

**DECISION**

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

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**FILE:** B-212457**DATE:** August 23, 1984**MATTER OF:** Administrative Leave - Federal Employees  
Providing Advice and Support to Federal  
Credit Unions**DIGEST:**

The granting of administrative leave to federal employees to render advice and support to federal credit unions is a proper exercise of administrative authority. The amount of administrative leave granted is a matter of administrative discretion, and an agency may establish limits as to the amount of administrative leave which may be granted each employee during specific intervals of time. Grants of administrative leave are usually for short periods of time. Also, the types of activities for which excused absences may be granted are matters of administrative discretion and may be specified or listed in agency regulations.

ISSUE

This decision is in response to a request by the Honorable Ray Kline, Acting Administrator of General Services, General Services Administration (GSA), for an opinion as to the degree to which the government may furnish support to federal credit unions. Specifically, Mr. Kline is interested in determining the amount of administrative leave that may be granted to employees for activities in support of federal credit unions, and the types of support that may be provided by such employees while they are in an administrative leave status.

BACKGROUND

Mr. Kline states that a question has arisen as to the propriety of granting administrative leave to GSA employees for providing personal services to federal credit unions. He points out that guidance by the Office of Personnel

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Management (OPM) on the subject is limited. Further, the current internal procedures of GSA provide that administrative leave or excused absence is generally considered to be within the administrative discretion of agency officials and is granted for work-related or civic activities. However, he reports that the internal procedures do not specifically address the question of whether agency officials may use their discretion if the purpose of the administrative leave is to provide personal support by employees to federal credit unions.

The Acting Administrator plans to issue guidelines concerning the use of administrative leave to support credit union activities. In issuing those guidelines, he does not wish to arbitrarily restrict employees from participating in credit union activities. Mr. Kline states that GSA officials are aware of their responsibility to ensure the prudent expenditure of government funds. He also states that it is the policy of the United States Government to encourage and foster the operation of federal employee credit unions and that the thrift and welfare of GSA employees contribute to high morale, diminish temptation towards theft, and benefit the government.

Mr. Kline asks whether it is permissible to grant administrative leave in specifically approved cases to enable employees to render advice and support to a federal credit union, and whether the amount of administrative leave granted should be a matter of management discretion or whether limits should be established. Mr. Kline also asks whether the types of activities for which administrative leave is granted should be a matter of management discretion or whether these activities should be specified; for example, to attend meetings, to serve on boards or committees, to provide consultant services, or to provide other personal services. Finally, if it is appropriate to specify the types of service to be provided, Mr. Kline asks what types of services are permissible.

#### DISCUSSION

A federal credit union is a cooperative association organized pursuant to the Federal Credit Union Act, as amended, 12 U.S.C. §§ 1751-1795, (1982), for the purpose of promoting thrift among its members and creating a source of credit for provident or productive purposes. 12 U.S.C. § 1752(1). Although federal credit unions are organized under federal law and are subject to supervision by the

National Credit Union Administration Board, 12 U.S.C. § 1756, they are private organizations whose funds are obtained from private sources rather than from appropriations of the federal government.

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 Federal Personnel Manual (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 of 5 U.S.C. § 6104, are contained in 5 C.F.R. § 610.301 et seq. Those regulations provide that an administrative order relieving or preventing a daily, hourly or piecework employee from working may be issued for one or more of the following reasons: (1) normal operations of an establishment are interrupted by events beyond the control of management or employees; (2) for managerial reasons, the closing of an establishment or portion thereof is required for short periods; (3) it is in the public interest to relieve employees from work to participate in civil activities which the government is interested in encouraging; or (4) the circumstances are such that an administrative order, for the reasons stated in (1), (2), or (3), is not appropriate and the department or agency under its regulations excuses, or is authorized to excuse, without charge to leave or loss of pay, employees paid on an annual basis. 5 C.F.R. § 610.305 (1984).

Under administrative practice and the decisions of this Office, similar standards are applied to salaried (General Schedule) employees. The various purposes for which the granting of administrative leave has been recognized either by law, Executive order, Executive policy, or decisions by our Office, are those mentioned in FPM Supplement 990-2, Book 630, subchapter S11. These include registering and voting, civil defense activities, participation in military funerals, blood donations, attendance at conferences or conventions, and representing employee organizations.

Paragraph a of subchapter S11-5, Book 630, FPM Supplement 990-2, contains the following general instruction with regard to the type of absence in question:

"With a 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. \* \* \*

Thus, in the absence of statute, an agency may excuse an employee for brief periods of time without charge to leave or loss of pay at the discretion of the agency. See 44 Comp. Gen. 643 (1965) where we held that employees could only be excused from duty without charge to leave or loss of pay for a lengthy period when such absence was in connection with furthering a function of the agency. See also Elmer DeRitter, Jr., 61 Comp. Gen. 652 (1982).

Inasmuch as OPM has not issued general regulations covering the granting of administrative leave, each agency is responsible for determining those situations in which excusing employees from work without charge to leave is appropriate under the general guidance of the decisions of this Office as they are discussed in the applicable FPM Supplement. See 55 Comp. Gen. 510 (1975); 54 Comp. Gen. 706 (1975). Moreover, we believe that an agency decision to provide support to a federal credit union is consistent with the broad framework of the FPM supplement. Therefore, we hold that an agency may grant administrative leave to its employees to provide advice and support to a federal credit union.

Since each federal agency is responsible for determining those situations in which employees may be excused from work without charge to leave, we conclude that the amount of administrative leave to be granted is also a matter of administrative discretion. Paragraph a, subchapter S11-5, Book 630, FPM Supplement 990-2. Therefore, in promulgating regulations, and within a general context, it would be appropriate for an agency to establish limits as to the amount of administrative leave which may be granted to each employee during a specific interval of time, i.e., not to exceed 4 hours in any one day; not to exceed 3 workdays; not to exceed 40 working hours in a calendar year, etc.

The examples listed in subchapter S11, Book 630, FPM Supplement, supra, wherein agencies may excuse employees from the performance of their official duties, have general applicability to employees and are either work-related or civic in nature. In addition, each of these activities

requires only brief absences of the employee from his or her official duties or are so limited by the guidelines themselves, the maximum excused absence being 40 hours for civil defense activities. Similarly, administrative leave which may be granted to hourly and piecework employees is generally not allowed to exceed 3 consecutive workdays in a single period of excused absence, and such authority may not be used in situations of extensive duration. 5 C.F.R. § 610.302 (1984).

In our decisions, we have held that, in the absence of any statutory guidelines covering the granting of excused absences to employees of the federal government, the head of an agency may not grant administrative leave to employees of the agency for extended periods of time. 44 Comp. Gen. 333 (1964); Satwant Singh Bajwa, B-185128, December 3, 1975; B-156287, February 5, 1975; and B-156287, June 26, 1974. While the granting of administrative leave is primarily a discretionary determination to be made by the head of the agency involved, that discretion must be exercised within the bounds of the statutes, regulations, and our decisions. Again, grants of administrative leave are usually for short, rather than long or substantial periods of time.

As to the types of activities for which administrative leave may be granted, it is our view that this also is a matter of administrative discretion. Such activities may be specified or listed in agency regulations, within the framework of the applicable OPM regulations and the general guidance contained in the decisions of this Office.

With respect to the types of personal services which may be provided, such determinations are also matters involving administrative discretion. The types of personal services provided by agency employees may include, but are not limited to, serving on the credit union's Board of Directors, Credit Committee, and Supervisory Committee, attending the meetings of the board and committees and performing the duties attendant to such positions, and providing consultant services and other services within the expertise of the individual employees.

Accordingly, we conclude that agencies may grant administrative leave to federal employees to render limited advice and support to federal credit unions, and that it is

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within agency discretion to specify the types of activities for which administrative leave may be granted.

*Milton J. Fowler*  
Acting Comptroller General  
of the United States

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