

DECISION

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

Had
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30045

FILE: B-215039

DATE: December 24, 1984

MATTER OF: A Christmas Case

DIGEST:

On December 23, 1982, the last workday before Christmas, the Installation Commander of Fort Sheridan, Illinois, released the Installation's civilian employees for the afternoon as a "holiday good-will gesture".

On February 11, 1983, the Civilian Personnel Officer found the action to be a humbug stating that the Commander had no authority to release employees as a holiday good-will gesture. We are upholding the Installation Commander's exercise of the discretionary authority to grant excused absences in the circumstances as a lawful order under existing entitlement authorities. It follows that the employees in question are entitled to administrative leave - everyone of them.

On December 23, 1982, the last workday before Christmas, the Installation Commander of Fort Sheridan, Illinois, released the Installation's civilian employees for the afternoon as a "holiday good-will gesture".

On February 11, 1983, the Civilian Personnel Officer found the action to be a humbug stating that the Commander had no authority to release employees as a holiday good-will gesture. This official determined that the early release "contravened relevant provisions of the Federal Personnel Manual Supplement" because in order to comply with the regulations, "if an employee's absence does not clearly serve the best interests of the service, as compared to personal interests of the employee, the employee's absence must be charged to the appropriate type of leave."

Subchapter S11-1, Book 630, Federal Personnel Manual (FPM) Supplement 990-2 defines an "excused absence" as follows:

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"An excused absence is an absence from duty administratively authorized without loss of pay and without charge to leave. Ordinarily, excused absences are authorized on an individual basis, except where an installation is closed, or a group of employees is excused from work for various purposes." (Emphasis added.)

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 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 for example Administrative Leave, B-212457, August 23, 1984, and decisions cited therein.

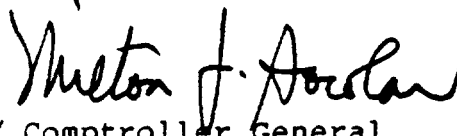
Inasmuch as the Department of the Army has not specifically regulated the granting of administrative leave, the examples listed in subchapter S11, Book 630, FPM Supplement, supra, wherein agencies may excuse employees from the performance of their official duties, have general applicability to employees. However, this listing is not exclusive nor does it purport to usurp the discretion of agency heads or installation commanders to make grants of short periods of administrative leave in appropriate cases.

The controlling issue here is not the prudence of the release from duty order; but rather, the validity and effect of that order. We find nothing in the order to indicate that it was arbitrary in its application or that it was otherwise contrary to law or specific regulation. We are aware of some precedent for such a practice in both the public and private sectors. Accordingly, we are upholding

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the Installation Commander's exercise of the discretionary authority to grant excused absences in these circumstances as a lawful order under existing authorities.

It follows that the employees in question are entitled to administrative leave - everyone of them.

for 
Comptroller General
of the United States