



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of Human Resources
Washington, DC 20201

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HHS Human Resources Policy 630-2: Absence and Leave

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630-2-00 Purpose

This document implements the Department of Health and Human Services (HHS) policy, responsibilities, and procedures for the use and approval of all types of leave and excused absence, including administrative leave, investigative leave, notice leave, and other leave categories authorized by law.

630-2-10 Materials Superseded

HHS Instruction 630-1, Leave and Excused Absence, dated December 17, 2010.

630-2-20 Background

- A. This policy is established to reflect changes in law, regulations, HHS and OPM requirements concerning leave and excused absence. The Office of Personnel Management (OPM) issued final

regulations on December 17, 2024, implementing the Administrative Leave Act of 2016 and modifying definitions related to family member and immediate relative in 5 CFR 630. The following revisions to this HHS Instruction were made:

1. Modified to add Administrative Leave, Investigative Leave, and Notice Leave provisions per [5 CFR Parts 630](#), Subparts N and O.
2. Modified to add Disabled Veteran's Leave per the [Wounded Warriors Federal Leave Act of 2015](#).
3. Modified to include 5 days of Excused Absence for Employees Returning from Active Military Duty per the [Presidential Memorandum - "Return of Activated Military Members to Federal Civilian Employment" \(November 14, 2003\)](#).
4. Updated the definition of family member/immediate relative and defined the terms committed relationship, domestic partner, parent, and son or daughter in accordance with 5 CFR 630.
5. Updated Military Leave accrual from 120 hours to 160 hours per fiscal year, retroactive to October 1, 2024 per [5 U.S.C. 6323\(a\)](#).
6. Added Administrative Leave, Investigative Leave, and Notice Leave provisions per the [Administrative Leave Act of 2016](#) and OPM final regulations published December 17, 2024, effective January 16, 2025.
7. Established new data collection and reporting requirements for administrative leave categories as required by 5 CFR Parts 630, Subparts N and O.
8. Updated procedures and limitations for administrative leave for investigative purposes, including the 10-workday calendar year limit per [5 U.S.C. 6329a](#).
9. Modified to add Paid Parental Leave provisions per the [Federal Employee Paid Leave Act \(Public Law-116-92, December 20, 2019\)](#), at [5 U.S.C. 6382](#), effective October 1, 2020, providing up to 12 weeks of paid leave for qualifying birth or placement events.
10. Modified to add Parental Bereavement Leave per the [National Defense Authorization Act for Fiscal Year 2022 \(Section 1111 of Public Law 117-81\)](#), at [5 U.S.C. 6382](#), effective December 27, 2021, providing up to 2 weeks of paid leave for the death of a qualifying child.

This policy is effective immediately and must be carried out by HHS Departments in accordance with applicable laws, regulations, collective bargaining agreements, and Departmental policy.

630-2-30 Coverage and Exclusions

- A. This policy applies to all HHS employees except the following:
1. Individuals appointed by the President with the advice and consent of the Senate
 2. Commissioned Corps Officers
 3. Other employees excluded by 5 U.S.C. 6301

630-2-40 Definitions

- A. **Administrative Leave** - 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" pay, leave entitlements, or credit for time or service.

- B. **Administrative Leave for Investigation Purpose** – Relates to employee conduct performance, or other reasons prompting an investigation pursuant to 5 USC 6329a(b)(1). 10-Workday - Calendar Year Limitation 5 USC 6329a.
- C. **Agency** – The U.S. Department of Health and Human Services may be referred to as “the Agency” or “the Department”.
- D. **Birth or Placement** - Birth or placement means the birth of a son or daughter of a covered employee, or a new placement of a son or daughter with a covered employee for adoption or foster care, that is the basis for unpaid leave granted under § 630.1203(a)(1) or (2).
- E. **Calendar year** - January 1 through December 31.
- F. **Committed Relationship** - A relationship in which the employee and the domestic partner are each other's sole domestic partner and share responsibility for a significant measure of each other's common welfare and financial obligations.
- G. **Covered Service Member** -
1. A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
 2. A covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness. A covered veteran means an individual who was a member of the Armed Forces (including a member of the National Guard or Reserves) and was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes Family and Medical Leave Act (FMLA) leave to care for the covered veteran. 5 U.S.C. 6382(a)(3)-(4).
- H. **Covered Military Member** - The employee's spouse, son, daughter, or parent on covered active duty or call to covered active-duty status. This definition applies specifically to qualifying exigency leave purposes under 5 U.S.C. 6382(a)(2).
- I. **Domestic Partner** - An adult in a committed relationship with another adult, including both same-sex and opposite-sex relationships.
- J. **Exigency leave** - A qualifying exigency is a non-medical activity that is directly related to the covered military member's active duty or call to active-duty status. Examples of appropriate use of qualifying exigency leave short notice deployment, military events and related activities, urgent childcare and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, and additional activities which arise out of the military member's covered active duty or call to covered active-duty status. Refer to Title 29, Section 825.126 - Leave because of a qualifying exigency for more information.
- K. **Family Member/Immediate Relative** - An individual with any of the following relationships to the employee: spouse, and parents thereof; sons and daughters, and spouses thereof; parents, and spouses thereof; brothers and sisters, and spouses thereof; grandparents and grandchildren, and spouses thereof; domestic partner and parents, sons, daughters, brothers, sisters, grandparents and grandchildren thereof; or any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.
- L. **Investigation** – A type of administrative leave in which an employee who is the subject of an investigation is placed by an investigative entity (5 U.S.C. Section 6329b (a)(7)).
- M. **Investigative Entity** - (1) an internal investigative unit of an agency granting investigative leave

under this section; (2) the Office of Inspector General of an agency granting investigative leave under this section; (3) the Attorney General; and (4) the Office of Special Counsel (5 U.S.C. Section 6329b(a)(6)). An internal investigative unit of an agency may be composed of one or more persons, such as supervisors, managers, human resources practitioners, personnel security office staff, workplace violence prevention team members, or other agency representatives.

- N. **Investigative Leave** - Leave in which an employee who is the subject of an investigation is placed, as authorized under 5 U.S.C. 6329b (and not authorized under any other provision of law), and which is provided without loss of or reduction in pay, leave entitlements, or credit for time or service.
- O. **Next of Kin** - Used with respect to an individual, means the nearest blood relative of that individual other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. Refer to 29 CFR 825.122(e).
- P. **Last Chance Agreements** Terms agreed to by an employee (or former employee) and an employer under which the employee will be given a last opportunity to keep or get back his or her employment, usually when the agency would otherwise remove (or has removed) the employee for performance, conduct, or leave deficiencies. Usually, though not always, such agreements provide for some waiver of appeal or complaint rights.
- Q. **Notice Leave** - Leave in which an employee who is in a notice period is placed, as authorized under 5 U.S.C. 6329b (and not authorized under any other provision of law), and which is provided without loss of or reduction in" pay, leave entitlements, or credit for time or service. (5 U.S.C. Section 6329b (a)(8)).
- R. **Notice Period** - A period beginning on the date on which an employee is provided notice required under law of a proposed adverse action against the employee and ending on the date on which an agency may take the adverse action (5 U.S.C. Section 6329b (a)(9)).
- S. **Parental Bereavement Leave** - Defined in 5 U.S.C. 6329d as paid leave "because of the death of a son or daughter of the employee" where an employee is "entitled to a total of 2 administrative workweeks of paid leave during any 12-month period.
- T. **Paid Parental Leave (PPL)** - Paid time off from an employee's scheduled tour of duty that is authorized under 5 U.S.C. 6382(d)(2)(B)(i) and this subpart and that is granted to cover periods of time within the 12-month period commencing on the date of birth or placement to an employee who has a current parental role in connection with the child whose birth or placement was the basis for entitlement to paid parental leave. (5 CFR 630.1702)
- U. **Parent** - A biological, adoptive, step, or foster parent of the employee, or a person who acted in place of a parent to the employee when the employee was a minor or required a guardian.
- V. **Removal** - The involuntary separation of an employee from employment with the Department and Federal service, except when effected due to a reduction-in-force or the expiration of an appointment.
- W. **Serious injury or illness** -
 - 1. For Current Servicemembers: An injury or illness that was incurred by the covered servicemember in the line of duty on active duty in the Armed Forces or that existed before

the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating.

2. For Veterans: An injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and manifested itself before or after the member became a veteran, and meets one of four specific criteria including VA disability ratings of 50% or greater, substantial impairment of gainful employment, or enrollment in VA comprehensive caregiver programs.
- X. **Son or Daughter** - As defined in 5 CFR 630.1202, includes a biological, adopted, foster, or stepchild; a legal ward; or a child of a person standing in loco parentis, subject to age and disability requirements specified in federal regulations.
- Y. **Spouse** - A husband or wife as defined in 5 CFR 630.1202, including individuals in legally recognized same-sex and opposite-sex marriages.
- Z. **Veteran** - A person who served in the active military, naval, air, or space service and who was discharged or released there under conditions other than dishonorable.

630-2-50 Responsibilities

- A. HHS Assistant Secretary for Administration (ASA), Office of Human Resources (ASA/OHR)
1. Develop Department-wide human resources guidance and policy consistent with HHS and OPM policy, procedures and all applicable federal laws and regulations.
 2. Periodically review Component Heads procedures to assure conformance with HHS and OPM policy and guidance, and all applicable federal laws and regulations.
- B. Component Heads
1. Implement this policy within their organizations and ensure compliance with all applicable laws, regulations, and collective bargaining agreements.
 2. Issue internal policies for administrative leave, investigative leave, and notice leave consistent with 5 U.S.C. 6329a, 6329b, and 6329c no later than September 13, 2025.
 3. Maintain accurate records and data collection for administrative leave categories as required by 5 CFR Parts 630, Subparts N and O.
- C. Human Resources Officers (HROs)
1. Administer leave policies in accordance with this instruction and applicable regulations.
 2. Maintain accurate leave records and documentation as required by federal regulations.
 3. Ensure compliance with reporting requirements for administrative leave categories.
- D. Leave-Approving Officials
1. Make determination on leave requests in accordance with this policy and applicable regulations.
 2. Obtain required documentation before approving leave requests when mandated by law or regulation.
 3. Make determinations based on baseline factors, for administrative, investigative, and notice leave, as required by 5 CFR 630.1503(e).

E. Employees

1. Submit leave requests in accordance with established procedures and timeframes.
2. Provide required documentation to support leave requests when requested by the agency.
3. Remain available to report to work when directed by the agency, when placed on investigative leave or notice leave, as required by 5 CFR 630.1503(d)(4).

630-2-60 General Provisions

HHS employees may request leave in accordance with established procedures. Leave is charged in minimum increments as determined by Component Heads. Management retains authority to approve or deny leave requests based on operational needs, regulatory requirements, and available staffing.

See Appendix A: Absence and Leave Handbook for requesting procedures, charging rules, documentation requirements, and administrative processes.

630-2-70 Annual Leave

A. Qualifying Period

1. An employee whose appointment is for 90 calendar days or longer earns and may be granted annual leave beginning with the first day of the first full pay period following appointment.
2. If an appointment is for less than 90 days, the employee is not entitled to annual leave but may request leave without pay.
 - a. If an appointment of less than 90 days is extended or converted to another appointment of less than 90 days without a break in service of one workday, the employee will still not earn annual leave until the actual employment counted from the initial appointment equals 90 days. As soon as the employee has 90 days of employment, he/she earns annual leave retroactive to the initial appointment date.
 - b. If after an initial appointment of less than 90 days, the extension or conversion to appointment was for 90 days or more, the employee earns annual leave retroactive to the date of the initial appointment.
 - c. If an employee took leave without pay while under an appointment of less than 90 days and then earns annual leave retroactive to the initial date of the appointment as described in number 1 above, he/she may not substitute annual leave for the leave without pay.
 - d. If an employee is currently on an appointment of less than 90 days and has annual leave re-credited from a lump-sum payment from previous Federal service, the employee may use the re-credited annual leave during the current appointment at his/her request.

B. Maximum Accumulation

1. Employees can carry over to the next leave year a maximum of 30 days (240 hours) of accrued annual leave (720 hours for SES members and 360 hours for overseas employees).

2. Leave earned in excess of these maximums is forfeited if not used by the end of the leave year.
(Under special conditions, forfeited annual leave may be restored as described in 630-2-70(F).

C. Granting Annual Leave

The employee initiates a request for annual leave and the request is acted upon by the leave-approving official. Leave-approving officials may, consistent with operational demands, prescribe when annual leave may be taken, refuse to grant annual leave, or revoke annual leave based on mission needs.

1. The employee initiates a request for use of annual leave and the request is acted upon by the leave-approving official. Leave-approving officials may, consistent with operational demands, prescribe when annual leave may be taken, refuse to grant annual leave, or revoke annual leave that has been granted and recall an employee to duty based on the needs of the mission.
2. For circumstances in which annual leave may be substituted for sick leave, see 630-2-80(A)(3).
3. For circumstances in which sick leave may be substituted for annual leave, see 630-2-80(A)(2)(f).
4. Annual leave may not be granted to an employee when it is known in advance that the employee is separating from Federal service, except where the date of separation has already been established under regulatory or statutory requirements (e.g. reduction in force or transfer of function); or in order for the employee to qualify for an immediate retirement; or for an employee to qualify to carry health benefits coverage into retirement.

D. Advance Annual Leave

Advance annual leave may be granted at management discretion under unusual circumstances, up to the amount to be earned by the end of the appointment or leave year, whichever is sooner. See Appendix A: Absence and Leave Handbook for application procedures and requirements.

E. Leave Indebtedness

1. An employee's annual leave account may be overdrawn at the end of the leave year through error or because the employee was advanced annual leave and then did not earn the expected amount due to being on leave without pay or absent without leave. When an employee's account is overdrawn, the debt will be carried over and charged against annual leave earned in the following year, unless the employee elects to make a refund payment.
2. An employee who is separated while indebted for advance annual leave must refund the amount due or have the amount owed deducted from any monies due to the employee.

F. Restoration of Annual Leave

Under specific conditions, forfeited annual leave may be restored due to administrative error, exigency of public business, or illness preventing scheduled use. See Appendix A: Absence and Leave Handbook for restoration requirements and procedures.

630-2-80 Sick Leave

A. Granting Sick Leave

1. A leave-approving official may grant sick leave for non-emergency dental, optical, or medical examination or treatment (including for physical or mental conditions). The employee must request sick leave in advance for non-emergency purposes.
2. If the employee has followed proper leave-requesting procedures and provides acceptable evidence, a leave-approving official must grant an employee's request for sick leave (but is not required to grant a request for advance sick leave): Incapacitation due to illness, injury, or temporary disability
 - a. When the employee is incapacitated to perform duties due to illness (physical or mental), injury, or temporary disability, including pregnancy. An employee with a disability who depends on an aid, mechanical or otherwise, to perform work is normally incapacitated without the aid. A seeing-eye dog, a wheelchair, or any prosthetic device may be considered an extension of the person. Granting sick leave for such purposes as training, replacement, or repair is appropriate under the same conditions as any other incapacitation.
 - b. For emergency medical, dental, or optical examination or treatment.
 - c. When an employee is required to care for a member of his/her immediate family with a serious health condition or to make arrangements for or attend the funeral of a family member. Full-time employees may not exceed a total of 104 hours or up to 13 days in a leave year for these purposes. The limitations for part-time employees or employees with an uncommon tour of duty are proportional to those for full-time employees. (See 5 CFR 630.401)
 - d. A maximum of 30 days of sick leave may be advanced to a full-time employee at the beginning of a leave year or at any time thereafter in the case of a serious disability or ailment of the employee or family member or for purposes relating to the adoption of a child. For a part-time employee or an employee on an uncommon tour of duty, the maximum amount of advanced sick leave must be prorated according to the number of hours in the employee's regularly scheduled administrative workweek. (See 5 CFR 630.401)
 - e. When the organization has made a determination that the employee is incapacitated and meets the requirements for disability retirement and the OPM is processing the employee's retirement application.
 - f. For treatment of a disabled veteran or adjudication of a claim concerning a job-related injury or illness, as described in the Appendix A: Absence and Leave Handbook.
 - g. When an employee is sick within a period of annual leave, provided that the employee presents medical documentation to support the sick leave immediately upon return to duty.

- h. When an employee would, as determined by the health authorities having jurisdiction or by a health care provider, jeopardize the health of others by his or her presence on the job because of exposure to a communicable disease.
 - i. When an employee must be absent from duty for purposes relating to his or her adoption of a child, including appointments with adoption agencies, social workers, and attorneys; court proceedings; required travel; and any other activities necessary to allow the adoption to proceed.
- 3. Upon request, the leave approving official may grant annual leave, if available, or leave without pay for a period of illness which cannot be covered by sick leave or advanced to the employee. However, annual leave must not be substituted retroactively for regular sick leave. Annual leave may be substituted retroactively to liquidate an employee's indebtedness for advance sick leave.
- 4. Leave-approving officials will usually charge sick leave only at an employee's request.
 - a. Officials may, however, place an employee on sick leave without the employee's request when the employee is absent under extenuating circumstances clearly indicating that he/she is unable to work and unable to request leave (e.g., the employee is in a coma). If the employee is still unable to work after exhausting his/her accrued sick leave and is unable to request appropriate leave, the leave-approving official may consider advancing sick leave or may consider charging the continued absence to annual leave or to leave without pay. In addition, the official may pursue use of the Voluntary Leave Transfer Program on behalf of the employee.
 - b. In extraordinary circumstances, leave-approving officials may also place an employee on sick leave without the employee's request if the employee reports for duty but is determined to be unable to work because of illness (mental or physical). However, placing an employee on sick leave in this situation without his/her consent has been determined by the Merit Systems Protection Board to be a suspension, thus entitling the employee to notice and other due process protection.

B. Advance Sick Leave

Advance sick leave up to 30 days may be granted at management discretion for serious disability or ailment, provided there is reasonable expectation the employee will return to duty. See Appendix A: Absence and Leave Handbook for application procedures and requirements.

C. Evidence to Support Sick Leave

Employees must submit evidence as required by supervisors to support sick leave use. See Appendix A: Absence and Leave Handbook for evidence requirements and submission procedures.

630-2-90 Voluntary Leave Bank Program

Component heads may elect to establish and administer a Voluntary Leave Bank Program, consistent with the applicable law and Office of Personnel Management (OPM) regulations. A Voluntary Leave Bank Program enables employees to contribute accrued or accumulated annual leave to a "leave

bank”. The leave from this bank may be made available to a leave bank member who requires leave because of a medical emergency.

630-2-100 Voluntary Leave Transfer Program

HHS operates a Voluntary Leave Transfer Program (VLTP) under which employees may donate unused annual leave to colleagues who have been approved as leave recipients due to medical or family medical emergencies.

A. Eligibility

1. Recipients: Employees with medical emergencies likely to require prolonged absence and result in substantial income loss.
2. Donors: Any HHS employee may donate up to half their annual leave accrual rate per leave year.

B. Program Administration

1. Applications require medical documentation and supervisor review.
2. HHS accepts donations from other Federal agencies and allows HHS employees to donate to other agencies.
3. Donated leave must be used before recipient's own accrued leave.
4. Unused donated leave returns to donors when emergency ends.

See Appendix A: Absence and Leave Handbook for detailed application procedures, documentation requirements, and program administration.

630-2-110 Paid Parental Leave and Parental Bereavement Leave

A. Paid Parental Leave

The Federal Employee Paid Leave Act (Public Law 116-92, December 20, 2019, as codified under the Family and Medical Leave Act provisions at 5 U.S.C. 6382) provides an employee with a qualifying birth or placement (for adoption or foster care) event an entitlement of up to 12 administrative workweeks of Paid Parental Leave (PPL), which may be substituted for unpaid leave taken under the title 5 FMLA authority. The Act grants PPL in connection with a qualifying birth or placement events occurring on or after October 1, 2020. PPL excludes anticipated birth or placement.

1. Eligibility: Employees must meet FMLA eligibility requirements and have a qualifying birth or placement event while maintaining a parental role.
2. Entitlement: PPL may only be used during the 12-month period following a qualifying birth or placement. PPL is a separate leave category distinct from annual and sick leave.
3. Work Obligation: Employees must complete a 12-week work obligation after using PPL or reimburse government-paid FEHB premiums, unless waived for serious health conditions or circumstances beyond employee control.

4. Pay and Benefits: PPL is paid at the same rate as annual leave. Time in PPL status is creditable service for all purposes.

B. Parental Bereavement Leave

The National Defense Authorization Act for Fiscal Year 2022 (Section 1111 of Public Law 117-81) established Parental Bereavement Leave effective December 27, 2021, as codified at 5 U.S.C. 6329d. This provides eligible employees with up to 2 workweeks of paid leave in connection with the death of a qualifying child.

1. Eligibility: Employees must meet FMLA eligibility requirements at the time of the child's death and have a qualifying child who dies while the employee maintains a parental role. The deceased child must meet the FMLA definition of "son or daughter" under 5 U.S.C. 6381(6).
2. Entitlement: Parental Bereavement Leave may only be used during the 12-month period following the death of a qualifying child. Parental Bereavement Leave is a separate leave category distinct from annual leave, sick leave, and FMLA.
3. Usage Requirements: Parental Bereavement Leave is normally used continuously but may be used intermittently with supervisor approval. This is a one-time entitlement per qualifying child death.
4. Relationship to Other Leave: Parental Bereavement Leave is a stand-alone leave category administered independently from all other types of leave. It is not authorized under FMLA and may not be substituted for unpaid FMLA leave. Employees may use Parental Bereavement Leave in combination with other appropriate leave types as circumstances warrant.
5. Pay and Benefits: Parental Bereavement Leave is paid at the same rate as annual leave. Time in Parental Bereavement Leave status is creditable service for all purposes.

See Appendix A: Absence and Leave Handbook for eligibility calculations, documentation requirements, work obligation procedures, and benefit continuation rules.

630-2-120 Excused Absence

Excused absence is absence from duty administratively authorized without loss of pay and without charge to leave. Both the Merit Systems Protection Board and the Comptroller General have determined that it is inappropriate to grant long periods of excused absence for no other reason than to settle a case or to permit an employee to accumulate enough time to become eligible to retire.

A. Excused Absence Situations

Situations where excused absence may be authorized include, but are not limited to the following:

1. Attendance at administrative hearings.
2. Bone marrow and organ/tissue donation and transplantation. An employee may use:
 - a. Up to exceed 7 days of leave to serve as a bone-marrow donor
 - b. Up to 30 days of leave to serve as an organ donor.

3. Blood donations.
 - a. See section 630-2-160.D.1.e for blood donation leave guidance.
4. Holidays for part-time employees. Part-time employees are not entitled to (a) holidays designated by law or executive order or (b) days observed as holidays when the actual holiday falls on one of their non-workdays (see 26 Comptroller General 690, and 32 Comptroller General 378). They are not entitled to an in lieu of holiday. For example, if Christmas falls on Saturday, the in lieu of holiday is Friday for most employees. A part-time employee is not entitled to the Friday as a holiday, even if he/she were scheduled to work on that day. However, in such a situation, the employee may be granted excused absence where, for example, the office is closed. (See Comptroller General Decision B-210741, April 24, 1984.)
5. Medical Examinations and Treatments
 - a. Examples are examination in connection with an application for disability retirement initiated by the department and examination or preventive treatment authorized under the federal employees' health program.
 - b. For an employee who suffers a disabling traumatic injury on the job, the employee's absence on the day of injury will be excused. Continuation of pay (C.O.P.) may be authorized for subsequent absences, examinations, or treatments related to a traumatic injury. When an employee has exhausted (or is not eligible for) the 45 days of C.O.P. and has returned to work, then LWOP, annual leave, or sick leave may be granted for injury-related examinations or treatment; the employee may then apply to the Office of Workers' Compensation Programs for compensation or leave buy back for the period in question.
6. Registration for military service.
7. Participation in civil defense activities.
 - a. Agencies may grant administrative leave for employees participating in authorized civil defense or emergency preparedness activities.
 - b. Administrative leave should be limited to the duration of the activity and necessary travel time.
8. Voting and registration.
 - a. The head of the agency (or his or her designee) has discretion to grant administrative leave for voting in limited circumstances in which there is no reasonable opportunity for an employee to vote outside of their regular work hours, and only to the extent that such time off does not interfere with agency operations. Such administrative leave should generally be limited to the hours required to vote and should generally not exceed three hours in length. In addition, agencies should grant administrative leave for early voting on a scheduled workday only when:
 - i. The employee will be unable to vote on the day of the election because of activities directly related to the agency's mission (such as Temporary Duty (TDY) travel) and cannot vote by absentee ballot or by early voting on a non-workday, or

- ii. Early voting hours are the same as, or exceed, voting hours on the day of the election.

Note: Voting leave may also be provided under administrative leave authority per section 630-2-160.D.1.d.

- 9. Inclement weather or closure of workplace. See section 630-2-150 for weather and safety leave guidance.
- 10. Job interviews and other out-placement activities when it is determined that this is in the Agency's interest. (Downsizing is the most common but not the only example where excused absence would be appropriate.)
- 11. Participation in health and fitness activities. An official with delegated authority may approve excused absence for an employee to participate in health and fitness activities if the activity is officially sponsored and administered and for a specific, fixed duration. Examples are Federal fitness day events, Agency sponsored health screenings, agency fitness center orientation, or a smoking cessation program.

Physical fitness activities may also be provided under administrative leave authority per section 630-2-160.D.2.b.

- 12. Participation in preventive health screenings. Examples of preventive health screenings include, but are not limited to, screening for prostate, cervical, colorectal, and breast cancers, sickle cell anemia, blood lead level, blood cholesterol level, immunity system disorders such as HIV, and blood sugar level testing for diabetes.
 - a. Up to four (4) hours of excused absence each leave year may be approved for employees with less than 80 hours of sick leave. Employees may request annual leave, sick leave, or leave without pay when more than four hours of administrative leave is needed.
 - b. An employee may not be granted excused absence to accompany a family member receiving preventative health screenings.
 - c. The four hours of excused absence may be used all at once or a portion at a time over more than one day during the leave year.
 - d. Employees are encouraged to make maximum use of existing work schedule and leave flexibilities (e.g., alternative work schedules, granting leave under the Federal Government's sick and annual leave programs, and granting excused absence to employees to participate in Agency-sponsored preventive health activities).
 - e. The supervisor may request medical documentation for an excused absence for preventive health screenings.

- 13. Employee Assistance Program

- a. The agency may grant periods of administrative leave to an employee for participation in the agency's Employee Assistance Program (EAP) for problem identification and referral to an outside resource and for general employee orientation or education activities.

Note: EAP participation may also be provided under administrative leave authority per section 630-2-160.D.2.a.

B. Official Time

1. Official time is not excused absence, but there may be situations where an employee is authorized to use official time to perform activities other than his/her normal duties. The distinction can be very important because, for example, an employee injured while on excused absence may not be entitled to benefits under the Federal Employees' Compensation Act (FECA), while an employee injured while on official time may be covered.
2. Official time is included on the employee's Time and Attendance Report as normal hours of work and is not entered as administrative leave.
3. Supervisors may authorize official time in situations such as the following:
 - a. For an employee serving as a labor organization representative. See 5 U.S.C. 7131 and applicable negotiated agreements
 - b. For an employee representing another employee in an appeal, discrimination complaint, or grievance
 - c. For an employee preparing a response to a notice of proposed adverse action
 - d. For an employee meeting with an equal employment opportunity counselor
 - e. For employees meeting with employee assistance staff for counseling
 - f. For an employee who has prevailed in a civil rights action against the department, the employee's absence in connection with the action should be changed to official time (see 59 CG 290). A determination to treat such an absence as official time can be made only upon conclusion of the court action. While the court action is in process, the employee should request annual leave or leave without pay in accordance with the Appendix A: Absence and Leave Handbook.
 - g. For employees to participate in fitness activities in order to help them meet job-related medical standards or physical requirements.

630-2-130 Military Leave

A. Coverage

1. An employee is entitled to time off at full pay for certain types of active or inactive duty in the National Guard or as a Reserve of the Armed Forces.
2. Any full-time Federal civilian employee whose appointment is not limited to one year is entitled to military leave. Military leave under 5 U.S.C. 6323(a) is prorated for part-time career employees.

B. Types of Military Leave

1. 5 U.S.C. 6323 (a) provides 15 days per fiscal year for active duty, active-duty training, and inactive duty training. An employee can carry over a maximum of 15 days into the next fiscal year. Inactive Duty Training is authorized training performed by members of a Reserve component not on active duty and performed in connection with the prescribed activities of the Reserve component. It consists of regularly scheduled unit training periods, additional training periods, and equivalent training.
2. 5 U.S.C. 6323 (b) provides 22 workdays per calendar year for emergency duty as ordered by the President, the Secretary of Defense, or a State Governor. This leave is provided for employees who perform military duties in support of civil authorities in the protection of life and property or who perform full-time military service as a result of a call or order to active duty in support of a contingency operation.
3. 5 U.S.C. 6323(c) provides unlimited military leave to civilian employees or individuals employed by the government of the District of Columbia, who is a member of the National Guard of the District of Columbia. Such employees are entitled to leave without loss in pay or time for each day of a parade or encampment ordered or authorized under title 39, District of Columbia Code.
4. 5 U.S.C. 6323(d) provides that Reserve and National Guard Technicians only are entitled to 44 workdays of military leave for duties overseas under certain conditions.

C. Crediting Military Pay Against Civilian Pay

1. For employees entitled to military leave under 5 U.S.C. 6323(a), the employees retain the military pay as well as the civilian pay, including any premium pay (except Sunday premium pay) he/she would have received if not on military leave.
2. For employees entitled to military leave under 5 U.S.C. 6323(b) and (c), their civilian pay is reduced by the amount of military pay for the days of military leave. However, an employee may choose not to take military leave and instead take annual leave, compensatory time off for travel, or sick leave, if appropriate, in order to retain both civilian and military pay.
3. For employees entitled to unlimited military leave under 5 U.S.C. 6323(c), the employee's civilian pay is offset by the amount of the military pay. (See 5 U.S. Code 5519.)

D. Accumulating Military Leave

1. Employees who are entitled to regular military leave but who do not use the entire 15 calendar days (or prorated earnings for part-timers) may carry over the unused portion from one fiscal year to the next. A maximum of 15 days can be carried over.
2. Employees who are entitled to special military leave may not carry over any unused portion of the 22 workdays to the next calendar year.

E. Charges for Military

1. Military leave should be credited to a full-time employee on the basis of an 8-hour workday. The minimum charge to leave is one hour. An employee may be charged military leave only for hours that he/she would otherwise have worked and received pay.
2. Employees who request military leave for inactive duty training (which generally is 2, 4, or 6 hours in length) are only charged the amount of military leave necessary to cover the period of training and necessary travel.
3. Employees may use up to 30 days of military leave in any fiscal year. The military leave may be used during one or more periods of military duty during the fiscal year.
4. Employees may take the full 15 days of military leave at the beginning of the fiscal year, even if the maximum of 30 days of military leave had been taken during the prior fiscal year and even if the military service is continuous. (See CG Decision B-241272.)
5. For employees entitled to military leave under 5 U.S.C. 6323 (b), the leave is charged in the same increments as annual and sick leave.
6. For employees entitled to-unlimited military leave for parades and encampments, the military leave is charged in increments of one day. (See 60 CG 381.)

F. Five Days of Excused Absence for Employees Returning from Active Military Duty

1. Federal civilian employees called to active duty in support of Overseas Contingency Operations are entitled to 5 days of excused absence upon return to Federal civilian service. This applies to employees called to active duty as part of Operation Noble Eagle, Operation Enduring Freedom, Operation Iraqi Freedom, Operation New Dawn, and other current or future military operations deemed part of the OCO.
2. The intent of this entitlement, which was granted through a Presidential Memorandum, is to provide 5 days of paid time off (excused absence) to employees returning to Federal civilian service from active duty to aid in their readjustment to civilian life. The President's memorandum applies to all employees called to active duty in support of the OCO, regardless of whether they are deployed overseas or stateside.
3. Military Leave (LM) accrual from 120 hours to 160 hours per fiscal year, as specified in the National Defense Authorization Act (NDAA) for Fiscal Year 2025. This increase in LM is retroactive to October 1, 2024, and is applicable for civilian employees who are members of a Reserve component of the Armed Forces, a member of the National Guard (NG), or a member of the United States Space Force (USSF) in Space Force active status and not sustained duty. The LM ceiling increased from 240 hours to 320 hours as well.
4. This paid time off is granted under Presidential directive and is not considered administrative leave under 5 U.S.C. 6329a. In OPM data reporting systems, this will be categorized as "Other Paid Time in Nonduty Status."

Up to three workdays (per occurrence) may be granted for funeral leave to an employee in connection with the funeral of or memorial service for his/her immediate relative who died as a result of wounds, disease, or injury incurred while serving as a member of the armed forces in a combat zone.

Excused absence for funeral leave may also be granted to a veteran to enable him/her to participate in a military funeral as an active pallbearer or as a member of a firing squad or guard of honor. The maximum excused absence allowed in this instance may not exceed four hours in any one day.

630-2-150 Weather and Safety Leave

Weather and safety leave is paid leave provided under the authority of 5 U.S.C. 6329c when weather or other safety-related conditions prevent employees from safely traveling to or safely performing work at an approved location.

A. Authorization

Component heads may grant weather and safety leave to employees only if they are prevented from safely traveling to or safely performing work at a location approved by the agency due to:

1. An act of God (an act of nature, including hurricanes, tornadoes, floods, wildfires, earthquakes, landslides, snowstorms, and avalanches).
2. A terrorist attack.
3. Another condition that prevents an employee or group of employees from safely traveling to or safely performing work at an approved location.

B. Administration

1. Employees may be granted weather and safety leave only for hours within the tour of duty established for purposes of charging annual and sick leave when absent.
2. Employees may not receive weather and safety leave for hours during which they are on other preapproved leave (paid or unpaid) or paid time off.
3. Component Heads must record weather and safety leave under section 6329c as a category of leave separate from other types of leave.

C. Telework Program Participants

1. Except as provided under paragraph 2 of this section, employees who are participating in a telework program and are able to safely travel to and work at an approved telework site may not be granted weather and safety leave.
2. An agency may grant weather and safety leave to an employee who is participating in a telework program if the agency determines that the employee is prevented from safely performing work at the approved telework site due to one of the conditions in section A.
3. In making a determination under paragraph 2 of this section, the component head must evaluate whether any of the conditions could be reasonably anticipated and whether the employee took reasonable steps (within the employee's control) to prepare to perform telework at the approved telework site.
4. To the extent that an employee is unable to perform work at a telework site because of failure to make necessary preparations for reasonably anticipated conditions, an agency may not provide weather and safety leave, and the employee would need to use other appropriate paid leave, paid time off, or leave without pay.

D. Emergency Employees

1. An agency head may designate emergency employees who are critical to agency operations and for whom weather and safety leave may not be applicable.
2. Emergency employees must report to work at their regular worksite or another approved location as directed by the agency, unless:
 - a. The agency determines that travel to or performing work at the worksite is unsafe for emergency employees, in which case the agency may require the employees to work at another location, including a telework site; or
 - b. The agency determines that circumstances justify granting leave under this section to emergency employees.

630-2-160 Administrative Leave

This section implements the Department of Health and Human Services (HHS) policy for administrative leave under 5 U.S.C. 6329a effective September 13, 2025.

Administrative leave under 5 U.S.C. 6329a is an administratively authorized absence from duty without loss of pay or charge to other leave. Administrative leave is one type of leave status that may apply to covered HHS employees. For employees for whom an established work schedule is in effect, all hours in the work schedule must be categorized as one of the following: (1) duty hours, (2) paid leave or other paid time off hours, or (3) leave without pay or other non-pay status hours.

Unless otherwise stated, all references to "administrative leave" in this section refer to administrative leave under 5 U.S.C. 6329a.

A. Applicability

1. Employee Coverage

This policy applies to all employees of HHS who have an established full-time or part-time work schedule. It does not apply to employees who work on an intermittent basis. To be a covered employee, an individual must qualify as an employee as defined in 5 U.S.C. 2105 and be covered by the administrative leave law in 5 U.S.C. 6329a. For employees covered by section 6329a, it is the exclusive administrative leave authority.

Administrative leave does not apply to leave-exempt employees—i.e., Presidential appointees who are excluded from coverage under title 5 leave laws (5 U.S.C. 6301(a)(2)(x)-(xiii)) because they are entitled to the pay of their offices solely because of their status as officers (5 U.S.C. 5508). Such employees' pay is not based on the hours they work, but on the position they hold. They do not have an established work schedule.

2. Situations Covered

- a. Administrative leave may be used in situations in which no other paid leave or other paid time off is available under other statute or Presidential directive (5 U.S.C. 6329a(a)(1)(B)) as long as the use is determined to be appropriate under U.S. Office of Personnel Management (OPM) regulations, Governmentwide policies, and HHS policies in this section. Administrative leave stands alone and cannot be used simultaneously with another type of available paid leave or paid time off.

- b. If the President uses Constitutional authority as head of the Executive branch to direct agencies to provide a paid excused absence in a particular set of circumstances, the excused absence is not administrative leave under 5 U.S.C. 6329a and is not covered by this policy.
 - c. Under OPM regulations, there are two categories of administrative leave under 5 U.S.C. 6329a: (1) administrative leave for investigative purposes and (2) administrative leave for all other purposes. See section D.1.a regarding the placement of employees on administrative leave for investigative purposes for 10 workdays in a calendar year prior to use of investigative leave under 5 U.S.C. 6329b.
- 3. Agency Discretion
 - a. Administrative leave is not an entitlement, and HHS is not required to provide it (5 CFR 630.1403(a)(2)). Administrative leave is provided to employees of HHS at the discretion of the Secretary or other authorized HHS officials to whom authority has been properly delegated under this policy or other official delegation of authority. Authorized HHS officials retain discretion to approve or not approve administrative leave in any circumstance based on agency judgments regarding mission needs (5 CFR 630.1403(a)(4)).
 - b. Authorized HHS officials may require that an employee use administrative leave. An employee does not have the right to refuse administrative leave. (See 5 CFR 630.1405(c).) The action to require use of administrative leave is not an adverse action under 5 U.S.C. chapter 75 or 5 CFR part 752.
- 4. Not Applicable to Time That Qualifies as Duty Time
 - a. Administrative leave may not be applied to a period of time that qualifies as duty time even though the employee may be excused from regular duties. Authorized HHS officials are responsible for determining whether a period of time qualifies as duty time based on the direct and substantive connection to HHS's mission and/or appropriated functions, the authorities and duties bestowed by Congress or the President, and legislative or regulatory requirements specifically related to the activity. Appendix 2 provides examples of scenarios in which employees are excused from regular duties, but the time is considered duty time, and thus administrative leave is not applicable.

B. Authority

1. Governmentwide Policies

OPM regulations require that, in developing agency policies regarding the appropriate uses and corresponding amounts of administrative leave, authorized agency officials must consider various factors, including "current Administration policies that identify Governmentwide interests" (5 CFR 630.1403(a)(6)). This policy document incorporates relevant Governmentwide policies listed in Section 630-2-180 and thus satisfies this requirement.

2. Authority to Provide Administrative Leave and Delegation of That Authority

a. General

The authority of HHS to provide administrative leave rests with the Secretary and HHS officials to whom that authority has been specifically delegated. Delegations of authority must be traced back to the Secretary. In this policy document, the term "authorized HHS officials" refers to the Secretary or officials who have delegated authority to provide administrative leave in the specified set of circumstances under this policy or other official delegation of authority. Each authorized HHS official is accountable for the policies he/she establishes and for decisions to approve administrative leave in situations not covered by a specific policy and should be prepared to show how he/she gave due consideration to the principles and requirements in law, regulations, and this policy.

b. Control of Approvals

Use of administrative leave may be approved only if (1) the specific type of use and amount of leave for that use has been authorized in this policy or other written policies issued by an authorized HHS official or (2) the use is permitted under general written policies and is specifically approved on a case-by-case basis by an authorized HHS official at least one level higher than the official making the initial determination to approve administrative leave. Authorized HHS officials who delegate authority to approve administrative leave under general written policies may make delegations contingent upon meeting additional requirements specified in the delegation.

c. Decision Factors

As required by OPM regulations (5 CFR 630.1403(a)(6)), in developing HHS 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 HHS policies, authorized HHS officials must consider the following factors:

- i. The regulations in 5 CFR part 630, subpart N;
- ii. The effect on productivity and HHS'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. Consistent treatment of similarly situated employees; and
- vi. The degree of delegation that is appropriate for various uses of administrative leave.

These factors must also be considered when a delegation of authority to approve use of administrative leave is established.

C. Guiding Principles and General Rules

1. Guiding Principles

An authorized HHS official may provide administrative leave only if he/she determines that the use would meet one or more of the following four guiding principles (5 CFR 630.1403(a)(1)):

- a. The absence is directly related to HHS's mission;
- b. The absence is officially sponsored or sanctioned by HHS;
- c. The absence will clearly enhance the professional development or skills of the employee in the employee's current position; or
- d. The absence is in the interest of HHS or of the Government as a whole.

2. Not an Entitlement

Administrative leave is not an entitlement, but is an authority, entrusted to the discretion of HHS. Authorized HHS officials must retain the discretion to approve or not approve administrative leave in any circumstance based on agency judgments regarding mission needs.

3. Length of Use

Administrative leave is appropriately used for brief or short periods of time—usually for not more than 1 workday. However, an incidence of administrative leave lasting more than 1 workday may be approved when determined to be appropriate by an authorized HHS official based on the guiding principles. For example, use of administrative leave as a transition-to-separation tool to facilitate workforce restructuring and realignment initiatives serves long-term HHS and Governmentwide interests and is appropriate.

4. Ad Hoc Versus Recurring Use

Generally, administrative leave should be provided on an ad hoc, event-specific, or time-limited basis. When administrative leave is approved for use under a specific set of circumstances that may recur (e.g., blood donations, voting-related activities), authorized HHS officials always retain discretion to not approve administrative leave in a given scenario due to mission needs.

D. Appropriate Uses

This section identifies appropriate uses of administrative leave under Governmentwide policies and provides selected examples of appropriate uses of administrative leave for employees of HHS. HHS retains discretion to provide or not provide administrative leave in the listed scenarios; however, under Governmentwide or HHS policies, a determination may be made that use of administrative leave should be encouraged in a specific scenario.

1. Authorized Governmentwide Uses

a. Investigative Purposes

Under the governing law and regulation, an authorized HHS official may place an employee on administrative leave for investigative purposes, but only until the limit of 10 workdays in the calendar year (January 1-December 31) has been reached. This 10-

workday limit applies only to the placement of employees on administrative leave for investigative purposes, not to other uses of administrative leave. Once the 10-workday limit has been reached, and if there remains a need to keep the employee in a paid nonduty status because of an investigation, an authorized HHS official may then use section 6329b investigative leave. (See 5 U.S.C. 6329a(b)(1) and 6329b(b)(3)(A) and 5 CFR 630.1404.)

The "investigative purposes" language pertains to situations where an authorized HHS official places an employee (by management action not contingent on employee consent) on administrative leave in connection with an "investigation" (as defined in 5 CFR 630.1502) of the employee that could lead to an adverse action or other adverse outcome.

See section F.5 for information on administering the 10-workday limit. Use of administrative leave must be separately tracked as required in section G.

b. Workforce Realignment Initiatives

Authorized HHS officials may use administrative leave to support various workforce realignment initiatives, including Governmentwide and HHS-specific Deferred Resignation Programs under which employees are provided administrative leave for a period of time before their deferred resignation (including a resignation that represents a separation for retirement) takes effect. Use of administrative leave in connection with such programs is in the interest of HHS and the Government as a whole, since it facilitates workforce restructuring and realignment efforts that will lead to a leaner, less expensive, less wasteful, more efficient, and more mission-focused Federal workforce.

Beginning in calendar year 2026, use of administrative leave by an employee in connection with a workforce realignment initiative is limited to 12 weeks in any individual instance unless a higher threshold has been jointly approved by the Office of Personnel Management and the Office of Management and Budget in a specified set of circumstances.

c. Geographic Relocation of Military Spouses

Authorized HHS officials may provide up to 5 days of administrative leave to their civilian employees accompanying a spouse who is a member of a military service during a geographic relocation occurring as directed by the service member's orders. (See E.O. 14100 of June 9, 2023, and OPM's related memorandum of November 9, 2023, to agency heads.) Authorized HHS officials are encouraged to provide administrative leave in this scenario.

d. Voting Purposes

Authorized HHS officials may provide limited amounts of administrative leave in circumstances in which an employee would otherwise have no reasonable opportunity to vote on a regular election day because of the employee's work schedule. Such administrative leave should generally be limited to the hours required to vote and should

generally not exceed 3 hours in length. Such administrative leave should be provided only to the extent it does not interfere with HHS operations.

Authorized HHS officials may provide administrative leave for early voting on a scheduled workday only if it does not interfere with HHS operations and if one of the following two conditions is met:

- i. The employee will be unable to vote on the regular election day because of activities directly related to HHS's mission (such as Temporary Duty (TDY) travel) and cannot vote by absentee ballot or by early voting on a non-workday; or
 - ii. Early voting hours are the same as, or exceed, voting hours on the regular election day.
- e. Blood Donation

Authorized HHS officials may provide administrative leave, typically up to 4 hours, to an employee who donates blood during the employee's tour of duty.

2. Authorized HHS Uses

a. Employee Assistance Program

Authorized HHS officials may provide limited amounts of administrative leave to an employee for participation in HHS's Employee Assistance Program (EAP) for problem identification and referral to an outside resource and for general employee orientation or education activities.

b. Physical Fitness Activities

Authorized HHS officials may provide limited amounts of administrative leave for approved physical fitness activities provided they do so consistent with OPM regulations on administrative leave, including consideration of the decision factors in 5 CFR 630.1403(a)(6). In providing such leave, authorized HHS officials (1) must retain the discretion to provide or not provide administrative leave based on agency judgments of mission needs and (2) may not grant the administrative leave as an entitlement without regard to mission needs.

Time spent in physical fitness activities approved by an authorized HHS official for employees with mandatory fitness standards is considered duty time and not administrative leave.

c. Rest and Recuperation

Authorized HHS officials may provide limited amounts of administrative leave to allow an employee to rest following unusually lengthy tours of duty or extended travel for work purposes.

d. Early Dismissal Before a Holiday

Authorized HHS officials may provide a limited amount of administrative leave so that employees with a scheduled workday immediately before a holiday are allowed to end their workday early. This leave may not exceed 2 hours unless specifically approved by the Secretary. This leave must be provided as a general goodwill gesture, not as a performance award.

e. Volunteer Activities

Authorized HHS officials may provide limited amounts of administrative leave for approved volunteer activities, if the authorized HHS official determines that the use of leave would satisfy one or more of the four guiding principles in section C.1. Authorized HHS officials must balance support for employees' volunteer activities with the need to ensure that employees' work requirements are fulfilled and that HHS operations are conducted efficiently and effectively.

f. Tardiness

Authorized HHS officials may provide brief periods of administrative leave to employees who arrive after their scheduled start time for adequate reason. However, authorized HHS officials must consider whether other actions are more appropriate given the circumstances. For example, an official may determine that a tardy employee should be placed in absence without leave (AWOL) status for a period of absence that has not been approved.

g. Attendance at Professional Organization Meeting

Authorized HHS officials may provide administrative leave for employees who pay their own expenses to attend a meeting of a professional association or other organization from which HHS could derive some benefit, as described in 5 CFR 251.202(a)(3).

h. Other Use

Authorized HHS officials may approve a use not specifically approved in this HHS policy if (1) no prohibition in section E applies, (2) the official has a delegation of authority that permits approval of a use not listed in this section D, and (3) the use is approved by a higher-level manager (see section B.3(b)).

E. Inappropriate Uses

This section identifies selected examples of inappropriate uses of administrative leave. It does not attempt to make a comprehensive list. Examples are categorized as Governmentwide prohibitions/limitations (based on OPM regulations or policies) or as HHS-specific prohibitions/limitations.

1. Governmentwide Prohibitions/Limitations

a. Marking Memory of Deceased Official

Administrative leave may not be used to mark the memory of a deceased former Federal official. (See 5 CFR 630.1403(b)(1) and 5 U.S.C. 6105.)

b. Reward for Performance

Administrative leave may not be used 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, such as authorized under 5 U.S.C. 4502(e) and 5 CFR 451.104(a) and (f)). However, subject to delegations of authority, an authorized HHS official may grant administrative leave to all employees of an organization as a morale-boosting special goodwill gesture, even if it is broadly linked to the accomplishments of the organization.

c. Limited Use for Voting Purposes

Administrative leave may be used to allow an employee a reasonable opportunity to vote in an election only to the extent permitted under section D.1.d.

d. Poll Workers

Administrative leave may not be used to cover service by poll workers or poll observers in connection with elections, whether that service is partisan or nonpartisan, paid or unpaid. However, HHS may approve other available workforce flexibilities to allow employees to serve as poll workers or poll observers, such as annual leave, compensatory time off earned via overtime work, compensatory time off for travel, credit hours under a flexible work schedule, adjustment of working hours under a flexible work schedule, or leave without pay.

e. Sick Leave Purposes

Administrative leave should not be used for the purpose of excusing an employee from duty for a reason for which sick leave could be used (5 CFR 630.401(a))—unless such use in a particular scenario is specifically approved by Governmentwide policy. However, an employee who is eligible to use sick leave may be granted administrative leave on the same basis it is granted to an employee who is not so eligible when the administrative leave is granted for some other purpose.

2. HHS Prohibitions/Limitations

a. Limitation on Use for Early Dismissal Before Holiday

When a determination is made to grant administrative leave on the workday immediately preceding a Federal paid holiday for employees of an organization as a goodwill gesture, no more than 2 hours of such administrative leave may be granted by an authorized HHS official unless a larger amount is specifically approved by the Secretary.

F. Administration of Administrative Leave

1. Applicable to Hours Within Tour of Duty

Administrative leave is provided only to excuse an employee from duty during hours within an employee's tour of duty established for 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 5 CFR 630.210.

2. Partial-Hour Increment

The same minimum charge increment is used for administrative leave as is used for annual and sick leave under 5 CFR 630.206.

3. Pay During Administrative Leave

The pay an employee receives when using administrative leave is the same pay an employee receives during annual leave, except that night pay for regularly scheduled nightwork that occurs during hours of administrative leave, and that would be payable if the employee performed work, is payable without regard to the 8-hour rule in 5 CFR 550.122(b). For employees whose regular tour of duty includes Sunday, Sunday premium pay may not be paid during a period of paid leave, including administrative leave.

4. Service Credit

Time in administrative leave status is creditable service for all purposes.

5. Application of 10-Workday Annual Limit for Investigative Purposes

a. Conversion to Hours

The 10-workday calendar year limit on administrative leave for investigative purposes must be converted to hours based on the employee's established work schedule (5 CFR 630.1404(b)). For full-time employees with a 40-hour basic workweek or an 80-hourly biweekly basic work requirement, the 10-workday limit is converted to an 80-hour limit. For part-time employees, the calendar year limit is prorated based on the number of hours in the employee's established part-time schedule. For employees with an uncommon tour of duty, 80 hours would be proportionally increased based on the number of hours in the uncommon tour relative to the hours in a regular full-time tour. For employees who have more than one type of work schedule during a calendar year, follow the rule in 5 CFR 630.1404(b)(4).

b. Resetting Balance on January 1

The 10-workday annual limit applies on a calendar year basis (January 1-December 31). Thus, the balance of administrative leave hours used resets at zero on January 1, even if there is a continuation of an investigation requiring administrative leave.

c. Move to Another Agency

If an employee moves to another agency, the balance of administrative leave hours used resets at zero at the new agency, since the 10-workday annual limit applies separately to each agency that may employ an employee during a calendar year. Use by different employing agencies is not aggregated. If an employee moves to another position within HHS, the balance of leave hours used does not reset.

G. Records and Reports

1. By law, use of administrative leave authorized under 5 U.S.C. 6329a must be recorded in timekeeping and payroll systems as a stand-alone category of leave, separately from any other leave (5 U.S.C. 6329a(b)(2)).
2. Administrative leave must be reported to OPM's Enterprise Human Resources Integration (EHRI) database (5 CFR 630.1406(c)).
3. Administrative leave must be recorded and reported in one of two subcategories:
 - a. Administrative leave for investigative purposes
 - b. Administrative leave for all other purposes
4. Employees, managers certifying employee time and attendance, and other individuals with timekeeping responsibilities are responsible for properly recording and reporting all uses of administrative leave so that HHS use of the administrative leave authority may be evaluated.

H. Responsibilities of Supervisors/Managers and Employees

1. Supervisors and Managers

Supervisors and managers have a fundamental responsibility to ensure Government resources are used efficiently and effectively, with minimum potential for waste, fraud, and mismanagement. They are responsible for administering leave programs, including the administrative leave program, with integrity and in compliance with applicable laws, regulations, and policies. A manager is accountable for—

- a. administering and counseling an employee on leave rules, regulations, and procedures in accordance with applicable laws, regulations, and policies;
- b. reviewing, approving, validating, and certifying the accuracy of official time and attendance records for their employees;
- c. ensuring that an employee submits appropriate documentation for absences, as required;
- d. retaining records as required by applicable records management policies;
- e. identifying, investigating, and correcting leave errors and abuse; and
- f. keeping higher levels of management aware of any systemic issues that may require broader action.

2. Employees

An employee's responsibilities in connection with the use of leave (including administrative leave) include—

- a. observing designated duty hours, complying with both leave and hours of duty rules, regulations, and established business procedures, and requesting and using leave in accordance with its intended purpose;
- b. accurately reporting their hours of work, leave taken, and other required information in official time and attendance records;
- c. providing appropriate documentation concerning absences, as required by established policies; and

- d. contacting management for assistance with any problems relating to time and attendance recording or validation.
- I. Additional Guidance
 - 1. Reporting Categories: For detailed information on paid time off categories that are not administrative leave under 5 U.S.C. 6329a, see the HHS Timekeeping Guide.
 - 2. Duty Time Examples: For examples of when employees are excused from regular duties, but time qualifies as duty time (not administrative leave), see OPM Fact Sheet: Administrative Leave.

630-2-170 Investigative Leave and Notice Leave

This section implements the Department of Health and Human Services (HHS) policy for investigative leave and notice leave under 5 U.S.C. 6329b.

A. Investigative Leave (5 U.S.C. 6329b)

The Administrative Leave Act of 2016 establishes investigative leave and notice leave for employees subject to investigation or notice of a proposed adverse action, respectively. Agencies must act expeditiously to conclude investigations and either return the employee to duty or take appropriate personnel action

Investigative leave and notice leave are permitted at an agency's discretion but subject to statutory and regulatory requirements—when an agency determines that an employee must be removed from the workplace while under investigation or during a notice period.

An employee on investigative leave or notice leave must be prepared to report to work at any time during the employee's regularly scheduled tour of duty or must obtain approval of the appropriate leave to eliminate the possible obligation to report to work if the employee will be unable to report promptly if called, (630.1503(d)(1)).

1. Investigative Leave

An agency's use of investigative leave is discretionary. In most circumstances, an employee who is being investigated should remain in a duty status in their regular position during the investigation period.

- a. After the expiration of the 10-workday of administrative leave if management officials need to continue with the investigation, employee must be placed in investigative leave for a period of no more than 30 workdays.
- b. Component Heads are responsible for establishing reporting requirements and communicating expectations to employees when they are notified of placement on investigative leave.
 - i. Employees on investigative must be prepared to report to work at any time during the employee's regularly scheduled tour of duty or must obtain approval of the appropriate leave to eliminate the possible obligation to report to work promptly if called.

- ii. Employees on investigative leave must report daily to their supervisor at the time specified by the supervisor.
- c. The use of investigative leave is subject to time limitations and special approvals for extensions. Extension may be approved in increments of no more than 30 workdays.

2. Extensions

- a. Extensions beyond 30 workdays: If a Component Head determines that an extended period of investigative leave is appropriate, the Chief Human Capital Officer (CHCO) or the CHCO's designee may approve extensions in increments of no more than 30 workdays for up to a total of 90 workdays.
 - i. This 90-day limit applies to extensions of investigative leave associated with a single initial period of investigative leave.
- b. Extension beyond the 90-workdays limit: Further extensions beyond the 90-day limit are limited and subject to conditions.
 - i. First, an official authorized to approve an extension under 5 CFR 630.1504(f)(3) may only approve additional extensions in increments of up to 30 workdays.
 - ii. Each extension must be based on the same criteria used to approve the initial period of investigative leave under 5 CFR 630.1504(b) and the extensions under 5 CFR 630.1504(f).
 - iii. Lastly, no later than 5 business days after granting each extension, the agency must submit a report to Congress that addresses the criteria in 5 CFR 630.1504(g)(1)-(8).
 - iv. Extensions of investigative leave under 5 CFR 630.1504(g) must notify the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Accountability of the House of Representatives, and any other committees of jurisdiction over an agency within five business days.

B. Telework in lieu of investigative leave

When appropriate, management officials may require an employee to telework in lieu of investigative leave, 5 U.S.C. 6502(c), the Telework Enhancement Act. Component Heads are strongly encouraged to consider utilizing this authority after determining that the employee does not pose a threat and is otherwise eligible to telework (see 5 CFR 630.1503(c)).

- 1. If a Component Head requires an employee to telework in lieu of placement on investigative leave, it must provide the employee with a written explanation regarding the required telework in lieu of placement on investigative leave. The written explanation must include:
 - a. Determination under 5 CFR 630.1503(c)(1)
 - b. Description of the limitations of the required telework
 - c. Expected duration of telework
 - d. Written explanation such as duty location
 - e. Frequency and modes of communication
 - f. Work expectations

C. Notice Leave (5 U.S.C. 6329b)

An agency may place an employee on notice leave when the employee is in a notice period (has received notice of proposed adverse action) and continued workplace presence poses threats or jeopardizes government interests.

1. Management officials cannot place an employee on notice leave prior to proposing adverse action.
2. Notice leave is granted to an employee who is in a notice period.
3. Component Heads may place an employee on notice leave without first using investigative leave.
4. When an employee is the subject of an investigation and in an investigative leave status, the Component Heads must make a new determination under 5 CFR 630.1503(b) before changing the employee's status from investigative leave to notice leave.
5. Employees on investigative leave must report daily to their supervisor at the time specified by the supervisor.
6. Management officials retain the discretion in determining whether to place an employee on notice leave. Normally, an employee should remain in a duty status in their regular position during the period pending an agency's decision on a proposed adverse action.
 - a. Employees may telework during notice if approved by the agency and consistent with telework policy.

630-2-180 References

Executive Orders

- A. [Executive Order 14148 \(January 20, 2025\)](#) - Revoked voting leave policies
- B. [Executive Order 14100](#) - Supporting Military Spouses in the Workforce (June 9, 2023)

Public Law

- A. [Federal Employee Paid Leave Act \(Public Law 116-92, December 20, 2019\)](#)
- B. [Administrative Leave Act of 2016](#)
- C. [National Defense Authorization Act for Fiscal Year 2008 \(Public Law 110-181, January 28, 2008\)](#)
- D. [National Defense Authorization Act for Fiscal Year 2025](#)
- E. [Federal Workforce Flexibility Act of 2004 \(Public Law 108-411\)](#)
- F. [National Defense Authorization Act for Fiscal Year 2022 \(Public Law 117-81, December 27, 2021\)](#).

United States Code

- A. [5 U.S.C. 5551](#) (law - lump-sum payment for accumulated and accrued leave on separation)
- B. [5 U.S.C. Chapter 63](#) (law - leave)
- C. [37 U.S.C. 501\(g\)](#) (law - lump-sum leave payments made to Commissioned Corps employees)
- D. [5 U.S.C. 6329a](#) (Administrative Leave)
- E. [5 U.S.C. 6329b](#) (Investigative Leave and Notice Leave)
- F. [5 U.S.C. 6329c](#) (Related provisions)
- G. [5 U.S.C. 6329d](#) (Paid Bereavement Leave)
- H. [5 U.S.C. 6382](#) (Family and Medical Leave Act - Paid Parental Leave provisions)
- I. [5 U.S.C. 5550a](#) (Compensatory Time Off for Religious Observances)
- J. [5 U.S.C. 5550b](#) (Compensatory Time Off for Travel)

Code of Federal Regulations

- A. [5 CFR, Part 630](#) (regulations - absence and leave)
- B. [5 CFR, Part 630, Subpart L](#) (Family and Medical Leave Act)
- C. [5 CFR, Part 630, Subpart N](#) (Administrative Leave)
- D. [5 CFR, Part 630, Subpart O](#) (Investigative Leave and Notice Leave)
- E. [5 CFR, Part 630, Subpart Q](#) (Paid Parental Leave)
- F. [5 CFR, Parts 630 and 752](#)
- G. [5 CFR, Part 550, Subpart J](#) (Compensatory Time Off for Religious Observances)
- H. [5 CFR, Part 550, Subpart N](#) (Compensatory Time Off for Travel)
- I. [5 CFR 630.205](#) (Credit for prior work experience and experience in a uniformed service for determining annual leave accrual rate)

HHS Policy

- A. [HHS Instruction 550-11](#): Compensatory Time Off for Religious Observances (December 15, 2020)
- B. [HHS Personnel Instruction 610-3](#) (temporary closing of workplaces)
- C. [HHS Guide for Timekeepers](#)

OPM Guidance

- A. [Federal Register: Administrative Leave, Investigative Leave, and Notice Leave \(December 17, 2024\)](#)

- B. Federal Register: Administrative Leave, Investigative Leave, and Notice Leave, Final Rule (89 FR 99999, December 17, 2024)
- C. Federal Register Final Rule: Compensatory Time Off for Religious Observances (April 29, 2019, effective May 29, 2019)
- D. OPM Memorandum CPM 2025-01, Final Regulations on Administrative Leave, Investigative Leave, and Notice Leave, January 3, 2025
- E. OPM Memorandum of January 20, 2025 (revised on March 4, 2025), to agency heads (providing guidance on the use of administrative leave as part of workforce restructuring or realignment initiatives)
- F. OPM Memorandum of January 28, 2025, to agency heads (providing guidance on the Governmentwide Deferred Resignation Program)
- G. OPM memorandum of February 4, 2025, to agency heads (regarding legality of Deferred Resignation Program, including use of administrative leave under that program)
- H. OPM Guidance: Paid Parental Leave (5 CFR 630.1701-1707)
- I. OPM Fact Sheet: Leave Upon Transfer or Separation (2025)
- J. OPM Fact Sheet: Paid Time Off Upon Transfer or Separation (2025)
- K. OPM Fact Sheet: Administrative Leave (issued May 30, 2025)
- L. OPM Fact Sheet: Compensatory Time Off for Travel
- M. OPM Fact Sheet: Creditable Service for Annual Leave Accrual for Non-Federal Work Experience and Experience in the Uniformed Service
- N. Memorandum - Return of Activated Military Members to Federal Civilian Employment, November 14, 2003
- O. Presidential Memorandum, "Supporting Access to Leave for Federal Employees," dated February 2, 2023
- P. NARA General Records Schedule (GRS) 2.7
- Q. NARA General Records Schedule (GRS) 2.2

630-2-190 Documentation and Accountability

A. Documentation Requirements

1. Records associated with leave administration, including leave requests, medical certifications, and documentation sufficient for third-party reconstruction purposes, must be retained according to the National Archives and Records Administration (NARA), General Records Schedule (GRS) 2.7, Employee Health and Safety Records, and GRS 2.2, Employee Management Records. Generally, all records created each year must be retained for the time periods specified in the applicable NARA schedule. Records involved in litigation and grievance processes may be destroyed only after official notification from OPM, the

Department of Justice, the courts, the Office of the General Counsel, etc., that the matter has been fully litigated or resolved and closed.

2. For administrative leave, investigative leave, and notice leave, agencies must maintain detailed records for a minimum of 6 years including: reasons for the initial decision and alleged actions requiring investigation; basis for determination under baseline factors; explanation of why alternative actions were not appropriate; length of leave period and salary paid; and extension approvals and justifications.
3. Designation of administrative leave categories (including administrative leave for investigative purposes, administrative leave for other purposes, investigative leave, and notice leave) must be documented within the HHS time and attendance system as OPM reporting requirements require, in accordance with HHS Timekeeper Guide.

B. Accountability

1. ASA/OHR will conduct periodic accountability reviews to analyze compliance with this Policy, OPM policy guidance, and applicable Federal laws and regulations.
2. Each Component shall:
 - a. Ensure their component is adhering to the requirements in this Policy.
 - b. Maintain accurate leave records and submit required reports to ASA/OHR, upon request, in order to comply with reporting requirements to HHS leadership, Congress, OMB, OPM, etc.
 - c. Establish quality assurance procedures to ensure consistent application of leave policies across all organizational units.
 - d. Ensure all training requirements for leave-approving officials and HR personnel are met and have successfully been completed.



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