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United States General Accounting Office
Washington, DC 20548

Office of
General Counsel

In Reply
Refer to: B-196609

JAN 17 1980

[Annual Leave Charged to Air Force Employee]

Mr. Kieth W. Van Laarhoven
Vice President Local 1778
American Federation of Government
Employees
Box 278
Wrightstown, New Jersey 06562

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Dear Mr. Van Laarhoven:

We refer further to your letter of October 22, 1979, concerning the 8 hours of annual leave charged Mr. Charles Smith, an employee of the Department of the Air Force, McGuire Air Force Base, New Jersey. You state that on February 20, 1979, due to adverse weather conditions, McGuire Air Base was closed to all employees except for "category A" type weather essential personnel. You state that as Mr. Smith was classified as "B type" weather essential personnel and as he could not leave his residence because of heavy snow accumulations, he did not report for work. *ASC00011*

The correspondence you enclosed shows that the Commander, 438th Organizational Maintenance Squadron, McGuire Air Force Base, advised you on July 27, 1979, that McGuire Air Force Base was open for designated weather essential personnel on February 20, 1979, and that since Mr. Smith had been designated weather essential, he was required to report for duty or be charged leave for his absence. The Commander also noted that Mr. Smith had previously requested 8 hours of annual leave for February 20, 1979, which request was approved by his supervisor. You were further advised that after reviewing all the facts in the matter, management had determined that the charge of 8 hours' annual leave was proper.

You believe that the Air Force should have granted Mr. Smith 8 hours of administrative leave for his absence and that such leave should be substituted for the charge to his annual leave account. Although an official decision is not being rendered we are providing the following information.



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The Civil Service Commission (now the Office of Personnel Management) has issued no general regulations on the subject of granting excused absence to employees without charge to leave (commonly called administrative leave). However, this matter is discussed in FPM Supplement 990-2, Book 630, subchapter S11. Further, regulations on this subject which apply only to daily, hourly, and piecework employees, e.g. wage board employees, which were issued under the authority to 5 U.S.C. 6104 (1976) are contained at 5 C.F.R. 610.301 et seq. Section 610.305 of the regulations provides in part that an administrative order relieving or preventing a daily, hourly, or piecework employee from working may be issued for the following reason:

"(a) Normal operations of an establishment are interrupted by events beyond the control of management or employees;"

Under administrative practice and decisions of our Office similar standards are applied to salaried (General Schedule) employees. Among the various purposes for which the granting of administrative leave has been recognized either by law, Executive order, or decisions of our Office are those mentioned in FPM Supplement 990-2, Book 630, subchapter S11. These include tardiness and brief absences, and office closings. Paragraph a of subchapter S11-5 of Book 630, FPM Supplement 990-2 contains the following instructions with regard to the type of absence in question.

"With few exceptions, agencies determine administratively situations in which they will excuse employees from duty without charge to leave and may by administrative regulation place any limitations or restrictions they feel are needed. * * *"

Paragraph c (5)(b) of subchapter S3-2 of Book 610, FPM Supplement 990-2 provides, in part, as follows with regard to group dismissals incident to the closing of an activity:

"(b) Guides for relieving employees from duty. The release of regular employees because of interruption to normal operations shall be confined to emergency situations. These situations may include, but are not limited to, extreme weather conditions (see appendices A and B), serious interruption to public transportation services, or disasters such as fire, flood, or other natural phenomena which necessitate the closing of the establishment in whole or in part or prevent individual employees or groups of employees from working or reporting to work. * * *."

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We note that Appendix A to subchapter 3 of FPM Supplement 990-2 (Appendix A) covers Federal employees, generally and not just daily, hourly, and piecework employees.

Paragraph A-3 of Appendix A entitled "EMPLOYEES PROVIDING 'CRITICAL SERVICES'" recognizes that there are employees who perform duties which are vital to the continuity of medical facilities, public safety, national defense, or other crucial operations, and who are required therefore to be at work regardless of the emergency situation or any general dismissal authorization.

With regard to those employees not providing critical services who are excused from work as a result of an emergency condition arising during duty hours, paragraph A-4a(d) of Appendix A provides that if the employee were absent on approved leave for the entire work shift, the entire absence is charged to the appropriate leave: annual, sick, or leave without pay, as applicable.

For those employees who are excused from work as a result of emergency conditions developing during nonworking hours, paragraph A-4b(3) of Appendix A provides in part:

"* * *Workdays on which Federal offices are closed are nonworkdays for leave purposes. Employees scheduled to work on those days will be excused without charge to leave or loss of pay. Employees on previously authorized leave will not be charged leave for those days.* * *"

We trust that the above information will serve the purpose of your inquiry.

Sincerely yours,

Edwin J. Monsma

Edwin J. Monsma
Assistant General Counsel