

DOCUMENT RESUME

03820 - [82934189]

[Recredit of Sick Leave after Break in Service]. B-188913.
October 17, 1977. 2 pp.

Decision re: Alice M. Thornton; by Robert F. Keller, Acting
Comptroller General.

Issue Area: Personnel Management and Compensation: Compensation
(305).

Contact: Office of the General Counsel: Civilian Personnel.

Budget Function: General Government: Central Personnel
Management (805).

Organization Concerned: Forest Service.

Authority: 5 U.S.C. 6311. 5 C.F.R. 630.502(b)(1). B-180604
(1974).

Frank C. Arnold, Regional Personnel Officer, Forest
Service, requested a decision concerning a claim for recredit of
sick leave after a break in service of more than 3 years. The
employee may not be recredited with previously earned sick leave
since the Civil Service Commission regulation prohibiting
restoration of sick leave after a break in service of more than
3 years has the force and effect of law. (Author/SC)

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DECISION



Delg. Civ. Pers.

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20549

FILE: B-188913

DATE: October 17, 1977

MATTER OF: Alice M. Thornton - Recredit of sick leave
after break in service

DIGEST Employee suffered break in service of more than 3 years and may not be recredited with previously earned sick leave. Civil Service Commission regulation contained in 5 C.F.R. 630.502(b)(1) has force and effect of law with no exceptions or waiver.

This action is in response to a request for a decision from Frank C. Arnold, Regional Personnel Officer, United States Department of Agriculture, Forest Service, concerning the claim of Alice M. Thornton, a Forest Service employee, for recredit of sick leave after a break in service of more than 3 years.

The record indicates that Mrs. Thornton suffered a reduction-in-force from her position with the Animal Health Alaska State Office, Department of Agriculture, effective January 7, 1972, and was not subsequently re-employed in the Federal service until March 31, 1975. Mrs. Thornton acknowledges that under Civil Service Commission regulations a break in service must not exceed 3 years in order for sick leave to be recredited but she states that an exception should be made since she tried on several occasions (without success) to seek employment in the Federal service.

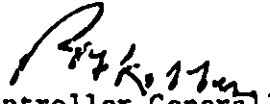
The Civil Service Commission regulation in question is contained in 5 C.F.R. 630.502(b)(1) (1977), and it provides, in pertinent part as follows:

"* * * an employee who is separated from the Federal Government or the government of the District of Columbia is entitled to a recredit of his sick leave if he is re-employed in the Federal Government or the government of the District of Columbia without a break in service of more than 3 years."

This regulation was issued pursuant to 5 U.S.C. 631, and has the force and effect of law. Neither our Office nor any agency

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in the executive branch of the Government has the authority to waive or grant exceptions to that regulation. William F. Gallo, B-180604, April 9, 1974. Accordingly, Mrs. Thornton may not be reccredited with her previously earned sick leave.


Acting Comptroller General
of the United States