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Policies and Procedures

Title: Administrative Leave and Excused Absence

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This P&P provides the legal and regulatory policies and procedures applicable to granting, approving, and recording of administrative leave and excused absence.

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1. Purpose

The purpose of this directive is to set forth the REE policy on administrative leave and excused absence. Although it specifically addresses many situations where administrative leave and/or excused absence must or may be granted, it is not intended to cover all possible instances.

It is REE's policy to grant administrative leave and/or excused absence in limited circumstances that:

- a. Are directly related to the employing agency's mission;
- b. Enhance the professional development or skills of the employee in his or her current position; or
- c. Are officially sponsored/sanctioned by the Head of the employing agency as being in the interest of the Federal government.

2. Background

The U.S. Code and CFR are for the most part silent on excused absence and administrative leave. As such, the information in this P&P is supported by a number of sources to include: Title II – Leave, Civilian Personnel Law Manual, Chapter 5, part A – Administrative Leave; USDA Departmental Regulation Leave Administration – Excused Absence/Administrative Leave dated October 19, 2010; and the Washington D.C. Area Dismissal and Closure Procedures, December 2010.

3. Policy

3.1 Administrative Leave

Administrative Leave is an authorized absence, without loss of pay and without charge to the employee's leave. Administrative leave is granted to employees for reasons determined to be in the Government's interest. An employee on administrative leave is not acting within the employer-employee relationship and is not deemed to be subject to the control or responsibility of the Department as an employer. Administrative leave is an approved leave status and is charged to code 66 (other leave) on the employee's Time and Attendance Report (T&A).

3.1.1 Holidays

Legal Public Holidays. The Federal Government recognizes the following days as legal holidays:

New Year's Day	January 1
Martin Luther King Jr.'s Birthday	3 rd Monday in January
Inauguration Day (D.C. Metro area only)	January 20 (presidential election year)
President's Day	3 rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1 st Monday in September
Columbus Day	2 nd Monday in October
Veteran's Day	November 11
Thanksgiving Day	4 th Thursday in November
Christmas Day	December 25

Basic Entitlement. If the holiday falls within an employee's regular work schedule, the employee will have the day off with pay. Employees receive pay for the holiday only if they are in a pay status either the day before **or** the day after the holiday. This applies to both full-time and part-time employees.

Intermittent employees: Intermittent employees do not get holidays off with pay. If an intermittent employee works on a holiday, he/she receives regular pay for the work performed on that day.

Full-time employees: Full-time employees who are relieved or prevented from working on a day designated as a holiday (or an "in lieu of" holiday) by Federal statute or Executive Order are entitled to their rate of basic pay on that day for 8 hours (8 hours of administrative leave), regardless of how many hours they were scheduled to work on that day. See also Section 9.2 of P&P 402.3 Premium Pay.

Part-time employees: If a holiday falls on a day during a part-time employee's tour of duty the employee **is entitled to** his or her rate of basic pay for the scheduled number of hours of work for that day (not to exceed 8 hours).

"In Lieu of" Holidays. When a holiday falls on the weekend, The Office of Personnel Management (OPM) grants a full-time employee working Monday thru Friday an "in lieu of" holiday (e.g., when the holiday falls on Saturday, the "in lieu of" holiday will be the preceding Friday; when the holiday is on Sunday, the "in lieu of" holiday will be the succeeding Monday). This guidance assumes the standard Monday through Friday schedule; employees whose regular workweek includes weekends will be handled somewhat differently. Contact a pay specialist in the Human Resources Division (HRD) for additional information. Part-time employees, on the other hand, are **not** entitled to "in lieu of" holidays, but will be granted administrative leave on those days ***if the facility is closed or they are otherwise prevented from working on that day.***

Impact of Flexible Work Schedules. All full-time employees, including those on flexible work schedules, are entitled to an "in lieu of" holiday when a holiday falls on a non-workday. Non-workdays include any regular days off on a maxiflex work schedule. In such cases, the employee's holiday is the basic workday immediately **preceding** the

non-workday. A basic workday for this purpose includes a day when part of the basic work requirement for an employee under a flexible work schedule is planned or scheduled to be performed.

In addition, employees on a flexible work schedule (e.g., flexitour or maxiflex) whose off day happens to coincide with either the holiday or the “in lieu of” holiday, may, with the supervisors' concurrence, through an official change in schedule select any other scheduled workday in the pay period as the off day.

Special Holidays Declared by Executive Order. On rare occasions, the President may declare a Federal holiday--on a one time basis--to recognize a special event or respond to a unique set of circumstances (e.g., death of a former president, victory in a war, etc.). Supervisors and employees should approach these holidays as they would any other holiday. Most problems can be addressed quite easily by keeping in mind that the special holiday is a non-work day: if leave had been originally scheduled for employees, it cannot be charged; employees who are forced to work on the holiday will be entitled to holiday premium pay; employees on a flexible work schedule whose off day coincides with the special holiday will be given the preceding workday as the “in lieu of” holiday. If the announcement of the holiday is too abrupt to allow this to occur, employees will take the workday following the holiday as the “in lieu of” holiday, or they may simply reschedule the off day.

Local, State, Territorial, and Foreign National Holidays. When local holidays (including State holidays and national holidays in foreign countries) make it unreasonable for a field office to remain open, supervisors will authorize administrative leave for all Federal employees. If, on the other hand, the office is able to continue operating, supervisors should be as liberal as mission requirements permit in approving paid leave or Leave Without Pay (LWOP) for those employees wishing time off to observe the holiday.

3.1.2 Early Dismissals for Holidays

Only the Secretary of Agriculture may grant an excused absence or administrative leave for holiday-related early dismissals of USDA employees.

3.1.3 Weather and Other Emergency Related Dismissals

All employees are to presume, unless otherwise officially notified, that their work activity will be open each regular workday regardless of any weather or other conditions which may develop. Employees are normally expected to cope with difficult driving conditions or disruptions of public transportation facilities and arrive at work on time.

Various emergency situations--snow storms, severe icing conditions, floods, earthquakes, hurricanes, tornadoes, air pollution, power failures, and interruption in public transportation may prevent a number of employees from reporting for work on time and may require the agency to close or otherwise curtail its activities. On these occasions, administrative leave will frequently be granted by the Agency as indicated throughout

this section.

Exigency employees

Exigency employees are identified by management and by definition are determined to be necessary to perform work regardless of weather or emergency conditions. When such an employee is required to report to work and they do not, granting an employee's request for leave, or placing the employee on Absent Without Official Leave (AWOL) status is solely the discretion of the supervisor and is subject to normal leave requirements. It also should be noted that there is no authority to pay premium compensation of any kind, to grant compensatory time, or credit hours to exigency employees when they are required to report to work or remain on the job during hours constituting their regular schedule, even though non-exigency employees are released from duty with full pay and no charge to personal leave.

Employee Late Arrival

When employees' arrivals at work are delayed due to an emergency, supervisors may grant administrative leave to cover the absence. Normally, immediate supervisors may excuse **up to 2 hours** of tardiness. Before making a determination, supervisors should consider all mitigating or aggravating factors including the employees' distance from work, availability and mode of transportation, and the experiences of other employees in similar circumstances. Because of flexible work schedules, the granting of Administrative leave for late arrivals should be a rare occurrence.

Facility closed prior to normal work hours

If a Federal facility is closed prior to normal work hours on a day when regular work had been scheduled, the day becomes a non-work day for leave purposes. Employees who had intended to work on that day will be granted administrative leave. Employees who were on leave which had been approved prior to the closure will also be excused without charge to leave (leave can be charged only on workdays; a day on which the office does not open is not a workday, so leave cannot be charged.)

Note: This provision does **not** apply to employees on LWOP pending disability retirement or while in receipt of workers' compensation, on military leave, on suspension, or in a non-pay status on the workday before **and** after the closure. These employees are not entitled to administrative leave and will remain in their current status. Also unaffected are those employees whose off day under a flexible work schedule happens to coincide with the emergency closing. Since these employees were never scheduled to work on that day, there is no need to account for their absence in any way and they do not receive an alternate day off.

Delayed Opening

On rare occasions, a Federal facility may announce a delayed opening (i.e., offices, labs, etc., will be closed from the beginning of the normal workday until a specified opening

time later in the day or employees may be allowed to report for work a specified number of hours late.) These occasions will be treated as **closures** in accordance with this section (i.e., the hours or minutes that the facility is closed, or the employees are allowed to arrive late, will be regarded as non-work time and recorded as administrative leave for the employees). Only employees who come in to work on the day of the delayed opening will receive the allowed amount of administrative leave.

Early Dismissal

If employees are on duty at the time of the dismissal they will **not** be charged annual leave, but will be granted administrative leave. The administrative leave will cover the remainder of the workday and will still apply even if the employees had originally planned to take annual or sick leave later in the day.

If the employee did not work that day, or was on leave for the entire day, the employee will not be eligible for the early dismissal. If the employee comes to work that day, but leaves before the dismissal time, the employee will be charged leave from the time they left until the time of the dismissal. The employee will still receive administrative leave for the work time covered by the dismissal.

If an employee is on leave when a dismissal is announced and is scheduled to remain on leave for the rest of the day, leave will be charged for the entire absence. If the employee is on leave when a dismissal is announced, but is scheduled to return from leave before or during the period of dismissal, leave will be charged until the time the employee returns to duty or until the dismissal goes into effect. The employee will receive administrative leave for the work time covered by the dismissal.

If employees are scheduled to report for work before the dismissal but fail to do so, the employees will be charged leave as appropriate, for the entire day. If employees are scheduled to report for work after the dismissal goes into effect (but are prevented from doing so since the facility is closed), leave will not be charged. The entire absence will be excused.

Dismissal Procedures

When natural disasters, adverse weather conditions, and other emergency situations occur that disrupt Federal government operations, the following procedures shall be followed:

- a. Dismissals in the Washington, D.C. Metropolitan Area. OPM will determine the Federal government's operating status in Washington, D.C. and notify the media as to whether Federal agencies are open, closed, operating under an unscheduled leave policy, a delayed arrival policy, or an early dismissal policy. The Washington, D.C., Area Dismissal or Closure Procedures are available on OPM's website at:

<http://www.opm.gov/oca/compmemo/dismissal.pdf>.

Updates on USDA's current operating status are available on USDA's website at:

<http://www.usda.gov/oo/beprepared/>.

- b. Dismissals outside the Washington, DC Metropolitan Area. In major metropolitan areas having an active Federal Executive Board (FEB) or Federal Executive Association (FEA), the FEB or FEA will give advice concerning the Federal government's operating status in that area as to whether Federal agencies are open, closed, operating under an unscheduled leave policy, a delayed arrival policy, or an early dismissal policy. USDA agencies with offices in that major metropolitan area or its commuting area shall follow the FEB's or FEA's dismissal decisions and procedures.

In major metropolitan areas that do not have an active FEB or FEA, the Assistant Secretary for Administration (ASA) will determine USDA's operating status in that area and notify all USDA agencies and mission areas as to whether USDA agencies are open, closed, operating under an unscheduled leave policy, a delayed arrival policy, or an early dismissal policy.

USDA agencies or mission areas located outside a major metropolitan area are delegated the authority to make decisions regarding weather related or emergency dismissals, but need to coordinate such decisions with other geographically co-located agencies or universities.

When delayed arrival, early dismissal, or closures are authorized, time is recorded as administrative leave.

- c. The Director of the Human Resources Division has the delegated authority to grant administrative leave to all employees within the immediate Washington, D.C. Metropolitan Area for up to one workday for localized situations not addressed by OPM. Any closing beyond one workday requires the approval of the Agency Administrator. Outside the Washington, D.C. Metropolitan Area, the authorization for such an excuse rests with the local management official subject to the caveats identified above. Disruption of work for 3 days or more, outside the Washington, D.C. Metropolitan Area, does require the authorization of the Director of HRD.

Emergency Procedures for Offices Located Outside the Washington, D.C. Metropolitan Area:

Each location outside the Washington Metropolitan Area that has regular or recurring hazardous weather or the potential for emergency situations, will develop a plan. Note: there must be such a plan for NASS Field Offices and all ARS Areas except the Beltsville Area which covers the following:

- how a closure or reduced operations decision is made;
- how employee dismissals are announced when the necessary conditions exist prior to the beginning of the work shift;

- a listing of exigency positions (this list may be different from the list of exigency employees for shutdown of Government operations);
- coordination with other Federal offices in the local area;
- procedures to be followed by employees when the work activity is open, but because of weather or other adverse conditions employees are unable to report for work;
- the requirement that the location contact the Area, State, or national office when there is a 1-day closing; and any other requirements set by the Area, State, or national office.

When an activity is closed by an interruption of normal operations or for managerial reasons, these reasons must be documented by a Memorandum for the Record signed by the appropriate management official and be available for future reference. If there is a plan, the management official will dismiss the employees in accordance with it.

3.1.4 Blood Donation

An employee may be granted administrative leave for a period of time not to exceed 4 hours (not including the time needed for the donation) for rest and recuperation after making a blood donation for which he or she received no payment from the blood collecting organization for giving the blood. The time to actually give the blood **may be approved** as excused absence (regular time) if it takes place at the government facility or administrative leave if it occurs offsite.

When a donor is paid for giving blood by the blood collecting organization, the employee is required to take some type of leave (other than sick leave) for any period of absence resulting from making the blood donation.

3.1.5 Bone Marrow and Organ Donation

Employees are entitled to Administrative leave for the time necessary to permit them to serve as a bone marrow or organ donor. This leave may not exceed 7 days in a given calendar year for a bone marrow donation or exceed 30 calendar days in a given calendar year for an organ donation. The length of absence for such purposes will vary depending upon the medical circumstances of each case.

3.1.6 Examinations

An employee shall be granted administrative leave for the period of time necessary to complete an examination, if:

- a. The examination is required to remain in the position he or she currently occupies;
- b. The examination is for a position to which transfer, promotion, or reassignment is for the benefit of the agency; or

- c. The examination is a prerequisite for a professional license or certification (such as a Certified Public Accountant, entrance into the Bar, or a Professional Engineer) that is considered advantageous to the agency.

For examinations covered under subsections (a) and (b) above, the Agency may grant a reasonable amount of administrative leave to prepare.

3.1.7 Participation in Emergency Rescue or Protective Work

An employee who is requested to assist in emergency law enforcement, relief, or clean-up efforts in affected communities, as authorized by Federal, State, or other officials having jurisdiction, and whose participation in such activities has been approved by his or her employing agency may be granted administrative leave.

This policy does not apply to Federal employee members of the National Guard or Reserves who are called to assist in disaster relief and recovery efforts, as they are entitled to military leave.

It is the employing agency's responsibility to determine that such leave was for an emergency and was in the interest of the public welfare.

3.1.8 Change of Official Duty Station

A non-temporary employee who is changing his or her official duty station in the interest of the Federal government which includes the relocation of the family residence shall be granted administrative leave when the costs and expenses of the move are reimbursable under the General Services Administration (GSA) Federal Travel Regulations. The period of time granted for the administrative leave shall not exceed 80 hours.

The administrative leave may be used for the following activities:

- a. Locating quarters at the new duty station, including the travel time covered in the GSA Federal Travel Regulations; and
- b. Pre-moving and post-moving arrangements, such as stopping and starting utility services. The time associated with packing or unpacking one's possessions is not subject to administrative leave as this activity is covered in the commuted rate allowance.

The on-the-road travel time associated with the final one-way move is not chargeable against the 80-hour limitation. This travel time that occurs during regular working hours is recorded as regular work time (administrative leave, credit time, comp-time for travel, and overtime is not allowed for the final one way trip.)

3.1.9 Physical Examinations

An employee, who is required by the employing agency to undergo a physical

examination other than that required for appointment, shall be granted administrative leave for the period of time necessary to complete the examination.

If a medical condition is discovered or medical suspicions arise as a result of that examination and it becomes necessary to hospitalize the employee or require more extensive tests and examinations, the period of time associated with undergoing such additional tests and examinations shall be charged to sick or other appropriate leave. This provision also applies when there are periods of duty between the initial examination and the additional tests, examinations, or hospitalizations that may be required.

3.1.10 Physical Examinations for Military Duty

An employee who is required to take a physical examination in connection with induction or enlistment in the armed forces shall be granted administrative leave for the period of time necessary to complete the examination.

Members of the Reserves who are recalled to active duty are placed on pay status with the branch of the armed forces for the period of time required to take the physical examination and, therefore, shall not be granted administrative leave for that purpose.

3.1.11 Military Funerals

An employee who is a veteran of a declared war, who served in a campaign or expedition for which a campaign badge has been authorized, or who is a member of an honor or ceremonial group of those veterans may be granted administrative leave to attend military funerals. The administrative leave may be granted for a period of time not to exceed 4 hours, to participate as an active pallbearer or as a member of an honor guard in a funeral ceremony for a member of the armed services whose remains are returned from abroad for final interment in the United States.

3.1.12 Funeral Leave – Military in Combat Zones

Individuals with the equivalent of a family relationship to employees who die either from wounds, illness, or injury incurred while a member of the armed forces in a combat zone, may receive up to 3 days of administrative leave to arrange and/or attend the funeral or memorial service. See P&P 402.6, Section 5.5, for using sick leave for family care and bereavement.

3.1.13 Poll Workers

With prior approval from one's immediate supervisor, employees may be granted administrative leave for time spent as a volunteer participating on any pre-election training and Election Day responsibilities.

- a. To be granted administrative leave, supervisory approval is required prior to

making a commitment to volunteer as a non-partisan poll-worker. [Administrative leave cannot be granted for Get-out-the-Vote Drives, Partisan Poll Watching (or other partisan political activities), and any other similar non-governmental, election-related activities.]

b. When volunteering for public service on administrative leave, an employee can not accept compensation from the local election office for time spent as a volunteer. However, it is acceptable to receive reimbursement for expenses such as parking fees and meal expenses.

c. At the end of the volunteer assignment, the employee needs to obtain a written acknowledgement from a local election official of the total time spent as a volunteer. This documentation is to be submitted to the employee's supervisor and timekeeper for timekeeping purposes.

3.1.14 Registration and Voting

An employee may be granted administrative leave for a reasonable period of time to register to vote in Federal, State, county, or municipal elections or in referendums on any civic matter in their community, if such administrative leave would not seriously interfere with work operations. An employee may be granted administrative leave for a period of time that permits the employee to vote and report for work no later than 3 hours after the polls open or to leave work no earlier than 3 hours before the polls close, whichever results in the lesser period of time. The administrative leave, if granted, shall be based upon the employee's scheduled tour of duty for that day.

For example; if there is a three hour window before the employee's tour of duty begins or after it ends in which the employee can vote, e.g., the employee's tour of duty begins at 7 a.m. and ends at 3:30 p.m., and the polls are open from 6 a.m. until 7 p.m., the employee would not be granted administrative leave because of the 3 hour window available after work in which the employee could vote.

Unusual circumstances may warrant the granting of administrative leave for a longer period of time and should be made on a case-by-case basis. However, since REE employees are covered by a flexible work schedule program, the granting of administrative leave for these purposes should be rare.

3.1.15 Draft Registration

An employee shall be granted administrative leave for a period of time sufficient to register in accordance with the Military Selective Service Act. Administrative leave shall be granted subject to the following considerations:

- a. The administrative leave may be granted only to an employee subject to the registration; and
- b. The employee must register as provided in the Act.

An employee may register before a board having jurisdiction in the area of his or her permanent home, or wherever the employee may be on the days the employee is subject to registration whichever results in the shorter period of administrative leave.

3.1.16 Court Leave

Court leave, recorded as administrative leave, is the authorized absence, without loss of pay or charge to personal leave, of employees from work for jury duty or to attend judicial proceedings as a witness on behalf of any party in connection with any judicial proceeding to which the U. S., the District of Columbia, or a State or local government is a party, (e.g., State of Virginia v John Adams, United States v Jones, City of Houston v Merkle, etc.)

Employees offering testimony **on behalf of the U. S. Government** or functioning in some other **official** capacity in a judicial proceeding are performing an approved and authorized official duty. Since the employees in this context are, in effect, “at work” (albeit apart from the normal work place), court leave will not be necessary and the employee will receive regular time, comp-time or overtime as appropriate for the period of time worked. Employees testifying in a **nonofficial** capacity **on behalf of a private party** in proceedings in which Federal, State, or local government is **not** involved (these are cases of lawsuits between two private parties, e.g., Jones v Wright, Washington Post v National Inquirer, etc.) are **not** entitled to court leave; the absence in such cases must be charged to some other type of leave.

Eligibility. Employees in a pay status with a fixed tour of duty, permanent or temporary, full-time or part-time, are eligible for court leave. Excluded from these provisions are employees on LWOP and those with intermittent work schedules.

Duration. Court leave covers an employees' entire absence regardless of the number of hours per day or the number of days per week they actually serve on a jury or offer testimony. The fact that the employees' presence is required is sufficient justification for granting leave. Court leave begins on the date stated in the summons on which the employee must report to court and ends when the employee is finally discharged. Court leave cannot, however, be regarded as a quasi-vacation. Should court proceedings or jury deliberations be suspended for a day or even for a substantial part of a day, employees should either return to work or be charged leave (or be granted LWOP). This provision would not apply if returning to work would cause the employees serious hardship (e.g., the location of the court is at a considerable distance from the employees' place of work). Nor would it apply if the employees were serving on a sequestered jury.

Jury and Witness Fees. Employees on court leave will collect any fees for services payable in conjunction with the court appearance and forward the money to the accounting office of the agency where they work. (**Exception:** employees serving as jurors in a court of the U. S. or the District of Columbia do qualify for court leave, but do **not** receive fees for service; recouping any payments, therefore, is not an issue in this instance.) The money submitted will provide some compensation for the employees' salaries, which the agency will continue to pay despite the employees' absences.

In most cases, employees serving as witnesses and, in some jurisdictions, employees serving on a jury may keep the funds allotted for travel and subsistence and jury members may keep the excess should jury fees exceed the employee's regular compensation. Employees may also retain jury fees awarded for service on non-work days or during non-work hours (since employees are not earning any Federal pay at these times, there is no question of double compensation). Employees may also keep fees earned on Federal holidays, providing the employees would normally have been excused from work on that day.

As stated, these provisions apply **only** to employees on court leave. Employees taking some other form of paid or unpaid leave can keep any fees associated with court appearances. On the other hand, employees whose presence in court is an official action related to regularly assigned duties are not eligible to receive fees, but are paid the regular salary (plus overtime if applicable).

As the foregoing suggests, the fee and compensation issues surrounding court appearances are fairly complicated. Should questions arise, employees and supervisors should contact the HRD pay and leave specialist for assistance.

3.1.17 Volunteer Activities

An employee may be granted administrative leave for short periods of time (1 to 4 hours) to participate in volunteer activities that are:

- a. Mission-related;
- b. Officially sponsored or sanctioned by the employing agency; or
- c. Deemed to enhance the professional development and/or skills of the employee in his or her current position.

Agencies are encouraged to support their employees' volunteer efforts that do not meet the criteria set forth above by ensuring that all employees are aware of the various work scheduling and leave flexibilities available to them and by allowing them the flexibility to adjust their schedules to accommodate the volunteer activity when possible.

3.1.18 Disciplinary or Medical Actions

An employee who is the subject of an investigation involving allegations of serious misconduct wherein workplace safety could be compromised, or those whose workplace behavior or presence (e.g., medical condition, quarantine situation, medical order, etc.) represents a potential threat to themselves or others, may be placed on administrative leave by their supervisor. Such periods of time shall be limited, to the extent possible, in order to effectuate timely agency disciplinary and/or administrative actions.

3.1.19 Administrative Leave for Personal Emergencies

An employee who is faced with a personal emergency because of a public emergency may be granted up to 40 hours of administrative leave if the employee can be spared from his or her usual responsibilities. In these situations, REE first line supervisors may approve up to one day of administrative leave and the second line supervisor may approve up to the 40 hour agency limit.

Unusual circumstances, such as the scope and severity of the public emergency may warrant the granting of additional administrative leave. See procedures in Section 7.1 for requests of leave in excess of 40 hours.

3.1.20 On the Job Injury (First Day)

Any work time missed due to an on the job injury, on the day of the injury, will be charged to administrative leave. After the first day of the injury, employees may receive up to 45 calendar days of paid absence which is coded as injury leave, **not administrative leave**. An Office of Workers' Compensation Programs (OWCP) Benefits Specialist should be notified in such cases in addition to notifying the supervisor and timekeeper. Note: OWCP does not cover cases of occupational disease.

3.1.21 Tardiness and Brief Absences

An employee may be granted **administrative leave or an excused absence** for a period of time not to exceed 1 hour for occasional absences from duty and tardiness when the employee's supervisor determines the cause of the absence or tardiness to be reasonable and in accordance with employing agency procedures.

However, because of the REE flexible work schedule program, this should be a rare occurrence.

3.2 Excused Absence

Excused Absence is an authorized absence, without loss of pay and without charge to the employee's leave. Excused absence is granted to employees for reasons determined to be in the Government's interest. An excused absence is granted to an employee who is performing or participating in officially sanctioned government activities not within the scope of their regular duties. Excused absence is charged to code 01 (regular time) on the employee's T&A.

An excused absence is a brief (usually from 1 to 10 hours) absence from duty that supervisors may grant employees without loss of pay and without charge to leave. Supervisors generally authorize an excused absence on a case-by-case basis in response to specific and sometimes unique circumstances. Excused absences are not spelled out in law but rely primarily on the administrative discretion of supervisors.

3.2.1 Leave Prior to or Upon Completion of Travel

An employee may be granted an excused absence for a period of time not to exceed two

hours prior to or upon completion of the employee’s travel status when the time of departure from or arrival at the employee’s duty station is such that it would be administratively unreasonable to expect the employee to report to the duty station.

3.2.2 Time Allowed in Health Units or First Aid Rooms

An employee who is sent to the health unit or first aid room for treatment may be granted an excused absence for a period of time not to exceed 1 hour unless the circumstances are unusual. If an employee is not able to return to work after remaining in the health unit or first aid room for 1 hour, the supervisor shall advise the employee to go home and/or obtain further medical treatment by the supervising nurse (when one is available or by the appropriate official when there are no nurses). After 1 hour, the employee shall not be granted an excused absence.

This excused absence applies only to an employee who becomes ill while in a duty status. When an employee is required, under a doctor’s orders, to rest a certain period of time each day, such time shall be charged to sick or other appropriate leave.

All employees shall be instructed to “sign in” upon entering the health unit or first aid room and “sign out” upon leaving. Agencies may verify visits by contacting the health unit or first aid room.

3.2.3 Officially Sponsored Functions and Programs

An employee may be granted an excused absence to participate in programs and functions sponsored by the Department, or a Department agency if participation is in the government’s interest. Under certain circumstances, an employee may be excused when the function is sponsored by another Federal government agency such as OPM, etc. These situations should be determined on a case-by-case basis.

The amount of excused absence that supervisors may grant on such occasions will vary depending on the supervisors' organizational relationship with the employees involved:

<u>Hours Permitted to Excuse</u>	<u>Granted By</u>
Up to 2	Immediate Supervisors
2 to 4	Division Directors
4 to 9	Agency Head

3.2.4 Employment Interviews

Employees shall be granted an excused absence to participate in local in-person or any telephonic interviews for other USDA jobs.

3.2.5 Preventive Health and Wellness Activities

An employee may be granted an **excused absence** when the employee is participating in an agency-sponsored preventative health or wellness event such as the annual Healthier Feds Physical Activity Challenge and USDA-sponsored health screening activities.

An employee, who occupies a position that has established physical fitness standards and requires the maintenance of such standards as a condition of employment, may be granted an **excused absence** to engage in agency-sanctioned fitness activities. It is the employing agency's responsibility to determine the amount of an excused absence necessary to maintain the required fitness level.

Supervisors of employees who occupy positions that do not have established fitness standards are encouraged to support their employees' physical fitness efforts by ensuring that all employees are aware of the various work scheduling and leave flexibilities available. An **excused absence** for ongoing personal health and fitness programs may not be granted.

4 Responsibilities

Assistant Secretary for Administration:

- (1) Issues Departmental policy pertaining to excused absence and administrative leave;
- (2) Authorizes mass dismissals of USDA employees in the Washington, D.C. Metropolitan Area; and
- (3) Authorizes mass dismissals of USDA employees in major metropolitan areas that do not have active FEBs or FEAs.

Director, Office of Human Resources Management:

- (1) Recommends Departmental policy pertaining to excused absence and administrative leave;
- (2) Provides technical human resources guidance and staff assistance to agencies and staff offices;
- (3) Monitors agency compliance with Departmental policy;
- (4) Develops Departmental reports on the use of excused absences and administrative leave for the Office of Personnel Management (OPM) and other agencies, as required; and
- (5) Authorizes mass dismissals of USDA employees in the Washington, D.C. Metropolitan Area

Agency Heads and Staff Office Heads:

- (1) Issue agency level policy and procedures that address how excused absence and administrative leave will be administered in their respective agencies;
- (2) Ensure that excused absences and administrative leave within their agencies are authorized and approved in accordance with the requirements set forth in this directive;
- (3) Monitor and assess the program and prepare the necessary reports for the Department; and
- (4) Delegate the reasonable authorization of short-term excused absence and administrative leave.

Deputy Area Directors (ARS)

- (1) Determine in consultation with the Area Director which locations need a hazardous weather/emergency conditions release plan and notify those locations of that requirement.
- (2) Require that when an activity is closed by an interruption of normal operations that these reasons be documented by a memo to the record signed by the head of the location.

State Directors (NASS)

- (1) Determines whether a facility needs to be closed based on weather or safety conditions usually following the lead of the local FEB or lead Federal agency in weather events. Keeps the Office of the Deputy Administrator for Field Operations informed of all closures.

Administrative Officers (ARS)

- (1) If directed, prepare a hazardous weather/emergency conditions release plan.
- (2) Implement the approved plan in a manner that treats all employees fairly to the extent possible and ensures that health and safety are of primary concern.

Supervisors

- (1) Authorize reasonable, short-term excused absence and administrative leave.
- (2) Approve entitled administrative leave in accordance with the regulations as stated in these policies and procedures.

Employees

- (1) Request approval for excused absences from supervisor.
- (2) Record approved absences on time sheet.

5 Authorities

The Secretary has the authority to dismiss any or all USDA employees at any or all USDA locations.

The Assistant Secretary for Administration (ASA) and the Director, Office of Human Resources Management (OHRM) has the authority to dismiss employees in the Washington, D.C. Metropolitan Area. These delegations may be exercised directly on a case-by-case basis, or by USDA policy as issued by the Secretary or ASA (e.g., disaster plans).

The ASA has the authority to dismiss employees in major Metropolitan Areas that do not have active Federal Executive Boards (FEB) or Federal Executive Associations (FEA).

The authority to approve reasonable, short-term administrative leave and/or excused absences has been delegated to Under Secretaries, Assistant Secretaries, Agency Heads and Staff Office Heads by the Department Secretary. Under Secretaries, Assistant Secretaries, Agency Heads and Staff Office Heads may re-delegate this authority to the lowest supervisory level practicable.

The Director HRD has the delegated authority to grant administrative leave to all employees within the immediate Washington, D.C. Metropolitan Area for up to one workday for localized situations not addressed by OPM. These situations would include natural disasters, adverse weather conditions, and other emergency situations that disrupt Federal government operations. Any closing beyond 1 workday requires the approval of an agency administrator. The Director of HRD also has the delegated authority to grant administrative leave for disruption of work for the reasons stated above for 3 days or more when it occurs outside the Washington, D.C. Metropolitan Area.

Unless otherwise indicated in this P&P, restricted by specific agency or lower level management memo, or pertaining to a situation specifically covered by some other type of leave, the authority to approve reasonable, short term discretionary **administrative leave or excused absence** (e.g., localized power outages, chemical spills, bomb threats, etc.) up to 2 hours is delegated to the first line supervisor and up to 4 hours for the second level of supervision. The decision to grant administrative leave or excused absence is to be elevated to the highest level of onsite management affected by the same situation for consistent application.

6 Definitions

Exigency Employees. Employees occupying positions involving duties which must be performed regardless of weather emergencies or other emergency conditions.

Executive Order. An order issued by the President of the United States.

“In lieu of”. In place of.

Public Emergency. A catastrophic natural or human-caused event resulting from forces or actions beyond the employee’s control that affect numerous people in a particular geographic area in such a way as to require affected employees to take immediate action to protect their lives and/or property as well as deal with immediate personal needs. Examples include; wildfires, floods, earthquakes, terrorist attacks, etc., resulting in the need to take such actions as evacuation, finding short term shelter, seeking emergency assistance, and/or taking necessary action to initiate recovery.

Tardiness. Arriving at work after your scheduled starting time without an acceptable reason. For those on flexible schedules with gliding time, arriving at work beyond the gliding time extension or arriving during core hours without an acceptable reason.

7 Procedures

7.1 Administrative Leave for Personal Emergencies

Any request for administrative leave in excess of 40 hours must be submitted, in writing, to the Director, Office of Human Resources Management (OHRM.) The Director, OHRM, may grant up to an additional 40 hours of administrative leave on a case-by-case basis. The Assistant Secretary for Administration (ASA) may grant administrative leave in excess of 80 hours. Requests should be submitted through the Director, OHRM, for concurrence.

Joon Park
Director, Human Resources Division

Date