Template for Executive Branch Agency Policies on Administrative Leave

Note: This template has been updated to reflect final regulations on administrative leave issued on October 19, 2026, and effective on November 18, 2026.

Template General Instructions

1. The U.S. Office of Personnel Management (OPM) is providing this template for agency policies on administrative leave to assist agencies in implementing 5 U.S.C. 6329a and related regulations. Agencies' internal policies on administrative leave must be consistent with law and OPM regulations. See links to law and regulations in section B.1 below.
2. The template is presenting policy for an entire Executive agency, since the administrative leave regulations (5 CFR 630.1402) define "agency" as an Executive agency as defined in 5 U.S.C. 105. Thus, subcomponents of a department or independent establishment are not separate agencies. Only the head of the Executive agency is an "agency head" as referenced in this policy. The heads of large subcomponents may be asked by the agency head to develop delegations of authority within the subcomponent.
3. When fulfilling any collective bargaining obligations, agencies should carefully consider whether a union proposal is negotiable. While case law on administrative leave predating these laws and regulations placed some limitations on the negotiability of administrative leave, those cases may no longer apply given the change in law and regulation. Use of this template incorporates these new requirements from 5 U.S.C. 6329a, 6329b, and 6329c and OPM's implementing regulations in 5 CFR part 630, subparts N, O, and P.
4. In the template, text boxes are used to show template instructions or notes that would not be part of the policy document issued by the agency. Those instructions and notes are intended to assist agencies as they use the template to create an agency policy document.
5. The template includes placeholders for agency name, agency head title, and date, which are shown in brackets and in green font.

Administrative Leave Agency Template

Policies of *[AGENCY NAME]* Regarding Administrative Leave Under 5 U.S.C. 6329a

This document sets forth agency policies regarding the use of administrative leave under 5 U.S.C. 6329a effective on *[DATE]*.

Administrative leave under 5 U.S.C. 6329a is an administratively authorized absence from duty—without loss of pay or charge to other leave. Administrative leave is one type of leave status that may apply to covered Federal employees. For employees for whom an established work schedule is in effect, all hours in the work schedule must be categorized as one of the following: (1) duty hours, (2) paid leave or other paid time off hours, or (3) leave without pay or other nonpay status hours.

Unless otherwise stated, all references to "administrative leave" in this document refer to administrative leave under 5 U.S.C. 6329a.

This policy is subject to collective bargaining as may be required under law or collective bargaining agreement (CBA). Under 5 CFR 630.1402, however, where the agency's sole and exclusive discretion is exercised to provide or not provide administrative leave, such a determination may not be limited or conditioned by a CBA or established as a mandatory entitlement to administrative leave. Please consult your office of general counsel or labor relations specialist for additional guidance on how to interpret or apply this policy and any applicable CBA.

A. Applicability

1. Employee coverage

This policy applies to all employees of *[AGENCY NAME]* who have an established full-time or part-time work schedule. It does not apply to employees who work on an intermittent basis. To be a covered employee, an individual must qualify as an employee as defined in 5 U.S.C. 2105 and be covered by the administrative leave law in 5 U.S.C. 6329a. For employees covered by section 6329a, it is the exclusive administrative leave authority.

Administrative leave does not apply to leave-exempt employees—i.e., Presidential appointees or other employees who are excluded from coverage under title 5 leave laws (5 U.S.C. 6301(2)(x)-(xiii)) because they are entitled to the pay of their offices solely because of their status as officers (5 U.S.C. 5508). Such employees' pay is not based on the hours they work, but on the position they hold. They do not have an established work schedule.

2. Situations covered

a. Administrative leave may be used in situations in which no other paid leave or other paid time off is available under other statute or Presidential directive (5 U.S.C. 6329a(a)(1)(B)) as long as the use is determined to be appropriate under OPM regulations, Governmentwide policies, and the agency policies in this document. (See sections C-E below.) Administrative leave stands alone and cannot be used simultaneously with another type of available paid leave or paid time off. (See Appendix 1, which shows types of paid leave or other paid time off that are not covered by section 6329a. For example, investigative leave and notice leave under 5 U.S.C. 6329b and weather and safety leave under 5 U.S.C.

6329c are reported as separate categories of leave and cannot be reported as administrative leave under 5 U.S.C. 6329a.)

b. If the President uses his or her Constitutional authority as head of the executive branch to direct agencies to provide a paid excused absence in a particular set of circumstances, the excused absence is not administrative leave under 5 U.S.C. 6329a and is not covered by this policy. (See Appendix 1.)

c. Under OPM regulations, there are two mandatory reporting categories of administrative leave under 5 U.S.C. 6329a: (1) administrative leave for investigative purposes and (2) administrative leave for all other purposes. OPM may establish additional reporting categories. See section D.1.a regarding the placement of employees on administrative leave for investigative purposes for 10 workdays in a calendar year prior to use of investigative leave under 5 U.S.C. 6329b.

3. Agency discretion

a. Administrative leave is not an entitlement, and agencies are not required to provide it (5 CFR 630.1403(a)(2)). Administrative leave is provided to employees of *[AGENCY NAME]* at the sole and exclusive discretion of the *[TITLE OF AGENCY HEAD]* or other authorized agency officials to whom authority has been properly delegated under this policy or other official delegation of authority. (See section B.3.) Authorized agency officials retain sole and exclusive discretion to approve or not approve administrative leave in any circumstance based on agency judgments regarding mission needs (5 CFR 630.1403(a)(2) and (a)(4)). Under 5 CFR 630.1402, "sole and exclusive discretion" means discretion that rests with an agency alone; that is exercised within the bounds of 5 U.S.C. 6329a and other applicable law, applicable Presidential directives, and the regulations in 5 CFR part 630, subpart N; and that may not be limited or conditioned by any agreement or established as a mandatory entitlement to administrative leave.

b. Authorized agency officials may require that an employee use administrative leave. An employee does not have the right to refuse administrative leave. (See 5 CFR 630.1405(c).) The action to require use of administrative leave is not an adverse action under 5 U.S.C. chapter 75 or 5 CFR part 752.

4. Not applicable to time that qualifies as duty time

Administrative leave may not be applied to a period of time that qualifies as duty time even though the employee may be excused from regular duties. Authorized agency officials are responsible for determining whether a period of time qualifies as duty time based on the direct and substantive connection to the agency's mission and/or appropriated functions, the authorities and duties bestowed by Congress or the President, and legislative or regulatory requirements specifically related to the activity. Appendix 2 provides examples of scenarios in which employees are excused from regular duties, but the time is considered duty time, and thus administrative leave is not applicable.

B. Authority

1. Law and regulations

- 5 U.S.C. 6329a
- 5 CFR part 630, subpart N

- Federal Register notice of final rule on administrative leave (December 17, 2024)
- Federal Register notice of final rule on administrative leave for workforce realignment and other purposes (October 19, 2026)

2. Governmentwide policies

OPM regulations require that, in developing agency policies regarding the appropriate uses and corresponding amounts of administrative leave, authorized agency officials must consider various factors, including "current Administration policies that identify Governmentwide interests" (5 CFR 630.1403(a)(6)) that address matters that go beyond OPM regulations. (See OPM Fact Sheet: Administrative Leave.)

3. Authority to provide administrative leave and delegation of that authority

a. *General.*

The authority of [AGENCY NAME] to provide administrative leave rests with the [TITLE OF AGENCY HEAD] and agency officials to whom that authority has been specifically delegated. Delegations of authority must be traced back to the [TITLE OF AGENCY HEAD]. In this policy document, the term "authorized agency officials" refers to the agency head or officials who have delegated authority to provide administrative leave in the specified set of circumstances under this policy or other official delegation of authority. Each authorized agency official is accountable for the policies he or she establishes and for decisions to approve administrative leave in situations not covered by a specific policy and should be prepared to show how he or she gave due consideration to the principles and requirements in law, regulations, and this policy.

b. *Control of approvals.*

Use of administrative leave may be approved only if (1) the specific type of use and amount of leave for that use has been authorized in OPM regulations or this policy or other written policies issued by an authorized agency official or (2) the use is not specifically addressed in OPM regulations or written agency policies but is permitted under general policies and is specifically approved on a case-by-case basis by an authorized agency official at least one level higher than the official making the initial determination to approve administrative leave. Authorized agency officials who delegate authority to approve administrative leave under general written policies may make delegations contingent upon meeting additional requirements specified in the delegation.

c. *Decision factors.*

As required by OPM regulations (5 CFR 630.1403(a)(6)), in developing agency policies regarding the appropriate uses and corresponding amounts of administrative leave and in approving specific incidents of administrative leave where the particular use was not specifically authorized in agency policies, authorized agency officials must consider the following factors:

(1) The regulations in 5 CFR part 630, subpart N;

(2) The effect on productivity and the agency's ability to meet mission needs;

(3) Current Administration policies that identify Governmentwide interests;

(4) The strength of the justification for using appropriated funds for the administrative leave in question;

(5) Consistent treatment of similarly situated employees; and

(6) The degree of delegation that is appropriate for various uses of administrative leave.

These factors must also be considered when a delegation of authority to approve use of administrative leave is established.

C. Guiding Principles and General Rules

1. Guiding principles

An authorized agency official may provide administrative leave only if he or she determines that the use would meet one or more of the following four general principles (5 CFR 630.1403(a)(1)):

a. The absence is directly related to the agency's mission;

b. The absence is officially sponsored or sanctioned by the agency;

c. The absence will clearly enhance the professional development or skills of the employee in the employee's current position; or

d. The absence is in the interest of the agency or of the Government as a whole.

2. Not an entitlement

Administrative leave is not an entitlement, but is an authority, entrusted to the sole and exclusive discretion of the agency. Authorized agency officials must retain the sole and exclusive discretion to approve or not approve administrative leave in any circumstance based on agency judgments regarding mission needs. That discretion may not be limited or conditioned by any agreement or established as a mandatory entitlement to administrative leave. (See definition of "sole and exclusive discretion" in 5 CFR 630.1402 and 630.1403(a)(2) and (a)(4).)

3. Length of use

Administrative leave is appropriately used for brief or short periods of time—usually for not more than 1 workday. However, an incidence of administrative leave lasting more than 1 workday may be approved in the circumstances described in 5 CFR 630.1403(c) (see section D.1) or when otherwise determined to be appropriate by an authorized agency official based on the guiding principles. (See 5 CFR 630.1403(a)(3).) For example, use of administrative leave as a transition-to-separation tool to facilitate workforce restructuring and realignment initiatives serves long-term agency and Governmentwide interests and is appropriate.

4. Ad hoc versus recurring use

Generally, administrative leave should be provided on an ad hoc, event-specific, or time-limited basis. When administrative leave is approved for use under a specific set of circumstances that may recur (e.g., blood donations, voting), authorized agency officials always retain sole and exclusive discretion to not approve administrative leave in a given scenario based on their assessment of mission needs.

D. Acceptable Uses

This section identifies examples of acceptable uses of administrative leave under OPM regulations (see 5 CFR 630.1403(c) and section D.1) and our agency's policies (see section D.2). The list in OPM regulations at 5 CFR 630.1403(c) is not a comprehensive list. Subject to applicable law, regulations, and Governmentwide policies, an agency may identify other acceptable uses in written agency policies and may allow agency officials to provide administrative leave in other circumstances with second-level approval. Even if a use is identified as an acceptable use in OPM regulations or agency written policies, an agency always retains the sole and exclusive discretion to not provide administrative leave in specific circumstances affecting specific employees or categories of employees based on an assessment of agency mission requirements. At times, the President or OPM may issue Governmentwide policies or guidance that approve or encourage a specific use of administrative leave, subject to stated conditions.

1. Examples of Acceptable Uses Listed in OPM Regulations

a. *Investigative purposes (5 CFR 630.1403(c)(1)).*

Under the governing law and regulation, an authorized agency official may place an employee on administrative leave for investigative purposes, but only until the limit of 10 workdays in the calendar year (January 1-December 31) has been reached. This 10-workday limit applies only to the placement of employees on administrative leave for investigative purposes, not to other uses of administrative leave. Once the 10-workday limit has been reached, and if there remains a need to keep the employee in a paid nonduty status because of an investigation, an authorized agency official may then use section 6329b investigative leave. (See 5 U.S.C. 6329a(b)(1) and 6329b(b)(3)(A) and 5 CFR 630.1404.) Note that section 6329b investigative leave may not be used until the 10-workday limit has been reached. Once the 10-workday limit has been reached, and an employee has been placed on an initial period of section 6329b investigative leave in connection with a given investigation, the 10-workday limit is no longer applicable to that investigation, even if the investigation continues into a subsequent calendar year. Thus, if an employee is placed on section 6329b investigative leave near the end of the calendar year due to a particular investigation, and if that same investigation continues into the new year, an authorized agency official is not required to use 10 workdays of administrative leave for investigative purposes under 5 U.S.C. 6329a before resuming the use of investigative leave under 5 U.S.C. 6329b in the new calendar year.

The "investigative purposes" language pertains to situations where an authorized agency official places an employee (by management action not contingent on employee consent) on administrative leave in connection with an "investigation" (as defined in 5 CFR 630.1502) of the employee that could lead to an adverse action or other adverse outcome.

See section F.5 for information on administering the 10-workday limit. Use of administrative leave for investigative purposes must be separately tracked as required in section G.

b. *Voting purposes (5 CFR 630.1403(c)(2)).*

An authorized agency official may provide limited amounts of administrative leave in circumstances in which an employee would otherwise have no reasonable opportunity to vote on a regular election day because of the employee's work schedule. Such administrative leave should generally be limited to the hours required to vote and should generally not exceed 3 hours in length. Such administrative

leave should be provided only to the extent it does not interfere with agency operations.

An authorized agency official may provide administrative leave for **early voting** on a scheduled workday only if it does not interfere with agency operations and if one of the following two conditions is met:

(1) the employee will be unable to vote on the regular election day because of activities directly related to the agency's mission (such as Temporary Duty (TDY) travel) and cannot vote by absentee ballot or by early voting on a nonworkday; or

(2) early voting hours are the same as, or exceed, voting hours on the regular election day.

c. *Blood donation (5 CFR 630.1403(c)(3)).*

An authorized agency official may provide administrative leave during an employee's tour of duty as necessary to provide the limited amount of time off necessary to make a blood donation (including a reasonable amount of recovery time after donating blood).

d. *Employee Assistance Program (5 CFR 630.1403(c)(4)).*

An authorized agency official may provide limited amounts 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.

e. *Early dismissal before a holiday (5 CFR 630.1403(c)(5)).*

An authorized agency official may provide a limited amount of administrative leave so that employees with a scheduled workday immediately before a holiday are allowed to end their workday early. This leave may not exceed 2 hours unless specifically approved by the [*TITLE OF AGENCY HEAD].* This leave must be provided as a general goodwill gesture, not as a performance award.

f. *Rest and recovery (5 CFR 630.1403(c)(6)).*

An authorized agency official may provide limited amounts of administrative leave to allow an employee to rest and recover following unusually lengthy tours of duty or extended travel for work purposes. This does not include rest and recuperation leave under 22 U.S.C. 4083a as described in Appendix 1.

Template Note:

For example, the Forest Service or the Department of the Interior may provide 2-3 days of administrative leave to employees who have completed an extended deployment to fight a wildland fire.

g. *Geographic relocation of a spouse employed by the Federal Government (5 CFR 630.1403(c)(7)).*

An authorized agency official may provide up to 5 days of administrative leave to a civilian employee accompanying a spouse who is a member of a military service during a geographic relocation occurring as directed by the service member's orders. (See E.O. 14100 of June 9, 2023, and OPM's related memorandum of November 9, 2023, to agency heads.) A parallel policy applies to employees

whose spouse is (1) a member of another uniformed service (i.e., the commissioned corps of the Public Health Service or the commissioned corps of the National Oceanic and Atmospheric Administration) or (2) a civilian Federal employee—when the spouse's residence relocation is the result of agency direction. Authorized agency officials are encouraged to provide administrative leave in this scenario.

h. *Physical fitness activities (5 CFR 630.1403(c)(8))*.

An authorized agency official may provide limited amounts of administrative leave on a conditional basis for approved physical fitness activities for employees who do not have job-related mandatory fitness standards that allow for use of official duty time for such activities, provided they do so consistent with OPM regulations on administrative leave, including consideration of the decision factors in 5 CFR 630.1403(a)(4) and (a)(6) and any Governmentwide policies issued by OPM or the President. In providing such leave, authorized agency officials (1) must retain the sole and exclusive discretion to provide or not provide administrative leave based on agency judgments of mission needs and (2) may not provide the administrative leave as an entitlement without regard to mission needs. (Time spent in physical fitness activities approved by an authorized agency official for employees with mandatory fitness standards is considered duty time and not administrative leave. See Appendix 2.)

> **Template Note:**
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> The agency may specify a specific limit—"up to x hours per biweekly pay period"—in place of "limited amounts." The agency policy will need to address what types of physical fitness activities may be approved.

i. *Workforce restructuring and realignment initiatives (5 CFR 630.1403(c)(9))*.

An authorized agency official may use administrative leave to support various workforce restructuring and realignment initiatives, including Governmentwide and agency-specific Deferred Resignation Programs under which employees are provided administrative leave for a period of time before their deferred resignation (including a resignation that represents a separation for retirement) takes effect. Use of administrative leave in connection with such programs is in the interest of [*AGENCY NAME*] and the Government as a whole, since it facilitates workforce restructuring and realignment efforts that will lead to a leaner, less expensive, less wasteful, more efficient, and more mission-focused Federal workforce. Authorized agency officials may determine that it is appropriate to use the tool of administrative leave in conjunction with a voluntary deferred resignation in combination with other tools such as voluntary separation incentive payments or voluntary early retirement authorizations. The amount of administrative leave that may be provided under this paragraph is limited to 12 weeks unless a higher threshold has been jointly approved by OPM and the Office of Management and Budget. An agency may, in its sole and exclusive discretion, accept or decline an employee's request to withdraw a resignation before its effective date. An agency may decline a request to withdraw a resignation before its effective date only when the agency has a valid reason and explains that reason to the employee. A valid reason for declining such a request includes the employee's acceptance of benefits provided under a deferred resignation agreement, such as paid administrative leave. (See 5 CFR 715.202(b).)

j. *Reduction-in-Force Notice Period (5 CFR 630.1403(c)(10)).*

An authorized agency official may also provide administrative leave during the period of time between an employee's receipt of a notice of involuntary separation (e.g., due to a reduction in force) and the effective date of that separation, if the official determines such use is in the Government's best interests. Under the reduction-in-force regulations, an employee will remain in a duty status during the notice period under ordinary circumstances, but nothing precludes an agency from placing an employee on administrative leave for all or part of the notice period when the agency determines that such leave is appropriate and consistent with 5 CFR part 630, subpart N. (See 5 CFR 351.806(a) and (b) and 630.1403(c)(10).)

k. *Settlement agreement (5 CFR 630.1403(c)(11)).*

An authorized agency official may provide extended periods of administrative leave to facilitate the voluntary resignation of an employee with documented allegations of poor performance or misconduct under a settlement agreement that the agency determines is in the Government's best interests after considering all other reasonable alternatives. Such leave is subject to any Governmentwide limits established by OPM and to agency limits established by authorized agency officials.

Template Note:

In the absence of a Governmentwide limit, the agency may establish an agency limit in the above paragraph.

2. Examples of Acceptable Uses Under This Agency Policy

Template Instruction:

Below OPM lists some examples of uses an agency may wish to include in its policy; it is not a comprehensive list; agencies may add additional specific approved uses.

Under delegations of authority, authorized agency officials may be allowed to approve uses of administrative leave that are not specifically included in the list of approved uses; however, such uses must be approved by a higher-level manager (5 CFR 630.1403(a)(5)); we added a catch-all use at the end of this section D.2 to capture this.

a. *Volunteer activities.*

An authorized agency official may provide limited amounts of administrative leave for approved volunteer activities, if the authorized agency official determines that the use of leave would satisfy one or more of the four general principles in section C.1. Authorized agency officials must 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. For more information, see OPM Fact Sheet: Participation in Volunteer Activities.

b. *Tardiness.*

An authorized agency official may provide brief periods of administrative leave to employees who arrive after their scheduled start time for adequate reason. However, the authorized agency official must consider whether other actions are more appropriate given the circumstances. For example, an official may determine that a tardy employee should be placed in absence without leave (AWOL) status for a period of absence that has not been approved. Notation of the absence as AWOL is not a disciplinary action in and of itself, but an incidence of AWOL could be the basis for taking disciplinary action. Alternatively, an official may decide to retroactively approve the employee's use of leave without pay or available annual leave or other paid time off, as appropriate, to cover the absence. An employee on a flexible work schedule with flexibility to adjust start and stop times who arrives later than the employee's normal start time is not tardy (unless the employee arrives during core hours) and would normally be expected to extend his or her stop time to cover the time not worked due to the later arrival time or use annual leave or other available paid time off.

c. *Attendance at a professional organization meeting.*

An authorized agency official may provide administrative leave for employees who pay their own expenses to attend a meeting of a professional association or other organization from which an agency could derive some benefit, as described in 5 CFR 251.202(a)(3).

d. *Other use.*

An authorized agency official may approve a use not specifically approved in this agency policy if (1) no prohibition in section E applies, (2) the official has a delegation of authority that permits approval of a use not listed in this section D, and (3) the use is approved by a higher-level manager (see section B.3(b)).

Template Instruction:
An agency may add additional scenarios in which administrative leave is approved. The paragraph designated as d above should be kept at the end of the list of examples and redesignated.

E. Prohibited Uses

This section identifies selected examples of inappropriate uses of administrative leave. It does not attempt to make a comprehensive list. Examples are categorized as Governmentwide prohibitions/limitations (based on OPM regulations or policies) or as agency-specific prohibitions/limitations.

1. Governmentwide prohibitions/limitations

a. *Marking memory of deceased official.*

Administrative leave may not be used to mark the memory of a deceased former Federal official. (See 5 CFR 630.1403(b)(1) and 5 U.S.C. 6105.)

b. *Reward for performance.*

Administrative leave may not be used as a reward to recognize the performance or contributions of an

employee or group of employees (i.e., in lieu of a cash award or a time-off award, such as authorized under 5 U.S.C. 4502(e) and 5 CFR 451.104(a) and (f)). However, subject to delegations of authority, an authorized agency official may provide administrative leave to all employees of an organization as a morale-boosting goodwill gesture, even if it is broadly linked to the accomplishments of the organization. (See 5 CFR 630.1403(b)(2).) Providing administrative leave to all employees of an organization in this way is not a performance- or contributions-based award to which this prohibition applies.

c. *Investigative purposes after the 10-workday limit.*

Administrative leave may not be used to place an employee in a nonduty status for investigative purposes (i.e., involving an "investigation" as defined in 5 CFR 630.1502) after the employee has reached the 10-workday calendar year limit in connection with a given investigation. If there remains a need to keep the employee in a paid nonduty status because of the investigation, an authorized agency official must use investigative leave under 5 U.S.C. 6329b. (See 5 CFR 630.1403(b)(3), 5 U.S.C. 6329a(b)(1), and section D.1.a.)

d. *Sick leave purposes.*

Administrative leave may not be used for the purpose of excusing an employee from duty for a reason for which sick leave could be used (5 CFR 630.401(a))—unless such use in a particular scenario is specifically approved by Governmentwide policy. (By Presidential directive, certain employees with fewer than 80 hours of accrued sick leave are entitled each year to up to 4 hours of excused absence—not agency-authorized section 6329a administrative leave—for participation in preventive health screenings. See Appendix 1.) However, an employee who is eligible to use sick leave may be provided administrative leave on the same basis it is provided to an employee who is not so eligible when the administrative leave is provided for some other purpose. (See 5 CFR 630.1403(b)(4).)

e. *Poll workers.*

Administrative leave may not be used to cover service by poll workers or poll observers in connection with elections, whether that service is partisan or nonpartisan, paid or unpaid. (See 5 CFR 630.1403(b)(5).) However, agencies may approve other available workforce flexibilities to allow employees to serve as poll workers or poll observers, such as annual leave, compensatory time off earned via overtime work, compensatory time off for travel, credit hours under a flexible work schedule, adjustment of working hours under a flexible work schedule, or leave without pay.

2. Agency specific prohibitions/limitations

Template Instruction:
An agency may add additional prohibitions or limitations on its own.

F. Administration of Administrative Leave

1. Applicable to hours within tour of duty

Administrative leave is provided only to excuse an employee from duty during hours within a full-time or

part-time employee's tour of duty established for charging annual and sick leave when absent. For full-time employees, that tour is the 40-hour "basic workweek" as defined in 5 CFR 610.102, the "basic work requirement" established for employees on a flexible or compressed work schedule as defined in 5 U.S.C. 6121(3), or an uncommon tour of duty under 5 CFR 630.210. For part-time employees, that tour is the established part-time tour of duty.

2. Partial-hour increment

> **Template Instruction:**
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> If the entire agency uses a single partial-hour increment, the increment—tenth of an hour (6 minutes) or quarter of an hour (15 minutes)—could be referenced in section F.2.

The same minimum charge increment is used for administrative leave as is used for annual and sick leave under 5 CFR 630.206.

3. Pay during administrative leave

The pay an employee receives when using administrative leave is the same pay an employee receives during annual leave, except that night pay for regularly scheduled nightwork that occurs during hours of administrative leave, and that would be payable if the employee performed work, is payable without regard to the 8-hour rule in 5 CFR 550.122(b). For employees whose regular tour of duty includes Sunday, Sunday premium pay may not be paid during a period of paid leave, including administrative leave. (See section 624 of the Treasury and General Government Appropriations Act, 1999, Pub. L. 105-277, div. A, § 101(h), 112 Stat. 2681-518 (Oct. 21, 1998).)

4. Service credit

Time in administrative leave status is creditable service for the same purposes as annual leave.

5. Application of 10-workday annual limit for investigative purposes

a. *Conversion to hours.*

The 10-workday calendar year limit on administrative leave for investigative purposes must be converted to hours based on the employee's established work schedule (5 CFR 630.1404(b)). For full-time employees with a 40-hour basic workweek or an 80-hour biweekly basic work requirement, the 10-workday limit is converted to an 80-hour limit. For part-time employees, the calendar year limit is prorated based on the number of hours in the employee's established part-time schedule. For example, a part-time employee who has a 40-hour biweekly (half-time) tour of duty would have a limit of 40 hours (half of 80 hours). For employees with an uncommon tour of duty, 80 hours would be proportionally increased based on the number of hours in the uncommon tour relative to the hours in a regular full-time tour. For example, for an employee with an uncommon tour of 72 hours per week or 144 hours per biweekly pay period, the 80-hour limit would be converted to 144 hours (144/80 x 80). For employees who have more than one type of work schedule during a calendar year, follow the rule in 5 CFR 630.1404(b)(4).

b. *Resetting balance on January 1.*

The 10-workday annual limit applies on a calendar year basis (January 1-December 31). Thus, the balance of administrative leave hours used resets at zero on January 1. However, investigative leave under section 6329b may be used before the 10-workday annual limit is reached in a year if the employee is subject to an investigation and previously started an "initial period" of section 6329b investigative leave in the previous year in connection with the same investigation. (See section D.1.a.)

c. *Move to another agency.*

If an employee moves to another agency, the balance of administrative leave hours used resets at zero at the new agency, since the 10-workday annual limit applies separately to each agency that may employ an employee during a calendar year. Use by different employing agencies is not aggregated. (For the purpose of applying the 10-workday annual limit, the term "agency" has the same meaning as an "Executive agency" as defined in 5 U.S.C. 105, which includes Executive departments, Government corporations, and independent establishments. Thus, if an employee moves to another position within [AGENCY NAME], the balance of leave hours used does not reset.)

Template Note:

The last sentence of the preceding section presumes that this is a policy document for an entire Executive agency, not for subcomponents. An employee could move to a position in a different subcomponent within the same Executive agency and the balance of leave hours used would not reset. For example, the Department of the Army (Army) and the Department of the Navy (Navy) both fall under the Department of Defense, the Executive department. Movement from the Army to the Navy would require Navy to include any time the Army placed the employee on administrative leave for investigative purposes within the calendar year when determining whether the 10-workday limit had been exhausted.

G. Records and reports

1. By law, use of administrative leave authorized under 5 U.S.C. 6329a must be recorded in timekeeping and payroll systems as a stand-alone category of leave, separately from any other leave (5 U.S.C. 6329a(b)(2)).
2. Administrative leave must be reported to OPM's Enterprise Human Resources Integration (EHRI) database (5 CFR 630.1406(c)).
3. Administrative leave must be recorded and reported in one of two categories shown below—unless OPM later establishes additional subcategories under paragraph (2) below:

   (1) administrative leave for investigative purposes or

   (2) administrative leave for all other purposes.

   The EHRI data elements are named "Administrative Leave Hours Used (Investigative Purposes) – 5 USC 6329a" and "Administrative Leave Hours Used (General) – 5 USC 6329a". Hours used are reported to EHRI on a biweekly pay period basis.

4. Employees, managers certifying employee time and attendance, and other individuals with timekeeping responsibilities are responsible for properly recording and reporting all uses of administrative leave so that agency use of the administrative leave authority may be evaluated.

> **Template Instruction:**
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> An agency has the option of inserting agency-specific instructions regarding the recording of administrative leave in the agency's timekeeping system.

H. Responsibilities of Supervisors/Managers and Employees

1. Supervisors and managers

Supervisors and managers have a fundamental responsibility to ensure Government resources are used efficiently and effectively, with minimum potential for waste, fraud, and mismanagement. They are responsible for administering leave programs, including the administrative leave program, with integrity and in compliance with applicable laws, regulations, and policies. A manager is accountable for—

a. administering and counseling an employee on leave rules, regulations, and procedures in accordance with applicable laws, regulations, and policies;

b. reviewing, approving, validating, and certifying the accuracy of official time and attendance records for their employees;

c. ensuring that an employee submits appropriate documentation for absences, as required;

d. retaining records as required by applicable records management policies;

e. identifying, investigating, and correcting leave errors and abuse; and

f. keeping higher levels of management aware of any systemic issues that may require broader action.

2. Employees

An employee's responsibilities in connection with the use of leave (including administrative leave) include—

a. observing designated duty hours, complying with both leave and hours of duty rules, regulations, and established business procedures, and requesting and using leave in accordance with its intended purpose;

b. accurately reporting their hours of work, leave taken, and other required information in official time and attendance records;

c. providing appropriate documentation concerning absences, as required by established policies; and

d. contacting management for assistance with any problems relating to time and attendance recording or validation.

I. Appendix 1: Reporting Paid Time Off That Is Not Section 6329a Administrative Leave

The table below provides examples of paid time off that should **not** be recorded as administrative leave under 5 U.S.C. 6329a. The applicable EHRI data reporting category is shown. Where there is no specifically applicable EHRI data category, the catch-all data category “Other Paid Time in Nonduty Status” is shown.

Type of Paid Time Off for Nonduty Periods	OPM-Established EHRI Data Categories for Types of Paid Time Off

Paid leave granted under a legal authority other than administrative leave under 5 U.S.C. 6329a for which there is a specific EHRI data category established	• Annual leave (5 U.S.C. 6302-6304 or similar authority)
	• Restored annual leave (5 U.S.C. 6304(d) or similar authority)
	• Donated annual leave (5 U.S.C. 6331-6373 or similar authority)
	• Sick leave (5 U.S.C. 6307 or similar authority)
	• Home leave (5 U.S.C. 6305(a) or similar authority)
	• Shore leave (5 U.S.C. 6305(c) or similar authority)
	• Court leave (5 U.S.C. 6322 or similar authority)
	• Military leave (5 U.S.C. 6323) – recorded under subcategories for subsections (a), (b), (c), and (d) of section 6323 (identified as 6323A, 6323B, 6323C, or 6323D in EHRI data element descriptions)
	• Bone marrow leave (5 U.S.C. 6327 or similar authority)
	• Organ donor leave (5 U.S.C. 6327 or similar authority)
	• Disabled veteran leave (5 U.S.C. 6329)
	• Investigative leave (5 U.S.C. 6329b)
	• Notice leave (5 U.S.C. 6329b)
	• Weather and safety leave (5 U.S.C. 6329c)
	• Bereavement leave (5 U.S.C. 6329d or similar authority)
	• Paid parental leave (5 U.S.C. 6382(d)(2)(B)(i) or similar authority) – recorded under the following subcategories
	  o Birth of child
	  o Adoption-related placement
	  o Foster care placement

Type of Paid Time Off for Nonduty Periods	**OPM-Established EHRI Data Categories for Types of Paid Time Off**
Paid leave granted under a legal authority other than administrative leave under 5 U.S.C. 6329a for which there is no specific EHRI data category established • Absence due to injury or illness resulting from performance of duty as Park Police officer or member of Executive Protective Service (i.e., the Secret Service Uniformed Division) under 5 U.S.C. 6324 • Absence resulting from injury incurred by hostile action abroad under 5 U.S.C. 6325 • Absence in connection with funeral— o For member of the Armed Forces whose remains are returned from abroad for final interment in the United States, which absence is allowed for certain veterans to participate in funeral ceremony (5 U.S.C. 6321) o For employee's immediate relative who died in a combat zone while serving in the Armed Forces (5 U.S.C. 6326) o For fellow Federal law enforcement officer or firefighter (5 U.S.C. 6328) • Rest and recuperation leave under 22 U.S.C. 4083a – provided after a covered employee of the executive branch has served in a combat zone, any other high risk, high threat post, or any other location presenting significant security or operational challenges • Overseas operations leave under 22 U.S.C. 4083b – up to 10 days of paid leave, per leave year, provided to an executive branch employee serving abroad for the purpose of local holidays	• Other paid time in nonduty status

Type of Paid Time Off for Nonduty Periods	**OPM-Established EHRI Data Categories for Types of Paid Time Off**
Holiday paid time off • Holiday specifically listed in 5 U.S.C. 6103(a) or (c) • Holiday declared by Executive order under 5 U.S.C. 6103(b), including a holiday for the purposes of closing Government offices throughout the world as "a mark of respect" upon the death of a former President	• Paid holiday time off (5 U.S.C. 6103 or similar authority)
Time-off award (5 U.S.C. 4502(e) or similar authority)	• Award hours
Union official time (5 U.S.C. 7131 or similar authority)	• Term negotiation hours • Mid-term negotiation hours • Dispute resolution hours • General labor relations hours
Use of compensatory time off	• Compensatory time [earned via overtime] • Compensatory time for religious purposes • Compensatory time for travel purposes
Use of credit hours (earned under flexible work schedule)	• Credit hours
Back pay for past period of erroneous separation (5 U.S.C. 5596 or similar law)	• Other paid time in nonduty status
Pay for nonduty period during an evacuation not covered by other paid time off (see 5 U.S.C. 5522-5524 and 5 CFR part 550, subpart D)	• Other paid time in nonduty status

Type of Paid Time Off for Nonduty Periods	OPM-Established EHRI Data Categories for Types of Paid Time Off
Excused absence provided via a "Presidential directive" as defined in 5 CFR 630.1402 (excluding a holiday provided by Executive order) • Up to 5 days of excused absence for Federal civilian employees returning from qualifying active duty military service in support of the Global War on Terrorism (now referred to as Overseas Contingency Operations), subject to implementing guidance (see OPM memorandums of November 14, 2003 (CPM 2003-14), August 6, 2008 (CPM 2008-12), and December 16, 2008 (CPM 2008-21), and OPM's 5 Days of Excused Absence for Employees Returning from Active Military Duty fact sheet) • Up to 4 hours of excused absence each year for preventive health services—for an employee's participation in preventive health screenings, if that employee has fewer than 80 hours (two weeks) of accrued sick leave (see Presidential Memorandum on Preventive Health Services at the Federal Workplace issued by President William J. Clinton on January 4, 2001)	• Other paid time in nonduty status
Excused absence or administrative leave provided under a special agency authority	• Other paid time in nonduty status

J. Appendix 2: Duty Time Examples

Examples of duty time during which administrative leave will not be applied include the following:

1. Physical fitness activities for employees with mandatory fitness standards (such as law enforcement officers and firefighters). (See 64 Comp. Gen. 835, 840-844; also GAO report B-245860, May 7, 1992.)
2. Training time covered by 5 U.S.C. chapter 41. (See 5 U.S.C. 4109(a)(1). Note that an employee may also receive pay under section 4109(a)(1) for time spent in connection with a meeting covered by 5 U.S.C. 4110. See also 5 CFR 251.202(a)(2).)
3. Short rest periods during the workday (e.g., 15 minutes) as allowed under title 5 and the Fair Labor Standards Act and agency policies. (See 5 CFR 551.411(b) and Comp. Gen. B-166304, April 7, 1969.)
4. Attendance at a conference (1) for agency-approved training, (2) as an official agency representative, or (3) that is directed by the agency to support the mission of the agency.
5. Union official time under 5 U.S.C. 7131.
6. Authorized work in support of the agency's Combined Federal Campaign (CFC) activities during normal work hours. (Note: Section 618(a) of Public Law 100-202, December 22, 1987, provides that CFC activities are covered by appropriations. That law also gave OPM authority to issue regulations and conduct oversight. OPM regulations require that CFC campaigns be conducted/supported at every Federal agency. (See 5 CFR 950.102(a), (e), and 950.105(a).)
7. Management-approved team-building activity (e.g., gathering of employees for holiday social activity or retirement farewell).
8. Time taken by employee to complete a Government-sponsored survey such as the Federal Employee Viewpoint Survey.
9. Management-approved group Employee Assistance Program session(s) focused on a work-related traumatic event, working through internal group conflict, death of a colleague, or a similar situation.
10. Participation in an agency annual awards ceremony.
11. Participation in agency-sponsored events in connection with an agency-sponsored recognition. This could include certain Governmentwide events such as limited time for Public Service Recognition Week.
12. Time spent attending a trial by an employee who prevails in a discrimination action filed against the employee's agency in Federal court. (See 59 Comp. Gen. 290 (1980); Comp. Gen. B-201602, April 1, 1981.)
13. Time during normal working hours spent by an employee on official travel during which the employee is receiving an allowance for house hunting trip expenses (5 U.S.C. 5724a). (See 41 CFR part 302-5 and also Comp. Gen. B-203196, Feb. 3, 1982.)
14. Time during regular work hours an employee spends being interviewed as part of a background investigation of another Federal employee (subject to supervisory approval).

K. Appendix 3: Agency Delegations of Authority Related to Administrative Leave

Template Instruction:

An agency may choose to show delegations of authority in an appendix to this policy document or may document the delegations in some other appropriate document(s).