

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

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FILE: B-217779**DATE:** July 16, 1985**MATTER OF:** Employees of the Defense Investigative
Service - Inauguration Day - Holiday Pay**DIGEST:**

Employees stationed in the City of Fairfax, Virginia, request holiday premium pay for the work they performed on Monday, January 21, 1985, the day selected for the public observance of the inauguration of the President. The employees may be allowed premium pay because the legislative history of 5 U.S.C. § 6103(c) (1982) shows that the statute was intended to authorize the inaugural holiday for employees working in the geographical locale of the City of Fairfax.

Mr. M. Arnold Werner, Assistant Director (Personnel and Security) of the Defense Investigative Service (DIS), requests our decision as to whether DIS employees stationed in the City of Fairfax, Virginia, may be paid holiday premium pay for work they performed on Monday, January 21, 1985, the day selected for the public observance of the inauguration of the President. We hold that the employees may be allowed premium pay because they were entitled to the inaugural holiday authorized by 5 U.S.C. § 6103(c) (1982).

The DIS states that it did not give employees stationed in the City of Fairfax a paid holiday for Inauguration Day, and that these employees are requesting holiday premium pay for their work on that day. The agency suggests that there is no legal basis for the claims, citing the provisions of 5 U.S.C. § 6103.

The relevant provisions in 5 U.S.C. § 6103(c) state as follows:

"January 20 of each fourth year after 1965, Inauguration Day, is a legal public holiday for the purpose of statutes relating to pay and leave of employees as defined by section 2105 of this title and individuals employed by the government of the District of Columbia employed in the District of

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Columbia, Montgomery and Prince Georges Counties in Maryland, Arlington and Fairfax Counties in Virginia, and the cities of Alexandria and Falls Church in Virginia. When January 20 * * * falls on Sunday, the next succeeding day selected for the public observance of the inauguration of the President is a legal public holiday for the purpose of this subsection."

The metropolitan area described in section 6103(c) does not include as a separate jurisdiction the City of Fairfax, Virginia, which became incorporated as a municipality independent from Fairfax County in 1961. Nevertheless, an examination of the legislative history of section 6103(c) shows that the statute was intended to cover employees working in the geographical area of the City of Fairfax.

Section 6103(c) codifies Pub. L. No. 85-1, 71 Stat. 3, January 11, 1957. Before Congress enacted the permanent legislation in Pub. L. No. 85-1, it passed temporary measures every 4 years authorizing an inaugural holiday in the metropolitan area of the District of Columbia.^{1/} In passing each of these laws, including the permanent legislation in Pub. L. No. 85-1, Congress indicated that its list of qualifying metropolitan areas was intended to define the

^{1/} Two joint resolutions preceding Pub. L. No. 85-1 were Pub. L. No. 81-1, 63 Stat. 3, January 18, 1949, and Pub. L. No. 83-1, 67 Stat. 3, January 16, 1953. The first resolution, Pub. L. No. 81-1, authorized the inaugural holiday for employees stationed in the District of Columbia, Montgomery and Prince Georges Counties in Maryland, Arlington and Fairfax Counties in Virginia, and the City of Alexandria, Virginia. The next resolution, Pub. L. No. 83-1, added the City of Falls Church, Virginia.

geographical boundaries within which the inaugural holiday would be granted. Specifically, the legislators expressed an intention that the holiday would be granted to employees stationed in the District of Columbia and its "immediate vicinity," so that these employees could attend the nearby inaugural ceremonies and avoid the traffic problems and work disruptions they would encounter if they were required to report for duty. See 95 Cong. Rec. 410-413 (1949); 99 Cong. Rec. 369, 370 (1953); and 103 Cong. Rec. 141, 303 (1957).

The necessity for repeated enactments prior to Pub. L. No. 85-1 provided Congress with a recurring opportunity to make technical revisions in the legislation. Consequently, although it is clear that Congress intended to authorize the inaugural holiday on a geographical basis, a change in the political status of one surrounding metropolitan area found its way into the language of the law.^{2/}

In enacting Pub. L. No. 85-1, Congress intended to permanently authorize an inaugural holiday for employees working in the immediate vicinity of the District of Columbia, eliminating the need for new legislation every 4 years. 103 Cong. Rec. 303 (1957). At the time the 1957 act was passed, the area now constituting the City of Fairfax was part of Fairfax County, Virginia. Thus, when Congress passed Pub. L. No. 85-1 and permanently designated Fairfax County as part of the qualifying metropolitan area, it clearly intended to provide continuing authorization for granting the inaugural holiday to employees working in the geographical locale of the City of Fairfax.

As noted previously, the City of Fairfax became incorporated as a municipality independent from Fairfax

^{2/} As indicated in footnote 1, Pub. L. No. 83-1 expanded the list of metropolitan areas to include the City of Falls Church, Virginia. Although the city is physically located in Fairfax County, it became incorporated as an independent municipality in 1948.

B-217779

County in 1961, 4 years after the enactment of Pub. L. No. 85-1. Although it would be desirable to specifically recognize this change of political status through a technical amendment to 5 U.S.C. § 6103(c), the failure to enact such an amendment does not have any effect on the intended geographical coverage of the statute.

Accordingly, we hold that 5 U.S.C. § 6103(c) authorizes the legal holiday of Inauguration Day for employees working in the City of Fairfax, Virginia. Since DIS employees stationed in the City of Fairfax were required to work during the inaugural holiday on January 21, 1985, they may be allowed holiday premium pay.

for 
Comptroller General
of the United States