

From: [Defense Civilian Personnel Advisory Service](#)
To: DCPAS Message 2025010 - OPM Final Regulations and Guidance on Administrative Leave, Investigative Leave, and Notice Leave
Subject:
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DCPAS Message 2025010

FOR: CIVILIAN PERSONNEL POLICY COUNCIL MEMBERS

FROM: Defense Civilian Personnel Advisory Service Director, Mr. Daniel J. Hester //Signed 1/23/2024//

SUBJECT: U.S. Office of Personnel Management Final Regulations and Guidance on Administrative Leave, Investigative Leave, and Notice Leave

ACTION: Disseminate to Department of Defense (DoD) Human Resources Managers and Practitioners

REFERENCES:

1. U.S. Office of Personnel Management (OPM) Memorandum, "Final Regulations on Administrative Leave, Investigative Leave, and Notice Leave," dated January 03, 2025, <https://www.chcoc.gov/content/final-regulations-administrative-leave-investigative-leave-and-notice-leave-0>
2. Sections 6329a and 6329b of title 5, United States Code (U.S.C.), <https://uscode.house.gov/view.xhtml?req=granuleid%3AUSC-prelim-title5-chapter63-subchapter2&saved=%7CZ3JhbnVsZWlkOjVTOy1wcmVsaW0tdG10bGU1LXNlY3Rpb242MzI15YQ%3D%3D%7C%7C%7C0%7Cfalse%7Cprelim&edition=prelim>
3. Department of Defense Instruction (DoDI) 1400.25, Volume 630, "DoD Civilian Personnel Management System: Leave," Change 3, Effective November 21, 2023, <https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/140025/1400.25-V630.pdf?ver=ITCLH04v-X-8BZcRvVRKgA%3d%3d>
4. DoDI 1400.25, Volume 1406, "DoD Civilian Personnel Management System: Nonappropriated Fund Attendance and Leave," Change 2, dated February 15, 2023, https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/140025/140025_vol1406.PDF?ver=o2q6-RO9cx7tnKLeY2uakA%3d%3d

BACKGROUND: The OPM memorandum at reference (1) provides information on the final rule regarding administrative leave, investigative leave, and notice leave, as authorized under the U.S.C. at reference (2). Per reference (1), these regulations are effective on January 16, 2025; however, agencies will have until September 13, 2025, to implement internal policies that comply with the law and regulations. Supplemental guidance in a question-and-answer format, a quick reference chart on the requirements for using these three new distinct leave categories, and sample notices to employees are included with the memorandum. Organizations should review their collective bargaining agreements and consult with their servicing Labor and Employee Relations office regarding any required labor obligations for implementation that may impact bargaining unit employees.

There are no conflicts with the Department's current policy on administrative leave (referred to as "excused absence") in the DoDI at reference (3). However, additional, clarifying guidance is required and reference (3) will be updated to incorporate the new regulations. Investigative leave and Notice leave are not currently addressed in DoD policy. These new leave categories will also be implemented in the update to reference (3). Additionally, the DoDI at reference (4) will be updated to incorporate the new regulations for the Nonappropriated Fund workforce. In the interim, while references (3) and (4) are pending updates, DoD Components must comply with OPM's regulations on administrative leave, investigative leave, and notice leave. Publication of the updates to references (3) and (4) will be announced via a follow-on DCPAS Message.

Additionally, OPM will establish new corresponding payroll data elements to be used in the Enterprise Human Resources Integration data warehouse to support proper documentation of usage of the new types of leave. OPM instructions on data reporting will be forthcoming.

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