

## Enforced Leave



### District Personnel Instruction No. 16-14

---

<b>Effective Date</b>	<b>Expiration Date</b>	<b>Related DPM Chapters</b>
March 10, 2016	Retain Until Superseded	16

---

#### Overview

When there is evidence that an employee utilized fraud in securing their appointment, falsified official records, or participated in certain criminal activity that resulted in an arrest, charge, or conviction, an agency may require the employee to take involuntary leave. An enforced leave action involuntarily places an employee in a non-duty leave status while an agency completes a thorough investigation into an employees’ conduct to determine if corrective or adverse action is warranted.

#### In this Instruction

Conduct Subject to Enforced Leave.....	2
Administering Enforced Leave .....	2
Requesting Approval for Enforced Leave.....	3
Types of Documentation to Verify a Violation .....	3
Proposed Notice of Enforced Leave.....	3
Administrative Leave.....	3
Placement on Enforced Leave.....	4
Issuing the Final Decision on Enforced Leave.....	4
Recordkeeping and Confidentiality .....	4
Completing Investigations.....	4
Appeals .....	5
Collective Bargaining Agreements .....	5
Legal.....	5
Authorities.....	5
Applicability .....	5
Additional Information.....	6

Attachment 1 – Request for Enforced Leave ..... 7  
Attachment 2 – Notice of Proposed Notice Enforced Leave..... 9  
Attachment 3 – Final Notice of Enforced Leave..... 12

## Conduct Subject to Enforced Leave

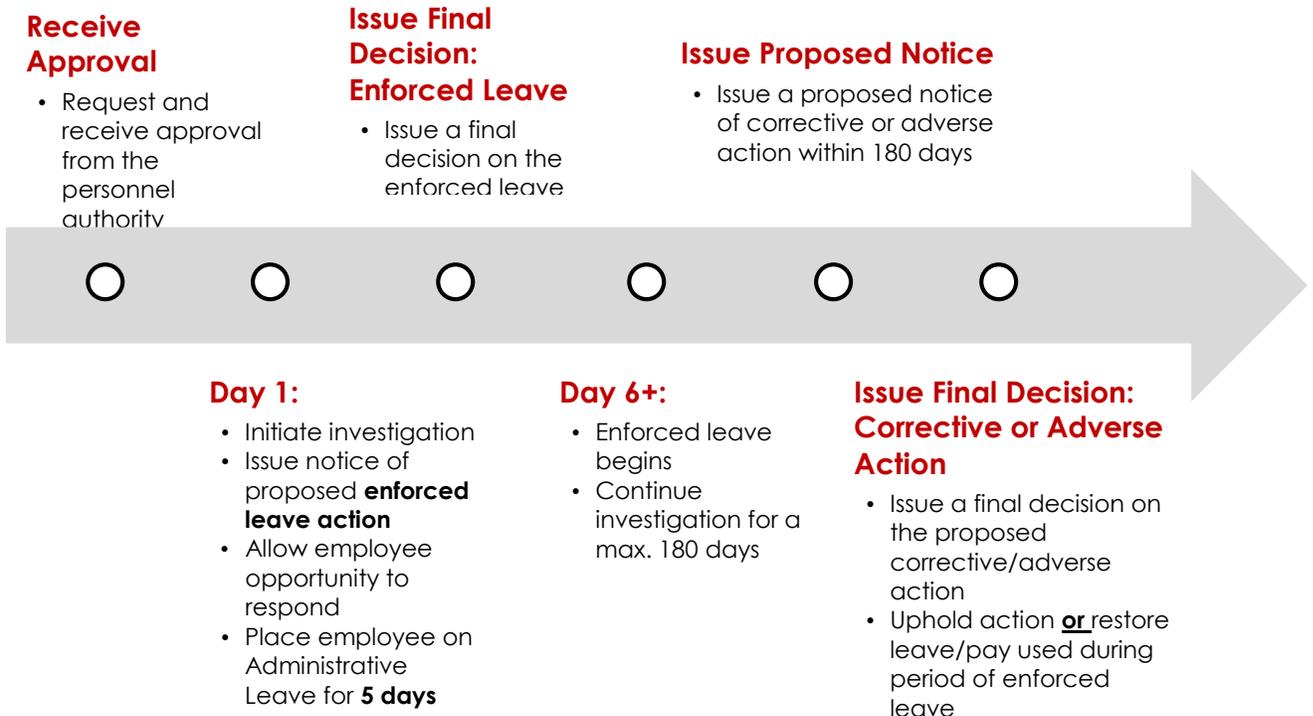
An employee may be placed on enforced leave if an agency has reliable evidence that the employee:

1. Utilized fraud in securing his or her appointment;
2. Falsified official records;
3. Has been indicted on, arrested for, charged with, or convicted of a felony charge (including conviction following a plea of nolo contendere); or
4. Has been indicted on, arrested for, or convicted of any crime that bears a relationship to his or her position.

In addition to the above, the Metropolitan Police Department may place a uniformed member, and the Department of Corrections may place a correctional officer, on enforced leave when they have been arrested, charged, indicted or convicted of any crime irrespective of the relationship between the crime and the employee’s duties and responsibilities.

## Administering Enforced Leave

Once an agency has reliable evidence that an employee committed any of the actions above, they must confer with the personnel authority and receive written approval to administer an enforced leave action. The timeline for administering enforced leave, along with corresponding corrective or adverse action, is summarized below:



## **Requesting Approval for Enforced Leave**

Agencies must receive approval from the personnel authority in writing **before** placing an employee on enforced leave. DCHR will review the evidence in support of the action and, if approved, issue a written approval that identifies the specific conduct subject to enforced leave. If DCHR does not approve the proposed enforced leave action, the agency may continue to proceed with investigating and subsequently administer any other proposed corrective or adverse action related to the incident as appropriate. All request letters should be emailed to [dchr.policy@dc.gov](mailto:dchr.policy@dc.gov).

### ***Types of Documentation to Verify a Violation***

DCHR will review the documentation submitted to validate an enforced leave request. Types of documentation that may be considered when making a determination to place an employee on enforced leave include, but are not limited to, an arrest warrant, a document indicating an indictment has occurred, a charging or pleading document, or government records which show fraud has been committed (i.e. PeopleSoft e-Time records, employee applications, falsification of educational credentials). Agencies should consult with their legal counsel to review any supporting documentation prior to submitting the information for approval. Documentation may also be included in the proposed notice to the employee if practical, but must be provided to the employee upon their request.



**Note:** For expediency, the Department of Human Resources may provide an agency a preliminary approval through informal means, and will then follow that approval with official correspondence.

## **Proposed Notice of Enforced Leave**

After obtaining approval, agencies should proceed with administering an enforced leave action by issuing the employee a proposed notice of enforced leave. The notice of proposed enforced leave must include the start and end dates of the administrative leave period, the start date of the enforced leave, the approved types of paid leave that may be used during that time, and the subsequent action that may be taken as a result of the alleged conduct. The agency should also allow the employee time to respond either verbally or in writing. Employee responses must be received within two (2) days of the issuance of the proposed notice.

### ***Administrative Leave***

When an employee is issued an enforced leave notice, they should be placed on administrative leave for five (5) calendar days prior to the start date of the period of enforced leave. If the administrative leave period includes a weekend, the employee will only receive administrative leave pay on the dates when they would have worked. For example, if the administrative leave period begins on a Friday, they would receive Administrative Leave Pay on that Friday, and Monday through Tuesday of the following week. Once the administrative leave period has ended, the period of enforced leave begins. Any subsequent corrective or adverse action notice does not restart the period of administrative leave.

## **Placement on Enforced Leave**

The agency head (or designee) must place an employee on enforced leave using the employee's accrued annual leave. An employee is not to use sick leave during the enforced leave period. If an employee does not have sufficient annual leave to his or her credit at the time the enforced leave commences, or if that leave is exhausted, the employee must be placed in a leave without pay (LWOP) status. Employees should follow their agency's established protocol for reporting time.

### ***Leave Accrual and Holiday Pay***

Employees are entitled to accrue annual leave so long as they remain in a pay status. This means that when an employee is on enforced leave, they may continue to accrue annual leave at their usual rate until they are no longer in a pay status. Likewise, employees who are in a pay status before and after a holiday are entitled to receive pay for the holiday. For additional information on leave entitlements, please refer to Chapter 12, *Hours of Work, Legal Holidays, and Leave*.



**Note:** When a proposed notice of corrective or adverse action is issued, the timeline for completing the actions required, including receiving employee statements and issuing the final decision, will begin. The end date of enforced leave aligns with the final decision.

## **Issuing the Final Decision on Enforced Leave**

Employees may submit a response to a proposed enforced leave action within two (2) days of the issuance of the proposed notice. Agencies should issue a final decision on the enforced leave action within 3 days of the expiration date of the employee's time to respond or the agency's receipt of the employee response. The final notice should reiterate the reasons for placing the employee on enforced leave, inform the employee of his or her right to grieve the enforced leave decision, and, for enforced leave periods of 10 or more days, the right to file an appeal with the Office of Employee Appeals. (See *Attachment 3: Final Notice on Enforced Leave*)

## **Recordkeeping and Confidentiality**

Documentation and information concerning an enforced leave action will be safeguarded and maintained in a confidential manner. All documents should be filed in a sealed envelope separate from the Official Personnel File (OPF).

## **Completing Investigations**

---

Agencies should make every effort to conduct any investigation that would lead to corrective or adverse action within a timely manner. While a notice of corrective or adverse action may be issued at any time during the period of enforced leave, if the investigation into the allegations is still in progress or a proposed notice is issued near the expiration of the 180-day maximum for enforced leave, the agency should submit a written justification to the personnel authority to request an extension to the enforced leave period. Agencies should note that the request does not guarantee approval and employees may be permitted to return to work after the expiration date of the approved enforced leave period.



**Note:** If the basis for placing an employee on enforced leave fails to result in a corrective or adverse action, any annual leave or pay lost by the employee as a result of the enforced leave action shall be restored retroactively. This includes any annual or sick leave that would have been accrued during the time period.

## Appeals

---

Employees who disagree with a determination of an enforced leave, corrective, or adverse action may appeal by filing a grievance according to the procedures outlined in Chapter 16 or their respective collective bargaining agreement. Enforced leave actions of ten (10) or more days may be appealed with the Office of Employee Appeals (OEA). However, any grievance or appeal will not delay implementation of any final agency action.

## Collective Bargaining Agreements

---

In the event of a conflict between any of the provisions of the E-DPM instruction and any collective bargaining agreement (CBA), the provisions of the CBA shall control to the extent that there is a difference.

## Legal

---

### Authorities

1. Statutory Authority: D.C. Official Code § 1-616.54 *et. seq.*; and
2. Regulatory Authority: 6B DCMR § 1617, *Corrective and Adverse Actions; Enforced Leave; and Grievances.*

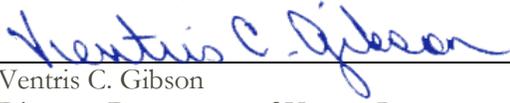
### Applicability

The information in this instruction is not applicable to employees serving in a probationary period or temporary appointment in the Career Service; employees under the Office of the Chief Financial Officer; Attorneys in the Legal or Senior Executive Attorney Services; employees in the Executive Service; employees of the Board of Trustees of the University of the District of Columbia; or employees in the Management Supervisory Service, except as provided in § 1600.3 of Chapter 16 of the regulations.

## Additional Information

---

For additional information concerning this instruction, please contact the Department of Human Resources, Policy and Compliance Administration, by calling (202) 442-9700 or by sending an e-mail to [dchr.policy@dc.gov](mailto:dchr.policy@dc.gov).



Ventris C. Gibson  
Director, Department of Human Resources

Attachments

## Attachment 1 – Request for Enforced Leave

---

**[Begins on Next Page]**

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Department of Transportation



**Office of the Director**

July 13, 2015

Employee Relations  
Policy and Compliance Administration  
D.C. Department on Human Resources

Subject: **Enforced Leave Request – Vee Hickle**

Dear Employee Relations:

I am writing to request approval to place Mr. Vee Hickle, Traffic Conductor, on enforced leave. Based on a review of preliminary evidence, it appears that Mr. Hickle falsified his timesheet when he reported eight (8) hours of holiday pay worked on July 4, 2015, on his timesheet dated July 6, 2015. DPM § 617.3(c) We received several complaints via the Mayor's command center that no one was on traffic duty during the 4<sup>th</sup> of July festivities at the corner of 7<sup>th</sup> Street and Independence Avenue; Mr. Hickle's assigned duty station on July 4, 2015 from 12:00 PM to 10:00 PM. The supervisor was alerted and confirmed that he was not performing traffic conducting duties on that date after driving by the unattended duty location several times. An alternate Traffic Conductor was reassigned to the location to accommodate for his absence.

Attached are the supervisor's report, pictures of the unattended duty location, and a duplicate of the falsified time sheet for your review and consideration. Please let me know if you have any questions or need additional information.

Sincerely,

*Caar Dryver*

Caar Dryver  
Director

[Enclosures]

---

441 4th Street NW, Suite 300 South, Washington, DC 20001 | Telephone (202) 442-9700

## Attachment 2 – Notice of Proposed Notice Enforced Leave

---

**[Begins on Next Page]**



**Policy and Compliance  
Administration**

July 24, 2015

Mr. Vee Hickle  
100 District Avenue NW  
Washington, D.C. 20001

**Re: | Proposed Enforced Leave**

Dear Mr. Hickle:

As discussed today, this action is being initiated as a notice proposing to place you on enforced leave from your position as a Traffic Conductor, CS-05 beginning July 29, 2015. This action is being proposed for the following reason:

1. The agency has obtained reliable evidence that you falsified official timekeeping records. DPM § 617.3(c)

*Proposed Action:* **Enforced Leave**

**Administrative Leave.** You must immediately surrender any government property in your position and vacate your duty station. You will be placed on administrative leave from July 24, 2015 through July 28, 2015. During this period you are required to be available by phone during your typical work hours and to follow any instruction given by a supervisor.

**Review Process.** You have the right to challenge this proposed action and may secure an attorney or other representative, at your own expense. You, or your representative, have the right to submit a written response to the, Deciding Official Name, the deciding official. With any response, you are encouraged to include affidavits or other documents that you would like considered. Any written response must be received within two (2) calendar days from the date of this notice.

**Enforced Leave.** Based on this proposed action notice, supporting documentation, and any materials you provide, the Deciding Official will issue you a final determination on Enforced Leave. If a determination is made to take the action proposed in this notice, you will be placed on enforced leave beginning July 29, 2015 and will remain on

---

441 4th Street NW, Suite 300 South, Washington, DC 20001 | Telephone (202) 442-9700

**Proposed Enforced Leave**

enforced leave until a final decision is reached on any corrective or adverse action which follows. Your Annual Leave account will be charged for each day of enforced leave until depletion. Once your Annual Leave is exhausted, you will be charged Leave Without Pay (LWOP). Unless otherwise directed, you are not permitted to return to your duty location pending this review.

Sincerely,

By: \_\_\_\_\_  
SUPERVISING OFFICIAL  
Proposing Official

**CERTIFICATE OF SERVICE**

On July 24, 2015, a copy of this notice of proposed enforced leave on:

Vee Hickle  
100 District Avenue NW  
Washington, D.C. 20001

[By Hand Delivery] [OR USPS Certified No. ###] [OR FedEx Next Day No. ###]

By: \_\_\_\_\_  
SUPERVISING OFFICIAL  
Proposing Official

## Attachment 3 – Final Notice of Enforced Leave

---

**[Begins on Next Page]**



**Policy and Compliance  
Administration**

August 3, 2015

Mr. Vee Hickle  
100 District Avenue NW  
Washington, D.C. 20001

**Re: Final Agency Decision – Enforced Leave**

Dear Mr. Hickle:

This letter is in reference to the proposed enforced leave notice issued to you on July 24, 2015. After carefully considering the proposed action and your response, I conclude that the enforced leave is appropriate under the circumstances. Accordingly, you are being placed on enforced leave effective July 29, 2015.

You are being placed on enforced leave for the following reasons:

1. The agency has obtained reliable evidence that you falsified official timekeeping records. DPM § 617.3(c)

**Proposed Action: Enforced Leave**

I adopt the evidence, recommendations, rationale and conclusions of the proposing official. The proposed notice and related attachments are incorporated into this final action.

**Review Process.** You have the right to challenge this proposed action and may secure an attorney or other representative, at your own expense. You may seek review of this action by: (1) filing a grievance pursuant to DPM Chapter 16; (2) filing a grievance pursuant to any applicable collective bargaining agreement; or (3) for an enforced leave period of 10 or more days, you may file an appeal with the Office of Employee Appeals (OEA). You may choose only one method of review.

If you prefer, you may seek review by filing a grievance with your agency or with the Department of Human Resources. Please refer to DPM § 1626 or contact the Department of Human Resources for more information. A copy of the grievance form is included with this decision.

If you are a member of a union, you may, instead, elect to file a grievance pursuant to your collective bargaining agreement. For procedural guidance on filing a union grievance, please refer to your labor agreement or contact your union representative.

---

441 4th Street NW, Suite 300 South, Washington, DC 20001 | Telephone (202) 442-9700

**Final Agency Decision – Enforced Leave**

To seek review with the Office of Employee Appeals (OEA), you must file a Petition for Appeal with OEA within 30 days of the effective date of this action. A copy of the appeals application and OEA rules are included with this decision for your convenience.

**Enforced Leave.** You will remain on enforced leave status until a final decision is reached on any corrective or adverse action which follows. Your annual leave account will be charged for each day of enforced leave until depletion. Once exhausted, you will be charged leave without pay (LWOP).

**Continuation of Health Insurance.** If you are enrolled in an employee health insurance program, your coverage will continue uninterrupted for up to 365 days while in a leave without pay status; however, you may be required to pay any employee portions of benefit premiums while on LWOP, upon your return, or, in the case of separation, the amount will be deducted from any final pay. You will continue to accrue annual and sick leave until you are placed in a leave without pay status.

Should you have any additional questions regarding this action, please contact me on 202-555-5555.

Sincerely,

By: \_\_\_\_\_  
SUPERVISING OFFICIAL  
Deciding Official

ATTACHMENTS

No.	Title
1	Proposed Enforced Leave Notice
2	DCHR Administrative Grievance Application
3	OEA Petition for Appeal Form
4	OEA Procedural Rules

**Final Agency Decision – Enforced Leave**

**CERTIFICATE OF SERVICE**

On [Date], a copy of this final decision on enforced leave, along with supporting materials contained on an accompanying CD-ROM, on:

[Employee Name]  
[Address]  
[State City Zip]

[By Hand Delivery] [OR USPS Certified No. ###] [OR FedEx Next Day No. ###]

By: \_\_\_\_\_  
SUPERVISING OFFICIAL  
Deciding Official