

Section 10(b) of the Agricultural Adjustment Act, referred to in subsec. (a)(1), is classified to section 610(b) of Title 7, Agriculture.

#### AMENDMENTS

1990—Pub. L. 101-508 inserted “and nonappropriated fund” after “office” in section catchline and amended text generally. Prior to amendment, text read as follows: “Service rendered as an employee of a county committee established pursuant to section 590h(b) of title 16, or of a committee or an association of producers described in section 610(b) of title 7, shall be included in determining years of service for the purpose of section 6303(a) of this title. The provisions of section 6308 of this title for transfer of annual and sick leave between leave systems shall apply to the leave system established for such employees.”

1986—Pub. L. 99-251 struck out “in the case of any officer or employee in or under the Department of Agriculture” at end of first sentence.

1968—Pub. L. 90-623 substituted “section 590h(b) of title 16” and “section 610(b) of title 7” for “section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b))” and “section 10(b) of the Agricultural Adjustment Act of May 12, 1933 (48 Stat. 37)” respectively.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-508 applicable with respect to any individual who, on or after Jan. 1, 1987, moves from employment in nonappropriated fund instrumentality of Department of Defense or Coast Guard, that is described in section 2105(c) of this title, to employment in Department or Coast Guard, that is not described in section 2105(c), or who moves from employment in Department or Coast Guard, that is not described in section 2105(c), to employment in nonappropriated fund instrumentality of Department or Coast Guard, that is described in section 2105(c), see section 7202(m)(1) of Pub. L. 101-508, set out as a note under section 2105 of this title.

##### EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-623 intended to restate without substantive change the law in effect on Oct. 22, 1968, see section 6 of Pub. L. 90-623, set out as a note under section 5334 of this title.

#### TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

#### SUBCHAPTER II—OTHER PAID LEAVE

### § 6321. Absence of veterans to attend funeral services

An employee in or under an Executive agency who is a veteran of a war, or of a campaign or expedition for which a campaign badge has been authorized, or a member of an honor or ceremonial group of an organization of those veterans, may be excused from duty without loss of pay or deduction from annual leave for the time necessary, not to exceed 4 hours in any one day, to enable him to participate as an active pallbearer or as a member of a firing squad or a guard of honor in a funeral ceremony for a member of the

armed forces whose remains are returned from abroad for final interment in the United States. (Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 521.)

#### HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 30q.	Aug. 16, 1949, ch. 441, 63 Stat. 608. July 17, 1952, ch. 932, §1, 66 Stat. 758.

The words “Executive agency” are coextensive with and substituted for “executive branch of the Government” in view of the definition of “Executive agency” in section 105. Applicability to the General Accounting Office is based on former section 933a.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

### § 6322. Leave for jury or witness service; official duty status for certain witness service

(a) An employee as defined by section 2105 of this title (except an individual whose pay is disbursed by the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives) or an individual employed by the government of the District of Columbia is entitled to leave, without loss of, or reduction in, pay, leave to which he otherwise is entitled, credit for time or service, or performance of efficiency rating, during a period of absence with respect to which he is summoned, in connection with a judicial proceeding, by a court or authority responsible for the conduct of that proceeding, to serve—

(1) as a juror; or

(2) other than as provided in subsection (b) of this section, as a witness on behalf of any party in connection with any judicial proceeding to which the United States, the District of Columbia, or a State or local government is a party;

in the District of Columbia, a State, territory, or possession of the United States including the Commonwealth of Puerto Rico or the Trust Territory of the Pacific Islands. For the purpose of this subsection, “judicial proceeding” means any action, suit, or other judicial proceeding, including any condemnation, preliminary, informational, or other proceeding of a judicial nature, but does not include an administrative proceeding.

(b) An employee as defined by section 2105 of this title (except an individual whose pay is disbursed by the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives) or an individual employed by the government of the District of Columbia is performing official duty during the period with respect to which he is summoned, or assigned by his agency, to—

(1) testify or produce official records on behalf of the United States or the District of Columbia; or

(2) testify in his official capacity or produce official records on behalf of a party other than the United States or the District of Columbia.

(c) The Office of Personnel Management may prescribe regulations for the administration of this section.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 522; Pub. L. 91-563, §1(a), Dec. 19, 1970, 84 Stat. 1476; Pub. L. 94-310, §1, June 15, 1976, 90 Stat. 687; Pub. L. 95-454, title IX, §906(a)(2), Oct. 13, 1978, 92 Stat. 1224; Pub. L. 96-70, title I, §1251, Sept. 27, 1979, 93 Stat. 476; Pub. L. 104-186, title II, §215(10), Aug. 20, 1996, 110 Stat. 1746; Pub. L. 104-201, div. C, title XXXV, §3548(a)(8), Sept. 23, 1996, 110 Stat. 2869.)

## HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 30n.	June 29, 1940, ch. 446, §1, 54 Stat. 689.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

## Editorial Notes

## AMENDMENTS

1996—Subsec. (a). Pub. L. 104-201, in concluding provisions, substituted “Puerto Rico or” for “Puerto Rico,” and struck out “, or the Republic of Panama” after “Pacific Islands”.

Pub. L. 104-186 substituted “Chief Administrative Officer” for “Clerk” in introductory provisions.

Subsec. (b). Pub. L. 104-186 substituted “Chief Administrative Officer” for “Clerk”.

1979—Subsec. (a). Pub. L. 96-70 substituted “the Trust Territory of the Pacific Islands, or the Republic of Panama” for “the Canal Zone, or the Trust Territory of the Pacific Islands”.

1978—Subsec. (c). Pub. L. 95-454 substituted “Office of Personnel Management” for “Civil Service Commission”.

1976—Subsec. (a)(2). Pub. L. 94-310 substituted “other than as provided in subsection (b) of this section, as a witness on behalf of any party in connection with any judicial proceeding to which the United States, the District of Columbia, or a State or local government is a party” for “as a witness on behalf of a party other than the United States, the District of Columbia, or a private party”.

1970—Pub. L. 91-563 included witness service and official duty status for certain witness service in section catchline.

Subsec. (a). Pub. L. 91-563 designated existing provisions as subsec. (a) and expanded such provisions to authorize leave for jury service in courts in the District of Columbia and in territories and possessions of the United States, to permit leave for persons summoned as witnesses in behalf of a party other than the United States, the District of Columbia, or a private party, defined “judicial proceeding”, and excepted individuals whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives.

Subsecs. (b), (c). Pub. L. 91-563 added subsecs. (b) and (c).

## Statutory Notes and Related Subsidiaries

## EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-70 effective Oct. 1, 1979, see section 3304 of Pub. L. 96-70, set out as an Effective Date note under section 3601 of Title 22, Foreign Relations and Intercourse.

## EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-454 effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95-454, set out as a note under section 1101 of this title.

## EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-310 effective Oct. 1, 1976, see section 4 of Pub. L. 94-310, set out as a note under section 4503 of Title 2, The Congress.

## Executive Documents

## TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

## § 6323. Military leave; Reserves and National Guardsmen

(a)(1) Subject to paragraph (2) of this subsection, an employee as defined by section 2105 of this title or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, is entitled to leave without loss in pay, time, or performance or efficiency rating for active duty, inactive-duty training (as defined in section 101 of title 37), funeral honors duty (as described in section 12503 of title 10 and section 115 of title 32), or engaging in field or coast defense training under sections 502-505 of title 32 as a Reserve of the armed forces or member of the National Guard. Leave under this subsection accrues for an employee or individual at the rate of 15 days per fiscal year and, to the extent that it is not used in a fiscal year, accumulates for use in the succeeding fiscal year until it totals 15 days at the beginning of a fiscal year.

(2) In the case of an employee or individual employed on a part-time career employment basis (as defined in section 3401(2) of this title), the rate at which leave accrues under this subsection shall be a percentage of the rate prescribed under paragraph (1) which is determined by dividing 40 into the number of hours in the regularly scheduled workweek of that employee or individual during that fiscal year.

(3) The minimum charge for leave under this subsection is one hour, and additional charges are in multiples thereof.

(b) Except as provided by section 5519 of this title, an employee as defined by section 2105 of this title or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, who—

(1) is a member of a Reserve component of the Armed Forces, as described in section 10101 of title 10, or the National Guard, as described in section 101 of title 32; and

(2)(A) performs, for the purpose of providing military aid to enforce the law or for the purpose of providing assistance to civil authorities in the protection or saving of life or property or the prevention of injury—

(i) Federal service under section 331, 332, 333,<sup>1</sup> or 12406 of title 10, or other provision of law, as applicable, or

(ii) full-time military service for his State, the District of Columbia, the Commonwealth of Puerto Rico, or a territory of the United States; or

(B) performs full-time military service as a result of a call or order to active duty in support of a contingency operation as defined in section 101(a)(13) of title 10;

is entitled, during and because of such service, to leave without loss of, or reduction in, pay,

<sup>1</sup> See References in Text note below

leave to which he otherwise is entitled, credit for time or service, or performance or efficiency rating. Leave granted by this subsection shall not exceed 22 workdays in a calendar year. Upon the request of an employee, the period for which an employee is absent to perform service described in paragraph (2) may be charged to the employee's accrued annual leave or to compensatory time available to the employee instead of being charged as leave to which the employee is entitled under this subsection. The period of absence may not be charged to sick leave.

(c) An employee as defined by section 2105 of this title or an individual employed by the government of the District of Columbia, who is a member of the National Guard of the District of Columbia, is 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. This subsection covers each day of service the National Guard, or a portion thereof, is ordered to perform by the commanding general.

(d)(1) A military reserve technician described in section 8401(30)<sup>1</sup> is entitled at such person's request to leave without loss of, or reduction in, pay, leave to which such person is otherwise entitled, credit for time or service, or performance or efficiency rating for each day, not to exceed 44 workdays in a calendar year, in which such person is on active duty without pay, as authorized pursuant to section 12315 of title 10, under section 12301(b) or 12301(d) of title 10 for participation in operations outside the United States, its territories and possessions.

(2) An employee who requests annual leave or compensatory time to which the employee is otherwise entitled, for a period during which the employee would have been entitled upon request to leave under this subsection, may be granted such annual leave or compensatory time without regard to this section or section 5519.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 522; Pub. L. 90-588, §2(a), Oct. 17, 1968, 82 Stat. 1151; Pub. L. 90-623, §1(17), Oct. 22, 1968, 82 Stat. 1313; Pub. L. 91-375, §6(c)(18), Aug. 12, 1970, 84 Stat. 776; Pub. L. 96-54, §2(a)(40), Aug. 14, 1979, 93 Stat. 383; Pub. L. 96-70, title III, §3302(e)(5), Sept. 27, 1979, 93 Stat. 498; Pub. L. 96-431, §1, Oct. 10, 1980, 94 Stat. 1850; Pub. L. 102-190, div. A, title V, §528, Dec. 5, 1991, 105 Stat. 1364; Pub. L. 103-337, div. A, title XVI, §1677(a)(2), Oct. 5, 1994, 108 Stat. 3019; Pub. L. 104-106, div. A, title V, §516(a), title X, §1039, Feb. 10, 1996, 110 Stat. 309, 432; Pub. L. 106-65, div. A, title VI, §672(b), title XI, §§1105(a), 1106(a), Oct. 5, 1999, 113 Stat. 674, 777; Pub. L. 106-554, §1(a)(3) [title VI, §642], Dec. 21, 2000, 114 Stat. 2763, 2763A-169; Pub. L. 107-107, div. A, title V, §563, Dec. 28, 2001, 115 Stat. 1120; Pub. L. 108-136, div. A, title XI, §1113(a), Nov. 24, 2003, 117 Stat. 1635; Pub. L. 108-375, div. A, title V, §523, Oct. 28, 2004, 118 Stat. 1888.)

## HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 30r(a).	Aug. 10, 1956, ch. 1041, §29 (a), 70A Stat. 632. Sept. 2, 1958, Pub. L. 85-861, §13, 72 Stat. 1557. June 30, 1960, Pub. L. 86-559, §7, 74 Stat. 282.

## HISTORICAL AND REVISION NOTES—CONTINUED

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
		Oct. 4, 1961, Pub. L. 87-378, §7(a), 75 Stat. 809.

In subsection (a), the words “without regard to classification or terminology peculiar to the Civil Service system” are omitted as unnecessary. The word “performance” is added on authority of the Performance Rating Act of 1950, which is carried into chapter 43 of this title.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

## Editorial Notes

## REFERENCES IN TEXT

Sections 331, 332, 333, referred to in subsec. (b)(2)(A)(i), were renumbered sections 251, 252, and 253, respectively, of Title 10, Armed Forces, by Pub. L. 114-328, div. A, title XII, §1241(a)(2), Dec. 23, 2016, 130 Stat. 2497.

Section 8401(30) of this title, referred to in subsec. (d)(1), was amended generally by Pub. L. 106-65, div. A, title V, §522(c)(2), Oct. 5, 1999, 113 Stat. 597, and, as so amended, no longer describes military reserve technicians.

## AMENDMENTS

2004—Subsec. (d)(1). Pub. L. 108-375 struck out “(other than active duty during a war or national emergency declared by the President or Congress)” before “for participation in”.

2003—Subsec. (b)(2). Pub. L. 108-136 designated existing provisions as subpar. (A), redesignated former subpars. (A) and (B) as cls. (i) and (ii), respectively, of subpar. (A), and added subpar. (B).

2001—Subsec. (a)(1). Pub. L. 107-107 inserted “funeral honors duty (as described in section 12503 of title 10 and section 115 of title 32),” after “(as defined in section 101 of title 37),”.

2000—Subsec. (a)(3). Pub. L. 106-554 added par. (3).

1999—Subsec. (a)(1). Pub. L. 106-65, §1106(a), inserted “, inactive-duty training (as defined in section 101 of title 37),” after “active duty” in first sentence.

Subsec. (d)(1). Pub. L. 106-65, §§672(b) and 1105(a), amended par. (1) identically, striking out “noncombat” after “for participation in”.

1996—Subsec. (b). Pub. L. 104-106, §516(a), inserted at end “Upon the request of an employee, the period for which an employee is absent to perform service described in paragraph (2) may be charged to the employee's accrued annual leave or to compensatory time available to the employee instead of being charged as leave to which the employee is entitled under this subsection. The period of absence may not be charged to sick leave.”

Subsec. (d). Pub. L. 104-106, §1039, added subsec. (d).

1994—Subsec. (b)(1). Pub. L. 103-337, §1677(a)(2)(A), substituted “section 10101” for “section 261”.

Subsec. (b)(2)(A). Pub. L. 103-337, §1677(a)(2)(B), substituted “or 12406 of title 10” for “3500, or 8500 of title 10”.

1991—Subsec. (b)(2). Pub. L. 102-190 substituted “law or for the purpose of providing assistance to civil authorities in the protection or saving of life or property or the prevention of injury—” for “law—” in introductory provisions.

1980—Subsec. (a). Pub. L. 96-431 designated existing provisions as par. (1), substituted “Subject to paragraph (2) of this subsection, an employee” for “An employee” and “for active duty or engaging in field or coast defense training” for “for each day, not in excess of 15 days in a calendar year, in which he is on active duty or is engaged in field or coast defense training”, inserted provision relating to accrual and accumulation of leave, and added par. (2).

1979—Subsec. (b)(2)(B). Pub. L. 96-70 which directed the amendment of subsec. (c)(2)(B) by striking out “the Canal Zone,” was executed to subsec. (b)(2)(B) in view of the redesignation of subsec. (c) as (b) by Pub. L. 96-54. See 1979 Amendment note below.

Subsec. (b). Pub. L. 96-54 redesignated subsec. (c), as added by Pub. L. 90-588, as (b). Former subsec. (b), relating to military leave, was repealed by Pub. L. 91-375, §6(c)(18)(B), Aug. 12, 1970, 84 Stat. 776.

Subsec. (c). Pub. L. 96-54 redesignated subsec. (c), as added by Pub. L. 90-588, as (b).

1970—Subsec. (a). Pub. L. 91-375, §6(c)(18)(A), struck out “(except a substitute in the postal field service)” after “section 2105 of this title”.

Subsec. (b). Pub. L. 91-375, §6(c)(18)(B), struck out subsec. (b) relating to military leave, without loss in pay, time, or efficiency rating, of substitute employees of the postal service, not in excess of 80 hours in a calendar year, for National Guard training as Reserves of the Armed Forces or members of the National Guard, on basis of 1 hour for 26 hours of work, including minimum working period of 1,040 hours in the prior calendar year.

Subsec. (c). Pub. L. 91-375, §6(c)(18)(A), struck out “(except a substitute in the postal field service)” after “section 2105 of this title”.

Subsec. (d). Pub. L. 91-375, §6(c)(18)(B), struck out subsec. (d) relating to military leave, without loss of or reduction in pay, leave, service credit, or efficiency rating, of substitute employees of the postal service, not in excess of 160 hours in a calendar year, for service as members of Reserve components of the Armed Forces or the National Guard, for Federal service under insurrection provisions of sections 331, 332, and 333 and in the Army National Guard and Air National Guard under sections 3500 and 8500 of Title 10 and non-Federal service (in the States, District of Columbia, Puerto Rico, Canal Zone, and the territories) for purpose of providing military aid to enforce the law, on basis of 1 hour for 13 hours of work, including minimum working period of 1,040 hours in the prior calendar year.

1968—Subsecs. (a), (b). Pub. L. 90-623, §1(17)(A), substituted “loss in” for “loss of”.

Subsec. (c). Pub. L. 90-623, §1(17)(B), added subsec. (c), set out second.

Subsec. (c). Pub. L. 90-588 added subsec. (c), set out first.

Subsec. (d). Pub. L. 90-588 added subsec. (d).

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108-136, div. A, title XI, §1113(b), Nov. 24, 2003, 117 Stat. 1635, provided that: “The amendments made by subsection (a) [amending this section] shall apply to military service performed on or after the date of the enactment of this Act [Nov. 24, 2003].”

##### EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106-65, div. A, title XI, §1105(b), Oct. 5, 1999, 113 Stat. 777, provided that: “The amendment made by subsection (a) [amending this section] shall take effect on the date of the enactment of this Act [Oct. 5, 1999] and shall apply with respect to days of leave under section 6323(d)(1) of title 5, United States Code, on or after that date.”

Pub. L. 106-65, div. A, title XI, §1106(b), Oct. 5, 1999, 113 Stat. 777, provided that: “The amendment made by subsection (a) [amending this section] shall not apply with respect to any inactive-duty training (as defined in such amendment) occurring before the date of the enactment of this Act [Oct. 5, 1999].”

##### EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-337 effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as an Effective Date note under section 10001 of Title 10, Armed Forces.

##### EFFECTIVE DATE OF 1980 AMENDMENT

Pub. L. 96-431, §2, Oct. 10, 1980, 94 Stat. 1850, provided that: “The amendments made by the first section of

this Act [amending this section] shall take effect October 1, 1980.”

##### EFFECTIVE DATE OF 1979 AMENDMENTS

Amendment by Pub. L. 96-70 effective Oct. 1, 1979, see section 3304 of Pub. L. 96-70, set out as an Effective Date note under section 3601 of Title 22, Foreign Relations and Intercourse.

Amendment by Pub. L. 96-54 effective July 12, 1979, see section 2(b) of Pub. L. 96-54, set out as a note under section 305 of this title.

##### EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-375 effective within 1 year after Aug. 12, 1970, on date established therefor by Board of Governors of United States Postal Service and Published by it in Federal Register, see section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding section 101 of Title 39, Postal Service.

##### EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-623 effective as of Sept. 6, 1966, for all purposes, see section 6 of Pub. L. 90-623, set out as a note under section 5334 of this title.

##### AUTHORIZATION TO USE APPROPRIATIONS TO PAY MILITARY LEAVE OR ANNUAL LEAVE

Pub. L. 107-117, div. A, title VIII, §8023, Jan. 10, 2002, 115 Stat. 2252, provided that: “During the current fiscal year and hereafter, funds appropriated or otherwise available for any Federal agency, the Congress, the judicial branch, or the District of Columbia may be used for the pay, allowances, and benefits of an employee as defined by section 2105 of title 5, United States Code, or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, who—

“(1) is a member of a Reserve component of the Armed Forces, as described in section 10101 of title 10, United States Code, or the National Guard, as described in section 101 of title 32, United States Code; “(2) performs, for the purpose of providing military aid to enforce the law or providing assistance to civil authorities in the protection or saving of life or property or prevention of injury—

“(A) Federal service under sections 331 [now 251], 332 [now 252], 333 [now 253], or 12406 of title 10, United States Code, or other provision of law, as applicable; or

“(B) full-time military service for his or her State, the District of Columbia, the Commonwealth of Puerto Rico, or a territory of the United States; and

“(3) requests and is granted—

“(A) leave under the authority of this section; or

“(B) annual leave, which may be granted without regard to the provisions of sections 5519 and 6323(b) of title 5, United States Code, if such employee is otherwise entitled to such annual leave:

*Provided*, That any employee who requests leave under subsection (3)(A) for service described in subsection (2) of this section is entitled to such leave, subject to the provisions of this section and of the last sentence of section 6323(b) of title 5, United States Code, and such leave shall be considered leave under section 6323(b) of title 5, United States Code.”

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 106-259, title VIII, §8023, Aug. 9, 2000, 114 Stat. 679.

Pub. L. 106-79, title VIII, §8025, Oct. 25, 1999, 113 Stat. 1236.

Pub. L. 105-262, title VIII, §8025, Oct. 17, 1998, 112 Stat. 2302.

Pub. L. 105-56, title VIII, §8026, Oct. 8, 1997, 111 Stat. 1226.

Pub. L. 104-208, div. A, title I, §101(b) [title VIII, §8028], Sept. 30, 1996, 110 Stat. 3009-71, 3009-94.

Pub. L. 104-61, title VIII, §8036, Dec. 1, 1995, 109 Stat. 659.

Pub. L. 103-335, title VIII, §8042, Sept. 30, 1994, 108 Stat. 2627.

Pub. L. 103-139, title VIII, §8047, Nov. 11, 1993, 107 Stat. 1450.

Pub. L. 102-396, title IX, §9064, Oct. 6, 1992, 106 Stat. 1916.

Pub. L. 102-172, title VIII, §8068, Nov. 26, 1991, 105 Stat. 1187.

Pub. L. 101-511, title VIII, §8086, Nov. 5, 1990, 104 Stat. 1895.

#### DEFINITION OF OFFICERS AND EMPLOYEES

Act July 1, 1947, ch. 192, §4, 61 Stat. 239, as amended by June 22, 1956, ch. 428, 70 Stat. 331, provided that: “The words ‘officers and employees of the United States or of the District of Columbia’ as used in the third paragraph, subheading ‘Ordinance Stores and Equipment for Reserve Officers Training Corps’, of the Act of May 12, 1917 (40 Stat. 72; 10 U.S.C. Annotated 371) [covered by this section], as now or hereafter amended, as used in that part of section 80 of the Act of June 3, 1916 (39 Stat. 203; 32 U.S.C. 75) [covered by this section], as now or hereafter amended, which precedes the proviso, and as used in the first proviso of section 9 of the Naval Reserve Act of 1938 (52 Stat. 1177; 34 U.S.C. 853g) [covered by this section], as now or hereafter amended, shall be construed to mean all officers and employees of the United States or of the District of Columbia, permanent or temporary indefinite, without regard to classifications or terminology peculiar to the Federal Civil Service System. The words ‘officers and employees of the United States or of the District of Columbia’, as used in such provisions of law, as now or hereafter amended, also shall be construed to mean substitute employees in the postal field service; such substitute employees shall be entitled to military leave of absence on the basis of one hour of such leave for each period or periods aggregating twenty-six hours of work performed in the calendar year immediately preceding the year in which they are ordered to duty by proper authority: *Provided*, That the number of hours worked during the preceding calendar year shall not be less than one thousand forty hours before such substitute employee shall be entitled to military leave of absence, pay for such leave not to exceed eighty hours in each calendar year.”

#### § 6324. Absence of certain police and firemen

(a) Sick leave may not be charged to the account of a member of the Metropolitan Police force or the Fire Department of the District of Columbia, the United States Park Police force, or the United States Secret Service Uniformed Division for an absence due to injury or illness resulting from the performance of duty.

(b) The determination of whether an injury or illness resulted from the performance of duty shall be made under regulations prescribed by—

(1) the District of Columbia Council for members of the Metropolitan Police force and the Fire Department of the District of Columbia;

(2) the Secretary of the Interior for the United States Park Police force; and

(3) the Secretary of Homeland Security for the United States Secret Service Uniformed Division.

(c) This section shall not apply to members of the United States Secret Service Uniformed Division who are covered under chapter 84 for the purpose of retirement benefits.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 522; Pub. L. 90-623, §1(18), Oct. 22, 1968, 82 Stat. 1313; Pub. L. 94-183, §2(28), (29), Dec. 31, 1975, 89 Stat. 1058; Pub. L. 111-282, §2(c), Oct. 15, 2010, 124 Stat. 3038.)

#### HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 2071.	Aug. 21, 1964, Pub. L. 88-471, §5, 78 Stat. 583.

The word “officer” is omitted as covered by “member”.

In subsection (b), the words “injury or illness” are substituted for “injury or disease” to conform to subsection (a).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

#### Editorial Notes

##### AMENDMENTS

2010—Subsec. (a). Pub. L. 111-282, §2(c)(1), substituted “United States Secret Service Uniformed Division” for “Executive Protective Service force”.

Subsec. (b)(3). Pub. L. 111-282, §2(c)(2), substituted “Homeland Security for the United States Secret Service Uniformed Division” for “the Treasury for the Executive Protective Service force”.

Subsec. (c). Pub. L. 111-282, §2(c)(3), added subsec. (c). 1975—Subsecs. (a), (b)(3). Pub. L. 94-183 substituted “Executive Protective Service” for “White House Police”.

1968—Subsec. (b)(1). Pub. L. 90-623 substituted “District of Columbia Council” for “Commissioners of the District of Columbia”.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by Pub. L. 111-282 effective on first day of first pay period which begins after Oct. 15, 2010, see section 5 of Pub. L. 111-282, set out as a note under section 5102 of this title.

##### EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-623 intended to restate without substantive change the law in effect on Oct. 22, 1968, see section 6 of Pub. L. 90-623, set out as a note under section 5334 of this title.

##### TRANSFER OF FUNCTIONS

District of Columbia Council, as established by Reorg. Plan No. 3 of 1967, abolished as of noon Jan. 2, 1975, by Pub. L. 93-198, title VII, §711, Dec. 24, 1973, 87 Stat. 818, and replaced by Council of District of Columbia, as provided by section 401 of Pub. L. 93-198.

#### § 6325. Absence resulting from hostile action abroad

Leave may not be charged to the account of an employee for absence, not to exceed one year, due to an injury—

(1) incurred while serving abroad and resulting from war, insurgency, mob violence, or similar hostile action; and

(2) not due to vicious habits, intemperance, or willful misconduct on the part of the employee.

The preceding provisions of this section shall apply in the case of an alien employee referred to in section 6301(2)(viii) of this title with respect to any leave granted to such alien employee under section 6310 of this title or section 408 of the Foreign Service Act of 1980.

(Added Pub. L. 90-221, §3(a), Dec. 23, 1967, 81 Stat. 671; amended Pub. L. 96-54, §2(a)(41), Aug.

14, 1979, 93 Stat. 383; Pub. L. 99-399, title VIII, § 804, Aug. 27, 1986, 100 Stat. 883.)

#### Editorial Notes

##### REFERENCES IN TEXT

Section 408 of the Foreign Service Act of 1980, referred to in text, is classified to section 3968 of Title 22, Foreign Relations and Intercourse.

##### AMENDMENTS

1986—Pub. L. 99-399 inserted sentence at end relating to alien employees.

1979—Pub. L. 96-54 substituted provisions relating to leave charged to an account of an employee for absence, for provisions relating to leave charged to an account of any officer or employee for absence, and designated qualifying provisions as cls. (1) and (2).

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-54 effective July 12, 1979, see section 2(b) of Pub. L. 96-54, set out as a note under section 305 of this title.

##### EFFECTIVE DATE

Pub. L. 90-221, § 3(c), Dec. 23, 1967, 81 Stat. 671, provided that: "The amendment made by subsection (a) of this section [enacting this section] shall take effect as of the first day of the first pay period which began on or after January 1, 1965."

#### § 6326. Absence in connection with funerals of immediate relatives in the Armed Forces

(a) An employee of an executive agency or an individual employed by the government of the District of Columbia is entitled to not more than three days of leave without loss of, or reduction in, pay, leave to which he is otherwise entitled, credit for time or service, or performance or efficiency rating, to make arrangements for, or attend the funeral of, or memorial service for, an 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 (as determined by the President in accordance with section 112 of the Internal Revenue Code).

(b) The Office of Personnel Management is authorized to issue regulations for the administration of this section.

(c) This section shall not be considered as affecting the authority of an Executive agency, except to the extent and under the conditions covered under this section, to grant administrative leave excusing an employee from work when it is in the public interest.

(Added Pub. L. 90-588, § 1(a), Oct. 17, 1968, 82 Stat. 1151; amended Pub. L. 95-454, title IX, § 906(a)(2), Oct. 13, 1978, 92 Stat. 1224.)

#### Editorial Notes

##### REFERENCES IN TEXT

Section 112 of the Internal Revenue Code, referred to in subsec. (a), is classified to section 112 of Title 26, Internal Revenue Code.

##### AMENDMENTS

1978—Subsec. (b). Pub. L. 95-454 substituted "Office of Personnel Management" for "Civil Service Commission".

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-454 effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95-454, set out as a note under section 1101 of this title.

#### § 6327. Absence in connection with serving as a bone-marrow or organ donor

(a) An employee in or under an Executive agency is entitled to leave without loss of or reduction in pay, leave to which otherwise entitled, credit for time or service, or performance or efficiency rating, for the time necessary to permit such employee to serve as a bone-marrow or organ donor.

(b) An employee may, in any calendar year, use—

(1) not to exceed 7 days of leave under this section to serve as a bone-marrow donor; and

(2) not to exceed 30 days of leave under this section to serve as an organ donor.

(c) The Office of Personnel Management may prescribe regulations for the administration of this section.

(Added Pub. L. 103-329, title VI, § 629(a)(1), Sept. 30, 1994, 108 Stat. 2423; amended Pub. L. 106-56, § 1(b), Sept. 24, 1999, 113 Stat. 407.)

#### Editorial Notes

##### CODIFICATION

Another section 6327 was renumbered section 6328 of this title.

##### AMENDMENTS

1999—Subsec. (b). Pub. L. 106-56 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "Not to exceed 7 days of leave may be used under this section by an employee in a calendar year."

#### § 6328. Absence in connection with funerals of fellow Federal law enforcement officers

A Federal law enforcement officer or a Federal firefighter may be excused from duty without loss of, or reduction in, pay or leave to which such officer is otherwise entitled, or credit for time or service, or performance or efficiency rating, to attend the funeral of a fellow Federal law enforcement officer or Federal firefighter, who was killed in the line of duty. When so excused from duty, attendance at such service shall for the purposes of section 1345(a) of title 31, be considered to be an official duty of the officer or firefighter.

(Added Pub. L. 103-329, title VI, § 642, Sept. 30, 1994, 108 Stat. 2432, § 6327; renumbered § 6328, Pub. L. 106-56, § 1(c)(1), Sept. 24, 1999, 113 Stat. 407.)

#### Editorial Notes

##### CODIFICATION

Section 642 of Pub. L. 103-329, which directed that this section be added "following the word 'Forces' in section 6326" was executed by adding the section after section 6327, as added by section 629(a)(1) of Pub. L. 103-329, to reflect the probable intent of Congress.

##### AMENDMENTS

1999—Pub. L. 106-56 renumbered section 6327 of this title as this section.

**§ 6329. Disabled veteran leave**

(a) During the 12-month period beginning on the first day of employment, any employee who is a veteran with a service-connected disability rated at 30 percent or more is entitled to leave, without loss or reduction in pay, for purposes of undergoing medical treatment for such disability for which sick leave could regularly be used.

(b)(1) The leave credited to an employee under subsection (a) may not exceed 104 hours.

(2) Any leave credited to an employee pursuant to subsection (a) that is not used during the 12-month period described in such subsection may not be carried over and shall be forfeited.

(c)(1) In order to verify that leave credited to an employee pursuant to subsection (a) is used for treating a service-connected disability, such employee shall submit to the head of the employing agency certification, in such form and manner as the Director of the Office of Personnel Management may prescribe, that such employee used such leave for purposes of being furnished treatment for such disability by a health care provider.

(2) In the case of an employee of an office of the legislative branch, the certification described in paragraph (1) shall be prescribed—

(A) in the case of an employee of the House of Representatives, by the Committee on House Administration of the House of Representatives;

(B) in the case of an employee of the Senate, by the Committee on Rules and Administration of the Senate; or

(C) in the case of an employee of any other office of the legislative branch, by the head of the office.

(d) In this section—

(1) the term “employee” has the meaning given such term in section 2105, and includes—

(A) an officer or employee of the United States Postal Service or the Postal Regulatory Commission; and

(B) notwithstanding subsection (a) of section 7421 of title 38, an individual occupying a position listed in subsection (b) of such section;

(2) the term “service-connected” has the meaning given such term in section 101(16) of title 38; and

(3) the term “veteran” has the meaning given such term in section 101(2) of such title.

(Added Pub. L. 114-75, §2(a), Nov. 5, 2015, 129 Stat. 640; amended Pub. L. 115-238, §2(a), Sept. 7, 2018, 132 Stat. 2450; Pub. L. 115-364, §1(a), Dec. 21, 2018, 132 Stat. 5088.)

**Editorial Notes****AMENDMENTS**

2018—Subsec. (c). Pub. L. 115-364 designated existing provisions as par. (1) and added par. (2).

Subsec. (d)(1). Pub. L. 115-238 amended par. (1) generally. Prior to amendment, par. (1) read as follows: “the term ‘employee’ has the meaning given such term in section 2105, and includes an officer or employee of the United States Postal Service or of the Postal Regulatory Commission;”.

**Statutory Notes and Related Subsidiaries****EFFECTIVE DATE OF 2018 AMENDMENT**

Pub. L. 115-238, §2(b), Sept. 7, 2018, 132 Stat. 2450, provided that: “With respect to a position listed in section 7421(b) of title 38, United States Code, the amendment made by subsection (a) [amending this section] shall apply to any individual appointed to such a position on or after the date of enactment of this Act [Sept. 7, 2018].”

**EFFECTIVE DATE**

Pub. L. 114-75, §2(c), Nov. 5, 2015, 129 Stat. 641, provided that: “The amendments made by subsection (a) [enacting this section] shall apply with respect to any employee (as that term is defined in section 6329(d)(1) of title 5, United States Code, as added by subsection (a)) hired on or after the date that is 1 year after the date of enactment of this Act [Nov. 5, 2015].”

**REGULATIONS**

Pub. L. 115-364, §1(b), Dec. 21, 2018, 132 Stat. 5088, provided that: “Not later than 9 months after the date of the enactment of this Act [Dec. 21, 2018], the Committee on House Administration of the House of Representatives, the Committee on Rules and Administration of the Senate, and the head of each other office of the legislative branch shall prescribe regulations governing the application of section 6329 of title 5, United States Code, including the certification requirement under subsection (c) of such section, to employees of the House of Representatives, employees of the Senate, and employees of such office, respectively.”

Pub. L. 114-75, §2(d), Nov. 5, 2015, 129 Stat. 641, provided that: “Not later than 9 months after the date of enactment of this Act [Nov. 5, 2015]—

“(1) the Director of the Office of Personnel Management shall prescribe regulations with respect to the leave provided by the amendment in subsection (a) [enacting this section] for employees, but not including employees of the United States Postal Service or the Postal Regulatory Commission; and

“(2) the Postmaster General shall prescribe regulations for such leave with respect to officers and employees of the United States Postal Service and the Postal Regulatory Commission.”

**§ 6329a. Administrative leave**

(a) **DEFINITIONS.**—In this section—

(1) the term “administrative leave” means leave—

(A) without loss of or reduction in—

(i) pay;

(ii) leave to which an employee is otherwise entitled under law; or

(iii) credit for time or service; and

(B) that is not authorized under any other provision of law;

(2) the term “agency”—

(A) means an Executive agency (as defined in section 105 of this title);

(B) includes the Department of Veterans Affairs; and

(C) does not include the Government Accountability Office; and

(3) the term “employee”—

(A) has the meaning given the term in section 2105; and

(B) does not include an intermittent employee who does not have an established regular tour of duty during the administrative workweek.

(b) **ADMINISTRATIVE LEAVE.**—

(1) IN GENERAL.—During any calendar year, an agency may place an employee in administrative leave for a period of not more than a total of 10 work days.

(2) RECORDS.—An agency shall record administrative leave separately from leave authorized under any other provision of law.

(c) REGULATIONS.—

(1) OPM REGULATIONS.—Not later than 270 calendar days after the date of enactment of this section, the Director of the Office of Personnel Management shall—

(A) prescribe regulations to carry out this section; and

(B) prescribe regulations that provide guidance to agencies regarding—

(i) acceptable agency uses of administrative leave; and

(ii) the proper recording of—

(I) administrative leave; and

(II) other leave authorized by law.

(2) AGENCY ACTION.—Not later than 270 calendar days after the date on which the Director of the Office of Personnel Management prescribes regulations under paragraph (1), each agency shall revise and implement the internal policies of the agency to meet the requirements of this section.

(d) RELATION TO OTHER LAWS.—Notwithstanding subsection (a) of section 7421 of title 38, this section shall apply to an employee described in subsection (b) of that section.

(Added Pub. L. 114-328, div. A, title XI, § 1138(c)(1), Dec. 23, 2016, 130 Stat. 2461.)

#### Editorial Notes

##### REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (c)(1), is the date of enactment of Pub. L. 114-328, which was approved Dec. 23, 2016.

#### Statutory Notes and Related Subsidiaries

##### SENSE OF CONGRESS

Pub. L. 114-328, div. A, title XI, § 1138(b), Dec. 23, 2016, 130 Stat. 2460, provided that: “It is the sense of Congress that—

“(1) agency use of administrative leave, and leave that is referred to incorrectly as administrative leave in agency recording practices, has exceeded reasonable amounts—

“(A) in contravention of—

“(i) established precedent of the Comptroller General of the United States; and

“(ii) guidance provided by the Office of Personnel Management; and

“(B) resulting in significant cost to the Federal Government;

“(2) administrative leave should be used sparingly;

“(3) prior to the use of paid leave to address personnel issues, an agency should consider other actions, including—

“(A) temporary reassignment; and

“(B) transfer;

“(4) an agency should prioritize and expeditiously conclude an investigation in which an employee is placed in administrative leave so that, not later than the conclusion of the leave period—

“(A) the employee is returned to duty status; or

“(B) an appropriate personnel action is taken with respect to the employee;

“(5) data show that there are too many examples of employees placed in administrative leave for 6

months or longer, leaving the employees without any available recourse to—

“(A) return to duty status; or

“(B) challenge the decision of the agency;

“(6) an agency should ensure accurate and consistent recording of the use of administrative leave so that administrative leave can be managed and overseen effectively; and

“(7) other forms of excused absence authorized by law should be recorded separately from administrative leave, as defined by the amendments made by this section [see section 1138a of Pub. L. 114-328 set out as a Short Title of 2016 Amendment note under section 101 of this title].”

#### GAO REPORT

Pub. L. 114-328, div. A, title XI, § 1138(d)(2), Dec. 23, 2016, 130 Stat. 2468, provided that: “Not later than 5 years after the date of enactment of this Act [Dec. 23, 2016], and every 5 years thereafter, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform [now Committee on Oversight and Accountability] of the House of Representatives a report on the results of an evaluation of the implementation of the authority provided under sections 6329a and 6329b of title 5, United States Code, as added by subsection (c)(1) of this section and paragraph (1) of this subsection, respectively, including—

“(A) the number of times that an agency, under subsection (c)(1) of such section 6329b—

“(i) consulted with the investigator responsible for conducting the investigation to which an employee was subject with respect to the decision of the agency to grant an extension under that subsection; and

“(ii) did not have a consultation described in clause (i), including the reasons that the agency failed to have such a consultation;

“(B) an assessment of the use of the authority provided under subsection (d) of such section 6329b by agencies, including data regarding the number and length of extensions granted under that subsection;

“(C) an assessment of the compliance with the requirements of subsection (f) of such section 6329b by agencies;

“(D) a review of the practice of agency placement of an employee in investigative or notice leave under subsection (b) of such section 6329b because of a determination under subsection (b)(2)(A)(iv) of that section that the employee jeopardized legitimate Government interests, including the extent to which such determinations were supported by evidence; and

“(E) an assessment of the effectiveness of subsection (g) of such section 6329b in preventing and correcting the use of extended investigative leave as a tool of reprisal for making a protected disclosure or engaging in protected activity as described in paragraph (8) or (9) of section 2302(b) of title 5, United States Code.”

#### § 6329b. Investigative leave and notice leave

(a) DEFINITIONS.—In this section—

(1) the term “agency”—

(A) means an Executive agency (as defined in section 105 of this title);

(B) includes the Department of Veterans Affairs; and

(C) does not include the Government Accountability Office;

(2) the term “Chief Human Capital Officer” means—

(A) the Chief Human Capital Officer of an agency designated or appointed under section 1401; or

(B) the equivalent;



(3) the term “committees of jurisdiction”, with respect to an agency, means each committee of the Senate or House of Representatives with jurisdiction over the agency;

(4) the term “Director” means the Director of the Office of Personnel Management;

(5) the term “employee”—

(A) has the meaning given the term in section 2105; and

(B) does not include—

(i) an intermittent employee who does not have an established regular tour of duty during the administrative workweek; or

(ii) the Inspector General of an agency;

(6) the term “investigative entity” means—

(A) an internal investigative unit of an agency granting investigative leave under this section;

(B) the Office of Inspector General of an agency granting investigative leave under this section;

(C) the Attorney General; and

(D) the Office of Special Counsel;

(7) the term “investigative leave” means leave—

(A) without loss of or reduction in—

(i) pay;

(ii) leave to which an employee is otherwise entitled under law; or

(iii) credit for time or service;

(B) that is not authorized under any other provision of law; and

(C) in which an employee who is the subject of an investigation is placed;

(8) the term “notice leave” means leave—

(A) without loss of or reduction in—

(i) pay;

(ii) leave to which an employee is otherwise entitled under law; or

(iii) credit for time or service;

(B) that is not authorized under any other provision of law; and

(C) in which an employee who is in a notice period is placed; and

(9) the term “notice period” means 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.

(b) LEAVE FOR EMPLOYEES UNDER INVESTIGATION OR IN A NOTICE PERIOD.—

(1) AUTHORITY.—An agency may, in accordance with paragraph (2), place an employee in—

(A) investigative leave if the employee is the subject of an investigation;

(B) notice leave if the employee is in a notice period; or

(C) notice leave following a placement in investigative leave if, not later than the day after the last day of the period of investigative leave—

(i) the agency proposes or initiates an adverse action against the employee; and

(ii) the agency determines that the employee continues to meet 1 or more of the criteria described in paragraph (2)(A).

(2) REQUIREMENTS.—An agency may place an employee in leave under paragraph (1) only if the agency has—

(A) made a determination with respect to the employee that the continued presence of the employee in the workplace during an investigation of the employee or while the employee is in a notice period, as applicable, may—

(i) pose a threat to the employee or others;

(ii) result in the destruction of evidence relevant to an investigation;

(iii) result in loss of or damage to Government property; or

(iv) otherwise jeopardize legitimate Government interests;

(B) considered—

(i) assigning the employee to duties in which the employee no longer poses a threat described in clauses (i) through (iv) of subparagraph (A);

(ii) allowing the employee to take leave for which the employee is eligible;

(iii) if the employee is absent from duty without approved leave, carrying the employee in absence without leave status; and

(iv) for an employee subject to a notice period, curtailing the notice period if there is reasonable cause to believe the employee has committed a crime for which a sentence of imprisonment may be imposed; and

(C) determined that none of the available options under clauses (i) through (iv) of subparagraph (B) is appropriate.

(3) DURATION OF LEAVE.—

(A) INVESTIGATIVE LEAVE.—Upon the expiration of the 10 work day period described in section 6329a(b)(1) with respect to an employee, and if an agency determines that an extended investigation of the employee is necessary, the agency may place the employee in investigative leave for a period of not more than 30 work days.

(B) NOTICE LEAVE.—Placement of an employee in notice leave shall be for a period not longer than the duration of the notice period.

(4) EXPLANATION OF LEAVE.—

(A) IN GENERAL.—If an agency places an employee in leave under this subsection, the agency shall provide the employee a written explanation of whether the employee was placed in investigative leave or notice leave.

(B) EXPLANATION.—The written notice under subparagraph (A) shall describe the limitations of the leave placement, including—

(i) the applicable limitations under paragraph (3); and

(ii) in the case of a placement in investigative leave, an explanation that, at the conclusion of the period of leave, the agency shall take an action under paragraph (5).

(5) AGENCY ACTION.—Not later than the day after the last day of a period of investigative

leave for an employee under paragraph (1), an agency shall—

(A) return the employee to regular duty status;

(B) take 1 or more of the actions under clauses (i) through (iv) of paragraph (2)(B);

(C) propose or initiate an adverse action against the employee as provided under law; or

(D) extend the period of investigative leave under subsections (c) and (d).

(6) **RULE OF CONSTRUCTION.**—Nothing in paragraph (5) shall be construed to prevent the continued investigation of an employee, except that the placement of an employee in investigative leave may not be extended for that purpose except as provided in subsections (c) and (d).

(c) **INITIAL EXTENSION OF INVESTIGATIVE LEAVE.**—

(1) **IN GENERAL.**—Subject to paragraph (4), if the Chief Human Capital Officer of an agency, or the designee of the Chief Human Capital Officer, approves such an extension after consulting with the investigator responsible for conducting the investigation to which an employee is subject, the agency may extend the period of investigative leave for the employee under subsection (b) for not more than 30 work days.

(2) **MAXIMUM NUMBER OF EXTENSIONS.**—The total period of additional investigative leave for an employee under paragraph (1) may not exceed 90 work days.

(3) **DESIGNATION GUIDANCE.**—Not later than 270 days after the date of enactment of this section, the Chief Human Capital Officers Council shall issue guidance to ensure that if the Chief Human Capital Officer of an agency delegates the authority to approve an extension under paragraph (1) to a designee, the designee is at a sufficiently high level within the agency to make an impartial and independent determination regarding the extension.

(4) **EXTENSIONS FOR OIG EMPLOYEES.**—

(A) **APPROVAL.**—In the case of an employee of an Office of Inspector General—

(i) the Inspector General or the designee of the Inspector General, rather than the Chief Human Capital Officer or the designee of the Chief Human Capital Officer, shall approve an extension of a period of investigative leave for the employee under paragraph (1); or

(ii) at the request of the Inspector General, the head of the agency within which the Office of Inspector General is located shall designate an official of the agency to approve an extension of a period of investigative leave for the employee under paragraph (1).

(B) **GUIDANCE.**—Not later than 270 calendar days after the date of enactment of this section, the Council of the Inspectors General on Integrity and Efficiency shall issue guidance to ensure that if the Inspector General or the head of an agency, at the request of the Inspector General, delegates the authority to approve an extension under subparagraph (A) to a designee, the designee is at a

sufficiently high level within the Office of Inspector General or the agency, as applicable, to make an impartial and independent determination regarding the extension.

(d) **FURTHER EXTENSION OF INVESTIGATIVE LEAVE.**—

(1) **REPORT.**—After reaching the limit under subsection (c)(2) and if an investigative entity submits a certification under paragraph (2) of this subsection, an agency may further extend a period of investigative leave for an employee for periods of not more than 30 work days each if, not later than 5 business days after granting each further extension, the agency submits to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives, along with any other committees of jurisdiction, a report containing—

(A) the title, position, office or agency subcomponent, job series, pay grade, and salary of the employee;

(B) a description of the duties of the employee;

(C) the reason the employee was placed in investigative leave;

(D) an explanation as to why—

(i) the employee poses a threat described in clauses (i) through (iv) of subsection (b)(2)(A); and

(ii) the agency is not able to reassign the employee to another position within the agency;

(E) in the case of an employee required to telework under section 6502(c) during the investigation of the employee—

(i) the reasons that the agency required the employee to telework under that section; and

(ii) the duration of the teleworking requirement;

(F) the status of the investigation of the employee;

(G) the certification described in paragraph (2); and

(H) in the case of a completed investigation of the employee—

(i) the results of the investigation; and

(ii) the reason that the employee remains in investigative leave.

(2) **CERTIFICATION.**—If, after an employee has reached the limit under subsection (c)(2), an investigative entity determines that additional time is needed to complete the investigation of the employee, the investigative entity shall—

(A) certify to the appropriate agency that additional time is needed to complete the investigation of the employee; and

(B) include in the certification an estimate of the amount of time that is necessary to complete the investigation of the employee.

(3) **NO EXTENSIONS AFTER COMPLETION OF INVESTIGATION.**—An agency may not further extend a period of investigative leave of an employee under paragraph (1) on or after the date that is 30 calendar days after the completion of the investigation of the employee by an investigative entity.

(e) **CONSULTATION GUIDANCE.**—Not later than 270 calendar days after the date of enactment of this section, the Council of the Inspectors General on Integrity and Efficiency, in consultation with the Attorney General and the Special Counsel, shall issue guidance on best practices for consultation between an investigator and an agency on the need to place an employee in investigative leave during an investigation of the employee, including during a criminal investigation, because the continued presence of the employee in the workplace during the investigation may—

- (1) pose a threat to the employee or others;
- (2) result in the destruction of evidence relevant to an investigation;
- (3) result in loss of or damage to Government property; or
- (4) otherwise jeopardize legitimate Government interests.

(f) **REPORTING AND RECORDS.**—

(1) **IN GENERAL.**—An agency shall keep a record of the placement of an employee in investigative leave or notice leave by the agency, including—

- (A) the basis for the determination made under subsection (b)(2)(A);
- (B) an explanation of why an action under clauses (i) through (iv) of subsection (b)(2)(B) was not appropriate;
- (C) the length of the period of leave;
- (D) the amount of salary paid to the employee during the period of leave;
- (E) the reasons for authorizing the leave, including, if applicable, the recommendation made by an investigator under subsection (c)(1);
- (F) whether the employee is required to telework under section 6502(c) during the investigation, including the reasons for requiring the employee to telework; and
- (G) the action taken by the agency at the end of the period of leave, including, if applicable, the granting of any extension of a period of investigative leave under subsection (c) or (d).

(2) **AVAILABILITY OF RECORDS.**—An agency shall make a record kept under paragraph (1) available—

- (A) to any committee of jurisdiction, upon request;
- (B) to the Office of Personnel Management; and
- (C) as otherwise required by law, including for the purposes of the Administrative Leave Act of 2016 and the amendments made by that Act.

(g) **RECOURSE TO THE OFFICE OF SPECIAL COUNSEL.**—For purposes of subchapter II of chapter 12 and section 1221, placement on investigative leave under subsection (b) of this section for a period of not less than 70 work days shall be considered a personnel action under paragraph (8) or (9) of section 2302(b).

(h) **REGULATIONS.**—

(1) **OPM ACTION.**—Not later than 270 calendar days after the date of enactment of this section, the Director shall prescribe regulations to carry out this section, including guidance to agencies regarding—

(A) acceptable purposes for the use of—

- (i) investigative leave; and
- (ii) notice leave;

(B) the proper recording of—

- (i) the leave categories described in subparagraph (A); and
- (ii) other leave authorized by law;

(C) baseline factors that an agency shall consider when making a determination that the continued presence of an employee in the workplace may—

- (i) pose a threat to the employee or others;
- (ii) result in the destruction of evidence relevant to an investigation;
- (iii) result in loss or damage to Government property; or
- (iv) otherwise jeopardize legitimate Government interests; and

(D) procedures and criteria for the approval of an extension of a period of investigative leave under subsection (c) or (d).

(2) **AGENCY ACTION.**—Not later than 270 calendar days after the date on which the Director prescribes regulations under paragraph (1), each agency shall revise and implement the internal policies of the agency to meet the requirements of this section.

(i) **RELATION TO OTHER LAWS.**—Notwithstanding subsection (a) of section 7421 of title 38, this section shall apply to an employee described in subsection (b) of that section.

(Added Pub. L. 114-328, div. A, title XI, § 1138(d)(1), Dec. 23, 2016, 130 Stat. 2462.)

#### Editorial Notes

##### REFERENCES IN TEXT

The date of enactment of this section, referred to in subsecs. (c)(3), (4)(B), (e) and (h)(1), is the date of enactment of Pub. L. 114-328, which was approved Dec. 23, 2016.

The Administrative Leave Act of 2016, referred to in subsec. (f)(2)(C), is section 1138 of title XI of div. A of Pub. L. 114-328, Dec. 23, 2016, 130 Stat. 2460. For complete classification of this Act to the Code, see Short Title of 2016 Amendment note set out under section 101 of this title and Tables.

#### Statutory Notes and Related Subsidiaries

##### CHANGE OF NAME

Committee on Oversight and Government Reform of House of Representatives changed to Committee on Oversight and Reform of House of Representatives by House Resolution No. 6, One Hundred Sixteenth Congress, Jan. 9, 2019. Committee on Oversight and Reform of House of Representatives changed to Committee on Oversight and Accountability of House of Representatives by House Resolution No. 5, One Hundred Eighteenth Congress, Jan. 9, 2023.

#### § 6329c. Weather and safety leave

(a) **DEFINITIONS.**—In this section—

(1) the term “agency”—

(A) means an Executive agency (as defined in section 105 of this title);

(B) includes the Department of Veterans Affairs; and

(C) does not include the Government Accountability Office; and

(2) the term “employee”—

(A) has the meaning given the term in section 2105; and

(B) does not include an intermittent employee who does not have an established regular tour of duty during the administrative workweek.

(b) **LEAVE FOR WEATHER AND SAFETY ISSUES.**—An agency may approve the provision of leave under this section to an employee or a group of employees without loss of or reduction in the pay of the employee or employees, leave to which the employee or employees are otherwise entitled, or credit to the employee or employees for time or service only if the employee or group of employees is prevented from safely traveling to or performing work at an approved location due to—

(1) an act of God;

(2) a terrorist attack; or

(3) another condition that prevents the employee or group of employees from safely traveling to or performing work at an approved location.

(c) **RECORDS.**—An agency shall record leave provided under this section separately from leave authorized under any other provision of law.

(d) **REGULATIONS.**—Not later than 270 days after the date of enactment of this section, the Director of the Office of Personnel Management shall prescribe regulations to carry out this section, including—

(1) guidance to agencies regarding the appropriate purposes for providing leave under this section; and

(2) the proper recording of leave provided under this section.

(e) **RELATION TO OTHER LAWS.**—Notwithstanding subsection (a) of section 7421 of title 38, this section shall apply to an employee described in subsection (b) of that section.

(Added Pub. L. 114-328, div. A, title XI, § 1138(e)(1), Dec. 23, 2016, 130 Stat. 2469.)

#### Editorial Notes

##### REFERENCES IN TEXT

The date of enactment of this section, subsec. (d), is the date of enactment of Pub. L. 114-328, which was approved Dec. 23, 2016.

#### § 6329d. Parental bereavement leave

(a) **DEFINITIONS.**—In this section—

(1) the terms “employee” and “son or daughter” have the meanings given those terms in section 6381; and

(2) the term “paid leave” means, with respect to an employee, leave without loss of or reduction in—

(A) pay;

(B) leave to which the employee is otherwise entitled under law; or

(C) credit for time or service.

(b) **BEREAVEMENT LEAVE.**—

(1) **IN GENERAL.**—Subject to paragraphs (2) and (3), an employee shall be entitled to a total of 2 administrative workweeks of paid leave during any 12-month period because of

the death of a son or daughter of the employee.

(2) **LIMITATION.**—Leave under paragraph (1) may not be taken by an employee intermittently or on a reduced leave schedule unless the employee and the employing agency of the employee agree otherwise.

(3) **NOTICE.**—In any case in which the necessity for leave under this subsection is foreseeable, the employee shall provide the employing agency with such notice as is reasonable and practicable.

(Added Pub. L. 117-81, div. A, title XI, § 1111(a), Dec. 27, 2021, 135 Stat. 1953.)

#### SUBCHAPTER III—VOLUNTARY TRANSFERS OF LEAVE

#### § 6331. Definitions

For the purpose of this subchapter—

(1) the term “employee” means an employee as defined by section 6301(2), excluding an individual employed by the government of the District of Columbia;

(2) the term “leave recipient” means an employee whose application to receive donations of leave under this subchapter is approved;

(3) the term “leave donor” means an employee whose application to make 1 or more donations of leave under this subchapter is approved; and

(4) the term “medical emergency” means a medical condition of an employee or a family member of such employee that is likely to require the prolonged absence of such employee from duty and to result in a substantial loss of income to such employee because of the unavailability of paid leave (disregarding any advanced leave).

(Added Pub. L. 100-566, § 2(a), Oct. 31, 1988, 102 Stat. 2834; amended Pub. L. 103-103, § 3, Oct. 8, 1993, 107 Stat. 1022.)

#### Editorial Notes

##### AMENDMENTS

1993—Par. (4). Pub. L. 103-103 inserted “the term” after par. designation and inserted before period at end “(disregarding any advanced leave)”.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1993 AMENDMENT

Pub. L. 103-103, § 6, Oct. 8, 1993, 107 Stat. 1024, provided that: “Except as provided in section 2 [enacting and repealing provisions set out as notes under this section], this Act [amending this section and sections 6337, 6361, 6362, and 6373 of this title and enacting provisions set out as a note under section 6301 of this title] and the amendments made by this Act shall take effect as of the 120th day after the date of the enactment of this Act [Oct. 8, 1993] or such earlier date as the Office of Personnel Management may by regulation prescribe.”

##### REPEALS

Pub. L. 100-566, § 2(d), Oct. 31, 1988, 102 Stat. 2844, which provided for the repeal of subchapters III (§ 6331 et seq.) and IV (§ 6361 et seq.) of this chapter effective 5 years after Oct. 31, 1988, and which also contained savings provisions for continued availability of certain leave as if such program had not been terminated, was repealed by Pub. L. 103-103, § 2, Oct. 8, 1993, 107 Stat. 1022, effective Oct. 30, 1993.