

Suspend the Rules and Pass the Bill, H.R. 4359, with an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

114TH CONGRESS
2^D SESSION

H. R. 4359

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

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”.

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

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

5 **“§ 6330. Limitation on administrative leave**

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

16 “(b) EXTENDED ADMINISTRATIVE LEAVE.—

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

24 “(2) REPORT.—For any additional period of 30
25 days granted to the employee after the initial 30-day
26 extension, the agency head shall submit to the Com-

1 mittee on Oversight and Government Reform in the
2 House of Representatives, the agency’s authorizing
3 committees of jurisdiction of the House of Rep-
4 resentatives and the Senate, and the Committee on
5 Homeland Security and Governmental Affairs of the
6 Senate a report, not later than 5 business days after
7 granting the additional period, containing—

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

11 “(B) a description of the work duties of
12 the employee;

13 “(C) the reason the employee is on admin-
14 istrative leave;

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

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

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

23 “(i) the status of such investigation;
24 and

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

3 “(G) in the case of a completed related in-
4 vestigation of the employee—

5 “(i) the results of such investigation;
6 and

7 “(ii) the reason that the employee re-
8 mains on administrative leave.

9 “(c) EXTENSION PENDING RELATED INVESTIGA-
10 TION.—

11 “(1) IN GENERAL.—If an employee is under a
12 related investigation by an investigative entity at the
13 time an additional period described under subsection
14 (b)(2) is granted and, in the opinion of the inves-
15 tigative entity, additional time is needed to complete
16 the investigation, such entity shall certify to the ap-
17 plicable agency that such additional time is needed
18 and include in the certification an estimate of the
19 length of such additional time.

20 “(2) LIMITATION.—The head of an agency may
21 not grant an additional period of administrative
22 leave described under subsection (b)(2) to an em-
23 ployee on or after the date that is 30 days after the
24 completion of a related investigation by an investiga-
25 tive entity.

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

3 “(1) INVESTIGATIVE ENTITY.—The term ‘investigative entity’ means an internal investigative unit
4 of the agency granting administrative leave, the Office of Inspector General, the Office of the Attorney
5 General, the Office of the Attorney General, or the Office of Special Counsel.
6

7 “(2) RELATED INVESTIGATION.—The term ‘related investigation’ means an investigation that
8 pertains to the underlying reasons an employee was
9 placed on administrative leave.”
10

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

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

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

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

24 (d) CLERICAL AMENDMENT.—The table of sections
25 for subchapter II of chapter 63 of title 5, United States

- 1 Code, is amended by adding after the item relating to sec-
- 2 tion 6329 the following new item:

“6330. Limitation on administrative leave.”.