



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

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Personnel Bulletin No: 16-01

SUBJECT: Modification to Administrative Leave Procedural Guidance

1. Purpose. This Personnel Bulletin (PB) modifies language on authorizing and administering administrative leave related to investigations and/or related procedural requirements for misconduct and/or unacceptable performance actions. In addition, this PB supersedes the existing guidance regarding administrative leave found in section 12-2 paragraph 4 of the “Absence and Leave Handbook,” and 370 DM 752 “Discipline and Adverse Actions” section 1.7C(2)b until the changes in the DM and handbook are effective.

2. Authorities.

A. 370 DM 752

3. Administrative Leave Definition. Administrative leave is an approved absence from duty without loss of pay and without charge to other personal leave, such as sick or annual leave. The term “excused absence” is often used interchangeably with administrative leave.

4. Administrative Leave Related to Misconduct or Unacceptable Performance. Normally, the employee will remain in an active duty status during the investigation and/or notice periods for actions related to misconduct or unacceptable performance. However, there may be rare instances (for example, if a removal action is proposed), where the proposing official determines that the employee’s continued presence at the workplace may be injurious to the employee or to others, may result in loss of or damage to Government property, or may otherwise jeopardize legitimate Government interests. In such cases, management (in consultation with the Servicing Human Resources Office and the Office of the Solicitor) may assign the employee to other duties, allow the employee to take leave, or place the employee in an appropriate leave status such as absent without leave (AWOL) if the employee is absent from the workplace without authorization. Management may also authorize telework, curtail the notice period using the crime provision,¹ consider indefinite suspension,² or place the employee in an administrative leave status for such time as necessary to make a decision and effect an action.

¹ Under the crime provision, an agency can reduce the advance notice period of adverse actions when there is reasonable cause to believe that the employee has committed a crime for which a sentence of imprisonment may be imposed (See 5 CFR 752.404; 370 DM 752).

² An agency can indefinitely suspend an employee, without pay, for disciplinary reasons when there is reasonable evidence to believe that the employee has committed a crime for which a sentence of imprisonment could be imposed; when the agency has legitimate concerns that an employee’s medical condition makes his/her continued presence in the workplace dangerous or inappropriate; or when an employee’s access to classified information has been suspended and the employee must have such access to perform his job (See 5 CFR 752.402; *Gonzalez v. Department of Homeland Security*, 114 M.S.P.R. 318, ¶ 13 (2010)).

Administrative leave should only be used in the most exceptional situations when other options are considered impractical.

A. Procedure and Documentation. Bureaus/Offices have the discretion to place an employee on administrative leave up to 14 calendar days. If there is a need for an employee to be on administrative leave for more than 14 calendar days, a memorandum signed by the Bureau/Office Director shall be submitted to the Office of Human Resources (OS/OHR) through their respective Human Resources Officer or Deputy Director. Requests shall also include consultation with the Office of the Solicitor, Employment and Labor Law Unit (ELLU) to determine the rationale for the extension. Memorandums must clearly state why the employee was put on administrative leave, the reasons why the extension should be approved, and the estimated number of days the employee will be on administrative leave. In your submission to OS/OHR, information provided at a minimum should address:

- How did you reach the conclusion that the presence of the employee in the workplace may be injurious to the employee or to others, may result in loss of or damage to Government property, or may otherwise jeopardize legitimate Government interests?
- Describe why no other work alternatives, other than placing the employee on administrative leave, would be appropriate in this circumstance.
- In your consultation, please describe the Office of the Solicitor's recommendations in support of your extension request.

The OS/OHR will review the information provided and prepare a memorandum of recommendation for final approval by the Deputy Assistant Secretary for Human Capital and Diversity/Chief Human Capital Officer. Memoranda should be initiated as soon as it appears that the employee will be placed on administrative leave longer than 14 calendar days.

5. Data Monitoring. If the request to extend is approved, bureaus and offices will be required to periodically report the status of the case to OS/OHR. The OS/OHR will generate quarterly reports on the use of administrative leave related to investigations of unacceptable performance or misconduct.

6. Inquiries. The Department of the Interior point of contact for this policy is Joy Buhler, Office of Human Resources, (202) 219-0811.


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