



## Memorandum

---

**TO:** Committee on the Judiciary, United States Senate  
Committee on Homeland Security and Governmental Affairs, United States Senate  
Committee on the Judiciary, United States House of Representatives  
Committee on Oversight and Government Reform, United States the House of Representatives

**FROM:** Senate Judiciary Committee, Oversight and Investigations Staff for Senator Charles E. Grassley

**SUBJECT:** Agency Use of Administrative Leave

**DATE:** November 30, 2015

### I. Background

Agencies' use of administrative leave—generally an excused absence without loss of pay or charge to leave—implicates serious concerns about the efficient use of taxpayer resources and fairness to federal employees. There is currently no general statutory authority for paid administrative leave. Rather, its use has been generally accepted as an exercise of agency discretion, but only to the extent that it serves a government purpose and its duration is limited.

Judiciary Committee staff began investigating this practice after years of anecdotal evidence indicating that federal agencies frequently place employees on administrative leave for prolonged periods of time in response to public controversies or personnel challenges, such as pending investigations or disciplinary action. The situations sometimes involved whistleblowers who were placed on administrative leave pending a retaliatory investigation for making a protected disclosure. Whistleblowers can be kept off of duty status without any recourse since paid leave is not appealable. It thus jeopardizes their careers, abets retaliatory conduct, and restricts their ability to make further protected disclosures. In other circumstances, agencies inappropriately used administrative leave as a quick fix in cases of serious misconduct, rather than going through the appropriate procedures to take an adverse action within a reasonable time frame. This misuse of administrative leave wastes federal dollars as employees who would be more appropriately demoted, suspended, or terminated instead continue to be paid while they are not on duty.

Recent media attention has also highlighted potential abuses of paid administrative leave by multiple federal agencies. For example, the Department of Veterans Affairs (VA) reportedly

placed employees on paid administrative leave pending investigations into their inappropriate actions related to secret VA waiting lists.<sup>1</sup> At the same time, the VA has also faced accusations of using administrative leave as retaliation for employees who objected to instructions to manipulate appointment times or other improper practices.<sup>2</sup> It was also reported that the National Archives and Records Administration (NARA) placed its Inspector General (IG) on paid administrative leave for two years while awaiting the outcome of two separate outside investigations into a host of allegations by a few Office of Inspector General employees.<sup>3</sup> In addition, Lois Lerner, former embattled Internal Revenue Service (IRS) senior official, was reportedly placed on paid administrative leave for months after she refused to resign.<sup>4</sup>

Extended and costly use of paid administrative leave is not a new phenomenon. Senator Charles E. Grassley has been examining agencies' misuse of paid administrative leave for more than a decade.<sup>5</sup> In 2001, while serving as the Ranking Member of the Committee on Finance, Senator Grassley wrote to the IRS regarding an employee who was placed on paid administrative leave for three years, although the employee had been indicted, convicted, and sentenced for several felonies.<sup>6</sup> The Senator's inquiries eventually led to the employee's termination by the IRS.<sup>7</sup>

More recently, starting in 2012, staff from this committee, the Senate Committee on Homeland Security and Governmental Affairs, and the House Committee on Oversight and Government Reform, began investigating the actions of the Archivist of the United States in placing the NARA IG on administrative leave pending investigation into his alleged misconduct. The NARA IG was placed on administrative leave for approximately two years, which NARA justified as necessary "[i]n order to ensure fair and orderly [external] reviews, and to maintain a

---

<sup>1</sup> Josh Hicks, *VA Secretary Shinseki to Testify About Alleged Cover-ups of Treatment Delays*, Wash. Post (May 8, 2014), <http://www.washingtonpost.com/blogs/federal-eye/wp/2014/05/08/house-committee-subpoenas-va-over-secret-waiting-list/>.

<sup>2</sup> Felicia Schwartz, *Agency Examines 67 Claims of Retaliation Against VA Whistleblowers*, Wall St. J. (July 8, 2014, 11:44 PM), <http://www.wsj.com/articles/agency-examines-67-claims-of-retaliation-against-va-whistleblowers-1404855963>; David Zucchino et al., *Growing Evidence Points to Widespread Problems Throughout the Healthcare System*, L.A. Times (May 18, 2014, 5:00 AM), <http://touch.latimes.com/#section/-1/article/p2p-80235287/>.

<sup>3</sup> See Lisa Rein, *Embattled National Archives IG to Retire After Probe Finds Misconduct*, Wash. Post (Aug. 4, 2014), <http://www.washingtonpost.com/blogs/federal-eye/wp/2014/08/04/embattled-national-archives-ig-to-retire-after-probe-finds-misconduct/>.

<sup>4</sup> Ed O'Keefe, *Lois Lerner Put on Administrative Leave by IRS*, Wash. Post (May 23, 2013), <http://www.washingtonpost.com/news/post-politics/wp/2013/05/23/lois-lerner-put-on-administrative-leave>; Robert Wood, *No Criminal Charges for Lois Lerner of IRS, Keeps Bonuses, Nice Retirement*, Forbes (Apr. 1, 2015, 7:07 PM), <http://www.forbes.com/sites/robertwood/2015/04/01/no-criminal-charges-for-lois-lerner-of-irs-keeps-bonuses-nice-retirement/>.

<sup>5</sup> See, e.g., Stephen Dinan, *Paychecks Continue for IRS Employees Charged in Crimes; Grassley Demands Changes in Policy*, Wash. Times, Apr. 8, 2002, at A03; Letter from Charles E. Grassley, Ranking Member, U.S. S. Comm. on Fin., to Michael J. Astrue, Comm'r, U.S. Soc. Sec. Admin. (SSA) (July 30, 2010) (Appendix III) (requesting information from SSA in light of Audit Report prepared by the SSA Office of Inspector General (OIG), in which the OIG found little to no oversight on millions of taxpayer dollars spent on thousands of unproductive man hours).

<sup>6</sup> *Schemes, Scams and Cons, Part II: the IRS Strikes Back, Hearing Before the S. Comm. on Fin.*, 107th Cong. (2002) (statement of Sen. Charles E. Grassley, Ranking Member, S. Comm. on Fin.).

<sup>7</sup> *Id.*; see also Letter from Charles E. Grassley, Ranking Member, U.S. S. Comm. on Fin., to Charles O. Rossotti, Comm'r, Internal Revenue Serv. (Apr. 4, 2002), <http://www.grassley.senate.gov/news/news-releases/grassley-seeks-answers-irs-use-paid-leave>.

functional Office of the Inspector General.”<sup>8</sup> However, investigators from the Office of Special Counsel (OSC), tasked to investigate the alleged misconduct, were not consulted about that decision and did not believe that such leave was necessary in order to conduct the OSC investigation. Senator Grassley, former Senator Tom Coburn, and then-Chairman Darrell Issa wrote to the Archivist stating that the failure to resolve the matter threatened the independence of IGs and raised questions about the leadership of the Archivist. In addition, they wrote, “[g]iven the inordinate amount of time it has allegedly taken to investigate the allegations against [the IG], the net effect of [the Archivist’s] decision to place him on involuntary paid leave has been to decapitate the office that Congress established to be the taxpayers’ watchdog of [NARA].”<sup>9</sup> In order to address concerns arising from this incident, and to strengthen the independence of IGs, Senator Grassley introduced the Inspector General Empowerment Act of 2015.<sup>10</sup> This bill ensures that agencies cannot use administrative leave to indefinitely displace an IG in order to undermine and intimidate the only office expressly designed to oversee them. To accomplish this, the bill limits the instances in which an IG can be placed on paid or unpaid nonduty status, requires notice and an explanation of each placement to Congress, and provides that an oversight body will review the placement and determine whether it is justified in lasting more than 10 days. This bipartisan bill has been reported favorably by the Senate Homeland Security and Governmental Affairs Committee.

In addition, as a result of the matter involving the NARA IG, and in an effort to examine administrative leave more broadly, Senator Grassley, former Senator Coburn, and then-Chairman Issa requested that the Government Accountability Office (GAO) examine the use of paid administrative leave.<sup>11</sup> GAO released its report in 2014, which confirmed that federal agencies were abusing paid administrative leave by placing employees on this status for years while conducting lengthy investigations, at significant cost to the taxpayer.<sup>12</sup>

The GAO report examined data from fiscal years 2011 to 2013 from more than 100 federal agencies. GAO found:

- There is some consistency across agencies regarding the types of out-of-office activities for which employees may take paid administrative leave.<sup>13</sup> However, in some cases, an activity categorized as administrative leave at one agency may not be so categorized at another; for example, the Department of the Interior (Interior) was

---

<sup>8</sup> See Letter from Charles E. Grassley, Ranking Member, U.S. S. Comm. on the Judiciary, to David S. Ferriero, Archivist of U.S., Nat’l Archives & Records Admin. (NARA) (July 24, 2013) (Appendix III).

<sup>9</sup> Letter from Charles E. Grassley, Ranking Member, U.S. S. Comm. on the Judiciary, Tom A. Coburn, Ranking Member, S. Comm. on Homeland Sec. & Gov’tal Affairs, Darrell Issa, Chairman, H. Comm. on Oversight & Gov’t Reform to David S. Ferriero, Archivist of U.S., NARA (Feb. 21, 2014) (Appendix III).

<sup>10</sup> S. 579, 114th Cong.

<sup>11</sup> Letter from Charles E. Grassley, Ranking Member, U.S. S. Comm. on the Judiciary, Tom A. Coburn, Ranking Member, S. Comm. on Homeland Sec. & Gov’tal Affairs, Darrell Issa, Chairman, H. Comm. on Oversight & Gov’t Reform, to Gene Dodaro, Comptroller Gen., U.S. Gov’t Accountability Office (GAO) (Apr. 23, 2013) (Appendix III).

<sup>12</sup> GAO, GAO-15-79, *Federal Paid Administrative Leave: Additional Guidance Needed to Improve OPM Data* (2014) [hereinafter GAO Report].

<sup>13</sup> Examples of these generally consistent activities include: attending trainings, conferences, conventions, or meetings; donating blood; dismissals due to hazardous weather or emergency conditions; physical examinations to determine fitness for duty; and voting and registration.

the only agency out of the five selected by GAO for further analysis that categorized court time—i.e., time to serve as a juror or witness—as administrative leave.

- Agency practices in recording and granting administrative leave varied widely, leading to inaccurate and inconsistent data across agencies collected by the Office of Personnel Management (OPM). In particular, some agencies included legislatively authorized activities—such as organ donation, funeral leave, or absence due to injuries sustained from hostile actions abroad—as paid administrative leave. In addition, some agencies provided for administrative leave related to the agency missions. For example, the U.S. Agency for International Development (USAID) and the Department of Defense granted administrative leave to employees serving six months or more in Afghanistan for rest and recuperation breaks, while other selected agencies did not.
- Three percent of federal employees charged between one month and three years of paid administrative leave. Of those, 263 employees charged between one and three years of paid administrative leave.
- Salary estimates for paid administrative leave for fiscal years 2011–2013 totaled nearly \$3.1 billion. Salary estimates for the 263 employees who charged between one and three years totaled \$31 million.
- Of employees charging relatively higher amounts of leave at selected agencies, GAO found the most common reasons for charging higher-than-average amounts of paid administrative leave included personnel matters (such as investigations into alleged misconduct or criminal actions), physical fitness-related activities, and periods of rest and recuperation for employees working in overseas locations.

Overall, GAO concluded that since taxpayers bear the cost of paid administrative leave, government agencies should more effectively manage its use.

In October 2014, to further explore agencies' justification and use of paid administrative leave, Senator Grassley and then-Chairman Issa sent letters to 17 agencies: the Departments of Agriculture (USDA), Commerce, Defense, Energy, Health and Human Services (HHS), Housing and Urban Development (HUD), Homeland Security (DHS), Interior, Transportation, Treasury, and VA; Environmental Protection Agency (EPA); National Aeronautics and Space Administration (NASA); OPM; Small Business Administration (SBA); Social Security Administration (SSA); and USAID. Senator Grassley also wrote to the Department of Justice (DOJ) and Department of State Office of Inspector General regarding DOJ's and State's use of paid administrative leave.

This report presents the findings to date, based on a review of responses provided by 18 of the 19 agencies and other relevant materials, including OPM guidance and the GAO report on administrative leave. One agency, the Department of Defense, failed to respond to our inquiries;

three additional agencies—the Departments of Agriculture, Commerce, and Energy—provided incomplete responses to our requests.<sup>14</sup>

While agencies use administrative leave for a variety of purposes, our concerns, as detailed in this report, largely center on the use of administrative leave in the personnel context, such as while an employee is under investigation for misconduct, pending a personnel action against an employee, or following a protected disclosure by an employee. “Personnel matters” was the most common reason selected agencies cited for long periods of administrative leave, according to GAO’s report.<sup>15</sup>

## II. Findings

### a. No Statute Addresses Administrative Leave and Agencies Have Developed Inconsistent Guidance on When It May Be Used and for How Long

No statute defines “administrative leave” or provides general authority for its use. In the absence of statutory mandates, only limited government-wide direction on administrative leave exists. OPM, the agency designated to manage the federal workforce, permits agencies to use administrative leave for a limited time and for multiple reasons. OPM does not, however, comprehensively define the purposes for which agencies may use administrative leave nor prescribe the length of time an employee may remain in that status.

OPM regulations state that an employee who is deemed a safety threat can be placed on paid administrative leave when a disciplinary action has been proposed.<sup>16</sup> Specifically, a “rare circumstances” exception provides that an agency may place an employee on “paid, nonduty status for such time as is necessary to effect the action” where the agency determines the employee’s continued presence may (i) pose a potential threat to the employee or others, (ii) result in loss of or damage to government property, or (iii) “otherwise jeopardize legitimate [g]overnment interests.”<sup>17</sup> The regulation provides that, under ordinary circumstances, the employee will remain in duty status in his or her regular working position.<sup>18</sup> OPM’s recently issued fact sheet on administrative leave similarly advises limiting the use of administrative leave where agencies have yet to propose any personnel action to situations involving threats to persons or property or “the agency mission.”<sup>19</sup>

<sup>14</sup> The Department of Defense provided references to publically available leave policy and no responsive information on its use of administrative leave. Letter from Jessica L. Wright, Under Sec’y of Defense, Personnel and Readiness, Dep’t of Defense, to Charles E. Grassley, Chairman, U.S. S. Comm. on the Judiciary (Feb. 12, 2015) (Appendix II). The Departments of Agriculture, Commerce, and Energy have since provided additional information, but not in time for inclusion in this report.

<sup>15</sup> GAO Report at 29.

<sup>16</sup> 5 C.F.R § 752.404(b)(3) (“In those rare circumstances where the agency determines that 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, the agency may elect . . . [p]lacing the employee in a paid, nonduty status for such time as is necessary to effect the action.”).

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Fact Sheet: Administrative Leave*, Office of Pers. Mgmt. (OPM), <https://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/administrative-leave/> (last visited Sept. 16, 2015) [hereinafter OPM Fact Sheet].

The ambiguity surrounding permissible administrative leave practices also extends to its duration. OPM’s scattered guidance has not generally dictated a time period for which agencies may use administrative leave related to personnel matters.<sup>20</sup> As noted, OPM’s regulation provides authority to put an employee in a paid, nonduty status during the notice period to effect a proposed personnel action. That notice period must be at least 30 days unless an exception applies.<sup>21</sup> In the workplace violence context, OPM guidance from 1998 notes that, where an employee may need to be kept away from the worksite “to ensure the safety of employees” while the agency is conducting further investigation, administrative leave “is an immediate, temporary solution” and agencies should “move toward longer-term actions.”<sup>22</sup> Recent guidance issued by OPM after publication of GAO’s report reiterates this instruction, while noting that the authority to authorize administrative leave rests with each agency head.<sup>23</sup> Thus, unlike other clearly defined personnel designations such as suspension or leave without pay,<sup>24</sup> the concept of “administrative leave” is open to individual agencies’ interpretations.<sup>25</sup>

The statutory and regulatory silence on when administrative leave may be used has left agencies free to use the designation broadly—for everything from negotiating collective bargaining agreements to returning from active military duty to investigating allegations of employee misconduct. For example, the VA permits employees to use administrative leave for labor organization and educational activities,<sup>26</sup> while Interior uses it to enable teachers and educational support staff to be paid a prorated, consistent amount during school breaks.<sup>27</sup> Some agencies, such as HUD and NASA, do not even use the term “administrative leave.” Instead, HUD issues “excused absence” and NASA grants employees “excused leave.” HUD’s policy notes that “excused absence” is absence from duty that is administratively authorized, without loss of pay and without charge to leave.<sup>28</sup> At NASA, “Center Directors or their designees may determine administratively other situations in which employees may be excused from duty without charge to leave.”<sup>29</sup> These “other situations” include “plac[ing] employees on excused leave prior to affecting an adverse action to avoid workplace disruption during the interim

<sup>20</sup> OPM has addressed the length of time in limited contexts, such as brief tardiness and federal wage employees who are prevented from working on holidays.

<sup>21</sup> 5 C.F.R. § 752.404(b), (d).

<sup>22</sup> OPM, *Dealing with Workplace Violence: A Guide for Agency Planners* 106 (1998), available at <https://www.opm.gov/policy-data-oversight/worklife/reference-materials/workplaceviolence.pdf>.

<sup>23</sup> Memorandum from Katherine Archuleta, Dir., OPM, CPM 2015-04 (May 29, 2015) [hereinafter OPM Memorandum], available at <https://www.chcoc.gov/content/administrative-leave>; OPM Fact Sheet.

<sup>24</sup> OPM, *The Guide to Processing Personnel Actions* 15-3 (rev. 2015), available at <https://www.opm.gov/policy-data-oversight/data-analysis-documentation/personnel-documentation/processing-personnel-actions/gppal5.pdf>.

<sup>25</sup> See GAO Report at 12–14.

<sup>26</sup> Letter from Gina S. Farrissee, Assistant Sec’y for Human Res. & Admin., U.S. Dep’t of Veterans Affairs, to Charles E. Grassley, Chairman, U.S. S. Comm. on the Judiciary (Feb. 19, 2015) [hereinafter VA Response] (Appendix II).

<sup>27</sup> Letter from Mary F. Pletcher, Deputy Assistant Sec’y for Human Capital & Diversity, U.S. Dep’t of the Interior, to Charles E. Grassley, Ranking Member, U.S. S. Comm. on the Judiciary (Dec. 12, 2014) [hereinafter Interior Response] (Appendix II).

<sup>28</sup> Letter from Erika L. Moritsugu, Assistant Sec’y for Cong. & Intergovernmental Relations, U.S. Dep’t of Hous. & Urban Dev., to Charles E. Grassley, Ranking Member, U.S. S. Comm. on the Judiciary, and Darrell Issa, Chairman, U.S. H. Comm. on Oversight & Gov’t Reform (Dec. 12, 2014) [hereinafter HUD Response] (Appendix II).

<sup>29</sup> Letter from L. Seth Statler, Assoc. Adm’r for Legis. & Intergovernmental Affairs, Nat’l Aeronautics & Space Admin., to Charles E. Grassley, Ranking Member, U.S. S. Comm. on the Judiciary (Dec. 19, 2014) [hereinafter NASA Response] (Appendix II).

period.”<sup>30</sup> Although NASA and HUD do not use the term administrative leave, the function is the same.

In addition, individual agencies’ policies on the appropriate length of time for administrative leave vary widely. Indeed, the vast majority of the agencies within our sample placed no specific time limit on the use of paid administrative leave pending an investigation or personnel action. Rather, those agencies that addressed such a circumstance noted that employees may be placed on administrative leave for whatever time is necessary to effect a personnel action or pending completion of an investigation.

For example, a recent report from the EPA Office of the Inspector General noted that the EPA leave manual allows for the authorized use of administrative leave when a removal or indefinite suspension is proposed, but “does not provide any guidance as to an acceptable amount of administrative leave or list other personnel matters that would qualify for administrative leave.”<sup>31</sup> Such open-ended policies permit agencies to keep employees on paid administrative leave indefinitely.

Lastly, with respect to open-ended duration, only a few agencies within our sample specified approval requirements for administrative leave greater than a certain time period. For example, DOJ implemented guidance in 2002 that allowed managers to place employees on administrative leave pending disciplinary action for not more than ten work days;<sup>32</sup> extensions may be granted by the Department’s Deputy Assistant Attorney General for Human Resources and Administration pursuant to guidance issued to components requiring them to explain the basis for placing the employee on administrative leave and provide a compelling reason for requesting an extension, among other things.<sup>33</sup> Interior requires that authorization for extended administrative leave—defined as beyond 45 days—be obtained from only bureau/office heads, their deputies, or the Director of the Office of Human Resources, and must be coordinated with the Director, but does not otherwise limit the amount of time that employees may be placed on administrative leave pending a review, investigation, or any legal proceeding.<sup>34</sup>

The lack of meaningful limits on the length of administrative leave is significant because GAO has determined that “administrative leave for lengthy periods of time is inappropriate unless it is in connection with furthering a function of the agency.”<sup>35</sup> GAO-issued decisions make clear that an agency’s use of administrative leave during an investigation should be brief. In particular, GAO has found that “an agency’s proposed regulations were unauthorized where those regulations provided up to 45 days of administrative leave while investigating allegations of employee misconduct.”<sup>36</sup>

---

<sup>30</sup> *Id.*

<sup>31</sup> Env’tl. Prot. Agency (EPA), Office of the Inspector General, Report No. 15-N-0025, *Early Warning Report: Some EPA Employees Found to Be on Paid Administrative Leave for Years 3* (2014).

<sup>32</sup> Memorandum from Robert F. Diegelman, Acting Assistant Att’y Gen. for Admin., Dep’t of Justice (DOJ), on Proper Use of Administrative Leave (Sept. 27, 2002) (Appendix II).

<sup>33</sup> Memorandum from Joanne W. Simms, Deputy Assistant Att’y Gen. for Human Res. & Admin., DOJ, to DOJ Bureau Pers. Officers (Nov. 26, 2002) (Appendix II); Memorandum from Mari Barr Santangelo, Deputy Assistant Att’y Gen. for Human Res. & Admin., DOJ, to DOJ Exec. Officers (Jan. 7, 2010) (Appendix II).

<sup>34</sup> Interior Response.

<sup>35</sup> GAO Report at 7.

<sup>36</sup> *Id.* at 8 (citing B-189773, Nov. 3, 1997).

Lastly, it is important to note that employees who are placed on administrative leave cannot file an appeal of that status with the Merit Systems Protection Board (MSPB), an independent, quasi-judicial agency that has jurisdiction to hear challenges to adverse actions, thereby limiting an avenue for independent oversight of these agency decisions.<sup>37</sup>

**b. Responding Agencies Expended more than \$80 Million in Fiscal Year 2014 to Place Employees on Administrative Leave for One Month or More**

Seventeen agencies spent almost \$80.6 million to place employees on paid administrative leave for one month or more in fiscal year 2014. The Department of Defense failed to provide responses in time for this report.<sup>38</sup> Also, while most agencies provided total compensation estimates including benefits, at least one agency, the VA, could not calculate its total administrative leave expenditures. Therefore, the almost \$80.6 million may not reflect the overall amount expended on administrative leave in fiscal year 2014. Figure 1 presents the estimated amount expended by each agency for administrative leave of one month or more in fiscal year 2014.

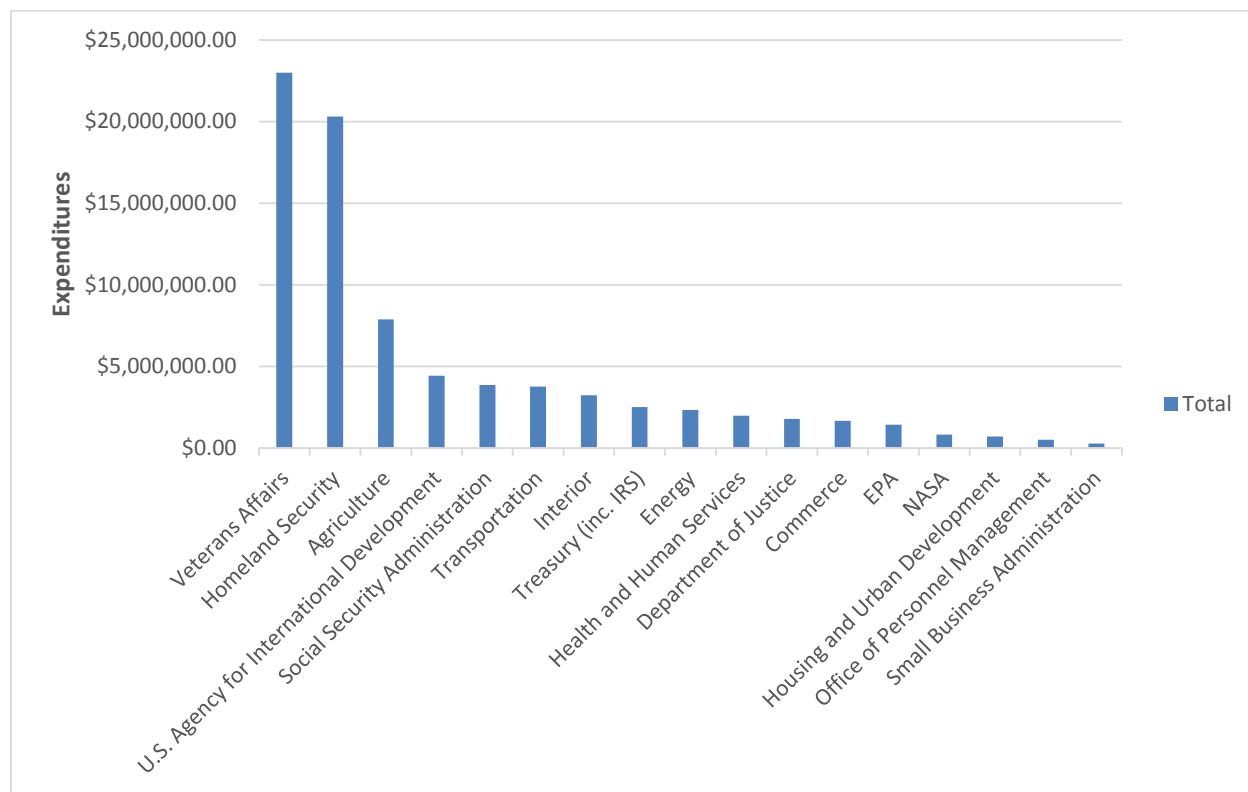
---

<sup>37</sup> See *Henry v. Dep't of Navy*, 902 F.2d 949 (Fed. Cir. 1990) (noting that [s]ince [the appealing employee's] pay was not reduced, there is simply no adverse action from which the [employee] can appeal to contest her placement on administrative leave"); see also GAO Report at 8.

<sup>38</sup> Agencies were provided with a significant amount of time to respond to our inquiries; thus, failure to provide any information is exceptionally troubling and an impediment to congressional oversight of these issues. GAO found that for fiscal years 2011–2013, the Department of Defense spent an estimated \$697,659,300 on salary costs for employees on administrative leave. We continue to seek the information requested from the Department.



**Figure 1: Fiscal Year 2014 Estimated Agency Expenditures on Administrative Leave for One Month or More**



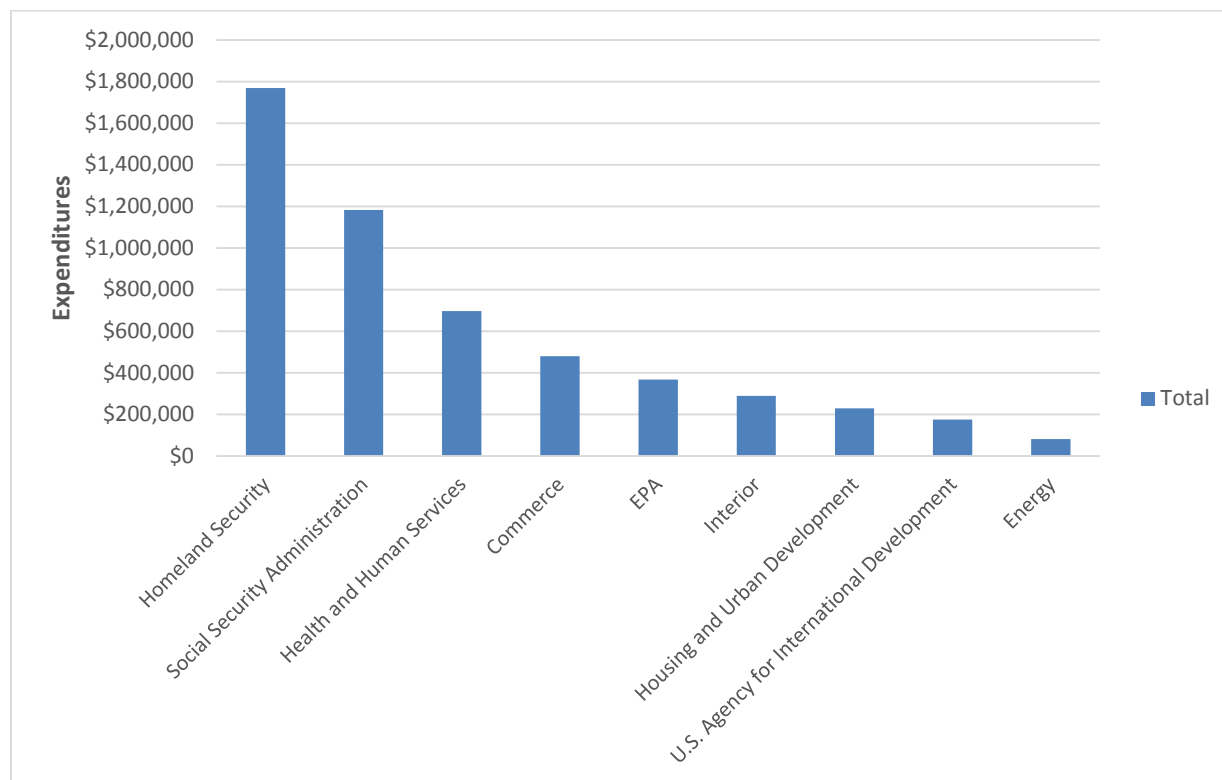
Source: Analysis of agency responses to Senator Grassley from 17 agencies. The Department of Defense is not included as it failed to provide a timely response to requests for information related to its use of administrative leave. As discussed later in this report, the Department of State does not capture such data.

As shown in figure 1, DHS and the VA—two of the largest federal government employers—vastly outspent other responding agencies on paid administrative leave.<sup>39</sup> However, DHS and the VA paid relatively less per employee on administrative leave, averaging approximately \$19,120 and \$8,984, respectively. Average amounts paid per employee ranged from \$7,445 at Agriculture, to \$50,571 at HUD.

Figure 2 shows the estimated amount agencies expended on administrative leave for employees who were on leave for one year or more at the time of the agencies’ responses.

<sup>39</sup> OPM, *Sizing Up the Executive Branch Fiscal Year: 2013*, at 7 (2014).

**Figure 2: Estimated Agency Expenditures on Administrative Leave for Employees on Leave for One Year or More at Time of Agency Response**



Source: Analysis of agency responses to Senator Grassley. At the time of their responses, DOJ, DOT, NASA, OPM, SBA, Treasury (including IRS), USDA, and VA did not have employees on paid administrative leave for more than a year. Energy provided responses as of the end of fiscal year 2014, although its response was not provided until September 2015.

Amounts per employee on average varied. Homeland Security had the most employees on leave (11 employees) for more than one year at the time of its response and per employee spending was \$160,820 on average per employee.<sup>40</sup> Energy and Interior spent less on average per employee—\$81,030 (one employee) and \$96,369 (three employees), respectively. The remaining agencies all spent more than \$100,000 per employee on average, with HUD (one employee), Commerce (two employees), and SSA (four employees) spending on average more than \$200,000 per employee, and EPA spending \$366,893 for its one employee on administrative leave for more than a year.

**c. Agencies Are Placing Employees on Paid Administrative Leave Without Providing Adequate Justification**

The responses agencies provided explaining why employees were placed on administrative leave for more than a year were so broad and vague that we were generally unable to independently assess whether it was actually necessary to place the employee on such leave

<sup>40</sup> DHS provided clarifications regarding its initial response to this inquiry; in particular, it identified four employees listed as currently on administrative leave for one year or more that are more accurately categorized as on indefinite suspension, and one employee listed that is a duplicate.

status or whether other actions would have been more appropriate. For example, many agencies that used administrative leave did not articulate how the employees posed threats to themselves, other employees, or government resources. Rather, we found that agencies appear to be using administrative leave as a way to place employees in a catch-all limbo status rather than address personnel problems expeditiously. Agencies within our sample who had placed employees on administrative leave for more than one year during fiscal years 2011–2013, or had employees on administrative leave for more than one year at the time of their response, typically cited vague reasons for their use of administrative leave, including: “fitness for duty,” “issues arising during a background investigation,” and, most frequently, non-descript “misconduct.” Only DHS provided a definition for such “misconduct”:

[A]cts 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.<sup>41</sup>

Despite this one department’s definition, agencies’ overall inability to clearly define “misconduct” leaves the category dangerously open-ended and without any real benchmark to guard against overuse. For example, an employee who commits leave abuse, dishonesty in providing official information, or even failure to follow instructions does not obviously pose a “threat” in the workplace. With no clear standard, agencies’ use of paid administrative leave is largely unchecked and ripe for abuse. Those employees may wait years with their careers in limbo for agencies to complete their investigations and either propose or determine finally whether to issue any adverse personnel action.

As shown in table 1 below—although requested by Senator Grassley in his inquiry letters—agencies did not always provide sufficient justification for placing employees on administrative leave for more than one year, and their justifications varied widely. Table 1 presents agencies’ purported reasons for placing employees on administrative leave for more than one year in fiscal years 2011–2013, as well as for employees on administrative leave for one year or more at the time of their response.<sup>42</sup>

---

<sup>41</sup> Letter from Jeh Charles Johnson, Sec’y, U.S. Dep’t of Homeland Sec., to Charles E. Grassley, Chairman, U.S. S. Comm. on the Judiciary (Jan. 17, 2015) [hereinafter DHS Response].

<sup>42</sup> This timeframe was selected to follow up on the employees GAO identified as on administrative leave for more than one year. GAO selected fiscal years 2011–2013.

**Table 1: Justification Cited by Agencies for Placing Employees on Administrative Leave for More Than One Year**

Agency and Total Number of Employees	Reasons Provided by Agencies for Placing Employees on Administrative Leave for More Than One Year
Department of Agriculture <sup>a</sup> 12 Employees	12 employees - reasons not provided
Department of Commerce <sup>a</sup> 6 Employees	6 employees - reasons not provided
Department of Defense <sup>b</sup> 58 Employees	58 employees - reasons not provided
Department of Energy <sup>a</sup> 6 Employees	6 employees - reasons not provided
Department of Health and Human Services 6 Employees <sup>c</sup>	3 employees - issues that arose during background investigations
	1 employee - investigation for misconduct
	1 employee - loss of medical credentials
	1 employee - issues that arose surrounding the employees' utilization of Electronic Health Records
Department of Homeland Security 87 Employees <sup>d</sup>	21 employees - fitness-for-duty reasons <sup>e</sup>
	13 employees - security issues <sup>f</sup>
	53 employees - misconduct
Department of Housing and Urban Development 2 Employees <sup>c</sup>	1 employee - investigation for misconduct
	1 employee - pending related criminal charges and safety and security issues

Department of the Interior	3 employees - investigations for misconduct
7 Employees <sup>c</sup>	1 employees - issues that arose during a security clearance re-investigation
	3 employees - reasons not provided
Department of Justice	
0 Employees	not applicable <sup>g</sup>
Department of Transportation	3 employees - investigations into administrative and criminal misconduct
4 Employees	1 employee - back pay awarded for removal decision mitigated to a suspension
Department of the Treasury (inc. IRS)	1 employee - security adjudication
29 Employees <sup>c</sup>	1 employee - criminal investigation
	26 employees - anomaly in the Bureau of Engraving and Printing's implementation of its timekeeping system
	1 employee - donated annual leave miscoded
Department of Veterans Affairs	14 employees - union activities
46 Employees	13 - reasons not provided
	4 employees - investigations for misconduct
	13 employees - various reasons, such as in school, new employee orientation, and sabbatical
	2 employees - incorrectly charged
Environmental Protection Agency	2 employees - part of a personnel matter
3 Employees <sup>c</sup>	1 employee - in connection with a personnel action

National Aeronautics and Space Administration	1 employee - access to classified information was suspended and later revoked
2 Employees	1 employee - medical condition that placed employee and others at risk
Office of Personnel Management	1 employee - investigation for misconduct followed by criminal proceedings
3 Employees	1 employee - external Inspector General investigation for misconduct that raised the potential for violent behavior
	1 employee - security clearance suspended and internal misconduct investigation
Small Business Administration	
4 Employees	4 employees - pending disciplinary action
Social Security Administration	4 employees - administrative law judges pending disciplinary proceedings before the Merit Systems Protection Board
5 Employees <sup>c</sup>	1 employee - investigations into allegations of hostile work environment and misconduct
U.S. Agency for International Development	1 employee - investigation of security concerns
2 Employees <sup>c</sup>	1 employee - pending disciplinary process

Source: Analysis of responses on administrative leave provided to Senator Charles Grassley

Notes:

<sup>a</sup>Agency provided a response to our information request, but did not provide information on its employees on leave for more than one year in time for inclusion in this report. The number of employees indicated is the number GAO identified as having been on leave for more than one year from fiscal years 2011 through 2013.

<sup>b</sup>Agency did not respond. The number of employees indicated is the number GAO identified as having been on leave for more than one year from fiscal years 2011 through 2013.

<sup>c</sup>Agency identified employees who had been placed on administrative leave for one year additional to those identified in the GAO report.

<sup>d</sup>According to DHS, the difference in the numbers of employees on administrative leave for more than a year in fiscal years 2011–2013 as reported in the GAO Report and as reported in its response can be attributed to the reporting capabilities of the system the Department uses to track administrative leave. In addition, DHS provided clarifications regarding its initial response to this inquiry, identifying that one employee listed is a duplicate.

<sup>e</sup>DHS defines “fitness-for-duty” as 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. DHS Response.

<sup>f</sup>DHS defined “security cases” as involving 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. *Id.*

<sup>g</sup>Justice did not have any employee on administrative leave for more than year. Justice did, however, provide documentation supporting its approval of administrative leave in cases where the Department placed employees on administrative leave

for periods of six months or more, where it was available. These documents provided additional explanation of the circumstances involved in the use of administrative leave. Letter from Peter J. Kadzick, Assistant Att’y Gen., DOJ, to Charles E. Grassley, Chairman, U.S. S. Comm. on the Judiciary, and Patrick J. Leahy, Ranking Member, U.S. S. Comm. on the Judiciary (Apr. 15, 2015) (Appendix II) [hereinafter DOJ Response].

In addition, agencies frequently failed to offer any substantive explanation for why other options were not considered, such as temporary reassignment of duties. This lack of transparency frustrates meaningful oversight of agency decisions to use administrative leave, which is particularly concerning when employees are unable to challenge their status. For example, in instances where employees were on administrative leave for more than a year, agencies stated the following:

- HUD stated that reassignment in one case was not “a viable option” due to the “seriousness of the allegation” and “possible related criminal charges,” but failed to mention any threat to employee safety or security and the agency made no mention that it ever considered a suspension or any other form of leave.<sup>43</sup>
- OPM simply stated, among other things, for three employees on leave for more than a year, the agency “did not feel comfortable” allowing employees to work while investigations of alleged misconduct remained pending.<sup>44</sup> OPM reported that suspensions were not appropriate “given the circumstances” of the three cases at issue, including one case that resulted in a criminal charge.<sup>45</sup>
- HHS, which identified six employees on administrative leave for more than a year during investigations for misconduct and other issues, reported that it had been “reviewing” several of those employees’ “suitability for reassignment” for months or even years.<sup>46</sup> One employee on leave since August 2012 is still being reviewed for “suitability for reassignment.”<sup>47</sup>
- SBA stated in one case that alleged employee misconduct “did not support” allowing the employee access to SBA systems, and failed to explain why reassignment for another employee was not possible.<sup>48</sup>
- EPA noted that reassigning three employees to other duties would be “potentially disruptive and/or impractical under the circumstances.”<sup>49</sup>

---

<sup>43</sup> HUD Response.

<sup>44</sup> Letter from Katherine Archuleta, Dir., OPM, to Charles E. Grassley, Ranking Member, U.S. S. Comm. on the Judiciary (Nov. 11, 2014) [hereinafter OPM Response] (Appendix II).

<sup>45</sup> *Id.*

<sup>46</sup> Letter from Jim R. Esquea, Assistant Sec’y for Legis., Dep’t of Health & Human Servs., to Darrell Issa, Chairman, U.S. H. Comm. on Oversight & Gov’t Reform, and Charles E. Grassley, Ranking Member, U.S. S. Comm. on the Judiciary (Nov. 17, 2014) [hereinafter HHS Response] (Appendix II).

<sup>47</sup> *Id.*

<sup>48</sup> Letter from Bridget E. Bean, Chief Human Capital Officer & Deputy Chief Operating Officer, U.S. Small Bus. Admin., to Charles E. Grassley, Ranking Member, U.S. S. Comm. on the Judiciary (Nov. 20, 2014) [hereinafter SBA Response] (Appendix II).

<sup>49</sup> Letter from Nanci E. Gelb, Acting Assistant Adm’r, EPA, to Charles E. Grassley, Chairman, U.S. S. Comm. on the Judiciary (Jan. 29, 2015) [hereinafter EPA Response] (Appendix II).

- DHS referred to the “seriousness” of the misconduct alleged against employees on extended administrative leave and “concern for the protection of government resources,” but offered no explanation of how employees were unfit to work in any capacity.<sup>50</sup>

The responding agencies thus largely did not articulate how their purported reasons for extended administrative leave in lieu of other options complied with OPM policy where applicable, or relevant GAO authority limiting its use. As the examples above demonstrate, the agencies that did provide their reasoning frequently offered justification so broad or vague that it is difficult to independently verify or evaluate their actions. Some agencies simply failed to offer *any* explanation for extended administrative leave in lieu of other options.<sup>51</sup>

#### **d. Agencies Did Not Justify the Length of Administrative Leave or Why Investigations or Other Actions Took So Long**

In addition to a general failure to explain why administrative leave was the only appropriate option, agencies largely did not explain extended periods of administrative leave or why related investigations of alleged employee misconduct took so long.<sup>52</sup> The lengthy duration of leave, coupled with inadequate guidance or controls over the basis for using such leave, can lead to abuse.

In particular, agencies say that while misconduct investigations and disciplinary actions remain pending, their hands are tied, and other forms of leave are generally unavailable. SBA noted that “[t]here is no existing statutory authority or policy to place an employee in an unpaid leave status when a disciplinary action is pending.”<sup>53</sup> OPM similarly provided as reason for keeping an employee on administrative leave during an investigation and subsequent criminal proceeding that “there is no provision under law for involuntary ‘unpaid leave,’” and indefinite suspension is an adverse action requiring an administrative proceeding.<sup>54</sup>

Even where administrative leave may have been an appropriate tool given the potential threat posed by the subject employee, it is not clear why, in many cases, inordinate amounts of time were supposedly required to investigate the alleged misconduct. And, if the allegations were so egregious and complex as to warrant a lengthy inquiry, it was not clear why a personnel action such as temporary suspension was not warranted. Taking an adverse action in those serious cases where employees pose an immediate threat would lower costs and trigger due

---

<sup>50</sup> DHS Response.

<sup>51</sup> *E.g.*, Letter from Todd Batta, Assistant Sec’y for Cong. Relations, U.S. Dep’t of Agric., to Charles E. Grassley, Chairman, U.S. S. Comm. on the Judiciary (Mar. 18, 2015) (Appendix II); Letter from Margaret L. Cummisky, Assistant Sec’y for Legis. & Intergovernmental Affairs, U.S. Dep’t of Commerce, to Charles E. Grassley, Ranking Member, U.S. S. Comm. on the Judiciary (Dec. 29, 2014) (Appendix II); Letter from Margaret L. Cummisky, Assistant Sec’y for Legis. & Intergovernmental Affairs, U.S. Dep’t of Commerce, to Charles E. Grassley, Chairman, U.S. S. Comm. on the Judiciary (June 11, 2015) (Appendix II); Letter from Eric J. Fygi, Dep. Gen. Counsel, U.S. Dep’t of Energy, to Charles E. Grassley, Chairman, U.S. S. Comm. on the Judiciary (Sept. 4, 2015) (Appendix II); Interior Response; Letter from Anthony R. Foxx, Sec’y of Transp., U.S. Dep’t of Transp., to Charles E. Grassley, Chairman, U.S. S. Comm. on the Judiciary (Feb. 12, 2015) [hereinafter DOT Response] (Appendix II); VA Response.

<sup>52</sup> This was the case even in situations where agencies provided more detail as to why individuals were placed on administrative leave.

<sup>53</sup> SBA Response.

<sup>54</sup> OPM Response.



process rights for the employees, rather than keeping the taxpayers on the hook and the employee in limbo for, in some cases, years. As OPM's new guidance notes, prior to proposing a disciplinary action, "[w]here absences are for longer than brief periods, administrative leave is generally inappropriate."<sup>55</sup> However, the agencies' responses to this inquiry make clear that "brief" use of administrative leave when it comes to investigations and disciplinary actions has not been the regular practice.<sup>56</sup>

For example:

- The Departments of Interior, Transportation, Treasury, and USAID did not explain why it took many thousands of hours to resolve issues with security investigations or complete employees' investigations for misconduct before those employees retired, resigned, or were finally suspended, removed, or returned to duty.<sup>57</sup>
- DOJ did not explain why, for example, the U.S. Marshals Service required almost half a year of administrative leave to remove a Deputy U.S. Marshal accused of, on three separate occasions, unholstering his weapon and threatening to open fire on another deputy marshal.<sup>58</sup>
- At the time of DHS' response, six employees continued to be on administrative leave for more than two years, all due to misconduct.<sup>59</sup> DHS failed to explain why these investigations continued to persist. In addition, DHS identified 13 employees who were placed on administrative leave for more than a year because a position in their component required a security clearance and security issues had been identified, but failed to explain why these issues persisted for more than a year (or temporary placement in another component was not considered).<sup>60</sup>
- HHS placed three employees on administrative leave for more than year, including one employee for much longer than two years "due to issues that arose during a background investigation" with no explanation as to why decisions regarding their reassignment or removal took so long to be made.<sup>61</sup>

---

<sup>55</sup> OPM Memorandum; OPM Fact Sheet.

<sup>56</sup> As mentioned previously, GAO issued a decision concluding that where it would not be feasible to reassign the employee (or when information to initiate an adverse action against the employee was insufficient), an agency's proposed regulations were unauthorized where those regulations provided up to 45 days of administrative leave while investigating allegations of employee misconduct. GAO Report at 8 (citing B-189773, Nov. 3, 1977).

<sup>57</sup> Interior Response; DOT Response; Letter from Randall De Valk, Acting Assistant Sec'y for Legis. Affairs, U.S. Dep't of the Treasury, to Charles E. Grassley, Chairman, U.S. S. Comm. on the Judiciary (Apr. 21, 2015) (Appendix II)); Letter from T. Charles Cooper, Assistant Adm'r, Bureau for Legis. & Pub. Affairs, U.S. Agency for Int'l Dev., to Charles E. Grassley, Chairman, U.S. S. Comm. on the Judiciary (Feb. 23, 2015) (Appendix II).

<sup>58</sup> DOJ Response.

<sup>59</sup> DHS Response.

<sup>60</sup> *Id.*

<sup>61</sup> HHS Response.

- SBA placed three employees on administrative leave for between approximately a year-and-a-half to well more than two years “pending disciplinary action.”<sup>62</sup>
- EPA had one employee on administrative leave for almost three years, the justification for which it vaguely described as “part of an ongoing personnel matter.”<sup>63</sup> At the time of EPA’s response, this individual remained on leave.<sup>64</sup>
- In the four instances that the VA identified as relating to misconduct, employees were placed on administrative leave for an average of 3,100 hours, despite the VA Handbook providing that employees may be placed on administrative leave “for a brief but reasonable period of time” or “the short time necessary to effect a suspension.”<sup>65</sup>

#### e. Department of State Does Not Provide Administrative Leave Data to OPM

As GAO notes, the State Department “does not report any hours to OPM as paid administrative leave, even though the agency has a policy for granting paid administrative leave under several circumstances and records time for several activities in its time and attendance system as administrative leave.”<sup>66</sup> Although State apparently plans to correct this problem (and OPM has made plans to improve the reliability and consistency of payroll data generally),<sup>67</sup> currently State reports paid administrative leave as “regular duty time.”<sup>68</sup> The lack of reliable payroll data constrains OPM’s ability to, as GAO described, “effectively manage” the federal workforce.<sup>69</sup> It also hampers Congress’s ability to conduct oversight of the federal government’s use of appropriated taxpayer dollars in personnel matters. Even for purposes of this inquiry, State was able to supply only limited data that contained no information about the reasons for employees’ use of administrative leave. State was unable to answer any questions about exactly how its employees use administrative leave and whether that use complies with OPM or Department policy or regulations. This is especially concerning given that, according to State data, there were more than 300 employees with more than a year of administrative leave for the four-year period ranging from 2011 to 2014. The complete lack of insight into the practical workings of administrative leave prevents accurate accounting, encourages abuse, permits waste, and hampers meaningful evaluation of administrative leave policy. Officials from the State Department’s Office of Inspector General stated that they plan to further examine State’s use of administrative leave.

---

<sup>62</sup> SBA Response.

<sup>63</sup> EPA Response.

<sup>64</sup> *Id.*

<sup>65</sup> VA Response.

<sup>66</sup> GAO Report at 18–19.

<sup>67</sup> OPM Memorandum.

<sup>68</sup> GAO Report at 19.

<sup>69</sup> *Id.*

### III. Conclusions and Recommendations

Agencies do not have the benefit of comprehensive guidance on administrative leave. Thus, it is not surprising that they do not uniformly employ it or track its use. Although OPM policy encourages limited use of administrative leave for brief durations, agencies frequently place employees on administrative leave for many months or years at a time. Too often agencies use administrative leave to address personnel matters. Agencies place employees on paid administrative leave while disciplinary action remains pending, or while conducting an investigation for misconduct. Although some agencies, such as the Department of Justice, require documented approval of such leave, the Department's time limits are often extended, and many agencies did not provide evidence of similar efforts to document approvals for the use of administrative leave and any extensions. The State Department does not report any administrative leave to OPM.

Many agencies' explanations of extended administrative leave were vague and incomplete. Agencies did not fully explain why administrative leave was used instead of an alternative option. Even where other options were demonstrably not reasonable choices, agencies could not articulate why employees were on paid leave for such extensive lengths of time. The lack of any definite and consistent limits on the use of paid administrative leave, coupled with inconsistent or insufficient justification, creates an environment ripe for abuse and derails meaningful oversight. Based on the explanations and evidence received in the course of this inquiry, agencies are able to place an employee on administrative leave simply to avoid addressing an uncomfortable—or potentially even unjustifiable—personnel action. Maintaining this status quo serves neither the taxpayer nor the employee. Its costs are high, and its benefits dubious. Under current practice, employees who did commit misconduct can avoid accountability on a taxpayer-funded vacation, but employees unjustly accused are deprived of professional development and, more importantly, legal recourse, because employees in administrative leave status have no right to appeal its use.

OPM recently issued a memorandum and fact sheet providing additional guidance on the use of administrative leave and announcing efforts to revise payroll standards and improve data collection. No doubt this effort will improve OPM's ability to aggregate and analyze information on agencies' use of administrative leave. However, this inquiry reveals that oversight bodies in OPM and Congress, federal employees, the taxpayers, and even agencies themselves would be better served by operating under a more coherent and unified framework for the use of administrative leave. That framework should provide consistent guidance on administrative leave and appropriate checks on its use, as well as benchmarks and reporting requirements that allow for a clear understanding of its cost and practical application across the federal government.

Accordingly, we recommend the following:

1. **Authorize and define administrative leave in statute.** The statutory and regulatory vacuum concerning the appropriate use of administrative leave has generated considerable variation in agency policies and practices. In order to effectively manage

this form of leave and ensure consistent application across the federal government, Congress should explicitly authorize and define administrative leave.

2. **Encourage agencies to use options other than paid administrative leave.** The law should incentivize agencies to consider options that are more favorable to employees and taxpayers as alternatives to administrative leave when dealing with personnel issues. For example, temporary reassignment to other duties could ensure that the employee remains productive on behalf of taxpayers. Temporary or indefinite suspension where there is serious misconduct would ensure that wrongdoers are not paid for inactivity and that agencies present evidence sufficient to withstand an employee's ability to appeal an adverse personnel action.
3. **Limit paid administrative leave to specific purposes and short-term duration.** The law should limit agencies' use of involuntary paid leave to only those circumstances where it is most critically needed, such as where an employee poses a threat of harm while the agency is conducting a preliminary investigation into employee misconduct or seeking to take an appealable adverse action. To ensure that agencies are making this decision appropriately, agency determinations that employees pose a threat of harm should be confirmed by independent investigating authorities with expertise in making such determinations. Agency authority to provide administrative leave should be limited to the finite durations required to meet specific agency needs. Without clear limits on the duration of administrative leave, agencies have placed employees on administrative leave for extended periods of time without clear justification—in some cases, for months or even years.
4. **Provide safeguards against the retaliatory use of administrative leave.** Because administrative leave can be used as a tool to retaliate against whistleblowers who expose agency wrongdoing, employees should be able to challenge this status when taken for an improper purpose—such as reprisal for whistleblowing. Investigator concurrence with the determination that the grant of administrative leave is necessary would also help guard against managers' use of administrative leave as a form of retaliation.
5. **Preserve non-duty pay status as authorized by law and in the interests of the agency.** Agencies should continue to provide employees with paid, non-duty time in circumstances previously authorized by Congress, such as court time, organ donation, and military, law enforcement, and firefighter funerals. In addition, Congress may wish to authorize paid, non-duty time in situations that are in the interests of the agency, such as rest and recuperation for employees returning from a period of service in a combat zone.
6. **Ensure tracking and recording of administrative leave.** Agencies should keep accurate and consistent records of the use of administrative leave, and the specific basis for providing such leave, in order to effectively manage its use and provide for greater transparency and oversight. Agencies should separately track other forms of authorized, non-duty pay status.

7. **Continue and strengthen congressional oversight over administrative leave.** This report demonstrates the critical importance of close attention to and oversight over agency administrative leave practices. Some agencies either did not respond (such as the Department of Defense) or provided incomplete or untimely responses to our inquiries (such as the Departments of Agriculture, Commerce, and Energy). These refusals to respond for more than a year are unacceptable. Many agencies failed to detail the circumstances justifying the use of administrative leave, or why investigations took so long. Committees of jurisdiction over agencies with extreme cases of extended administrative leave should press for details regarding the circumstances of those individual cases to better understand why the agencies believe it is appropriate for taxpayers to compensate federal employees for years when they are not working.

## **Appendices**

---

Appendix I – Letters to Agencies Regarding the Use of Administrative Leave

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

Appendix III – Additional Cited Materials