

Union Calendar No. 400

114TH CONGRESS
2^D SESSION

H. R. 4359

[Report No. 114–520]

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.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 11, 2016

Mr. CHAFFETZ introduced the following bill; which was referred to the Committee on Oversight and Government Reform

APRIL 25, 2016

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on January 11, 2016]

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Administrative Leave*
5 *Reform Act”.*

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

7 *(a) IN GENERAL.—Subchapter II of chapter 63 of title*
8 *5, United States Code, is amended by adding at the end*
9 *the following:*

10 **“§ 6330. Limitation on administrative leave**

11 *“(a) IN GENERAL.—During any calendar year, an em-*
12 *ployee may not be placed on administrative leave, or any*
13 *other paid non-duty status without charge to leave, for more*
14 *than 14 total days for reasons relating to misconduct or*
15 *performance. After an employee has been placed on admin-*
16 *istrative leave for 14 days, the employing agency shall re-*
17 *turn the employee to duty status, utilizing telework if avail-*
18 *able, and assign the employee to duties if such employee*
19 *is not a threat to safety, the agency mission, or Government*
20 *property.*

21 *“(b) EXTENDED ADMINISTRATIVE LEAVE.—*

22 *“(1) IN GENERAL.—If an agency head deter-*
23 *mines that an employee is a threat to safety, the*
24 *agency mission, or Government property and upon*
25 *the expiration of the 14-day period described in sub-*

1 *section (a), an agency head may place the employee*
2 *on extended administrative leave for additional peri-*
3 *ods of not more than 30 days each.*

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

14 *“(A) the name, title, position, office or*
15 *agency subcomponent, job series, pay grade, and*
16 *salary of the employee on administrative leave;*

17 *“(B) a description of the work duties of the*
18 *employee;*

19 *“(C) the reason the employee is on adminis-*
20 *trative leave;*

21 *“(D) an explanation as to why the employee*
22 *is a threat to safety, the agency mission, or Gov-*
23 *ernment property;*

1 “(E) an explanation as to why the employee
2 is not able to telework or be reassigned to an-
3 other position within the agency;

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

6 “(i) the status of such investigation;

7 and

8 “(ii) the certification described in sub-
9 section (c)(1); and

10 “(G) in the case of a completed related in-
11 vestigation of the employee—

12 “(i) the results of such investigation;

13 and

14 “(ii) the reason that the employee re-
15 mains on administrative leave.

16 “(c) *EXTENSION PENDING RELATED INVESTIGA-*
17 *TION.—*

18 “(1) *IN GENERAL.—*If an employee is under a
19 related investigation by an investigative entity at the
20 time an additional period described under subsection
21 (b)(2) is granted and, in the opinion of the investiga-
22 tive entity, additional time is needed to complete the
23 investigation, such entity shall certify to the applica-
24 ble agency that such additional time is needed and

1 include in the certification an estimate of the length
2 of such additional time.

3 “(2) *LIMITATION.*—The head of an agency may
4 not grant an additional period of administrative
5 leave described under subsection (b)(2) to an employee
6 on or after the date that is 30 days after the comple-
7 tion of a related investigation by an investigative en-
8 tity.

9 “(d) *DEFINITIONS.*—In this section, the following defi-
10 nitions apply:

11 “(1) *INVESTIGATIVE ENTITY.*—The term ‘inves-
12 tigative entity’ means an internal investigative unit
13 of the agency granting administrative leave, the Office
14 of Inspector General, the Office of the Attorney Gen-
15 eral, or the Office of Special Counsel.

16 “(2) *RELATED INVESTIGATION.*—The term ‘re-
17 lated investigation’ means an investigation that per-
18 tains to the underlying reasons an employee was
19 placed on administrative leave.”.

20 “(b) *EFFECTIVE DATE.*—The amendment made by sub-
21 section (a) shall begin to apply 90 days after the date of
22 enactment of this Act.

23 “(c) *RULES OF CONSTRUCTION.*—Nothing in the
24 amendment made by subsection (a) shall be construed to—

1 (1) *supersede the provisions of chapter 75 of title*
2 *5, United States Code; or*

3 (2) *limit the number of days that an employee*
4 *may be placed on administrative leave, or any other*
5 *paid non-duty status without charge to leave, for rea-*
6 *sons unrelated to misconduct or performance.*

7 (d) *CLERICAL AMENDMENT.—The table of sections for*
8 *subchapter II of chapter 63 of title 5, United States Code,*
9 *is amended by adding after the item relating to section 6329*
10 *the following new item:*

 “6330. *Limitation on administrative leave.*”.

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