

112TH CONGRESS
2D SESSION

H. R. 6016

To amend title 5, United States Code, to provide for administrative leave requirements with respect to Senior Executive Service employees, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 21, 2012

Mr. KELLY introduced the following bill; which was referred to the Committee on Oversight and Government Reform

A BILL

To amend title 5, United States Code, to provide for administrative leave requirements with respect to Senior Executive Service employees, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Government Employee
5 Accountability Act”.

1 **SEC. 2. ADMINISTRATIVE LEAVE FOR SENIOR EXECUTIVE**
2 **SERVICE EMPLOYEES.**

3 (a) IN GENERAL.—Chapter 75 of title 5, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 “SUBCHAPTER VI—ADMINISTRATIVE LEAVE
7 FOR SENIOR EXECUTIVE SERVICE EMPLOYEES
8 “§ 7551. Definitions

9 “For the purposes of this subchapter—

10 “(1) ‘employee’ has the meaning given such
11 term in section 7541; and

12 “(2) ‘administrative leave’ means an absence
13 from duty administratively authorized, for discipli-
14 nary reasons, of a period greater than 13 days and
15 less than 91 days.

16 “§ 7552. Actions covered

17 “This subchapter applies to administrative leave.

18 “§ 7553. Cause and procedure

19 “(a)(1) Under regulations prescribed by the Office of
20 Personnel Management, the head of an agency may place
21 an employee on administrative leave, without loss of pay
22 and without charge to annual or sick leave, only for mis-
23 appropriation of funds, misconduct, neglect of duty, and
24 malfeasance.

25 “(2) If the head of an agency determines that such
26 employee’s conduct is serious or flagrant, the head may

1 place such employee on administrative leave under this
2 subchapter without pay.

3 “(b)(1) At the end of each 2-week period during a
4 period of administrative leave implemented under this sec-
5 tion, the head of the relevant agency shall review the inves-
6 tigation into the employee with respect to the misappro-
7 priation of funds, misconduct, neglect of duty, or malfea-
8 sance.

9 “(2) Not later than 5 business days after the end of
10 such a 2-week period, such head shall submit a report de-
11 scribing such review to the Committee on Oversight and
12 Government Reform of the House of Representatives.

13 “(3) At the end of a period of administrative leave
14 implemented under this section, the head of the agency
15 shall—

16 “(A) remove an employee placed on administra-
17 tive leave under this section;

18 “(B) suspend such employee without pay; or

19 “(C) reinstate or restore such employee to duty.

20 “(4) An employee may be placed on not more than
21 2 consecutive periods of administrative leave with respect
22 to an action under this subchapter.

23 “(c) An employee against whom an action covered by
24 this subchapter is proposed is entitled to, before being
25 placed on administrative leave under this section—

1 “(1) at least 30 days’ advance written notice,
2 unless there is reasonable cause to believe that the
3 employee has committed a crime for which a sen-
4 tence of imprisonment can be imposed, stating spe-
5 cific reasons for the proposed action;

6 “(2) a reasonable time, but not less than 7
7 days, to answer orally and in writing and to furnish
8 affidavits and other documentary evidence in sup-
9 port of the answer;

10 “(3) be represented by an attorney or other
11 representative; and

12 “(4) a written decision and specific reasons
13 therefor at the earliest practicable date.

14 “(d) For purposes of subsection (c)(1), the head of
15 an agency may determine that there is reasonable cause
16 to believe that an employee has committed a crime for
17 which a sentence of imprisonment can be imposed if the
18 head receives a report from such agency’s Inspector Gen-
19 eral, or, in the case of an agency without an Inspector
20 General, from an employee of the agency designated by
21 such head to carry out duties similar to duties of an in-
22 spector general for purposes of this subsection, indicating
23 that such employee has committed such a crime.

24 “(e) An agency may provide, by regulation, for a
25 hearing which may be in lieu of or in addition to the op-

1 portunity to answer provided under subsection (c)(2) of
 2 this section.

3 “(f) An employee against whom an action is taken
 4 under this section is entitled to appeal to the Merit Sys-
 5 tems Protection Board under section 7701 of this title.

6 “(g) Copies of the notice of proposed action, the an-
 7 swer of the employee when written, and a summary there-
 8 of when made orally, the notice of decision and reasons
 9 therefor, and any order effecting an action covered by this
 10 subchapter, together with any supporting material, shall
 11 be maintained by the agency and shall be furnished to the
 12 Merit Systems Protection Board upon its request and to
 13 the employee affected upon the employee’s request.”.

14 (b) CLERICAL AMENDMENT.—The table of sections
 15 the beginning of chapter 75 of title 5, United States Code,
 16 is amended by adding after the item relating to section
 17 7543 the following:

“SUBCHAPTER VI—ADMINISTRATIVE LEAVE FOR SENIOR EXECUTIVE SERVICE
 EMPLOYEES

“Sec.

“7551. Definitions.

“7552. Actions covered.

“7553. Cause and procedure.”.

18 **SEC. 3. SUSPENSION OF SENIOR EXECUTIVE SERVICE EM-**
 19 **PLOYEES.**

20 Section 7543 of title 5, United States Code, is
 21 amended—

1 (1) in subsection (a), by inserting “misappro-
2 piation of funds,” after “malfeasance,”; and

3 (2) by adding at the end the following:

4 “(f) For purposes of subsection (c)(1), the head of
5 an agency may determine that there is reasonable cause
6 to believe that an employee has committed a crime for
7 which a sentence of imprisonment can be imposed if the
8 head receives a report from such agency’s Inspector Gen-
9 eral, or, in the case of an agency without an Inspector
10 General, from an employee of the agency designated by
11 such head to carry out duties similar to duties of an in-
12 specter general for purposes of this subsection, indicating
13 that such employee has committed such a crime.”.

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