



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

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## Memorandum

To: Department of the Interior Human Resources Directors

From: Raymond A. Limon   
Director, Office of Human Resources

Subject: Guidance on Using Administrative Leave Pay Codes

This memorandum provides guidance on using the administrative leave pay codes available in the Federal Personnel and Payroll System (FPPS). Several recently-added codes will allow the Department to better categorize and track its use of administrative leave and be responsive to forthcoming legal requirements.

### **Background**

In recent years, Congress and the Government Accountability Office have scrutinized agencies' use of administrative leave as a broad category. In 2015, based on pending legislation, the Interior Business Center started work to create several new categories of administrative leave in FPPS. These new pay codes were incorporated into FPPS on December 2, 2016.

Subsequently, Congress passed the Administrative Leave Act of 2016, enacted on December 23, 2016 as Section 1138 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328). The new law limits agencies' use of administrative leave for general purposes not specifically defined in law to 10 work days per calendar year per employee. It also designates three new categories of paid time off without charge to other leave:

- Investigative Leave: Non-duty paid status for employees who are the subject of an investigation;
- Notice Leave: Non-duty paid status for employees who are in the notice period for a proposed adverse action; and
- Weather and Safety Leave: Non-duty paid status related to all acts of God, terrorist attacks or any other condition that prevents an employee or group of employees from safely traveling to or performing work.

The U.S. Office of Personnel Management will promulgate regulations related to this new law by September 19, 2017. Agencies must comply with the regulations by June 16, 2018.

The new regulations will impact the criteria and approval procedures associated with Investigative Leave and Notice Leave. As a result, the Department will wait until the regulations are issued to change its policy with regard to the criteria and approvals required for placing employees in a paid

non-duty status resulting from an investigation or notice period. In the interim, the Department will continue following Personnel Bulletin 16-01: Modification to Administrative Leave Procedural Guidance to place employees on administrative leave when necessary during an investigation or notice period.

### **Use of Administrative Leave Pay Codes**

The new and existing FPPS administrative leave pay codes allow the Department to prepare to meet some of the requirements of the new law even before the implementing regulations are issued. They will also support the Department in better managing its current use of administrative leave. The following guidance applies to each pay code:

#### **060 – Administrative Leave – Other**

*Definition:* Leave in which an employee is placed when excused from duty without loss of pay or charge to other leave, when the time is not captured by any other established pay code.

*Usage:* Bureaus should monitor use of this pay code closely, to ensure that it is used appropriately. The total hours used under this pay code will count against the total of 10 work days that agencies may authorize for general administrative leave purposes once the Administrative Leave Act's requirements become effective.

#### **061 – Administrative Leave – Weather**

*Definition:* This pay code may be used when employees are excused from duty due to weather or other emergency situations that are beyond the control of management or employees and which prevent employees from working.

*Usage:* Previously used primarily for late arrivals, early dismissals, or closures related to weather, the Administrative Leave Act of 2016 specifically defines "Weather and Safety Leave" as a separate leave category. The law expands the use of this new leave type to all acts of God, terrorist attacks, or any other condition that prevents an employee or group of employees from safely traveling to work or performing work at an approved location. This type of leave will not count against the forthcoming 10 work day limit for general administrative leave purposes.

#### **062 – Administrative Leave – Pro Bono**

*Definition:* This new pay code is reserved for the use of attorneys and paralegals in the Office of the Solicitor for performing *pro bono* legal work.

*Usage:* Pursuant to the Outside Legal Practice policy documented in the Department of the Interior Solicitor's Manual, attorneys and paralegals may use up to 30 hours of administrative leave per year for *pro bono* legal work performed during work hours (II SM 9.3.B-C). As the use of this leave is governed by Departmental policy and is not specifically

defined by law, the total hours used under this pay code will count against the total of 10 work days that agencies may authorize for general administrative leave purposes once the Administrative Leave Act's requirements become effective.

### **063 – Administrative Leave – Investigations**

*Definition:* Leave in which an employee who is the subject of an investigation is placed.

*Usage:* Administrative leave for investigations must be used judiciously. Decisions about when it is appropriate to place an employee on administrative leave for this purpose must continue to be made in accordance with Personnel Bulletin 16-01. Provided that the criteria in Personnel Bulletin 16-01 are met, this pay code is to be used from the first day on which the employee is placed on administrative leave pending an investigation until the date when:

- Management has determined that the employee can be returned to duty status;
- Management allows the employee, upon the employee's request, to take leave for which the employee is eligible;
- If the employee is absent from duty without approved leave, the employee is carried in absent without leave status; or
- An adverse action is proposed.

This type of leave will not count against the forthcoming 10 work day limit for general administrative leave purposes.

### **064 – Administrative Leave – Notice/Adverse**

*Definition:* Leave in which an employee who has been provided notice of a proposed adverse action is placed.

*Usage:* Administrative leave for investigations must be used judiciously. Decisions about when it is appropriate to place an employee on administrative leave for this purpose must continue to be made in accordance with Personnel Bulletin 16-01. Provided that the criteria in Personnel Bulletin 16-01 are met, this pay code is to be used from the day on which the notice of proposed action is issued to the employee until the date when management may take the adverse action. This type of leave will not count against the forthcoming 10 work day limit for general administrative leave purposes.

### **068 – Administrative Leave – Blood Donation**

*Definition:* This pay code may be used for employees who serve as blood donors.

*Usage:* Employees who donate blood to the Red Cross or other recognized blood banks may be excused from duty for up to 4 hours. As the use of this leave is governed by Departmental policy and is not specifically defined by law, the total hours used under this pay code will count against the total of 10 work days that agencies may authorize for general administrative leave purposes once the Administrative Leave Act's requirements become effective.

## **069 – Administrative Leave – Court**

*Definition:* Court leave is a separate leave category under 5 U.S.C. 6322. It may be used to authorize the absence of an employee from work status for jury duty, or for serving as a witness in a nonofficial capacity on behalf of any party in a judicial proceeding to which the United States, the District of Columbia, or a state or local government is a party.

*Usage:* This type of leave will not count against the forthcoming 10 work day limit for general administrative leave purposes.

### **Eliminating New Pay Code for Agency Directed Administrative Leave**

In addition to the above pay codes, the code **065 – Administrative Leave – Agency Directed** was also recently added to FPPS at the request of another FPPS customer agency. Due to the fact that the NDAA has not created a new category of leave that would align with this pay code, the Department will not use this code and has requested that the Interior Business Center remove it from all instances of the Quicktime Time and Attendance system used within the Department.

Please review all of your Bureau/Office employees' time and attendance records for pay periods 2016-26 through 2017-06 to ensure that if the 065 code was used for any employees, impacted timesheets are corrected to another appropriate pay code.

### **Effective Date**

This guidance is effective March 5, 2017 (pay period 2017-07).

If you or your staff have questions or need assistance regarding this guidance, please contact Agnes Wanderer, Office of Human Resources, at (202) 208-6107, or via e-mail at [agnes\\_wanderer@ios.doi.gov](mailto:agnes_wanderer@ios.doi.gov).