



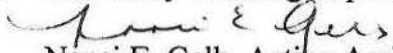
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOV 24 2014

OFFICE OF
ADMINISTRATION
AND RESOURCES
MANAGEMENT

MEMORANDUM

SUBJECT: OIG Early Warning Report on Administrative Leave

FROM: 
Nanci E. Gelb, Acting Assistant Administrator

TO: Arthur A. Elkins, Jr.
Inspector General

On November 19, the Administrator's office received a copy of the Inspector General's early warning report: *Some EPA Employees Found to Be on Paid Administrative Leave for Years*. The IG cites the October 17, 2014, GAO report on government-wide use of administrative leave as a basis for your review.

We share your concern that administrative leave be used very judiciously and only when it is in the interest of the government. We take this obligation seriously, and will be reviewing our management systems to track such instances even more effectively. That said, after receiving the information underlying the early warning report, we reviewed the circumstances surrounding the use of administrative leave for each of the eight employees who were determined by your organization to have used significant administrative leave, and we have several observations regarding the information you provided.

First, OIG indicated four of the eight employees used one (2080 hours) or more years of administrative leave during the relevant period. Our review determined that only three EPA employees were in administrative leave status for more than a year. For two of the three cases, it appears that not all of the leave was contiguous; rather, the leave was spread out over a period of time during the four year IG review period.

Second, by indicating that the leave was taken through September 20, 2014 for six of the employees, the report allows the reader to draw the erroneous conclusion that these are all current agency employees. In fact, three of those six employees are no longer employed by EPA. A fourth employee was taken off administrative leave three months before the September 20, 2014 date. The report correctly indicates that administrative leave for two of the employees ended in January 2014. Therefore, six of the eight employees you identified were not on administrative leave on the date the early warning report was issued. We believe the early warning report should have included this critical information.

As both your early warning report and the GAO report note, administrative leave is an authorized form of leave under Federal laws and regulations. As with any other discretionary authority, managers must be judicious when using administrative leave, and ensure that it is only used when appropriate and necessary. Based upon the information available from the GAO report and the early warning report, administrative leave of significant length appears to be a very rare occurrence at the EPA.

The context of the information in the Early Warning Report is also relevant. For example, the GAO report found that for the 24 federal agencies/departments they reviewed, there were 252 employees who were in administrative leave status for more than one year from FY 2011 through FY 2013. EPA had only two such employees. For the same agencies/departments reviewed by GAO, there were 22,098 federal employees who were in administrative leave status from one to three months from FY 2011 through FY 2013. EPA had only fifty such employees. During the relevant time periods, the EPA had about 18,000 employees. GAO's report did not characterize EPA's use of administrative leave as excessive or unusual.

The agency will continue to examine the circumstances of each case, and we are prepared to share that information with you prior to or in response to recommendations, if any, contained in your on-going audit and review of agency time and attendance. We will certainly pursue any needed improvements to excused absence policies to ensure they are appropriately applied, in keeping with considerations of employee safety and due process requirements.

We appreciate the continuing opportunity to work with you to make EPA a high performing organization, fulfilling our important and challenging mission. Susan Kantrowitz, director, Office of Human Resources, will be happy to answer any specific questions you may have; she can be reached at (202) 564-4606 or at kantrowitz.susan@epa.gov.

cc:

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Gwen Keyes-Fleming
Susan Kantrowitz
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