

DECISION



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

Brown
118489

FILE: 6-206655

DATE: May 25, 1982

MATTER OF: Employees of the Government Printing Office

DIGEST: Employee, who is in a non-pay status on the workday December 24, 1981, when the President recommended excusal of all non-essential employees for the last half of the workday and in a non-pay status on the first workday after December 24th, is not entitled to be paid for the excused absence. An employee, who is in a pay status on December 24, 1981, or the workday following, is entitled to pay for the excused absence.

By letter of March 4, 1982, a certifying officer at the United States Government Printing Office requested a decision as to whether employees who were in a leave-without-pay status preceding and following the excused time on December 24, 1981, are entitled to be paid for the half-day they were excused from duty on the recommendation of the President.

The excused absence on December 24, 1981, was not a holiday for pay purposes. It should be viewed as a partial non-work day for leave purposes. See 5 U.S.C. §§ 6104 and 6302(a). However, for the purposes of entitlement to pay for those employees in a leave-without-pay status, it should be treated in the same way as leave without pay in relation to a holiday. Employees are not entitled to be paid for a holiday when in a non-pay status on the workdays preceding and following the holiday. On the other hand, if employees are in a pay status for either the workday preceding or following a holiday, they may be paid for the holiday. See 56 Comp. Gen. 393 (1977). In that decision we also discussed the applicability of the above-stated rule to December 26, 1975, when employees were excused from work under Executive Order Number 11891. We held the rule was applicable to an excused day. Since the partial non-work day on December 24, 1981, was also an excused day, the same rule should apply.

Accordingly, those employees, who were in a non-pay status for the first half of December 24, 1981, preceding

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the excused absence and were in a non-pay status on their next regular workday, may not be paid for the excused absence on December 24th. Those employees, who were in a pay status on either December 24th or the first regular workday thereafter, would be entitled to pay for the excused absence on December 24th and for the holiday on December 25th.

for *Wm. J. Fowler*
Comptroller General
of the United States