

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
ICE Office of Policy

OFFICE OF PRIMARY INTEREST: OFFICE OF THE ASSISTANT SECRETARY

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**DIRECTIVE TITLE: ADMINISTRATIVE DISMISSALS FOR SPECIAL CIVIL
ACTIVITIES**

1. **PURPOSE and SCOPE.** The purpose of this policy is to provide uniform and equitable standards under which ICE employees may be relieved from duty with pay by administrative order.
2. **AUTHORITIES/REFERENCES.**
 - 2.1 Title 5 Code of Federal Regulations, Part 610, Hours of Duty.
 - 2.2 Department of Homeland Security Management Directive 3080.1, Work Schedules, Leave Programs, and Time and Attendance/Payroll.
3. **SUPERSEDED/CANCELLED POLICY/SUMMARY OF CHANGES.**

This policy supersedes and cancels any Immigration and Naturalization Service (INS) or United States Customs Service (USCS) policy regarding administrative orders to relieve agency employees from duty with pay.
4. **BACKGROUND.** As the largest investigative agency within the Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE) plays a valuable role in using its law enforcement resources and authorities to protect the nation and uphold public safety. In so doing, ICE partners with other law enforcement entities and efforts at the federal, state, and local levels. To preserve these relationships and to enhance its image in the community, ICE encourages the supporting of various non-profit and charitable law enforcement initiatives. This policy will enable ICE to encourage and promote certain initiatives that are aligned with our role in defending the Nation.
5. **DEFINITIONS.**
 - 5.1 **Administrative order** means an order issued by the head of an agency (see below) relieving full-time Federal Government employees from active duty without charge to leave or loss of pay.
 - 5.2 **Head of agency** refers to the Assistant Secretary of ICE, or the official delegated by the Assistant Secretary to act within the parameters delegated by the Assistant Secretary.

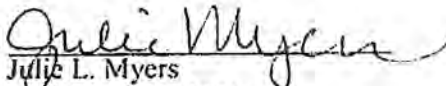
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- 5.3 Headquarters Principal Staff** include the most senior management group within ICE and are the following officials: Assistant Secretary; Deputy Assistant Secretary for Operations; Deputy Assistant Secretary for Management; Counselor to the Assistant Secretary; Chief of Staff; Director, Public Affairs; Director, Executive Secretariat; Principal Legal Advisor; Director, Policy and Planning; Director, Professional Responsibility; Director, Congressional Relations; Chief Financial Officer; Chief Information Officer; Human Resources Director; Director, Training and Development; Director, Equal Employment Opportunity; Director, Student and Exchange Visitors Program; Director, Office of Investigations; Director, Office of Detention and Removal Operations; Director, Office of Intelligence; Director, Federal Protective Service; Director, National Firearms and Tactical Training Unit; Director, National Incident Response Unit; and Director, ICE Operations Center.
- 5.4 Regular employee** excludes experts and consultants and includes employees of the Federal Government paid at daily, hourly, or piecework rates who have a regular tour of duty (see below), and whose appointments are not limited to 90 days or less or who have been currently employed for a continuous period of 90 days under one or more appointments without a break in service.
- 5.5 Regularly scheduled administrative work week**, for a full-time employee, means the period within an administrative business week, established in accordance with Section 610.111, within which the employee is regularly scheduled to work. For a part-time employee, it means the prescribed days and hours within an administrative business week during which the employee is regularly scheduled to work.
- 5.6 Tour of duty** means the hours of a day (a daily tour of duty) and the days of an administrative business week (a weekly tour of duty) that constitute an employee's regularly scheduled administrative business week.
- 6. POLICY.**
- 6.1** The Assistant Secretary for ICE possesses the sole authority to consider the public interest and render an administrative order to relieve employees from work to participate in civil activities which the Federal Government is interested in encouraging. The Assistant Secretary may delegate this authority as deemed appropriate.
- 7. RESPONSIBILITIES.**
- 7.1** The Assistant Secretary, or delegated official, has overall responsibility for approving administrative orders authorizing time off from duty.
- 7.2** The Chief Financial Officer, through the Deputy Assistant Secretary for Management, may advise the Assistant Secretary of any potential financial consequences of issuing an administrative order relieving regular employees from duty.
- 7.3** The Deputy Assistant Secretary for Operations may advise the Assistant Secretary of any critical operational matters relating to the issuance of an administrative order relieving regular employees from duty.
- 7.4** The Counselor to the Assistant Secretary and the Principal Legal Advisor may advise of any potential legal, including ethical, ramifications regarding the issuance of any administrative order for time off from duty.

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- 7.5 The Chief of Staff must ensure that any administrative order is disseminated to ICE employees in a timely manner and is stored for archive purposes in the agency's automated system.
- 7.6 Headquarters Principal Staff have responsibility for ensuring compliance with the administrative order, including ensuring only eligible employees abide by the terms of the administrative order and ensuring supervisors and timekeepers properly document and process any time off from duty as permitted by the administrative order.
8. **PROCEDURES.**
- 8.1 **Pre-Administrative Order Process.** The Assistant Secretary, or delegated official, may consult with senior ICE officials before issuing an administrative order allowing time off from duty.
- 8.2 **Administrative Order Approval.** The Assistant Secretary, or delegated official, may issue a memorandum to render an administrative order for time off from duty.
- 8.3 **Administrative Order Dissemination.** The Chief of Staff must use all available means, including broadcast message, to ensure the ICE employees affected by the administrative order are aware of its provisions.
9. **NO PRIVATE RIGHT STATEMENT.** This directive is an internal policy statement of ICE. It is not intended to and does not create any rights, privileges, or benefits, substantive or procedural, enforceable by any party against the United States; its departments, agencies, or other entities; its officers or employees; or any other person.

Approved


Julie L. Myers
Assistant Secretary