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GOVERNOR

STATE OF ARIZONA
DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS

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Major General Michael T. McGuire
THE ADJUTANT GENERAL

NGAZ-TAG

20 July 2016

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Policy on Initiating, Approving & Monitoring Technician Suspensions with Pay (SWIPS)

1. References:

- a. TPR 630 Leave and Absence Program, dated 27 August 2010.
- b. TPR 752 Discipline and Adverse Actions, dated 27 August 2010.

2. Purpose: This policy furthers the Agency's efficient and accountable management of employees who are in a paid status, but barred from reporting to the workplace to perform their routine duties, due to an on-going investigation into alleged misconduct, or during a disciplinary or dismissal process.

3. Applicability: This policy applies to employees of the Arizona National Guard (AZNG) in a Title 32 dual-status or non-dual status Federal Technician position.

4. Policy:

a. Supervisors have authority to place subordinate technicians onto "Suspension with Pay" (SWIP) status pending investigation or adjudication of an adverse action. Placing a technician on SWIP (i.e., administrative leave) status is appropriate for situations in which the continued presence of the technician in the workplace may have an adverse impact on the mission, cause a safety concern, or will unduly disrupt the work area. The supervisor must coordinate with the HRO prior to placing the technician onto SWIP. SWIP is not an adverse action and may only be used subject to the provisions of TPR 752, paragraph 4-1.d. Nothing in this policy shall derogate from a supervisor's ability to immediately remove a Technician from the work site for imminent health, safety or welfare concerns. If a technician is suspended with pay, arrangements must be made with the technician and/or his or her representative for the preparation of a reply or appeal. This must include access to documents and witnesses who voluntarily wish to meet with the technician or the technician's representative.

b. Before placing a technician on SWIP, notice letters will be reviewed and approved by the HRO prior to issuance to the technician. The assigned organization shall provide the HRO with updated contact information for the technician. The HRO

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will ensure the notice sent to the technician regarding the implementation of SWIP-related administrative leave includes the following:

(1) A statement that the technician's place of duty while on SWIP-related administrative leave is the technician's local home, or a specifically designated alternate duty station within a reasonable commuting distance;

(2) Any expectations by management for daily communication from the technician to the supervisor/office/worksite; and

(3) The process to be used by the technician for seeking approval for leave when he/she will:

(a) Need to be away from home (or the designated alternate duty station, if assigned) during duty hours; or

(b) Be unable to come to the worksite upon notification and within a reasonable amount of time to report to the worksite or other requested location.

(c) Follow the routine processes and procedures established within the Technician's organization or unit for leave requests, unless circumstances require the use of alternate communication methods, or alternate approving officials to interact with the Technician.

(4) Where circumstances clearly indicate that an employee's return to normal duty would not adversely affect operations, would not be detrimental to the employee's (or other individuals') health or safety, or would not impede any on-going investigation, management may require the employee report to work at his or her normal duty station. Management will use its reasonable best efforts to make such determination within three (3) business days following an initial decision to place an employee in SWIP status.

c. Situations in which the total amount of time that a technician will spend in SWIP status will exceed 40 consecutive hours require approval from the applicable Component Commander/Senior Director. In such cases, the head of the applicable organization, activity or unit responsible for administering the Agency's time and attendance records shall submit a memorandum to the HRO, signed by the applicable Component Commander/Senior Director, and will submit additional memoranda for each week thereafter, until the technician's SWIP status is terminated. The memorandum shall include:

(1) Name of the organization/activity/unit;

(2) Name and grade of the technician;

(3) Status of the technician (DS-ANG, DS-ARNG, NDS);

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(4) Date the technician was placed on SWIP;

(5) The number of hours the technician has been on SWIP-related administrative leave as of the date of the report; and

(6) A brief description as to why the technician is on SWIP-related administrative leave. Alternatively, if there is a lack of clarity as to the reasons why, the organization/activity/unit will simply indicate who requested the technician be placed on SWIP.

d. The applicable Component Commander/Senior Director will seek, through the HRO, TAG's approval of any time that an employee's SWIP-related administrative leave is anticipated to exceed 160 consecutive working hours. The Component Commander/Senior Director shall submit a request to TAG, through the HRO, at least five (5) business days before the technician's SWIP will total 160 working hours. If circumstances beyond the organization's control do not permit at least five (5) business days' notice, the Component Commander/Senior Director shall submit the request by memorandum, as soon as the Component Commander/Senior Director is aware of the necessity for extending a technician's SWIP status. This memorandum shall include:

(1) All of the information listed in subsection c;

(2) Reason(s) why the SWIP-related administrative leave will exceed 160 working hours; and

(3) The anticipated date the SWIP-related administrative leave will be terminated.

e. TAG will review the request prepared pursuant to Paragraph 4 subsection d above and approve, modify or deny such request within three (3) business days of receipt.

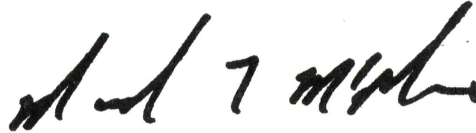
f. In all cases where a technician is on SWIP-related administrative leave, the technician's supervisory chain will make every effort, regularly throughout such period of time, to determine if there is an appropriate alternative to the technician remaining at home on duty instead of serving at his or her assigned worksite or at an alternative temporary duty location. In addition, during any extended period of SWIP, the technician's supervisory chain of command will give a full consideration to the appropriateness of a non-disciplinary Management-Directed Reassignment (MDR), pursuant to TPR 715, paragraph 3-5, to ensure that the best course of action is being pursued. The evaluation of these options will not presume that moving employees is always required; rather, the technician's supervisory chain of command must articulate a legitimate reason why an MDR is needed, if that is the ultimate decision of management.

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5. Effective date: This policy is effective 30 days following the date first stated above.

6. Point of contact for this policy is the Human Resources Officer at 602-629-4801.



MICHAEL T. MCGUIRE
Major General, AZ ANG
The Adjutant General

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