

**Department of Personnel Administration
Memorandum**

TO: Personnel Management Liaisons (PML)

SUBJECT: Administrative Time Off (ATO) – Policy, Procedure and Documentation Requirements	REFERENCE NUMBER: 2012- 008
DATE ISSUED: 04/11/12	SUPERSEDES:

This memorandum should be forwarded to:

**Personnel Officers
Employee Relations Officers**

FROM: Department of Personnel Administration
Labor Relations Division

CONTACT: Personnel Services Branch
(916) 323-3343
Fax: (916) 322-0765
Email: psb@dpa.ca.gov

This PML sets forth the approval policy, procedure, and documentation requirements appointing authorities must follow to place employees on paid administrative time off (ATO).

The requirements for departments to utilize ATO are as follows:

1. Any ATO lasting over 30 days must be approved by DPA. Approval will generally be given in 30 calendar day increments and any extension must be approved prior to the expiration of the 30 calendar days; and,
2. As with all types of paid administrative leave, appointing authorities must properly document and track ATO for any length of time. This documentation is subject to audit by DPA as described below.

Definition of “ATO”

ATO is a form of paid administrative leave status initiated by appointing authorities for a variety of reasons. Most often, ATO is used when an employee cannot come to work because of a pending investigation, fitness for duty evaluation or when work facilities are unavailable. ATO can also be granted when employees need time off for: donating blood; extreme weather that makes getting to work impossible; and when employees need time off to attend special events.

ATO Approval Policy and Procedures

1. Approval Policy:

Appointing authorities are authorized to approve ATO for up to five (5) working days under GC 19991.10 and have delegated authority to approve up to 30 calendar days. (GC 19991.10 and PML 2007-026).

Any ATO in excess of 30 calendar days must be approved in advance by DPA. In most cases, if approved, the approval will be for an additional 30 calendar days only. The appointing authority is responsible for submitting requests to extend ATO, to DPA at least 5 working days prior to the expiration date of the approved leave.

When an appointing authority requests initial approval for ATO, or an extension of a previously approved grant of ATO, the appointing authority must provide a justification establishing good cause for maintaining the employee on ATO for the additional period of time. ATO may not be used and will not be granted for an indefinite period.

If DPA denies a request to extend ATO, or the appointing authority fails to request approval from DPA to extend ATO, the employee *must be returned to work in some capacity*.

Use of ATO is subject to audit and review by DPA and by other control agencies to ensure it is being utilized appropriately. Failure to grant ATO in conformity with the procedures in this policy may result in DPA revoking the appointing authority's delegation to utilize ATO without first obtaining approval from DPA.

2. ATO Approval Procedures:

a) When to request approval for ATO in excess of 30 calendar days:

- An appointing authority must contact and seek permission from DPA at least five working days before the initial 30 calendar days of ATO expires. Attached for your information is a sample Request for Approval of ATO.

b) Who to ask for approval to extend ATO over 30 calendar days:

- Address the request to the Personnel Services Branch (PSB), Labor Relations Division, DPA. PSB may be reached via email at psb@dpa.ca.gov or telephone at (916) 323-3343.

c) What to include with your request:

1. Information about the employee, including:

- Employee name
- CBID
- Classification and job/working title
- Is the employee a peace officer? Y/N
- Initial date ATO was commenced
- Extension duration if less than 30 calendar days is requested

2. Information about the need for ATO, including:
 - Explain why ATO is the best alternative under the circumstances.
 - Why can't this employee return to work?
 - Has a temporary reassignment been considered instead of ATO?
 - If temporary reassignment was rejected, why?
 - Can the employee work from home?
 3. Project a date for completion of ATO:
 - If the investigation or a fit for duty evaluation is underway, when is it expected to conclude?
 - If the original deadline needs to be extended, explain why.
 - Demonstrate that you are making progress
 4. Identify a contact person and provide the below information so that questions can be addressed and answered promptly:
 - Name
 - Email
 - Phone number
 5. Label your request "Confidential"
 - If an investigation is underway, you do **not** need to describe the specifics of the investigation. Simply explain the potential harm that might arise from returning the employee to work. For example: investigating allegations of child molest; employee's job duties involve the supervision of children. Or, investigating allegations of theft; employee's job duties involve unlimited access to funds and no ability to secure funds.
- d) DPA will notify you of approval or disapproval:
- If the request is approved, there will be a date specified when the approval expires. Most approvals will be for 30 calendar days.
 - If disapproved, DPA will explain the reason for the denial and will work with you to either determine if a reconsideration is merited or if the employee must be returned to work.

Documentation Requirements

Regardless of the length of the ATO, appointing authorities must maintain thorough documentation demonstrating the justification for the ATO, the length of the ATO, and the approval of the ATO.

For example, a department director has given employees 1 hour of ATO to supplement their lunch hour in order to attend a team-building office event. You do not need to keep a record for each employee, you must prepare documentation that explains the amount of leave granted, the number of employees affected, the nature of the event, and why allowing paid administrative leave for the time period confers a benefit on the department and the state.

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For questions related to this PML, state department personnel office designated liaisons should contact DPA's Personnel Services Branch by emailing questions to PSB@dpa.ca.gov or calling (916) 323-3343.

/s/Mary Sue Paul

Mary Sue Paul
Manager, Personnel Services Branch

Attachment – Sample Request for Approval of ATO

Sample Request for Approval of ATO

Memo: **CONFIDENTIAL**

Date: XX

To: Personnel Services Branch
Department of Personnel Administration

From: Name
Office of Human Resources
Department of Management

This memo is to request approval to place an employee on ATO for 30 additional calendar days. DPA previously approved ATO which expires on _____. The employee has been on ATO since _____ (date) for a total of _____ (number of calendar days).

Information about Employee:

Name: Jane Doe

CBID: xx

Classification: xx

Job/Working Title: xx

Peace Officer: No

Initial Date of ATO: xx

Why ATO is needed:

Employee allegedly threatened a coworker with physical assault. The complaining employee and other coworkers have expressed safety concerns about working with the employee.

The employee works in a small field office supply area, and no alternative placement is available at employee's work location. Employee's work is entering new items into inventory and distributing items; physical presence is required and telecommuting not an option. Alternative shifts are not available because the employee needs to be supervised. We have no alternative work situation for this employee in the location.

Investigation is underway and investigator advises draft report is completed. Expect to have investigation report and either draft and serve adverse action or return employee to work within the next 30 calendar days, and therefore request an extension for that length of time.

For questions, contact:

Jo Analyst, sam.analyst@dom.ca.gov, 916-333-5555, or
Janet Supervisor, janet.supervisor@dom.ca.gov, 916-333-5556 or
916-555-3333 (mobile)

Thank you for your consideration in this matter.