**Counsel Initial Proposal**

**March 24, 2023 2:00 p.m.**

**Key: Changes from 2018 union contract are shown with track changes.ARTICLE 12 – ADMINISTRATIVE LEAVE AND WEATHER AND SAFETY LEAVE**

**Section 1**

1. Administrative leave is approved absence from duty without charge to leave and without loss of pay. Nothing contained in this Article will restrict the Office’s ability to require the presence of an employee, pursuant to its right to assign work under 5 U.S.C. § 7106(a)(2)(B), should the Office determine that the employee’s services are necessary.
2. This Article is implemented in accordance with 5 U.S.C. § 6329a, Administrative Leave, and 5 U.S.C. § 6329c, Weather and Safety Leave, enacted as part of the Administrative Leave Act of 2016. The parties recognize that there are limitations on administrative leave contained in Section 6329a, including a limit of 80 hours per calendar year for full time employees and prorated equivalent limitations for part-time employees.
3. In the event OPM issues any final regulations as required by the Administrative Leave Act of 2016 during the duration of this contract, and such regulations impact this Article, either party may reopen this Article by providing notice within thirty (30) days of issuance of the regulations, and any negotiations that follow would be done pursuant to Article 45.

**Section 2 – Voting and Election Activities**

1. Employees may use up to four (4) hours of administrative leave for voting in connection with each Federal general election day. This administrative leave may be used for voting on the Federal general election day or for early voting. Employees may use up to four (4) hours of administrative leave for voting in connection with each election event (including primaries and caucuses) at the Federal, State, local (i.e., county and municipal), Tribal, and territorial level that does not coincide with a Federal general election day. This administrative leave may be used for voting on the established day or for early voting. For Federal special Congressional elections not held on the date of a Federal general election, employees may use up to 4 hours of administrative leave for voting. This administrative leave may be granted for voting on the established date of a special election or for authorized early voting in connection with that election.
2. Employees may use up to 4 hours of administrative leave per leave yearto serve as a non-partisan poll worker or to participate in non-partisan observer activities.

**Section 3 Weather and Safety Leave**

1. Whenever it becomes necessary to close the post of duty due to a weather or other safety-related condition (as defined below), the Office will provide reasonable notice to employees. The Office and NTEU shall jointly determine at the local level the most efficient procedure for employee notification of closure in each post of duty outside Washington, D.C.
2. For the purposes of this Section, weather and safety leave is appropriate when there is a “weather or other safety-related condition” meaning an issue which is general rather than personal in scope and impact. It may be caused by developments such as terror alerts or attacks, heavy snow or severe icing conditions, floods, earthquakes, hurricanes or other natural disasters, air pollution, massive power failure, major fires or serious interruptions to public transportation caused by incidents such as strikes of local transit employees or mass demonstrations that create safety-related conditions consistent with 5 CFR Part 630, Subpart P.
3. In accordance with 5 CFR 630.1601(a), the Office will grant weather and safety leave to employees when weather or safety-related conditions prevent employees from safely traveling or safely performing work at an approved location.

**Section 4 – Office Closing Rules and Weather and Safety Leave**

1. POD Open with Delayed Arrival/Opening:

In the event the POD is open with a delayed arrival/opening (due to a weather or other safety-related condition as defined in Section 3), the employees who physically reported to the POD (regardless of their telework status) at any time during their tour of duty will be granted weather and safety leave for the authorized delayed arrival/opening.No weather and safety leave related to the delayed arrival/opening will be given to any other employee.

1. POD Open with Early Departure:

In the event the POD is open and employees are granted weather and safety leave (as defined earlier in Section 3) for an early departure, the employees who physically reported to the POD at any time during their tour of duty will be granted weather and safety leave. No weather and safety leave related to the early departure will be given to any other employee.

If an employee who receives weather and safety leave due to an early departure is a teleworker, the employee is given a reasonable amount of time to return to his or her home and then is expected to telework for the remainder of the day or take personal leave.

1. POD Closed for the Entire Day:
2. In the event the POD is closed for the entire day for weather and safety-related reasons as defined above, employees who have not signed a Telework Agreement receive weather and safety leave for the entire day.
3. All employees who have signed a Telework Agreement must telework or take personal leave on any day when the POD is closed for the entire day for weather and safety-related reasons as defined above in Section 3. This rule applies regardless of the job series or title of the employee.
4. In the event the POD is closed for the entire day for weather and safety-related reasons, employees who were previously scheduled to be absent from work for that entire day (e.g., sick leave, annual leave, credit hours, etc.) will not be granted weather and safety leave. The only exception to this general rule is: If an employee was pre-approved to use sick leave for a medical appointment and that appointment is cancelled, the employee will be granted weather and safety leave (equal to the amount of pre-approved sick leave) if the employee provides reasonably acceptable proof that the employee’s medical appointment was cancelled due to the same event that caused the office closure.
5. .

**Section 5**

1. An employee will be granted administrative leave when the Office directs an employee to attend either: a tax audit required as condition of employment, a discussion of the employee’s own tax affairs with a member of TIGTA or a representative of the Office, or a tax audit that results from an investigation by TIGTA or a representative of the Office.
2. The Office will grant an employee administrative leave to receive a professional certificate or recognition when the certificate or the recognition is related to the employee’s duties. The Office will also grant the employee administrative leave to travel to such an event and will reimburse the employee for related local travel expenses.

**Section 6**

1. Employees not admitted to any bar within the United States or its possessions will be granted administrative leave to sit for the bar examination one (1) time, including any necessary oral interviews. The Office will grant up to eight (8) hours of administrative leave to attend any resulting bar admission ceremony (which is to include travel time).
2. Employees who are required to take continuing legal or professional educational classes or ethics training in order to maintain a license or certification related to their position, will be granted administrative leave to attend such programs so long as the courses or classes are directly related to the duties of the employee’s position and only if programs offered by the Office do not satisfy the requirements of the profession. Under this provision, employees are limited to a total of twenty-four (24) hours of administrative leave per calendar year. Administrative leave may only be given for actual classroom time. Employees will not receive administrative leave for the purpose of studying for such classes or travel to or from such classes. [See Article 26 (Training), Section 4].

**Section 7**

1. Permanent and career-conditional employees who are members of the National Guard, or any reserve unit of the Armed Forces (that is, Army, Navy, Air Force, Marines, or Coast Guard), will be entitled to military leave for each day of active duty in such organizations up to a maximum of fifteen (15) days in any fiscal year.
2. Military leave, not to exceed fifteen (15) days which is unused at the beginning of the succeeding fiscal year will be carried forward for use in that fiscal year only. This gives a full time employee the potential for thirty (30) days military leave during a fiscal year (less for part-time employees).
3. Approval of the military leave provided in the foregoing will be based on a copy of the orders directing the employee to active duty and a copy of the certificate on completion of such duty.
4. Military leave will be without loss of pay.

**Section 8**

1. Administrative leave for blood donations (including donation of blood derivatives) will be granted under the standard set forth in Section 1 of this Article.
2. Employees may receive administrative leave for blood donations (including blood derivatives) normally limited to six (6) times per calendar year.
3. An employee whose request to donate blood is approved is entitled to receive four (4) hours of administrative leave immediately following the donation for recuperative purposes. In addition, administrative leave will be granted for travel to and from a local donation site and to actually give blood. If necessary, additional recuperative time will be provided. However, the total administrative leave will be limited to the remaining scheduled hours in the employee’s tour of duty on that day.
4. An employee who is not accepted for donating blood is only entitled to the time necessary to travel to and from the local donation site and the time needed to make the determination.
5. Upon request, an employee will be required to submit documentation that they gave, or attempted to give, blood on the day for which the administrative leave is requested.

**Section 9**

The Office will generally grant an employee up to seven (7) days of bone marrow leave each calendar year to serve as a bone-marrow donor and up to thirty (30) days of organ donation leave each calendar year to serve as an organ donor. This bone marrow and organ donation leave will be administered under the authority of 5 USC § 6327. To obtain such leave, the employee will provide documentation to his or her supervisor reflecting the fact that the employee has been approved to be a bone marrow or organ donor and the date(s) on which such procedure will occur.