remove the employee from federal service. A third employee was placed on administrative leave in September, 2013 due to issues that arose during a background investigation. To date that employee has been paid approximately \$104,001 and the agency is reviewing the employee's suitability for reassignment. A fourth employee was placed on administrative leave in August, 2012 due to issues that arose during a background investigation. To date that employee has been paid approximately \$214,547. The agency is reviewing the employee's suitability for reassignment commensurate with the employee's current clearance level. A fifth employee was placed on administrative leave in September, 2013, due to a loss of the employee's medical credentials. To date that employee has been paid approximately \$161,929. There are no available current positions that do not require medical privileges and the agency is assessing the employee's suitability for alternative positions. The sixth employee was placed on administrative leave in November, 2013 due to issues that arose surrounding the employee's utilization of Electronic Health Records (EHR). To date that employee has been paid approximately \$62,495. The agency is continuing to review the

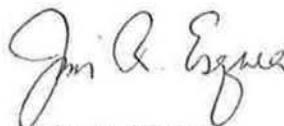


Chairman Darrell Issa  
Senator Charles Grassley  
Page 3

employee's suitability for continued employment. In the interim the agency also is assessing the employee's suitability for reassignment in a position that would restrict access to EHR.

We appreciate your interest in this issue. Please do not hesitate to contact this office if you have additional questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jim R. Esquea". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Jim R. Esquea  
Assistant Secretary for Legislation

Enclosure

# ATTACHMENT 1

3. As indicated in the law and regulations, an employee cannot donate leave to his/her immediate supervisor.

#### J. Restoring Transferred Annual Leave

Unused leave donated to the recipient must be restored to the donor's account upon termination of a medical or family medical emergency .

### **630-1-70 VOLUNTARY LEAVE BANK PROGRAM**

OPDIVs may elect to establish and administer a Voluntary Leave Bank Program, consistent with the applicable law and Office of Personnel Management regulations. A Voluntary Leave Bank Program enables employees to contribute accrued or accumulated annual leave to a "leave bank". The leave from this bank may be made available to a leave bank member who requires leave because of a medical emergency.

### **630-1-80 EXCUSED ABSENCE**

#### A. Definition

Excused absence is absence from duty administratively authorized without loss of pay and without charge to leave. The term "administrative leave" is sometimes used to refer to excused absence. Both the Merit Systems Protection Board and the Comptroller General have determined that it is inappropriate to grant long periods of excused absence for no other reason than to settle a case or to permit an employee to accumulate enough time to become eligible to retire.

#### B. Excused Absence Situations

Situations where excused absence may be authorized include, but are not limited to the following:

1. Attendance at administrative hearings.
2. Bone marrow and organ/tissue donation and transplantation. An employee may use:
  - a. Up to exceed 7 days of leave to serve as a bone-marrow donor
  - b. Up to 30 days of leave to serve as an organ donor.
3. Blood donations.
4. Holidays for part-time employees. Part-time employees are not entitled to (a) holidays designated by law or executive order or (b) days observed as holidays when the actual holiday falls on one of their non-work days (see 26 Comptroller General 690, and 32 Comptroller General 378). They are not entitled to an in lieu of holiday. For example, if Christmas falls on Saturday, the in lieu of holiday is Friday for most employees. A part-time employee is not entitled to the Friday as a holiday, even if he/she were scheduled to work on that day. However, in such a situation, the employee may be granted excused absence where, for example, the office is closed. (See Comptroller General Decision B-210741, April 24, 1984.)
5. Medical Examinations and Treatments

- a. Examples are examination in connection with an application for disability retirement initiated by the Department and examination or preventive treatment authorized under the federal employees' health program.
  - b. For an employee who suffers a disabling traumatic injury on the job, the employee's absence on the day of injury will be excused. Continuation of pay (C.O.P.) may be authorized for subsequent absences, examinations, or treatments related to a traumatic injury. When an employee has exhausted (or is not eligible for) the 45 days of C.O.P. and has returned to work, then LWOP, annual leave, or sick leave may be granted for injury-related examinations or treatment; the employee may then apply to the Office of Workers' Compensation Programs for compensation or leave buy back for the period in question.
6. Registration for military service.
7. Participation in civil defense activities.
8. Voting and registration.
9. Inclement weather or closure of work place.
10. Job interviews and other out-placement activities when it is determined that this is in the Department's interest. (Downsizing is the most common but not the only example where excused absence would be appropriate.)
11. Participation in health and fitness activities. An official with delegated authority may approve excused absence for an employee to participate in health and fitness activities if the activity is officially sponsored and administered and for a specific, fixed duration. Examples are Federal fitness day events, Department sponsored health screenings, agency fitness center orientation, or a smoking cessation program.
12. Participation in preventive health screenings. Examples of preventive health screenings include, but are not limited to, screening for prostate, cervical, colorectal, and breast cancers, sickle cell anemia, blood lead level, blood cholesterol level, immunity system disorders such as HIV, and blood sugar level testing for diabetes.
  - a. Up to four (4) hours of excused absence each leave year may be approved for employees with less than 80 hours of sick leave. Employees may request annual leave, sick leave, or leave without pay when more than four hours of administrative leave is needed.
  - b. An employee may not be granted excused absence to accompany a family member receiving preventative health screenings.
  - c. The four hours of excused absence may be used all at once or a portion at a time over more than one day during the leave year.
  - d. Employees are encouraged to make maximum use of existing work schedule and leave flexibilities (e.g., alternative work schedules, granting leave under the Federal

Government's sick and annual leave programs, and granting excused absence to employees to participate in Agency-sponsored preventive health activities).

- e. The supervisor may request medical documentation for an excused absence for preventive health screenings.

### C. Official Time

1. Official time is not excused absence, but there may be situations where an employee is authorized to use official time to perform activities other than his/her normal duties. The distinction can be very important because, for example, an employee injured while on excused absence may not be entitled to benefits under the Federal Employees' Compensation Act (FECA), while an employee injured while on official time may be covered.
2. Official time is included on the employee's Time and Attendance Report as normal hours of work and is not entered as administrative leave.
3. Supervisors may authorize official time in situations such as the following:
  - a. For an employee serving as a labor organization representative. See 5 U.S.C. 7131 and applicable negotiated agreements
  - b. For an employee representing another employee in an appeal, discrimination complaint, or grievance
  - c. For an employee preparing a response to a notice of proposed adverse action
  - d. For an employee meeting with an equal employment opportunity counselor
  - e. For employees meeting with employee assistance staff for counseling
  - f. For an employee who has prevailed in a civil rights action against the Department, the employee's absence in connection with the action should be changed to official time (see 59 CG 290). A determination to treat such an absence as official time can be made only upon conclusion of the court action. While the court action is in process, the employee should request annual leave or leave without pay in accordance with 630-1-90(D)(3)
  - g. For employees to participate in fitness activities in order to help them meet job-related medical standards or physical requirements.

## **630-1-90 COURT LEAVE**

### A. Definition

Court leave is authorized absence of an employee from official duty for attendance at court and other judicial proceedings, either as a juror or a witness in certain circumstances, without charge to other leave or loss of pay.



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
WASHINGTON, DC 20410-1000

ASSISTANT SECRETARY FOR CONGRESSIONAL  
AND INTERGOVERNMENTAL RELATIONS

The Honorable Charles Grassley  
U.S. Senate  
Washington, DC 20510

DEC 12 2014

The Honorable Darrell Issa  
U.S. House of Representatives  
Washington, DC 20510

Dear Senator Grassley and Representative Issa:

On behalf of Secretary Julián Castro, thank you for your letter about the use of paid administrative leave at federal agencies. The following information is from the Department of Housing and Urban Development's (HUD) Office of the Chief Human Capital Officer. The data provided is current through November 3, 2014.

HUD policy provides that "excused absence," often referred to as "administrative leave," is an absence from duty which has been administratively authorized, without loss of pay and without charge to leave. These absences may be granted in limited circumstances. HUD's delegations of authority provide that administrative leave may be granted only by certain high level supervisors and only in limited circumstances. Generally, the power to place an employee on administrative leave is restricted to managers no lower than the position of Deputy Assistant Secretary or Regional Director. As a prudent business practice, supervisors are advised to place employees on paid administrative leave mainly under circumstances that warrant a public safety and security concern. Specific reasons include those that facilitate an investigation of allegations into criminal misconduct, which if true, could place employees or agency resources in jeopardy. Other situations include the removal of individuals from the workplace who are behaving disruptively or violently, pending assessment of the situation.

HUD has a total of approximately 8,400 employees. In fiscal year 2014, the Department had 14 employees on paid administrative leave for more than one month. The cost to the agency in salaries and benefits for those employees was approximately \$708,000. Currently, HUD has one employee on paid administrative leave. The employee is a Senior Project Manager, GS-13/10, in the [REDACTED], who has been on paid administrative leave since the end of February 2013. The employee has received compensation of approximately \$229,000 while on paid administrative leave. To avoid potential impact on then pending related criminal charges and because of safety and security issues, the employee was placed on administrative leave, and reassignment to other duties or another location was not considered an appropriate alternative.

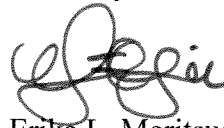
As you note, the GAO report of October 2014 on paid administrative leave does refer to, but does not identify, a HUD employee that was on paid administrative leave for more than one year at some point during fiscal years 2011 through 2013. HUD did have an employee on paid

administrative leave for more than one year during that time period. The employee was a Manager, GS-15/7, in the [REDACTED]. The employee was on paid administrative leave for approximately 16 months and received compensation during that time of approximately \$257,000. The employee was placed on paid administrative leave pending an investigation into alleged misconduct. To avoid potential impact on possible related criminal charges and because of the seriousness of the allegation, a decision was made to immediately remove the employee from the work environment and temporary reassignment was not considered to be a viable option. Following completion of the investigation, the employee returned to work and was reassigned within the Department.

This letter includes information that relates to federal employees and that has not been released to the public. This information is being provided to you based on the assumption that it will only be used in furtherance of oversight responsibilities and in a confidential manner. Should you find it necessary to release these materials publicly, we would ask for an opportunity, prior to release, to discuss how best to protect employee privacy.

I hope you find the information provided responsive to your request. If I can be of further assistance, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read 'Erika L. Moritsugu', with a stylized flourish at the end.

Erika L. Moritsugu  
Assistant Secretary for Congressional  
and Intergovernmental Relations





# Homeland Security

January 17, 2015

The Honorable Charles E. Grassley  
Chairman  
Committee on the Judiciary  
United States Senate  
Washington, DC 20515

Dear Chairman Grassley:

Thank you for your October 21, 2014 letter requesting information about Department of Homeland Security employees who have received paid administrative leave.

I am firmly committed to following the statutory requirements and the Office of Personnel Management's guidelines on the use of administrative leave to prevent abuse of this policy. At my direction, we are strengthening the Department's administrative leave policy and internal controls to ensure its appropriate application. It is my priority to hire and retain the best workforce possible and ensure fairness for our employees. For this reason, adherence to these standards and guidelines on this subject is a serious issue for my Department.

For responses to your specific questions, please see the accompanying enclosures. A separate response has been sent to Representative Chaffetz, in his capacity as Chairman of the House Committee on Oversight and Government Reform.

Thank you again for your letter. I look forward to working with you. Should you have additional questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeh Charles Johnson", with a large, stylized flourish at the end.

Jeh Charles Johnson

Enclosures

**Enclosure 1 – U.S. Department of Homeland Security Response to Representative Issa and Senator Grassley’s October 21, 2014 Letter**

- 1. Please provide agency policy on paid administrative leave. If no policy exists, please explain how the agency grants administrative leave, and what controls, if any, are in place to prevent it from being used for extended periods of time. If there are no such safeguards, please explain why not.**

The Department of Homeland Security (DHS) covers administrative leave (excused absence) in the following DHS or Office of Personnel Management (OPM) policy guidance: voting, blood donation, excused absence when returning from active military duty, volunteer service, worksite closure, and pandemic response. This guidance limits the use of administrative leave except in the instances of worksite closure and pandemic response. The Department handles these situations on a case-by-case basis depending on the severity of the situation.

Human resources subject matter experts have been operating under the provisions of law, the Code of Federal Regulations, and legacy policies with respect to administrative leave granted in connection with conduct-related investigations or adverse actions. A draft policy establishing reporting requirements regarding use of administrative leave in connection with conduct related actions is in coordination. This draft policy increases oversight on the decision to place an employee on administrative leave for extended periods by elevating the level at which the decision may be approved to the Component head.

Included for your reference are the following appendices to this enclosure:

1. DHS Human Resources Guide for Managers and Supervisors, Preparedness Ready Reference
2. DHS Directive Number 254-01, Volunteer Community Service
3. OPM Guidance Regarding Excused Absence for Voting
4. OPM Pay and Leave Administration, Frequently Asked Questions
5. OPM Fact Sheet: 5 Days of Excused Absence for Employees Returning from Active Military Duty

- 2. How many employees were on paid administrative leave for more than one month in fiscal year (FY) 2014? What was the total cost to the agency in 2014 in salaries and benefits for those employees' salaries and benefits for those employees' paid administrative leave?**

There were 1,062 employees coded as being on paid administrative leave for more than one month during FY14.

The estimated salary and benefits cost for these employees is \$20,305,937. This estimate was calculated using FY14 basic salary together with an estimated benefits calculation, in which an additional 28 percent of salary was added to reach estimated the amount paid.

- 3. How many employees are currently on paid administrative leave that have been on such leave for: a) 1-3 months; b) 3-6 months; c) 6-9 months; and d) 9-12 months? Do not include an employee in more than one category. For each category, what is the total cost to the agency in salaries and benefits for those employees paid administrative leave?**

<b>1-3 Months Number Employees</b>	<b>1-3 Months Estimated Amount Paid</b>	<b>3-6 Months Number of Employees</b>	<b>3-6 Months Estimated Amount Paid</b>	<b>6-9 Months Number of Employees</b>	<b>6-9 Months Estimated Amount Paid</b>	<b>9-12 Months Number of Employees</b>	<b>9-12 Months Estimated Amount Paid</b>
789	\$8,774,451	168	\$4,478,648	36	\$1,947,550	40	\$3,542,274

*\*Reflects Fiscal Year 2014 data. Estimated amount paid consists of base salary plus 28 percent benefit payment calculation.*

- 4. Excluding those referenced in Question 3, how many employees on paid administrative leave have been on such leave for more than one year? What is the total cost to the agency in salaries and benefits for those employees' paid administrative leave?**

<b>Current Number Employees Administrative Leave one year or more</b>	<b>Estimated Amount Paid</b>
16	\$1,780,417

*\*Current as of Fiscal Year 2014. Estimated amount paid consists of base salary plus 28 percent benefit payment calculation.*

- 5. For the employees described in the GAO report as being on paid administrative leave for one year or more, as well as for the employees described as being currently on administrative leave for more than a year, please provide for each employee a detailed narrative of the circumstances surrounding the extended paid leave, including:**
- a. Position title and GS level.**
  - b. Employee division/office/component.**
  - c. Total compensation received while on administrative leave.**
  - d. Reason for being placed on administrative leave.**
  - e. Exact length of time on administrative leave.**
  - f. Current status of the employee (i.e. reassigned, demoted, terminated, still on administrative leave, etc.)**
  - g. A full explanation of why reassignment to other duties or another location was not an appropriate alternative to paid leave.**
  - h. A full explanation of why the employee was not placed on some form of unpaid leave.**

Please see Enclosure 2 for response.

Question- 5 - For the employees described in the GAO report as being on paid administrative leave for one year or more, as well as for the employees described as being currently on administrative leave for more than a year, please provide for each employee a detailed narrative of the circumstances surrounding the extended paid leave, including:

- a. Position title and GS level.
- b. Employee division/office/component.
- c. Total compensation received while on administrative leave.
- d. Reason for being placed on administrative leave.
- e. Exact length of time on administrative leave.
- f. Current status of the employee (i.e. reassigned, demoted, terminated, still on administrative leave, etc.)
- g. A full explanation of why reassignment to other duties or another location was not an appropriate alternative to paid leave.
- h. A full explanation of why the employee was not placed on some form of unpaid leave.

	Component	Position Title	Pay Plan	Occupational Series	Grade	Estimated Amount Paid	Reason for being placed on Administrative Leave*	Total Time on Admin Leave (Hrs)	Current Status (according to FY14 data)*	Explanation of why reassignment was not appropriate	Explanation of why employee was not placed on unpaid leave
EMPLOYEES CURRENTLY ON ADMINISTRATIVE LEAVE FOR ONE YEAR OR MORE											
1	CBP	Border Patrol Agent	GS	1896	12	\$114,648	Fitness for Duty	2164	Administrative Leave	Employee was ordered to submit for an additional Fitness for Duty Exam and was found not fit for duty.	Insufficient evidence to support an indefinite suspension action.
2	CBP	Border Patrol Agent	GS	1896	12	\$173,667	Fitness for Duty	3234	Administrative Leave	The employee suffers from a medical issue which impacts the Agency's confidence in the employee's ability to remain safely in the workplace.	Insufficient evidence to support an indefinite suspension action.
3	CBP	Border Patrol Agent	GS	1896	12	\$173,667	Fitness for Duty	3234	Administrative Leave	The employee suffers from a medical issue which impacts the Agency's confidence in the employee's ability to remain safely in the workplace.	Insufficient evidence to support an indefinite suspension action.
4	USSS	Criminal Investigator	GS	1811	13	\$101,507	Fitness for Duty	2080	Indefinite Suspension (Prior recipient of administrative leave. Additional leave pending.)	Component's positions require a security clearance.	Criteria was eventually met to support an indefinite suspension.
5	CBP	Border Patrol Agent	GS	1896	12	\$340,858	Misconduct	6208	Administrative Leave	Seriousness of alleged misconduct and concern for protection of government resources.	Insufficient evidence to support an indefinite suspension action.
6	CBP	Border Patrol Agent	GS	1896	12	\$114,040	Misconduct	2088	Administrative Leave	Seriousness of alleged misconduct and concern for protection of government resources.	Insufficient evidence to support an indefinite suspension action.
7	CBP	CBP Officer (Enforcement)	GS	1895	12	\$206,142	Misconduct	3516	Indefinite Suspension (Prior recipient of administrative leave. Additional leave pending.)	Seriousness of alleged misconduct and concern for protection of government resources.	Criteria was eventually met to support an indefinite suspension.
8	ICE	Enforcement & Removal Assistant	GS	1802	8	\$107,835	Misconduct	3200	Administrative Leave	Seriousness of alleged misconduct and concern for protection of government resources.	Insufficient evidence to support an indefinite suspension action.
9	ICE	Supervisory Criminal Investigator	GS	1811	15	\$396,830	Misconduct	6384	Indefinite Suspension (Prior recipient of administrative leave. Additional leave pending.)	Seriousness of alleged misconduct and concern for protection of government resources.	Criteria was eventually met to support an indefinite suspension.
10	OIG	Criminal Investigator	GS	1811.00	12	\$128,957	Misconduct	5015	Administrative Leave	Seriousness of alleged misconduct and concern for protection of government resources.	Insufficient evidence to support an indefinite suspension action.

1	CBP	Border Patrol Agent	GS	1896	12	\$114,648	Fitness for Duty	2164	Administrative Leave	Employee was ordered to submit for an additional Fitness for Duty Exam and was found not fit for duty.	Insufficient evidence to support an indefinite suspension action.
11	OIG	Criminal Investigator	GS	1811.00	11	\$100,940	Misconduct	5015	Administrative Leave	Seriousness of alleged misconduct and concern for protection of government resources.	Insufficient evidence to support an indefinite suspension action.
12	OIG	Criminal Investigator	GS	1811.00	13	\$152,277	Misconduct	5015	Administrative Leave	Seriousness of alleged misconduct and concern for protection of government resources.	Insufficient evidence to support an indefinite suspension action.
13	OIG	Criminal Investigator	GS	1811	12	\$125,468	Misconduct	5015	Administrative Leave	Seriousness of alleged misconduct and concern for protection of government resources.	Insufficient evidence to support an indefinite suspension action.
14	OIG	Supervisory Criminal Investigator	GS	1811	15	\$297,559	Misconduct	5215	Administrative Leave	Seriousness of alleged misconduct and concern for protection of government resources.	Insufficient evidence to support an indefinite suspension action.
15	FEMA	Information Technology	GS	2210	14	\$112,773	Security	2640	Administrative Leave	Component's positions require a security clearance.	Insufficient evidence to support an indefinite suspension action.
16	NPPD	Criminal Investigator	GS	1811	13	\$121,407	Security	2232	Indefinite Suspension (Prior recipient of administrative leave. Additional leave pending.)	Component's positions require a security clearance.	Insufficient evidence to support an indefinite suspension action.
<b>EMPLOYEES NO LONGER ON ADMINISTRATIVE LEAVE WHO HAD PREVIOUSLY BEEN ON LEAVE FOR ONE YEAR OR MORE</b>											
17	CBP	Border Patrol Agent	GS	1896	12	\$185,813	Fitness for Duty	3379	Separated	The employee suffers from a medical issue which impacts the Agency's confidence in the employee's ability to remain safely in the workplace.	Insufficient evidence to support an indefinite suspension action.
18	CBP	CBP Officer	GS	1895	12	\$132,954	Fitness for Duty	2390	Separated	Employee was ordered to submit for an additional Fitness for Duty Exam and was found not fit for duty.	Insufficient evidence to support an indefinite suspension action.
19	CBP	CBP Officer	GS	1895	14	\$172,507	Fitness for Duty	2223	Returned to Duty	Employee was ordered to submit for an additional Fitness for Duty Exam. Later was found that he was fit for duty.	Insufficient evidence to support an indefinite suspension action.
20	CBP	Lead Border Patrol Agent (Intelligence)	GS	1896	12	\$136,998	Fitness for Duty	2320	Separated	Employee was ordered to submit for an additional Fitness for Duty Exam and was found not fit for duty.	Insufficient evidence to support an indefinite suspension action.
21	CBP	Legal Technician (Office Automation)	GS	986	7	\$130,475	Fitness for Duty	4048.5	Separated	The employee suffered from a medical issue which impacted the Agency's confidence in the employee's ability to remain safely in the workplace.	Insufficient evidence to support an indefinite suspension action.
22	CBP	Mission Support Specialist	GS	301	11	\$86,715	Fitness for Duty	2348	Separated	Employee was ordered to submit for an additional Fitness for Duty Exam and was found not fit for duty.	Insufficient evidence to support an indefinite suspension action.
22	CBP	Supervisory Border Patrol Agent	GS	1896	14	\$165,015	Fitness for Duty	2224	Separated	Employee was ordered to submit for an additional Fitness for Duty Exam and was found not fit for duty.	Insufficient evidence to support an indefinite suspension action.

1	CBP	Border Patrol Agent	GS	1896	12	\$114,648	Fitness for Duty	2164	Administrative Leave	Employee was ordered to submit for an additional Fitness for Duty Exam and was found not fit for duty.	Insufficient evidence to support an indefinite suspension action.
23	ICE	Criminal Investigator	GS	1811	13	\$177,855	Fitness for Duty	4000	Returned to Duty	The employee suffered from a medical issue which impacted the Agency's confidence in the employee's ability to remain safely in the workplace.	Insufficient evidence to support an indefinite suspension action.
24	ICE	Deportation Officer	GS	1801	12	\$124,737	Fitness for Duty	4224	Separated	The employee suffered from a medical issue which impacted the Agency's confidence in the employee's ability to remain safely in the workplace.	Insufficient evidence to support an indefinite suspension action.
25	ICE	Deportation Officer	GS	1801	12	\$158,998	Fitness for Duty	2368	Separated	The employee suffered from a medical issue which impacted the Agency's confidence in the employee's ability to remain safely in the workplace.	Insufficient evidence to support an indefinite suspension action.
26	ICE	Immigration Enforcement Agent	GS	1801	9	\$107,835	Fitness for Duty	3366	Separated	The employee suffered from a medical issue which impacted the Agency's confidence in the employee's ability to remain safely in the workplace.	Insufficient evidence to support an indefinite suspension action.
27	ICE	Immigration Enforcement Agent	GS	1801	9	\$114,981	Fitness for Duty	2328	Separated	The employee suffered from a medical issue which impacted the Agency's confidence in the employee's ability to remain safely in the workplace	Insufficient evidence to support an indefinite suspension action.
28	ICE	Supervisory Immigration Enforcement Agent	GS	1801	11	\$81,588	Fitness for Duty	2904	Returned to Duty	Seriousness of alleged misconduct and concern for protection of government resources.	Insufficient evidence to support an indefinite suspension action.
29	NPPD	Physical Security Specialist (Law Enforcement Security Officer)	GS	80	12	\$99,049	Fitness for Duty	2416	Separated	Seriousness of alleged misconduct and concern for protection of government resources.	Insufficient evidence to support an indefinite suspension action.
30	NPPD	Physical Security Specialist (Law Enforcement Security Officer)	GS	80	12	\$94,472	Fitness for Duty	4275	Separated	Seriousness of alleged misconduct and concern for protection of government resources.	Insufficient evidence to support an indefinite suspension action.
31	USCG	Shipfitter (Welding)	WG	3820	10	\$72,818	Fitness for Duty	2112	Separated	The employee suffered from a medical issue which impacted the Agency's confidence in the employee's ability to remain safely in the workplace.	Insufficient evidence to support an indefinite suspension action.
32	USSS	Criminal Investigator	GS	1811	13	\$254,761	Fitness for Duty	3760	Separated	Component's positions require a security clearance.	Insufficient evidence to support an indefinite suspension action.
33	USSS	Information Technology Specialist	GS	2210	12	\$144,251	Fitness for Duty	2688	Separated	Component's positions require a security clearance.	Insufficient evidence to support an indefinite suspension action.
34	CBP	Assistant Port Director	GS	340	15	\$294,498	Misconduct	3671	Separated	Seriousness of alleged misconduct and concern for protection of government resources.	Insufficient evidence to support an indefinite suspension action.
35	CBP	Automotive Mechanic Leader	WL	5823	10	\$85,817	Misconduct	2458	Separated	Seriousness of alleged misconduct and concern for protection of government resources.	Insufficient evidence to support an indefinite suspension action.
36	CBP	Border Patrol Agent	GS	1896	12	\$144,555	Misconduct	2336	Separated	Seriousness of alleged misconduct and concern for protection of government resources.	Insufficient evidence to support an indefinite suspension action.
37	CBP	Border Patrol Agent	GS	1896	12	\$253,526	Misconduct	5240	Separated	Seriousness of alleged misconduct and concern for protection of government resources.	Insufficient evidence to support an indefinite suspension action.



1	CBP	Border Patrol Agent	GS	1896	12	\$114,648	Fitness for Duty	2164	Administrative Leave	Employee was ordered to submit for an additional Fitness for Duty Exam and was found not fit for duty.	Insufficient evidence to support an indefinite suspension action.
38	CBP	Border Patrol Agent	GS	1896	12	\$151,791	Misconduct	2382	Separated	Seriousness of alleged misconduct and concern for protection of government resources.	Insufficient evidence to support an indefinite suspension action.
39	CBP	Border Patrol Agent	GS	1896	12	\$332,836	Misconduct	6176	Separated	Seriousness of alleged misconduct and concern for protection of government resources.	Insufficient evidence to support an indefinite suspension action.
40	CBP	Border Patrol Agent	GS	1896	12	\$180,241	Misconduct	2672	Separated	Seriousness of alleged misconduct and concern for protection of government resources.	Insufficient evidence to support an indefinite suspension action.
41	CBP	Border Patrol Agent	GS	1896	12	\$152,592	Misconduct	3144	Returned to Duty	Seriousness of alleged misconduct and concern for protection of government resources.	Insufficient evidence to support an indefinite suspension action.
42	CBP	Border Patrol Agent	GS	1896	11	\$152,214	Misconduct	3212	Returned to Duty	Seriousness of alleged misconduct and concern for protection of government resources.	Insufficient evidence to support an indefinite suspension action. <b>NOTE:</b> Employee was awarded/paid premium pay for the period that they were performing administrative duties.
43	CBP	Border Patrol Agent	GS	1896	12	\$177,153	Misconduct	2824	Separated	Seriousness of alleged misconduct and concern for protection of government resources.	Insufficient evidence to support an indefinite suspension action.
44	CBP	Border Patrol Agent	GS	1896	12	\$112,727	Misconduct	2364	Returned to Duty	Seriousness of alleged misconduct and concern for protection of government resources.	Employee was removed (unpaid) from federal service on 2/12/13, and upon return to duty, paid 2364 hours of administrative leave as back pay pursuant to the arbitrator's award.
45	CBP	Border Patrol Agent	GS	1896	12	\$121,835	Misconduct	2120	Returned to Duty	Seriousness of alleged misconduct and concern for protection of government resources.	Insufficient evidence to support an indefinite suspension action. <b>NOTE:</b> Management approved payment for excused absence in resolution of administrative matters.
46	CBP	CBP Agricultural Specialist	GS	401	11	\$111,977	Misconduct	2368	Separated	Seriousness of alleged misconduct and concern for protection of government resources.	Insufficient evidence to support an indefinite suspension action.
47	CBP	CBP Officer	GS	1895	11	\$144,537	Misconduct	2680	Separated	Seriousness of alleged misconduct and concern for protection of government resources.	Insufficient evidence to support an indefinite suspension action.
48	CBP	CBP Officer	GS	1895	12	\$166,830	Misconduct	3119	Separated	Seriousness of alleged misconduct and concern for protection of government resources.	Insufficient evidence to support an indefinite suspension action.
49	CBP	CBP Officer	GS	1895	12	\$120,000	Misconduct	2322	Returned to Duty	Seriousness of alleged misconduct and concern for protection of government resources.	Insufficient evidence to support an indefinite suspension action.
50	CBP	CBP Officer	GS	1895	12	\$134,542	Misconduct	2434.75	Returned to Duty	Seriousness of alleged misconduct and concern for protection of government resources.	Insufficient evidence to support an indefinite suspension action.
51	CBP	CBP Officer	GS	1895	12	\$152,015	Misconduct	2861	Separated	Seriousness of alleged misconduct and concern for protection of government resources.	Insufficient evidence to support an indefinite suspension action.
52	CBP	CBP Officer	GS	1895	12	\$268,155	Misconduct	4792	Returned to Duty	Seriousness of alleged misconduct and concern for protection of government resources.	Insufficient evidence to support an indefinite suspension action.

1	CBP	Border Patrol Agent	GS	1896	12	\$114,648	Fitness for Duty	2164	Administrative Leave	Employee was ordered to submit for an additional Fitness for Duty Exam and was found not fit for duty.	Insufficient evidence to support an indefinite suspension action.
53	CBP	CBP Officer	GS	1895	11	\$90,918	Misconduct	2080	Returned to Duty	Seriousness of alleged misconduct and concern for protection of government resources.	Insufficient evidence to support an indefinite suspension action.
54	CBP	CBP Officer (Program Manager)	GS	1895	12	\$128,755	Misconduct	2437	Returned to Duty	Management reassigned employee to another position.	Criteria was eventually met to support an indefinite suspension.
55	CBP	Supervisory Border Patrol Agent	GS	1896	13	\$265,292	Misconduct	4004	Separated	Seriousness of alleged misconduct and concern for protection of government resources.	Insufficient evidence to support an indefinite suspension action.
56	CBP	Supervisory Security Program Specialist	GS	80	15	\$226,258	Misconduct	2484.5	Separated	Seriousness of alleged misconduct and concern for protection of government resources.	Insufficient evidence to support an indefinite suspension action.
57	CBP	Telecommunications Specialist	GS	391	12	\$231,055	Misconduct	4840	Separated	Seriousness of alleged misconduct and concern for protection of government resources.	Insufficient evidence to support an indefinite suspension action.
58	CBP	Border Patrol Agent	GS	1896	9	\$104,266	Misconduct	2640	Separated	Seriousness of alleged misconduct and concern for protection of government resources.	Insufficient evidence to support an indefinite suspension action.
59	ICE	Criminal Investigator	GS	1811	13	\$321,503	Misconduct	7632	Separated	Seriousness of alleged misconduct and concern for protection of government resources.	Insufficient evidence to support an indefinite suspension action.
60	ICE	Criminal Investigator	GS	1811	13	\$116,449	Misconduct	3288	Separated	Seriousness of alleged misconduct and concern for protection of government resources.	Insufficient evidence to support an indefinite suspension action.
61	ICE	General Attorney	GS	905	14	\$207,496	Misconduct	3816	Returned to Duty. <b>NOTE:</b> Removal mitigated to 90-day suspension by Merit Systems Protection Board	Seriousness of alleged misconduct and concern for protection of government resources.	Insufficient evidence to support an indefinite suspension action.
62	ICE	General Attorney	GS	905	14	\$241,273	Misconduct	5160	Separated	Seriousness of alleged misconduct and concern for protection of government resources.	Insufficient evidence to support an indefinite suspension action.
63	ICE	Immigration Enforcement Agent	GS	1801	11	\$127,463	Misconduct	4440	Returned to Duty. <b>NOTE:</b> Removal mitigated to 45-day suspension	Seriousness of alleged misconduct and concern for protection of government resources.	Insufficient evidence to support an indefinite suspension action.
64	ICE	Immigration Enforcement Agent	GS	1801	9	\$110,472	Misconduct	3768	Separated	Seriousness of alleged misconduct and concern for protection of government resources.	Insufficient evidence to support an indefinite suspension action.
65	ICE	Mission Support Specialist	GS	301	12	\$95,657	Misconduct	3144	Returned to Duty	Seriousness of alleged misconduct and concern for protection of government resources.	Insufficient evidence to support an indefinite suspension action.
66	ICE	Supervisory Criminal Investigator	GS	1811	15	\$289,202	Misconduct	5136	Separated	Seriousness of alleged misconduct and concern for protection of government resources.	Insufficient evidence to support an indefinite suspension action.
67	ICE	Supervisory Criminal Investigator	GS	1811	13	\$186,656	Misconduct	5016	Separated	Seriousness of alleged misconduct and concern for protection of government resources.	Insufficient evidence to support an indefinite suspension action.

1	CBP	Border Patrol Agent	GS	1896	12	\$114,648	Fitness for Duty	2164	Administrative Leave	Employee was ordered to submit for an additional Fitness for Duty Exam and was found not fit for duty.	Insufficient evidence to support an indefinite suspension action.
68	OIG	Assistant Inspector General for Investigations	ES	1811	0	\$215,210	Misconduct	2200	Separated	Seriousness of alleged misconduct and concern for protection of government resources.	Insufficient evidence to support an indefinite suspension action.
69	OIG	Lead Criminal Investigator	GS	1811	14	\$175,552	Misconduct	2480	Return to Duty	Seriousness of alleged misconduct and concern for protection of government resources.	Insufficient evidence to support an indefinite suspension action.
70	OIG	Supervisory Criminal Investigator	GS	1811	15	\$183,859	Misconduct	2776	Separated	Seriousness of alleged misconduct and concern for protection of government resources.	Insufficient evidence to support an indefinite suspension action.
71	OIG	Supervisory Criminal Investigator	GS	1811	14	\$154,054	Misconduct	2096	Separated	Seriousness of alleged misconduct and concern for protection of government resources.	Insufficient evidence to support an indefinite suspension action.
72	TSA	Supervisory Transportation Security Specialist	SV	1801	11	\$262,986	Misconduct	3232	Separated	Seriousness of alleged misconduct and concern for protection of government resources.	Criteria was eventually met to support an indefinite suspension. <b>NOTE:</b> Merit Systems Protection Board overturned indefinite suspension action.
73	USCG	Plumber	WG	4206	9	\$75,181	Misconduct	3456	Separated	Seriousness of alleged misconduct and concern for protection of government resources.	Insufficient evidence to support an indefinite suspension action.
74	USCG	Electrician	WG	2508	11	\$96,614	Misconduct	3312	Returned to Duty	Seriousness of alleged misconduct and concern for protection of government resources.	Insufficient evidence to support an indefinite suspension action.
75	USCG	Supply Technician	GS	2005	7	\$83,883	Misconduct	2720	Returned to Duty <b>NOTE:</b> Last Chance Agreement - Removal held in abeyance for 5 years - 14 day suspension - 7/2/2012	Seriousness of alleged misconduct and concern for protection of government resources.	Insufficient evidence to support an indefinite suspension action.
76	USCG	Supervisory Merchant Marine Evaluation Specialist	GS	1801	15	\$112,537	Misconduct	2144	Separated	Seriousness of alleged misconduct and concern for protection of government resources.	Insufficient evidence to support an indefinite suspension action.
77	HQ - OS	Security Specialist	GS	80	14	\$198,012	Security	2216	Separated	Component's positions require a security clearance.	Insufficient evidence to support an indefinite suspension action.
78	NPPD	Chief Information Officer	ES	2210	0	\$301,928	Security	3432	Returned to duty	Seriousness of alleged misconduct and concern for protection of government resources.	Insufficient evidence to support an indefinite suspension action.
79	NPPD	IT Security Specialist - Information Security	GS	2210	14	\$233,534	Security	2960	Separated	Seriousness of alleged misconduct and concern for protection of government resources.	Insufficient evidence to support an indefinite suspension action.
80	TSA	Federal Air Marshal	SV	1801	12	\$78,529	Security	3740.75	Returned to Duty	Component's positions require a security clearance.	Insufficient evidence to support an indefinite suspension action.
81	TSA	Federal Air Marshal	SV	1801	13		Security	3029.25	Separated	Component's positions require a security clearance.	Insufficient evidence to support an indefinite suspension action.
82	USCG	Security Specialist	GS	80	12	\$162,069	Security	2944	Separated	Component's positions require a security clearance.	Insufficient evidence to support an indefinite suspension action.

1	CBP	Border Patrol Agent	GS	1896	12	\$114,648	Fitness for Duty	2164	Administrative Leave	Employee was ordered to submit for an additional Fitness for Duty Exam and was found not fit for duty.	Insufficient evidence to support an indefinite suspension action.
83	USSS	Criminal Investigator	GS	1811	13	\$145,790	Security	2320	Separated	Component's positions require a security clearance.	Insufficient evidence to support an indefinite suspension action.
84	USSS	Criminal Investigator	GS	1811	13	\$193,333	Security	3216	Returned to Duty	Component's positions require a security clearance.	Insufficient evidence to support an indefinite suspension action.
85	USSS	Criminal Investigator	GS	1811	13	\$162,241	Security	2790	Return to Duty	Component's positions require a security clearance.	Insufficient evidence to support an indefinite suspension action.
86	USSS	Supervisory Criminal Investigator	GS	1811	14	\$170,249	Security	2336	Separated	Component's positions require a security clearance.	Insufficient evidence to support an indefinite suspension action.
87	USSS	Supervisory Criminal Investigator	GS	1811	14	\$154,780	Security	2176	Separated	Component's positions require a security clearance.	Insufficient evidence to support an indefinite suspension action.

\*Please see Glossary for explanation of terms - Enclosure 3

## **Enclosure 3 - Glossary for Response to Question 5 from Representative Issa and Senator Grassley's October 21, 2014 Letter**

### **Reasons for Being Placed on Administrative Leave**

#### Fitness for Duty

A fitness-for-duty examination is a medical examination that may be required by an employing agency to determine an employee's ability to perform assigned duties. The exams are sometimes ordered in connection with workers' compensation, but they may also be ordered if there is a legitimate question about an employee's present ability to safely perform the essential functions of a position. An agency may require a medical examination (and/or inquiry) of an employee that is job-related and consistent with business necessity.

#### Misconduct

Misconduct are acts that directly affect the employee's and/or other employees' performance of duties and responsibilities. These actions may include an employee's physical or mental inability to perform the duties of his/her position, failure to follow instructions, leave abuse, fighting on the job, or dishonesty in providing official information.

#### Security

Security cases involve suspension or revocation determinations of an employee's security clearance. Employees may be disqualified for reflecting a recent or recurring pattern of questionable judgment, irresponsibility, or emotionally unstable behavior when new information gives rise to security concerns about an individual who is currently eligible for access to classified information.

### **Current Status**

#### Indefinite Suspension

Indefinite suspension means the placing of an employee in a temporary status without duties and pay pending investigation, inquiry, or further agency action. The indefinite suspension continues for an indeterminate period of time and ends with the occurrence of the pending conditions set forth in the notice of action, which may include the completion of any subsequent administrative action.

#### Separated

Separations are actions that end employment with an agency. Actions covered include resignations, terminations, removals, separations due to reduction in force, separations to enter the uniformed services, retirement, and death-in-service.

#### Return to Duty

Return to duty means employee was returned to pay and duty status.



# Human Resources Guide for Managers and Supervisors

Preparedness Ready Reference

September 2013



Homeland  
Security

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### **Disclaimer**

*This document provides general guidance only for employees covered by Title 5, United States Code, and does not, and is not intended to create or violate any legal rights.*

*This guidance is intended to be read in a manner that is consistent with applicable law. Supervisors are encouraged to seek additional guidance from their servicing human resources or counsel's office, as necessary. This information is subject to change. For updates to and more detailed information on Human Resources Flexibilities for Supervisors and Managers, please visit [http://www.dhs.gov/files/programs/gc\\_1241202408781.shtm](http://www.dhs.gov/files/programs/gc_1241202408781.shtm).*





**PROPOSED SCRIPT – FOR SUPERVISORS WHO WOULD LIKE TO  
SEND HOME ON LEAVE AN EMPLOYEE WHO APPEARS ILL**

**Manager to employee**

*Mgr: You seem sick today. You should take leave in order to take care of yourself.*

*EE: I'm really fine. I'd rather keep working.*

*Mgr: You're coughing. I appreciate your work ethic, but it is important that you take care of yourself and not risk getting other employees sick. I encourage you to use your sick leave and go home or seek medical attention.*

*EE: I don't want to go home. I never take sick leave.*

*Mgr: Do you have sick leave? If not, I will advance you some sick leave. Please use your sick leave, that's what it's for and it's the responsible thing to do to take care of yourself and not expose your co-workers (and others) to the illness. As a Department, we're looking to employees to do the right thing and use their sick leave when they are sick.*

Other options that can be suggested, as appropriate:

- Employee can telework, if position is telework eligible and if employee has a telework agreement.
- Employee can use annual leave and/or request an advance of sick leave or leave without pay if she or he has no leave available. Supervisors are authorized to approve such advanced leave requests. Employees can take accrued compensatory time or travel compensatory time off. Employees can request donated leave under the agency's voluntary leave transfer program.

Do not ask employees to disclose any medical condition; the focus should be on symptoms only. Do not threaten to discipline an employee for not taking sick leave or for not disclosing their medical status to you.

If the employee still refuses to go home, consult your servicing HR office for next steps.

## **Worksite Closure/Administrative Leave**

Employees may be placed on administrative leave if a DHS facility is closed due to a contingency or pandemic event. However, DHS does not anticipate the need for widespread use of excused absences, which would be regarded as a last result. Excused absence may be appropriate if:

- The employee is prevented from working due to agency closure; or,
- The employee cannot work from home or an alternate worksite because of work-related reasons.

## **Employee Medical Assessment**

If a medical official is absent from DHS facilities, in order to assess an employee's illness, the supervisor:

- Can only require an employee to take leave based on objective evidence (NOT suspicion);
- Objective evidence could consist of statements from a medical professional;
- If a supervisor has sufficient evidence to enforce leave (in most cases employees will be put on administrative leave), enforced leave lasting longer than 14 days may be appealed to the Merit Systems Protection Board or grieved under a negotiated or administrative grievance procedure;
- DO NOT place an employee on enforced leave without calling your servicing HR office. Your HR staff will have updated facts from OPM and the Centers for Disease Control and Prevention (CDC), as well as the ability to consult with DHS legal counsel.



Department of Homeland Security  
DHS Directives System  
Directive Number: 254-01  
Revision Number: 00  
Issue Date: 03/19/2008

## VOLUNTEER COMMUNITY SERVICE

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### I. Purpose

This Directive establishes the Department of Homeland Security (DHS) policy regarding the Volunteer Community Service program. This policy implements [Executive Order \(E.O.\) 13401](#), Responsibilities of Federal Departments and Agencies with Respect to Volunteer Community Service, April 27, 2006.

### II. Scope

This Directive applies to all DHS civilian employees.

### III. Authorities

- A. E.O. 13401, "Responsibilities of Federal Departments and Agencies With Respect to Volunteer Community Service," April 27, 2006
- B. U.S. Office of Personnel Management (OPM) Memorandum – "Participation of Federal Employees in Volunteer Activities," April 6, 2004, with attached "Guidance on Scheduling Work and Granting Time Off to Permit Federal Employees to Participate in Volunteer Activities"

### IV. Definitions

- A. **DHS Liaison for Volunteer Community Service ("DHS Liaison")**: the DHS officer or employee designated by the Secretary of DHS pursuant to E.O. 13401 to serve as the agency liaison for volunteer community service.
- B. **President's Volunteer Service Award**: The President's Council on Service and Civic Participation created the President's Volunteer Service Award program as a way to thank and honor Americans who, by their demonstrated commitment and example, inspire others to engage in volunteer service.

C. **Volunteer Community Service**: Non-obligatory service to a public entity or a private, nonprofit organization that is representative of a community or a significant segment of a community and that is engaged in meeting human, educational, or environmental community needs, including churches and other religious entities and community action agencies.

## V. Responsibilities

A. **DHS Liaison for Volunteer Community Service** performs the functions enumerated in E.O. 13401.

B. **DHS Chief Human Capital Officer (CHCO)**:

1. Promulgates the DHS policy on the Volunteer Community Service program.
2. Assists the DHS Liaison with the administration of, and advises on issues relating to, the DHS Volunteer Community Program.
3. Provides DHS officials and supervisors with technical assistance and consultative services for complex volunteer community service issues.

C. **DHS Component heads**:

1. Develop specific guidelines on community volunteer service necessary to implement this policy within their Component.
2. Designate a Volunteer Community Service Coordinator to work with the DHS Liaison and oversee implementation of the Volunteer Community Service Program within the Component.
3. Prepare, maintain, and report data concerning the Program which is needed by the DHS Liaison or otherwise required by DHS.

## VI. Policies and Requirements

It is DHS policy to support and encourage DHS employees to participate in volunteer community service to the maximum extent feasible, in accordance with the following guidelines.

A. Supervisors are encouraged to use the existing human capital flexibilities in scheduling hours of work and scheduling time off for employees to engage in volunteer community service, while giving due consideration to the effect of the employee's absence or change in duty schedule on work operations and productivity. Supervisors must consider any applicable collective bargaining agreements when determining the appropriate employee scheduling to allow for participation in the Volunteer Community Service Program. Consistent with applicable bargaining agreements, regulations and directives, supervisors may consider:

1. **Alternative Work Schedules:** Flexible and compressed work schedules may be established for employees who wish to engage in volunteer activities during normal working hours. Employees may use credit hours to participate in volunteer activities under a flexible work schedule program, where authorized.
2. **Annual Leave/Compensatory Time Off:** Supervisors should be as accommodating as possible when reviewing and approving requests for annual leave or compensatory time off.
3. **Leave Without Pay:** At the discretion of the supervisor, leave without pay (LWOP) may be granted to employees who wish to engage in volunteer activities during normal work hours.
4. **Excused Absence (Administrative Leave):** Component heads or designees may approve up to 40 hours of administrative leave each leave year for employees to perform voluntary community service when the absence is directly related to the mission of the Department of Homeland Security in either of the following mission areas:
  - a. **Prevention and Protection:** Engage in volunteer activities that will involve detecting, deterring, and mitigating threats to our homeland, including training in prevention and protection. This includes volunteer activities to help safeguard our people and their freedoms, critical infrastructure, and property from acts of terrorism, natural disasters, or other emergencies.
  - b. **Preparedness and Response:** Engage in volunteer activities that involve planning, coordinating, or participating in responses to acts of terrorism, natural disasters, or other emergencies, including training in preparedness and response. This includes participating in national, state, local, and private sector efforts to restore services and rebuild communities after acts of terrorism, natural disasters, or other emergencies.

B. While supervisors may encourage employees to become more involved in volunteer activities, 5 U.S.C. 6132 provides that employees may not be coerced for the purpose of interfering with their legal rights under flexible and compressed work schedules. In addition, supervisors should ensure that decisions do not violate Prohibited Personnel Practices (5 U.S.C. 2302).

C. Supervisors and employees must ensure that employee volunteer activities do not violate conflict of interest laws, ethics regulations, or Hatch Act restrictions.

D. Employees may not use Government facilities or equipment for other than authorized purposes (5 CFR 2635.704). Employees should consult the Office of the General Counsel servicing their Component for information about what is authorized.

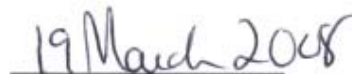
E. Employees who perform mission-related DHS-sponsored or skill-enhancing volunteer activities while they are on excused absence may be covered by 5 U.S.C. Chapter 81, Compensation for Work Injuries. Other kinds of absences would likely not be covered by these provisions.

F. The President's Volunteer Service Award may be used to recognize employees who participate in volunteer activities.

## VII. Questions

Refer questions or concerns regarding this Directive to the Office of the Chief Human Capital Officer (OCHCO).

  
\_\_\_\_\_  
Elaine C. Duke  
Deputy Under Secretary for Management

  
\_\_\_\_\_  
Date



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

DEC 12 2014

The Honorable Charles Grassley  
Ranking Member, Committee on the Judiciary  
United States Senate  
Washington, DC 20510

Dear Senator Grassley:

Thank you for your letter dated October 21, 2014, to Secretary Jewell requesting information about the use of administrative leave at the Department of the Interior (Department). Your letter has been referred to me for response.

The Department has approximately 70,000 employees in 2,400 locations across the United States, Puerto Rico, U.S. Territories, and Freely Associated States. The Department's employees are critical to protecting and managing the nation's natural resources and cultural heritage; providing scientific and other information about those resources; and providing services to American Indians, Alaskan Natives, and affiliated island communities. The Department cannot accomplish its mission without its employees and thus takes very seriously any prolonged employee absence from regular duty.

Your letter requested information regarding the Department's administrative leave policies. The Department uses the term administrative leave to refer to an authorized absence from duty with pay and without charge to leave. The Department's Absence and Leave Handbook and Departmental Manual both outline the controls the Department has placed on the use of administrative leave. The decision to place an employee on administrative leave is done in consultation with the servicing human resources office and the Office of the Solicitor. Only bureau/office heads, their deputies, or the Director of the Office of Human Resources (HR Director) may authorize the placement of an employee on administrative leave for an extended period of time, defined as beyond 45 days. Bureau heads are required to coordinate decisions regarding the placement or continuation of an employee in an administrative leave status for more than 45 days with the HR Director. The HR Director reviews such decisions for the Department and may rescind them if considered inappropriate.

Within the Department's timekeeping system, there are several categories of administrative leave. Examples include: weather or natural-disaster related dismissals, employment related matters, court duty, blood donation, attending a conference or convention, voting or registering to vote, Office of Personnel Management (OPM) examinations, returning from active military duty, required physical examinations, receiving counseling through an employee assistance program, civil defense, participation in military funerals, or other purposes. Accordingly, while



an employee may be absent from his or her normal duty station, the absence would be considered permissible and recorded within the time-keeping system as administrative leave.

One such example is the use of administrative leave within the Bureau of Indian Education (BIE), where administrative leave has been used by teachers and educational support staff in BIE to account for being paid during school breaks. These education and support employees are able to elect to receive salary distribution throughout their contract term in order to receive income during school breaks. For example, a teacher, who is entitled to earn a certain amount in a given year, would not normally collect a paycheck during school breaks. Instead of being paid a higher amount while working and not having income during school breaks, the teacher can elect to be paid a prorated, consistent amount over the course of their contract. To accommodate the BIE employee educator election, the time is coded as administrative leave during each of those school breaks.

Your letter referred to the recent Government Accountability Office (GAO) report titled "Federal Paid Administrative Leave: Additional Guidance Needed to Improve OPM Data," which presented data on the use of administrative leave at several agencies. Aggregate data for each agency was presented for a 3-year time period, from FY 2011 through FY2013. With respect to the Department, GAO's methodology of aggregating administrative leave over 3 years inflated the number of BIE educators captured as having recorded more than a month of administrative leave. According to Department data, BIE teachers and contract support staff using this special salary distribution accounted for 69.3% of the employees with greater than one month of administrative leave, in aggregate, between FY 2011 and FY 2013. Annualized, and excluding BIE educators, 131 employees, or approximately 0.19% of the Department's workforce, recorded more than one month of administrative leave in FY 2014 at a cost of \$3,236,953.

In its report, GAO specifically acknowledged the Department's practice related to BIE educators who are "not paid for specified vacation days but who are paid during this time as part of a prorated payment schedule." GAO noted that, for timekeeping purposes, those employees "record this time as paid administrative leave in the time and attendance system." GAO did not find the Department's practice contrary to any existing OPM guidance. In order to more effectively track the BIE prorated payment system, the Department has recently implemented a special timekeeping code that would differentiate teachers and educational support staff from other employees on administrative leave for different reasons.

There are currently 27 employees who have been on administrative leave lasting between one and twelve months at a cost of \$913,374. In addition, there are currently three employees who have been on administrative leave for more than one year at a cost of \$289,109. All three employees are subject to pending removal actions. These 30 employees equate to .04% of the Department's workforce.

You also requested additional information about the following four Department employees referenced in the GAO report:

- A Canine Officer in the National Park Service was placed on administrative leave for 3,503 hours due to issues arising during a security clearance re-investigation. An employee may be placed on administrative leave pending the outcome of the security

clearance adjudication process based upon considerations of National Security interests, such as the employee's access to sensitive or classified information, and whether the employee's particular position, skills, and duty location permit reassignment to another task. The cost to the agency was \$135,306. This individual is still an employee of the Department and is no longer on administrative leave.

- A Supervisory Social Worker in Indian Affairs was placed on administrative leave for 2,335 hours while being investigated for misconduct. The cost to the agency was \$122,730. The employee retired on December 29, 2012.
- A Supervisory Forestry Technician in Indian Affairs was placed on administrative leave for 2,257 hours while being investigated for misconduct. The cost to the agency was \$69,048. The employee resigned on March 6, 2014.
- A Supervisory IT Specialist in Indian Affairs was placed on administrative leave for 2,393.5 hours while being investigated for misconduct. The cost to the agency was \$159,368. The employee was removed on November 18, 2012.

The Department recognizes that the cost to the American taxpayer associated with placing employees on administrative leave is not insignificant. The decision to place an employee on administrative leave for an extended period of time is taken very seriously. Although there is a financial cost, placing an employee on administrative leave allows the agency to preserve the integrity of its disciplinary processes and investigations. It allows sufficient time to build the case for investigation, removal, or other disciplinary action.

When circumstances of employee misconduct arise, management may consider several options depending on the severity of the misconduct. In most instances, employees remain on duty during the pendency of the disciplinary process. In very limited circumstances, an employee may be placed on indefinite suspension, a temporary status without duties and pay pending investigation, inquiry, or further agency action. An agency cannot indefinitely suspend an employee merely because of a pending investigation into allegations of misconduct. Indefinite suspension is considered an adverse action and requires at least 30 days advanced written notice unless there is reasonable cause to believe the employee has committed a crime for which a sentence of imprisonment could be imposed, in which case it may be reduced to seven days.<sup>1</sup> An agency may also place an employee on indefinite suspension when the agency has legitimate concerns that an employee's medical condition makes continued presence in the workplace dangerous or inappropriate or when an employee's access to classified information has been suspended and that access is necessary for job performance.

The Department will continue to strive to reduce the length of time any employee spends on administrative leave. We appreciate your interest in this matter. If you or your staff has additional questions, please feel free to contact Jason Powell at (202) 208-4946 or [jason\\_powell@ios.doi.gov](mailto:jason_powell@ios.doi.gov).

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<sup>1</sup> 5 U.S.C. §§ 7511-14; see also 5 C.F.R. § 752.401-404

A similar letter is being sent to Representative Darrell Issa, Chairman of the House Oversight and Government Reform Committee, who cosigned your letter.

Sincerely,

A handwritten signature in dark ink, appearing to read 'M-F Pletcher', written in a cursive style.

Mary F. Pletcher  
Deputy Assistant Secretary  
Human Capital and Diversity

Enclosures

Cc: The Honorable Patrick J. Leahy, Chairman, Senate Committee on the Judiciary  
The Honorable Elijah Cummings, Ranking Member, House Oversight and Government Reform Committee

**U.S. Department of Justice**

## Office of Legislative Affairs

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Office of the Assistant Attorney General

Washington, D.C. 20530

April 15, 2015

The Honorable Charles E. Grassley  
Chairman  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

This responds to your letter to the Attorney General, dated November 20, 2014, which requested information about the Department of Justice's (the Department) policies and practices regarding administrative leave in light of a recent Government Accountability Office (GAO) report. We apologize for the delay in responding to your letter. To address your questions, the Department's Justice Management Division (JMD) has provided the following information.

The National Finance Center's systems, including the time and attendance system, group multiple types of excused absences under the same transaction code, including administrative leave, federal holidays, court leave, organ donor leave, and office closures. In responding to your inquiry, we have focused on data relating to administrative leave exceeding 10 work days that must be approved by the Assistant Attorney General for Administration (AAG/A) for JMD or the Deputy Assistant Attorney General for Human Resources and Administration (DAAG/HRA) under delegation of authority from the AAG/A. Generally, this pertains to component requests to place employees on administrative leave due to allegations of misconduct or performance issues that are likely to lead to formal adverse actions against the employee.

Administrative leave for reasons that may result in adverse actions against employees is authorized in 5 C.F.R. § 752.404(b)(3)(iv). Enclosed for your reference is a copy of Department guidance issued in January 2010, which requires JMD approval when such leave exceeds 10 work days. Each request must set forth briefly the reasons why a component must use administrative leave to keep an employee out of the workplace, including whether or not other actions may be appropriate (e.g., reassignment within the component, leave without pay, etc.). From January 1, 2011 through March 25, 2015, the AAG/A has approved one request for administrative leave beyond 10 work days, and the DAAG/HRA has approved a total of 441 requests. In a number of cases, employees have retired or resigned, or the agency has suspended or removed them prior to the conclusion of the full period of administrative leave approved by the DAAG/HRA.



The Department explores alternatives to administrative leave, such as reassignment within the Department, if there are no concerns about the continued presence of the employee in the workplace. If the underlying issues involve potentially criminal conduct and could present a risk to the safety of staff and/or the public, administrative leave during the investigative and personnel process may be necessary to keep the subject employees from the workplace while affording them due process under 5 U.S.C. Chapter 75 as the Department prepares to take administrative action. Through the centralized process for managing requests for administrative leave beyond 10 work days, the Department seeks to ensure that placement of employees on administrative leave is a reasonable and responsible use of its resources. The Department's justification, review and approval process, supported by a restricted delegation of approval authority, provides safeguards against abuse of paid administrative leave.

In FY 2014, a total of 73 employees were placed on administrative leave for matters related to allegations or findings of misconduct, as authorized at 5 C.F.R. § 752.404(b)(iv), at a cost of \$1,682,051.84<sup>1</sup>. Of these 73 employees, 55 are no longer working at the Department<sup>2</sup>. In addition, four are currently on administrative leave pending adverse actions and 14 have returned to regular duty status as Department employees. Also, five employees, in addition to the 73, were on administrative leave for Special Rest and Recuperation related to extended deployments in Afghanistan, to which they were entitled pursuant to the Foreign Service Act of 1980. The total cost of the Special Rest and Recuperation administrative leave was \$99,993.04.

As of March 25, 2015, the Department had a total of 22 employees on paid administrative leave for the periods described below:

- a. 1-3 months: 16 employees
- b. 3-6 months: 6 employees
- c. 6-9 months: 0 employees
- d. 9-12 months: 0 employees
- e. More than 12 months: None

The GAO report GAO-15-79, *Use of Administrative Leave*, referenced in your letter, reviewed Federal agencies' use of administrative leave, and identified 23 instances over the course of three fiscal years (2011-2013) where the Department placed employees on administrative leave for periods of six months or more. To be clear, these 23 cases are different than the 22 from March 25, 2015, which are referenced immediately above. The GAO report was prepared using data obtained directly from the U.S. Office of Personnel Management (OPM). The Department has worked with OPM to identify the 23 employees, and we then investigated the circumstances underlying each employee's placement on administrative leave. Ten of those involved employees of the Federal Bureau of Investigation who were on official travel but whose duty status was erroneously coded in the Department's time and attendance system. For these 10 cases, FBI

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1 Of these, JMD has approval records for 72. The remaining case concerned a BOP employee who was subsequently removed from Federal service for illegal drug use.

2 Of these 55, 17 were removed from federal service, 23 resigned from federal service, 4 retired, 2 left DOJ for employment in another agency, and 9 have been indefinitely suspended.

The Honorable Charles E. Grassley  
Page Three

has processed corrected time and attendance records. As corrected, they would not have been cited in GAO's report. Information regarding the remaining 13 cases in which the Department placed employees on administrative leave is enclosed along with approval documentation for 11 of those 13 cases. There was no JMD approval of administrative leave for the remaining two cases, as noted on the enclosed chart.

We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,



Peter J. Kadzik  
Assistant Attorney General

Enclosures

cc: The Honorable Patrick J. Leahy  
Ranking Member

The Honorable Michael E. Horowitz, Inspector General  
U.S. Department of Justice



## U.S. Department of Justice

JAN - 7 2010

Washington, D.C. 20530

## MEMORANDUM FOR EXECUTIVE OFFICERS

FROM:

Mari Barr Santangelo  
Deputy Assistant Attorney General  
for Human Resources and Administration

A handwritten signature in black ink, appearing to read "Mari Barr Santangelo", written over the typed name and title.

SUBJECT:

Department Procedures for Authorizing Administrative Leave

The purpose of this memorandum is to ensure that all components are aware and in compliance with the established procedures for authorizing administrative leave beyond 10 days.

The issue of authority for granting administrative leave beyond components' 10-day authority was first brought to the components' attention in a 2002 memorandum from Acting Assistant Attorney General for Administration (AAG/A) Robert F. Diegelman (attached). In a subsequent memorandum in November (attached) of that same year, my predecessor, Deputy Assistant Attorney General for Human Resources and Administration Joanne Simms, provided guidance to Department components for submitting requests to grant employees administrative leave in excess of 10 days, or for less than 10 days if the reasons for the requests were otherwise outside the parameters established in DOJ Order 1630.1B for leave administration. The guidelines established by the 2002 memorandum are still applicable, and since their implementation, the Department's ability to oversee and manage the authorization of administrative leave has improved significantly.

I have recently become aware, however, of some occasions in the last few months when Department components may have inadvertently not complied with the procedures established in these memoranda. While some of these situations may have been the result of oversights or administrative errors, they are still troubling in that maintaining Department employees in a paid, non-duty status without proper authorization promotes neither the interests of the Department nor of the Federal government. It is essential that Department components comply with the established procedures, and I ask that the appropriate executive in each component discuss and clarify these procedures with their staffs to ensure compliance (see attached guidance).

I trust that this updated reminder will ensure full compliance with the Department's policies in this area. I appreciate your attention to this important matter.

Attachments

## **ADMINISTRATIVE LEAVE GUIDELINES: BEYOND 10 DAYS**

Heads of Department components retain the authority to approve administrative leave for up to 10 work days in disciplinary settings when an investigation or management inquiry of alleged misconduct is pending, during the notice period preceding formal discipline, or under the circumstances discussed in 5 C.F.R. § 752.404(b)(3)(iii). Where Department components seek to maintain employees on administrative leave for more than 10 work days, or for any length of time for reasons outside the parameters of DOJ Order 1630.1B on leave administration, they:

- Must submit such requests for Departmental review and approval to the Deputy Assistant Attorney General for Human Resources and Administration, as the AAG/A's designee.
- Must ensure that requests contain the employee's name, position and an explanation regarding the basis for placing the employee on administrative leave. If the employee is already on administrative leave, please provide the date administrative leave began, and a compelling reason for requesting an extension if needed. Extensions are to be kept to a minimum.
- Must ensure that if the situation involves possible criminal conduct, the request states whether the component has evidence of an indictment, arrest record, police reports, statements of witnesses, and so forth.
- Must ensure that when the situation involves a medical issue relating to the employee's ability to perform his/her duties, the request provides the date the component will receive necessary information which will enable you to resolve the issue.
- Should state whether there has been a suspended security clearance, restriction on carrying a firearm, or any other loss of qualification. When an investigation has been initiated, please identify which investigative office is involved (e.g., Office of the Inspector General, Office of Internal Affairs, or the Federal Bureau of Investigation), whether the matter has been referred to a U.S. Attorney's Office, and the impact of their involvement. In those situations in which a notice of proposed action has been issued, components should provide the date of the proposal, the date or anticipated date of the employee's response, and any factors that may delay the issuance of the decision letter.

***Components should submit such requests two weeks in advance:***

Mari Barr Santangelo, DAAG/HRA  
950 Pennsylvania Avenue, NW, Room 1112, Washington, DC 20530; or  
FAX to (202) 305-4746

***Any questions regarding these procedures, or requests for assistance in determining their scope or applicability, may be addressed to:***

Eric Daniels, Assistant Director for Labor and Employment Law, JMD/HR,  
(202) 616-3749, or (202) 307-0587 (FAX).

January 2010



**Human Resources****U.S. Department of Justice**

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*Washington, D.C. 20530***September 27, 2002****MEMORANDUM FOR HEADS OF DEPARTMENT COMPONENTS AND EXECUTIVE OFFICERS**

**FROM: Robert F. Diegelman**  
**Acting Assistant Attorney General**  
**for Administration**

**SUBJECT: Proper Use of Administrative Leave**

The purpose of this memorandum is to ensure compliance with Department policy regarding the use of administrative leave, and to establish new procedures regarding the use of such leave. While excused absence, commonly referred to as administrative leave, may be appropriate under various circumstances, components too frequently are placing employees on administrative leave rather than utilizing other more appropriate options. Current Department of Justice policy contained in the Department of Justice Human Resources Order 1200.1, Part 3, Chapter 1, Discipline and Adverse Actions, Section 6 (f) (hereinafter HR Order), and Leave Administration Order 1630.1B (Available on the DOJ Intranet), provide several options for managers, depending upon the circumstances of each case.

For example, managers are often faced with the difficult decision of what action to take with regard to an employee who is the subject of allegations of misconduct, particularly when a formal investigation or management inquiry is initiated, or during the notice period preceding a decision on formal discipline. The HR Order provides that an employee's status during the investigation or notice period will depend upon the nature of the misconduct and the employees' position. Managers must decide whether the continued presence of the employee in the workplace is likely to create a danger to personnel or office operations or otherwise be disruptive, detrimental to morale or good order, or an embarrassment to the employer. Where such a risk does not exist, the employee should remain in the workplace. Where the risk does exist but can reasonably be avoided by temporarily reassigning the employee to an available position, managers should make the effort to do so. Where the risk is present and cannot be avoided by reassignment, or where an appropriate position is not available, an indefinite suspension or enforced leave should be used, where possible, until the resolution of the matter. Where appropriate and allowed by statute or other regulation, components should consider the use of a shortened notice period. As a last resort, the HR Order currently allows managers to consider placing an employee on administrative leave during the pendency of disciplinary actions, for no more than 10 work days, when component managers determine that such placement is required for the orderly operation of the component.

In the non-disciplinary setting, the Leave Administration Order provides instruction on who may grant administrative leave, and the conditions under which excused absence or administrative

leave may be granted. See, DOJ Order 1630.1B, Chapter 1 par. 5, and Chapter 14. The Order also states when it is appropriate to grant court leave, funeral leave, and time off for religious holidays. Id. at Chapters 9, 12-13. Unfortunately, I have been informed of numerous occasions in which components have not complied with the provisions (or spirit) of the Orders discussed herein.

**Effective immediately, therefore, no component may place an employee on administrative leave for more than 10 work days, whatever the reason, without the prior approval of the Assistant Attorney General for Administration (AAG/A) or his designee.** Heads of Components will retain the authority to approve administrative leave for up to 10 work days, but only when an investigation or management inquiry of alleged misconduct is pending or during the notice period preceding formal discipline. In all other instances, components must adhere to the provisions of the Leave Administration Order 1630.1B. If you are considering the use of administrative leave for less than 10 days in a situation which is not covered by the provisions of the Leave Administration Order, you must obtain the approval of the AAG/A or his designee before granting the leave.

Finally, you are required to report to the Acting AAG/A, no later than 30 calendar days from the date of this memorandum, all cases in which an employee is currently on administrative leave for more than 10 work days. Your report must provide a brief description of the circumstances surrounding each case. Upon review of your report, the Acting AAG/A will determine whether extended administrative leave is warranted in each case reported, and will notify you of his decision. If the Acting AAG/A determines that continued administrative leave is not warranted, you will be required to terminate the administrative leave immediately and place the employee in a more appropriate status.

For general information regarding the administration of leave, you may visit the JMD Personnel Staff website at <http://www.usdoj.gov/jmd/ps/research1.htm> or view the DOJ Orders mentioned above are available on the DOJ Intranet. If you would like advice and guidance on specific cases, you may contact Debra M. Tomchek, Director of Human Resources, JMD, on (202) 514-6788.

It is my expectation that adherence to the Department of Justice Orders, and compliance with the additional requirements above, will result in more appropriate use of administrative leave. I thank you in advance for your prompt attention to this matter.

Return to the TOP

**Human Resources****U.S. Department of Justice  
Justice Management Division**

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*Washington, D.C. 20530***November 26, 2002****MEMORANDUM FOR BUREAU PERSONNEL OFFICERS**

**FROM:** Joanne W. Simms  
Deputy Assistant Attorney General for Human Resources and  
Administration

**SUBJECT:** Submitting Requests to Grant Administrative Leave

In accordance with the Acting Assistant Attorney General for Administration's memorandum, "Proper Use of Administrative Leave," dated September 27, 2002, this provides instructions for submitting requests to grant employees administrative leave in excess of ten days or otherwise outside the parameters established in DOJ Order 1630.1B, for non-disciplinary settings.

Your request should explain the basis for placing the employee on administrative leave. If the employee is already on administrative leave, please provide the date administrative leave began. If the situation involves possible criminal conduct, you should state whether you have evidence of an indictment, arrest record, police reports, statements of witnesses, etc. When the situation involves a medical issue, provide the date for the fitness for duty (FFD) examination and the expected date you will receive the results. Please state whether there has been a suspended security clearance, restriction on carrying a firearm, or any other loss of qualification. When an investigation has been initiated, please identify which investigative office is involved (i.e., Office of Professional Responsibility, Office of the Inspector General, Office of Internal Affairs, or the Federal Bureau of Investigation), whether the matter has been referred to a U.S. Attorney's Office, and the impact on their involvement. In those situations in which a notice of proposed action has been issued, provide the date of the proposal, the date or anticipated date of the employee's response, and any factors that may delay the issuance of the decision letter. The information should also contain an identifier for the employee, preferably a name, so that a tracking system can be maintained on requests received.

Please submit such requests to me at 950 Pennsylvania Ave., NW, Room 1112, Washington, DC 20530, with a cc: to the JMD Personnel Staff, DOJ Operations Group. To expedite a response, you may fax a copy of your written request to Edith Byrne, Assistant Director, DOJ Operations Group, at (202) 616-9722. If your request involves circumstances which require an immediate response, please contact me directly by telephone at (202) 514-5501.

Return to the TOP

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	<b>Organization</b>	<b>Grade</b>	<b>Position</b>	<b>Number of Hours of Administrative Leave Taken</b>	<b>Total Compensation while on Administrative Leave</b>	<b>Current Status as of March 25, 2015</b>
1	U.S. Marshals Service	GS-12	Criminal Investigator	1440	\$101,072	Regular Duty Status
2	Federal Bureau of Prisons	GL-09	Recreation Specialist	1152	\$56,143	Regular Duty Status
3	Federal Bureau of Prisons	GL-07	Correctional Officer 1	1158.5	\$54,318	Regular Duty Status
4	Federal Bureau of Prisons	GL-07	Correctional Officer	694	\$29,010	Removal 11/13/2013
5	U.S. Marshals Service	GL-07	Deputy US Marshal	1138	\$46,417	Removal 12/19/14
6	Federal Bureau of Prisons	GL-07	Correctional Officer	1064	\$40,152	Removal 9/6/2013
7	U.S. Marshals Service	GL-09	Deputy US Marshal	1379	\$50,170	Resignation 4/5/2013
8	Federal Bureau of Prisons	GL-09	Correctional Treatment Specialist 2	1412	\$51,161	Removal 6/17/2012
9	U.S. Marshals Service	GS-12	Criminal Investigator 3	1032	\$40,147	Regular Duty Status
10	Federal Bureau of Prisons	GS-11	Supervisory Correctional Officer	1144	\$60,868	Regular Duty Status
11	Federal Bureau of Prisons	GL-07	Correctional Officer	1170	\$43,568	Removal 7/27/2013
12	Federal Bureau of Prisons	GL-07	Correctional Officer 4	1195.5	\$39,744	Removal 7/25/2011
13	Federal Bureau of Prisons	GL-08	Correctional Officer 5	1128	\$43,537	OWCP 5/6/2013 6

\$656,308

1 Employee's suspension was reversed as a result of an arbitration decision. In executing the decision, BOP retroactively changed 120 hours of suspension to reflect administrative leave without JMD's prior approval. JMD approved all other administrative leave associated with this case as documented in the enclosure.

2 Following the employee's suspension, the Component initiated a transfer of station and authorized 120 hours of intermittent administrative leave during the following four pay periods to facilitate that transfer without prior JMD approval. JMD approved all other administrative leave associated with this case as documented in the enclosure.

3 To avoid an adverse decision, BOP rescinded a removal action and reinstated the employee. In doing so, the employee's time and attendance records were changed to retroactively reflect 296 hours of administrative leave. JMD approved all other administrative leave associated with this case as documented in the enclosure.

4 Employee, a combat wounded veteran, was placed on Administrative Leave for 1195.5 hours without prior JMD approval while BOP engaged in the reasonable accommodation process.

5 To avoid an adverse decision, BOP addressed the employee's MSPB appeal by rescinding an indefinite suspension action and retroactively changed employee's time and attendance records to reflect 1128 hours of Administrative Leave. Accordingly, JMD did not give prior approval.

6 Paid by the Department of Labor Office of Workers' Compensation Programs (OWCP)

CASE 1



## U.S. Department of Justice

JAN 26 2012

Washington, D.C. 20530

MEMORANDUM FOR Darla K. Callaghan  
Assistant Director for Human Resources  
U.S. Marshals Service (USMS)

FROM: Mari Barr Santangelo *Mari Barr Santangelo*  
Deputy Assistant Attorney General  
for Human Resources and Administration

SUBJECT: Request for Granting of Administrative Leave

This is in response to your memorandum, received on January 26, 2012, in which you seek to maintain Criminal Investigator (CI) [REDACTED] on administrative leave for an additional 30 work days. Your component approved and initiated ten work days of administrative leave for [REDACTED] on January 13, 2012.

According to your request, on January 12, 2012, [REDACTED] was indicted in the United States District Court for the Northern District of Illinois on two counts of Deprivation of Rights Under Color of Law and two counts of Tampering with a Witness, Victim or an Informant. Your component proposed [REDACTED] indefinite suspension on January 23, 2012, using a shortened notice period, and you need sufficient time to satisfy due process requirements before rendering a decision on the proposal.

Based on the facts presented, I am authorizing you to maintain [REDACTED] on administrative leave for an additional 30 work days, up to and including March 12, 2012. I am authorizing a sufficient period of administrative leave for your component to take appropriate action on this case, and I expect that you will work expeditiously in doing so. If the circumstances of this case change, you should immediately advise me at the address indicated below so that a determination can be made if administrative leave is still warranted. An employee should not be permitted to remain on administrative leave where the circumstances upon which your request was approved no longer exist. In the event that administrative leave is needed in excess of the amount approved above, you should notify me at once of the need for an extension. You may do this by submitting your request for reconsideration in writing to me at the following address: 950 Pennsylvania Avenue, NW, Room 1112, Washington, DC 20530. Should you have questions regarding this memorandum, or would like assistance in determining the appropriate status in which to place the employee, you may contact Eric Daniels, Assistant Director for Labor and Employment Law, on (202) 616-3749.



CASE 1  
U.S. Department of Justice

MAR 15 2013

Washington, D.C. 20530

MEMORANDUM FOR Michael J. Prout  
Assistant Director

Office of Inspection  
U.S. Marshals Service

FROM:

Mari Barr Santangelo  
Deputy Assistant Attorney General  
for Human Resources and Administration

SUBJECT:

Request for Granting of Administrative Leave

This is in response to your memorandum, received on March 14, 2013, in which you request approval to maintain Deputy United States Marshal (DUSM) [REDACTED] on administrative leave for an additional 45 work days. Your component placed on administrative leave for ten work days beginning on March 6, 2013.

According to your request, [REDACTED] was indicted on January 12, 2012, for several charges, including excessive force and attempting to conceal evidence and information regarding the excessive force incidents. Following that indictment, I granted you 30 days of administrative leave pending [REDACTED] placement on indefinite suspension, which was effected in March 2012. On March 5, 2013, the indictment was dismissed, thereby necessitating the termination of the indefinite suspension. Your component intends to appeal the dismissal of the indictment. However, in light of the allegations against [REDACTED] you believe that his return to the workplace will be disruptive and could be detrimental to your office and the U.S. Marshals Service. Therefore, you request additional administrative leave so that your component has sufficient time to determine an appropriate work assignment for [REDACTED] while the appeal is pending.

Based on the facts presented, I am authorizing you to maintain [REDACTED] on administrative leave for 45 work days, up to and including May 21, 2013. I am authorizing a sufficient period of administrative leave for your component to take appropriate action on this case, and I expect that you will work expeditiously in doing so. If the circumstances of this case change, you should immediately advise me at the address indicated below so that a determination can be made if administrative leave is

CASE 1

Memorandum for Michael J. Prout  
Subject: Request for Granting of Administrative Leave

Page 2

still warranted. An employee should not be permitted to remain on administrative leave where the circumstances upon which your request was approved no longer exist. In the event that administrative leave is needed in excess of the amount approved above, you should notify me at once of the need for an extension. You may do this by submitting your request for reconsideration in writing to me at the following address: 950 Pennsylvania Avenue, NW, Room 1112, Washington, DC 20530. Should you have questions regarding this memorandum, or would like assistance in determining the appropriate status in which to place the employee, you may contact Eric Daniels, Assistant Director for Labor and Employment Law, at (202) 616-3749.

CASE 1



## U.S. Department of Justice

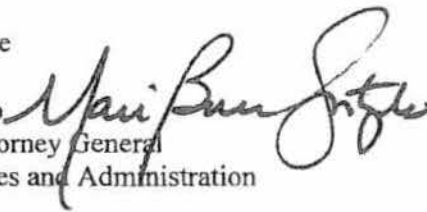
Washington, D.C. 20530

MAY 15 2013

MEMORANDUM FOR Michael J. Prout

Assistant Director  
Office of Inspection  
U.S. Marshals Service

FROM:

Mari Barr Santangelo   
Deputy Assistant Attorney General  
for Human Resources and Administration

SUBJECT:

Request for Granting of Administrative Leave

This is in response to your memorandum, received on May 14, 2013, in which you request approval to maintain Deputy United States Marshall (DUSM) [REDACTED] on administrative leave for an additional 60 work days. This office previously granted your component administrative leave for [REDACTED] for 45 work days which will end on May 21, 2013.

According to your previous request, [REDACTED] was indicted on January 12, 2012, for several charges, including excessive force and attempting to conceal evidence and information. Based on the indictment, [REDACTED] was indefinitely suspended in March 2012. On March 5, 2013, the indictment was dismissed, necessitating the termination of the indefinite suspension. Your component intends to file its brief appealing the dismissal of the indictment in June 2013. However, given the seriousness of the allegations against [REDACTED], you believe that his return to the workplace will be disruptive and could be detrimental to your component. According to your most recent request, as well as information from your staff, you are in the process of executing a management-directed geographic reassignment of [REDACTED] and need sufficient time to implement that reassignment and relocation.

Based on the facts presented, I am authorizing you to maintain [REDACTED] on administrative leave for 60 work days, up to and including August 15, 2013. I am authorizing a sufficient period of administrative leave for your component to take appropriate action on this case, and I expect that you will work expeditiously in doing so.



## CASE 1

Memorandum for Michael J. Prout

Subject: Request for Granting of Administrative Leave

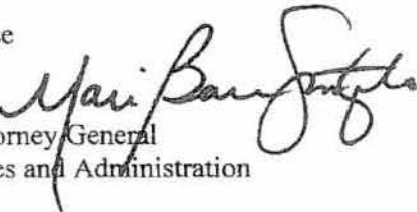
If the circumstances of this case change, you should immediately advise me at the address indicated below so that a determination can be made if administrative leave is still warranted. An employee should not be permitted to remain on administrative leave where the circumstances upon which your request was approved no longer exist. In the event that administrative leave is needed in excess of the amount approved above, you should notify me at once of the need for an extension. You may do this by submitting your request for reconsideration in writing to me at the following address: 950 Pennsylvania Avenue, NW, Room 1112, Washington, DC 20530. Should you have questions regarding this memorandum, or would like assistance in determining the appropriate status in which to place the employee, you may contact Eric Daniels, Assistant Director for Labor and Employment Law, at (202) 616-3749.

CASE 1  
U.S. Department of Justice

Washington, D.C. 20530

AUG 14 2013

MEMORANDUM FOR Michael J. Prout  
Assistant Director  
Office of Inspection  
U.S. Marshals Service

FROM: Mari Barr Santangelo   
Deputy Assistant Attorney General  
for Human Resources and Administration

SUBJECT: Request for Granting of Administrative Leave

This is in response to your memorandum, dated August 9, 2013, in which you request approval to maintain Deputy United States Marshal (DUSM) [REDACTED] on administrative leave for an additional 35 work days. I granted your component's two previous requests for administrative leave for [REDACTED] totaling 105 days, which will end on August 15, 2013.

According to your previous requests, [REDACTED] was indicted on January 12, 2012, for several charges, including excessive force and attempting to conceal evidence and information, and he was indefinitely suspended in March 2012. On March 5, 2013, the indictment was dismissed, requiring the termination of the indefinite suspension. Given the seriousness of the allegations against [REDACTED] you requested time to execute his management-directed geographic reassignment in lieu of returning him to his previous duty station. Effective August 1, 2013, [REDACTED] accepted this reassignment and is expected to report for duty at his new duty station on September 23, 2013. You have indicated that you need a final period of administrative leave in order to facilitate the relocation process.

Based on the facts presented, I am authorizing you to maintain [REDACTED] on administrative leave for 25 work days, up to and including September 20, 2013. I am authorizing a sufficient period of administrative leave for your component to complete the reassignment process by September 23, 2013. This will be the final period of administrative leave that I will approve for [REDACTED] and no further requests will be considered. If the circumstances of this case change, you should immediately advise me

## CASE 1

Memorandum for Michael J. Prout

Page 2

at the address indicated below so that a determination can be made if administrative leave is still warranted. An employee should not be permitted to remain on administrative leave where the circumstances upon which your request was approved no longer exist. You may contact me at the following address: 950 Pennsylvania Avenue, NW, Room 1112, Washington, DC 20530. If you have questions regarding this memorandum, or would like assistance in determining the appropriate status in which to place the employee, you may contact Eric Daniels, Assistant Director for Labor and Employment Law, on (202) 616-3749.




## U.S. Department of Justice

CASE 2

JAN 02 2013

Washington, D.C. 20530

MEMORANDUM FOR Kathleen M. Kenney  
Assistant Director/General Counsel  
Federal Bureau of Prisons

FROM: Mari Barr Santangelo   
Deputy Assistant Attorney General  
for Human Resources and Administration

SUBJECT: Request for Granting of Administrative Leave

This is in response to your memorandum, dated December 28, 2012, in which you request approval to maintain Recreational Specialist [REDACTED] on administrative leave for up to 60 work days. Your component placed [REDACTED] on administrative leave for ten work days beginning on December 27, 2012.

According to your request, [REDACTED] attempted to introduce a firearm into the correctional institution where he works. The matter has been referred to your component's Office of Internal Affairs for investigation. Because of the serious nature of these allegations, you believe [REDACTED] presence in the institution jeopardizes the safety of staff and inmates as well as the safe and orderly operation of the institution. Your component would like to maintain [REDACTED] on administrative leave while you complete an expedited investigation, propose his removal, and comply with applicable due process requirements before rendering a decision.

Based on the facts presented, I am authorizing you to maintain [REDACTED] on administrative leave for 60 work days, up to and including April 8, 2013. I am authorizing a sufficient period of administrative leave for your component to take appropriate action on this case, and I expect that you will work expeditiously in doing so. If the circumstances of this case change, you should immediately advise me at the address indicated below so that a determination can be made if administrative leave is still warranted. An employee should not be permitted to remain on administrative leave where the circumstances upon which your request was approved no longer exist.

In the event that administrative leave is needed in excess of the amount approved above, you should notify me at once of the need for an extension. You may do this by submitting your request for reconsideration in writing to me at the following address:

## CASE 2

Page 2

Memorandum For Kathleen M. Kenney  
Subject: Request for Granting of Administrative Leave

950 Pennsylvania Avenue, NW, Room 1112, Washington, DC 20530. If you have questions regarding this memorandum, or would like assistance in determining the appropriate status in which to place the employee, you may contact Eric Daniels, Assistant Director for Labor and Employment Law, on (202) 616-3749.

CASE 2

## U.S. Department of Justice

Washington, D.C. 20530

MEMORANDUM FOR Kathleen M. Kenney

Assistant Director/General Counsel  
Federal Bureau of Prisons

FROM:

Mari Barr Santangelo  
Deputy Assistant Attorney General  
for Human Resources and Administration

SUBJECT:

Request for Granting of Administrative Leave

This is in response to your memorandum, received April 1, 2013, in which you request approval to maintain Recreational Specialist [REDACTED] on administrative leave for an additional 45 work days. I previously authorized 60 work days of administrative leave for [REDACTED] which end on April 8, 2013.

According to your requests, [REDACTED] attempted to introduce a firearm into the correctional institution where he works, and the matter is being investigated by the Office of the Inspector General (OIG). According to your staff, that investigation is taking longer than expected and has not yet been completed. Because of the serious nature of these allegations, you believe [REDACTED] presence in the institution jeopardizes the safety of staff and inmates as well as the safe and orderly operation of the institution. Your component would like to maintain [REDACTED] on administrative leave until the OIG investigation is completed and appropriate administrative action has been taken.

Based on the facts presented, I am authorizing you to maintain [REDACTED] on administrative leave for an additional 45 work days, up to and including June 11, 2013. I am authorizing a sufficient period of administrative leave for your component to take appropriate action on this case, and I expect that you will work expeditiously in doing so. If the circumstances of this case change, you should immediately advise me at the address indicated below so that a determination can be made if administrative leave is still warranted. An employee should not be permitted to remain on administrative leave where the circumstances upon which your request was approved no longer exist. In the event that administrative leave is needed in excess of the amount approved above, you should notify me at once of the need for an extension.

## CASE 2

Memorandum for Kathleen M. Kenney

Page 2

Subject: Request for Granting of Administrative Leave

You may do this by submitting your request for reconsideration in writing to me at the following address: 950 Pennsylvania Avenue, NW, Room 1112, Washington, DC 20530. If you have questions regarding this memorandum, or would like assistance in determining the appropriate status in which to place the employee, you may contact Eric Daniels, Assistant Director for Labor and Employment Law, at (202) 616-3749.



## U.S. Department of Justice CASE 2

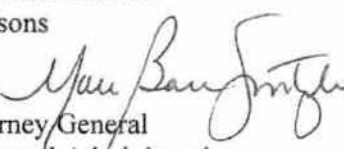
Washington, D.C. 20530

JUN 05 2013

MEMORANDUM FOR Kathleen M. Kenney

Assistant Director/General Counsel  
Federal Bureau of Prisons

FROM:

Mari Barr Santangelo   
Deputy Assistant Attorney General  
for Human Resources and Administration

SUBJECT:

Request for Granting of Administrative Leave

This is in response to your memorandum, received June 4, 2013, in which you request approval to maintain Recreational Specialist [REDACTED] on administrative leave for an additional 45 work days. This is your third request relating to [REDACTED]. In response to your earlier requests, I previously authorized a total of 105 work days of administrative leave for [REDACTED] which end on June 11, 2013.

According to your requests, [REDACTED] attempted to introduce a firearm into the correctional institution where he works. The matter was initially referred to your component's Office of Internal Affairs for investigation. According to your staff, that investigation was taking longer than expected and had not been completed at the time of the second request. In your latest request, you indicate that the Office of Inspector General (OIG) is now conducting an investigation into this matter and has assured your component that it will be completed by the end of next week. Your office plans to issue a disciplinary proposal, if appropriate, within days of its completion. Because of the serious nature of these allegations, you believe [REDACTED] presence in the institution jeopardizes the safety of staff and inmates as well as the safe and orderly operation of the institution. You would like to maintain him on administrative leave while the OIG completes its investigation and your component takes appropriate disciplinary action.

Based on the facts presented, I am authorizing you to maintain [REDACTED] on administrative leave for an additional 45 work days, up to and including August 14, 2013. I am authorizing a sufficient period of administrative leave for your component to take appropriate action on this case, and I expect that you will work expeditiously in doing so. Based on assurances from your staff, I expect that no further requests will be necessary, and I will not consider any additional extensions in this matter.



## CASE 2

Memorandum for Kathleen M. Kenney  
Subject: Request for Granting of Administrative Leave

If the circumstances of this case change, you should immediately advise me at the address indicated below so that a determination can be made if administrative leave is still warranted. An employee should not be permitted to remain on administrative leave where the circumstances upon which your request was approved no longer exist. You may contact me at the following address: 950 Pennsylvania Avenue, NW, Room 1112, Washington, DC 20530. If you have questions regarding this memorandum, or would like assistance in determining the appropriate status in which to place the employee, you may contact Eric Daniels, Assistant Director for Labor and Employment Law, at (202) 616-3749.

CASE 3



## U.S. Department of Justice

APR 11 2011

Washington, D.C. 20530

MEMORANDUM FOR K. M. White

Assistant Director  
Human Resources Management Division  
Federal Bureau of Prisons

FROM:

Mari Barr Santangelo  
Deputy Assistant Attorney General  
for Human Resources and Administration

SUBJECT:

Request for Granting of Administrative Leave

This is in response to your memorandum, dated and received on April 7, 2011, in which you request approval to maintain Correctional Officer [REDACTED] on administrative leave for an additional 60 work days. Your component placed [REDACTED] on administrative leave for ten work days beginning on April 6, 2011.

According to your request, on April 5, 2011, [REDACTED] attempted to bring a firearm into the Metropolitan Detention Center, Brooklyn, New York, and this attempt to introduce contraband into the institution was referred for investigation. You believe that [REDACTED] conduct jeopardizes the safety of the staff and inmates, as well as the safe and orderly operation of the institution. You would like to maintain [REDACTED] on administrative leave during the investigation and any administrative action that may be taken as a result of the investigation's findings.

Based on the facts presented, I am authorizing you to maintain [REDACTED] on administrative leave for 60 work days, up to and including July 14, 2011. I am authorizing a sufficient period of administrative leave for your component to take appropriate action on this case, and I expect that you will work expeditiously in doing so. If the circumstances of this case change, you should immediately advise me at the address indicated below so that a determination can be made if administrative leave is still warranted. An employee should not be permitted to remain on administrative leave where the circumstances upon which your request was approved no longer exist. In the event that administrative leave is needed in excess of the amount approved above, you should notify me at once of the need for an extension. You may do this by submitting your request for reconsideration in writing to me at the following address: 950 Pennsylvania Avenue, NW, Room 1112, Washington, DC 20530. Should you have questions regarding this memorandum, or would like assistance in determining the appropriate status in which to place the employee, you may contact Eric Daniels, Assistant Director for Labor and Employment Law, on (202) 616-3749.



CASE 3

## U.S. Department of Justice

JUN 30 2011

Washington, D.C. 20530

MEMORANDUM FOR K. M. White

Assistant Director  
Human Resources Management Division  
Federal Bureau of Prisons

FROM:

Mari Barr Santangelo  
Deputy Assistant Attorney General  
for Human Resources and Administration

SUBJECT:

Request for Granting of Administrative Leave

This is in response to your memorandum, received on June 6, 2011, in which you request approval to maintain Correctional Officer [REDACTED] on administrative leave for an additional 60 work days. I previously authorized 60 work days of administrative leave for [REDACTED] and that period ends on July 14, 2011.

According to your requests, on April 5, 2011, [REDACTED] attempted to bring a firearm into the Metropolitan Detention Center, Brooklyn, New York, and this attempt to introduce contraband into the institution was referred for investigation. At this time, the Office of the Inspector General is still investigating the incident. You believe that [REDACTED] conduct jeopardizes the safety of the staff and inmates, as well as the safe and orderly operation of the institution. You would like to continue to maintain [REDACTED] on administrative leave during the pendency of the investigation and any administrative action that may be taken as a result of the investigation's findings.

Based on the facts presented, I am authorizing you to maintain [REDACTED] on administrative leave for an additional 60 work days, up to and including October 7, 2011. However, this is the last period of administrative leave that I will authorize for [REDACTED] in this matter, and I trust that you will inform the OIG of the need to complete its investigation as promptly as possible. Even if the OIG does not complete its investigation before this period of administrative leave ends, you should be prepared to either take an administrative action against [REDACTED] based on the evidence you have acquired, or place him in a more appropriate status. With this second grant of administrative leave, I am authorizing a sufficient period of administrative leave for your component to take appropriate action on this case, and I expect that you will work expeditiously in doing so.

## CASE 3

Page 2

Memorandum for K. M. White

Subject: Request for Granting of Administrative Leave

If the circumstances of this case change, you should immediately advise me at the address indicated below so that a determination can be made if administrative leave is still warranted. An employee should not be permitted to remain on administrative leave where the circumstances upon which your request was approved no longer exist. You may contact me in writing at the following address: 950 Pennsylvania Avenue, NW, Room 1112, Washington, DC 20530. Should you have questions regarding this memorandum, or would like assistance in determining the appropriate status in which to place the employee, you may contact Eric Daniels, Assistant Director for Labor and Employment Law, on (202) 616-3749.



## U.S. Department of Justice

APR 11 2011

Washington, D.C. 20530

MEMORANDUM FOR K. M. White

Assistant Director  
Human Resources Management Division  
Federal Bureau of Prisons

FROM:

Mari Barr Santangelo  
Deputy Assistant Attorney General  
for Human Resources and Administration

SUBJECT:

Request for Granting of Administrative Leave

This is in response to your memorandum, dated and received on April 7, 2011, in which you request approval to maintain Correctional Officer [REDACTED] on administrative leave for an additional 60 work days. Your component placed [REDACTED] on administrative leave for ten work days beginning on April 6, 2011.

According to your request, on April 5, 2011, [REDACTED] attempted to bring a firearm into the Metropolitan Detention Center, Brooklyn, New York, and this attempt to introduce contraband into the institution was referred for investigation. You believe that [REDACTED] conduct jeopardizes the safety of the staff and inmates, as well as the safe and orderly operation of the institution. You would like to maintain [REDACTED] on administrative leave during the investigation and any administrative action that may be taken as a result of the investigation's findings.

Based on the facts presented, I am authorizing you to maintain [REDACTED] on administrative leave for 60 work days, up to and including July 14, 2011. I am authorizing a sufficient period of administrative leave for your component to take appropriate action on this case, and I expect that you will work expeditiously in doing so. If the circumstances of this case change, you should immediately advise me at the address indicated below so that a determination can be made if administrative leave is still warranted. An employee should not be permitted to remain on administrative leave where the circumstances upon which your request was approved no longer exist. In the event that administrative leave is needed in excess of the amount approved above, you should notify me at once of the need for an extension. You may do this by submitting your request for reconsideration in writing to me at the following address: 950 Pennsylvania Avenue, NW, Room 1112, Washington, DC 20530. Should you have questions regarding this memorandum, or would like assistance in determining the appropriate status in which to place the employee, you may contact Eric Daniels, Assistant Director for Labor and Employment Law, on (202) 616-3749.





JUN 30 2011

Washington, D.C. 20530

MEMORANDUM FOR K. M. White

Assistant Director  
Human Resources Management Division  
Federal Bureau of Prisons

FROM:

Mari Barr Santangelo  
Deputy Assistant Attorney General  
for Human Resources and Administration

SUBJECT:

Request for Granting of Administrative Leave

This is in response to your memorandum, received on June 6, 2011, in which you request approval to maintain Correctional Officer [REDACTED] on administrative leave for an additional 60 work days. I previously authorized 60 work days of administrative leave for [REDACTED] and that period ends on July 14, 2011.

According to your requests, on April 5, 2011, [REDACTED] attempted to bring a firearm into the Metropolitan Detention Center, Brooklyn, New York, and this attempt to introduce contraband into the institution was referred for investigation. At this time, the Office of the Inspector General is still investigating the incident. You believe that [REDACTED] conduct jeopardizes the safety of the staff and inmates, as well as the safe and orderly operation of the institution. You would like to continue to maintain [REDACTED] on administrative leave during the pendency of the investigation and any administrative action that may be taken as a result of the investigation's findings.

Based on the facts presented, I am authorizing you to maintain [REDACTED] on administrative leave for an additional 60 work days, up to and including October 7, 2011. However, this is the last period of administrative leave that I will authorize for [REDACTED] in this matter, and I trust that you will inform the OIG of the need to complete its investigation as promptly as possible. Even if the OIG does not complete its investigation before this period of administrative leave ends, you should be prepared to either take an administrative action against [REDACTED] based on the evidence you have acquired, or place him in a more appropriate status. With this second grant of administrative leave, I am authorizing a sufficient period of administrative leave for your component to take appropriate action on this case, and I expect that you will work expeditiously in doing so.

Memorandum for K. M. White

Subject: Request for Granting of Administrative Leave

If the circumstances of this case change, you should immediately advise me at the address indicated below so that a determination can be made if administrative leave is still warranted. An employee should not be permitted to remain on administrative leave where the circumstances upon which your request was approved no longer exist. You may contact me in writing at the following address: 950 Pennsylvania Avenue, NW, Room 1112, Washington, DC 20530. Should you have questions regarding this memorandum, or would like assistance in determining the appropriate status in which to place the employee, you may contact Eric Daniels, Assistant Director for Labor and Employment Law, on (202) 616-3749.



FEB 19 2013

Washington, D.C. 20530

MEMORANDUM FOR Kathleen M. Kenney  
Assistant Director/General Counsel  
Federal Bureau of Prisons

FROM: Mari Barr Santangelo  
Deputy Assistant Attorney General  
for Human Resources and Administration

SUBJECT: Request for Granting of Administrative Leave

This is in response to your memorandum, received on February 14, 2013, in which you request approval to maintain Correctional Officer [REDACTED] on administrative leave for an additional 60 work days. Your component placed [REDACTED] on administrative leave for ten work days beginning on February 11, 2013.

According to your request, [REDACTED] was arrested on January 31, 2013, for an incident that occurred on April 11, 2012. During that incident, a child under [REDACTED] care had to be treated by a local burn center because she was suffering from second-degree burns. [REDACTED] has now been charged with misdemeanor charges of Assault and Endangering the Welfare of a Child – Parent/Guardian and a felony charge of Endangering the Welfare of a Child – Parent/Guardian. You also state that the incident and arrest have led to local media coverage identifying [REDACTED] by name. Because of the serious nature of these allegations, you believe [REDACTED] presence in the institution jeopardizes its safe and orderly operations. Your component would like to maintain [REDACTED] on administrative leave while judicial proceedings are pending and until your component has completed an expedited investigation and appropriate administrative action.

Based on the facts presented, I am authorizing you to maintain [REDACTED] on administrative leave for 60 work days, up to and including May 20, 2013. I am authorizing a sufficient period of administrative leave for your component to take appropriate action on this case, and I expect that you will work expeditiously in doing so. If the circumstances of this case change, you should immediately advise me at the address indicated below so that a determination can be made if administrative leave is still warranted.



Memorandum for Kathleen M. Kenney  
Subject: Request for Granting of Administrative Leave

Page 2

An employee should not be permitted to remain on administrative leave where the circumstances upon which your request was approved no longer exist. In the event that administrative leave is needed in excess of the amount approved above, you should notify me at once of the need for an extension. You may do this by submitting your request for reconsideration in writing to me at the following address: 950 Pennsylvania Avenue, NW, Room 1112, Washington, DC 20530. If you have questions regarding this memorandum, or would like assistance in determining the appropriate status in which to place the employee, you may contact Eric Daniels, Assistant Director for Labor and Employment Law, at (202) 616-3749.



## U.S. Department of Justice

MAY 16 2013

Washington, D.C. 20530

MEMORANDUM FOR Kathleen M. Kenney

Assistant Director/General Counsel  
Federal Bureau of Prisons

FROM:

Mari Barr Santangelo  
Deputy Assistant Attorney General  
for Human Resources and Administration

SUBJECT:

Request for Granting of Administrative Leave

This is in response to your memorandum dated May 14, 2013, in which you request approval to maintain Correctional Officer [REDACTED] on administrative leave for up to an additional 45 work days. I have previously approved 60 work days of administrative leave for [REDACTED], up to and including May 20, 2013.

According to your initial request, [REDACTED] was arrested on January 31, 2013, for an April 11, 2012 incident during which a child in his care suffered second-degree burns. [REDACTED] has been charged with misdemeanor and felony counts alleging that he endangered the welfare of a child. You further state that there has been local media coverage of the incident identifying [REDACTED] by name. Because of the serious nature of these allegations, you believe [REDACTED] presence in the institution jeopardizes its safe and orderly operations. Your component would like to maintain him on administrative leave while it proposes his indefinite suspension and complies with due process requirements before rendering a decision.

Based on the facts presented, I am authorizing you to maintain [REDACTED] on administrative leave for 45 work days, up to and including July 24, 2013. I am authorizing a sufficient period of administrative leave for your component to take appropriate action on this case, and I expect that you will work expeditiously in doing so. If the circumstances of this case change, you should immediately advise me at the address indicated below so that a determination can be made if administrative leave is still warranted. An employee should not be permitted to remain on administrative leave where the circumstances upon which your request was approved no longer exist. In the event that administrative leave is needed in excess of the amount approved above, you should notify me at once of the need for an extension.

Memorandum for Kathleen M. Kenney  
Subject: Request for Granting of Administrative Leave

Page 2

You may do this by submitting your request for reconsideration in writing to me at the following address: 950 Pennsylvania Avenue, NW, Room 1112, Washington, DC 20530. If you have questions regarding this memorandum, or would like assistance in determining the appropriate status in which to place the employee, you may contact Eric Daniels, Assistant Director for Labor and Employment Law, at (202) 616-3749.



## U.S. Department of Justice

CASE 5

OCT 20 2011

Washington, D.C. 20530

MEMORANDUM FOR Darla K. Callaghan

Assistant Director for Human Resources

U.S. Marshals Service (USMS)

FROM:

Mari Barr Santangelo

Deputy Assistant Attorney General

for Human Resources and Administration

SUBJECT:

Request for Granting of Administrative Leave

This is in response to your memorandum, received on October 19, 2011, in which you seek approval to maintain Deputy United States Marshall (DUSM) [REDACTED] on administrative leave for an additional 90 work days. Your component approved and initiated ten work days of administrative leave for DUSM [REDACTED] on October 6, 2011.

Your request states that DUSM [REDACTED] allegedly has been involved in activity which compromised an operation conducted by the Organized Crime Drug Enforcement Task Force. Additionally, there is substantial reason to believe that DUSM [REDACTED] is collaterally involved in narcotics trafficking or the provision of material support for narcotics trafficking. The United States Attorney's Office, Southern District of Texas, has advised your component that it will seek an indictment of DUSM [REDACTED] before a grand jury next week on charges of Obstruction of Justice and Conspiracy. Your component has referred the matter to your Office of Internal Investigation. In the meantime, based on the seriousness of his alleged actions, you are concerned that his continued presence on duty could pose a threat to his safety or the safety of others in the office. You need sufficient time to conclude the investigation and to take appropriate action, which may include proposing an indefinite suspension.

Based on the facts presented, I am approving your use of 90 work days of administrative leave for DUSM [REDACTED] up to and including March 2, 2012. If the circumstances of this case change, you should immediately advise me at the address indicated below so that a determination can be made if additional administrative leave is warranted. An employee should not be permitted to remain on administrative leave where the circumstances upon which your request was approved no longer exist. In the event that administrative leave is needed in excess of the amount approved above, you should notify me at once of the need for an extension. You may do this by submitting your request for reconsideration in writing to me at the following address: 950 Pennsylvania Avenue, NW, Room 1112, Washington, DC 20530. Should you have any questions regarding this memorandum, or would like assistance in determining the appropriate status in which to place the employee, you may contact Eric Daniels, Assistant Director for Labor and Employment Law, on (202) 616-3749.



CASE 5

## U.S. Department of Justice

DEC 12 2012

Washington, D.C. 20530

MEMORANDUM FOR Michael J. Prout

Assistant Director for Inspections  
U.S. Marshals Service (USMS)

FROM:

Mari Barr Santangelo  
Deputy Assistant Attorney General  
for Human Resources and Administration

SUBJECT:

Request for Granting of Administrative Leave

This is in response to your memorandum, received on December 5, 2012, in which you seek approval to maintain Deputy United States Marshall (DUSM) [REDACTED] on administrative leave for an additional 45 work days. I understand that this is your second request regarding DUSM [REDACTED] for whom my office approved administrative leave in October 2011, during an ongoing criminal investigation. DUSM [REDACTED] was returned to limited duty when that leave expired without criminal charges being filed. Your component recently placed DUSM [REDACTED] on 10 days of administrative leave on December 4, 2012.

Your most recent request indicates that DUSM [REDACTED] was arrested on December 4, 2012, by agents from the Department of Justice and the Department of Homeland Security, based on allegations that he revealed the identity of a an undercover Immigration and Customs Enforcement Agent to his father, who was the subject of a federal criminal investigation. He has been charged with federal criminal offenses of Accessory After the Fact and Obstruction of Justice. You intend to propose DUSM [REDACTED] indefinite suspension with a shortened notice period. Your component needs sufficient time to issue the proposal and to render a decision in accordance with applicable due process provisions. While those actions are pending, you are concerned based on the seriousness of his alleged misconduct that his continued presence could pose a threat to his safety or the safety of others in the office.

Based on the facts presented, I am approving your use of 45 work days of administrative leave for DUSM [REDACTED] up to and including February 22, 2013. If the circumstances of this case change, you should immediately advise me at the address indicated below so that a determination can be made if additional administrative leave is warranted.

CASE 5

Page 2

Memorandum for Michael J. Prout  
Subject: Request for Granting of Administrative Leave

An employee should not be permitted to remain on administrative leave where the circumstances upon which your request was approved no longer exist. In the event that administrative leave is needed in excess of the amount approved above, you should notify me at once of the need for an extension. You may do this by submitting your request for reconsideration in writing to me at the following address: 950 Pennsylvania Avenue, NW, Room 1112, Washington, DC 20530. Should you have any questions regarding this memorandum, or would like assistance in determining the appropriate status in which to place the employee, you may contact Eric Daniels, Assistant Director for Labor and Employment Law, on (202) 616-3749.

[Type text]





CASE 6

## U.S. Department of Justice

MAR 14 2013

Washington, D.C. 20530

MEMORANDUM FOR Kathleen M. Kenney  
Assistant Director/General Counsel  
Federal Bureau of Prisons

FROM: Mari Barr Santangelo *Mari Barr Santangelo*  
Deputy Assistant Attorney General  
for Human Resources and Administration

SUBJECT: Request for Granting of Administrative Leave

This responds to your memorandum, received on March 12, 2013, in which you request approval to maintain Correctional Officer [REDACTED] on administrative leave for 60 work days. Your component placed [REDACTED] on administrative leave for ten work days beginning on March 6, 2013.

According to your request, the Federal Bureau of Investigation (FBI) is investigating allegations that [REDACTED] was involved in introducing contraband into the correctional institution and bribery. Based on the serious nature of the allegations, you believe that her presence in the institution would jeopardize its safe and orderly operations. You would like to maintain [REDACTED] on administrative leave until the FBI concludes its criminal investigation and any criminal offenses based on the investigation are charged. The additional period of administrative leave would also allow your component to take appropriate administrative action.

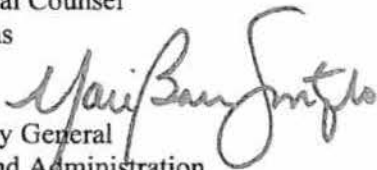
Based on the facts presented, I am authorizing you to maintain [REDACTED] on administrative leave for 60 work days, up to and including June 12, 2013. I am authorizing a sufficient period of administrative leave for your component to take appropriate action on this case, and I expect that you will work expeditiously in doing so. If the circumstances of this case change, you should immediately advise me at the address indicated below so that a determination can be made if administrative leave is still warranted. An employee should not be permitted to remain on administrative leave where the circumstances upon which your request was approved no longer exist. In the event that administrative leave is needed in excess of the amount approved above, you should notify me at once of the need for an extension. You may do this by submitting your request for reconsideration in writing to me at the following address: 950 Pennsylvania Avenue, NW, Room 1112, Washington, DC 20530. Should you have questions regarding this memorandum, or would like assistance in determining the appropriate status in which to place the employee, you may contact Eric Daniels, Assistant Director for Labor and Employment Law, at (202) 616-3749.

CASE 6  
U.S. Department of Justice

JUN 12 2013

Washington, D.C. 20530

MEMORANDUM FOR Kathleen M. Kenney  
Assistant Director/General Counsel  
Federal Bureau of Prisons

FROM: Mari Barr Santangelo   
Deputy Assistant Attorney General  
for Human Resources and Administration

SUBJECT: Request for Granting of Administrative Leave

This responds to your memorandum, received on June 6, 2013, in which you request approval to maintain Correctional Officer [REDACTED] on administrative leave for 45 work days. I previously authorized 60 days of administrative leave for [REDACTED] which ends on June 12, 2013.

According to your requests, [REDACTED] is being investigated for allegations that he introduced contraband into the correctional institution and was involved in bribery. Based on the serious nature of the allegations, you believe that his presence in the institution would jeopardize its safe and orderly operations. In your most recent request and in contacts with my staff, you indicate that the investigation has been conducted as expeditiously as possible but that a delay recently occurred when a small number of material witnesses were threatened and relocated to ensure their safety. Your staff has assured my staff that the additional period of administrative leave will allow your component to complete the investigation very soon and to take appropriate administrative action.

Based on the facts presented, I am authorizing you to maintain [REDACTED] on administrative leave for 45 work days, up to and including August 15, 2013. I am authorizing a sufficient period of administrative leave for your component to take appropriate action on this case, and I expect that you will work expeditiously in doing so. If the circumstances of this case change, you should immediately advise me at the address indicated below so that a determination can be made if administrative leave is still warranted. An employee should not be permitted to remain on administrative leave where the circumstances upon which your request was approved no longer exist. In the event that administrative leave is needed in excess of the amount approved above, you should notify me at once of the need for an extension. You may do this by submitting your request for reconsideration in writing to me at the following address: 950 Pennsylvania Avenue, NW, Room 1112, Washington, DC 20530. Should you have questions regarding this memorandum, or would like assistance in determining the appropriate status in which to place the employee, you may contact Eric Daniels, Assistant Director for Labor and Employment Law, at (202) 616-3749.





U.S. Department of Justice

CASE 6

AUG 13 2013

Washington, D.C. 20530

MEMORANDUM FOR Kathleen M. Kenney

Assistant Director/General Counsel  
Federal Bureau of Prisons

FROM:

Mari Barr Santangelo  
Deputy Assistant Attorney General  
for Human Resources and Administration

SUBJECT:

Request for Granting of Administrative Leave

This responds to your memorandum, received on August 12, 2013, in which you request approval to maintain Correctional Officer [REDACTED] on administrative leave for an additional 15 work days. I previously approved two requests totaling 105 work days for this employee, and that period ends on August 15, 2013.

According to your requests, after some delays occasioned by threats to material witnesses, the Office of Internal Affairs recently completed its investigation and found that [REDACTED] had an inappropriate relationship with an inmate and engaged in other misconduct relating to this relationship. Your component proposed his removal from his position and federal service on July 22, 2013. You are requesting the additional 15 days of administrative leave so that you may continue to maintain [REDACTED] on administrative leave until a decision is issued on the removal proposal.

Based on the facts presented, I am authorizing you to maintain [REDACTED] on administrative leave for an additional 15 work days, up to and including September 6, 2013. Given the significant amount of administrative leave already granted in this matter, however, I will not consider any further requests. I am authorizing a sufficient period of administrative leave for your component to take appropriate action on this case, and I expect that you will work expeditiously in resolving this matter. If the circumstances of this case change, you should immediately advise me at the address indicated below so that a determination can be made if administrative leave is still warranted. An employee should not be permitted to remain on administrative leave where the circumstances upon which your request was approved no longer exist. You may contact me at the following address: 950 Pennsylvania Avenue, NW, Room 1112, Washington, DC 20530. If you have questions regarding this memorandum, or would like assistance in determining the appropriate status in which to place the employee, you may contact Eric Daniels, Assistant Director for Labor and Employment Law, on (202) 616-3749.



NOV - 3 2011

Washington, D.C. 20530

MEMORANDUM FOR Darla K. Callaghan

Assistant Director for Human Resources  
U.S. Marshals Service (USMS)

FROM:

Mari Barr Santangelo  
Deputy Assistant Attorney General  
for Human Resources and Administration

SUBJECT:

Request for Granting of Administrative Leave

This is in response to your memorandum, received on October 31, 2011, in which you seek approval to maintain Deputy United States Marshall (DUSM) [REDACTED] on administrative leave for an additional 90 work days. Your component approved and initiated ten work days of administrative leave for DUSM [REDACTED] on November 2, 2011.

Your request states that DUSM [REDACTED] is being investigated by your component's Office of Internal Investigations based on his alleged association with a known felon and evidence that he was in possession of prescription medication belonging to a prisoner assigned to his custody. Based on the seriousness of his alleged actions, you are concerned that his continued presence on duty could pose a threat to his safety or the safety of others in the office. You need sufficient time to conclude the investigation and to take appropriate action, which may include proposing an indefinite suspension or a removal.


Based on the facts presented, I am approving your use of 90 work days of administrative leave for DUSM [REDACTED] up to and including March 28, 2012. If the circumstances of this case change, you should immediately advise me at the address indicated below so that a determination can be made if additional administrative leave is warranted. An employee should not be permitted to remain on administrative leave where the circumstances upon which your request was approved no longer exist. In the event that administrative leave is needed in excess of the amount approved above, you should notify me at once of the need for an extension. You may do this by submitting your request for reconsideration in writing to me at the following address: 950 Pennsylvania Avenue, NW, Room 1112, Washington, DC 20530. Should you have any questions regarding this memorandum, or would like assistance in determining the appropriate status in which to place the employee, you may contact Eric Daniels, Assistant Director for Labor and Employment Law, on (202) 616-3749.



APR 19 2012

Washington, D.C. 20530

MEMORANDUM FOR Michael J. Prout  
Assistant Director  
Office of Inspections  
U.S. Marshals Service (USMS)

FROM: Mari Barr Santangelo   
Deputy Assistant Attorney General  
for Human Resources and Administration

SUBJECT: Request for Granting of Administrative Leave

This is in response to your memorandum, received on April 17, 2012, in which you seek approval to maintain Deputy United States Marshall (DUSM) [REDACTED] on administrative leave for an additional 90 work days. This office previously granted 90 days of administrative leave for DUSM [REDACTED] which expired on March 28, 2012. You have indicated that this most recent request was delayed by administrative oversight.

Your requests state that DUSM [REDACTED] was investigated by your component's Office of Internal Investigations based on his alleged association with a known felon and evidence that he possessed prescription medication belonging to a prisoner assigned to his custody. The investigation, which has now been concluded, revealed that an acquaintance of DUSM [REDACTED] committed suicide in his residence with one of DUSM [REDACTED] service weapons. Additionally, DUSM [REDACTED] admitted to removing drug paraphernalia from the crime scene. Your component intends to propose DUSM [REDACTED] removal, and you need sufficient time to fulfill applicable due process requirements before rendering a decision. Based on the seriousness of his alleged actions, you are concerned that his continued presence on duty could pose a threat to his safety or the safety of others in the office.

Before discussing the merits of your request, I must address the fact that it was made nearly three weeks after the expiration of the previously authorized period of administrative leave. I understand from my staff that your component has recently undergone a realignment of the offices responsible for requesting administrative leave and that the delay may be attributable to the individuals previously responsible for making such requests. Regardless of the reasons for this extraordinary delay, I must caution you that such an egregious administrative oversight will not be tolerated in the future. I expect that your office will review your process for making these requests in order to insure that all future requests are received in a timely manner. Requests



Memorandum for Michael J. Prout  
Subject: Request for Granting of Administrative Leave

should be received by my staff at least a week prior to the end of your approved administrative leave period so that we have sufficient time to review and respond to them.

Based on the facts presented, I am approving your use of 60 work days of administrative leave for DUSM [REDACTED], from March 29, 2012, up to and including June 21, 2012. If the circumstances of this case change, you should immediately advise me at the address indicated below so that a determination can be made if additional administrative leave is warranted. An employee should not be permitted to remain on administrative leave where the circumstances upon which your request was approved no longer exist. In the event that administrative leave is needed in excess of the amount approved above, you should notify me at once of the need for an extension. You may do this by submitting your request for reconsideration in writing to me at the following address: 950 Pennsylvania Avenue, NW, Room 1112, Washington, DC 20530. Should you have any questions regarding this memorandum, or would like assistance in determining the appropriate status in which to place the employee, you may contact Eric Daniels, Assistant Director for Labor and Employment Law, on (202) 616-3749.



## U.S. Department of Justice

OCT 14 2011

Washington, D.C. 20530

MEMORANDUM FOR K. M. White

Assistant Director  
Human Resources Management Division  
Federal Bureau of Prisons

FROM:

Mari Barr Santangelo  
Deputy Assistant Attorney General  
for Human Resources and Administration

SUBJECT:

Request for Granting of Administrative Leave

This is in response to your memorandum, received on October 12, 2011, in which you request approval to maintain Case Manager [REDACTED] on administrative leave for an additional 60 work days. Your component placed [REDACTED] on administrative leave on October 3, 2011.

According to your request, on October 3, 2011, [REDACTED] tested positive for cocaine use following a random drug test that was administered on September 26, 2011. You need sufficient time to complete an expedited investigation of [REDACTED] conduct and to take appropriate disciplinary action. Because [REDACTED] alleged use of cocaine is in direct violation of the Department's Drug Free Workplace Policy, you believe that her presence in the institution would interfere with its safe and orderly operations. The additional time requested will allow your component to prepare and issue a notice of proposed removal and to comply with due process requirements before rendering a decision.

Based on the facts presented, I am authorizing you to maintain [REDACTED] on administrative leave for an additional 60 work days, up to and including January 13, 2012. I am authorizing a sufficient period of administrative leave for your component to take appropriate action on this case, and I expect that you will work expeditiously in doing so. If the circumstances of this case change, you should immediately advise me at the address indicated below so that a determination can be made if administrative leave is still warranted. An employee should not be permitted to remain on administrative leave where the circumstances upon which your request was approved no longer exist. In the event that administrative leave is needed in excess of the amount approved above, you should notify me at once of the need for an extension. You may do this by submitting your request for reconsideration in writing to me at the following address: 950 Pennsylvania Avenue, NW, Room 1112, Washington, DC 20530. If you have questions regarding this memorandum, or would like assistance in determining the appropriate status in which to place the employee, you may contact Eric Daniels, Assistant Director for Labor and Employment Law, on (202) 616-3749.



## CASE 8



## U.S. Department of Justice

Washington, D.C. 20530

MAR 19 2012

MEMORANDUM FOR K.M. White

Assistant Director  
Human Resources Management Division  
Federal Bureau of Prisons

FROM:

Mari Barr Santangelo *Mari Barr Santangelo*  
Deputy Assistant Attorney General  
for Human Resources and Administration

SUBJECT:

Request for Granting of Administrative Leave

This is in response to your memorandum, received March 14, 2012, in which you request approval to maintain Case Manager [REDACTED] on administrative leave for an additional 60 work days. Your component placed [REDACTED] on administrative leave on March 9, 2012.

According to your request, on October 3, 2011, [REDACTED] tested positive for cocaine use following a random drug test that was administered on September 26, 2011, and your component removed [REDACTED] from Federal service on December 16, 2011. The union filed a grievance on [REDACTED] behalf, and during preparation for the grievance arbitration hearing your component became aware of procedural irregularities in the removal process. These irregularities necessitated the rescission of the removal action. You now need sufficient time to re-issue a proposal to remove [REDACTED] and to comply with due process requirements before rendering a decision. Because [REDACTED] alleged use of cocaine is in direct violation of the Department's Drug Free Workplace Policy, you believe that her presence in the institution would interfere with its safe and orderly operations, and you would like to maintain her on administrative leave until your component issues a decision.

Based on the facts presented, I am authorizing you to maintain [REDACTED] on administrative leave for an additional 60 work days, up to and including June 15, 2012. I am authorizing a sufficient period of administrative leave for your component to take appropriate action on this case, and I expect that you will work expeditiously in doing so. If the circumstances of this case change, you should immediately advise me at the address indicated below so that a determination can be made if administrative leave is still warranted. An employee should not be permitted to remain on administrative leave where the circumstances upon which your request was approved no longer exist. In the event that administrative leave is needed in excess of the amount approved above, you should notify me at once of the need for an extension.

## CASE 8

Subject: Request for Granting of Administrative Leave

Page 2

You may do this by submitting your request for reconsideration in writing to me at the following address: 950 Pennsylvania Avenue, NW, Room 1112, Washington, DC 20530. If you have questions regarding this memorandum, or would like assistance in determining the appropriate status in which to place the employee, you may contact Eric Daniels, Assistant Director for Labor and Employment Law, on (202) 616-3749.



U.S. Department of Justice

CASE 9

Washington, D.C. 20530

MAY 24 2011

MEMORANDUM FOR Darla K. Callaghan  
 Assistant Director for Human Resources  
 U.S. Marshals Service (USMS)

FROM: Mari Barr Santangelo *James J. Dineen*  
 Deputy Assistant Attorney General  
 for Human Resources and Administration

SUBJECT: Request for Granting of Administrative Leave

This is in response to your memorandum, received on May 23, 2011, in which you seek approval to maintain Deputy United States Marshall (DUSM) [REDACTED] on administrative leave for an additional 90 work days. Your component approved and initiated ten work days of administrative leave for DUSM [REDACTED] on May 11, 2011.

Your request states that, on three separate occasions (the most recent on April 26, 2011), DUSM [REDACTED] has unholstered his service weapon, pointed it at another Deputy United States Marshall, and threatened to open fire. Your component has referred the matter to your Office of Internal Investigation. In the meantime, based on his actions, you are concerned that his continued presence on duty could pose a threat to his safety or the safety of others in the office. You need sufficient time to conclude an expedited investigation and to take appropriate administrative action and would like to maintain him on administrative leave during that time.

Based on the facts presented, I am approving your use of 90 additional days of administrative leave for DUSM [REDACTED] up to and including September 30, 2011. If the circumstances of this case change, you should immediately advise me at the address indicated below so that a determination can be made if additional administrative leave is warranted. An employee should not be permitted to remain on administrative leave where the circumstances upon which your request was approved no longer exist. In the event that administrative leave is needed in excess of the amount approved above, you should notify me at once of the need for an extension. You may do this by submitting your request for reconsideration in writing to me at the following address: 950 Pennsylvania Avenue, NW, Room 1112, Washington, DC 20530. Should you have any questions regarding this memorandum, or would like assistance in determining the appropriate status in which to place the employee, you may contact Eric Daniels, Assistant Director for Labor and Employment Law, on (202) 616-3749.





## U.S. Department of Justice CASE 9

SEP 01 2011

Washington, D.C. 20530

MEMORANDUM FOR Darla K. Callaghan

Assistant Director for Human Resources  
U.S. Marshals Service (USMS)

FROM:

Mari Barr Santangelo  
Deputy Assistant Attorney General  
for Human Resources and Administration

SUBJECT:

Request for Granting of Administrative Leave

This is in response to your memorandum, received on August 22, 2011, in which you seek approval to maintain Deputy United States Marshal (DUSM) [REDACTED] on administrative leave for an additional 30 work days. I previously authorized 90 work days of administrative leave for DUSM [REDACTED] and that period ends on September 30, 2011.

Based on your most recent request and contacts with my staff, it appears that your component issued DUSM [REDACTED] a proposal to remove him on August 25, 2011, based on investigative findings by your Office of Internal Affairs. The investigation stemmed from allegations that on three separate occasions DUSM [REDACTED] unholstered his service weapon, pointed it at another DUSM, and threatened to open fire. You believe an additional 30 work days will allow sufficient time to comply with due process requirements before issuing a decision on the proposed removal.

Based on the facts presented, I am approving the use of 15 additional days of administrative leave for DUSM [REDACTED], up to and including October 21, 2011. Given the large amount of administrative leave that has already been approved, this is the last period of administrative leave that I will authorize for DUSM [REDACTED] and I trust that you will resolve this matter as promptly as possible. If the circumstances of this case change, you should immediately advise me at the address indicated below so that a determination can be made if additional administrative leave is warranted. An employee should not be permitted to remain on administrative leave where the circumstances upon which your request was approved no longer exist. You may do this by submitting your request for reconsideration in writing to me at the following address: 950 Pennsylvania Avenue, NW, Room 1112, Washington, DC 20530. Should you have any questions regarding this memorandum, or would like assistance in determining the appropriate status in which to place the employee, you may contact Eric Daniels, Assistant Director for Labor and Employment Law, on (202) 616-3749.



OCT 10 2012

Washington, D.C. 20530

MEMORANDUM FOR Kathleen M. Kenney

Assistant Director/General Counsel  
Federal Bureau of Prisons (BOP)

FROM:

Mari Barr Santangelo  
Deputy Assistant Attorney General  
for Human Resources and Administration

SUBJECT:

Request for Granting of Administrative Leave

This is in response to your memorandum, dated and received on October 5, 2012, in which you request approval to maintain Lieutenant [REDACTED] on administrative leave for up to 60 work days. Your component placed [REDACTED] on administrative leave for ten work days beginning on October 4, 2012.

According to your request, on October 2, 2012, [REDACTED] contacted the Office of the Inspector General and, among other things, reported that someone had installed hidden cameras in his home. He expressed the belief that his co-workers had information that could only have been obtained from a hidden camera. He also reported experiencing "a lot of tension" in his office and stated that "something bad is going to happen." As a result of his disturbing behavior, your component intends to schedule [REDACTED] for a fitness-for-duty examination. You believe that returning [REDACTED] to the workplace would jeopardize the safety of staff and the security of the institution. The additional time requested will allow your component time to receive the results from the examination and to effect appropriate administrative action.

Based on the facts presented, I am authorizing you to maintain [REDACTED] on administrative leave for 60 work days, up to and including January 16, 2013. I am authorizing a sufficient period of administrative leave for your component to take appropriate action on this case, and I expect that you will work expeditiously in doing so. If the circumstances of this case change, you should immediately advise me at the address indicated below so that a determination can be made if administrative leave is still warranted. An employee should not be permitted to remain on administrative leave where the circumstances upon which your request was approved no longer exist. In the event that administrative leave is needed in excess of the amount approved

Memorandum for Kathleen M. Kenney  
Subject: Request for Granting of Administrative Leave

Page 2

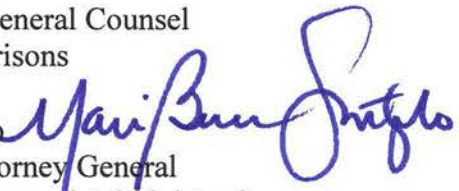
above, you should notify me at once of the need for an extension. You may do this by submitting your request for reconsideration in writing to me at the following address: 950 Pennsylvania Avenue, NW, Room 1112, Washington, DC 20530. Should you have questions regarding this memorandum, or would like assistance in determining the appropriate status in which to place the employee, you may contact Eric Daniels, Assistant Director for Labor and Employment Law, on (202) 616-3749.



MAR 21 2013

Washington, D.C. 20530

MEMORANDUM FOR Kathleen M. Kenney  
Assistant Director/General Counsel  
Federal Bureau of Prisons

FROM: Mari Barr Santangelo   
Deputy Assistant Attorney General  
for Human Resources and Administration

SUBJECT: Request for Granting of Administrative Leave

This is in response to your memorandum, received on March 21, 2013, in which you request approval to maintain Lieutenant [REDACTED] on administrative leave for an additional 30 work days. I previously approved your earlier requests to maintain him on administrative leave for 60 work days, through January 16, 2013, and another 45 work days, through March 22, 2013.

According to your requests, October 2, 2012, [REDACTED] contacted the Office of the Inspector General and reported that co-workers had installed hidden cameras in his house and had information that only could have been obtained from such cameras. He also reported experiencing "a lot of tension" in his office and stated that "something bad is going to happen." A subsequent fitness-for-duty examination determined that [REDACTED] was "seriously disturbed" and unfit for his duties. In your last request, you informed me that [REDACTED] had requested a reasonable accommodation and that your component was engaging in the interactive process. Most recently, a member of your staff told my staff that your component tried unsuccessfully to locate a new position whose duties [REDACTED] could perform, and it now intends to propose his removal based on inability to perform the duties of his position. Since you believe that [REDACTED] continues to pose a threat to the safety of staff and the security of the institution, you would like to maintain him on administrative leave until the completion of appropriate administrative action.

Based on the facts presented, I am authorizing you to maintain [REDACTED] on administrative leave for an additional 30 work days, up to and including May 3, 2013. I am authorizing a sufficient period of administrative leave for your component to take appropriate action on this case, and I expect that you will work expeditiously in doing so.



Memorandum for Kathleen M. Kenney  
Subject: Request for Granting of Administrative Leave

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If the circumstances of this case change, you should immediately advise me at the address indicated below so that a determination can be made if administrative leave is still warranted. An employee should not be permitted to remain on administrative leave where the circumstances upon which your request was approved no longer exist. In the event that administrative leave is needed in excess of the amount approved above, you should notify me at once of the need for an extension. You may do this by submitting your request for reconsideration in writing to me at the following address: 950 Pennsylvania Avenue, NW, Room 1112, Washington, DC 20530. Should you have questions regarding this memorandum, or would like assistance in determining the appropriate status in which to place the employee, you may contact Eric Daniels, Assistant Director for Labor and Employment Law, at (202) 616-3749.



OCT 14 2011

Washington, D.C. 20530

MEMORANDUM FOR K. M. White

Assistant Director  
Human Resources Management Division  
Federal Bureau of Prisons

FROM:

Mari Barr Santangelo  
Deputy Assistant Attorney General  
for Human Resources and Administration

SUBJECT:

Request for Granting of Administrative Leave

This is in response to your memorandum, received on October 13, 2011, in which you request approval to maintain Correctional Officer [REDACTED] on administrative leave for an additional 60 work days. Your component placed [REDACTED] on administrative leave on October 3, 2011.

According to your request, on September 29, 2011, [REDACTED] tested positive for cocaine use following a random drug test that was administered on September 23, 2011. You need sufficient time to complete an expedited investigation of [REDACTED] conduct and to take appropriate disciplinary action. Because her alleged use of cocaine is in direct violation of the Department's Drug Free Workplace Policy, you believe that her presence in the institution would interfere with its safe and orderly operations. The additional time requested will allow your component to prepare and issue a notice of proposed removal and to comply with due process requirements before rendering a decision.

Based on the facts presented, I am authorizing you to maintain [REDACTED] on administrative leave for an additional 60 work days, up to and including January 13, 2012. I am authorizing a sufficient period of administrative leave for your component to take appropriate action on this case, and I expect that you will work expeditiously in doing so. If the circumstances of this case change, you should immediately advise me at the address indicated below so that a determination can be made if administrative leave is still warranted. An employee should not be permitted to remain on administrative leave where the circumstances upon which your request was approved no longer exist. In the event that administrative leave is needed in excess of the amount approved above, you should notify me at once of the need for an extension. You may do this by submitting your request for reconsideration in writing to me at the following address:

Memorandum for K. M. White

Subject: Request for Granting of Administrative Leave

950 Pennsylvania Avenue, NW, Room 1112, Washington, DC 20530. If you have questions regarding this memorandum, or would like assistance in determining the appropriate status in which to place the employee, you may contact Eric Daniels, Assistant Director for Labor and Employment Law, on (202) 616-3749.



## U.S. Department of Justice CASE 11

DEC 21 2012

Washington, D.C. 20530

MEMORANDUM FOR KATHLEEN M. KENNEY

Assistant Director/General Counsel  
Federal Bureau of Prisons

FROM:

Mari Barr Santangelo  
Deputy Assistant Attorney General  
for Human Resources and Administration

SUBJECT:

Request for Granting of Administrative Leave

This is in response to your memorandum, dated and received on December 21, 2012, in which you request approval to maintain Correctional Officer [REDACTED] on administrative leave for up to 60 work days. Your component placed [REDACTED] on administrative leave for ten work days beginning on December 20, 2012.

According to your request, [REDACTED] is currently under investigation by the Office of Inspector General (OIG) for allegations regarding sexual abuse of an inmate and for an inappropriate relationship with an inmate. Based on the serious nature of the allegations against [REDACTED], you believe that her presence in the institution would jeopardize its safe and orderly operations. The additional time requested will allow your component to maintain [REDACTED] on administrative leave while the OIG investigation is completed. During that time, your component plans to issue a proposal letter for indefinite suspension and render a decision on the proposal while complying with applicable due process requirements.

Based on the facts presented, I am authorizing you to maintain [REDACTED] on administrative leave for 60 work days, up to and including April 2, 2013. I am authorizing a sufficient period of administrative leave for your component to take appropriate action on this case, and I expect that you will work expeditiously in doing so. If the circumstances of this case change, you should immediately advise me at the address indicated below so that a determination can be made if administrative leave is still warranted. An employee should not be permitted to remain on administrative leave where the circumstances upon which your request was approved no longer exist. In the event that administrative leave is needed in excess of the amount approved above, you



## CASE 11

Memorandum for Kathleen M. Kenney

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should notify me at once of the need for an extension. You may do this by submitting your request for reconsideration in writing to me at the following address:  
950 Pennsylvania Avenue, NW, Room 1112, Washington, DC 20530. Should you have questions regarding this memorandum, or would like assistance in determining the appropriate status in which to place the employee, you may contact Eric Daniels, Assistant Director for Labor and Employment Law, on (202) 616-3749.



CASE 11  
U.S. Department of Justice

JAN 10 2012

Washington, D.C. 20530

MEMORANDUM FOR K. M. White

Assistant Director  
Human Resources Management Division  
Federal Bureau of Prisons

FROM:

Mari Barr Santangelo  
Deputy Assistant Attorney General  
for Human Resources and Administration

SUBJECT:

Request for Granting of Administrative Leave

This is in response to your memorandum, received on December 23, 2011, in which you seek to maintain Correctional Officer [REDACTED] on administrative leave for an additional 45 work days. I previously approved 60 work days of administrative leave for [REDACTED] which expires on January 13, 2012.

According to your requests, on September 29, 2011, [REDACTED] tested positive for cocaine use following a random drug test that was administered on September 23, 2011. Your latest request states that the investigation of this issue has taken longer than originally expected but that it has now been completed. [REDACTED] alleged use of cocaine is in direct violation of the Department's Drug Free Workplace Policy, and you believe that her presence in the correctional institution would interfere with its safe and orderly operations. You intend to propose her removal from her position. The additional time requested will allow your component sufficient time to prepare and issue the proposal letter and to comply with due process requirements before rendering a decision.

Based on the facts presented, I am authorizing you to maintain [REDACTED] on administrative leave for an additional 45 work days, up to and including March 20, 2012. I am authorizing a sufficient period of administrative leave for your component to take appropriate action on this case, and I expect that you will work expeditiously in doing so. If the circumstances of this case change, you should immediately advise me at the address indicated below so that a determination can be made if administrative leave is still warranted. An employee should not be permitted to remain on administrative leave where the circumstances upon which your request was approved no longer exist. In the event that administrative leave is needed in excess of the amount approved above, you should notify me at once of the need for an extension. You may do this by submitting your request for reconsideration in writing to me at the following address:

**CASE 11**

Page 2

Memorandum for K. M. White  
Subject: Request for Granting of Administrative Leave

950 Pennsylvania Avenue, NW, Room 1112, Washington, DC 20530. If you have questions regarding this memorandum, or would like assistance in determining the appropriate status in which to place the employee, you may contact Eric Daniels, Assistant Director for Labor and Employment Law, on (202) 616-3749.

UNCLASSIFIED

February 5, 2015

The Honorable Charles E. Grassley  
U.S. Senate  
Committee on the Judiciary  
224 Dirksen Senate Office Building  
Washington, DC 20510

Dear Chairman Grassley:

This letter seeks to provide an interim response to your October 21, 2014, letter requesting information on the Department of State's (Department's) use of administrative leave.

In November 2014, the Office of Inspector General (OIG) requested from the Department's Bureau of Human Resources (Bureau) information related to your four questions on its policies and practices regarding administrative leave.

On January 29, 2015, the Bureau sent to OIG the enclosed list of Department personnel with more than 30 days of administrative leave for the four-year period of time from 2011 to 2014. The first spreadsheet (Summary) shows employees' administrative leave not counting regular holidays. The second (Final Summary) covers all employees' administrative leave, including holidays. The Bureau noted that all personnel accumulate administrative leave throughout the year because of normally occurring Federal holidays. I have also enclosed a key to help you decipher the organizational codes referenced in the document.

OIG views the enclosure as a partial response from the Bureau, and will transmit the remaining data to you once we receive it from the Bureau of Human Resources. In addition to this, OIG's Office of Evaluations and Special Projects plans to analyze the data and publish an evaluation of the Department's use of administrative leave.

Should you have any questions, my point of contact for this issue is Jeffrey McDermott, who can be reached at 202-663-0366 or [mcdermottjd@state.gov](mailto:mcdermottjd@state.gov).

Sincerely,



Timothy Litvin  
Director of Congressional Affairs

Enclosures: As stated.



## 3 FAM 3460 OTHER PAID LEAVE

*(CT:PER-690; 03-18-2013)*  
*(Office of Origin: HR/ER)*

### 3 FAM 3461 AUTHORITY

*(CT:PER-690; 03-18-2013)*  
*(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)*  
*(Applies to Foreign Service and Civil Service Employees)*

Authorities include:

- (1) 5 CFR 630.801 - 630.804; and
- (2) 5 CFR 752.401 - 604; and
- (3) 5 U.S.C. 6321, 6325, 6326 and 6327.

### 3 FAM 3462 ELIGIBILITY

*(TL:PER-406; 06-14-2001)*  
*(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)*  
*(Applies to Foreign Service and Civil Service Employees)*

Refer to 3 FAM 3312 for eligibility requirements.

### 3 FAM 3463 TRANSIT TIME

#### 3 FAM 3463.1 General

*(CT:PER-690; 03-18-2013)*  
*(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)*  
*(Applies to Foreign Service and Civil Service Employees)*

Transit time may be granted between the points of departure and destination named in the travel authorization. The appropriate headquarters office will grant transit time for **employees** traveling under official orders who terminate their travel in the United States. The post of destination is authorized to grant transit time for travel performed under official orders by **employees** completing travel at their post.

### 3 FAM 3463.2 Transit Time in Connection with Leave

(CT:PER-606; 11-14-2008)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

- a. Employees will be granted transit time in connection with authorized home leave travel to the United States (or to a U.S. Commonwealth or possession if that is the employee's home leave residence).
- b. Transit time may be granted by the post for R&R travel or family visitation travel (FVT) if travel cannot be scheduled on nonworkdays due to **circumstances beyond the employee's control**. Such circumstances might include lack of air transportation from and/or to post on nonworkdays, irregular connections from and/or to post, or compassionate reasons. Such circumstances **do not include the employee's personal convenience**. Normally, transit time will be limited to 1 day for each leg of R&R or FVT, and should not exceed 2 days. If the employee makes a stopover for his or her convenience, transit time may only be granted to the stopover point.

### 3 FAM 3463.3 Time Limitation

#### 3 FAM 3463.3-1 Circumstances Beyond Control of Traveler

(CT:PER-690; 03-18-2013)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

For travel other than R&R and FVT in 3 FAM 3463.2, when a greater amount of time than that normally required to complete travel is spent either in travel or in awaiting transportation because of circumstances over which the traveler has no control and could not reasonably avoid, the actual amount of time spent *must* be considered transit time.

#### 3 FAM 3463.3-2 Use of Privately Owned Conveyance

(CT:PER-606; 11-14-2008)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

If travel is performed by privately owned (POV) conveyance, a reasonable amount of time, in view of the distance and route traveled and the circumstances of the journey will be considered transit time whenever such mode of travel is more advantageous to the U.S. Government if transit time is granted for the travel (see 14 FAM 566).

### 3 FAM 3463.3-3 Delays in Awaiting Transportation Due to Personal Reasons

*(CT:PER-690; 03-18-2013)*

*(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)*

*(Applies to Foreign Service and Civil Service Employees)*

If an employee relinquishes duties prematurely for his or her own convenience and proceeds to the point of departure, any period spent awaiting transportation *must* not be considered transit time. In such cases, allowable transit time may only be computed from the date the employee would have normally been required to begin official travel. Any delay due to missed connections that result when an employee delays departure from post or interrupts travel for personal convenience *must* not be considered transit time.

### 3 FAM 3463.3-4 Allowable Transit Time

*(CT:PER-606; 11-14-2008)*

*(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)*

*(Applies to Foreign Service and Civil Service Employees)*

When the first day of transit time has been authorized and established, each consecutive workday thereafter actually and necessarily spent in travel, including authorized rest stops and time necessarily spent in awaiting transportation en route, will be considered transit time.

### 3 FAM 3463.4 Charging Time in Excess of Allowable Transit Time

*(CT:PER-690; 03-18-2013)*

*(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)*

*(Applies to Foreign Service and Civil Service Employees)*

Time used by the employee in travel and in awaiting transportation that is in excess of allowable transit time will be charged against annual leave, if available, earned compensatory time, or leave without pay. The basis *is* 8 hours for each workday subsequent to the date the employee could have arrived at the destination had the employee proceeded by a usually traveled route, and by the mode of transportation prescribed in pertinent travel regulations. Computation of allowable transit time for leave purposes *must* be independent of computation of per diem for the purposes of determining allowable travel expenses.

### 3 FAM 3463.5 Transit Time in Connection With Separation

*(TL:PER-406; 06-14-2001)*

*(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)*



*(Applies to Foreign Service and Civil Service Employees)*

Transit time is allowable when travel commences on the first workday following relinquishment of duty or, when leave is granted, not later than the expiration date of approved leave.

## **3 FAM 3464 EXCUSED ABSENCE**

### **3 FAM 3464.1 General**

*(CT:PER-606; 11-14-2008)*

*(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)*

*(Applies to Foreign Service and Civil Service Employees)*

Excused absence is an absence from duty administratively authorized or approved by the leave-approving officer and does not result in a charge in leave of any kind or in loss of basic salary.

#### **3 FAM 3464.1-1 Purpose**

*(CT:PER-690; 03-18-2013)*

*(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)*

*(Applies to Foreign Service and Civil Service Employees)*

Excused absence may generally be granted for the following purposes:

- (1) Absences of 1 hour or less due to emergencies or tardiness;
- (2) To undergo physical examination:
  - (a) When required pursuant to regulations; or
  - (b) When required by induction or enlistment in the Armed Forces of the United States, provided the request for absence is supported by official notification from appropriate military authority. However, if hospitalization for additional tests is required, that time may not be excused;
- (3) For time spent in health rooms if such cumulative time is 1 hour or less in 1 day. Time in excess of 1 hour should be charged as sick leave;
- (4) For examination or outpatient treatment by a U.S. Government physician or by a facility officially authorized to handle cases of employees injured in the performance of duty. However, this does not apply to additional absence on account of the injury where treatment is not involved;
- (5) To visit blood donor centers for the purpose of donating blood without a charge to leave. The employee may be excused for 4 hours (only on the day blood is donated) in addition to the time required to travel to and from the blood donor center and to actually give blood. If the employee is not

accepted for blood donation, only the time necessary for the round trip is to be excused;

- (6) To participate in Foreign Service or Civil Service examinations when it is deemed to be primarily in the interest of the U.S. Government;
- (7) To permit employees who are veterans of any war, campaign or expedition for which a campaign badge has been authorized, or are members of official honor or ceremonial groups or organizations, to participate as active pallbearers or guards of honor in funeral ceremonies for members of the U.S. Armed Forces whose remains are returned from abroad for final interment in the United States. Such periods of excused absence are limited to 4 hours;
- (8) When a post is closed to the public on local holidays by administrative order, or when Federal work may not be properly performed. However, U.S. citizen employees may be required to work on such days, and are not entitled to holiday pay or overtime pay for such work;
- (9) To attend incentive award ceremonies or to pay respect to retiring employees at a ceremony or reception; and
- (10) When the officer in charge of an establishment, domestic or abroad, authorizes group dismissals of employees for a reasonable period due to extreme climatic conditions, civil disturbance, transportation failure, breakdown of heating or cooling systems, natural disaster such as a hurricane or earthquake, etc.

### **3 FAM 3464.1-2 Conduct-Related Excused Absence**

*(CT:PER-690; 03-18-2013)*

*(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)*

*(Applies to Foreign Service and Civil Service Employees)*

*Excused absence may be directed in rare circumstances and when authorized as provided by 3 FAH-1 H-3461.2 when an investigation, inquiry, or disciplinary action regarding the employee's conduct is pending, has been requested, or will be requested within 2 workdays, and the continued presence of the employee in the workplace may pose a threat to the employee or to others, or may result in loss of, or damage to, U.S. Government property, or may otherwise jeopardize legitimate U.S. Government interests.*

### **3 FAM 3464.2 Voting and Registering**

*(CT:PER-690; 03-18-2013)*

*(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)*

*(Applies to Foreign Service and Civil Service Employees)*

- a. Insofar as is practicable, without interfering with operations, employees may travel, at their own expense, to their legal voting residence in the United States

to vote or register in any election or referendum on a civic matter in their community.

b. Such time may be excused if:

- (1) The polls are not open at least **3 hours either before or after an employee's** regular work hours. In such cases, excused absence is limited to the time necessary to permit the employee to either report to work 3 hours after the polls open or leave work 3 hours before polls close;
- (2) Exceptional circumstances require the employee to be absent for up to 1 full workday in order to vote. For example, the jurisdiction requires registration in person, registration is not available on a nonwork day and the place of registration is within a reasonable one-day round-trip.

### **3 FAM 3464.3 Transition Leave**

#### **3 FAM 3464.3-1 General Guidance**

*(CT:PER-690; 03-18-2013)*

*(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)*

*(Applies to Foreign Service and Civil Service Employees)*

- a. Transition leave is authorized for a specific purpose, i.e., to provide employees a period of excused absence to settle into their homes in the United States before returning to an assignment in the United States.
- b. Fifteen (15) working days of transition leave will be granted to Civil Service (CS) employees on limited noncareer appointments (LNA) who serve at least 18 consecutive months abroad (12 months at posts designated by the Director General per 3 FAM 3433.1) and immediately return to work for their parent agency in the United States for at least **6** months.
- c. Ten (10) working days of transition leave will be granted to Foreign Service (FS) employees returning for a domestic assignment who are ineligible for home leave due to the fact that they will not return to service abroad because of mandatory retirement, and who meet all other home leave eligibility criteria. Employees must serve at least 18 consecutive months abroad (12 months at posts designated by the Director General per 3 FAM 3433.1) and immediately return to work for their parent agency in the United States for at least 6 months.
- d. Normally, transition leave is voluntary. However, transition leave is mandatory following service at a post designated by the Director General under 3 FAM 3433.1. On request of an employee, this requirement may be waived based on personal needs, particularly if taking transition leave would impact negatively on his or her ability to reconnect with immediate family members. Waiver requests must be approved by the Director General.
- e. Transition leave will be approved for use in the United States only after

termination of an assignment abroad and before reporting to a new assignment in the United States. Transportation within the United States is not provided. An employee may request to use transition leave after he or she reports to a new assignment only for compelling personal reasons of a compassionate nature, or for the needs of the Service. A request to defer the usage of transition leave must be made, in writing, to the executive director of the gaining office for his or her approval before the employee departs the post abroad. However, under no circumstances will transition leave be approved for use more than 30 calendar days after an employee has reported to work in the United States. Transition leave will be noted on travel authorizations issued by HR/EX.

- f. For Department of Commerce employees, requests for transition leave must be made to the leave approving official at the new duty station. For USAID employees, requests for use of transition leave or deferral of such leave must be submitted to the leave approving supervisor in the gaining bureau or office. For BBG employees, transition leave must be requested from and approved by the leave approving official in the gaining office in the United States.
- g. For Commerce/USDA (Foreign Agricultural Service)/BBG employees, requests for approval of transition leave or to defer usage should be included in the request for travel orders and if approved, will be noted in the travel authorization.

### **3 FAM 3464.3-2 Repayment of Leave**

*(CT:PER-690; 03-18-2013)*

*(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)*

*(Applies to Foreign Service and Civil Service Employees)*

- a. An employee who fails to complete at least 6 months service in an assignment with his or her parent agency in the United States after using transition leave will be indebted to the Federal Government for the excused absence. The period of used transition leave may be changed to annual leave or repaid to the Federal Government at the time of separation. Amounts owed by an employee under this section will be recovered from the employee.
- b. Waiver of this repayment requirement may be requested for compelling personal reasons of a compassionate nature and approved by the appropriate Deputy Assistant Secretary for Human Resources (*DGHR*). For Department of Commerce employees, waiver may be requested and approved by the respective Assistant Secretary. For USDA/Foreign Agricultural Service employees, waiver may be requested and approved by the Deputy Administrator, Office of Foreign Service Operations. For USAID employees, waivers of repayment may be requested and approved by the Deputy Assistant Administrator for Human Resources or his or her designee. For BBG employees, waiver requests must be submitted to the Director, Office of Human Resources.

- c. Transition leave may not be the basis of any lump-sum payment upon separation.

### 3 FAM 3464.4 Funeral Leave

*(CT:PER-690; 03-18-2013)*

*(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)*

*(Applies to Foreign Service and Civil Service Employees)*

*For purposes of 3 FAM 3464.4-1 and 3 FAM 3464.4-2, "immediate relative" is defined in 5 C.F.R. 630.803 and means the following relatives of the deceased member of the U.S. Armed Forces:*

- (1) Spouse and parents thereof;*
- (2) Sons and daughters, and spouses thereof; son or daughter means—*
  - A biological, adopted, step, or foster son or daughter of the employee;*
  - A person who is a legal ward or was a legal ward of the employee when that individual was a minor or required a legal guardian;*
  - A person for whom the employee stands in loco parentis or stood in loco parentis when that individual was a minor or required someone to stand in loco parentis; or*
  - A son or daughter, as described in this definition, of an employee's spouse or domestic partner.*
- (3) Parents and spouses thereof; parent means—*
  - A biological, adoptive, step, or foster parent of the employee, or a person who was a foster parent of the employee when the employee was a minor;*
  - A person who is the legal guardian of the employee or was the legal guardian of the employee when the employee was a minor or required a legal guardian; or*
  - A person who stands in loco parentis to the employee or stood in loco parentis to the employee when the employee was a minor or required someone to stand in loco parentis.*
  - A parent, as described in this definition, of an employee's spouse or domestic partner.*
- (4) Brothers and sisters, and spouses thereof;*
- (5) Grandparents and grandchildren, and spouses thereof;*
- (6) Domestic partner (an adult in a committed relationship with another adult, including both same-sex and opposite-sex relationships) and parents thereof, including domestic partners of any individual in (1) through (5), above; and*
- (7) Any individual related by blood or affinity whose close association with the*

*deceased was such as to have the equivalent of a family relationship.*

### **3 FAM 3464.4-1 FUNERAL LEAVE FOR RELATIVE KILLED IN LINE OF DUTY WHILE SERVING IN A COMBAT ZONE**

*(CT:POH-690; 03-18-2013)*

*(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)*

*(Applies to Foreign Service and Civil Service Employees)*

An employee *must* be granted funeral leave (without loss or reduction in pay, leave to which otherwise entitled, or credit for time or service, and without adversely affecting performance rating) as is needed and requested, but not to exceed **3** workdays, to make arrangements for, or to attend the funeral or memorial service for an immediate relative who dies as a result of a wound, disease, or an injury incurred while serving as a member of the U.S. Armed Forces in an area designated by Executive Order as a combat zone.

The **3** days need not be consecutive. For periods in excess of the **3** days permitted under this section, employees may request sick leave for bereavement purposes per 3 FAH-1 H-3425.

### **3 FAM 3464.4-2 FUNERAL LEAVE FOR RELATIVE KILLED IN LINE OF DUTY - NOT IN A COMBAT ZONE**

*(CT:POH-690; 03-18-2013)*

*(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)*

*(Applies to Foreign Service and Civil Service Employees)*

*An employee may be excused for a period not to exceed 8 hours to make arrangements for or to attend the funeral or memorial service for an immediate relative killed in line of duty in the U.S. Armed Forces in an area other than a combat zone (when the relative died as a result of service in a combat zone, see 3 FAM 3464.4-1). For periods in excess of the permitted 8 hours, employees may request sick leave for bereavement purposes, per 3 FAH-1 H-3425.*

### **3 FAM 3464.5 Absence Resulting from Hostile Action Abroad**

*(CT:PER-690; 03-18-2013)*

*(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)*

*(Applies to Foreign Service and Civil Service Employees)*

- a. No leave *should* be charged to the account of any *employee* for absence, not to exceed 1 continuous year, due to any injury incurred while serving abroad and resulting from war, insurgency, mob violence, or similar hostile action, provided that the injury *must* not have been due to vicious habits, intemperance, or willful misconduct on the part of the *employee*. (See 3 FAM 3414 for possible



restoration of forfeited annual leave for employees in a missing status.)

- b. Approvals of requests for such absences without charge to leave will be made by:
  - (1) State: Director General of the Foreign Service and Director of Human Resources, or the Deputy Assistant Secretary for Human Resources;
  - (2) USAID: Deputy Assistant Administrator for Human Resources, DAA/HR;
  - (3) USDA: FAS - Personnel Division APHIS - Human Resources Division or Resources Management Support, International Services or their designees; and
  - (4) Commerce: DAS/OIO, U.S. and Foreign Commercial Service.

### 3 FAM 3464.6 Bone-Marrow or Organ Donor

*(CT:PER-690; 03-18-2013)*

*(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)*

*(Applies to Foreign Service and Civil Service Employees)*

- a. A full-time employee is entitled to excused absence not to exceed 7 days (or 56 hours) in any calendar year for the time necessary to serve as a bone-marrow donor. Excused absence for bone-marrow donation may be used for compatibility testing as well as actual donation and treatment.
- b. A full-time employee is entitled to excused absence not to exceed 30 days (or 240 hours) in any calendar year for the time necessary to serve as an organ donor. Excused absence for organ donation may be used for compatibility testing as well as actual donation and recuperation.
- c. These amounts are prorated for part-time employees and employees on uncommon tours of duty.
- d. See 5 U.S.C. [6327](#).

### 3 FAM 3465 LEAVE FOR RELIGIOUS HOLIDAYS

*(CT:PER-690; 03-18-2013)*

*(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)*

*(Applies to Foreign Service and Civil Service Employees)*

- a. In order to meet the employer's legal obligation under Title VII of the Civil Rights Act of 1964 to provide reasonable accommodation to employees for religious purposes, leave approving officials *must* grant annual leave to permit employees to participate in their personal religious observances unless to do so would create an undue burden upon the employer. Such absences will be charged to annual leave or to compensatory time or, if the employee has neither, to leave without pay.



- b. To the extent that it does not interfere with the efficient accomplishment of work, an employee may, with the approval of the supervisor, elect to work compensatory overtime for the purpose of taking time off without charge to leave when personal religious beliefs require that an employee abstain from work during certain periods of the workday or workweek. The employee may work such compensatory overtime either before or after the granting of compensatory time off.
- c. The premium pay provisions for overtime work do not apply to compensatory work performed by an employee for this purpose.
- d. See 3 FAM 3130, specifically 3 FAM 3133.6 for regulations concerning special compensatory time off for religious observances.

## **3 FAM 3466 PROCEDURES**

*(CT:PER-606; 11-14-2008)*

*(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)*

*(Applies to Foreign Service and Civil Service Employees)*

Refer to 3 FAH-1 H-3460 for guidance and procedures.

## **3 FAM 3467 THROUGH 3469 UNASSIGNED**



THE SECRETARY OF TRANSPORTATION  
WASHINGTON, DC 20590

20 FEB 22 11 01

February 12, 2015

The Honorable Charles E. Grassley  
Chairman  
Judiciary Committee  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

Thank you for your letter concerning the use of administrative leave at the U.S. Department of Transportation (DOT) and the costs associated with its use. I appreciate your interest in this matter, and I apologize for the delay in responding.

In Fiscal Year 2014, 107 DOT employees were placed on administrative leave for one month or more, for a total cost in salary and benefits of \$3,764,526.

Out of an employee population of approximately 55,000 employees, 31 employees are currently on administrative leave:

- Twenty-two employees have been on administrative leave between 1 and 3 months, and have been compensated \$44,619;
- Five employees have been on administrative leave between 3 and 6 months, and have been compensated \$252,472;
- Three employees have been on administrative leave between 6 and 9 months, and have been compensated \$252,460; and
- One employee has been on administrative leave between 9 and 12 months, and has been compensated \$193,061.

The DOT does not have any employees currently on administrative leave who have been on administrative leave for more than 1 year.

Four DOT employees were placed on administrative leave for more than 1 year between Fiscal Year 2011 and Fiscal Year 2013. Three employees were placed on a total of 6,405 hours of administrative leave pending the completion of investigations into their administrative and criminal misconduct. They were compensated \$392,372.08.

Page 2

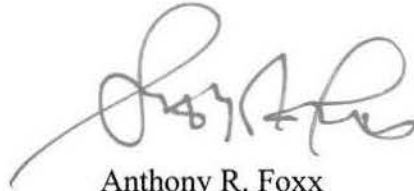
The Honorable Charles E. Grassley

All three employees were separated from DOT. The fourth employee is a current DOT employee. His removal was mitigated by an arbitrator to a 90-day suspension. To comply with the arbitrator's decision that awarded back pay for the length of the removal, the employee's record was documented as having been placed on administrative leave for 1,912.00 hours. He was compensated \$137,822.76.

As requested, I have enclosed DOT's policy on the use of administrative leave.

I have sent a similar response to Congressman Issa. If I can provide further information or assistance, please feel free to call me. If members of your staff have any questions, they may contact Patty Readinger, Deputy Assistant Secretary of Governmental Affairs, at 202-366-9801.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Anthony R. Foxx', with a stylized, cursive script.

Anthony R. Foxx

Enclosure

## Department of Transportation Absence and Leave Handbook

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## Section 1. General Information

### Coverage

- a. This handbook contains the basic requirements governing the administration of absence and leave for civilian employees within the U.S. Department of Transportation (DOT). It does not create any new policy for employees and does not cover employees in the Senior Executive Service.
- b. In general, the provisions of this handbook cover employees of the Federal Aviation Administration (FAA). However, FAA employees should consult with their servicing human resources office on their leave entitlements.

### Authority and References

- a. This handbook is based upon and conforms to the requirements and policy set forth in 5 U.S.C. Chapter 63, 5 CFR Part 630 and DPM 630.
- b. This handbook supplements policies and requirements contained in the sources cited in paragraph (a) of this section, the leave policies established by your operating administration and applicable collective bargaining agreements. This handbook must be read with the references cited.

### Use of Leave

- a. The accrual of leave is an employee benefit. The use of leave is subject to the specific requirements contained in applicable laws, regulations, agency policies, and applicable negotiated agreements. Both the needs of the employee and the need to accomplish the work of the Department will be considered in arriving at decisions to approve or disapprove leave requests.
- b. The abuse of leave rights and privileges may lead to disciplinary action.

### Requests for Leave/Approved Absence

- a. If you wish to take leave, you are required to inform your supervisor in advance of the request. If you are unable to report for duty, you must notify your supervisor as soon as possible at the beginning of the workday. Your request for leave should include the day(s), what type of leave, the number of hours, and the specific hours (from-to) that you are requesting.
- b. OPM Form 71, Appendix A, may be used for the purpose of requesting leave. Your office may have other paper or electronic methods of requesting leave.





### Active and Inactive Duty Training

- a. 5 U.S.C. 6323 provides for 15 calendar days per fiscal year for active duty training and inactive duty training. A maximum of 15 days can be carried over into the next fiscal year. This gives a full-time employee the potential use of 30 days military leave during a fiscal year. There is no requirement that the employee return from military duty to a civilian position before additional military leave, earned during a new fiscal year, may be used. Thus, employees have the potential for using up to a maximum of 45 days of military leave during an extended period of military duty that crosses fiscal years. Leave that exceeds this allowance must be charged to annual leave or LWOP, as appropriate.
- b. Inactive duty training is authorized training performed by members of a Reserve component not on active duty and performed in connection with the prescribed activities of the Reserve component. It consists of regularly scheduled unit training periods, additional training periods and equivalent training.
- c. For employees on a part-time career employment basis (16-32 hours per week only), the days of leave authorized are determined by multiplying 15 days by the scheduled tour of duty, divided by 40.
- d. Some branches of the service require that members report for a physical examination before actually beginning active duty. In these situations, and when necessary, an excused absence, not to exceed 1 day may be granted for the actual time required, in addition to the 15 days of military leave allowed for active duty.
- e. If you are called to active military duty you must inform your supervisor in advance of the duty and provide your supervisor with a copy of the military orders.

### Funeral Honors Duty

Section 359 of Public Law 107-107 authorizes Reserve members and National Guardsmen to use military leave for funeral honors duty.

## **Section 6. Excused Absences**

An excused absence is an absence from duty authorized for administrative reasons without loss of pay and without charge to leave. The decision to grant an excused absence is a matter of supervisory discretion. Excused absence is commonly referred to as "administrative leave."

### Excused Absences for Voting

- a. You may be granted excused absence in order to exercise your voting rights if there is not a sufficient amount of time available before the beginning or end of your workday. Generally, you may be granted excused absence to provide you with at

least three hours in which to vote before the beginning or after the end of the workday (Example: Employee works from 7am to 4pm and the polls open at 7am and close at 6pm. The employee may be excused from work at 3pm in order to provide sufficient time to reach the polling place and vote.)

- b. If there are extenuating circumstances, you may be given additional excused absence to enable you to vote. Such circumstances would be determined on a case-by-case basis. You will not be given excused absence for more than one day for this purpose. Absences in excess of 1 day shall be charged to annual leave, compensatory time, credit hours or leave without pay.
- c. If you vote in a jurisdiction that requires registration in person, time off to register may be granted on substantially the same basis as for voting, except that no time of this kind shall be granted if registration can be accomplished on a non-work day and the place of registration is within reasonable 1-day, round trip travel distance of your place of residence.

#### Participation in Military Funerals

If you are a veteran, you may be excused from duty without loss of pay or a charge to annual leave for the time necessary, not to exceed 4 hours in any one day, to participate as an active pallbearer or honor guard in funeral ceremonies for members of the Armed Forces whose remains are returned from abroad for final interment in the United States.

#### Administrative Situations for Which Excused Absence May be Granted

- a. Your supervisor may grant you excused absence for occasional tardiness and brief absences.
- b. You may be granted excused absence to attend meetings of professional organizations and other groups when it is determined that the attendance will benefit your operating administration and/or the Department.
- c. You may be granted up to four (4) hours of excused absence to make blood donations to the Red Cross, local hospitals, blood banks, or similar nonprofit organizations. The excused absence must be taken immediately following the donation and is in addition to the time required to travel to and from the blood center and to actually give blood. This time is authorized to allow you sufficient time to recuperate after donating blood.
- d. If you are not accepted for blood donation, only the time necessary for the trip to and from the blood center is allowed as an excused absence.

- e. Excused absence may be granted for participation in DOT officially-sponsored and administered physical fitness programs; visits to health units; and/or participation in special events that DOT is interested in recognizing or encouraging.

#### Absence to Perform Community Service

- a. Normally, you will need to request annual leave, LWOP or compensatory time off to perform community or volunteer service during your normal work hours. However, there are specific instances in which you may be granted excused absence to participate in volunteer and community activities.
- b. In order to be granted excused absence, the volunteer service must be in the interest of the Department and directly related to DOT's mission; officially sponsored or sanctioned by the Secretary; and expected to enhance your professional development.
- c. You and your supervisor should also consider the use of alternate work schedules or telecommuting arrangements as an alternative to excused absence to perform community or volunteer service.

#### Other Situations for Which Excused Absence May be Granted

- a. The head of your operating administration or departmental office may grant excused absence for special or extenuating circumstances in order to protect the safety and or security of one or more employees.
- b. The Federal Government in whole or in part may be closed because of hazardous weather conditions, natural disasters, air pollution, major fires or serious interruptions to public transportation. Usually, significant emergency situations, of the scope and impact reflected in these guidelines, will be the subject of a public declaration of emergency or disaster by appropriate Federal, State or local authorities.
- c. See chart in [Appendix E](#) for announcements when the government announces delayed arrivals or early dismissals. Your operating administration will announce instructions if your office is closed during the workday.

## **Section 7. Leave Without Pay**

- a. Leave without pay (LWOP) is an approved and temporary non-pay absence from duty. Authorizing leave without pay is a matter of management discretion based upon the reasons for the request and the workload conditions in the office.
- b. All requests for leave without pay in excess of 30 days must be made in writing in advance, using OPM Form 71 or other leave requesting procedures, to your immediate supervisor. Your supervisor will follow established approval procedures



## APPENDIX J Leave at a Glance

This chart provides you with a brief overview of the more commonly used leave programs. You should keep this chart as reference tool.

LEAVE	DESCRIPTION	ILLUSTRATIONS/ADDITIONAL INFO
Annual Leave	Paid absence from duty to give you vacation periods for rest and relaxation and provide time off for your personal business or family needs.	<ul style="list-style-type: none"> <li>▪ Developing a close relationship with an infant or making child care arrangements.</li> <li>▪ Attending the funeral of a friend.</li> <li>▪ Taking your car to be repaired.</li> </ul>
Sick Leave	<p>Sick leave is a paid absence from duty granted to you when you (1) receive medical, dental, or optical examination or treatment; (2) are incapacitated by physical or mental illness, injury, pregnancy, or childbirth; (3) would, because of communicable disease, jeopardize the health of others by your presence on the job; or (4) must be absent from work for adoption-related activities.</p> <p>As a full time employee, you may use up to 40 hours of sick leave to (1) provide care for a family member as a result of physical or mental illness, injury, pregnancy, childbirth, or medical, dental, or optical examination or treatment; or (2) make arrangements necessitated by the death of a family member or attend the funeral of a family member. An additional 64 hours of sick leave may be used for these general purposes as long as you maintain a balance of at least 80 hours of sick leave in your sick leave account.</p> <p>You may use a maximum of 480 hours of sick leave to care for a family member with a serious health condition if you are a full-time employee. The 480 hours includes any sick leave used for the general care of a family member and also requires that you maintain the 80-hour sick leave balance.</p> <p>Part-time employees and employees with uncommon tours of duty are also covered, and the amount of sick leave available for use for these purposes is pro-rated.</p>	<ul style="list-style-type: none"> <li>▪ Being incapacitated or recuperating from childbirth.</li> <li>▪ Meeting with adoption lawyer.</li> <li>▪ Developing a close relationship with newly adopted child when required by the courts or an adoption agency.</li> <li>▪ Meeting with funeral director/choir leader/florist, etc., regarding funeral arrangements for a family member.</li> <li>▪ Taking your child to a dental appointment.</li> <li>▪ Caring for your mother who has been diagnosed with Alzheimer's disease.</li> <li>▪ Caring for your spouse or partner who is recovering from childbirth.</li> </ul>
Advanced Annual and Sick Leave	Annual leave and sick leave may be advanced when deemed appropriate for the situation. Law, regulations, and your operating administration determine limitations and approval processes. Advanced leave is not an entitlement and you do not automatically receive the maximum amount of leave. In addition to policy, office workload, your expected return to work and continued employment are considered when leave is advanced.	<ul style="list-style-type: none"> <li>▪ You may be advanced no more than the amount of <u>annual</u> leave to be earned in the REMAINDER of the leave year.</li> <li>▪ Generally, you may be advanced no more than 240 hours of sick leave. Employees with unusual tours of duty should check with their human resources office for limits.</li> </ul>



LEAVE	DESCRIPTION	ILLUSTRATIONS/ADDITIONAL INFO
Leave Sharing	If you have a medical emergency and have exhausted your own leave, the <u>leave transfer program</u> allows other federal employees to donate annual leave to you. The <u>leave bank program</u> allows members (those who contribute a specific amount of annual leave) to apply for donated annual leave from the leave bank in the event of a medical emergency.	<ul style="list-style-type: none"> <li>Employees must join a leave bank by contributing a specific number of hours of annual leave; and a leave bank board must approve/ disapprove leave recipients and, determine the amount of leave to be donated to the leave recipient. (VOLPE Only)</li> <li>The leave transfer program covers employees who meet the self or family medical emergency requirements and other guidelines for the program. It also allows donations to be made to you from employees in your operating administration, employees in other operating administrations and/or employees in other Federal Agencies.</li> </ul>
Family and Medical Leave Act (FMLA)	The FMLA entitles you to 12 administrative workweeks of <u>unpaid</u> leave during any 12-month period. You are covered by the FMLA for the following conditions: (1) birth of a son or daughter and care of newborn; (2) placement of a son or daughter with you for adoption or foster care; (3) care of a spouse, son, daughter, or parent with a serious health condition; and (4) your own serious health condition.	<ul style="list-style-type: none"> <li>You and your spouse may use FMLA for birth or placement of a child. A mother could substitute sick leave in place of unpaid leave for her incapacitation period after birth. A limited amount of sick leave can be used if the child is incapacitated (see sick leave block). Annual leave can be substituted for periods where sick leave is not applicable. A Father could use a limited amount of sick leave (see sick leave block) to care for the incapacitated mother or sick child. Annual leave can be substituted for periods where sick leave is not applicable.</li> <li>Leave for the serious health condition of a family member or self can be taken intermittently.</li> <li>Leave for care of a newborn or newly adopted child may be taken intermittently in accordance with the policy of your operating administration.</li> </ul>
Leave for Bone-Marrow or Organ Donation	You are entitled to use 7 days of paid leave each calendar year to serve as a bone-marrow donor. You may use up to 30 days of paid leave each calendar year to serve as an organ donor.	<ul style="list-style-type: none"> <li>These are additional leave categories. There is no charge to your annual or sick leave account.</li> </ul>
Other Leave	There are additional leave situations covered by other leave categories. Included in these categories are absences for funerals of armed forces members, court leave, excused absence, holiday leave, and military leave.	<ul style="list-style-type: none"> <li>See relevant section of this Handbook or contact your human resources office.</li> </ul>
Restoration of Annual Leave	Accrued annual leave may be restored when: it exceeded the 240 hours annual leave ceiling <b>and</b> ; was scheduled and approved in writing before the third pay period prior to the end of a leave year <b>and</b> ; was forfeited due to administrative error, exigencies of public business, or your illness.	<ul style="list-style-type: none"> <li>Your operating administration distributes an employee letter or posts a reminder for employees to schedule excess annual leave.</li> </ul>
Re-credit of Sick Leave	An employee who has had a break in service is entitled to a re-credit of sick leave (without regard to the date of his or her separation), if he or she returns to Federal employment on or after December 2, 1994, unless the sick leave was forfeited upon reemployment in the Federal Government before December 2, 1994.	<ul style="list-style-type: none"> <li>If you are a returning employee, you no longer have to worry about forfeiting your departing sick leave balance if you were gone longer than 3 years.</li> </ul>



DEPARTMENT OF THE TREASURY  
WASHINGTON, D.C. 20220

II-131

ASSISTANT SECRETARY

April 21, 2015

The Honorable Charles E. Grassley  
Chairman  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510

Dear Chairman Grassley:

Thank you for your letter requesting information relating to the use of paid administrative leave at the Department of the Treasury. Treasury is acutely aware of the costs associated with the use of administrative leave and strives to use such leave in a prudent manner to minimize impact on its resources and mission. This letter responds to your request with respect to Treasury bureaus and offices outside the Internal Revenue Service (IRS). The IRS will be providing a separate response.

Treasury follows Office of Personnel Management (OPM) and Government Accountability Office (GAO) guidance on the proper use of administrative leave. Paid administrative leave, or, in other words, excused absence without charge to leave or loss of pay, may be authorized for a variety of reasons, including ones based upon statutory and regulatory authority<sup>1</sup>. Treasury has not issued a specific Department-wide policy.

Consistent with OPM and GAO guidance, Treasury authorizes the use of administrative leave in a variety of circumstances. As an example, administrative leave has been authorized for employees for voting, to donate blood, for agency-authorized relocation of staff, for jury duty, as well as for employees returning from active military duty. In addition, administrative leave may be authorized in rare circumstances, and after all other options have been exhausted, where an employee's presence in the workplace would be unacceptable pending the completion of an investigation and/or the due process steps necessary to impose a suspension without pay or removal. This authority is available, for example, if the employee's presence could create a security threat or the potential for serious disruption to agency operations. The use of administrative leave in this circumstance is closely monitored.

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<sup>1</sup> For example, excused absences for jury duty and/or to serve as a witness in court are authorized in 5 U.S.C. Section 6322; for funeral leave based upon the death of an immediate relative in the Armed Forces, the authority is 5 U.S.C. Section 6326; for administrative leave used in the context of adverse personnel actions, the authority is 5 U.S.C. Section 7513. OPM regulations authorize excused absences in the event of brief tardiness, 5 C.F.R. Section 630.206, and in the context of adverse personnel actions, 5 C.F.R. Section 752.404. Some timekeeping systems treat official holidays as administrative leave.

Out of a Treasury Departmental population of over 14,000 employees outside the IRS, records reflect 21 employees on administrative leave for more than one month in FY 2014. The total cost in salary and benefits for these employees while on administrative leave was approximately \$487,000.

With respect to non-IRS employees on administrative leave as of January 24, 2015, records reflect three employees on administrative leave between one and three months, with a total salary and benefit cost of approximately \$61,000. Records reflect two employees on administrative leave between three and six months, with a cost of approximately \$73,000. Finally, records reflect one employee on administrative leave between six and nine months, with a cost of approximately \$70,000.

In response to your request, we retrieved the raw data obtained by GAO and attempted to identify the 25 employees reflected in its October 2014 report as having been on administrative leave for the equivalent of one year or more during the period from FY 2011 through FY 2013. We were unable to reconstruct the exact criteria GAO used to convert hours of reported administrative leave to years. However, we identified a total of 29 employees for whom the reported data showed 2080 or more hours of administrative leave during the three-year period.

Of those 29 employees, we identified two who were excused from duty for a significant period for administrative reasons. The circumstances under which this occurred were as follows:

#### **Employee One**

- a. Position title and GS level: Lead Staff Accountant, GS-14
- b. Employee division/office/component: FinCEN, Management Division
- c. Total compensation received while on administrative leave: \$115,731
- d. Reason for being placed on administrative leave: Security Adjudication
- e. Exact length of time on administrative leave: 3040 hours
- f. Current status of the employee (i.e. reassigned, demoted, terminated, still on administrative leave, etc.): Returned to pay status

#### **Employee Two**

- a. Position title and GS level: Secretary, GS-9
- b. Employee division/office/component: Treasury Inspector General for Tax Administration, Office of Audit, Business Return Services
- c. Total compensation received while on administrative leave: \$62,908
- d. Reason for being placed on administrative leave: Criminal Investigation
- e. Exact length of time on administrative leave: 2386 hours
- f. Current status of the employee (i.e. reassigned, demoted, terminated, still on administrative leave, etc.): Employee was placed on indefinite suspension without pay and subsequently accepted disability retirement.

Of the remaining 27 employees, we have not identified any who were placed on administrative leave for any substantial period. One of the remaining employees was an IRS employee who obtained annual leave through the leave transfer program. This donated annual leave was miscoded as administrative leave.

The other 26 employees appeared to have significant amounts of administrative leave due to an anomaly in the Bureau of Engraving Printing's (BEP's) implementation of its timekeeping system. This anomaly resulted in administrative leave being reported when an employee was not physically present at his or her ordinary work station, regardless of whether the employee was in fact performing the duties of his or her position during the period. Indeed, the data shows that none of these 26 employees was excused from official duties for administrative reasons for any substantial period. Of the 26 employees, 24 were apparently included in the list due to telework or a combination of telework and official travel miscoded as administrative leave. One employee had training miscoded as administrative leave. The final employee was performing light duty due to a work-related injury. BEP is taking action to resolve the issue with its timekeeping process highlighted in this review.

I appreciate the opportunity to provide you with this information regarding Treasury's personnel management practices pertaining to administrative leave. If you have any questions concerning this matter, please contact Lisa Peña, Office of Legislative Affairs, at (202) 622-1900.

Sincerely,

A handwritten signature in cursive script that reads "Randall DeValk".

Randall DeValk  
Acting Assistant Secretary for Legislative Affairs

Identical letter sent to:  
The Honorable Darrell Issa



COMMISSIONER

DEPARTMENT OF THE TREASURY  
INTERNAL REVENUE SERVICE  
WASHINGTON, D.C. 20224

November 6, 2015

The Honorable Charles E. Grassley  
Chairman  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

I am responding to your request for a signed follow-up letter providing the information we previously sent electronically in response to your letter to Secretary Lew dated October 21, 2014, on the use of paid administrative leave at the Department of Treasury.

Like Treasury, we strive to use administrative leave in a prudent manner to minimize the impact of its costs on our resources and mission. I am enclosing Treasury's response to your letter, along with the IRS-specific information we previously sent.

As I noted in the enclosed response to your fifth question, our investigation of the leave status of the IRS employee identified in a Government Accountability Office (GAO) report<sup>1</sup> as having been on paid administrative leave for one year or more determined the employee was a recipient of leave transfer hours under our Leave Transfer Program. Therefore, that individual was not on paid administrative leave.

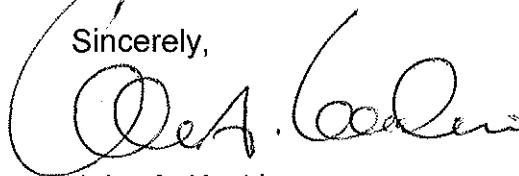
The Leave Transfer Program allows federal employees to transfer their unused, accrued annual leave to approved Leave Transfer recipients facing a medical emergency without the availability of paid leave. I understand this discrepancy was a result of differences between agencies' leave recording practices and differences in what payroll providers report to the Office of Personnel Management (OPM) as paid administrative leave. Moreover, I understand that the OPM is addressing this multi-agency reporting issue in response to a GAO recommendation.

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<sup>1</sup> Government Accountability Office, Use of Paid Administrative Leave, GAO-15-79 (October 2014)

If you have any questions, please contact me, or a member of your staff may contact Leonard Oursler, Director, Legislative Affairs, at (202) 317-6985.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Koskinen". The signature is fluid and cursive, with a large initial "J" and "K".

John A. Koskinen

Enclosures (2)

cc: The Honorable Jason Chaffetz, Chairman, Committee on Oversight and Government Reform



1. **Please provide agency policy on paid administrative leave. If no policy exists, please explain how the agency grants administrative leave, and what controls, if any, are in place to prevent it from being used for extended periods of time. If there are no such safeguards, please explain why not.**

Please refer to the enclosed response from the Department of Treasury, dated April 21, 2015, to your letter to Secretary Lew.

2. **How many employees were on paid administrative leave for more than one month in Fiscal Year (FY) 2014? What was the total cost to the agency in FY 2014 in salaries and benefits for those employees' paid administrative leave?**

In fiscal year 2014, 169 IRS employees were on paid administrative leave for more than one month, at a total cost of \$2,030,040.

3. **How many employees are currently on paid administrative leave that have been on such leave for:**
  - a. 1-3 months;
  - b. 3-6 months;
  - c. 6-9 months; and
  - d. 9-12 months.

**Do not include an employee in more than one category. For each category, what is the total cost to the agency in salaries and benefits for those employees' paid administrative leave?**

Based on a review of IRS data for calendar year 2014, one IRS employee had been on paid administrative leave between 6-9 months. The total cost to the IRS is shown in the table below:

COMPENSATION FOR ADMIN LV	BENEFITS (30% OF COMPENSATION)	TOTAL COMPENSATION FOR ADMIN LV
108,876.42	32,662.93	141,539.35

4. **Excluding those referenced above, how many employees currently on paid administrative leave have been on such leave for more than a year? What is the total cost to the agency in salary and benefits for those employees' paid administrative leave?**

Based on a review of IRS data for calendar year 2014, no IRS employees had been on paid administrative leave for more than a year.



**DEPARTMENT OF VETERANS AFFAIRS**  
**ASSISTANT SECRETARY FOR HUMAN RESOURCES AND ADMINISTRATION**  
**WASHINGTON DC 20420**

**February 19, 2015**

The Honorable Charles E. Grassley  
 Chairman  
 Committee on the Judiciary  
 United States Senate  
 Washington, DC 20510

Dear Senator Grassley:

This response is to your October 21, 2014 inquiry regarding the Government Accountability Office (GAO) report on the use of paid administrative leave among 24 federal agencies. We regret the delay in our response. We wanted to ensure the accuracy of the data provided. The numbered responses below correspond to the numbered questions in your letter.

1. The Department of Veterans Affairs' Policy on Administrative Absence, VA Handbook 5011, is attached. The policy prescribes different processes depending on the reason for the administrative absence. The approval level for these absences may vary from the first level supervisor for short absences under an hour, up to the level of the Secretary if all employees or large groups of employees will be excused from duty. Safeguards are provided by adherence to the VA policy at all levels of the organization.
2. Administrative leave is recorded within the Personnel and Accounting Integrated Data (PAID) system by pay period hours not months; therefore, VA queried for greater than or equal to 160 hours as the basis for selection. There were a total of 2,560 employees on paid administrative leave for more than one month in Fiscal Year (FY) 2014. This equated to \$22,998,095.52 in salaries paid. VA is unable to calculate the total cost.
3. VA's responses below have also been characterized by the equivalent number of hours in the requested periods.
  - a. For the period of 1-3 months or greater than or equal to 160 hours and less than or equal to 480 hours: VA found 2,277 employees.
  - b. For the period of 3-6 months, or greater than 480 hours and less than or equal to 960 hours: VA found 200 employees.
  - c. For the period of 6-9 months, or greater than 960 hours and less than or equal to 1,440 hours: VA found 53 employees.
  - d. For the period of 9-12 months, or greater than 1,440 hours: VA found 30 employees.
4. VA found that there were no employees on administrative leave for a period greater than one year as of pay period #20 (October 5 thru October 18, 2014).
5. Please see enclosed table with requested data.

Page 2

The Honorable Charles E. Grassley

6. GAO notes that 5,891 VA employees were placed on administrative leave between one and six months. Given VA's population of approximately 340,000 employees, 1.7 percent of our workforce falls into this category. As noted in several places in the GAO report, a combination of factors contributed to large amounts of paid administrative leave being charged by agencies. The GAO found inaccuracies in Office of Personnel Management (OPM) data due to differences between agencies' leave recording practices and what OPM officials consider paid administrative leave. These variations occur because there is no government-wide guidance on what agencies should record, and limited guidance on what payroll providers should report, as paid administrative leave. The VA is in the process of reviewing its policies on administrative leave and has developed guidance to ensure that administrative leave is charged and coded appropriately in our time and attendance systems. Additionally, VA is preparing to implement a new time-keeping system known as VA Time and Attendance System (VATAS), which will centralize, streamline, and standardize VA's timekeeping practices, records, and reporting. VATAS will allow VA to refine how it records such things as official time for union activities, training and temporary duty. VATAS will also provide opportunities for VA to document specific reasons for the appropriate charge of paid administrative leave (i.e., pending agency investigations, inclement weather, voting, etc.). These actions should correct erroneous usages of administrative leave, and will allow better comparisons of VA to other federal agencies.

Thank you for your concern and your continued support of VA and the Veterans we serve. If you need additional information, please have a member of your staff contact Kristina Shea, Congressional Relations Officer, at (202) 461-6437 or [Kristina.Shea@va.gov](mailto:Kristina.Shea@va.gov). A similar letter has been sent to Chairman Jason Chaffetz.

Sincerely,



Gina S. Farrisee

Enclosures



— DOCUMENT CONTAINS PRIVACY INFORMATION AND SHOULD ONLY BE RELEASED TO INDIVIDUALS WITH A NEED TO KNOW —

Personally identifiable information redacted by Committee Staff  
with agreement of VA officials.

Employees On Administrative Leave in Excess of 240 Hours During Fiscal Years 2011 Through 2013

Veterans Administration

Using payroll data from OPM's Enterprise Human Resources Integration (EHRI) system, GAO found that employees at your agency have charged extended amounts of paid administrative leave in

Populated by HRIS*	Populated by HRIS	Populated by HRIS	Populated by HRIS	Populated by HRIS	Populated by HRIS	Populated by HRIS	Populated by HRIS	Populated by GAO (YYYYMM)	Populated by HRIS	Example: employee being investigated for misconduct, weather, jury duty	Example: pending investigation, determination made that employee's presence in workplace would pose a threat	Example: Yes, FY2010	Example: employee remains on paid administrative leave	Example: Agency data has employee taking 100 less hours of administrative leave than EHRI data; correction to employee's timesheet that was not updated in EHRI/HRIS	
Duty Station	Duty Station Location	State	Grade	High Level Administration	Cost Center Description	Occupation Description	Pay Plan	Admin Leave Pay Amount	Service Computation Date	Total hours charged to paid administrative leave in fiscal years 2011 through 2013 (hours are not necessarily consecutive)	Reason(s) for charging paid administrative leave (please list all per employee)	Explanation for the two longest durations of paid administrative leave per employee (or explanation of single longest duration if only one reason is listed)	Did the extended administrative leave for this employee begin prior to FY2011? If so, in which fiscal year did it begin?	Current employee status as of March 2014 (e.g., employed—charging paid administrative leave; employed—not charging paid administrative leave; left agency; terminated; other—please explain)	If agency record for employee does not match EHRI data or no record can be found of employee, please explain discrepancy and reason(s) for it.
									D		G	H	I	J	K
██████	██████████	██	5	VHA	PRIMARY CARE	MED SUP ASST	GS	\$63,995.37	██████	3351.25	Duties/training related to role as Union member	AFGE training 140 hours; Labor Management training 24 hours; ██████████	No	Still employed, not charging Administrative Leave. Still in role as ████████ President.	
██████	██████████	██	7	VBA	VBA SSO ADM OTHER SVCS	PROGRAM SUPPORT ASSISTANT	GS	\$88,877.07	██████	3450.5	Misconduct investigation	Pending investigation; determination made that employee's presence in workplace would pose a threat is exactly the reason	No		
██████	██████████	██	9	VHA	ENGINEERING SERVICE	MAINTENANCE MECHANIC	WG	\$117,546.70	██████	4123	Elected Union Official	Elected Union Official	Employee has been involved with the Union for 20 years. Throughout this time the employee has sporadically used administrative leave	Elected Union Official	
██████	██████████	██	9	VHA	ENGINEERING SERVICE	CARPENTER	WG	\$126,513.12	██████	4137.5	Elected union official	Elected union official	Elected Union Official from ████████	Elected union official	
██████	██████████	██	12	VHA	DOMICILIARY OPER SVC	HEALTH SCIENCE SPECIALIST	GS	\$128,918.64	██████	3088	Incorrect posting, should have been TV (official Government Orders).	Provides counseling to Vets incarcerated, and was inadvertently posted on AA.	Yes, ████████	Current employee, contacting the Timekeeper to have postings changed immediately.	
██████	██████████	██	16	VHA	ENGINEERING SERVICE	MAINTENANCE MECHANIC	WG	\$113,893.27	██████	3833.5	Elected union official	Elected union official	Elected Union Official from 2011	██████████ not an elected union official back to working in the service.	
██████	██████████	██	3	VHA	MENTAL HEALTH SERVICE	NURSE	VN	\$129,163.35	██████	2779.5	Union official-Teamsters	Union official-Teamsters	Since the Teamsters union started, ██████████ in ████████	Employee remains union official - Teamsters and is currently being charged AA for union business.	
██████	██████████	██	12	VHA	SOCIAL WORK SERVICE	SOCIAL WORKER	GS	\$76,555.01	██████	2100.5	(Authorized Absence) as the employee is a Home-Based Primary Care Social Worker and does home visits on a daily basis, Monday through Friday.	Employee completed home visits on multiple patients throughout the work day.	Yes, ████████	Employee continues to utilize AA on a daily basis while completing home visits.	
██████	██████████	██	11	VHA	SOCIAL WORK SERVICE	SOCIAL WORKER	GS	\$59,611.04	██████	2112					
██████	██████████	██	12	VHA	HUMAN RESOURCES	HUMAN RESOURCES SPEC	GS	\$78,614.07	██████	2212.5					
██████	██████████	██	7	VHA	DIR/HOSP-CTR-CL-DOM	SAFETY TECHNICIAN	GS	\$57,877.08	██████	2560.75	The employee is a ██████████ per the NACI Master Agreement Article 68 Section 2.8 spends 50% on AA performing union duties.	Union duties and training	Yes, ████████	Employed-charging paid administrative leave weekly.	
██████	██████████	██	6	VHA	MEDICAL SERVICE	HEALTH TECHNICIAN	GS	\$86,737.55	██████	3696	Admin leave charge due to employee service as Union ██████████	Union duties/Compensatory Time for Travel	No	Employee charging paid administrative leave weekly for Union purposes	
██████	██████████	██	16	VHA	PHYSICAL MED & REHAB SVC	RECREATION THERAPIST	GS	\$90,852.14	██████	2617	██████████, Employee was 50% union time, 50% clinician	Employee held the position of ██████████	Employee was elected ██████████	Employee no longer receiving paid administrative leave - no longer ██████████	
██████	██████████	██	2	VHA	VCS REGION 4	FOOD SERVICE WORKER	HA	\$25,363.52	██████	2704					
██████	██████████	██	6	VHA	██████████ OPC	PRACTICAL NURSE	GS	\$16,546.96	██████	2528	Authorized absences 7/17, 7/18, and 7/19 all for NDO (New Employee Orientation) at the ████████ VA Medical Center	Same as number 1	Can only provide data from 3/2013 until today; nurse previous nurse manager noted below ██████████	Full time employee	
██████	██████████	██	8	VHA	NURSING SERVICE	REGIST RESPIRATORY THERP	GS	\$55,278.77	██████	2313					
██████	██████████	██	6	VHA	NURSING SERVICE	PRACTICAL NURSE	GS	\$59,839.84	██████	2584	N/A	School scholarship	No	Currently working full time on unit 6A at WFB	
██████	██████████	██	7	VHA	ENVIRONMENTAL MGT SVC	HOSP HOUSEKEEPING OFFICER	GS	\$89,479.25	██████	2105.5					
██████	██████████	██	6	VHA	EXTENDED CARE	PRACTICAL NURSE	GS	\$49,879.34	██████	2380.5	Employee accepted into the VANEP Program beginning ██████████	Employee was accepted into the VANEP Program beginning 1-18-2011.	No, the extended administrative leave for this employee did not begin prior to FY2011.	Employee continues to be actively employed, with no instances of charging paid administrative leave since transfer to our unit ██████████	
██████	██████████	██	5	VHA	EXTENDED CARE	NURSING ASSISTANT	GS	\$61,171.68	██████	3488	CVMAC-VANEP Employer funded nursing education program for Associates in Nursing	██████████ 1+ 63 day ██████████ 2+78 days: Attending college classes for completion of Associates in Nursing program.	Yes, ████████	Employed-not charging paid administrative leave VANEP program expired.	
██████	██████████	██	3	VHA	PAT CARE SV PCS SURG/PSYC	NURSE	VN	\$104,469.26	██████	2179					



Populated by HRIS?	Populated by HRIS	Populated by HRIS	Populated by HRIS	Populated by HRIS	Populated by HRIS	Populated by HRIS	Populated by HRIS	Populated by HRIS	Populated by GAO (YYYYMM)	Populated by HRIS	Example: employee being investigated for misconduct, whether, jury duty	Example: pending investigation, determination made that employee's presence in workplace would pose a threat	Example: Yes, FY2019	Example: employee remains on paid administrative leave	Example: Agency data has employee taking 160 less hours of administrative leave than EHRI data; correction to employee's timesheet that was not updated in EHRI v7.4
Duty Station	Duty Station Location	State	Grade	High Level Administration	Cost Center Description	Occupation Description	Pay Plan	Admin Leave Pay Amount	Service Computation Date	Total hours charged to paid administrative leave in fiscal years 2011 through 2013 (hours are not necessarily consecutive)	Reason(s) for charging paid administrative leave (please list all per employee)	Explanation for the two longest durations of paid administrative leave per employee (or explanation of single longest duration if only one reason is listed)	Did the extended administrative leave for this employee begin prior to FY2011? If so, in which fiscal year did it begin?	Current employee status as of March 2014 (e.g., employed—charging paid administrative leave; employed—not charging paid administrative leave; left agency; terminated; other—please explain)	If agency record for employee does not match EHRI data or no record can be found of employee, please explain discrepancy and reason(s) for it.
			13	VHA	PRIMARY CARE	PHYSICIAN ASSISTANT	VN	\$129,642.72		2539	Employee investigated for misconduct (AIB covered). Employee placed on administrative leave due to several allegations made by coworkers and patients; as a result, employee removed from work environment pending outcome of the AIB. Pending the outcome of the AIB, vacancies occurred in the medical center which delayed resolution on the AIB (new supervisor and a vacancy in Labor and Employee Relations). Both of these positions were vacant for several months.		No	Employed, not on administrative leave.	
			13	VHA	MEDICAL SERVICE	PHYSICIAN ASSISTANT	VN	\$174,839.52		2888	Leave approved by the Director. Waiting for official documentation.	Specifics have not been provided though the employee	No	Employee separate	
			6	VHA	EXTENDED CARE	PRACTICAL NURSE	GS	\$60,752.72		2688	Was in VANIEP program	Was in VANIEP program	No	Employed—not charging paid administrative leave	
			13	HUMAN RES & ADMIN	OHBM VETS EMPL COORD SVC	MANAGEMENT & PROG ANALYST	GS	\$99,032.43		2113					
			5	VHA	PATHOLOGY & LAB MED SVC	MED TECHNICIAN	GS	\$42,588.00		2366	Upon review, Employee used 3,399 hours of authorized absence during the period of [REDACTED] the employee is a union official and uses approximately 36 hours a week of authorized absence for union duties.	See #1 for explanation.	The employee has been a union official for several years.	Employed—not using approximately 36 hours a week for official union duties.	VA's records reflect 181 more administrative hours than EHRI
			12	VHA	PHARMACY SERVICE	PHARMACIST	GS	\$197,271.52		3815.25	Data pulled from VISTA	Union Official	Yes, with intermittent AA [REDACTED]	Current employee; current union official	
			6	VHA	PRIM CARE PATIENT SVC LIN	PRACTICAL NURSE	GS	\$45,594.21		2097.25					
			14	VHA	MENTAL/BEHAV HLTH PAT SVC	PSYCHOLOGIST	GS	\$160,522.39		2742	Career Development Enhancement Award, Department of Veterans Affairs, [REDACTED] 12-month substantial with 50% salary support on [REDACTED]	Career Development Enhancement Award, Department of Veterans Affairs, [REDACTED] 12-month substantial with 50% salary support to [REDACTED]	No	Employed, Full-time, Permanent, NOT on administrative leave	
			12	VBA	VBA VRE COUNSEL PSYCHOLOG	COUNSELING PSYCHOLOGIST	GS	\$219,155.57		5202	Per my initial training as the VRE Officer and timesheet supervisor in 2010, was taught to enter his time as authorized absence with the exception of formal SL and AL. This is due to the fact he is 100% union [REDACTED] His time card has been completed in this manner for just over 15 years.	Please see the information noted above.	Yes [REDACTED]	After further review of this situation and collaboration with Support Services/Finance, we obtained clarification and starting the current pay period (03/23/2014), we will code the employee on duty on official time with an explanation of the NFFE union work. The employee continues to be a 100% union official so all time not covered by a leave category will be consider duty/official time.	
			3	VHA	SPEC CARE PATIENT SVC LIN	NURSE	VN	\$85,136.72		2135.5					
			6	VHA	PATIENT CARE SERVICES	OFFICE AUTOMATION ASST	GS	\$58,598.68		3017.5	Union related work	In role of Union [REDACTED], employee is assigned 70% union work and 30% staff work	No, FY 2011	Employed, working 70% Union Duties as [REDACTED] Employee is assigned 28 hours per week for union duties, which are recorded as administrative leave and 12 hours that is recorded as regular time.	
			12	VHA	PATIENT CARE CT/PRIMARY CR	PHYSICIAN ASSISTANT	VN	\$87,995.36		3424	Employee was enrolled in VANIEEP (PA school).	FY 11 - 1480 hours AA, FY12 - 1688 hours AA, FY13 - no AA, Employee was enrolled in VANIEEP (PA school).	No	Employee is currently employed as a PA (full-time) at [REDACTED] VAMC. Last date of AA = [REDACTED]	
			5	VHA	BUSINESS SERVICES	MED SUP ASST	GS	\$38,401.47		2169.5					
			2	VHA	NURSING SERVICE	NURSE	VN	\$91,224.88		2608	VA/DOD CRNA Program/TISP	3502 hours: VA/DOD CRNA Program	No, 2012	Currently in SRNA training status [REDACTED] VAMC	
			7	VHA	SURGICAL SERVICE	HEALTH TECH(OPHTH/ALMO/SD)	GS	\$44,093.20		2156					
			6	VHA	PC SVC NURSING HC UNIT	VOCATIONAL NURSE	GS	\$68,265.52		2336	Per the below report there was no Administrative Leave taken by the employee on the dates requested.			Employed - currently not on any form of administrative leave.	
			2	VHA	PATIENT CARE CT/PRIMARY CR	NURSE	VN	\$130,608.14		2981	Employee investigated safe patient handling concerns	Placed on AA due to patient safety concerns	No	Employee terminated [REDACTED]	

Populated by HRIS*	Populated by HRIS	Populated by HRIS	Populated by HRIS	Populated by HRIS	Populated by HRIS	Populated by HRIS	Populated by HRIS	Populated by HRIS	Populated by GAO (YYYYMM)	Populated by HRIS	Example: employee being investigated for misconduct; weather, jury duty	Example: pending investigation, determination made that employee's presence in workplace would pose a threat	Example: Yes, FY2010	Example: employee remains on paid administrative leave	Example: Agency data has employee taking 100 less hours of administrative leave than EHRI data; correction to employee's timesheet that was not updated in EHRI-K74
Duty Station	Duty Station Location	State	Grade	High Level Administration	Cost Center Description	Occupation Description	Pay Plan	Admin Leave Pay Amount	Service Computation Date	Total hours charged to paid administrative leave in fiscal years 2011 through 2013 (hours are not necessarily consecutive)	Reason(s) for charging paid administrative leave (please list all per employee)	Explanation for the two longest durations of paid administrative leave per employee (or explanation of single longest duration if only one reason is listed)	Did the extended administrative leave for this employee begin prior to FY2011? If so, in which fiscal year did it begin?	Current employee status as of March 2014 (e.g., employed—charging paid administrative leave; employed—not charging paid administrative leave; left agency; terminated; other—please explain)	If agency record for employee does not match EHRI data or no record can be found of employee, please explain discrepancy and reason(s) for it.
■	■	■	1	VHA	EXECUTIVE LEADERSHIP	NURSE	VN	\$36,366.12	■	2465.5	Education Incentive Scholarship Program/National Nursing Education Initiative	■-Attending School 4/2/2012-■-Attending School	Yes, FY2008 Total Hours used from ■ 2,513.50 hours with breaks for leave	Employed/graduated converted to RN position ■	
■	■	■	12	VHA	BUSINESS OFFICE	MED RECORDS ADMIN SPEC	GS	\$133,178.48	■	3428	Employee was being investigated for misconduct	Pending investigation	No; FY2012	Date/Type of Separation from VA ■ ■ Health Care System ■— Loss to another VA	
■	■	■	0	OFF INFO TECH	DAS FOR INFO PROT&RISK MGT	DEPUTY ASSIST SECRETARY	WG	\$194,033.92		2368					
■	■	■	5	NCA	NCA NC	CEMETERY CARETAKER	WG	\$128,435.20	■	5536	USERRA CASE; working with DOL and VA attorneys to resolve.	USERRA CASE; working with DOL and VA attorneys to resolve.	Yes, approximately 2009	Employee remains on paid administrative leave.	
■	■	■	2	VHA	SPEC CARE PATIENT SVC LIN	NURSE ANESTHETIST	VN	\$81,454.08	■	2248	AANA Conference.	AANA Conference, 5 day conference from ■	No, FY 2012	Employed—not charging paid administrative leave.	
■	■	■	10	VHA	SPINAL CORD INJ. SVC	RECREATION THERAPIST	GS	\$92,645.42	■	2523	■ AFGE local chapter ■	100% official time as per master agreement - since 7/1/11	No	Employee remains on paid administrative leave.	
■	■	■	6	VHA	SPINAL CORD INJ. SVC	HEALTH TECH(SPIN CRD INJ)	GS	\$95,847.91	■	4469	■ AFGE Local and ■ VA Council Representative	Official time as per master agreement elected on May ■	No	Employee remains on paid administrative leave	
■	■	■	5	VHA	NURSING SERVICE	PRACTICAL NURSE	GS	\$45,357.99	■	2301	Although I was not the timekeeper for this date range, the employee's timescard has "In-school Program" posted as the reasoning for Authorized Absences. The total hours are 1,895 from ■	Employee was enrolled "In-School Program"	Employee started school ■	Employee currently employed—not charging paid administrative leave.	Agency data has employee taking 438 less hours of administrative leave than EHRI data
*HRIS (Human Resources Information Systems)															



Department of Veterans Affairs  
Washington, DC 20420

VA HANDBOOK 5011  
Transmittal Sheet  
April 15, 2002

### HOURS OF DUTY AND LEAVE

1. **REASON FOR ISSUE:** To issue Department of Veterans Affairs (VA) procedures regarding hours of duty and leave.
2. **SUMMARY OF CONTENTS/MAJOR CHANGES:** This handbook sets forth mandatory procedures previously contained in numerous other issuances. No substantive changes have been made.
3. **RESPONSIBLE OFFICE:** The Human Resources Management Programs and Policies Service (051), Office of the Deputy Assistant Secretary for Human Resources.
4. **RELATED DIRECTIVE:** VA Directive 5011, "Hours of Duty and Leave."
5. **RESCISSIONS:** Refer to the Transmittal Sheet for VA Handbook 5001, "General Introduction and Administration."

**CERTIFIED BY:**

/s/  
John A. Gauss  
Assistant Secretary for  
Information and Technology

**BY DIRECTION OF THE SECRETARY  
OF VETERANS AFFAIRS:**

/s/  
Jacob Lozada, Ph.D.  
Assistant Secretary for Human  
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APRIL 15, 2002

VA HANDBOOK 5011  
PART II

## HOURS OF DUTY AND LEAVE

## PART II. HOURS OF DUTY

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**PART II. HOURS OF DUTY**

**CHAPTER 1. GENERAL**

**1. PURPOSE.** This part contains Department of Veterans Affairs (VA) mandatory procedures on the establishment of duty schedules for employees in title 5 and title 38 positions.

**2. WORK SCHEDULES**

a. In scheduling hours and tours of duty for VA employees, primary consideration will be given to efficiency in management and conduct of agency functions, and equitable treatment of individual employees. Work schedules will be established in a manner that realistically reflects the actual work requirement.

b. In Veterans Health Administration (VHA), the proper care and treatment of patients shall be the primary consideration in scheduling tours of duty under these instructions. Duty schedules shall be established as appropriate and necessary for performance of services in the care and treatment of patients and other essential activities within the administrative discretion of the Under Secretary for Health or designated officials. This includes authorizing flexible and compressed work schedules for title 38 health care employees outside VA Central Office (VACO).

c. Overtime for nurses, nurse anesthetists, PAs and EFDAs shall be used only under conditions wherein necessary functions cannot be performed through planned coverage during their regular basic workweek. Supervisory personnel must obtain proper authorization for overtime before permitting or requiring the performance of overtime service by an employee. See VA Directive 4100 concerning the procedures for the use of the Enhanced Time and Attendance System (ETA) for the authorization of overtime. Administration heads, or their designees, are authorized to order and approve overtime for employees under their jurisdiction.

d. The occurrence of holidays shall not affect the designation of the basic workweek.



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## 11. LEAVE FOR OFFICE OF WORKERS' COMPENSATION PROGRAM

a. **Retention on Rolls.** An employee who has a claim pending with the Office of Workers' Compensation Programs (OWCP) and who is incapacitated for work shall be granted any leave or LWOP necessary to retain the employee in an employment status until such time as the claim is acted upon, except in case of an overriding requirement for separation, such as reduction-in-force or removal for cause. If the OWCP determines that an employee is permanently and totally disabled, the employee should be separated. (An employee's election between retirement and employees' compensation is discussed in the OPM CSRS and FERS Handbook.)

b. **Substitution of Annual or Sick Leave for LWOP.** Employee who request LWOP pending adjudication of their claims may, if their claims are disallowed, and they are still employed, be retroactively granted annual or sick leave.

c. **Substitution of LWOP for Annual or Sick Leave**

(1) An employee who has used sick leave or annual leave pending adjudication of an OWCP claim, which is later approved, should be informed by the human resources office about procedures for "buying back" the leave. This can be accomplished by the employee's election to be placed in a non-pay status for the period and by the employee's authorization for the OWCP to reimburse the agency for leave used based on compensation entitlement (with the employee receiving or paying the difference).

(2) The substitution should be made promptly, and the OWCP will be notified of the employee's last day in pay status. For leave record purposes, the request for substitution should be made within 1 year of approval of the OWCP claim, unless it is administratively determined that the employee was prevented from exercising this option because of the disability which gave rise to the claim. In such case, the employee may make the election within 1 year of the time it is determined that the employee has sufficiently recovered from the disability to be able to make a reasoned decision. The employee's election should be in writing and is not subject to revocation.

d. **Extended LWOP.** In a case where an employee's condition requires extended absence because of duty-connected illness or injury, the length of LWOP granted will be determined on the basis of the nature of the disability and the LWOP criteria. If the OWCP accepts the employee's claim, but does not determine that the employee is permanently and totally disabled, the granting of leave without pay should be in accordance with current leave procedures.

## 12. AUTHORIZED ABSENCES

a. **General.** An employee may be given authorized absence without charge to leave when:

(1) The activity is considered to be of substantial benefit to VA in accomplishing its general mission or one of its specific functions, or

(2) The activity will clearly enhance an employee's ability to perform the duties of the position presently occupied or may be expected to prospectively occupy, or



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(3) The basis for excusing the employee is fairly consistent with prevailing practices of other Federal establishments in the area concerning the same or similar activities.

**b. Voting and Registration**

(1) Approving officials may excuse employees without charge to leave for voting and registration.

(2) Officials responsible for administering the leave program shall assemble information concerning hours during which polls are open in areas in which their employees reside and make administrative determinations as to the amount of absence that may be authorized without charge to leave.

(3) All employees shall be notified of these determinations and of the local procedure to be followed.

**c. Civil Defense and Disaster Activities**

(1) **VA Programs.** Employees required to be absent from their normal duties because of planning, training, or other similar responsibilities in VA's own disaster and civil defense program will be considered to be in an official duty status.

(2) **Community Programs.** Responsible officials in Central Office and heads of field facilities may, from year to year, authorize employees under their jurisdiction who have volunteered and been selected for civil defense assignments to participate in pre-emergency training programs and test exercises conducted by any State or political subdivision thereof. Employees may be authorized to participate in these programs or exercises without charge to leave up to a total of 40 hours during a calendar year.

(3) **State Guard or Civil Air Patrol.** Employees called by State or local authorities to emergency duty for protective or rescue work in the State Guard (any State military organization which is not a part of the National Guard) or Civil Air Patrol shall be excused by the facility head without charge to leave for such duty for a period of not more than 3 workdays for any one incident. Administration Heads, Assistant Secretaries, Other Key Officials, and Deputy Assistant Secretaries may approve such absence in excess of 3 days but not to exceed 5 workdays. Absence for this purpose beyond 5 days for one incident must be charged to annual leave or to LWOP if annual leave is not available. (See paragraph 9 for instruction on granting military leave to a National Guardsman who is called to duty for law enforcement.)

**d. Participation in Military Funerals.** Employees who are veterans of any war, campaign, or expedition (for which a campaign badge has been authorized) or members of honor or ceremonial groups of organizations of such veterans may be excused from duty without loss of pay or deduction from their annual leave, for such time as may be necessary, but not in excess of 4 hours in any one day, to enable them to participate as active pallbearers or as members of firing squads or guards of honor in funeral ceremonies for members of the Armed Forces of the United States whose remains are returned from abroad for final interment in the United States. Where a national cemetery is on or adjacent to VA grounds, employees may be excused without charge to leave to participate in any military funeral.

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e. **Blood Donor Programs.** Employees who give blood without compensation to the Red Cross (or any similar organization), to any VA patient or employee, or to replace blood required by any VA employee, may be excused without charge to leave for any portion of the day blood is donated which may be desirable for rest and recuperation.

f. **Tardiness or Brief Periods of Absence.** An unavoidable or necessary absence from duty and tardiness of less than 1 hour may be excused when the reasons for the absence appear to be adequate to the leave approving official. Unexcused absences or tardiness may be handled by either:

(1) Allowing the employee to use earned compensatory time, annual leave, or LWOP to cover the period of the absence. However, in this case, if the leave charge exceeds the period of absence, the employee will not be required to work during the period covered by leave.

(2) Charging the time absent to AWOL.

**NOTE:** *In order for tardiness to be a basis for disciplinary action, the time lost must be charged to AWOL; any prior tardiness that had been excused, or charged to leave or compensatory time, may be used merely to cite a pattern of tardiness.*

g. **Taking Examinations**

(1) **Civil Service Examinations.** Employees required to take civil service examinations in connection with a pending placement action within VA shall be excused without charge to leave for the time necessary for this purpose. Employees' absence when taking open competitive civil service examinations on their own initiative shall be charged to leave.

(2) **VA Placement Matters.** Employees required to report for placement interviews or examinations in connection with placement within VA will be authorized absence for the time involved when such matters are conducted during the employees' regular work-hours.

(3) **Medical Examination and Treatment.** Employees who are examined or treated in VA facilities for illness or minor non-duty-connected injury, or who are ordered for VA employment or civil service medical examinations, vaccinations, X-rays, etc., or who are authorized to participate in any VA or civic health or immunization program, will be excused without charge to leave for the time necessary to be examined, treated, or vaccinated. This authority to excuse employees for medical examinations or treatment is limited to brief periods, usually not to exceed 1 day (44 Comp. Gen. 333).

(4) **Duty Connected Injury or Illness** (see paragraph 11 regarding Workers' Compensation Programs)

(a) An employee who suffers a duty-connected injury or illness will be excused without charge to leave for any absence during a workday (including local travel time) required for initial examination or outpatient treatment by a United States medical officer, or any duly qualified physician or at any hospital of the employee's choice.

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(b) When disability starts, employees having leave credits may elect to use such leave to cover all or any part of the absence. In such cases, compensation for disability will not begin and the time periods specified in OWCP regulations will not begin to run until leave has ceased.

(c) An employee who sustains a disabling job-related traumatic injury may elect continuation of regular pay for a period not to exceed 45 days, instead of using leave credits. In these cases, the employee will be excused without charge to leave for any fraction of a day or shift on the day of the injury with no charge to the 45-day period. This 45-day period starts on the first full calendar day or first full shift when disability begins.

(d) An employee who chooses to take LWOP instead of paid leave while securing examination and treatment as outlined in subparagraph (b) above, may receive OWCP compensation payments for this time if the case meets the criteria for such payment under the OWCP rules and regulations.

(5) **Armed Forces Examinations.** Employees will be excused without charge to leave, generally not to exceed 1 day, to obtain physical examination to determine fitness for entry on extended active duty or assignment to active duty with the Armed Forces, or to determine qualifications for retention in reserve components provided no military pay is received for the period.

**h. Conferences or Conventions**

(1) **Attendance at National Conventions of Service Organizations.** Prior approval of the Secretary, or Deputy Secretary, is required for attendance at National Conventions of veterans' services organizations as a representative of VA. When approved, such absence will be without charge to leave.

**(2) Attendance at Meetings**

(a) The opportunity for development afforded by participation in professional, administrative, or technical meetings is a significant factor in creating the kind of working atmosphere which helps to attract and retain competent personnel, and improve the work of the agency. Attendance at gatherings of scientists or other professional, technical, or administrative persons is a positive means of facilitating effective communication of ideas and information in areas of significant agency need. Therefore, a scientist, or other professional or administrative, or technical employee of any kind who desires to attend a professional, technical, or administrative meeting is encouraged to request approved absence for this purpose. Such requests will be processed as expeditiously as possible and reasonable efforts will be made to distribute opportunities for attendance widely among those who are eligible.

(b) Employees may be excused without charge to leave to attend meetings which are concerned with the functions or activities of VA, or which will contribute to improved conduct, supervision, or management of those functions or activities. This will include meetings, conventions (religious retreats in the case of Chaplains) or conferences of recognized professional technical, or administrative organizations and of private organizations if attendance at the meetings will contribute to improved conduct, supervision, or management of the functions or activities of VA. However, representatives of labor organizations may not be granted excused absence for meetings concerning internal labor organization matters.

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(c) Excused absence may be approved for attendance at meetings even if travel at Government expense is not approved. However, the period of authorized absence without charge to leave for travel at the employee's expense will not exceed the time for which per diem would have been paid had travel been authorized at Government expense.

**i. Training**

(1) **General.** Employees may be excused to attend educational lectures, seminars, courses of instruction, etc., in the VA in-service training programs and to participate in other training as defined in 5 U.S.C. 4104. While absent from the usual worksite for such activity, the employee is considered to be on official duty during normal work-hours.

**(2) Representing Labor Organizations**

(a) Administration Heads, Assistant Secretaries, Other Key Officials and Deputy Assistant Secretaries in Central Office and facility directors may excuse labor organization representatives without charge to leave for training sponsored by labor organizations or the agency where the training will be of benefit to both the agency and the labor organization within the purposes of Title VII of Public Law 95-454.

(b) Normally attendance at labor organization conventions is considered internal organization business unless there is clear and unequivocal information to the contrary.

(c) Requests for excused absence for training of a labor organization representative should be submitted by the employee in writing together with information supplied by the exclusive organization setting forth the content of training, its duration, a statement of how the training is related to the employee's performance of VA duties and a statement that the training is required. In addition, the employee's request should be submitted sufficiently in advance so that the facility can review the matter and make a decision.

**j. Pending Suspension or Removal (38 Comp. Gen. 203)**

(1) When an employee who has been on involuntary sick or annual leave or on LWOP under authority contained in paragraph 4g reports for duty and is determined to be ready and able to perform assigned duties, but it is determined to not be in the public interest to restore the employee to active duty, that person may be continued off duty in a pay status without charge to leave for the short time necessary to effect suspension with citation of appropriate reasons, in accordance with OPM and VA instructions.

(2) During investigation of employees for wrong-doing, such as suspected theft or fraud, when it is in the interest of the Government to have the employee off the job preliminary to determination to suspend him or her or initiate removal action; but when the employee is ready and able to perform duties and any conduct or physical or mental condition does not create an emergency situation, the employee may be relieved from duty and continued in a pay status without charge to leave for such time as is necessary to effect suspension. (See paragraph 4g for instructions concerning involuntary absence in a leave status.)

**k. Participation in Hearings, Appeals**

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(1) VA employees required or authorized to be present at VA or other Federal hearings or boards will be authorized absence from normal duties without charge to leave for that purpose.

(2) The responsible supervisor, with the advice of the Human Resources Office, will grant the employee, and designated representative if he or she is a VA employee, a reasonable amount of time during regular working hours without charge to leave for preparation of reply to charges, preparation of a case for presentation in a hearing, or preparation of an appeal either with VA or to the designated Federal agency. Generally one day will be sufficient for any of these absences. However, the supervisor will take into consideration the complexity of the case and length of the charges or hearing record in determining what may be considered a reasonable amount of time.

**l. Participation in Civic Organizations.** The absence of facility directors is authorized and they may authorize other responsible officials to attend periodic meetings of local civic organizations without charge to leave.

**m. Absence for Congressional Medal of Honor Holders.** When all Congressional Medal of Honor holders are invited, employees who are Medal of Honor holders shall be excused without charge to leave for sufficient time to attend or participate in events such as:

- (1) Inaugurations of the President of the United States.
- (2) Conventions of the Congressional Medal of Honor Society.
- (3) Memorial Day or Veterans Day services.

**n. Meetings with Labor Organizations and Other Groups.** Employees representing labor organizations may be excused in accordance with the provisions of Title VII of Public Law 95-454. See 5 U.S.C. 7131 regarding official time.

**o. Rest Periods**

(1) Heads of VA establishments may authorize brief periods during which employees may interrupt their work to obtain refreshments, or relief from fatigue or constant attending to duty. There may not be more than two such periods during any single 8-hour period and they should normally not exceed 10 minutes each and should be regulated to maintain adequate coverage of essential functions at all times.

(2) Employees may be permitted to partake of refreshments at their desks or other workspace during such periods, except where good taste would indicate otherwise.

**p. Securing Government Equipment, Supplies, Records, or Property.** An employee shall be allowed reasonable time as determined by management without charge to leave during the tour of duty to pick up and return equipment, records, or property of any kind used in the performance of official duties.



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q. **Wash-up Time.** Where necessary, employees shall be excused without charge to leave for a reasonable time as determined by management before the end of a tour of duty to wash up.

r. **Change of Uniforms.** An employee who is required to wear a uniform and who is not permitted to wear it home, shall be excused without charge to leave for a reasonable time as determined by management after the beginning of a tour of duty to change to a uniform and before the end of a tour of duty to change to street clothes. In those cases where administrative necessity requires the changing into and out of uniforms outside the employee's tour of duty, compensation under the overtime pay regulations will be provided when appropriate. (See part II, chapter 3, paragraph 2 of this handbook).

s. **Change in Facility**

(1) An employee who is being transferred for the convenience of the Government from one VA facility to another may be excused without charge to leave for the time required, not to exceed 2 workdays, to make arrangements for moving. If the employee is authorized absence not to exceed 10 calendar days to make a round trip in an official travel and duty status to find housing at the new location; time required for getting settled at the new location, not to exceed 1 workday, may be granted as excused absence without charge to leave. Where no advance round trip is made to the new location, the employee may be authorized absence not to exceed 5 workdays with no charge to leave to find housing and move into it within one year after the change in facility.

(2) If a VA employee transfers to another Federal agency and that agency authorizes a round trip to find housing, VA will maintain the employee in a duty status during the authorized round trip of absence (See MP-1, part II, chapter 2, paragraph 13h).

t. **Funerals**

(1) An employee is entitled to not more than 3 days of excused absence (funeral leave) under the provisions of 5 U.S.C. 6326. This excused absence is authorized for the employee to make arrangements for or attend the funeral or memorial service of an immediate relative who died as a result of wounds, disease, or injury incurred while serving as a member of the Armed Forces in a combat zone (as determined by the President in accordance with section 112 of the Internal Revenue Code). See CFR 630. 801-804.

(2) While the leave authorized by Section 6326 is a matter of right and must be granted when appropriate, for reasons indicated below, VA is continuing a previously established administrative policy that an employee will be granted excused absence without charge to leave or loss of pay to attend the funeral of an immediate family member who while serving in the Armed Forces died as the result of wounds, disease or injury incurred in the line of duty. Normally, the amount of this excused absence will be limited to a maximum of 8 hours. Under unusual circumstances, however, additional excused absence as considered reasonable may be granted. This excused absence will not be in addition to that authorized under Section 6326. However, it may be appropriate to approve excused absence under this administrative policy when it would not be a right under Section 6326, such as when a member of the Armed Forces is killed in the line of duty when not in a combat zone.

u. **Weather and Emergency Situations**



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(1) **Definition.** An emergency situation may be caused by heavy snow, severe icing, flooding, earthquakes, hurricanes, massive power failures, fuel shortages, major fires, strikes, public transportation crises, riots, mass demonstrations, etc. The emergency must be general rather than personal in scope and impact. It should be severe enough to prevent employees in significant numbers from reporting for work, or may necessitate the closing of Federal facilities in whole or in part. Usually, an emergency of this type will be the subject of a public declaration of emergency by appropriate Governmental authority.

(2) **Employees Providing "Critical" Services.** There are certain critical VA operations which cannot be curtailed even though it may be generally necessary to excuse employees for all or part of a day.

(a) **VA Medical Centers, Domiciliaries, and Outpatient Clinics.** All employees of these facilities are deemed to be providing critical services. Incumbents of these positions are required to be at work regardless of emergency situations or any general dismissal authorization.

(b) **Other VA Facilities.** Heads of other types of VA facilities should identify positions that are also deemed to be providing a critical service. Except for office closings, incumbents of these critical positions are also required to be at work regardless of emergency situations or any general dismissal authorization. Employees so designated should be made aware, preferably in writing, of the special requirements placed on them for reporting to, or remaining at, their work-sites in emergency situations.

(c) **Identification.** It may be necessary to provide employees of critical positions with some identification that would enable them to commute at times when only emergency travel is allowed on the highways.

(3) **Absences Due to Emergency Situations.** Where it is determined that an employee in a non-critical position made every reasonable effort to get to work and was unable to do so, excused absence without charge to leave may be authorized. These excused absences do not generally apply to employees who provide critical services as discussed in paragraph (2) above, because of the need to assure continuity of essential VA operations. However, in a rare instance, where certain employees who provide critical services make every reasonable effort to get to work and are unable to do so, the facility Director may approve excused absence without charge to leave as provided in paragraph (8)(a) below.

**(4) Early Dismissals**

(a) When early dismissal is authorized, excused absence without charge to leave may be granted to employees who are in duty status. This includes employees deemed to be providing critical services. For this purpose, employees are considered to be in duty status if they are:

1. Actually on duty at time of dismissal;
2. Excused from duty (or on approved leave) at the time of dismissal with the expectation that they will return to duty before the close of the business day; or

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3. On duty when the office issues formal notification of the scheduled early dismissal, but request and are granted leave between notification and actual dismissal.

(b) Employees who are not in a duty status as described above when notification of dismissal occurs after opening hours will be charged appropriate leave for the entire period of absence.

(5) **Tardiness.** Under emergency situations, some tardiness may be excused without charge to leave if it is determined on an individual or general basis that the tardiness was not reasonably avoidable. This includes employees deemed to be providing critical services.

(6) **Coordinated Group Actions.** Except for VA employees providing critical services, where there are two or more Federal installations in the community, there should be a coordinated effort in group dismissals or in excusing groups of employees from reporting for duty. In this regard, facility directors are advised to coordinate actions with other local VA installations, Federal Executive Boards and other Federal agencies. Where it appears that consistent action cannot be obtained locally, facilities should seek advice and coordination through appropriate Departmental channels.

(7) **Unusable Workspace.** Where an emergency situation makes the workspace unusable and no other suitable space can be provided as a worksite, employees may be excused from duty without charge to leave. This includes employees deemed to be providing critical services.

(8) **Authority for Excusing Employees From Duty**

(a) **Field Facilities**

1. Field facility heads are authorized to excuse employees from duty and from reporting to duty up to two consecutive days as outlined in paragraphs 1 through 7 above.

2. The appropriate Central Office administration or staff office head must approve any period of excused absence for field facility employees in excess of two consecutive workdays.

(b) **Central Office**

1. Only the Secretary may issue orders excusing all employees from duty or excusing groups of employees.

2. An Administration Head, Assistant Secretary, or Other Key Official or designee may excuse an individual employee for any tardiness and for absence, not to exceed one workday, due to weather or public emergency situations.

(9) **Emergencies of Indefinite Duration.** Where it is necessary to close operations for some prolonged or regularly recurring period (such as during a fuel crisis), the use of excused absence is inappropriate. Other options, which should be considered, are as follows:

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(a) **Maximum Use of Details or Temporary Relocation.** Every effort should be made to keep employees at work at affected facilities. Therefore, employees could possibly be detailed or relocated for useful work to facilities where operations have not been curtailed.

(b) **Extended Work Day and Use of Compensatory Time.** Employees may be granted compensatory time off where overtime worked is either irregular or occasional in nature. Under these emergency circumstances discussed herein, employees could be offered the opportunity to work 2 additional hours on each of 4 days with the overtime to be taken as compensatory time off on the 5th day within the same workweek.

**NOTE:** *VA policy on compensatory time for GS and FWS employees can be found in part II, chapter 3, paragraph 5 of this handbook.*

(c) **Use of Annual Leave.** General Schedule employees who do not wish to work overtime hours for compensatory time and Federal Wage System employees may use any annual leave which is available to them. While the taking of annual leave can be at the request of any employee, agencies have the authority to place employees with sufficient annual leave to their credit (including any annual leave that will accrue to the employees during the year) on annual leave at times considered appropriate by management. In exercising the authority to place employees on annual leave, agencies must comply with the provisions in negotiated agreements.

(d) **Use of Leave Without Pay.** In the absence of earned leave that will accrue during the year, or if an employee prefers not to use accumulated leave, an employee can be placed on leave without pay, but only at the employee's request.

(e) **Furlough.** Furlough, while not precluded, should generally be used only as a last resort.

v. **State or Local Holidays.** If an office is closed on a State or local holiday because it is determined that Federal work may not be properly performed, as provided in part II, chapter 3 of this handbook, absence on such day is not chargeable to leave for any employee of the office. This is so even if such absence occurs within a period of approved leave, or at the beginning or end of approved leave. Such approved time off is considered authorized absence without charge to leave.

w. **Parades, Ceremonies and Civic Activities.** Employees may be excused to attend officially authorized parades and ceremonies, or civic activities consistent with the prevailing practice among all Federal agencies in the local area. Employees in a leave status immediately prior to or following such a period will be charged leave for the entire period.

**x. Federal Wage System Operations**

(1) All members of local wage survey committees, while performing committee duties, and all data collectors, while performing duties connected with the data collection function, are to be considered on official assignment to the interagency function, not on leave.

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(2) For testifying at hearings provided by the local wage survey committee, administrative leave (excused absence without charge to leave) may be granted for a limited number of representatives of local labor organizations which have exclusive recognition for wage employees in the wage area and which wish to present facts or views on the wage survey. Unless otherwise provided for in a negotiated agreement, a limit of one representative for each such labor organization at a given installation normally will be considered adequate to present the views of that organization. Additional representatives of the organization may be permitted to testify but normally will not be granted excused absence without charge to leave in order to do so, unless the wage survey committee requests their presence as witnesses. Time off for testifying by employees as individuals will be charged to annual leave, or LWOP if no annual leave is available.

(3) Administrative leave (excused absence without charge to leave) for a short period of time (ordinarily not to exceed 8 hours) may be granted to permit the training and indoctrination of labor organization representatives, including local organization principal officers, labor organization members of local wage survey committees and organization nominated data collectors, on Federal Wage System policies.

**y. Status of Employees on Leave when Work Force is Excused**

(1) **Workday.** If an employee is on approved leave or in an AWOL or LWOP status on a day when employees are excused from duty or from reporting for duty and there is no administrative order declaring the day a non-workday, the employee shall continue in a leave, AWOL or LWOP status during the period of excused absence, or until the employee was otherwise expected to return, or until the employee becomes available for work in the case of an employee who is absent without leave (AWOL) or on LWOP.

(2) **Non-workday.** If a day is declared a non-workday by Federal statute or by Executive Order or by administrative order, no leave will be charged for absence on that day. This is true even though the non-workday may occur at the beginning, end or within a period of approved leave. An exception to this is the case of employees who work an uncommon tour of duty, e.g., firefighters, and receive premium pay on an annual basis (see 5 CFR 630.210). Employees who have been scheduled for duty on a workday which is declared to be a non-workday and who are not excused from duty because their presence is essential will be charged AWOL (see paragraph 14 of this chapter) for any period they fail to work during the scheduled tour of duty.



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## CHAPTER 3. TITLE 38 LEAVE PROGRAM

### 1. COVERAGE

a. This chapter establishes the policies and procedures for leave administration for full-time and part-time physicians, dentists, podiatrists, optometrists, nurses, nurse anesthetists, physician assistants (PAs), and expanded-function dental auxiliaries (EFDAs), appointed under authority of 38 U.S.C., chapters 73 and 74.

b. This chapter also establishes the policies and procedures for leave administration for medical and dental residents appointed under authority of 38 U.S.C. 7406. (This chapter does not cover medical and dental residents paid through disbursement agreements.) The Under Secretary for Health, or designees, will establish the annual leave system for residents, not to exceed that amount provided full-time employees.

c. As used in this chapter, and unless otherwise indicated, any reference to "nurse(s)" includes nurse anesthetist(s) but does not include the Chief Consultant, Nursing Strategic Healthcare Group; and "employee(s)" includes those personnel indicated in subparagraph a (both full-time and part-time, unless otherwise specified). The leave provisions contained in this chapter for full-time physicians and dentists shall apply to the Chief Consultant, Nursing Strategic Healthcare Group;

d. Persons other than those indicated in subparagraphs a through c above employed under authority of 38 U.S.C., chapter 73 and 74, are subject to the provisions of 5 U.S.C., chapter 63. Graduate nurse technicians and allied health trainees who are appointed under authority of 38 U.S.C. 7405(a)(1)(D) are included in this category.

e. Persons employed on an intermittent basis, per annum fee basis, or lump-sum fee basis, under authority of 38 U.S.C. 7405 are paid for actual service rendered and are not entitled to leave benefits.

### 2. POLICY

a. The proper care and treatment of patients shall be the primary consideration in granting of leave.

b. The VA leave program for employees shall be administered fairly and uniformly within the meaning of the provisions of this chapter.

### 3. GENERAL

a. **Advanced Leave.** Neither annual nor sick leave shall be advanced to an employee when it is known that the employee will retire or be separated before the amount advanced can be earned, or when it is reasonable to expect that the employee will not return to duty.





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c. **Home Leave.** Employees shall earn and be granted home leave on the same basis as employees subject to the provisions of 5 U.S.C. chapter 63

## **8. RELIGIOUS, STATE AND LOCAL HOLIDAYS**

a. **Religious Holidays.** While there is no official observance of religious holidays, except those which may also be national holidays, it is the policy of VA to permit, when practicable, absence from work for those employees who desire to observe religious holidays. Employees may, under provisions of Public Law 95-390, and applicable regulations, elect to work compensatory overtime for the purpose of taking time off without charge to leave when their personal religious beliefs require that they abstain from work during certain periods of the workday or workweek, thereby avoiding an annual leave or leave without pay charge.

b. **State and Local Holidays.** If a facility is closed on a State or local holiday because it is determined that Federal work may not be properly performed as provided in paragraph 5d of chapter 2, this part, absence on such day is not chargeable to leave for an employee of the facility. Such approved time off is considered authorized absence without charge to leave.

**9. AUTHORIZED ABSENCE.** An authorized absence is an absence administratively approved, which does not result in a charge to leave of any kind, or in loss of basic salary. The following will be used as the *guide* in determining the types of absences from duty which may be authorized without charge to leave.

a. **Rest and Relaxation.** The Under Secretary for Health and facility directors or the professional person acting for them are authorized to approve absence for not to exceed 24 consecutive hours for rest and relaxation for full-time physicians, dentists, podiatrists, and optometrists who have been required to serve long hours in the care and treatment of patients.

### **b. Tardiness or Absence for Part of a Day**

(1) A full-time physician, dentist, podiatrist, or optometrist will be charged a full day's leave for absence for a part of a day, unless the absence is excused by officials authorized to approve leave. This authority to approve absence for tardiness and absence for portions of a day will be exercised only when such absence from duty is of short duration and will not be interpreted to cover absences of a major portion of the day wherein annual or sick leave should be properly charged.

(2) It is incumbent upon supervisory officials to ensure that full-time nurses, nurse anesthetists, PAs, and EFDAs and part-time employees discharge their obligation to VA in terms of the number of hours for which payment is made and the number of hours actually worked in accordance with the pre-established tour of duty. An unavoidable or necessary absence from duty and tardiness of less than 1 hour may be excused. In other instances, absences or tardiness will be charged to annual leave or LWOP (with the employee's consent), or absence without leave, as appropriate. The charges to leave will come as a result of appropriate reporting in the ETA system.

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(3) Repeated instances of tardiness or unexcused absences during scheduled working hours will be considered a disciplinary matter under the provisions of VA Handbook 5021 or as a matter for appropriate action with regard to probationary employees and temporary full- and part-time employees under the applicable provisions of VA Handbook 5021.

**c. Hearings Before Federal Boards, VA Boards and Committees.** Absence of employees required to appear before Federal boards, before VHA boards, or before other VA boards or committees as witnesses or as participants in the matter under consideration will be approved without charge against leave.

**d. Injury in Line of Duty.** An employee who suffers a duty-connected injury or illness shall be excused without charge to leave for *initial* examination or outpatient treatment (including local travel time) by a United States medical officer or hospital, or any duly qualified physician or hospital of the employee's choice. Any absence from duty the first full workday (or shift) after the illness or injury, however, shall be charged to sick leave, LWOP or continuation of pay, as appropriate.

**e. Voluntary Participation in Civic Health Programs.** Absence of employees who participate in civic health programs such as mass chest X-rays and mass vaccinations or immunizations, uncompensated blood donor programs, etc., may be approved without charge to leave for this purpose. Participants in an uncompensated blood donor program may be excused without charge to leave for any portion of the day blood is donated which may be desirable for rest and recuperation.

**f. Administratively Required Vaccinations and Immunizations.** Time used for administratively required vaccinations or immunizations will not be charged against an employee's leave.

**g. Conventions, Conferences, and Professional and Scientific Meetings**

(1) Prior approval of the Secretary or Deputy Secretary, is required for attendance at national conventions of veterans' service organizations as a representative of VA. When approved, such absence will be without charge to leave.

(2) Facility directors, or their designees, are authorized to approve the absence of full- and part-time employees to attend international, national, sectional, State and local medical, dental, nursing, and scientific meetings and conferences held in the United States, U.S. Territories and Possessions, and Puerto Rico. The Under Secretary for Health, or a designee, may approve similar absences for VACO employees. Absences without charge to leave may be authorized for the necessary time to attend such meetings and conferences, including the allowed travel time not to exceed the time required for air travel. Approvals as specified in M-8, part IV, chapter 2 must be obtained before these absences are authorized. Requests involving authorized absence to attend activities outside the United States must be approved in accordance with M-8, part V, chapter 6. Intermittent employees will not be granted authorized absence under this policy.

**h. Education and Training.** Facility directors, or their designees, are authorized to approve without charge to leave the absence of full-time employees to attend education and training activities (lectures, seminars, courses of instruction, etc.) in accordance with the provisions of M-8, part IV, chapter 2. The

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Under Secretary for Health or chief consultants may authorize such absences for VACO employees.

**NOTE:** *Any approvals required by M-8, pt. IV, Ch. 2, will be secured before these absences can be authorized.* Part-time staff appointed under Section 7405(a)(1) (A) may be similarly granted authorized absence from scheduled duty for the purpose mentioned herein. Intermittent employees will not be granted authorized absence for this purpose.

**i. Teaching**

(1) Full-time employees may accept *teaching* responsibilities in private and public colleges and universities, provided the teaching obligations do not conflict with the performance of their duties in VHA. Absences resulting from such teaching assignments if no remuneration is involved may be excused without charge leave.

(2) This policy permits part-time employees to fulfill teaching responsibilities in private and public colleges and universities when it serves the VA mission of veteran patient care or the education of VA employees. Absences resulting from such teaching assignments if no remuneration is involved may be excused without charge to leave. (This does not preclude the granting of annual leave or leave without pay where remuneration is involved.)

**j. Medical Examinations**

(1) No charge for absence will be made against the leave of an employee who is designated by proper VA authority to report to a VA Medical Center or other VA facility with medical facilities for medical examination or observation to determine fitness to remain on duty or for the purpose of recommending retirement from Federal employment.

(2) No charge will be made for necessary absences of an employee who is required to report for annual physical examinations, chest X-rays, or other types of medical examinations required in connection with VA employment.

(3) Employees ordered to undergo physical examinations to determine their fitness for extended active duty in the Armed Forces, and who do not receive military pay and allowances from the Armed Forces for this period, will be excused without charge to leave for a period not to exceed 1 workday. Absence in excess of 1 workday will be charged to annual leave, or LWOP, if annual leave is not available. Employees who receive military pay and allowances from the Armed Forces will be charged annual leave, or LWOP if annual leave is not available, for the entire period of absence for this purpose.

**NOTE:** *The discretion to excuse employees for medical examination or treatment, subparagraphs j and k, is limited to brief periods, usually 1 day or less. When an initial examination is not completed in 1 day, whether the employee is in or out of the hospital, the employee may be excused without charge to leave for a somewhat longer period than 1 day; however, the additional time to hospitalize an employee after an initial examination or to require additional and more extensive tests and examinations may not be regarded as excused absence without charge to leave or loss of pay, even though periods of duty may intervene between the initial examination of an employee and the additional test, examinations or hospitalization that may be necessary as a result of the initial examinations.*

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k. **Medical Treatment.** Employees may be excused for visits to the Employee Health Unit or other emergency facility for treatment of a minor illness.

l. **Examinations.** Absences of physicians, dentists and residents to undergo an American Specialty Board examination, podiatrists and optometrists to undergo examination by an approved specialty board, nurses to undergo examination for certification by an appropriate national certifying body, and physician assistants to undergo the official Physician Assistant Certification Examination prepared by the National Board of Medical Examiners and graduate nurse technicians for registration, will be authorized. The amount of absence authorized will not exceed the time actually required for taking the examination and for travel to and from the place of examination. Any additional absence will be charged to annual leave, or LWOP if annual leave is not available.

m. **Pending Emergency Suspension.** Ordinarily, employees will be retained in a pay and active duty status during an inquiry or investigation into an incident of misconduct or pending a decision on a proposed discharge. In instances where it is determined that an employee's continued presence at work might reasonably pose a threat to the employee or others, result in loss of or damage to Government property, or otherwise jeopardize legitimate Government interests, the employee may be placed in a paid non-duty status (i.e., authorized absence for timekeeping purposes) for a brief but reasonable period of time. The facility Director may approve such authorized absence in order to conduct an investigation into the situation and/or to obtain the Under Secretary for Health's decision on a request to effect a suspension (see VA Handbook 5021).

n. **Bone-Marrow and Organ Donor Leave.** An employee is entitled to 7 days of paid time off in a leave year to serve as a bone-marrow donor, and 30 days of paid time off in a leave year to serve as an organ donor. Employees may take this leave without charge to other types of leave or reduction in pay. This leave is in addition to other types of leave and is creditable as regular duty for all purposes, such as leave accrual, retirement, and proficiency rating.

o. **VA Policy.** The authorized absence policy, contained in chapter 2 of this part, for title 5 employees is also applicable to employees under this chapter for the following types of absences:

- (1) Absence for Congressional Medal of Honor holders.
- (2) Duty connected injury or illness.
- (3) Change in facility.
- (4) Civil Defense and disaster activities.
- (5) Funerals.
- (6) Meetings with labor organizations and other groups.
- (7) Parades, ceremonies, and civic activities.

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- (8) Participation in civic organizations.
- (9) Participation in military funerals.
- (10) Representing labor organizations.
- (11) Voting and registration.
- (12) Weather and emergency situations.
- (13) VA placement matters.

**10. LEAVE WITHOUT PAY (LWOP)****a. General**

(1) Leave without pay is a temporary nonpay status and absence from duty to be granted only on the employee's request. The authorization of LWOP is a matter of administrative discretion.

(2) An employee cannot demand that LWOP be granted as a matter of right except in the case of disabled veterans who are entitled to LWOP if necessary for medical treatment under Executive Order 5396; and reservists and members of the National Guard who are entitled to LWOP if necessary to perform military training duties

(3) Employees who are disabled on the job and file claims with the OWCP may be granted LWOP for the entire period of absence from duty. LWOP may also be granted in cases of employees who have made application for disability retirement. LWOP in these circumstances may be granted until it is judged that the employee will not be able to return to duty and may be granted regardless of whether or not the employee has annual leave.

(a) **Substitution of Annual or Sick Leave for LWOP.** An employee who is on LWOP pending adjudication of a claim with OWCP may, if the claim is disallowed while still employed, be retroactively granted sick and annual leave.

(b) **Substitution of LWOP for Annual or Sick Leave.** An employee who has used sick leave or annual leave pending adjudication of an OWCP claim, which is later approved, should be informed by the human resources office about procedures for "buying back" the leave. This can be accomplished by the employee's election to be placed in a nonpay status for the period and by the employee's authorization for the OWCP to reimburse the agency for leave used based on compensation entitlement (with the employee receiving or paying the difference). The substitution should be made promptly and the OWCP will be notified of proposed change in the employee's last day in pay status. For leave record purposes, the request for substitution must be made within 1 year of approval of the OWCP claim, unless it is administratively determined that the employee was prevented from exercising this option because of the disability which gave rise to the claim. In such case, the employee may exercise the option within 1 year



\* \* \*



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JAN 29 2015

OFFICE OF  
ADMINISTRATION  
AND RESOURCES  
MANAGEMENT

The Honorable Charles Grassley  
Chairman  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

Thank you for your letter of October 21, 2014 to the U.S. Environmental Protection Agency requesting information regarding the use of administrative leave by agency employees from FY 2011 thru FY 2013. The EPA's Administrator has asked that I respond to your inquiry. We share your concern that administrative leave be used very judiciously, and only when it serves the government's interest.

We respond below to your specific questions regarding our policies, use, timeframes, and costs of employees placed in leave status. Please note that, in a small number of cases, the matters regarding the reasons for placement in administrative leave status remain under litigation and our ability to provide extensive details in this letter are limited.

Agency policy – in effect at the EPA since 1987 – defines the term “administrative leave” as “[a]n excused absence from duty without loss of pay and without charge to the employee's leave account.” Guidance in this policy also states that “[w]hen an employee's removal or indefinite suspension is proposed, and the employee's continued presence at the worksite during the notice period would constitute a threat to public property or the health and safety of coworkers or the public, the employee may be placed on excused absence during the time required to effect the action.” Federal regulations at 5 C.F.R. § 752.404(b) also authorize agencies to place employees in a paid, non-duty status when there is a pending decision on a proposed misconduct-related suspension or removal, “for such time as is necessary to effect the action,” if the employee's continued presence in the workplace during the notice period may pose a threat to the employee or others, result in loss of or damage to Government property, or otherwise jeopardize legitimate Government interests.

I appreciate your reference to the recent GAO report on this topic, which reviewed administrative leave practices of 24 federal agencies/departments from FY 2011 through FY 2013. During this review period, those 24 federal agencies/departments had 252 employees in administrative leave status for more than one year. EPA had only two (2) such employees during that timeframe. Of these 24 agencies/departments, there were 22,098 federal employees in administrative leave status from one to three months from FY 2011 through FY 2013. The EPA had fifty (50) such employees out of approximately 18,000 in that period. GAO's report did not characterize these numbers or EPA's use of administrative leave as excessive or unusual.

In FY 2014, the agency had a total of 32 employees on paid administrative leave, at a total cost to the agency in terms of salaries and benefits of \$1,446,907.11. Of these employees, 50 percent were on administrative leave for less than one month, over 80 percent for less than six months, while only about 15 percent exceeded six months, and only 1 employee for more than a year.<sup>1</sup>

You also asked for information about each of the employees described in the GAO report who, irrespective of GAO's FY 2011 to FY 2013 review period, had been on administrative leave for greater than one year. While the GAO did not identify those employees specifically, our review of agency records indicates that they were:

- a GS-13 Environmental Scientist in the Office of Solid Waste and Emergency Response who was placed on administrative leave as part of an ongoing personnel matter for, as of FY 2014, 5,953 hours, reflecting \$366,892.96 of total compensation;
- a GS-12 Public Affairs Specialist in Region 4 who, prior to removal from Federal service effective November 14, 2014, had been placed on administrative leave in connection with personnel action for 2,292 hours, reflecting \$106,378.24 in total compensation<sup>2</sup>; and
- a GS-13 Environmental Scientist in Region 6 who, prior to separation on July 8, 2014 under the terms of a settlement agreement, had been placed on administrative leave as part of a personnel matter for 5,262 hours, totaling \$367,502.12 in compensation.

In each of these three case, the agency determined that reassigning the employee to other duties could be potentially disruptive and/or impractical under the circumstances. Moreover, for the reasons discussed below, none of the three different types of unpaid leave – indefinite suspension, Leave Without Pay (LWOP), and Absent Without Leave (AWOL) – were available alternatives here.

Placing an employee on an indefinite suspension in situations involving employee misconduct is only permissible in instances where an agency has reasonable cause to believe that an employee has committed a crime for which a sentence of imprisonment could be imposed, pending the outcome of a criminal proceeding or any subsequent agency action following the conclusion of the criminal process. None of the employees listed above were subject to criminal proceedings. Consequently, placing them on indefinite suspension was not a valid option for management's consideration. Nor did these three employees meet the criteria for LWOP. LWOP is an employee-initiated leave option, subject to management approval, which agencies cannot compel employees to use involuntarily. Finally, these employees did not meet the criteria for AWOL. AWOL applies when an employee is absent from work without having the absence approved by their supervisor, but where an employee is willing to report to work, the requirement for AWOL is not met.

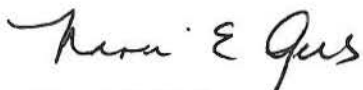
<sup>1</sup> The 15 employees on leave 1-3 months cost the Agency \$294,568.94; 11 of those employees remained on leave between 3-6 months, reflecting an overall cost of \$586,874.08; a further 3 stayed on leave until the 9 month mark, totaling \$238,389.13; and only 1 employee was on leave for 9-12 months, costing \$126,187.25. The Agency's sole employee on administrative leave for more than a year cost, in terms of salary and benefits for this employee, \$366,892.96 through FY 2014.

<sup>2</sup> While this employee's administrative leave carried over to and exceeded one year in FY 2014, GAO's report did not capture the employee in the over-one-year category because the employee was in administrative leave status for 1-3 months from FY 2011 to FY 2013, GAO's review period.



Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Ms. Christina Moody in the EPA's Office of Congressional and Intergovernmental Relations at [moody.christina@epa.gov](mailto:moody.christina@epa.gov) or (202) 564-0260.

Sincerely,

A handwritten signature in black ink, appearing to read "Nanci E. Gelb". The signature is fluid and cursive, with the first name "Nanci" and the last name "Gelb" being the most prominent parts.

Nanci E. Gelb  
Acting Assistant Administrator

**Revised Enclosure  
Nov. 3, 2015**

**Responses to Questions  
Regarding the NASA Administrative Leave Policy and Instances of its Implementation**

- 1. Please provide agency policy on paid administrative leave. If no policy exists, please explain how the agency grants administrative leave, and what controls, if any, are in place to prevent it from being used for extended periods of time. If there are no such safeguards, please explain why not.**

NASA's policy on paid administrative leave from NASA Procedural Requirement 1300.1 is provided below. NASA uses the term "excused leave" instead of paid administrative leave. As a matter of practice, in some instances, Centers have determined it's in the best interest of the Center (under authority of paragraph 3.7.5 below) to place employees on excused leave prior to affecting an adverse action to avoid workplace disruption during the interim period.

**3.7 Excused Absences**

**3.7.1 Travel after Midnight.** Employees who are required to perform official travel and who arrive at their residences after midnight may be excused, in accordance with the Center's provisions, for a reasonable length of time before reporting for duty, but not in excess of eight hours. Where applicable, supervisors shall authorize use of compensatory time off for travel.

**3.7.2 Medical Examination or Treatment**

**3.7.2.1 NASA Health Programs.** When health examinations are conducted by NASA Centers, employees will be excused without charge to leave for the purposes of the examination. This provision is also applicable to sick calls and preventive medical programs at the NASA health clinics and initial referrals and subsequent visits allowed under the Center's Employee Assistance Program (EAP) policy to the NASA EAP.

**3.7.2.2 Job-Related Illnesses and Injuries.** An employee suffering a job-related illness or injury will not be charged leave of any kind for any required absence from duty on the day on which the illness or injury occurs. Any diagnostic examinations or tests of job-related conditions, which are authorized and scheduled by Federal medical officers, will be considered official work time with no charge to leave. If further absence from work is necessary for treatment or recovery, pay continuation (as provided for in the Office of Workers' Compensation Programs (OWCP) regulations at <http://www.dol.gov/owcp/dfec>) or sick leave, annual leave, or LWOP will be authorized.

### 3.7.2.3 Physical Examinations Related to Military Service

- a. An employee shall be excused without charge to leave or loss of pay for the time required for a physical examination before induction into or recall to active duty in the armed forces.
- b. If the employee is required to be absent more than one workday, the employee shall obtain a justifying statement from the examining station.
- c. An employee required to report for periodic physical examinations for any Reserve component of the armed forces or in the National or State Guard organizations will be granted sick leave for the period of the physical examination. If the employee does not have sick leave, either annual leave or LWOP shall be granted.

### 3.7.3 Registration and Voting. At appropriate times, Centers should:

- a. Communicate to employees the options that are available in regulations for excused absences for registration and voting.
- b. Assemble and maintain necessary information about hours during which polls are open in all political subdivisions in which their employees reside.
- c. Determine the amount of excused leave that may be granted.
- d. Notify employees of the determinations made and the local procedures to be followed.

3.7.4 Holidays for Part-Time Employees. Part-time employees are not, as a matter of right, entitled to compensation for days observed as holidays in lieu of actual holidays. NASA Centers will grant excused absence to part-time employees, without charge to leave, for the "in lieu of" holiday of full-time employees to the extent such days fall within the regularly scheduled workweeks of the part-time employees, unless work load dictates that their presence is necessary.

3.7.5 Other Excused Absences. Consistent with the decisions of the Comptroller General and the Office of Personnel Management, Center Directors or their designees may determine administratively other situations in which employees may be excused from duty without charge to leave.

**2. How many employees were on paid administrative leave for more than one month in Fiscal Year (FY) 2014? What was the total cost to the agency in FY 2014 in salary and benefits for those employees' paid administrative leave?**

There were 27 employees at NASA who charged more than 173 non-furlough hours (equivalent to 21.3 days or one month) to administrative leave during FY 2014. The total



cost in salary and benefits for those employees' administrative leave was \$835,760 (\$646,822 in salary and \$188,938 in benefit costs).

**3. How many employees are currently on paid administrative leave that have been on such leave for:**

- a. 1-3 months;**
- b. 3-6 months;**
- c. 6-9 months; and**
- d. 9-12 months**

**For each category, what is the total cost to the agency in salaries and benefits for those employees paid administrative leave?**

As of the pay period ending October 4, 2014, a total of 7 employees charged more than 173 hours of administrative leave (equivalent to 21.3 days or one month). Of those employees, 5 charged between 1-3 months and the other 2 charged between 3-6 months of administrative leave. Administrative leave granted due to the furlough was excluded.

The total cost of the salaries and benefits for the 5 employees on administrative leave for 1-3 months was \$111,252.78 (\$85,114.63 in salary and \$26,138.15 in benefit costs).

The total cost of the salaries and benefits for the 2 employees on administrative leave for 3-6 months was \$130,799.98 (\$100,000.64 in salary and \$30,799.34 in benefit costs).

**4. Excluding those referenced above, how many employees currently on paid administrative leave have been on such leave for more than a year? What is the cost to the agency in salary and benefits for those employees' paid administrative leave?**

NASA does not currently have any employees on administrative leave who have been on administrative leave for more than a year.

**5. For the employees described in the GAO report as being on paid administrative leave for one year or more, as well as for the employees described above as being currently on administrative leave for more than a year, please provide for each employee a detailed narrative of the circumstances surrounding the extended paid leave, including:**

- a. Position title and GS level.**
- b. Employee division/office/component.**
- c. Total compensation received while on administrative leave.**
- d. Reason for being placed on administrative leave.**
- e. Exact length of time on administrative leave.**
- f. Current status of the employee (i.e. reassigned, demoted, terminated, still on administrative leave, etc.).**

- g. A full explanation of why reassignment to other duties or another location was not an appropriate alternative to paid leave.**
- h. A full explanation of why the employee was not placed on some form of unpaid leave.**

**Employee A**

- a. [REDACTED] GS [REDACTED]-15.
- b. [REDACTED]  
[REDACTED]
- c. [REDACTED]  
[REDACTED] total compensation cost of \$193,838.24.
- d. The employee's access to classified information was suspended [REDACTED], and [REDACTED] access to classified information was revoked [REDACTED].
- e. For FY 2012: 936 hours. For FY 2013: 1,366 hours. Total hours: 2,302 hours.
- f. The employee retired [REDACTED]
- g. There were no vacant positions available for the employee was qualified.
- h. The employee had the right to appeal [REDACTED] loss of access to classified information. Any premature effort to put the employee on "unpaid leave" or to force the employee to take [REDACTED] own leave (a constructive suspension) prior to the finalization of [REDACTED] due process appeal rights would have resulted in an appealable action to the Merit Systems Board. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Employee B**

- a. [REDACTED], GS-[REDACTED]-12.
- b. [REDACTED]  
[REDACTED]
- c. Employee was on administrative leave for two separate periods as shown below:

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Total compensation cost for both periods: \$128,590.19.

- d. Between [REDACTED], and [REDACTED], [REDACTED] incidents occurred related to the [REDACTED] that placed the employee and co-workers at personal risk to their safety. [REDACTED]

[REDACTED]  
[REDACTED]  
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[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

- e. The employee was on administrative leave for two separate periods:

[REDACTED] – 444 hours; and,  
[REDACTED] – 1,840 hours. Total: 2,284 hours.

- f.

[REDACTED]  
[REDACTED]  
[REDACTED]

- g. Reassignment to another position or location was not considered appropriate as the same safety issues would continue to exist.

- h. When the employee was placed on administrative leave effective [REDACTED]  
[REDACTED] other forms of unpaid leave did not appear to be appropriate. [REDACTED]

[REDACTED] The alternative course of action remaining would have been to propose enforced leave. Enforced leave in and of itself requires a proposal, a response period and a decision to be issued. This avenue of redress is normally pursued when medical evidence of availability for duty is required. [REDACTED]

[REDACTED]  
[REDACTED] This action was not pursued.



## UNITED STATES OFFICE OF PERSONNEL MANAGEMENT

Washington, DC 20415

NOV 21 2014

The Director

The Honorable Charles E. Grassley  
 Ranking Member  
 Committee on the Judiciary  
 United States Senate  
 152 Dirksen Senate Office Building  
 Washington, DC 20510

Dear Ranking Member Grassley:

This is in response to your letter, dated October 21, 2014, requesting information on the use of paid administrative leave at the Office of Personnel Management (OPM). Specifically, your inquiry is looking at the number of OPM employees placed on paid administrative leave for periods in excess of 1 month during FY 2014 and the reasons for the approval of the periods of leave. In addition you requested information on the three OPM employees identified in GAO-15-79 *Federal Paid Administrative Leave*.

Employees can be placed on excused absence, commonly known as "administrative leave," for a variety of reasons, which could include, for example, weather related closures, organ donation, the health and safety of other members of the Federal workforce or the public, or the need to address national security concerns. We reviewed the records of all OPM employees for FY 2014 to determine if any employees had been placed on administrative leave for 31 days or more. Our review identified 21 such employees. We are providing the following responses to your specific questions:

- **Agency Policy on Administrative Leave.** The Agency does have a policy on the use of administrative leave for OPM employees. A copy is attached as requested.
- **Salary and Benefits Costs.** During FY 2014, a total of 21 OPM employees were on administrative leave for more than one month. The total cost to the Agency in salaries and benefits for these employees was \$511,460.
- **Employees Currently on Paid Administrative Leave and Total Salary and Benefits Costs for Those Employees' Paid Administrative Leave.**
  - a. 1-3 months – 1 (\$11,420)
  - b. 3-6 months – 1 (\$25,253)
  - c. 6-9 months – 1 (\$55,374)
  - d. 9-12 months – 0

- **Employees Currently on Paid Administrative Leave for More than One Year.** No employees are currently on paid administrative leave for more than one year.
- **Employees from GAO Report**

Employee 1:

- a) Investigator, GS-12
- b) Federal Investigations Services (FIS)
- c) \$167,038.93
- d) Internal investigation conducted by FIS Integrity Assurance, followed by criminal proceedings
- e) 1 year, 1 month and 22 days
- f) Voluntary Retirement on February 28, 2013. In addition, the employee pled guilty to the felony charge of making a false statement.
- g) The employee was under investigation by the Office of the Inspector General for misconduct, which ultimately led to a criminal proceeding and a guilty plea. Based upon the nature of the misconduct at issue, the agency did not feel comfortable having the employee work in any capacity, pending the outcome of the investigation and the related criminal proceeding.
- h) There is no provision under law for involuntary "unpaid leave." There is only the possibility of pursuing an action for indefinite suspension, which is itself an adverse action requiring an administrative proceeding under Chapter 75. Pursuing a proposed action for indefinite suspension was not an appropriate solution given the circumstances of the case.

Employee 2:

- a) Auditor, GS-15
- b) Office of the Inspector General
- c) \$198,702.72
- d) Employee was under external Inspector General investigation regarding misconduct that raised the potential for violent behavior.
- e) 1 year, 19 days
- f) Voluntary Retirement on March 31, 2013
- g) The employee was under investigation by an external Inspector General for misconduct. Based upon the nature of the misconduct at issue, the agency did not feel comfortable having the employee work pending the outcome of the investigation.
- h) Pursuing a proposed action for indefinite suspension was not an appropriate solution given the circumstances of the case.



Employee 3:

- a) Investigations Case Analyst, GS-1801-12
- b) Federal Investigative Services
- c) \$149,892.54
- d) Placed on administrative leave on March 30, 2012, based upon the suspension of the employee's security clearance and an internal misconduct investigation by FIS Integrity Assurance.
- e) 1 year, 4 months and 5 days
- f) Removed from service on August 5, 2013, for failure to work reported hours and lack of candor. Employee filed an appeal with the Merit Systems Protection Board and the removal was upheld.
- g) Reassignment was not practicable because of the suspension of the employee's security clearance, and because the agency did not feel comfortable having the employee work pending the outcome of the investigation, given the nature of the misconduct at issue. The agency's decision about when to move forward with an adverse action was also affected by a related but separate referral to the Inspector General.
- h) Pursuing a proposed action for indefinite suspension was not an appropriate solution given the circumstances of the case.

OPM appreciates the opportunity to respond to your interest in this matter. If you have any further questions, please feel free to contact Angela Kouters, Director, Congressional, Legislative, and Intergovernmental Affairs, at (202) 606-1300.

Sincerely,



Katherine Archuleta  
Director

Enclosure

## SUBCHAPTER 6. EXCUSED ABSENCE

### 6-1. Definition and Purpose

- a. An excused absence is an absence from duty authorized for administrative reasons without loss of pay and without charge to leave. The decision to grant an excused absence is a matter of supervisory discretion.
- b. Excused absence may be approved and granted to employees for certain activities which are considered to be in the interest of the Government. It may also be granted for absences in certain other special circumstances, such as hazardous weather conditions and where the interests of good management require that this be done.

### 6-2. Registration and Voting

It is the policy of the Federal Government to encourage employees to exercise their voting rights. Employees are not allowed excused absences for voting by absentee ballot. Most states now have absentee voting for primary and general elections. It is the responsibility of the employee to know the election laws of his/her State. Listed below are the conditions governing the granting of an excused absence for voting and registration:

- › As a general rule, where the polls are not open at least 3 hours either before or after an employee's regular hours of work he/she may be granted an amount of excused absence which will permit him/her to report for work 3 hours after the polls open or leave work 3 hours before the polls close, whichever requires the lesser amount of time off.
- › Under exceptional circumstances where the general rule does not permit sufficient time, an employee may be excused for additional time needed to enable him/her to vote, depending on the particular circumstances in the individual case, but not to exceed a full day. These exceptions should be documented and approved by the supervisor.
- › If an employee's voting place is beyond normal commuting distance and voting by absentee ballot is either not permitted or not possible, the employee may be granted sufficient time off in order to make the trip to the voting place to cast his/her ballot. When more than 1 day is required to make the trip to the voting place, a liberal policy shall be observed in granting the necessary leave for this purpose. Time off in excess of 1 day shall be charged to annual leave or if annual leave is exhausted, then to leave without pay.
- › For employees who vote in jurisdictions which require registration in person, time off to register may be granted on substantially the same basis as for voting, except that no time of this kind shall be granted if registration can be accomplished on a non-work day and the place of registration is within reasonable 1-day, round trip travel distance of the employee's place of residence.

### 6-3. Participation in Military Funerals

Employees who are veterans may be excused from duty without loss of pay or a charge to annual leave for the time necessary, not to exceed 4 hours in any one day, to participate as active pallbearers or honor guards in funeral ceremonies for members of the Armed Forces whose remains are returned from abroad for final interment in the United States.

### 6-4. Administrative Situations for Which Excused Absence May be Granted

- a. Typical activities for which excused absence may be granted are the following:
  1. Occasional tardiness and brief absences from duty not in excess of 30 minutes. When reasons for tardiness or absence are not acceptable, the employee may be placed in a non-pay status (AWOL) for a minimum of 15 minutes. Employees will not be required to work during this period of absence. Each such charge of tardiness must be made on the calendar day on which the absence occurred. Habitual tardiness is a basis for disciplinary actions.
  2. Attendance at meetings of professional organizations and other groups when it is determined that the attendance will benefit the Office of Personnel Management.
  3. Making blood donations to the Red Cross, local hospitals, blood banks, or similar nonprofit organizations, for which an employee may be granted an excused absence of up to 4 hours. The leave is to be taken immediately following the donation and is in addition to the time required to travel to and from the blood center and to actually give blood. The purpose of this authorized absence is to provide a reasonable time for employees to recuperate after they donate blood. If the employee is not accepted for blood donation, only the time necessary for the trip to and from the blood center is allowed as an excused absence.
  4. Participation in OPM officially-sponsored and administered physical fitness programs.
  5. Visits to health units when such visits are considered necessary to the employee's well-being.
  6. Participation in special events which OPM is interested in recognizing or encouraging.
- b. When a definite policy on absence for special purposes has been set, as in the instances mentioned in this section (with the exception of attendance at meetings), absences may be approved by supervisors. Granting of excused absences for unusual or special purposes must be approved by associate directors or heads of other offices, or their designees. Attendance at outside organization meetings must be approved by associate directors or heads of other offices.

### 6-5. Emergency Situations for Which Excused Absence May be Granted

At the discretion of agency management officials (e.g., Director of Human Resources, Employee Assistance Program staff, Employee and Labor Relations Staff, Security Services Division, Associate Directors, Heads of Other Offices) an employee may be granted excused

absence for special/extenuating circumstances in an emergency situation. The nature of the leave must be to protect the safety and or security of one or more employees. The duration of the leave shall not exceed beyond the day within which it was granted. Any additional leave shall be coordinated with supervisors or individuals empowered to make leave decisions. Examples of such situations include:

- › Employee who is contemplating harm to co-worker and has the means;
- › Employee is a potential target of workplace or domestic violence; or
- › Other situations where it is documentable that the employee needs leave immediately and the supervisor is unavailable.

#### **6-6. Absence Due to Hazardous Weather Conditions**

Excused absence because of hazardous weather conditions and other emergencies (e.g., power failure and natural disasters) is discussed in Chapter 610 of this Handbook.

#### **6-7. Absence to Perform Community Service**

- a. Employee absence to perform community or other voluntary service should be charged to annual leave or LWOP. However, in some rare circumstances it may be appropriate to grant employees excused absence to participate in voluntary activities. In order to be granted excused absence, the employee must perform volunteer service that satisfies one of the following criteria:

- › It is directly related to OPM's mission.
- › It is officially sponsored or sanctioned by the Director (i.e., Partners in Education, and specific disaster relief activities.)
- › It will clearly enhance the professional development or skills of the employee in his/her current position.

- › The absence is brief and is determined to be in the interest of the Agency.

- b. Alternatives to excused absence to perform community service include full usage of flexibilities offered under the Flexible Work Schedule Program in the employee's organization, e.g., AWS schedules, Alternate Worksite provisions. Additionally, employees seeking to participate in volunteer activities during basic work hours may also be granted annual leave, leave without pay, and compensatory time off.

#### **6-8. Absence for Preventive Health Services**

Employees with less than 80 hours of sick leave may be granted up to 4 hours of excused absence per calendar year to attend preventive health activities or to obtain preventive health services. This excused absence must be coordinated with and approved by the supervisor in advance and the employee must provide the supervisor appropriate documentation to support the absence.



U.S. SMALL BUSINESS ADMINISTRATION  
WASHINGTON, DC 20416

14 DEC -2 PM 2:33

November 20, 2014

The Honorable Charles E. Grassley  
Ranking Member  
Judiciary Committee  
United States Senate  
Washington, D.C. 20510

Dear Senator Grassley:

Administrator Contreras-Sweet has been asked to respond to your recent inquiry requesting the U.S. Small Business Administration (SBA) workforce data detailing the Agency's administrative leave use. Specifically, your letter requested SBA administrative leave use data and narrative responses to five questions. Along with responding to your questions, we are providing a short narrative to explain the limitations of SBA's Time and Attendance (T&A) system.

SBA's T&A system is called STARWeb. STARWeb is a proprietary system managed by the U.S. Department of Agriculture, National Finance Center (NFC), SBA's payroll services provider. The NFC STARWeb system limits SBA use to querying and creating report data for the most recent 26 pay periods (approximately one year of historical data). This is materially important because your inquiry is asking the Agency to respond to information in a recently published Government Accountability Office (GAO) October 2014 report. The GAO report, Use of Paid Administrative Leave, GAO-15-79, data and findings are partly based on an analysis of OPM's EHRI data from 2011-2013. SBA's T&A system does not maintain administrative leave data accessible to the Agency prior to November 3, 2013, Pay Period 22. Consequently, some of your questions cannot be answered by SBA, because this Agency does not maintain any administrative leave data for Fiscal Years (FY) 2011, 2012, 2013, or 2014 data from October 1, 2013 to November 2, 2013. However, as SBA's payroll service provider and the STARWeb system owner, NFC may have administrative leave data prior to November 3, 2013.

An additional complexity with the STARWeb system lies in how the system captures administrative leave data in its Payroll system. The STARWeb system leave data is validated and submitted as payroll data every two weeks by SBA. SBA employees use the NFC "My Employee Personal Page" to input their 80 hour pay period schedule of work hours and non-work hours (paid or unpaid). This data is transferred and recorded in the NFC Payroll system using NFC "Type of Work" Transaction Codes (TC) Work Descriptors<sup>1</sup>. NFC's payroll system TC for administrative leave encompasses a broad range of options employees self-select as "Other Leave" paid absence options. However, SBA's T&A system does not provide distinguishing subcategory codes for many of the various types of administrative leave available or used. Therefore, SBA cannot provide the requested "reason why each employee used administrative

<sup>1</sup> Employees can choose among 18 administrative leave TC categories: Agency Directed, Blood Donation, Bone Marrow Donor, Court Leave, Examination, Federal Holiday, Hazardous Weather Dismissal, Local Holiday, Office Closed, Office Closed - Red Alert, Organ Donor, OWCP (Illness), OWCP (Injury), Preventive Health Care, State Holiday, Transfer of Station, Voting and "Blank" (this encompasses a plethora of unique and authorized uses of administrative leave used by SBA, see SOP 36 00, Chapter 10, enclosed with this response).

leave during a given period." Even adjusting the FY 2014 STARWeb data for Federal holidays and "Time-off Awards," SBA would not be able to transparently and accurately discern and report by category, the administrative leave used during the requested period. To address this system shortcoming and to migrate from its legacy T&A system, SBA and NFC are currently in the process of migrating from STARWeb to WebTA, NFC's new T&A system. Depending on NFC's deployment schedule, SBA envisions completing the WebTA migration during late FY 2015 or early FY 2016.

Below are your questions and SBA's responses, based on Agency records and data available as of November 6, 2014:

1. Please provide agency policy on paid administrative leave. If no policy exists, please explain how the agency grants administrative leave, and what controls, if any, are in place to prevent it from being used for extended periods of time. If there are no such safeguards, please explain why not.

**SBA's Response:**

SBA's administrative leave directive is enclosed, see Standard Operating Procedure (SOP) 36 00, Attendance and Leave. Within the SOP, administrative leave is primarily discussed in Chapter 10, Other Leave. Additionally, enclosed please find the Master Labor Agreement (MLA), Article 19 (Other Leave and Absence).

2. How many employees were on paid administrative leave for more than one month in fiscal year (FY) 2014? What was the total cost to the agency in Fiscal Year 2014 in salaries and benefits for those employees' paid administrative leave?

**SBA's Response:**

There were ten (10) SBA employees who were on administrative leave for one month or more in FY 2014. SBA's FY 2014 total cost for these 10 employees' administrative leave use in salaries and benefits was approximately \$277,376.00. Costs associated with the ten Federal holidays were subtracted from the Agency's FY 2014 administrative leave total hours and costs?"

3. How many employees are currently on paid administrative leave that have been on such leave for:

- a. 1-3 months,
- b. 3-6 months,
- c. 6-9 months, and
- d. 9-12 months.

Do not include an employee in more than one category. For each category, what is the total cost to the agency in salaries and benefits for those employees' paid administrative leave?

**SBA's Response:**

SBA has two (2) employees who are currently on administrative leave. Both employees have accrued more than one month of administrative leave during FY 2014.

- a. 1-3 months – SBA has two employees with a cumulative total of approximately \$31,189.00 in salaries and benefits in this category;
- b. 3-6 months – SBA does not have any employees in this category;
- c. 6-9 months – SBA does not have any employees in this category; and
- d. 9-12 months – SBA does not have any employees in this category.

4. Excluding those referenced above, how many employees currently on paid administrative leave have been on such leave for more than a year? What is the total cost to the agency in salaries and benefits for those employees' paid administrative leave?

**SBA's Response:**

SBA does not have any employees who are currently on and have been on administrative leave for more than a year.

5. For the employees described in the GAO report as being on paid administrative leave for one year or more, as well as for the employees described above as being currently on administrative leave for more than a year, please provide for each employee a detailed narrative of the circumstances surrounding the extended paid leave, including:

- a. Position title and GS level.
- b. Employee division/office/component.
- c. Total compensation received while on administrative leave.
- d. Reason for being placed on administrative leave.
- e. Exact length of time on administrative leave.
- f. Current status of the employee (i.e. reassigned, demoted, terminated, still on administrative leave, etc.).
- g. A full explanation of why reassignment to other duties or another location was not an appropriate alternative to paid administrative leave.
- h. A full explanation of why the employee was not placed on some form of unpaid leave.

**SBA's Response:**

**EMPLOYEE 1**

- a. **Position title and GS level:** *Business Opportunity Specialist – GS-1101-09-03.*
- b. **Employee division/office/component:** *Region IX – Los Angeles/Sacramento District Office/Business Development.*
- c. **Total compensation received while on administrative leave:** *Approximately \$168,533.00.*



- d. **Reason for being placed on administrative leave:** *Employee was placed on administrative leave pending disciplinary action.*
- e. **Exact length of time on administrative leave:** *Approximately April 20, 2012 to August 28, 2014.*
- f. **Current status of the employee (i.e. reassigned, demoted, terminated, still on administrative leave, etc.):** *Employee resigned from SBA on September 2, 2014.*
- g. **A full explanation of why reassignment to other duties or another location was not an appropriate alternative to paid administrative leave.** *The Agency removed the employee during the probationary period on February 12, 2012. After the employee appealed the removal to the Merit Systems Protection Board, on April 20, 2012, the Agency cancelled the removal to cure a procedural defect in the probationary removal process. The employee was reinstated into his former position in an administrative leave status, but was not given access to Agency facilities and systems because the Agency had not performed a favorably adjudicated background investigation.*

*By letter dated March 13, 2013, the Agency proposed the employee's removal for failure to provide true and complete information during the Agency's background investigation process.*

*On August 28, 2014, the Agency rescinded the March 13, 2013 proposal to remove, and terminated the employee's administrative leave status. The employee was directed to return to a full-time, full-duty work status on September 2, 2014.*

*The employee was not able to perform other duties in another location because his background investigation was not favorably adjudicated by the Agency's Office of Inspector General. The employee did not provide the requested information to the Agency's Office of Inspector General for it to adjudicate his background investigation. A favorably adjudicated background investigation is a requirement for federal employment as well as to be issued a PIV card in accordance with Homeland Security Presidential Directive (HSPD) 12.*

- h. **A full explanation of why the employee was not placed on some form of unpaid leave.** *There is no existing statutory authority or policy to place an employee in an unpaid leave status when a disciplinary action is pending.*

## **EMPLOYEE 2**

- a. **Position title and GS level:** *Business Development Specialist, GS 1101-12-01.*
- b. **Employee division/office/component:** *Region III – Philadelphia/Washington District Office/Business Development.*

- c. **Total compensation received while on administrative leave:** *Approximately \$129,942.00.*
- d. **Reason for being placed on administrative leave:** *Employee was placed on administrative leave pending disciplinary action.*
- e. **Exact length of time on administrative leave:** *Approximately October 24, 2011 to April 20, 2013.*
- f. **Current status of the employee (i.e. reassigned, demoted, terminated, still on administrative leave, etc.):** *Employee resigned on April 20, 2013.*
- g. **A full explanation of why reassignment to other duties or another location was not an appropriate alternative to paid administrative leave.** *Employee's alleged misconduct raised serious doubts about the employee's continued fitness for employment at SBA and did not support returning the employee to duty or giving the employee access to SBA facilities or resources.*
- h. **A full explanation of why the employee was not placed on some form of unpaid leave.** *There is no existing statutory authority or policy to place an employee in an unpaid leave status when a disciplinary action is pending.*

### **EMPLOYEE 3**

- a. **Position title and GS level:** *Surety Bond Guarantee Specialist, GS-1101-12-04.*
- b. **Employee division/office/component:** *Office of Capital Access/Office of Surety Guarantee /Denver, CO.*
- c. **Total compensation received while on administrative leave:** *Approximately \$206,857.00.*
- d. **Reason for being placed on administrative leave:** *Employee was placed on administrative leave pending disciplinary action.*
- e. **Exact length of time on administrative leave:** *Approximately August 24, 2011 to June 26, 2013.*
- f. **Current status of the employee (i.e. reassigned, demoted, terminated, still on administrative leave, etc.):** *Employee was returned to work status and is a current SBA employee.*
- g. **A full explanation of why reassignment to other duties or another location was not an appropriate alternative to paid administrative leave.** *The alleged misconduct and frequency of misconduct did not support returning the employee to duty or giving the employee access to SBA Information Technology.*

- h. **A full explanation of why the employee was not placed on some form of unpaid leave.** *There is no existing statutory authority or policy to place an employee in an unpaid leave status when a disciplinary action is pending.*

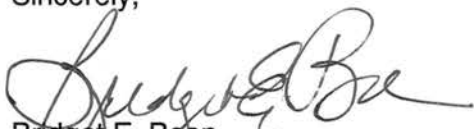
#### **EMPLOYEE 4**

- a. **Position title and GS level:** *Public Affairs Specialist, GS-1035-12-04.*
- b. **Employee division/office/component:** *Region VIII – Denver/Denver Regional Office/Regional Administrator.*
- c. **Total compensation received while on administrative leave:** *Approximately \$277,274.00.*
- d. **Reason for being placed on administrative leave:** *Employee was placed on administrative leave pending disciplinary action.*
- e. **Exact length of time on administrative leave:** *Employee was placed on administrative leave on June 10, 2010, pending disciplinary action. Employee remained on administrative leave while a proposal to remove was issued (on October 27, 2010), until a decision was issued sustaining the removal (on March 25, 2011). Pursuant to the decision letter, effective March 28, 2011, the employee was removed from Federal service. Thereafter, the employee appealed the removal to the Merit Systems Protection Board (MSPB) (on April 20, 2011). A hearing took place (November 8-10, 2011), and a decision was issued on April 20, 2012. Both parties appealed the decision, and as required by the Decision, the Agency provided "interim relief" to the employee effective April 20, 2012. The Board issued a decision on the appeal on May 28, 2014. Pursuant to the Board's decision, the employee returned to work, at a downgrade, and a new position, effective June 17, 2014.*
- f. **Current status of the employee (i.e. reassigned, demoted, terminated, still on administrative leave, etc.).** *Pursuant to a MSPB Decision, the employee was returned to duty, and reassigned to another position with a downgrade.*
- g. **A full explanation of why reassignment to other duties or another location was not an appropriate alternative to paid administrative leave.** *The duties of the employee's former position required frequent interaction with the public and other SBA employees. Based on the nature and frequency of the charged misconduct, SBA did not deem it appropriate for the employee to have such contact, or to access SBA's Information Technology systems.*
- h. **A full explanation of why the employee was not placed on some form of unpaid leave.** *There is no existing statutory authority or policy to place an employee in an unpaid leaves status when a disciplinary action is pending.*

The Honorable Charles Grassley  
Page 7

We appreciate your support of SBA and small businesses. If you have additional questions, please contact Thad Inge, Acting Assistant Administrator for Congressional and Legislative Affairs, (202) 205-6700. This response letter is also being sent to Chairman Issa.

Sincerely,

A handwritten signature in black ink, appearing to read "Bridget E. Bean", written in a cursive style.

Bridget E. Bean  
Chief Human Capital Officer  
and Deputy Chief Operating Officer

Enclosures:

SOP 36 00, Attendance and Leave

Article 19, Master Labor Agreement, Other Leave or Absence

**SOCIAL SECURITY**

The Commissioner

December 17, 2014

20 DEC 13 PM 4:50

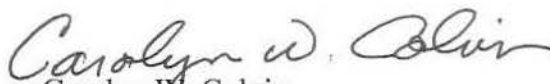
The Honorable Charles Grassley  
Ranking Member, Committee on the Judiciary  
United States Senate  
Washington, DC 20510

Dear Senator Grassley:

Thank you for your October 21, 2014 letter requesting information about administrative leave granted to our workforce for fiscal year 2014. I have enclosed our responses to your questions.

I hope this information is helpful. I am also sending this material to Chairman Issa. If I may be of further assistance, please do not hesitate to contact me, or your staff may contact Judy Chesser, our Deputy Commissioner for Legislation and Congressional Affairs, at (202) 358-6030.

Sincerely,

  
Carolyn W. Colvin  
Acting Commissioner

Enclosure

**Social Security Administration's Responses to Requests for Employee Workforce Data  
Regarding Administrative Leave for Fiscal Year 2014**

**1. Please provide agency policy on paid administrative leave.**

Please see the attached "Personnel Policy Manual – Excused Absence and Administrative Leave" for agency policy.

**2. How many employees were on paid administrative leave for more than one month in Fiscal Year (FY) 2014? What was the total cost to the agency in FY 2014 in salaries and benefits for those employees' paid administrative leave?**

In FY 2014, 309 full-time SSA employees were on paid types of administrative leave for more than one month (cumulative). The total cost to the agency in salaries and benefits was \$3,832,225.19.

In addition, in FY 2014, six part-time SSA employees were on paid types of administrative leave for more than one month (cumulative). The total cost to the agency in salaries and benefits was \$32,382.25.

**3. How many employees are currently on paid administrative leave that have been on such leave for:**

- a. **1-3 months:** One (Cost: \$7,079.09)
- b. **3-6 months:** Four (Cost: \$175,974.60)
- c. **6-9 months:** One (Cost: \$34,473.62)
- d. **9-12 months:** One (Cost: \$150,937.06)

**Do not include an employee in more than one category. For each category, what is the total cost to the agency in salaries and benefits for those employees' paid administrative leave?**

See above.

**4. Excluding those referenced above, how many employees currently on paid administrative leave have been on such leave for more than a year?**

Four. Please note that we construed this question as requesting information about employees who are currently on paid administrative leave who have been on such leave for more than a year continuously.



**What is the total cost to the agency in salaries and benefits for those employees' paid administrative leave?**

\$1,182,881.79

- 5. For the employees described in the GAO report as being on paid administrative leave for one year or more, as well as for the employees described above as being currently on administrative leave for more than a year, please provide for each employee a detailed narrative of the circumstances surrounding the extended paid leave, including:**

Again, we construed this question as requesting information about employees who have been on paid administrative leave for a year or more continuously.

**a. Position title and GS level**

Employees A, B, C, and D are administrative law judges (ALJ). Employee E is a Supervisory Social Insurance Specialist, GS-13.

**b. Employee division/office/component**

Employees A, B, C, and D are in the Office of the Chief ALJ, Office of Disability Adjudication and Review. Employee E is in the Office of Appellate Operations, Office of Disability Adjudication and Review.

**c. Total compensation received while on administrative leave**

We interpreted compensation to mean salary and benefits.

From July 27, 2012 to October 18, 2014, Employee A received \$432,345.93 in compensation.

From July 27, 2011 to March 4, 2014, Employee B received \$511,295.74 in compensation.

From August 23, 2012 to October 18, 2014, Employee C received \$383,581.82 in compensation.

From October 1, 2013 to October 18, 2014, Employee D received \$202,072.98 in compensation.

From June 5, 2013 to October 18, 2014, Employee E received \$164,881.06 in compensation.

**d. Reason for being placed on administrative leave**

We placed Employees A through D on administrative leave pursuant to 5 C.F.R. § 930.301(b)(2) pending disciplinary proceedings before the Merit Systems Protection Board (MSPB). Under the Administrative Procedures Act, we cannot take a disciplinary action against an ALJ until the MSPB issues a finding of good cause to take the action.

We placed Employee E on administrative leave in accordance with the agency's policies and practices on preventing and eliminating harassment in the workplace, pending two administrative investigations about allegations of a hostile work environment and misconduct.

**e. Exact length of time on administrative leave**

Please see response to 5.c.

**f. Current status of the employee (i.e., reassigned, demoted, terminated, still on administrative leave, etc.)**

Employees A, C, D and E remain on administrative leave.

Following a hearing before the MSPB, Employee B was removed on March 4, 2014.

**g. A full explanation of why reassignment to other duties or another location was not an appropriate alternative to paid leave**

Pursuant to 5 U.S.C. § 3105, Employees A through D may not be reassigned to perform duties inconsistent with their duties and responsibilities as ALJs nor could they be assigned the same duties in another location due to the seriousness of the charged misconduct that gave rise to the disciplinary proceedings before the MSPB.

Employee E was not reassigned to other duties or to the same duties in another location due to the nature of the allegations that gave rise to the administrative investigations.

**h. A full explanation of why the employee was not placed on some form of unpaid leave**

As explained above, employees A through D are ALJs. We cannot put them on unpaid leave until the MSPB issues a finding that we have good cause to do so.

We cannot place Employee E in involuntary unpaid leave status until we complete the ongoing administrative investigations to determine what, if any, disciplinary

Enclosure – Page 4 – The Honorable Charles Grassley

measures are appropriate as involuntary unpaid leave is a form of discipline that is appealable to the MSPB. See *e.g.*, *Abbot v. U.S. Postal Service*, 121 M.S.P.R. 294 (June 23, 2014), which discusses the effect of involuntary unpaid leave under 5 U.S.C. § 7512 and concludes unpaid leave is an adverse action subject to the procedural requirements under the Civil Service rules.

Attachment



THE OFFICE OF PERSONNEL  
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## Personnel POLICY MANUAL

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**S630\_9**

### Excused Absence and Administrative Leave

**For bargaining unit employees, see applicable Union/Management Contracts in addition to the Personnel Policy Manual (PPM). Contract provisions take precedence over the PPM (See Section 6).**

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1. **ISSUE DATE** – September 15, 2003 (Revised June 2004, January 2005, July 2010, September 2010, June 11, 2012, April 10, 2013, and June 12, 2014)

2. **EMPLOYEES COVERED** – All SSA employees (excluding intermittent employees).

### 3. **LAW AND REGULATION**

#### 3.1. **Excused Absence - Definition**

Excused absence, also known as administrative leave, is an absence from duty without loss of pay or charge to accrued leave approved by the delegated approving official ([See Section 4.](#)).

#### 3.2. **Excused Absence – 1-Hour Infrequent Tardiness ([See Section 5.1.](#))**

Delegated approving officials ([See Section 4.](#)) may excuse employees from duty for up to 1 hour for infrequent tardiness.

#### 3.3. **Excused Absence - Short Time Periods([See Section 5.2.](#))**

SSA has the authority to determine the situations that are appropriate for excusing employees from duty for short time periods without charge to leave ([see Section 5.2.](#)). A short time period is generally construed by the Comptroller General as that time appropriate for the circumstances, but not exceeding 40 hours.

#### 3.4. **Excused Absence - Bone Marrow**

Delegated approving officials ([See Section 4.](#)) may excuse employees from duty up to 7 workdays (56 hours) in a calendar year to serve as bone-marrow donors.

#### 3.5. **Excused Absence - Organ Donor**

Delegated approving officials ([See Section 4.](#)) may excuse employees from duty up to 30 workdays (240 hours) in a calendar year to serve as organ donors.

#### 3.6. **Excused Absence - Preventive Health Screenings**

Delegated approving officials ([See Section 4.](#)) may excuse employees from duty up to 4 hours each [leave year](#) to participate in preventive health screenings if they have less than 80 hours of accrued sick leave. Some examples of preventive health screenings include:

- Testing for sickle cell anemia;
- Testing for cholesterol;
- Blood pressure checks;
- Mammograms;
- Prostate screenings;
- Colorectal screenings;
- Pap tests; and
- Dental screenings (not treatment).

#### 3.7. **Excused Absence - Veterans**

Delegated approving officials ([See Section 4.](#)) may excuse employees from duty who are veterans up to 4 hours to participate as pallbearers or honor guards in funeral services for members of the armed forces whose remains are returned from abroad for final interment in the U.S.

**3.8. Excused Absence - Return from Active Military Duty**

Delegated approving officials ([See Section 4.](#)) must excuse full time employees from duty who are returning from at least 42 consecutive days of active military duty in support of Overseas Contingency Operations for 5 consecutive workdays upon their return to Federal civilian service. Employees are entitled to the 5 days of excused absence only once in a 12-month period. A new 12-month period begins after the first use of the excused absence.

Part-time employees see [PPM S610\\_2.](#)

**3.9. Excused Absence - Disciplinary and Adverse Actions ([See Section 5.2.19.](#))**

Delegated approving officials ([See Section 4.](#)) may place employees on excused absence during all or part of the advance notice period if necessary, in accordance with 5 CFR 752.404(b)(3).

**4. SSA DELEGATIONS OF AUTHORITY**

**5. SSA POLICY**

**5.1. Excused Absence – 1-Hour Infrequent Tardiness ([See Section 3.2.](#))**

Delegated approving officials ([See Section 4.](#)) may excuse employees from duty up to 1 hour for infrequent tardiness. Delegated approving officials may not excuse employees' absences occurring within the flexible bands ([See PPM S610\\_1.](#)).

**5.2. Excused Absence - Short Time Periods ([See Section 3.3.](#))**

Delegated approving officials ([See Section 4.](#)) may excuse employees from duty for short time periods. Listed below are the Agency's policies for excusing absence for specific situations.

**5.2.1. Administrative Hearings([See Section 5.4.1.](#))**

Delegated approving officials ([See Section 4.](#)) may excuse employees from duty who are parties to or witnesses in administrative hearings conducted by SSA or other Federal agencies for a reasonably appropriate period of time.

**5.2.2. Blood Donations**

Normally, delegated approving officials ([See Section 4.](#)) may excuse employees from duty up to 3 hours for blood donation and recovery and up to 4 hours for blood platelet (hemapheresis) donation and recovery.

**5.2.3. Change of Duty Station ([See Section 5.4.2.](#))**

**5.2.3.1. Relocation Expenses Not Paid ([See Section 5.4.2.](#))**

For employees whose relocation is not paid for by the government, delegated approving officials ([See Section 4.](#)) may not excuse employees from duty when employees are changing permanent duty stations and requesting excused absence for the moving process.

**5.2.3.2. Relocation Expenses Paid - Household Goods ([See Section 5.4.2.](#))**

For employees whose relocation is paid for by the government, delegated approving officials ([See Section 4.](#)) may excuse employees from duty up to 1 day to load household goods and up to 1 day to unload household goods.

**5.2.4. Fitness Center Fitness Assessment ([See Section 5.3.2.](#))**

Delegated approving officials ([See Section 4.](#)) may excuse employees from duty for the initial 1-hour fitness screening examination and 1-hour follow-up session plus any necessary travel time to and from onsite, SSA-sponsored fitness centers.

**5.2.5. Job Examinations/Interviews ([See Section 5.3.4.](#))**

Delegated approving officials may excuse employees from duty to take job examinations and go on job interviews required for position changes within SSA.

**5.2.6. Hazardous Weather and Other Emergencies**

[See PPM S630\\_10.](#)

**5.2.7. Health Programs ([See Section 5.3.3.](#))**

Delegated approving officials ([See Section 4.](#)) may excuse employees from duty to participate in:

- SSA sponsored or co-sponsored health programs, such as influenza vaccinations.
- Health or medical research programs sponsored by the Public Health Service or the National Institutes of Health provided that



these agencies agree to reimburse SSA for the employee's absence during official duty time.

#### **5.2.8. On-the-Job Injury**

Delegated approving officials ([See Section 4.](#)) will excuse employees from duty who suffer a disabling traumatic injury on the job for any absence on the day of the injury unless the injury occurs before the beginning of the employee's workday. There is a presumption that the employee will file a workers compensation claim ([See PPM S810\\_2](#)). If no workers' compensation claim is filed, employees must use their own leave.

#### **5.2.9. Medical Examinations and Treatment**

Delegated approving officials ([See Section 4.](#)) will excuse employees from duty who reasonably believe that they have been exposed to a serious infectious disease in the conduct of their official duties to obtain testing/treatment.

Delegated approving officials ([See Section 4.](#)) will excuse employees from duty who have been ordered to report for physical examinations in connection with entry into the Armed Forces, including the Reserves, if the request is accompanied by an official notice.

Delegated approving officials ([See Section 4.](#)) will excuse employees for medical examinations and treatment in conjunction with:

- The employment process for new appointees; and
- Medical qualifications determinations.

#### **5.2.10. Meetings, Conventions, Conferences, and Training**

Delegated approving officials ([See Section 4.](#)) may excuse employees from duty to attend meetings, conventions, conferences, and training (not paid for by SSA) when attendance will contribute to their professional development or enhance knowledge necessary to carry out their official duties.

#### **5.2.11. SSA Baltimore Federal Credit Union**

Delegated approving officials ([See Section 4.](#)) may excuse employees from duty who are on the Board of Directors of the Credit Union up to 1½ hours per month to attend monthly meetings.

#### **5.2.12. SSA Band and Chorus Rehearsals ([See Section 5.4.4.](#))**

Delegated approving officials ([See Section 4.](#)) will excuse members of the SSA Band and Chorus from duty 1 hour, once a week in connection with the lunch period, to attend band and chorus rehearsals. Employees must use leave (for example, annual leave, credit hours, earned compensatory time) or flex out if the rehearsals and any travel time exceed 1 hour.

#### **5.2.13. SSA Child Care Board of Directors**

Delegated approving officials ([See Section 4.](#)) may excuse employees from duty who are on the Child Care Board up to 1½ hours per month to attend monthly meetings.

#### **5.2.14. SSA Fitness Policy Committee**

Delegated approving officials ([See Section 4.](#)) may excuse employees from duty who are on the Fitness Policy Committee up to 1½ hours per month to attend committee meetings.

#### **5.2.15. Traffic Violations**

Delegated approving officials ([See Section 4.](#)) will excuse employees from duty who attend court during official duty time for traffic violations that occurred on SSA property if the court does not find the employee responsible for the traffic violation. Employees will be granted excused absence for the court hearing or trial and reasonable travel time to and from court.

#### **5.2.16. Vision Program for Video Display Terminal (VDT) Users**

Delegated approving officials ([See Section 4.](#)) may excuse employees from duty up to 2 hours total time for VDT eyeglass/contact lens examinations and obtaining VDT eyeglasses/contact lenses and fittings ([See PPM S792\\_1](#)).

#### **5.2.17. Visits to the Health Unit**

Delegated approving officials ([See Section 4.](#)) may excuse employees from duty to visit an SSA health unit.

#### **5.2.18. Voting**

##### **5.2.18.1. Election Day**

When practicable to do so without seriously interfering with operations, delegated approving officials ([See Section 4.](#)) may excuse employees from duty to allow them time to vote when the voting places are not open at least 3 hours before or after

their arrival or departure times. How much, if any, excused absence delegated approving officials should excuse is determined by employees' work schedules on the day of the election.

The period of excused absence is the lesser amount of excused time required to allow a 3-hour time period for voting, either in the morning or evening. For example, where polls are open from 7 a.m. to 7 p.m. and employees begin work at 8 a.m. and are scheduled to complete their day at 4:30 p.m., they could be granted a maximum of ½ hour excused absence at the end of the workday. In this example, the polls are open one hour before the employees report to work and 2½ hours after their workday ends. In this case, employees could be excused from 4 p.m. to 4:30 p.m.

#### **5.2.18.2. Extended Commuting Distance**

Under unusual circumstances, delegated approving officials ([See Section 4.](#)) may excuse employees from duty up to a full day to vote. For example, for employees whose voting places are beyond normal commuting distances and voting by absentee ballot is not permitted, up to 1 day of excused absence may be granted by the delegated official ([See Section 4.](#)) to allow employees to make the trip to the voting places to cast their ballots. If more than 1 day is needed, employees may request to use leave (for example, annual leave, earned compensatory time, earned credit hours, or leave without pay).

#### **5.2.18.3. Early Voting**

Delegated approving officials ([See Section 4.](#)) may excuse employees from duty for early voting when they:

- Will be unable to vote on the date of the election because of activities directly related to the agency's mission (such as travel) and cannot vote by absentee ballot; or
- Choose to vote early and the early voting hours are the same as, or exceed, voting hours on the day of the election. For example, the voting hours on Election Day are 7 a.m. to 7 p.m. and the hours for early voting are 7 a.m. to 8 p.m. (However, employees are not eligible for excused absence if they chose to vote early and the hours in which the polling places are open for early voting are shorter than on Election Day.)

In both situations described above, if the polls are not open at least 3 hours either before or after an employee's arrival or departure time, the agency may grant excused absence to permit the employee to report for work 3 hours after the polls open or leave work 3 hours before the polls close, whichever requires the lesser amount of time off.

#### **5.2.18.4. Voter Registration**

For employees who vote in jurisdictions that require in-person voter registration, time off to register will be granted by delegated approving officials ([See Section 4.](#)) on the same basis as for voting, except that no such time will be granted if registration can be accomplished on nonworkdays and the place of registration is within a reasonable 1-day round-trip distance of the employee's place of residence.

### **5.2.19. Disciplinary and Adverse Actions ([See Section 3.9.](#))**

Delegated approving officials ([See Section 4.](#)) may place employees on excused absence during all or part of the advance notice period if necessary, in accordance with 5 CFR 752.404(b)(3). Managers must follow the delegations of authority for excused absences. Coordination with the local labor and employee relations staffs is required on any such excused absences in excess of 40 consecutive hours. Any correspondence documenting approval of these extended excused absences must be included in the disciplinary/adverse action case file.

### **5.2.20. Continuing Education Courses**

Delegated approving officials ([See Section 4.](#)) may excuse employees from duty up to 16 hours per calendar year to attend continuing education courses that they need to maintain a certification or license required by their job series.

### **5.2.21. SSA Advisory Councils**

Delegated approving officials ([See Section 4.](#)) may excuse national and regional SSA advisory council officers from duty up to 3 hours per month, for each position at the national and regional level to participate in advisory council activities.

Delegated approving officials ([See Section 4.](#)) may excuse non-officer members from duty up to 1 hour per month for advisory council activities.

## **5.3. Activities for Which Excused Absence Must Not be Granted**

### **5.3.1. Advocacy and Special Interest Groups (Excluding SSA Advisory Councils, [See Section 5.2.21.](#))**

SSA generally provides space to advocacy and special interest groups to hold meetings. Delegated approving officials ([See Section 4.](#)) may not excuse employees from duty to attend meetings.

### **5.3.2. Fitness Centers ([See Section 5.2.4.](#))**

Delegated approving officials ([See Section 4.](#)) may not excuse employees from duty for offsite fitness center fitness assessments nor to use fitness center facilities that are either offsite or onsite.

**5.3.3. Health Programs (See Section 5.2.7.)**

Delegated approving officials (See Section 4.) may not excuse employees from duty to participate in health programs that:

- SSA does not officially sponsor or co-sponsor.
- Employees seek themselves or are referred to by a physician or other individual.

**5.3.4. Job Examinations/Interviews (See Section 5.2.5.)**

Delegated approving officials (See Section 4.) may not excuse employees from duty to:

- Take civil service examinations;
- Take examinations required for transfer to other Federal agencies; or
- Attend job interviews with other Federal agencies.

**5.3.5. Volunteer Activities**

Delegated approving officials (See Section 4.) may not excuse employees from duty for volunteer activities. Alternative work schedules such as flextime and 5/4-9 and 4/10 enable employees to have flexibility in their workday to perform services for their communities.

**5.3.6. Disability Retirement Applications**

Delegated approving officials (See Section 4.) may not excuse employees from duty to complete disability retirement applications.

**5.4. Activities for Which Official Duty Time is Granted**

Employees are on official duty time when participating in the following activities even though they are not performing their normal duties. There is no loss in pay or charge to leave.

**5.4.1. Administrative Hearing (See Section 5.2.1.)**

Employees who participate as an SSA official at an administrative hearing are on official duty time.

**5.4.2. Change of Duty Station (See Section 5.2.3.)**

**5.4.2.1. Relocation Expenses Paid (See Section 5.2.3.2.)**

Employees are on official duty time when they are permanently changing their official duty stations and travel orders have been issued authorizing the payment of relocation expenses because the relocation is considered in the Government's interest (See PPM S335\_4).

**5.4.2.2. Househunting (See Section 5.2.3.)**

Employees who are authorized a househunting trip are on official duty time (See AIMS\_FMM\_SSA.g:07.22).

**5.4.3. Employee Assistance Program (EAP) Counseling**

Employees are on official duty time when traveling to and meeting with an EAP counselor.

**5.4.4. SSA Band and Chorus Performances (See Section 5.2.12.)**

SSA band and chorus members are on official duty time for SSA-sponsored performances, including reasonable travel time to and from events.

**5.4.5. Equal Employment Opportunity (EEO) Complaints**

Employees are given a reasonable amount of official duty time (also called EEO official time) to prepare for counseling or mediation, prepare complaints and appeals, engage in discovery, and respond to agency and EEOC requests for information. Supervisors must also grant a reasonable amount of official duty time to employees when their presence is authorized or required by the agency or the EEOC during the investigation, informal adjustment (such as a settlement conference), or hearing on an EEO complaint.

If employees designate other employees of the agency as their representative, the representative's right to official duty time flows from the employee's right to official duty time. Generally, the representative may receive a reasonable amount of official duty time as described above for employees. However, the agency is not obligated to change work schedules, incur overtime expenses, or pay travel expenses (except as provided under a collective bargaining agreement) to facilitate the choice of a specific representative or to allow the complainant and representative to confer.

**5.4.6. SSA Diversity and Inclusion Council**

Employees participating on the SSA established Diversity and Inclusion Council receive a reasonable amount of official duty time to attend meetings and complete assigned activities for the agency. Union representatives participating on the SSA Diversity and Inclusion Council are on official union time.

### **5.5. Requesting Excused Absence**

Employees must request excused absence in writing on Form [SSA-71](#) or equivalent.

## **6. SSA LABOR-MANAGEMENT AGREEMENTS**

See the [Office of Labor-Management and Employee Relations](#) web site for additional provisions applicable to bargaining unit employees.

Provisions in collective bargaining agreements (CBAs) pertain to the respective bargaining unit employees and govern over the provisions in the SSA Personnel Policy Manual (PPM), unless the provisions of the PPM implement a nondiscretionary mandate of Federal statute or law or a government-wide regulation that predated the execution of the CBA.

## **7. TIMEKEEPING PROCEDURES**

Timekeeping procedures may be found in the [Time and Attendance Policy and Procedure Guide](#) web site.

## **8. RECORDS RETENTION**

Leave records must be kept according to the National Archives and Records Administration (NARA) General Records Schedule 2, Payroll and Pay Administration Records. This schedule can be accessed through the [NARA web site](#). Send general inquiries regarding the SSA's Record Management Program to the ^DCBFQM RMS General Inquiries mailbox.

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**USAID**  
FROM THE AMERICAN PEOPLE

FEB 23 2015

The Honorable Charles E. Grassley  
Judiciary Committee  
U.S. Senate  
Washington, DC 20510

Dear Senator Grassley:

Thank you for your letter of October 21, 2014, requesting information on U.S. Agency for International Development (USAID) employees who have been on paid administrative leave. The following answers to your questions have been provided by USAID's Office of Human Capital and Talent Management:

- 1. Please provide agency policy on paid administrative leave. If no policy exists, please explain how the agency grants administrative leave, and what controls, if any, are in place to prevent it from being used for extended periods of time. If there are no such safeguards, please explain why not.**

Please see attachments 1 through 4 for USAID policy, including pertinent policy from the U.S. Department of State that applies to USAID.

Additionally, please note that USAID grants administrative leave to employees in Afghanistan, Iraq, Pakistan (Peshawar only), Yemen, and Libya, based on the U.S. Department of State Service Recognition Packages. These packages are designed to recognize exceptional factors involved in service in these countries, assure fair and just compensation for that service, and to provide for periodic relief from the stressful conditions of life and work in these countries. Please see attachment 5 for the relevant sections from these packages. Attachment 6 documents USAID-specific application of administrative leave during tours to specified locations.

- 2. How many employees were on paid administrative leave for more than one month in Fiscal Year (FY) 2014?** One hundred sixty-one (161) employees were on paid administrative leave for more than one month in FY 2014. Of those, 139 were employees benefitting from the U.S. Department of State Service Recognition Packages for serving in certain areas, as described in the previous answer.

**What was the total cost to the agency in FY 2014 in salaries and benefits for those employees' paid administrative leave?** The total cost to the agency in FY 2014 in salaries and benefits for those employees' paid administrative leave was \$4,427,829.62. Of that total, \$3,207,741.71 was for salaries and benefits of employees receiving the U.S. Department of State Service Recognition Packages for serving in certain areas, as described in the answer to question number one.

3. How many employees are currently on paid administrative leave that have been on such leave for:
- 1-3 months;
  - 3-6 months;
  - 6-9 months; and
  - 9-12 months.

Do not include an employee in more than one category. For each category, what is the total cost to the agency in salaries and benefits for those employees' paid administrative leave<sup>1</sup>?

Period of Time of Paid Administrative Leave	Number of Employees Currently on Paid Administrative Leave	Total Cost to Agency in Salaries and Benefits
1-3 months	2	\$62,964.94
3-6 months	2	\$70,692.97
6-9 months	1	\$70,800.71
9-12 months	2	\$155,306.53

4. Excluding those referenced above, how many employees currently on paid administrative leave have been on such leave for more than a year? One (1) employee has currently been on paid administrative leave for more than a year.

What is the total cost to the agency in salaries and benefits for those employees' paid administrative leave? The total cost to the agency in salaries and benefits for the employee on paid administrative leave is \$175,327.73.

5. For the employees described in the GAO report as being on paid administrative leave for one year or more, as well as for the employees described above as being currently on administrative leave for more than a year, please provide for each employee a detailed narrative of the circumstances surrounding the extended paid leave, including:
- Position title and GS level.
  - Employee division/office/component.
  - Total compensation received while on administrative leave.
  - Reason for being placed on administrative leave.
  - Exact length of time on administrative leave.
  - Current status of the employee (i.e. reassigned, demoted, terminated, still on administrative leave, etc.)
  - A full explanation of why reassignment to other duties or another location was not an appropriate alternative to paid leave.
  - A full explanation of why the employee was not placed on some form of unpaid leave.

<sup>1</sup> The Agency is reporting data as of September 30, 2014 in response to inquiry nos. 3-5



Employee One

- a. **Position title and GS level.** Program Assistant; GS-9 level.
- b. **Employee division/office/component.** Office of Inspector General, Office of Management.
- c. **Total compensation received while on administrative leave.** The employee was paid \$186,758.51 in total compensation while on administrative leave.
- d. **Reason for being placed on administrative leave.** The employee was investigated for security concerns. The employee was placed on administrative leave and the security clearance was suspended, pending investigation of the security concerns. After completion of investigation and due process, the security clearance was revoked and the employee's employment was terminated.
- e. **Exact length of time on administrative leave.** The employee was on administrative leave for 28.8 months (2.4 years).
- f. **Current status of the employee (i.e. reassigned, demoted, terminated still on administrative leave, etc.)** The employee's appointment was terminated.
- g. **A full explanation of why reassignment to other duties or another location was not an appropriate alternative to paid leave.** The employee's designation level was secret. Because all of the Office of Inspector General's duties are classified at the secret level and above, the employee could not have been reassigned to duties at a lower security designation level.
- h. **A full explanation of why the employee was not placed on some form of unpaid leave.** Agency policy (see attachment 1, specifically page 35, ADS 480.3.10.2; attachment 2, specifically page 5, 3 FAM 3464.1-2; and attachment 4, 3 FAH-1 H-3461.2-2) provides the use of excused absence when an investigation, inquiry, or disciplinary action regarding the employee's conduct is pending. It was determined that the continued presence of the employee in the workplace may pose a threat to the employee or to others, or may result in loss of, or damage to, U.S. Government property, or may otherwise jeopardize legitimate U.S. Government interests.

Employee Two

- a. **Position title and GS level.** Human Resources Specialist; GS-12 level.
- b. **Employee division/office/component.** Human Capital and Talent Management, External Outreach and Strategic Recruitment.
- c. **Total compensation received while on administrative leave.** The employee has been paid \$175,327.73 in total compensation while on administrative leave.
- d. **Reason for being placed on administrative leave.** The employee was placed on administrative leave pending due process as a part of the disciplinary process.
- e. **Exact length of time on administrative leave.** The employee has been on administrative leave for 19.92 months (1.66 years).
- f. **Current status of the employee (i.e. reassigned, demoted, terminated still on administrative leave, etc.)** The employee is still on administrative leave, pending removal.
- g. **A full explanation of why reassignment to other duties or another location was not an appropriate alternative to paid leave.** The employee's secret level designation was suspended and eventually revoked. The Agency has no lower security level designation to which the employee could have been reassigned while under investigation.



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## ADS Chapter 480

### Leave

Full Revision Date: 09/30/2014  
Responsible Office: HCTM/PPSM  
File Name: 480\_093014

09/30/2014 Full Revision

**Functional Series 400 – Personnel****ADS 480 – Leave**POC for ADS 480: Cherie Mennel, (202) 712-1362, [cmennel@usaid.gov](mailto:cmennel@usaid.gov)*\*This chapter has been revised in its entirety.***Table of Contents**

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consecutive workday thereafter actually and necessarily spent in travel, including authorized rest stops and time necessarily spent in awaiting transportation en route, will be considered transit time.

In accordance with **3 FAM 3463.4**, the policy on charging time in excess of allowable transit time is:

Time used by the employee in travel and in awaiting transportation that is in excess of allowable transit time will be charged against annual leave, if available, earned compensatory time, or leave without pay. The basis is eight hours for each workday subsequent to the date the employee could have arrived at the destination had the employee proceeded by a usually traveled route, and by the mode of transportation prescribed in pertinent travel regulations. Computation of allowable transit time for leave purposes must be independent of computation of per diem for the purposes of determining allowable travel expenses.

In accordance with **3 FAM 3463.5**, the policy on transit time in connection with separation is:

Transit time is allowable when travel commences on the first workday following relinquishment of duty or, when leave is granted, not later than the expiration date of approved leave.

**480.3.10.2 Excused Absence**  
Effective Date: 09/30/2014

USAID complies with the policy and essential procedures outlined in **3 FAM 3464, sections 1-6**, as follows:

Excused absence is an absence from duty administratively authorized or approved by the approving officer/supervisor and does not result in a charge in leave of any kind or in loss of basic salary.

Excused absence may generally be granted for the following purposes:

- (1) Absences of one hour or less due to emergencies or tardiness;
- (2) To undergo physical examination:
  - a. When required pursuant to regulations; or
  - b. When required by induction or enlistment in the Armed Forces of the United States, provided the request for absence is supported by official notification from appropriate military authority. However, if hospitalization for additional tests is required, that time may not be excused;
- (3) For time spent in health rooms if such cumulative time is one hour or less in



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one day. Time in excess of one hour should be charged as sick leave;

- (4) For examination or outpatient treatment by a U.S. Government physician or by a facility officially authorized to handle cases of employees injured in the performance of duty. However, this does not apply to additional absence on account of the injury where treatment is not involved;
- (5) To visit blood donor centers for the purpose of donating blood without a charge to leave. The employee may be excused for four hours (only on the day blood is donated) in addition to the time required to travel to and from the blood donor center and to actually give blood. If the employee is not accepted for blood donation, only the time necessary for the round trip is to be excused;
- (6) To participate in Foreign Service or Civil Service examinations when it is deemed to be primarily in the interest of the U.S. Government;
- (7) To permit employees who are veterans of any war, campaign, or expedition for which a campaign badge has been authorized, or are members of official honor or ceremonial groups or organizations, to participate as active pallbearers or guards of honor in funeral ceremonies for members of the U.S. Armed Forces whose remains are returned from abroad for final interment in the United States. Such periods of excused absence are limited to four hours;
- (8) When a post is closed to the public on local holidays by administrative order, or when federal work may not be properly performed. However, U.S. citizen employees may be required to work on such days, and are not entitled to holiday pay or overtime pay for such work;
- (9) To attend incentive award ceremonies or to pay respect to retiring employees at a ceremony or reception; and
- (10) When the officer in charge of an establishment, domestic or abroad, authorizes group dismissals of employees for a reasonable period due to extreme climatic conditions, civil disturbance, transportation failure, breakdown of heating or cooling systems, and natural disasters such as a hurricane or earthquake, etc.

Excused absence may be directed in rare circumstances and when authorized as provided by **3 FAH-1 H-3461.2** when an investigation, inquiry, or disciplinary action regarding the employee's conduct is pending, has been requested, or will be requested within two workdays, and the continued presence of the employee in the workplace may pose a threat to the employee or to others, or may result in loss of, or damage to, U.S. Government property, or may otherwise jeopardize legitimate U.S. Government interests.

In accordance with **3 FAM 3464.2**, the policy on excused absence for voting and registering is:

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- a. As practicable, without interfering with operations, employees may travel, at their own expense, to their legal voting residence in the United States to vote or register in any election or referendum on a civic matter in their community.
- b. Such time may be excused if:
  - (1) The polls are not open at least three hours either before or after an employee's regular work hours. In such cases, excused absence is limited to the time necessary to permit the employee to either report to work three hours after the polls open or leave work three hours before polls close;
  - (2) Exceptional circumstances require the employee to be absent for up to one full workday in order to vote. For example, the jurisdiction requires registration in person, registration is not available on a nonwork day and the place of registration is within a reasonable one-day round-trip.

Consistent with **3 FAM 3464.3**, the policy on transition leave is:

- a. Transition leave is authorized for a specific purpose, i.e., to provide employees a period of excused absence to settle into their homes in the United States before returning to an assignment in the United States.
- b. Fifteen (15) working days of transition leave will be granted to Civil Service employees on limited noncareer appointments (LNA) who serve at least 18 consecutive months abroad (12 months at posts designated by the Director General per **3 FAM 3433.1**) and immediately return to work for their parent agency in the United States for at least six months.
- c. Ten (10) working days of transition leave will be granted to Foreign Service employees returning for a domestic assignment who are ineligible for home leave due to the fact that they will not return to service abroad because of mandatory retirement, and who meet all other home leave eligibility criteria. Employees must serve at least 18 consecutive months abroad (12 months at posts designated by the Director General per **3 FAM 3433.1**) and immediately return to work for their parent agency in the United States for at least six months.
- d. Normally, transition leave is voluntary. However, transition leave is mandatory following service at a post designated by the Director General under **3 FAM 3433.1**. By request of an employee, this requirement may be waived based on personal needs, particularly if taking transition leave would negatively impact his or her ability to reconnect with immediate

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family members. Waiver requests must be approved by the Director General.

- e. Transition leave will be approved for use in the United States only after termination of an assignment abroad and before reporting to a new assignment in the United States. Transportation within the United States is not provided. An employee may request to use transition leave after he or she reports to a new assignment only for compelling personal reasons of a compassionate nature, or for the needs of the Agency. A request to defer the usage of transition leave must be made, in writing, to the Executive Director of the gaining office for his or her approval before the employee departs the post abroad. However, under no circumstances will transition leave be approved for use more than 30 calendar days after an employee has reported to work in the United States. Transition leave will be noted on travel authorizations.
- f. Requests for use of transition leave or deferral of such leave must be submitted to the leave approving officer/supervisor in the gaining bureau or office.

In accordance with **3 FAM 3464.4** and **3 FAH-1 H-3464**, the Agency allows funeral leave for immediate relatives in the case of a death of a member of the U.S. Armed Forces. "Immediate relative" is defined in **5 C.F.R. 630.803** and means the following relatives of the deceased member of the U.S. Armed Forces:

(1) Spouse and parents thereof;

(2) Sons and daughters, and spouses thereof; son or daughter means—

- A biological, adopted, step, or foster son or daughter of the employee;
- A person who is a legal ward or was a legal ward of the employee when that individual was a minor or required a legal guardian;
- A person for whom the employee stands in loco parentis or stood in loco parentis when that individual was a minor or required someone to stand in loco parentis; or
- A son or daughter, as described in this definition, of an employee's spouse or domestic partner.

(3) Parents and spouses thereof; parent means—

- A biological, adoptive, step, or foster parent of the employee, or a person who was a foster parent of the employee when the employee was a minor;

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- A person who is the legal guardian of the employee or was the legal guardian of the employee when the employee was a minor or required a legal guardian; or
  - A person who stands in loco parentis to the employee or stood in loco parentis to the employee when the employee was a minor or required someone to stand in loco parentis.
  - A parent, as described in this definition, of an employee's spouse or domestic partner.
- (4) Brothers and sisters, and spouses thereof;
- (5) Grandparents and grandchildren, and spouses thereof;
- (6) Domestic partner (an adult in a committed relationship with another adult, including both same-sex and opposite-sex relationships) and parents thereof, including domestic partners of any individual in (1) through (5), above; and
- (7) Any individual related by blood or affinity whose close association with the deceased was such as to have the equivalent of a family relationship.

An employee must be granted funeral leave (without loss or reduction in pay, leave to which otherwise entitled, or credit for time or service, and without adversely affecting performance rating) as is needed and requested, but not to exceed three workdays, to make arrangements for, or to attend the funeral or memorial service for an immediate relative who dies as a result of a wound, disease, or an injury incurred while serving as a member of the U.S. Armed Forces in an area designated by Executive Order as a combat zone. The three days do not have to be consecutive. For periods in excess of the three days permitted under this section, employees may request sick leave for bereavement purposes per 3 FAH-1 H-3425.

An employee may be excused for a period not to exceed eight hours to make arrangements for or to attend the funeral or memorial service for an immediate relative killed in line of duty in the U.S. Armed Forces in an area other than a combat zone (when the relative died as a result of service in a combat zone, see 3 FAM 3464.4-1). For periods in excess of the permitted eight hours, employees may request sick leave for bereavement purposes, per 3 FAH-1 H-3425.

The Agency's policy on Absences Resulting From Hostile Action Abroad is contained in 3 FAM 3464.5, as follows:

- a. No leave should be charged to the account of any employee for absence, not to exceed one continuous year, due to any injury incurred while serving abroad and resulting from war, insurgency, mob violence, or

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similar hostile action, provided that the injury was not due to vicious habits, intemperance, or willful misconduct on the part of the employee (see **3 FAM 3414** for possible restoration of forfeited annual leave for employees in a missing status).

- b. The CHCO or designee approves requests for such absences without charge to leave.

In accordance with **3 FAM 3464.6** and **5 U.S.C. 6327**, employees are entitled to excused absence to serve as a bone marrow or organ donor, as follows:

- a. A full-time employee is entitled to excused absence not to exceed seven days (or 56 hours) in any calendar year for the time necessary to serve as a bone-marrow donor. Excused absence for bone-marrow donation may be used for compatibility testing as well as actual donation and treatment.
- b. A full-time employee is entitled to excused absence not to exceed 30 days (or 240 hours) in any calendar year for the time necessary to serve as an organ donor. Excused absence for organ donation may be used for compatibility testing as well as actual donation and recuperation.
- c. These amounts are prorated for part-time employees and employees on uncommon tours of duty.

#### **480.3.10.3 Leave for Religious Holidays**

Effective Date: 09/30/2014

USAID complies with the policies outlined in **3 FAM 3465** and procedures outlined in **3 FAH-1 H-3418**.

In order to meet the employer's legal obligation under Title VII of the Civil Rights Act of 1964 to provide reasonable accommodation to employees for religious purposes, leave approving officers/supervisors must grant annual leave to permit employees to participate in their personal religious observances unless to do so would create an undue burden upon the employer. Such absences will be charged to annual leave or to compensatory time or, if the employee has neither, to leave without pay.

To the extent that it does not interfere with the efficient accomplishment of work, an employee may, with the approval of the supervisor, elect to work compensatory overtime for the purpose of taking time off without charge to leave when personal religious beliefs require that an employee abstain from work during certain periods of the workday or workweek. The employee may work such compensatory overtime either before or after the granting of compensatory time off.

The premium pay provisions for overtime work do not apply to compensatory work performed by an employee for this purpose (see **ADS 472**, Premium Compensation).



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See **3 FAM 3130**, specifically **3 FAM 3133.6** for regulations concerning special compensatory time off for religious observances.

#### **480.3.10.4 Other Excused Absence**

Effective Date: 09/30/2014

Other Excused absence (also referred to as Administrative Leave): Absence from duty that is administratively authorized or approved does not fall into one of the previous categories and does not result in a charge to leave of any kind or in loss of basic salary. Decisions to grant such leave are generally made by the first line supervisor on a case-by-case basis. Examples include.

- a. Ceremonies of the U.S Government: Employees may be excused to attend ceremonies and official functions of the U.S. Government, which are of sufficient importance to warrant the attendance of the employees involved.
- b. Non-U.S. Government Civic Ceremonies: Employees may be granted excused absence, generally less than half of a workday, to participate in civil activities which the government is interested in recognizing or encouraging, e.g., Boy/Girl Scout ceremonies, a dedication of memorials.
- c. Conferences or Conventions: Supervisors may grant employees excused absences to attend conferences or conventions when attendance will serve the best interests of the Federal service. Excused absence may be restricted to those situations in which the employee is a contributor on the agenda.
- d. Physical Fitness: Supervisors may grant employees excused absences for a short period for participating in officially sponsored and administered physical fitness programs that are non-recurring events (typically one-time or annual).
- e. Volunteer Activities: In limited circumstances, employees may be granted Administrative Leave for short periods of time by the supervisor to participate in volunteer activities. As a general rule, supervisors may grant a brief period (usually one day or less) of excused absence for employee participation in volunteer activities that are:
  - (1) Directly related to the Agency's mission;
  - (2) Officially sponsored or endorsed by the Agency;
  - (3) Enhance the professional development and/or skills of employees in their current positions; and/or
  - (4) Determined to be in the interest of the Agency.



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- f. The Agency adheres to guidance provided by OPM when Government-wide closure or early dismissal decisions are announced affecting federal agencies in the Washington metropolitan area. The Agency issues a notice to USAID/W employees each year and throughout the year, as needed, to inform them of emergency dismissal and closure procedures for adverse weather conditions, power failures, and other emergency situations.
- g. Other administrative purposes as determined by management.

#### **480.3.10.5 Packing and Unpacking Effects**

Effective Date: 09/30/2014

The Agency adheres to the provisions of the Foreign Affairs Handbook in allowing supervisors to excuse a member of the Service to be present at the member's residence for a period not to exceed 16 work-hours for packing and 8 hours for unpacking when required by and in connection with the member's:

- a. Permanent transfer abroad;
- b. Transfer from one post to another;
- c. Transfer from abroad to an assignment in the U.S.; or
- d. Transfer between domestic assignments located more than 100 miles apart.

In exceptional circumstances, where the member can document the need for more time for packing or unpacking, a supervisor may excuse up to an additional 16 work-hours for packing and 8 work-hours for unpacking. The leave periods do not need to be consecutive. Absence for this purpose in excess of the specified periods in the preceding sections must be charged to annual leave or to leave without pay (see 3 FAH-1 H-3465).

#### **480.3.11 Officers Exempt From Leave**

Effective Date: 09/30/2014

Agency Mission Directors, Deputy Mission Directors, or Principal Officers appointed under authority of the Foreign Service Act of 1980, as amended, are covered by the leave laws, and the policies and essential procedures of this ADS chapter.

Notwithstanding Agency practice in this regard, the President may appoint employees to these positions under the authority of 22 USC 2391 (Section 631 of the FAA of 1961, as amended). An employee who is appointed under this authority is exempt from leave under the provisions of 3 FAM 3320:



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## **3 FAM 3460 OTHER PAID LEAVE**

*(CT:PER-690; 03-18-2013)*  
*(Office of Origin: HR/ER)*

### **3 FAM 3461 AUTHORITY**

*(CT:PER-690; 03-18-2013)*  
*(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)*  
*(Applies to Foreign Service and Civil Service Employees)*

Authorities include:

- (1) 5 CFR 630.801 - 630.804; and
- (2) 5 CFR 752.401 - 604; and
- (3) 5 U.S.C. 6321, 6325, 6326 and 6327.

### **3 FAM 3462 ELIGIBILITY**

*(TL:PER-406; 06-14-2001)*  
*(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)*  
*(Applies to Foreign Service and Civil Service Employees)*

Refer to 3 FAM 3312 for eligibility requirements.

### **3 FAM 3463 TRANSIT TIME**

#### **3 FAM 3463.1 General**

*(CT:PER-690; 03-18-2013)*  
*(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)*  
*(Applies to Foreign Service and Civil Service Employees)*

Transit time may be granted between the points of departure and destination named in the travel authorization. The appropriate headquarters office will grant transit time for *employees* traveling under official orders who terminate their travel in the United States. The post of destination is authorized to grant transit time for travel performed under official orders by *employees* completing travel at their post.

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**3 FAM 3463.2 Transit Time in Connection with Leave**

(CT:PER-606; 11-14-2008)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

- a. Employees will be granted transit time in connection with authorized home leave travel to the United States (or to a U.S. Commonwealth or possession if that is the employee's home leave residence).
- b. Transit time may be granted by the post for R&R travel or family visitation travel (FVT) if travel cannot be scheduled on nonworkdays due to circumstances beyond the employee's control. Such circumstances might include lack of air transportation from and/or to post on nonworkdays, irregular connections from and/or to post, or compassionate reasons. Such circumstances do not include the employee's personal convenience. Normally, transit time will be limited to 1 day for each leg of R&R or FVT, and should not exceed 2 days. If the employee makes a stopover for his or her convenience, transit time may only be granted to the stopover point.

**3 FAM 3463.3 Time Limitation****3 FAM 3463.3-1 Circumstances Beyond Control of Traveler**

(CT:PER-690; 03-18-2013)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

For travel other than R&R and FVT in 3 FAM 3463.2, when a greater amount of time than that normally required to complete travel is spent either in travel or in awaiting transportation because of circumstances over which the traveler has no control and could not reasonably avoid, the actual amount of time spent *must* be considered transit time.

**3 FAM 3463.3-2 Use of Privately Owned Conveyance**

(CT:PER-606; 11-14-2008)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

If travel is performed by privately owned (POV) conveyance, a reasonable amount of time, in view of the distance and route traveled and the circumstances of the journey will be considered transit time whenever such mode of travel is more advantageous to the U.S. Government if transit time is granted for the travel (see 14 FAM 566).

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**3 FAM 3463.3-3 Delays in Awaiting Transportation Due to Personal Reasons**

(CT:PER-690; 03-18-2013)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

If an employee relinquishes duties prematurely for his or her own convenience and proceeds to the point of departure, any period spent awaiting transportation *must* not be considered transit time. In such cases, allowable transit time may only be computed from the date the employee would have normally been required to begin official travel. Any delay due to missed connections that result when an employee delays departure from post or interrupts travel for personal convenience *must* not be considered transit time.

**3 FAM 3463.3-4 Allowable Transit Time**

(CT:PER-606; 11-14-2008)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

When the first day of transit time has been authorized and established, each consecutive workday thereafter actually and necessarily spent in travel, including authorized rest stops and time necessarily spent in awaiting transportation en route, will be considered transit time.

**3 FAM 3463.4 Charging Time in Excess of Allowable Transit Time**

(CT:PER-690; 03-18-2013)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

Time used by the employee in travel and in awaiting transportation that is in excess of allowable transit time will be charged against annual leave, if available, earned compensatory time, or leave without pay. The basis *is* 8 hours for each workday subsequent to the date the employee could have arrived at the destination had the employee proceeded by a usually traveled route, and by the mode of transportation prescribed in pertinent travel regulations. Computation of allowable transit time for leave purposes *must* be independent of computation of per diem for the purposes of determining allowable travel expenses.

**3 FAM 3463.5 Transit Time in Connection With Separation**

(TL:PER-406; 06-14-2001)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

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*(Applies to Foreign Service and Civil Service Employees)*

Transit time is allowable when travel commences on the first workday following relinquishment of duty or, when leave is granted, not later than the expiration date of approved leave.

### **3 FAM 3464 EXCUSED ABSENCE**

#### **3 FAM 3464.1 General**

*(CT:PER-606; 11-14-2008)*

*(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)*

*(Applies to Foreign Service and Civil Service Employees)*

Excused absence is an absence from duty administratively authorized or approved by the leave-approving officer and does not result in a charge in leave of any kind or in loss of basic salary.

#### **3 FAM 3464.1-1 Purpose**

*(CT:PER-690; 03-18-2013)*

*(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)*

*(Applies to Foreign Service and Civil Service Employees)*

Excused absence may generally be granted for the following purposes:

- (1) Absences of 1 hour or less due to emergencies or tardiness;
- (2) To undergo physical examination:
  - (a) When required pursuant to regulations; or
  - (b) When required by induction or enlistment in the Armed Forces of the United States, provided the request for absence is supported by official notification from appropriate military authority. However, if hospitalization for additional tests is required, that time may not be excused;
- (3) For time spent in health rooms if such cumulative time is 1 hour or less in 1 day. Time in excess of 1 hour should be charged as sick leave;
- (4) For examination or outpatient treatment by a U.S. Government physician or by a facility officially authorized to handle cases of employees injured in the performance of duty. However, this does not apply to additional absence on account of the injury where treatment is not involved;
- (5) To visit blood donor centers for the purpose of donating blood without a charge to leave. The employee may be excused for 4 hours (only on the day blood is donated) in addition to the time required to travel to and from the blood donor center and to actually give blood. If the employee is not



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accepted for blood donation, only the time necessary for the round trip is to be excused;

- (6) To participate in Foreign Service or Civil Service examinations when it is deemed to be primarily in the interest of the U.S. Government;
- (7) To permit employees who are veterans of any war, campaign or expedition for which a campaign badge has been authorized, or are members of official honor or ceremonial groups or organizations, to participate as active pallbearers or guards of honor in funeral ceremonies for members of the U.S. Armed Forces whose remains are returned from abroad for final interment in the United States. Such periods of excused absence are limited to 4 hours;
- (8) When a post is closed to the public on local holidays by administrative order, or when Federal work may not be properly performed. However, U.S. citizen employees may be required to work on such days, and are not entitled to holiday pay or overtime pay for such work;
- (9) To attend incentive award ceremonies or to pay respect to retiring employees at a ceremony or reception; and
- (10) When the officer in charge of an establishment, domestic or abroad, authorizes group dismissals of employees for a reasonable period due to extreme climatic conditions, civil disturbance, transportation failure, breakdown of heating or cooling systems, natural disaster such as a hurricane or earthquake, etc.

**3 FAM 3464.1-2 Conduct-Related Excused Absence**

(CT:PER-690; 03-18-2013)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

*Excused absence may be directed in rare circumstances and when authorized as provided by 3 FAM 3461.2 when an investigation, inquiry, or disciplinary action regarding the employee's conduct is pending, has been requested, or will be requested within 2 workdays, and the continued presence of the employee in the workplace may pose a threat to the employee or to others, or may result in loss of, or damage to, U.S. Government property, or may otherwise jeopardize legitimate U.S. Government interests.*

**3 FAM 3464.2 Voting and Registering**

(CT:PER-690; 03-18-2013)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

- a. Insofar as is practicable, without interfering with operations, employees may travel, at their own expense, to their legal voting residence in the United States

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to vote or register in any election or referendum on a civic matter in their community.

b. Such time may be excused if:

- (1) The polls are not open at least 3 hours either before or after an employee's regular work hours. In such cases, excused absence is limited to the time necessary to permit the employee to either report to work 3 hours after the polls open or leave work 3 hours before polls close;
- (2) Exceptional circumstances require the employee to be absent for up to 1 full workday in order to vote. For example, the jurisdiction requires registration in person, registration is not available on a nonwork day and the place of registration is within a reasonable one-day round-trip.

### **3 FAM 3464.3 Transition Leave**

#### **3 FAM 3464.3-1 General Guidance**

*(CT:PER-690; 03-18-2013)*

*(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)*

*(Applies to Foreign Service and Civil Service Employees)*

- a. Transition leave is authorized for a specific purpose, i.e., to provide employees a period of excused absence to settle into their homes in the United States before returning to an assignment in the United States.
- b. Fifteen (15) working days of transition leave will be granted to Civil Service (CS) employees on limited noncareer appointments (LNA) who serve at least 18 consecutive months abroad (12 months at posts designated by the Director General per 3 FAM 3433.1) and immediately return to work for their parent agency in the United States for at least 6 months.
- c. Ten (10) working days of transition leave will be granted to Foreign Service (FS) employees returning for a domestic assignment who are ineligible for home leave due to the fact that they will not return to service abroad because of mandatory retirement, and who meet all other home leave eligibility criteria. Employees must serve at least 18 consecutive months abroad (12 months at posts designated by the Director General per 3 FAM 3433.1) and immediately return to work for their parent agency in the United States for at least 6 months.
- d. Normally, transition leave is voluntary. However, transition leave is mandatory following service at a post designated by the Director General under 3 FAM 3433.1. On request of an employee, this requirement may be waived based on personal needs, particularly if taking transition leave would impact negatively on his or her ability to reconnect with immediate family members. Waiver requests must be approved by the Director General.
- e. Transition leave will be approved for use in the United States only after

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termination of an assignment abroad and before reporting to a new assignment in the United States. Transportation within the United States is not provided. An employee may request to use transition leave after he or she reports to a new assignment only for compelling personal reasons of a compassionate nature, or for the needs of the Service. A request to defer the usage of transition leave must be made, in writing, to the executive director of the gaining office for his or her approval before the employee departs the post abroad. However, under no circumstances will transition leave be approved for use more than 30 calendar days after an employee has reported to work in the United States. Transition leave will be noted on travel authorizations issued by HR/EX.

- f. For Department of Commerce employees, requests for transition leave must be made to the leave approving official at the new duty station. For USAID employees, requests for use of transition leave or deferral of such leave must be submitted to the leave approving supervisor in the gaining bureau or office. For BBG employees, transition leave must be requested from and approved by the leave approving official in the gaining office in the United States.
- g. For Commerce/USDA (Foreign Agricultural Service)/BBG employees, requests for approval of transition leave or to defer usage should be included in the request for travel orders and if approved, will be noted in the travel authorization.

**3 FAM 3464.3-2 Repayment of Leave**

(CT:PER-690; 03-18-2013)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

- a. An employee who fails to complete at least 6 months service in an assignment with his or her parent agency in the United States after using transition leave will be indebted to the Federal Government for the excused absence. The period of used transition leave may be changed to annual leave or repaid to the Federal Government at the time of separation. Amounts owed by an employee under this section will be recovered from the employee.
- b. Waiver of this repayment requirement may be requested for compelling personal reasons of a compassionate nature and approved by the appropriate Deputy Assistant Secretary for Human Resources (DGHR). For Department of Commerce employees, waiver may be requested and approved by the respective Assistant Secretary. For USDA/Foreign Agricultural Service employees, waiver may be requested and approved by the Deputy Administrator, Office of Foreign Service Operations. For USAID employees, waivers of repayment may be requested and approved by the Deputy Assistant Administrator for Human Resources or his or her designee. For BBG employees, waiver requests must be submitted to the Director, Office of Human Resources.

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- c. Transition leave may not be the basis of any lump-sum payment upon separation.

**3 FAM 3464.4 Funeral Leave**

(CT:PER-690; 03-18-2013)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

For purposes of 3 FAM 3464.4-1 and 3 FAM 3464.4-2, "immediate relative" is defined in 5 C.F.R. 630.803 and means the following relatives of the deceased member of the U.S. Armed Forces:

- (1) Spouse and parents thereof;
- (2) Sons and daughters, and spouses thereof; son or daughter means—
  - A biological, adopted, step, or foster son or daughter of the employee;
  - A person who is a legal ward or was a legal ward of the employee when that individual was a minor or required a legal guardian;
  - A person for whom the employee stands in loco parentis or stood in loco parentis when that individual was a minor or required someone to stand in loco parentis; or
  - A son or daughter, as described in this definition, of an employee's spouse or domestic partner.
- (3) Parents and spouses thereof; parent means—
  - A biological, adoptive, step, or foster parent of the employee, or a person who was a foster parent of the employee when the employee was a minor;
  - A person who is the legal guardian of the employee or was the legal guardian of the employee when the employee was a minor or required a legal guardian; or
  - A person who stands in loco parentis to the employee or stood in loco parentis to the employee when the employee was a minor or required someone to stand in loco parentis.
  - A parent, as described in this definition, of an employee's spouse or domestic partner.
- (4) Brothers and sisters, and spouses thereof;
- (5) Grandparents and grandchildren, and spouses thereof;
- (6) Domestic partner (an adult in a committed relationship with another adult, including both same-sex and opposite-sex relationships) and parents thereof, including domestic partners of any individual in (1) through (5), above; and
- (7) Any individual related by blood or affinity whose close association with the

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*deceased was such as to have the equivalent of a family relationship.*

### **3 FAM 3464.4-1 FUNERAL LEAVE FOR RELATIVE KILLED IN LINE OF DUTY WHILE SERVING IN A COMBAT ZONE**

(CT:POH-690; 03-18-2013)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

An employee *must* be granted funeral leave (without loss or reduction in pay, leave to which otherwise entitled, or credit for time or service, and without adversely affecting performance rating) as is needed and requested, but not to exceed 3 workdays, to make arrangements for, or to attend the funeral or memorial service for an immediate relative who dies as a result of a wound, disease, or an injury incurred while serving as a member of the U.S. Armed Forces in an area designated by Executive Order as a combat zone.

The 3 days need not be consecutive. For periods in excess of the 3 days permitted under this section, employees may request sick leave for bereavement purposes per 3 FAH-1 H-3425.

### **3 FAM 3464.4-2 FUNERAL LEAVE FOR RELATIVE KILLED IN LINE OF DUTY - NOT IN A COMBAT ZONE**

(CT:POH-690; 03-18-2013)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

An employee may be excused for a period not to exceed 8 hours to make arrangements for or to attend the funeral or memorial service for an immediate relative killed in line of duty in the U.S. Armed Forces in an area other than a combat zone (when the relative died as a result of service in a combat zone, see 3 FAM 3464.4-1). For periods in excess of the permitted 8 hours, employees may request sick leave for bereavement purposes, per 3 FAH-1 H-3425.

### **3 FAM 3464.5 Absence Resulting from Hostile Action Abroad**

(CT:PER-690; 03-18-2013)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

- a. No leave *should* be charged to the account of any employee for absence, not to exceed 1 continuous year, due to any injury incurred while serving abroad and resulting from war, insurgency, mob violence, or similar hostile action, provided that the injury *must* not have been due to vicious habits, intemperance, or willful misconduct on the part of the employee. (See 3 FAM 3414 for possible

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restoration of forfeited annual leave for employees in a missing status.)

- b. Approvals of requests for such absences without charge to leave will be made by:
  - (1) State: Director General of the Foreign Service and Director of Human Resources, or the Deputy Assistant Secretary for Human Resources;
  - (2) USAID: Deputy Assistant Administrator for Human Resources, DAA/HR;
  - (3) USDA: FAS - Personnel Division APHIS - Human Resources Division or Resources Management Support, International Services or their designees; and
  - (4) Commerce: DAS/OIO, U.S. and Foreign Commercial Service.

**3 FAM 3464.6 Bone-Marrow or Organ Donor**

(CT:PER-690; 03-18-2013)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

- a. A full-time employee is entitled to excused absence not to exceed 7 days (or 56 hours) in any calendar year for the time necessary to serve as a bone-marrow donor. Excused absence for bone-marrow donation may be used for compatibility testing as well as actual donation and treatment.
- b. A full-time employee is entitled to excused absence not to exceed 30 days (or 240 hours) in any calendar year for the time necessary to serve as an organ donor. Excused absence for organ donation may be used for compatibility testing as well as actual donation and recuperation.
- c. These amounts are prorated for part-time employees and employees on uncommon tours of duty.
- d. See 5 U.S.C. 6327.

**3 FAM 3465 LEAVE FOR RELIGIOUS HOLIDAYS**

(CT:PER-690; 03-18-2013)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

- a. In order to meet the employer's legal obligation under Title VII of the Civil Rights Act of 1964 to provide reasonable accommodation to employees for religious purposes, leave approving officials *must* grant annual leave to permit employees to participate in their personal religious observances unless to do so would create an undue burden upon the employer. Such absences will be charged to annual leave or to compensatory time or, if the employee has neither, to leave without pay.



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- b. To the extent that it does not interfere with the efficient accomplishment of work, an employee may, with the approval of the supervisor, elect to work compensatory overtime for the purpose of taking time off without charge to leave when personal religious beliefs require that an employee abstain from work during certain periods of the workday or workweek. The employee may work such compensatory overtime either before or after the granting of compensatory time off.
- c. The premium pay provisions for overtime work do not apply to compensatory work performed by an employee for this purpose.
- d. See 3 FAM 3130, specifically 3 FAM 3133.6 for regulations concerning special compensatory time off for religious observances.

**3 FAM 3466 PROCEDURES**

*(CT:PER-606; 11-14-2008)*

*(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)*

*(Applies to Foreign Service and Civil Service Employees)*

Refer to 3 FAH-1 H-3460 for guidance and procedures.

**3 FAM 3467 THROUGH 3469 UNASSIGNED**

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## **3 FAM 3720**

# **REST AND RECUPERATION (R&R) TRAVEL**

*(CT:PER-687; 11-08-2012)*  
*(Office of Origin: HR/ER/WLD)*

## **3 FAM 3721 INTRODUCTION**

### **3 FAM 3721.1 Objective**

*(CT:PER-609; 05-21-2009)*  
*(Uniform State/USAID/Commerce/Agriculture/BBG)*  
*(Applies to Foreign Service Employees only)*

The objective is to provide guidance regarding the Rest and Recuperation travel program. Implementation of these regulations must be consistent with Section 901(6) of the Foreign Service Act of 1980 (as amended), Department of State travel regulations, and the guidelines and procedures published in 3 FAH-1 H-3720.

### **3 FAM 3721.2 Scope and Applicability**

*(CT:PER-609; 05-21-2009)*  
*(Uniform State/USAID/Commerce/Agriculture/BBG)*  
*(Applies to Foreign Service Employees only)*

This subchapter provides information on R&R travel of U.S. citizen employees of the Foreign Service and their eligible family members from their assigned post, or in limited and specified circumstances, the post at which they are serving extended TDY, to the United States or its territories or other locations abroad which have different social, climatic, or other environmental conditions than their assigned post or post at which they are serving extended TDY.

### **3 FAM 3721.3 Authorities**

*(CT:PER-687; 11-08-2012)*  
*(Uniform State/USAID/Commerce/Agriculture/BBG)*  
*(Applies to Foreign Service Employees only)*

Authorities for this subchapter are:

- (1) Section 901(6) of the Foreign Service Act of 1980 (as amended) (22 U.S.C. 4081(6));
- (2) *Subchapter 3 FAH-1 H-3720*; and

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(3) *Subchapter 14 FAM 531.5.*

**3 FAM 3721.4 Eligibility**

(CT:PER-687; 11-08-2012)

(Uniform State/USAID/Commerce/Agriculture/BBG)

(Applies to Foreign Service Employees only)

- a. U.S. citizen Foreign Service employees are eligible for R&R if:
  - (1) They are assigned to a designated R&R post abroad (including employees of participating agencies assigned to USAID missions) and they serve at such a post for a period of at least 2 years unbroken by home leave (service at two consecutive R&R posts can be combined for R&R purposes for the needs of the Service, in accordance with 3 FAH-1 H-3723); or
  - (2) They are assigned to, or in specific authorized circumstances, serving extended TDY, at a post that has been approved by the Director General of the Foreign Service and Director of Human Resources (M/DGHR) for special R&R under 3 FAM 3727.1.
- b. Locally engaged U.S. citizen employees are not independently eligible for R&R travel. They may qualify as an eligible family member of an employee who is authorized for such travel. In such cases, the travel costs are charged to the agency that employs the eligible employee.
- c. Family members (see 14 FAM 511.3) resident at post are eligible for R&R. Unless otherwise approved by post's management officer in exceptional circumstances (e.g., the marriage of an employee during the tour of duty), eligible family members must reside at post for the entire tour to qualify for the travel benefit. In exercising this discretion, post management officers must operate under the presumption that R&R will not be authorized if the beneficiaries apply for voluntary SMA immediately preceding or following R&R travel. Eligible family members may travel separately from the employee and are not required to travel to the same destination.
- d. Children on educational travel or education allowance under age 21 are eligible for R&R if they:
  - (1) Are away from post on authorized educational travel or education allowance; and
  - (2) Normally reside with the employee.

A child does not normally reside with the family if not resident at post during school vacation or holiday periods. R&R travel should not normally be used in lieu of or to supplement education allowance or educational travel specifically for the purpose of transporting the child to or from educational facilities. However, post has the authority to approve R&R on a case-by-case basis if such travel is for the purpose of affording the child relief from social, climatic, or other environmental

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conditions that are present at the post at which the child is a dependent of an eligible employee.

- e. When an employee assigned to one R&R post is sent to another post on an extended TDY, family members who remain at the original post and who meet all the criteria (e.g., complete the tour of duty) may take R&R approved for the original post at U.S. Government expense.
- f. Although R&R generally should begin and end at the post of assignment (see 3 FAH-1 H-3720), the post management officer may approve travel originating or ending at alternate points if R&R travel can be combined with educational travel or some other form of official travel, and the combined travel is financially advantageous to the U.S. Government (see 3 FAH-1 H-3720).

**3 FAM 3722 REQUIRED TOUR OF DUTY**

(CT:PER-609; 05-21-2009)

(Uniform State/USAID/Commerce/Agriculture/BBG)

(Applies to Foreign Service Employees only)

- a. Except where a finding has been made pursuant to 3 FAM 3722, paragraph b or c, or 3 FAM 3727, R&R is limited to:
  - (1) One round trip during any continuous 2-year period of service unbroken by home leave; and
  - (2) Two round trips during any continuous 3-year period of service unbroken by home leave.
- b. The Director General for the Foreign Service and Director of Human Resources (M/DGHR) may make a determination that for the needs of the Service, an employee(s) may be permitted to take both home leave and R&R within the same tour of duty. (In the case of a non-State Department employee with an individual request, a designated official from that employee's agency will make such a determination.)
- c. Employees who fail to complete their full tour of duty will be required to repay all R&R travel expenses incurred during their tour, including those incurred by their eligible family members. Repayment is not required if the employee was not aware that the tour of duty would not be completed when the R&R was taken, and:
  - (1) The Department or other employing agency curtails the employee's tour at the option and benefit of the employing agency (including curtailments to accommodate training or adjustments in reporting dates between gaining and losing post); or
  - (2) The Department or other employing agency transfers the employee for compassionate reasons; or
  - (3) The Department separates the employee involuntarily; or

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- (4) The employee's tour is shortened for the convenience of the employee and the tour-of-duty requirement is excused by HR/CDA (or the employing agency's appropriate approving official) for compassionate reasons.
- d. All requests for approval of a shortened tour must state:
  - (1) Dates of R&R travel if taken by the employee and/or family members; and
  - (2) The basis for excusing the tour-of-duty requirement, if appropriate.

**3 FAM 3723 DUAL ENTITLEMENTS**

(CT:PER-614; 07-29-2009)

(Uniform State/USAID/Commerce/Agriculture/BBG)

(Applies to Foreign Service Employees only)

Employees or eligible family members may not receive dual entitlements. Therefore, the spouse or domestic partner as defined in 3 FAM 1610 of an employee of a foreign affairs agency who is serving at post as a member of the uniformed services or as an employee of the same or another U.S. Government agency is eligible for R&R travel as the employee's eligible family member provided:

- (1) The other agency or uniformed service does not accord comparable benefits; and
- (2) The spouse or domestic partner as defined in 3 FAM 1610 is included on the employee's Form OF-126, Foreign Service Residence and Dependency Report.

**3 FAM 3724 CHARGE TO LEAVE**

(CT:PER-687; 11-08-2012)

(Uniform State/USAID/Commerce/Agriculture/BBG)

(Applies to Foreign Service Employees only)

The employee's absence from post for R&R and necessary travel time is charged to annual leave, sick leave if applicable, earned compensatory time, or leave without pay. However, an employee is not entitled to any local holidays which occur after departure from post on R&R travel orders. Transit time (administrative leave) may be granted by the post if travel cannot be scheduled on nonworkdays for reasons other than the employee's personal convenience and due to circumstances beyond the employee's control. Such circumstances might include lack of air transportation from and/or to post on nonworkdays, irregular connections from and/or to post, work requirements that prevent the employee from leaving on a nonworkday, or for compassionate reasons. Normally, transit time will be limited to 1 day for each leg of R&R, but should not exceed 2 days. If the employee



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makes a stopover for his or her convenience, transit time may only be granted to the stopover point.

## **3 FAM 3725 DESIGNATED POSTS AND RELIEF AREAS**

### **3 FAM 3725.1 Designation Procedures**

(CT:PER-506; 11-09-2004)

(Uniform State/USAID/Commerce/Agriculture/BBG)

(Applies to Foreign Service Employees only)

The procedures for designating posts and relief areas are found in 3 FAH-1 H-3720.

### **3 FAM 3725.2 Designated Posts and Primary Relief Points**

(CT:PER-609; 05-21-2009)

(Uniform State/USAID/Commerce/Agriculture/BBG)

(Applies to Foreign Service Employees only)

3 FAH-1 Exhibit H-3722 contains a list of the posts and the primary relief points for R&R travel. This list changes from time to time to reflect changing circumstances. (If a post is designated for both R&R travel and family visitation travel, see 3 FAM 3735.4.)

### **3 FAM 3725.3 Travel to Designated Rest and Recuperation Point**

#### **3 FAM 3725.3-1 Travel to Relief Point Abroad**

(CT:PER-687; 11-08-2012)

(Uniform State/USAID/Commerce/Agriculture/BBG)

(Applies to Foreign Service Employees only)

- a. Employees and eligible family members are authorized to travel to the designated relief point for posts listed in 3 FAH-1 H-3720. Funding for travel to an alternate point or points abroad is limited to actual travel costs incurred and cannot exceed the round-trip travel costs from the post to the designated relief point. (See 3 FAM Exhibit 3725.3-1, Cost-Constructive Travel.) Under no circumstances is an employee entitled to a cash payment in lieu of costs of travel to the designated relief point or alternate relief points.
- b. A stopover offered (other than one required) by an airline on the most direct

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cost-effective route to the R&R point is permitted if there is no additional cost to the U.S. Government. An employee may not obtain a more expensive airfare for the purpose of adding a stopover. If post has approved transit time, it may be granted only to the elected stopover point, and may not be resumed.

- c. Except as provided in 3 FAM 3725.3-2, only the designated R&R relief point abroad can be indicated on the travel authorization and be used as the basis for cost-constructive travel. An alternate R&R relief point abroad cannot be indicated on the travel authorization.
- d. If a traveler chooses an alternate R&R destination abroad, U.S. Government-funded round-trip transportation is determined on a cost-constructive basis using the contract airfare (where available) to post's designated R&R relief point abroad. If an employee and eligible family members select a restricted airfare, any penalties or limitations associated with the restricted airfare are the traveler's responsibility.
- e. Involuntary layovers resulting from circumstances beyond the traveler's control (e.g., local security reasons, cancelled flights or labor disputes), which involve additional expenditures for hotel accommodations and per diem may be approved at the discretion of post's financial management officer (FMO) or travel officer. Additional expenditures for hotel accommodations, including per diem, incurred en route to the designated relief point abroad or optional R&R destination in the United States (see 3 FAM 3725.3-2) must be made only when no other choice or alternative is available to the traveler and must not be incurred solely for the convenience or benefit of the traveler.

### **3 FAM 3725.3-2 Optional Travel to the United States or Its Territories**

*(CT:PER-609; 05-21-2009)*

*(Uniform State/USAID/Commerce/Agriculture/BBG)*

*(Applies to Foreign Service Employees only)*

- a. Employees and eligible family members have the option of traveling to one city anywhere within the United States (the 50 States and the District of Columbia) or one city in one of its territories including American Samoa, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, and the U.S. Virgin Islands, for R&R in lieu of traveling to the post's designated relief point abroad. If this option is selected, the travelers may travel to their selected city in the United States or selected city in one of its territories by utilizing round-trip contract fares when available, or the most beneficial economy airfare as determined by post. The employee may use the selected city in the U.S. or U.S. territory as the basis for cost-constructive travel to other additional cities in the United States or U.S. territories, but the selected city is the only destination to be put on the travel authorization. The employee and eligible family members are required to spend at least one night in the selected city in the United States or U.S. territory, exclusive of leave time

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spent in travel status (based on the most direct cost-effective route from post to the selected city in the United States or U.S. territory), but it may occur at any time during the R&R travel. Employees and eligible family members who fail to fulfill this requirement may be liable for repayment of the difference in cost of travel between the designated relief point abroad and the selected city in the United States or U.S. territory.

- b. If an employee and eligible family members combine travel to the United States or U.S. territory with travel abroad, the U.S. Government-funded round-trip transportation will be determined on a cost-constructive basis using the most direct and cost-effective airfare as determined by the post, to the post's designated R&R relief point abroad. Only the designated relief point abroad can be indicated on the travel authorization.
- c. A stopover at a point abroad that is offered (other than one required) by the airline on the most direct cost-effective route to the R&R point is allowed if at no additional cost to the U.S. Government. An employee may not obtain a more expensive airfare for the sole purpose of adding a stopover. Contract fares may not be used when purchasing the cost-constructed travel. Refer to 14 FAM 531.5 for additional information.
- d. If an employee and eligible family members select a restricted airfare, any penalties or limitations associated with the restricted airfare are the traveler's responsibility.

### **3 FAM 3725.3-3 Change of Post's Rest and Recuperation Designation**

(CT:PER-609; 05-21-2009)

(Uniform State/USAID/Commerce/Agriculture/BBG)

(Applies to Foreign Service Employees only)

If a post's designation is changed from an R&R post to a non-R&R post, employees who began their tour of duty at that post prior to the change and who meet the basic eligibility requirements in 3 FAM 3721.4 will continue their eligibility for R&R travel for the first R&R trip for which they qualify after the change.

### **3 FAM 3725.3-4 Posts that Gain a Rest and Recuperation Trip**

(CT:PER-687; 11-08-2012)

(Uniform State/USAID/Commerce/Agriculture/BBG)

(Applies to Foreign Service Employees only)

For non-R&R posts that gain a regular R&R trip, the following rules apply:

- (1) Employees with more than 6 months remaining in their tours are eligible for one R&R, provided their tour of duty is at least 2 years at post; and
- (2) Employees with more than 18 months remaining in their tour of duty are eligible for two R&Rs, provided their tour of duty is 3 years.

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### **3 FAM 3726 SCHEDULING REST AND RECOVERY TRAVEL**

(CT:PER-687; 11-08-2012)

(Uniform State/USAID/Commerce/Agriculture/BBG)

(Applies to Foreign Service Employees only)

Posts generally should not grant travel within 6 months of the beginning or end of the employee's tour of duty, or within 6 months of a previously authorized R&R or family visitation trip.

### **3 FAM 3727 SPECIAL REST AND RECOVERY**

#### **3 FAM 3727.1 Special Rest and Recovery (R&R)**

(CT:PER-687; 11-08-2012)

(Uniform State/USAID/Commerce/Agriculture/BBG)

(Applies to Foreign Service Employees only)

- a. In extraordinary circumstances, the Director General of the Foreign Service and Director of Human Resources (DGHR), acting on behalf of the Secretary, may authorize additional R&R trips for posts already designated for R&R trips as specified in 3 FAM 3725.2, or for a post that does not normally qualify for an R&R but experiences extraordinary circumstances that warrant a one-time R&R. This discretionary R&R travel authorized by DGHR is known as special R&R travel.
- b. Authorization requests for special R&R are ordinarily initiated by the appropriate regional bureau executive director via memorandum to the Principal Deputy Assistant Secretary (DGHR), to be cleared by the Director of the Office of Allowances (A/OPR/ALS), the Office of Employee Relations (HR/ER), and the Office of Career Development and Assignments (HR/CDA). The memorandum must include a clear justification for a special R&R including specific "unique conditions of hardship" which exist at post. Authorization for special R&Rs expires annually. Requests for continuation of special R&R travel must be resubmitted annually by a memorandum *no later than May 15 of each year* from the regional bureau executive director to the Director of HR/CDA for approval. HR/CDA will obtain clearances from the Director of the Office of Allowances (A/OPR/ALS) and HR/ER. HR/CDA will notify the requesting and clearing offices of its action on the reauthorization request and will include the special R&R information in the annual bidding tool.
- c. Alternatively, the Director General may designate in writing a post for a special R&R where the tour of duty is not traditional. A special R&R may be warranted because of extreme danger, *unaccompanied post status, severely substandard living and housing conditions, or other unusual conditions.* (Such posts

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normally are the same as those designated by the Director General for home leave after completion of 12 months of continuous service abroad per 3 FAM 3431.2, subparagraph a(2)(a).)

- d. Clearances for initiating and terminating a special R&R must be obtained by the requesting regional bureau from other foreign affairs agencies when such agencies have personnel at post. (For USAID, contact the regional bureau AMS staff.)
- e. When approval for a special R&R is requested from DGHR, the regional bureau executive director shall recommend whether all employees currently at post or employees arriving at post will be eligible for it. For example, employees on TDY; employees whose departure from post is imminent; or new employees who will not experience the same degree of hardship that current employees have experienced, might be excluded. If DGHR approves the special R&R, the post shall be notified of any such limitations by the regional bureau.

**3 FAM 3727.2 Eligibility and Tour of Duty**

(CT:PER-687; 11-08-2012)

(Uniform State/USAID/Commerce/Agriculture/BBG)

(Applies to Foreign Service Employees only)

- a. The Department's policy for time spent at post for special R&Rs differs from that of regular R&Rs discussed in 3 FAM 3722, paragraph a. For example, R&Rs for extraordinary circumstances may be authorized for posts with a tour of duty of less than 2 years. In addition, the employee is not required to complete the requirements for the regular R&R in order to be eligible for the special R&R. For:

Tour of duty of less than 2 years:	An employee must be able to complete a minimum of 12 months at post to be eligible for the special R&R. Generally, a post with a tour of duty of less than 2 years will not be authorized more than one special R&R.
Tour of duty of 2 years:	Employees at posts with 2-year tours of duty (including a split 4-year tour of duty) must be able to complete a minimum of 12 months at post to be eligible for a special R&R. Generally, no more than two R&R trips (special and/or regular) will be authorized for posts with a tour of duty of 2 years.
Tour of duty of 3 years:	Employees, whose assignments are extended to 3 years at posts that have

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	been granted both special and regular R&Rs, may receive an additional R&R trip for the extra year of service. Generally, no more than three R&R (special and regular) trips will be authorized for posts with a tour of duty of 3 years.
Family visitation travel and special rest and recuperation:	Special R&Rs are frequently authorized for employees serving at unaccompanied posts from which family visitation travel may be authorized. However, there are separate eligibility requirements for family visitation travel. Refer to 3 FAM 3730 for guidance on R&R in connection with Family Visitation Travel.

- b. The Department policy for time spent at post for special R&Rs differs further in the case of employees serving at certain posts specifically designated by the Director General for home leave after completion of 12 months of continuous service abroad. Employees in such a category should consult applicable service recognition packages and post policies to determine eligibility for R&R travel.
- c. The Bureau of Human Resources, Office of Employee Relations, Employee Programs Division, is available for policy guidance.

**3 FAM 3728 AND 3729 UNASSIGNED**



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## **3 FAM *EXHIBIT* 3725.3-1**

### **COST-CONSTRUCTIVE TRAVEL**

(CT:PER-687; 11-08-2012)

**Example**

The designated relief point for Cairo is London. Therefore, round-trip transportation costs can be paid for the employee and eligible family members for Cairo/London/Cairo. If a lower cost destination (e.g., Paris) is elected as an alternate point, transportation costs would be limited to the direct round-trip travel expenses for Cairo/Paris/Cairo.

If Rome and Paris are selected as alternate relief points, transportation costs would be limited to the direct round-trip travel expenses for Cairo/Rome/Paris/Cairo, not to exceed the costs of travel to the relief point (London). Travel costs exceeding the cost to the designated relief point are the employee's responsibility.

If Denver, Colorado and Paris are selected as alternate relief points, transportation costs may not exceed the costs of travel to the designated relief point (London).

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## **3 FAH-1 H-3460 OTHER PAID LEAVE**

(CT:POH-157; 03-07-2013)  
(Office of Origin: HR/ER)

### **3 FAH-1 H-3461 EXCUSED ABSENCE**

#### **3 FAH-1 H-3461.1 Definition**

(CT:POH-134; 11-14-2008)  
(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)  
(Applies to Foreign Service and Civil Service Employees)

Excused absence is an absence from duty administratively authorized or approved and does not result in a charge to leave of any kind or in loss of basic salary.

#### **3 FAH-1 H-3461.2 Granting Authorities**

##### **3 FAH-1 H-3461.2-1 Granting Authority for Nonconduct-Related Administrative Leave**

(CT:POH-157; 03-07-2013)  
(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)  
(Applies to Foreign Service and Civil Service Employees)

Excused absence for the purposes shown in 3 FAM 3464.1-1 and this associated handbook subchapter may be authorized by the leave approving officer authorized to grant annual leave listed in 3 FAH-1 H-3417.2.

##### **3 FAH-1 H-3461.2-2 Granting Authority for Conduct-Related Administrative Leave**

(CT:POH-157; 03-07-2013)  
(State/USAID Only)  
(Applies to Foreign Service and Civil Service Employees)

- a. Excused absence for the purpose shown in 3 FAM 3464.1-2 may be authorized as shown below, following the procedures of 3 FAH-1 H-3461.6:

<b>Employee</b>	<b>Period of Excused</b>	<b>Approval Officer</b>
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	<b>Absence</b>	
<i>Foreign Service Employees at Post</i>	<i>Not to exceed 16 hours</i>	<i>Ambassador or Deputy Chief of Mission at Post</i>
<i>Foreign Service Employees in the U.S. and Civil Service Employees</i>	<i>Not to exceed 16 hours</i>	<i>Executive Directors of employing bureau</i>
<i>Foreign Service and Civil Service</i>	<i>More than 16 hours</i>	<i>DAS for Human Resources with disciplinary portfolio</i>

- b. **For USAID:** Excused absence may be authorized for conduct-related reasons in limited circumstances as provided by 3 FAM 3464.1-2. Any requests for excused absence for conduct-related reasons should be coordinated with the Employee and Labor Relations Division (OHR/ELR) and approved by the DAA/HR.

### **3 FAH-1 H-3461.3 Granting Excused Absences of 1 Hour or Less for Tardiness or Emergency**

(CT:POH-157; 03-07-2013)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

- a. In accordance with 3 FAM 3464.1, absences from duty for emergencies and tardiness not in excess of 1 hour may be excused. However, leave approving officers are reminded that this authority to grant excused absences should be used judiciously. It must not be used, in any event, to shorten the regular workday of an employee.
- b. Timekeepers will report incidents of tardiness and temporary absences to the employee's leave approving officer. Under ordinary circumstances when such absences are unavoidable or unexpected and necessary for adequate reasons, they should be excused. The leave approving official will determine, based on the circumstances, whether the employee is to be granted excused absence or charged leave and will notify the timekeeper accordingly.
- c. In the event the employee abuses this privilege, such absence and tardiness shall be handled by a charge against annual leave or absence without leave, or by disciplinary action.

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**3 FAH-1 H-3461.4 Consultation with Counselors**

(CT:POH-157; 03-07-2013)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

*Excused absence may be granted for an absence from official duty during which an employee is utilizing the service of a counselor provided by the Department. Except in unusual cases, however, the total period of absence authorized for this purpose should not exceed 2 hours.*

**3 FAH-1 H-3461.5 Grievance Preparation and Presentation**

(TL:POH-67; 06-14-2001)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service Employees)

A member of the Foreign Service (FS) who is a grievant under Chapter 11 of the Foreign Service Act, and any employee serving as a representative of the member will be granted excused absence for a reasonable period in order to prepare for and present the grievance.

**3 FAH-1 H-3461.6 Conduct-Related Administrative Leave****3 FAH-1 H-3461.6-1 Conduct-Related Administrative Leave – 16 Hours or Less**

(CT:POH-157; 03-07-2013)

(State only)

(Applies to Foreign Service and Civil Service Employees)

- a. *Administrative leave for conduct-related reasons, which will not exceed 16 hours in total, may be approved by bureau executive directors or, at post, by ambassadors or deputy chiefs of mission.*
- b. *An official described above or his or her designee must notify the Director, Office of Employee Relations (HR/ER), of any administrative leave approved under this section. The notification must be in writing and explain the basis for placing the employee in a paid nonduty status. It must be submitted to the (HR/ER) within 1 business day of the start of administrative leave.*
- c. *If it is anticipated that more than 16 hours of administrative leave will be necessary, an official described in 3 FAH-1 H-3461.2-2 may authorize the initial*

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*16 hours and submit a request for approval of additional time within 1 business day, as provided in 3 FAH-1 H-3461.6-2.*

### **3 FAH-1 H-3461.6-2 Conduct-Related Administrative Leave – More than 16 Hours**

*(CT:POH-157; 03-07-2013)*

*(State only)*

*(Applies to Foreign Service and Civil Service Employees)*

- a. Administrative leave anticipated to last more than 16 hours must be approved in advance by the Deputy Assistant Secretary for Human Resources (DAS) responsible for the discipline portfolio.*
- b. All requests for approval of administrative leave must be submitted to the DAS in writing with a copy to the Director, Office of Employee Relations (HR/ER).*
- c. Written requests for administrative leave approval must include:*
  - (1) Specific information about the nature of the misconduct and the employee's position;*
  - (2) The problem the employee's continued presence in the workplace may cause (e.g., physical harm to self or others, destruction of official records, etc.);*
  - (3) What actions management will take while the employee is on leave (e.g., completion of investigation or inquiry, initiation of disciplinary action, enforced leave, indefinite suspension, etc.); and*
  - (4) What consideration has been given to other alternatives such as restricted access or temporary assignment to another available position.*
- d. In an emergency situation requiring the immediate removal of an employee from the workplace before obtaining approval of the DAS, the employee may be placed on administrative leave not to exceed 16 hours by the appropriate approval officer with a written request for approval of an extension of administrative leave submitted to the DAS as provided in 3 FAH-1 H-3461.6-2, paragraphs a, b, and c within 1 business day of the start of administrative leave.*

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**3 FAH-1 H-3461.6-3 Employee Notification of Conduct-Related Administrative Leave**

(CT:POH-157; 03-07-2013)

(State only)

(Applies to Foreign Service and Civil Service Employees)

*An employee who is placed on administrative leave for conduct-related reasons must receive timely written notice from the authorized management official.*

**3 FAH-1 H-3461.6-4 Reporting Requirement for Conduct-Related Administrative Leave**

(CT:POH-157; 03-07-2013)

(State only)

(Applies to Foreign Service and Civil Service Employees)

- a. *An official described in 3 FAH-1 H-3461.6-1 or his or her designee is responsible for ensuring that conduct-related administrative leave is accurately reflected on the employee's timesheet.*
- b. *Conduct-related administrative leave must be recorded as code XA, and the remarks section of the XA code must reflect "admin leave per memo dated xx-xx-xxxxx" throughout the period of administrative leave regardless of its duration.*
- c. *Each U.S. mission abroad that granted administrative leave for a conduct-related reason during the previous quarter must submit a summary report to the Director, Office of Employee Relations (HR/ER). The reports must provide the name of each employee and the inclusive dates of the period of administrative leave. Reports are due as follows:*
  - *First Quarter      April 30*
  - *Second Quarter    July 31*
  - *Third Quarter      October 31*
  - *Fourth Quarter     January 31*

**3 FAH-1 H-3462 LOCAL HOLIDAYS**

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**3 FAH-1 H-3462.1 Absence on Local Holidays**

*(CT:POH-134; 11-14-2008)*

*(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)*

*(Applies to Foreign Service and Civil Service Employees)*

- a. 3 FAM 3464.1, subparagraph (8), provides that, under certain circumstances, a post may be closed due to a local holiday. Other than as provided in 3 FAM 3464.1, subparagraph (8), there is no administrative discretion to excuse U.S. citizen employees from duty without charge to annual leave solely on the ground that the days of absence are local holidays at the place of employment.
- b. American direct-hire employees assigned abroad are eligible to receive local holidays when outside of country of assignment on personal travel. Employees who travel on government-funded travel are not authorized local holidays once they leave the country of assignment.

**3 FAH-1 H-3462.2 Duty on Local Holidays**

*(CT:POH-134; 11-14-2008)*

*(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)*

*(Applies to Foreign Service and Civil Service Employees)*

When a post has been closed for a local holiday under the provisions of 3 FAM 3464.1, subparagraph (8), the approving officer for each agency has authority to order U.S.-citizen employees to work on local holidays that fall within the basic workweek. Work on local holidays by U.S. citizen employees does not entitle them to holiday pay or compensatory time off and does not constitute overtime unless it is in addition to the basic workweek.

**3 FAH-1 H-3463 VOTING**

*(CT:POH-157; 03-07-2013)*

*(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)*

*(Applies to Foreign Service and Civil Service Employees)*

3 FAM 3464.2 provides the most common circumstances in which administrative leave for voting may be authorized. In those rare circumstances where an employee's voting place is beyond normal commuting distance and vote by absentee ballot is not permitted, the employee may be granted sufficient time off in order to be able to make the trip to the voting place and to cast a ballot:

- (1) The employee must submit a written request for excused absence in excess of 3 hours; *and*
- (2) Time off in excess of 1 day must be charged to annual leave or, if annual leave is exhausted, to leave without pay. A liberal policy shall be observed

3 FAH-1 H-3460 Page 6 of 8

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in granting the necessary annual leave for this purpose.

### **3 FAH-1 H-3464 TIME ZONE DISLOCATION**

(CT:POH-134; 11-14-2008)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

When an employee is granted a time zone dislocation adjustment period upon arrival at a new temporary or permanent duty station as provided in 14 FAM 584.5, no leave will be charged for any portion of that adjustment period which falls during an employee's normal working hours.

### **3 FAH-1 H-3465 PACKING AND UNPACKING EFFECTS**

(CT:POH-157; 03-07-2013)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

- a. A supervisor may excuse a member of the Service to be present at the member's residence for a period not to exceed 16 work hours for packing and 8 hours for unpacking when required in connection with the member's:
  - (1) Permanent transfer abroad;
  - (2) Transfer from one post to another;
  - (3) Transfer from abroad to an assignment in the United States; or
  - (4) Transfer between domestic assignments located more than 100 miles apart.
- b. In exceptional circumstances, where the member can document the need for more time for packing or unpacking, a supervisor may excuse up to an additional 16 work hours for packing and 8 work hours for unpacking.
- c. For Department of Commerce employees: Where a member can document the need for more time for packing and unpacking, a supervisor may excuse up to an additional 16 work hours for packing and 8 work hours for unpacking. If three or more companies are involved in the packing and unpacking of household effects (HHE), a supervisor may excuse, for packing and unpacking, up to an additional 8 work hours for each additional company.
- d. The periods of leave need not be consecutive.
- e. Absence for this purpose in excess of the specified periods in paragraphs a, b, and c of this section must be charged to annual leave, compensatory time, or

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leave without pay.

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## U.S. Department of State 2014 Service Recognition Packages

2014 Afghanistan Service Recognition Package: 1) Section 10, Rest and Recuperation (R&R) Travel; 2) Section 11, Regional Rest Breaks (RRB); 3) Section 12, Administrative Leave

### REST & RECUPERATION (R&R) Travel:

A. Employees assigned or detailed to Afghanistan for at least one year (including FS officers, specialists, and Civil Service employees on FS Limited Non-career Appointments (LNAs)) are eligible to choose between either (a) two R&R trips and three Regional Rest Breaks (RRB) or (b) three R&R trips and no RRBs during a one-year period. Employees detailed from another overseas post may elect to return to their post of assignment for R&R, to the official relief point, or to the United States or its territories without cost constructing the travel. RRBs to locations other than the designated RRB destination may be done on a cost construct basis.

B. Foreign Service and Civil Service employees on temporary duty for six months or more but less than one year will be eligible for one R&R trip to the official relief point, to the United States or to its territories, or to the employee's post of assignment after 90 days of service in Afghanistan. R&Rs to other locations may be done on a cost construct basis.

C. U.S. Mission Afghanistan has a post policy on the maximum duration of R&R and RRB trips. Please see the Kabul intranet home page for further information on post policy.

**REGIONAL REST BREAKS (RRB):** Due to the extraordinary circumstances associated with service in Afghanistan, the Department will fund employee travel for RRBs as follows:

A. One RRB of five working days during a six-month TDY; or

B. Two RRBs of five working days each during a nine-month or more TDY and three RRBs for a one-year assignment if option A, outlined in paragraph 10.a is selected.

All employees on a one-year assignment or detail will be eligible. Civil Service employees assigned to Afghanistan or FS LNAs are eligible for RRBs according to the same length of assignment requirements described above. As noted above, those employees who elect to take three R&R trips during a one-year assignment or detail will not be entitled to any RRBs.

**ADMINISTRATIVE LEAVE:** All employees serving for six months or more in Afghanistan may be authorized a limited amount of administrative leave to be used during R&Rs and RRBs. For those employees on one-year assignments or details, administrative leave may be authorized not to exceed a total of 20 work days per year (1 year = any 365 consecutive days) and not to exceed 5 workdays per RRB or 10 workdays per R&R trip. For shorter-term assignments, administrative leave may be authorized not to exceed a total of 10 workdays for six-month TDYs, or a total of 15 workdays for nine-month TDYs (NTE 5 workdays per RRB or 10 workdays per R&R trip). Note that administrative leave is discretionary, must be approved by Mission, and is not an employee entitlement.





2014 Iraq Service Recognition Package: 1) Section 10, Rest and Recuperation (R&R) Travel; 2) Section 11, Administrative Leave

REST & RECUPERATION (R&R) TRAVEL: R&R Benefits for personnel assigned to posts in Iraq are as follows:

A. Employees (including FS officers, specialists, and Civil Service employees on FS Limited Non-career Appointments (LNAs) assigned or detailed to these posts for at least one year are eligible for three R&R trips during a 1-year period. Employees detailed from another overseas post may elect to return to their post of assignment for R&R.

B. Foreign Service and Civil Service employees on temporary duty for six months or more but less than one year will be eligible for one R&R trip back to the United States or to the employee's post of assignment after 90 days of service in Iraq.

C. U.S. Mission Baghdad has a post policy on the maximum duration of R&R and RRB trip and absence from post. Employees assigned or detailed to Embassy Baghdad or Consulate General Erbil posts will be permitted to be absent from post a total of 42 workdays during the period of their one year assignment. Employees assigned or detailed to Consulate General Basrah will be permitted to be absent from post a total of 47 workdays during the period of their one year assignment. Embassy Baghdad policy notices provide detailed guidance on travel away from post and are updated as conditions change. Mission Iraq personnel now benefit from additional travel options, including commercial travel to/from Baghdad and Erbil.

ADMINISTRATIVE LEAVE: All employees serving for six months or more in Iraq may be authorized a limited amount of administrative leave to be used during R&Rs. For those employees on one-year assignments or details administrative leave may be authorized not to exceed a total of 20 work days per year (1 year = any 365 consecutive days) and not to exceed 10 workdays per R&R trip. For shorter-term assignments, administrative leave may be authorized not to exceed a total of 10 workdays for six-month TDYs, or a total of 15 workdays for nine-month TDYs (NTE 10 workdays per R&R trip). Note that administrative leave is discretionary, must be approved by Mission Iraq, and is not an employee entitlement.

2014 Pakistan Service Recognition Package: 1) Section 10, Rest and Recuperation (R&R) Travel; 2) Section 11, Regional Rest Breaks (RRB); 3) Section 12, Administrative Leave

REST & RECUPERATION TRAVEL:

A. Employees assigned or detailed to Islamabad, Karachi, or Lahore for at least one year (including FS officers, specialists, and Civil Service employees on Foreign Service Limited Non-career Appointments (LNAs)) are eligible for two (2) R&R trips during a one-year period. Employees assigned or detailed to Peshawar for at least one year are eligible to choose between either (a) two R&R trips and three Regional Rest Breaks (RRB) or (b) three R&R trips and no RRBs during a one-year period. R&R trips may be to the official relief point, to a location in the United States or its territories, or to the employee's post of assignment when the employee is TDY from another post abroad. R&Rs to other locations may be done on a cost construct basis.



RRBs to locations other than the designated RRB destination may be done on a cost construct basis. U.S. Mission Pakistan has established a post policy on the option to take Family visitation Travel in lieu of R&R. Please see the Embassy home page for further information.

B. Foreign Service and Civil Service employees on temporary duty for six months or more but less than one year will be eligible for one R&R trip after 90 days of service in Pakistan.

C. U.S. Mission Pakistan has established a post policy on the maximum duration of R&R and RRB trips. Please see the Embassy home page for further information on post policy.

REGIONAL REST BREAKS (RRB) FOR LONG-TERM TDY: Due to the extraordinary circumstances involved in service in Peshawar, the Department will fund employee travel for RRBs as follows:

A. One RRB of five working days during a six-month TDY; or,

B. Two RRBs of five working days each during a nine-month or more TDY.

RRBs to other locations may be done on a cost construct basis.

ADMINISTRATIVE LEAVE: All employees serving in Peshawar for one-year tours may be authorized a limited amount of administrative leave to be used during R&Rs and RRBs not to exceed a total of 15 (fifteen) workdays. Note that administrative leave is discretionary, must be approved by Mission Pakistan, and is not an employee entitlement.

2014 Yemen Service Recognition Package: 1) Section 10, Rest and Recuperation (R&R) Travel; 2) Section 11, Administrative Leave

REST & RECUPERATION (R&R) TRAVEL:

A. Employees assigned or detailed to Yemen for two years (including FS officers, specialists, and Civil Service employees on Foreign Service Limited Non-career Appointments (LNAs)) are eligible for three R&R trips during a one-year period for a total of six R&Rs during the two-year tour of duty. R&R trips may be to the official relief point (London), to a location in the United States or its territories, or to the employee's post of assignment when the employee is TDY from another post abroad. R&Rs to other locations may be done on a cost construct basis.

B. Foreign Service and Civil Service employees on temporary duty for six months or more but less than one year will be eligible for one R&R trip after 90 days of service in Yemen.

C. U.S. Mission Yemen has established a post policy on the maximum duration of R&R trips. Please see the Embassy intranet home page for further information on post policy.

ADMINISTRATIVE LEAVE: All employees serving in Yemen on a two-year tour may be authorized a limited amount of administrative leave to be used during R&Rs not to exceed a total



of 10 workdays per year (1 year = 365 consecutive days). Note that administrative leave is discretionary, must be approved by Mission Yemen, and is not an employee entitlement.

2014 Libya Service Recognition Package: 1) Section 10, Rest and Recuperation (R&R) and Regional Rest Break (RRB) Travel; 2) Section 11, Administrative Leave

**REST & RECUPERATION (R&R) AND REGIONAL REST BREAK (RRB) TRAVEL:**

A. Employees assigned or detailed to Libya for at least one year (including FS officers, specialists, and Civil Service employees on Foreign Service Limited Non-career Appointments (LNAs) are eligible to select from either three R&R trips during a one-year period or two R&R trips and two Regional Rest Breaks (RRBs) during a one-year period. R&R trips may be to the official relief point, to a location in the United States or its territories, or to the employee's post of assignment when the employee is TDY from another post abroad. RRBs may be to the official relief point. R&Rs and RRBs to other locations may be done on a cost construct basis. U.S. Mission Libya has established a post policy on the option to take Family Visitation Travel in lieu of R&R. Please see the Embassy home page for further information.

B. Foreign Service and Civil Service employees on temporary duty for six months or more but less than one year will be eligible for one R&R trip after 90 days of service in Libya.

C. U.S. Mission Libya has established a post policy on the maximum duration of R&R and RRB trips. Please see the Embassy home page for further information on post policy.

**ADMINISTRATIVE LEAVE:** All employees serving in Libya on a one-year tour may be authorized a limited amount of administrative leave to be used during R&Rs and RRBs not to exceed a total of 10 (ten) workdays per year (1 year = 365 consecutive days). Note that administrative leave is discretionary, must be approved by Mission Libya, and is not an employee entitlement.





## COLA, Differential, Danger Pay and Schools at Post Updated from DSSR on 8/8/2014 and Post inputs 7/2014

	AFGHANISTAN	IRAQ			PAKISTAN <sup>2</sup>				SOUTH SUDAN	YEMEN	Libya <sup>1</sup>
		Baghdad	Erbil	Basrah	Islamabad	Peshawar	Karachi	Lahore	Juba	Sanaa	Tripoli
Tour Length	12-months	12-months	12-months	12-months	12-months	12-months	12-months	12-months	12-months	1 year	12-months
Home Leave at the end of Twelve Months	X	X	X	X	X	X	X	X	X		X
Post (Hardship) Pay	35%	30%	30%	30%	25%	35%	30%	25%	30%	30%	35%
Danger Pay	35%	35%	35%	30%	35%	35%	35%	35%	20%	30%	30%
COLA	0	0	0	0	0	0	0	0	25%	0	5%
Daily Meal Allowance										\$58.86	
Special Differential Pay for Commissioned Tenured Officers <sup>1</sup>	20%	20%	20%	20%	20%	20%	20%	20%	0	20%	20%
Sundry Differential for Noncommissioned Officers	yes	yes	yes	yes	no	no	no	no	no	yes	yes (Paragraph 13E)
Administrative Leave During Tour	20 days	20 days <sup>3</sup>	20 days <sup>3</sup>	20 days <sup>3</sup>	0	15 days <sup>3</sup>	0	0	0	10 Days <sup>3</sup>	10 days <sup>3</sup>
R&R	Alghanistan has an option of 3 R&Rs, 2 R&R & 3 RRBs, or 5 RRBs.	3 R&Rs	3 R&Rs	3 R&Rs, or 2 R&Rs and 3 RRBs (Effective 2014-2015 bidders, 3 R&Rs)	2	2	2	2	2	3 R&R trips during a one-year period. <sup>4</sup>	3 R&R trips during a one-year period or 2 R&R trips and 2 Regional Rest Breaks (RRBs) during a one-year period <sup>4,5</sup>
R&R Point	London	London	London	London	London	London	London	London	London	London	London
Regional Rest Breaks (RRB)	See R&R notes above	none	none	See R&R notes above.		2					See R&R notes above.
Consumables	1,000 lbs	300lbs	300lbs	300lbs	None	None	None	None	750 lbs Consumables, and 750 lbs H&E	Up to 6 consumable shipments through the entire 2-year TOD, minimum of 250 lbs. per shipment. The maximum limit is 2,500 lbs. for the entire 2-year tour. Regular UAB, limited H&E 1000 lbs while living in a hotel but depending on situation may change (see notices)	Up to 3 consumable air shipments throughout the one year TOD. Each shipment is a minimum of 250 lbs and a maximum of 1000 lbs per tour.
UAB	250 lbs	Employee 500lbs; EFM 450lbs	Employee 500lbs; EFM 450lbs	Employee 500lbs; EFM 450lbs	250 lbs	250 lbs	250 lbs	250 lbs	250 lbs		250 lbs (plus 2 pieces of excess baggage (maximum of 50 lbs each)
H&E	2,000 lbs										none
Notes	No dependents / EFM Jobs may be avail. for spouses	No dependents / EFM Jobs may be avail. for spouses	No dependents / EFM Jobs may be avail. for spouses	No dependents / EFM Jobs may be avail. for spouses	No dependents / EFM Jobs may be avail. for spouses	No dependents / EFM Jobs may be avail. for spouses	No dependents / EFM Jobs may be avail. for spouses	No dependents / EFM Jobs may be avail. for spouses	No dependents / EFM Jobs may be avail. for spouses	No dependents / EFM Jobs may be avail. for spouses. Live in a hotel. Meal allowance \$58.86 per day.	No dependents/ No EFM Jobs at this time
Family Leave Behind Policy	X				X	X	X	X			X

<sup>1</sup>FSO's staying for a second year get a Special Differential of 15%. FSL's are not eligible for this differential<sup>2</sup>Administrative Leave is discretionary and not an entitlement.<sup>3</sup>Language Incentive Pay (LIP) for officers assigned to or on extended detail or TDY for more than 30 days if they possess Pashtu or Urdu language skills at certain level and are eligible to receive LIP in accordance with 3 FAM 3910.<sup>4</sup>U.S. Mission Libya has established a post policy on the option to take Family Visitation Travel in lieu of R&R. Please see the Embassy home page for further information.<sup>5</sup>U.S. Mission Libya has established a post policy on the maximum duration of R&R and RRB trips. Please see the Embassy home page for further information on post policy.

<sup>6</sup> See 14 STATE 76414, Jun 21, 2014, 2015 Libya Service Recognition (Available in the EXOToolbox, CPC section, Libya Sub-Category)

<sup>7</sup> U.S. Mission Yemen has established a post policy on the maximum duration of R&R trips and the amount of days allowed to be away from post for full credit for PSP service recognition. All employees on one-year tours are expected not to exceed the maximum of cumulative time away from post of 63 days within a 365 day period.

## COLA, Differential, Danger Pay and Schools at Post Updated from DSSR on 8/8/2014 and Post inputs 7/2014

	AFGHANISTAN	IRAQ			PAKISTAN <sup>2</sup>				SOUTH SUDAN	YEMEN	Libya <sup>4</sup>
		Baghdad	Erbil	Basrah	Islamabad	Peshawar	Karachi	Lahore	Juba	Sanae	Tripoli
Tour Length	12-months	12-months	12-months	12-months	12-months	12-months	12-months	12-months	12-months	1 year	12-months
Home Leave at the end of Twelve Months	X	X	X	X	X	X	X	X	X		X
Post (Hardship) Pay	35%	30%	30%	30%	25%	35%	30%	25%	30%	30%	35%
Danger Pay	35%	35%	35%	30%	35%	35%	35%	35%	30%	30%	30%
COLA	0	0	0	0	0	0	0	0	25%	0	5%
Daily Meal Allowance										\$58.86	
Special Differential Pay for Commissioned Tenured Officers <sup>1</sup>	20%	20%	20%	20%	20%	20%	20%	20%	0	20%	20%
Sunday Differential for Noncommissioned Officers	yes	yes	yes	yes	no	no	no	no	no	yes	yes (Paragraph 13E)
Administrative Leave During Tour	20 days	20 days <sup>2</sup>	20 days <sup>2</sup>	20 days <sup>3</sup>	0	15 days <sup>2</sup>	0	0	0	10 Days <sup>2</sup>	10 days <sup>2</sup>
R&R	Afghanistan has an option of 3 R&Rs, 2 R&R & 3 RRBs, or 5 RRBs.	3 R&Rs	3 R&Rs	3 R&Rs, or 2 R&Rs and 3 RRBs (Effective 2014-2015 biennium, 3 R&Rs)	2	2	2	2	2	3 R&R trips during a one-year period <sup>2</sup>	3 R&R trips during a one-year period or 2 R&R trips and 2 Regional Rest Breaks (RRBs) during a one-year period <sup>14</sup>
R&R Point	London	London	London	London	London	London	London	London	London	London	London
Regional Rest Breaks (RRB)	See R&R notes above	none	none	See R&R notes above		2					See R&R notes above.
Consummables	1,000 lbs	300lbs	300lbs	300lbs	None	None	None	None	750 lbs Consumables, and 750 lbs H&E	Up to 6 consumable shipments through the entire 2-year TOD, minimum of 250 lbs. per shipment. The maximum limit is 2,500 lbs. for the entire 2-year tour. Regular UAB, limited H&E 1000 lbs while living in a hotel but depending on situation may change (see notices)	Up to 3 consumable air shipments throughout the one year TOD. Each shipment is a minimum of 250 lbs and a maximum of 1000 lbs per tour.
UAB	250 lbs	Employee 500lbs, EFM 450lbs	Employee 500lbs, EFM 450lbs	Employee 500lbs, EFM 450lbs	250 lbs	250 lbs	250 lbs	250 lbs	250 lbs		250 lbs (plus 2 pieces of excess baggage (maximum of 50 lbs each))
H&E	2,000 lbs										none
Notes	No dependents / EFM Jobs may be avail. for spouses	No dependents / EFM Jobs may be avail. for spouses	No dependents / EFM Jobs may be avail. for spouses	No dependents / EFM Jobs may be avail. for spouses	No dependents / EFM Jobs may be avail. for spouses	No dependents / EFM Jobs may be avail. for spouses	No dependents / EFM Jobs may be avail. for spouses	No dependents / EFM Jobs may be avail. for spouses	No dependents / EFM Jobs may be avail. for spouses	No dependents / EFM Jobs may be avail. for spouses. Live in a hotel. Meal allowance \$58.55 per day.	No dependents/ No EFM Jobs at this time
Family Leave Behind Policy	X				X	X	X	X			X

<sup>1</sup> FSO's staying for a second year get a Special Differential of 15%. FSL's are not eligible for this differential<sup>2</sup> Administrative Leave is discretionary and not an entitlement.<sup>3</sup> Language Incentive Pay (LIP) for officers assigned to or on extended detail or TDY for more than 30 days if they possess Pashtu or Urdu language skills at certain level and are eligible to receive LIP in accordance with 3 FAM 3810.<sup>4</sup> U.S. Mission Libya has established a post policy on the option to take Family Visitation Travel in lieu of R&R. Please see the Embassy home page for further information.<sup>5</sup> U.S. Mission Libya has established a post policy on the maximum duration of R&R and RRB trips. Please see the Embassy home page for further information on post policy.