

114TH CONGRESS  
2D SESSION

# H. R. 4359

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IN THE SENATE OF THE UNITED STATES

APRIL 27, 2016

Received; read twice and referred to the Committee on Homeland Security and  
Governmental Affairs

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## AN ACT

To amend title 5, United States Code, to provide that Federal employees may not be placed on administrative leave for more than 14 days during any year for misconduct or poor performance, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Administrative Leave  
3 Reform Act”.

4 **SEC. 2. LIMITATION ON ADMINISTRATIVE LEAVE.**

5 (a) IN GENERAL.—Subchapter II of chapter 63 of  
6 title 5, United States Code, is amended by adding at the  
7 end the following:

8 **“§ 6330. Limitation on administrative leave**

9 “(a) IN GENERAL.—During any calendar year, an  
10 employee may not be placed on administrative leave, or  
11 any other paid non-duty status without charge to leave,  
12 for more than 14 total days for reasons relating to mis-  
13 conduct or performance. After an employee has been  
14 placed on administrative leave for 14 days, the employing  
15 agency shall return the employee to duty status, utilizing  
16 telework if available, and assign the employee to duties  
17 if such employee is not a threat to safety, the agency mis-  
18 sion, or Government property.

19 “(b) EXTENDED ADMINISTRATIVE LEAVE.—

20 “(1) IN GENERAL.—If an agency finds that an  
21 employee is a threat to safety, the agency mission,  
22 or Government property and upon the expiration of  
23 the 14-day period described in subsection (a), an  
24 agency head may place the employee on extended ad-  
25 ministrative leave for additional periods of not more  
26 than 30 days each.

1           “(2) REPORT.—For any additional period of 30  
2 days granted to the employee after the initial 30-day  
3 extension, the agency head shall submit to the Com-  
4 mittee on Oversight and Government Reform in the  
5 House of Representatives, the agency’s authorizing  
6 committees of jurisdiction of the House of Rep-  
7 resentatives and the Senate, and the Committee on  
8 Homeland Security and Governmental Affairs of the  
9 Senate a report, not later than 5 business days after  
10 granting the additional period, containing—

11                   “(A) title, position, office or agency sub-  
12 component, job series, pay grade, and salary of  
13 the employee on administrative leave;

14                   “(B) a description of the work duties of  
15 the employee;

16                   “(C) the reason the employee is on admin-  
17 istrative leave;

18                   “(D) an explanation as to why the em-  
19 ployee is a threat to safety, the agency mission,  
20 or Government property;

21                   “(E) an explanation as to why the em-  
22 ployee is not able to telework or be reassigned  
23 to another position within the agency;

24                   “(F) in the case of a pending related inves-  
25 tigation of the employee—

1 “(i) the status of such investigation;

2 and

3 “(ii) the certification described in sub-

4 section (c)(1); and

5 “(G) in the case of a completed related in-

6 vestigation of the employee—

7 “(i) the results of such investigation;

8 and

9 “(ii) the reason that the employee re-

10 mains on administrative leave.

11 “(c) EXTENSION PENDING RELATED INVESTIGA-

12 TION.—

13 “(1) IN GENERAL.—If an employee is under a

14 related investigation by an investigative entity at the

15 time an additional period described under subsection

16 (b)(2) is granted and, in the opinion of the inves-

17 tigative entity, additional time is needed to complete

18 the investigation, such entity shall certify to the ap-

19 plicable agency that such additional time is needed

20 and include in the certification an estimate of the

21 length of such additional time.

22 “(2) LIMITATION.—The head of an agency may

23 not grant an additional period of administrative

24 leave described under subsection (b)(2) to an em-

25 ployee on or after the date that is 30 days after the

1 completion of a related investigation by an investiga-  
2 tive entity.

3 “(d) DEFINITIONS.—In this section, the following  
4 definitions apply:

5 “(1) INVESTIGATIVE ENTITY.—The term ‘inves-  
6 tigative entity’ means an internal investigative unit  
7 of the agency granting administrative leave, the Of-  
8 fice of Inspector General, the Office of the Attorney  
9 General, or the Office of Special Counsel.

10 “(2) RELATED INVESTIGATION.—The term ‘re-  
11 lated investigation’ means an investigation that per-  
12 tains to the underlying reasons an employee was  
13 placed on administrative leave.”.

14 (b) EFFECTIVE DATE.—The amendment made by  
15 subsection (a) shall begin to apply 90 days after the date  
16 of enactment of this Act.

17 (c) RULES OF CONSTRUCTION.—Nothing in the  
18 amendment made by subsection (a) shall be construed  
19 to—

20 (1) supersede the provisions of chapter 75 of  
21 title 5, United States Code; or

22 (2) limit the number of days that an employee  
23 may be placed on administrative leave, or any other  
24 paid non-duty status without charge to leave, for  
25 reasons unrelated to misconduct or performance.

1           (d) CLERICAL AMENDMENT.—The table of sections  
2 for subchapter II of chapter 63 of title 5, United States  
3 Code, is amended by adding after the item relating to sec-  
4 tion 6329 the following new item:

“6330. Limitation on administrative leave.”.

Passed the House of Representatives April 26, 2016.

Attest:

KAREN L. HAAS,

*Clerk.*