

RELEASED



UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

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IN REPLY
REFER TO: B-191033

OFFICE OF GENERAL COUNSEL

May 22, 1978

Suite 202, Piedmont Building
114 North Elm Street
Greensboro, North Carolina 27402

Dear Mr.

This is in response to your letter of December 28, 1977, concerning your entitlement to pay on Monday, October 10, 1977, a Federal holiday. Section 6104 of title 5, United States Code (1976) states that when an employee is prevented from working on a day "solely because of the occurrence of a legal public holiday," the employee is entitled to be paid as if he had worked that day. Your letter and the enclosures submitted therewith do not show that you were prevented from working on October 10, 1977, solely because it was a holiday. It appears that you were prevented from working because of a suspension.

The fact that a holiday might occur at the beginning, end, or during a period of suspension does not operate to negate the suspension for that day because the employee would not have otherwise worked on that day. Accordingly, a period of suspension includes any holiday occurring therein. Since an employee is entitled to pay for a holiday only if the reason he did not work was because of the occurrence of the holiday, you were not entitled to pay for that day, if your suspension was proper.

The Civil Service Commission, not the General Accounting Office, has jurisdiction over the legality of suspensions. Regulations governing the rights of employees suspended for less than 30 days are found at 5 C.F.R. 752.301 et seq. If you believe that your suspension was improper under applicable regulations, you should contact the Commission.

Sincerely yours,

Robert L. Higgins
Robert L. Higgins
Assistant General Counsel

cc: Mr. N. Bruce Nestlehutt
Deputy Regional Administrator
Department of Housing and
Urban Development
1371 Peachtree Street
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