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Title 5 – Administrative Personnel

Chapter I – Office of Personnel Management

Subchapter B – Civil Service Regulations

Part 630 – Absence and Leave

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Subpart N Administrative Leave

- § 630.1401 Purpose and applicability.
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Subpart N—Administrative Leave

Source: 89 FR 102290, Dec. 17, 2024, unless otherwise noted.

§ 630.1401 Purpose and applicability.

- (a) This subpart implements 5 U.S.C. 6329a, which allows an agency to provide a separate type of paid leave, on a limited basis, for general purposes not covered by other types of leave authorized by other provisions of law. Section 6329a(c) authorizes OPM to prescribe regulations to carry out the statutory provisions on administrative leave, including regulations on the appropriate uses and the proper recording of this leave.
- (b) This subpart applies to an employee as defined in 5 U.S.C. 2105 who is employed in an agency, but does not apply to an intermittent employee who, by definition, does not have an established regular tour of duty during the administrative workweek.
- (c) As provided in 5 U.S.C. 6329a(d), this subpart applies to employees described in subsection (b) of 38 U.S.C. 7421, notwithstanding subsection (a) of that section.

§ 630.1402 Definitions.

In this subpart:

Administrative leave means paid leave authorized at the discretion of an agency under 5 U.S.C. 6329a (and not authorized under any other provision of statute or Presidential directive) to cover periods within an employee's tour of duty established for leave purposes when the employee is not engaged in activities that qualify as official hours of work, which is provided without loss of or reduction in—

- (1) Pay;
- (2) Leave to which an employee is otherwise entitled under law; or
- (3) Credit for time or service.

Agency means an Executive agency as defined in 5 U.S.C. 105, excluding the Government Accountability Office. When the term "agency" is used in the context of an agency making determinations or taking actions, it means the agency head or management officials who are authorized (including by delegation, where applicable) to make the given determination or take the given action.

Employee means an individual who is covered by this subpart, as described in § 630.1401(b) and (c).

Head of the agency means the head of an agency or a designated representative of such agency head who is an agency headquarters-level official reporting directly to the agency head or a deputy agency head and who is the sole such representative for the entire agency.

OPM means the Office of Personnel Management.

Presidential directive means an Executive order, Presidential memorandum, or official written statement by the President in which the President specifically directs agency heads to provide employees with a paid excused absence under a specified set of conditions. This excludes a Presidential action that merely encourages agency heads to use an agency head authority (e.g., section 6329a) to grant a paid excused absence under specified conditions or that leaves the amount of excused absence to be granted in specified conditions subject to agency head discretion.

§ 630.1403 Principles and prohibitions.

(a) **General principles.** In granting administrative leave, an agency must adhere to the following general principles:

- (1) Administrative leave may be granted (subject to the requirements of this section) only when—
 - (i) The absence is directly related to the agency's mission;
 - (ii) The absence is officially sponsored or sanctioned by the agency;
 - (iii) The absence will clearly enhance the professional development or skills of the employee in the employee's current position; or
 - (iv) The absence is in the interest of the agency or of the Government as a whole.
- (2) Administrative leave is not an entitlement, but is an authority, entrusted to the discretion of the agency, that should be used sparingly, consistent with the sense of Congress expressed in section 1138(b)(2) of Public Law 114-328.
- (3) Administrative leave is appropriately used for brief or short periods of time—usually for not more than 1 workday. An incidence of administrative leave lasting more than 1 workday may be approved when determined to be appropriate by an agency.

- (4) An agency must retain the discretion to grant or not grant administrative leave in any circumstance based on agency judgments regarding mission needs. Generally, administrative leave should be granted on an ad hoc, event-specific, or time-limited basis. If an agency determines that it will generally grant administrative leave under a specific set of circumstances that may recur (e.g., blood donations, voting-related activities), that determination must allow the agency to not grant administrative leave due to mission needs.
- (5) A determination that an absence satisfies one of the conditions in paragraph (a)(1) of this section must be—
 - (i) Permitted under written agency policies (established by the head of the agency or by other agency officials under a specific delegation of authority); or
 - (ii) Reviewed and approved by an official of the agency who is (or is acting) at a higher level than the official making the determination, if the specific type of use and amount of leave for that use has not been authorized under established written policy as described in paragraph (i) of this paragraph (a)(5).
- (6) In developing agency policies regarding the appropriate uses and corresponding amounts of administrative leave and in approving specific incidents of administrative leave where the particular use was not specifically authorized in agency policies, authorized agency officials must consider the following factors:
 - (i) The regulations in this subpart;
 - (ii) The effect on productivity and the agency's ability to meet mission needs;
 - (iii) Current Administration policies that identify Governmentwide interests;
 - (iv) The strength of the justification for using appropriated funds for the administrative leave in question;
 - (v) Equitable treatment of similarly situated employees; and
 - (vi) The degree of delegation that is appropriate for various uses of administrative leave.
- (b) **Specific prohibited uses.** An agency may not grant administrative leave—
 - (1) To mark the memory of a deceased former Federal official (see also 5 U.S.C. 6105); or
 - (2) As a reward to recognize the performance or contributions of an employee or group of employees (i.e., in lieu of a cash award or a time-off award).

§ 630.1404 Calendar year limitation.

- (a) **General.** Under 5 U.S.C. 6329a(b), during any calendar year, an agency may place an employee on administrative leave for no more than 10 workdays. In this context, the term “place” refers to a management-initiated action to put an employee in administrative leave status, with or without the employee's consent, for the purpose of conducting an investigation (as defined in § 630.1502). The 10-workday annual limit does not apply to administrative leave for other purposes. After an employee has been placed on administrative leave in connection with such an investigation for 10 workdays, the agency may place the employee on investigative leave under subpart O of this part, if necessary (see 5 U.S.C. 6329b(b)(3)(A) and § 630.1504(a)(1)). This calendar year limitation applies separately to each agency that may employ an employee during the year. Use by different agencies is not aggregated.

- (b) **Conversion to a limitation on hours.** This 10-workday calendar year limitation is converted to an aggregate limit on hours, taking into account the different workdays that can apply to employees under different work schedules, as follows:
- (1) For a full-time employee (including an employee on a regular 40-hour basic workweek or a flexible or compressed work schedule under 5 U.S.C. chapter 61, subchapter II, but excluding an employee on an uncommon tour of duty), the calendar year limitation is 80 hours;
 - (2) For a full-time employee with an uncommon tour of duty under § 630.210, the calendar year limitation is equal to the number of hours in the biweekly uncommon tour of duty (or the average biweekly hours for uncommon tours for which the biweekly hours vary over an established cycle);
 - (3) For a part-time employee, the calendar year limit is prorated based on the number of hours in the officially scheduled part-time tour of duty established for purposes of charging leave when absent (e.g., for a part-time employee who has an officially scheduled half-time tour of 40 hours in a biweekly pay period, the calendar year limitation is 40 hours, which is half of the 80-hour limitation for full-time employees);
 - (4) For an employee who has more than one type of work schedule in effect during different parts of a calendar year, the calendar year limit on hours of administrative leave must be applied by—
 - (i) Converting hours of administrative leave used under a part-time schedule by multiplying such hours by the ratio of 80 divided by the number of hours in the officially scheduled biweekly part-time tour of duty established for purposes of charging leave when absent;
 - (ii) Converting hours of administrative leave used under a biweekly uncommon tour of duty under § 630.210 (or the average biweekly hours for uncommon tours for which the biweekly hours vary over an established cycle) by multiplying such hours by the ratio of 80 divided by the number of hours in the uncommon tour of duty;
 - (iii) Summing the hours of administrative leave used for each period of time under a different type of work schedule, using actual hours for full-time tours and converted hours for part-time and uncommon tours, as determined under paragraphs (b)(4)(i) and (ii) of this section; and
 - (iv) Applying the sum derived under paragraph (b)(4)(iii) of this section against an 80-hour standard for purposes of the 10-workday limit.

§ 630.1405 Administration of administrative leave.

- (a) An agency must use the same minimum charge increments for administrative leave as it does for annual and sick leave under § 630.206.
- (b) Employees may be granted administrative leave only for hours within the tour of duty established for purposes of charging annual and sick leave when absent. For full-time employees, that tour is the 40-hour basic workweek as defined in 5 CFR 610.102, the basic work requirement established for employees on a flexible or compressed work schedule as defined in 5 U.S.C. 6121(3), or an uncommon tour of duty under § 630.210.
- (c) Agencies authorize, and may require, the use of administrative leave by an employee or a category of employees. Employees do not have an entitlement to receive administrative leave, nor do they have a right to refuse administrative leave when the agency requires its use.

§ 630.1406 Records and reporting.

- (a) **Record of usage of administrative leave.** An agency must maintain an accurate record of an employee's usage of administrative leave by recording leave in one of the following subcategories, as applicable in the case at hand:
 - (1) Administrative leave used for the purposes of an investigation (as described in § 630.1404(a)); or
 - (2) Administrative leave used for all other purposes.
- (b) **Minimum retention period.** An agency must retain the records described in paragraph (a) of this section for a minimum of 6 years from the date the leave was used.
- (c) **Reporting.**
 - (1) In agency data systems (including timekeeping systems) and in data reports submitted to OPM, an agency must record administrative leave under section 6329a and this subpart as categories of leave separate from other types of leave. Leave under section 6329a and this subpart must be recorded as either administrative leave used for the purposes of an investigation (as described in § 630.1404(a)) or administrative leave used for all other purposes, as applicable.
 - (2) Agencies must provide information to the Government Accountability Office as that office is required to submit reports to specified Congressional committees under section 1138(d)(2) of Public Law 114-328 on a 5-year cycle.