



**Homeland
Security**

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MEMORANDUM FOR: DEPARTMENT COMPONENT HEADS

FROM:

Russell C. Deyo 
Under Secretary for Management

SUBJECT:

Proper Use of Administrative Leave

The purpose of this memorandum is to establish an interim Department policy regarding the use of administrative leave, and to ensure compliance with new procedures regarding the use of such leave. This interim policy will apply to all components except the Office of Inspector General. While administrative leave, also referred to as “excused absence,” may be appropriate under various circumstances, components must be vigilant in utilizing other appropriate options. Title 5 of the United States Code (U.S.C.), Chapter 63, *Leave*, Title 5 of the Code of Federal Regulations (CFR), Part 630, *Absence and Leave*, 5 U.S.C. Chapter 75, *Adverse Actions*, 5 CFR Part 752, *Adverse Actions*, Comptroller General decisions and [OPM’s leave guidance](#) provide several options for managers, depending upon the circumstances of each case. TSA managers should refer to the Aviation and Transportation Security Act, Public Law 107-71 (ATSA), applicable TSA and U.S. Department of Homeland Security delegations of authority and TSA Management Directive 1100.63-1, Handbook: Absence and Leave.

[OPM’s Fact Sheet on Administrative Leave](#) discusses an agency’s authority and discretion to grant administrative leave. The fact sheet further provides examples of when it is appropriate for a manager to grant administrative leave such as, dismissal or closure due to severe weather or other emergencies, voting, blood donation and agency-approved volunteer activities.

We acknowledge that there are challenges to overseeing administrative leave use. For example, managers are often faced with the difficult decision of what action to take with regard to an employee who is the subject of an investigation or management inquiry, or following a notice of a proposed adverse action due to an employee’s performance deficiencies or misconduct. Managers must decide whether the continued presence of the employee in the workplace may pose a threat to the employee or others, result in loss of or damage to Government property, or otherwise jeopardize legitimate Government

interests. Where such a risk does not exist, the employee should remain in the workplace. Where the risk is present, other management options, such as an indefinite suspension may be considered, where possible, until the resolution of the matter. In such cases, management may initiate the necessary proposal notice and other steps necessary to effectuate due process. When appropriate and allowed by statute or other regulation, components should consider the use of a shortened notice period. As a last resort, managers may consider placing an employee on administrative leave during the pendency of an adverse action, as is necessary to effect the action.

Effective immediately, the following procedures shall govern the use of administrative leave:

- (1) No component may place an employee on administrative leave for more than 30 consecutive days, without the prior approval of the Component Head or his/her designee.
- (2) Supervisors may approve administrative leave for short periods, based on an appropriate legal authority such as title 5 statutes, OPM guidance, Component policy and Comptroller General decisions. Supervisors consult with their servicing human resources offices and/or counsel as appropriate.
- (3) Components will provide the attached Administrative Leave Report Template to their Component Head or his/her designee no later than 10 work days from the end of the calendar quarter that follows the date of this memorandum, for all cases in which an employee is currently on administrative leave for 320 hours (3 months) or more. Upon review of the report, the Component Head, or his/her designee determines whether extended administrative leave is warranted in each case reported, and if not, notifies the reporting office of this decision. If the Component Head, or designee, determines that continued administrative leave is not warranted, the reporting office ensures required steps are taken to place the employee in a more appropriate status.
- (4) Unless the Chief Human Capital Officer modifies the reporting schedule, all components are required to submit the attached report for those employees that have been placed on administrative leave for 960 hours (6 months) or more to the Office of the Chief Human Capital Officer (OCHCO), Human Capital Policy and Programs (HCPP) no later than the 15th day from the end of the calendar quarter that follows the date of this memorandum. The end of the calendar quarter is defined as the last day of March, June, September, and December. Accordingly, reports are due no later than the 15th day of January, April, July, and October. If the 15th day of these months falls on Saturday, or Sunday, the report is due on the preceding Friday.

Compliance with this interim Department policy will ensure more appropriate use of administrative leave. I thank you in advance for your prompt attention to this matter.

If you have any questions regarding the requirements of this interim policy, you may contact OCHCO/HCPP Senior Labor and Employee Relations Advisor Carmen Livoti at (202) 357-8175.

Attachment:

[Administrative Leave Report Template](#)

