**ARTICLE 12 – ADMINISTRATIVE 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 Title 5 United States Code (USC) § 6329a, Administrative Leave, and Title 5 USC § 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.**

**Section 2**

1. When the voting polls or the registrar of voters are not open at least three (3) hours either before or after an employee’s regular hours of work, the Office will generally grant an amount of administrative leave to vote or register, thereby permitting the employee to report to work three (3) hours after the polls/registrar’s office opens or leave work three (3) hours before the polls/registrar’s office closes, whichever requires the lesser amount of time.
2. Under exceptional circumstances where the general rules do not permit sufficient time, an employee may be excused for such additional time as may be needed to enable the employee to register to vote or to vote, depending upon the particular circumstances of the individual case, but not to exceed a full day.

**Section 3 – Weather and Safety Leave**

1. Whenever it becomes necessary to close the post of duty due to an emergency situation **(e.g., weather or safety)** or other reason and the Office has decided to grant administrative**/weather and safety** leave to those who are excused because of the emergency, the Office will provide reasonable notice to employees **by private or public media, including email, and other methods as appropriate and available**. 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. **If the Office notifies employees in the field of closures by forwarding the IRS SCR closure notices, it will identify any Counsel-specific rules for the closure that conflict with the IRS closure notice.**
2. An emergency situation **(e.g., weather and safety)** is one that is general rather than personal in scope and impact. It may be caused by such developments as **terror alerts or attacks,** heavy snow or severe icing conditions; flood; earthquake; hurricanes or other natural disasters; air pollution; massive power failures; **building safety issues;** major fires or serious interruptions to public transportation caused by incidents such as strikes of local transit employees or mass demonstrations.
3. **The provisions below apply to employees who may be eligible to receive weather and safety leave and who are not participating in a Telework program. Provisions concerning weather and safety leave applicable to Telework employees are contained in Article 48.**
4. If the emergency conditions described above exist and prevent an employee from getting to work and the post of duty is not closed, the employee **will** ~~may~~ be granted **weather and safety** ~~administrative~~ leave for absence from work for a part or all of the employee’s work day upon providing the Office with reasonably acceptable documentation that the employee made a reasonable effort to reach work, but that emergency conditions prevented **the employee from safely traveling to their post of duty, or from safely traveling for** timely arrival. Factors that will be considered by the Office **and uniformly applied to all employees within the area affected by the weather or safety-related condition** include:
	1. The fact that the employee lives beyond the normal commuting area;
	2. Mode of transportation normally used by the employee;
	3. Efforts by the employee to get to work (including continuing efforts where appropriate);
	4. Success of other employees similarly situated;
	5. Physical disability of an employee; and
	6. Local travel restrictions.
5. The Office, at its option, may waive the above requirement **in Section 3D** for documentation for absences of four (4) hours or less. ~~This provision does not apply to~~ **Documentation may be required for** employees who are away from their POD for personal reasons and are prevented from returning to work due to emergency conditions. In the event of any grievances filed in regard to this Section, such grievances must include an explanation of why the employee failed to arrive at work.
6. Employees **who are scheduled to report to the post of duty, but are prevented or delayed from arrival,** are obligated to contact their supervisors as early as practicable to explain the circumstances and provide an estimated time of arrival at work.

**Section 4 – Office Closing Rules and Administrative Leave**

1. POD Open with Delayed Arrival/Opening:

In the event the POD is open with a delayed arrival/opening, the employees who physically reported to the POD at any time during their tour of duty**,** **or made reasonable attempts to report to the POD but were unsuccessful (e.g., road closures due to weather conditions)** will be granted **weather and safety** ~~administrative~~ leave for the authorized delayed arrival/opening.~~No administrative 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** ~~administrative~~ leave for an early departure, the employees who physically reported to the POD at any time during their tour of duty will be granted administrative leave. ~~No administrative leave related to the early departure will be given to any other employee.~~

1. POD Closed for the Entire Day:
2. In the event the POD is closed for the entire day, 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** ~~administrative~~ leave**, except as provided in Section 4D below**.
3. ~~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 administrative 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~~.
4. ~~Telework rules when a POD is closed are covered in Article 48~~. **Employees may cancel pre-approved leave or paid time off and be granted the same amount of weather and safety leave as other employees when the intended purpose of the leave/time off is frustrated (e.g., a cancelled medical appointment or a cancelled flight to a vacation destination) by the same weather and safety-related condition forcing the office closure, delayed arrival, or early departure. The manager may request information or documentation to show that granting weather and safety leave is appropriate.**

**Section 5 - Tax Audits/Investigations and Professional Recognition**

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 – Bar Exams and Continuing Professional Education**

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 administrative leave to attend any resulting local bar admission ceremony including any related local 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 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 – Emergency Absences**

An emergency absence of less than one (1) hour should be excused when the affected employee provides the Office with a reasonably acceptable explanation for the absence upon the employee’s arrival at the work unit. But, employees on a gliding work schedule as provided for in Article 5, Section 3 are entitled to no more than thirty (30) minutes of such administrative leave for an emergency absence.

**Section 8 – Military Leave**

1. **Employees may receive military leave pursuant to 5 U.S.C. § 6323.**
2. 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**, pursuant to 5 U.S.C. § 6323(a)**.
3. 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).
4. **5 U.S.C. § 6323(b) provides twenty-two (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 as defined in 10 U.S.C. §101(a)(13).**
5. **5 U.S.C. § 6323(c) provides unlimited military leave to members of the National Guard of the District of Columbia for certain types of duty ordered or authorized under Title 39 of the District of Columbia Code.**
6. **5 U.S.C. § 6323(d) provides that Reserve and National Guard Technicians only are entitled to forty-four (44) workdays of military leave for duties overseas under certain conditions.**
7. 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.
8. Military leave will be without loss of pay.

**Section 9 – Blood Donations**

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 10 – Bone Marrow/Organ Donation**

The Office will generally grant an employee up to seven (7) days of administrative leave each calendar year to serve as a bone-marrow donor and up to thirty (30) days of administrative leave each calendar year to serve as an organ donor**, including time required for travel, any testing** **to determine if the employee is a compatible donor, as well as the time required to undergo the donation or transplant procedure and to recuperate**.

**Section 11 – Benefits Counseling**

**Subject to workload considerations, the Office may grant an employee up to four (4) hours of administrative leave per calendar year for the purpose of attending a health benefits fair, reviewing health benefits information and materials, and receiving financial counseling.**

**Section 12 – Court Leave**

**Employees are entitled to court leave for jury or witness service in accordance with 5 U.S.C. § 6322.**