

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

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FILE: B-214156

DATE: May 29, 1984

MATTER OF: Part-time employees

**DIGEST:**

Although part-time employees are not covered by 5 U.S.C. § 6103(b) and Executive Order 11582 which authorize designated and in lieu of holidays for full-time employees when a holiday falls on a non-workday, agencies have discretion to grant part-time employees administrative leave for these holidays.

The issue in this case is whether the Department of the Interior may adopt a policy of granting administrative leave to part-time employees for the hours which they normally would have worked on a designated or in lieu of holiday.<sup>1</sup> Agencies may grant administrative leave to part-time employees for such holidays.

The Department of the Interior advises that neither the Office of Personnel Management nor the Department has issued any regulations on the treatment of part-time employees when an in lieu of holiday falls within the part-time employees' basic workweek and they are prevented from working because the workplace is closed. The Department states that it has permitted its bureaus to establish their own policies regarding the effect of in lieu of holidays on part-time employees.

The Department advises that most of its bureaus have followed a policy of granting administrative leave to these employees and that it is considering a Department-wide policy which would grant administrative leave to all part-time employees for the hours they normally would have been scheduled to work on an in lieu of holiday.

The Department asks whether our decision in Commissary Employees, B-192104, September 1, 1978, would preclude it from establishing the above policy. In that decision we found that there was no basis upon which to excuse the

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<sup>1</sup> The request for an advance decision is from the Deputy Assistant Secretary - Policy, Budget and Administration, Department of the Interior.

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B-214156

part-time employees concerned from duty without a charge to leave where their workplace was closed by administrative order on a day in lieu of a holiday. In that particular case, the agency had issued regulations which precluded it from administratively dismissing its employees under the circumstances involved and it was on the basis of these regulations that we concluded that the agency's action in charging the part-time employees annual leave was not erroneous.

In Shirley A. Lombardo, B-210741, April 24, 1984, 63 Comp. Gen. \_\_\_\_\_, we followed our decision in 32 Comp. Gen. 378 (1953) wherein we held that part-time employees are not, as a matter of right, entitled to compensation for days observed as holidays in lieu of actual holidays. The basis for the holding is that the provisions authorizing in lieu of holidays refer to the "basic workweek" of employees, and the definition of basic workweek applies only to full-time employees. Thus, only full-time employees are entitled to compensation for such days. We also noted that 5 U.S.C. § 6103(b) and Executive Order 11582, February 11, 1971, which authorize designated or in lieu of holidays, provide very specific formulas for determining which day should be observed as a holiday when the actual holiday falls on a non-workday. We pointed out that these formulas clearly are not designed for application to employees with part-time schedules.

We also stated that although 5 U.S.C. § 6103(b) and Executive Order 11582 do not apply to part-time employees, an agency is not precluded from granting administrative leave to a part-time employee for the designated or in lieu of holidays granted to full-time employees on days falling within the part-time employee's regularly scheduled workweek. As noted in that decision, we favor the practice of excusing part-time employees under these circumstances. We recognized that the administrative difficulties of requiring part-time employees to report for work when all or most full-time employees are absent and not able to provide supervision or support services is a sufficient basis upon which to grant administrative leave.

In accordance with the above, we have no objection to the policy under consideration by the Department to grant

B-214156

part-time employees administrative leave for designated or  
in lieu of holidays.

*for* *Milton J. Arosow*  
Comptroller General  
of the United States