

S 2450

Administrative Leave Act of 2016

Congress: 114 (2015–2017, Ended)

Chamber: Senate

Policy Area: Government Operations and Politics

Introduced: Jan 20, 2016

Current Status: Placed on Senate Legislative Calendar under General Orders. Calendar No. 545.

Latest Action: Placed on Senate Legislative Calendar under General Orders. Calendar No. 545. (Jul 6, 2016)

Official Text: <https://www.congress.gov/bill/114th-congress/senate-bill/2450>

Sponsor

Name: Sen. Tester, Jon [D-MT]

Party: Democratic • **State:** MT • **Chamber:** Senate

Cosponsors (5 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Carper, Thomas R. [D-DE]	D · DE		Jan 20, 2016
Sen. Grassley, Chuck [R-IA]	R · IA		Jan 20, 2016
Sen. Johnson, Ron [R-WI]	R · WI		Jan 20, 2016
Sen. Lankford, James [R-OK]	R · OK		Feb 8, 2016
Sen. McCaskill, Claire [D-MO]	D · MO		Feb 9, 2016

Committee Activity

Committee	Chamber	Activity	Date
Homeland Security and Governmental Affairs Committee	Senate	Reported By	Jul 6, 2016

Subjects & Policy Tags

Policy Area:

Government Operations and Politics

Related Bills

Bill	Relationship	Last Action
114 S 2976	Related bill	Jun 28, 2016: Placed on Senate Legislative Calendar under General Orders. Calendar No. 532.
114 S 3011	Related bill	Jun 6, 2016: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 505.

Administrative Leave Act of 2016

(Sec. 2) This bill expresses the sense of Congress that:

- federal agency use of administrative leave has exceeded reasonable amounts, resulting in significant cost to the federal government;
- administrative leave should be used sparingly;
- an agency should consider other actions to address personnel issues, including temporary reassignment, transfer, and telework;
- an agency should prioritize and expeditiously conclude an investigation in which an employee is placed in administrative leave so that the employee is returned to duty status or an appropriate personnel action is taken by the conclusion of the leave period;
- there are too many examples of employees placed in administrative leave for six months or longer;
- an agency should ensure accurate and consistent recording of the use of administrative leave so that such leave can be managed and overseen effectively; and
- other forms of excused absence authorized by law should be recorded separately from administrative leave.

(Sec. 3) The bill: (1) prohibits an agency from placing an employee in administrative leave for more than five consecutive days; (2) requires agencies to record administrative leave separately from other types of leave; (3) requires the Office of Personnel Management (OPM) to prescribe regulations with respect to acceptable agency uses of, and proper recording of, administrative leave and other leave authorized by law; (4) directs agencies to revise and implement their internal policies to meet the requirements of this bill; and (5) requires OPM to report to specified congressional committees on agency use of administrative leave.

(Sec. 4) In lieu of administrative leave, agencies may place an employee in investigative or notice leave if the employee is under investigation or the target of an adverse action. An agency may not place an employee in investigative or notice leave unless the continued presence of the employee in the workplace may pose a threat, cause loss of, or damage to, government property, or otherwise jeopardize legitimate government interests. Before placing an employee on investigative or notice leave, an agency must consider other options, including reassigning the employee, allowing the employee to take available leave, allowing the employee to telework, or treating the employee as absent without leave. The day after a period of investigative leave ends, the agency shall take one of such options, return the employee to regular duty status, propose or initiate an adverse action against the employee, or extend the period of investigative leave. The bill sets forth requirements for extending such leave.

The Council of the Inspectors General on Integrity and Efficiency shall issue guidance on best practices for consultation between an investigator and an agency on the need to place an employee in investigative leave.

(Sec. 5) Agencies may grant leave to employees without loss of or reduction in pay, other leave, or credit for time or service if, due to an act of God, a terrorist attack, or another condition, such employees are prevented from safely traveling to or performing work at an approved location.

(Sec. 6) OPM must report to Congress within three years on whether agency policies comply with the requirements of this bill.

Actions Timeline

- **Jul 6, 2016:** Committee on Homeland Security and Governmental Affairs. Reported by Senator Johnson with an amendment in the nature of a substitute. With written report No. 114-292.
- **Jul 6, 2016:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 545.
- **Feb 10, 2016:** Committee on Homeland Security and Governmental Affairs. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Jan 20, 2016:** Introduced in Senate
- **Jan 20, 2016:** Read twice and referred to the Committee on Homeland Security and Governmental Affairs.