

## **Pay & Leave**

### Leave Administration

#### **Fact Sheet: Administrative Leave**

##### Description

Administrative leave (also referred to as “excused absence”) is an administratively authorized absence from duty without loss of pay or charge to leave.

Although administrative leave is not expressly referenced in title 5, the authority to grant an excused absence derives from the inherent authority for heads of agencies to prescribe regulations for the government of their organizations. (See, e.g., 5 U.S.C. 301-302.)

The Comptroller General has issued many decisions acknowledging that heads of Executive agencies have broad authority to manage their organizations, including the authority to grant administrative leave, unless prohibited by law.

Administrative leave is not an entitlement, and agencies are not required to grant it. However, in special circumstances covered by Governmentwide directives or in reaction to emergencies, agencies may have policies and practices in place that provide for automatic application of administrative leave.

##### **Administration**

Each agency has the authority and discretion to excuse employees from duty without loss of pay or charge to leave in appropriate circumstances.

Over the years, Executive agencies inside the Washington, DC, capital beltway have agreed to follow OPM’s dismissal announcements in accordance with our published guidance. See [Washington, DC, Area Dismissal and Closure Procedures. \(PDF file\)](#) [1.19 MB]

- Agency-specific emergencies inside the capital beltway are handled by each agency under its own authority. In order to maintain equity within the Federal Government and support effective leave policies, OPM asks agencies to report independent actions.

Federal Executive Boards in 28 cities coordinate dismissal or closure procedures in other metropolitan areas.

##### **Governmentwide Policies**

The President or OPM may issue Governmentwide policies or guidance from time to time regarding a specific use of administrative leave.

## Examples:

- **Return to civilian employment after active duty military service in support of the Global War on Terrorism.** A Presidential Memorandum granted Federal civilian employees returning from active duty military service in support of the Global War on Terrorism or Overseas Contingency Operations 5 days of administrative leave from their civilian duties each time they return from deployment of at least 42 consecutive days. See the President's November 14, 2003, [Memorandum for Heads of Executive Departments and Agencies; \(external link\)](#) the [Guidance on the Return to Civilian Employment for Activated Military Members \(external link\)](#) (attachment 2 to CPM 2003-14), issued on November 14, 2003; and CPM 2008-12, [Update on Excused Absence for Employees Returning from Active Military Duty, \(external link\)](#) issued on August 6, 2008; CPM 2008-21, [Minimum Service Requirement to Receive 5 Days of Excused Absence for Employees Returning from Active Military Duty \(external link\)](#) issued on Dec. 16, 2008; and OPM's [5 Days of Excused Absence for Employees Returning from Active Military Duty](#) fact sheet.
- **Voting.** The Federal Government has a longstanding policy of granting employees a limited amount of administrative leave to vote in Federal, State, county, or municipal elections or in referendums on any civic matter in their community. Agencies have authority to grant administrative leave to the extent that such time off does not seriously interfere with agency operations. Typically, polling places throughout the United States are open for extended periods of time. Therefore, administrative leave should rarely be needed. Generally, where the polls are not open at least 3 hours either before or after an employee's regular work hours, an agency may grant a limited amount of administrative leave that will permit the employee to report for work 3 hours after the polls open or leave from work 3 hours before the polls close, whichever requires the lesser amount of time off. See [CPM 2012-07, \(external link\)](#) issued on October 5, 2012.
- **Administrative leave before or after a holiday.** On occasion, the President has issued an Executive order excusing Executive branch employees from duty on the day before or day after Christmas. See [Executive Order 13682 \(external link\)](#) issued on December 5, 2014, and CPM 2014-15, [Excusing Federal Employees from Duty on Friday, December 26, 2014 \(external link\)](#).
- **Death of a President.** Beginning with the death of President Kennedy in 1963, the incumbent President has issued an Executive order closing Government offices throughout the world as "a mark of respect" upon the death of each President or former President. See [Executive Order 13421 \(external link\)](#) issued on December 28, 2006, and CPM 2006-22, [National Day of Mourning for President Gerald R. Ford, \(external link\)](#) issued on December 28, 2006.

## Individual Agency Policies

To promote equity and consistency across Government, OPM advises that administrative leave be limited to those situations not specifically prohibited by law and satisfying one or more of the following criteria:

- The absence is directly related to the department or agency's mission;
- The absence is officially sponsored or sanctioned by the head of the department or agency;
- The absence will clearly enhance the professional development or skills of the employee in his or her current position; or
- The absence is as brief as possible under the circumstances and is determined to be in the interest of the agency.

As a general rule, administrative leave should not be used for an extended or indefinite period or on a recurring basis.

### **Examples of appropriate use of administrative leave:**

- **Employee Assistance Program.** Agencies may grant periods of administrative leave to an employee for participation in the agency's Employee Assistance Program (EAP) for problem identification and referral to an outside resource and for general employee orientation or education activities.
- **Blood donation.** Agencies may grant administrative leave, typically up to 4 hours, to an employee who donates blood. See 30 Comp. Gen. 521 (June 25, 1951).
- **Agency-approved volunteer activities.** OPM advises that the granting of administrative leave for volunteer activities should be limited to those situations in which the employee's absence, in the agency's determination, is not specifically prohibited by law and satisfies one or more of the administrative leave criteria. Ultimately, it is the responsibility of each agency head to balance support for employees' volunteer activities with the need to ensure that employees' work requirements are fulfilled and that agency operations are conducted efficiently and effectively. Agencies should review their internal guidance on administrative leave and applicable collective bargaining agreements, as appropriate. For more information, see OPM's fact sheet on [volunteer activities](#).

### **Emergencies Policies**

During severe weather (e.g., hurricanes, floods, tornadoes, snow, ice) or other emergencies (e.g., fires, earthquakes, power outages), an agency has the authority to grant employees administrative leave consistent with OPM guidance.

### **Examples:**

- **Dismissal or closure due to severe weather or other emergencies.** Administrative leave may be granted to employees who are prevented from reporting for work or faced with a personal emergency because of a weather emergency and its aftermath and who can be spared from their usual responsibilities. See OPM's [Handbook on Pay and Leave Benefits for Federal Employees Affected by Severe Weather Conditions or Other Emergency Situations](#). [\(PDF file\)](#) [1.1 MB]

- **Relief and recovery efforts after severe weather or other emergencies.** To assist those organizations of the Federal Government that are mobilized to respond to severe weather conditions (and their aftermath) or other emergency situations, and to assist in any relief and recovery efforts, agencies may grant administrative leave to employees who are requested to assist in emergency law enforcement, relief, or clean-up efforts in affected communities, as authorized by Federal, State, or other officials having jurisdiction, and whose participation in such activities has been approved by their employing agency. (This policy does not apply to Federal employee members of the National Guard or Reserves who are called up to assist in disaster relief and recovery efforts, since they are entitled to [military leave](#) under 5 U.S.C. 6323(b).)

### **Administrative Leave Related to Unacceptable Performance and Misconduct**

OPM does not regulate the use of administrative leave. This authority rests with each agency head. However, with regard to performance deficiencies and misconduct, Comptroller General decisions are instructive. These decisions suggest that approval for administrative leave should generally be limited to situations involving brief absences.

### **Administrative Leave Prior to Proposing Performance-Based or Adverse Actions**

- Placing an employee in a paid, non-duty status is an immediate, temporary solution to the problem of an employee who should be kept away from the worksite. For example, an agency may place an employee in a paid, non-duty status during an investigation and when the agency believes the employee poses a threat to his own safety or the safety of others, the agency mission, or Government systems or property while the investigation is pending. An agency should monitor the situation and move towards longer-term actions when it is possible, appropriate, and prudent to do so. A longer-term solution could include assigning the employee to duties where he or she is no longer a threat to safety, the agency mission, or Government property, if feasible.
- OPM advises limiting the approval of administrative leave for this purpose. Where absences are for longer than brief periods, administrative leave is generally inappropriate. Approving officials should also ensure that the granting of administrative leave is not specifically prohibited by law.

### **Administrative Leave After Proposing Performance-Based or Adverse Actions**

In rare circumstances, administrative leave may be used for an employee while suspension or removal adverse action procedures have been proposed. OPM adverse action regulations set forth authorities and options available to agencies to address concerns that may arise once an agency elects to pursue an adverse action against an employee. Specifically, the employee may be placed in a paid, non-duty status for the time necessary to effect the adverse action if the organization determines that the employee's continued presence on the job during the notice period may:

- Pose a threat to the employee or others;
- Result in loss or damage to Government property; or
- Jeopardize legitimate Government interests.

However, OPM strongly recommends agencies consider other options prior to use of administrative leave in this scenario. Other options include:

- Assigning the employee to duties where he or she is no longer a threat to safety, the agency mission, or Government property;
- Allowing the employee to take leave, or placing him or her in an appropriate leave status (annual, sick, leave without pay) or absence without leave (if the employee has absented himself or herself from the worksite without requesting leave); or
- Curtailing the advance notice period for the proposed adverse action when the agency can invoke the "crime provisions" under title 5, United States Code, because it has reasonable cause to believe the employee has committed a crime for which a sentence of imprisonment may be imposed and is proposing a removal or suspension.

### **Policies on Use of Administrative Leave Related to Performance-Based or Adverse Actions**

As previously noted, OPM does not regulate the use of administrative leave. This authority rests with each agency head. With this in mind, OPM recommends that agencies review their current policies regarding the proper use of administrative leave. While administrative leave may be appropriate under various circumstances, supervisors often place employees on administrative leave rather than utilizing other options that may be more appropriate, as discussed above.

In reviewing agency policies, OPM recommends agencies take steps to ensure that agency policies on administrative leave related to performance deficiencies and misconduct address the following:

- Consideration of paid duty status options, such as reassignment to alternative duties, before placing an employee on administrative leave;
- Consideration of other non-duty status options, such as indefinite suspensions, if appropriate, before placing an employee on administrative leave for extended periods of time; and
- Whether supervisors and managers should provide justification and obtain prior approval from agency officials at higher organizational levels before placing an employee on administrative leave for an extended period of time.