



**The Comptroller General
of the United States**

Washington, D.C. 20548

Melroy, CGC

Decision

Matter of: U.S. Park Police

File: B-223674

Date: March 23, 1987

DIGEST

U.S. Park Policeman injured in the performance of duty and assigned to light duty for 4 hours a day continues in a pay status for and accrues leave based on a full 8-hour workday under 5 U.S.C. § 6324. When that officer requests a week of annual leave, he should be charged 40 hours rather than 20 hours of annual leave. Section 6324 does not preclude the charging of annual or sick leave for absences unrelated to the injury which occurred in the performance of duty.

DECISION

The National Park Service has requested an opinion concerning the manner in which annual and sick leave should be charged to the account of a member of the U.S. Park Police force who is assigned to a light-duty status as the result of an injury which occurred in the performance of his official duties. With the qualifications stated below, it is our view that an officer on light duty who is absent for the entire period he is scheduled to work should be charged leave for the hours he is scheduled to be on light duty as well as for the remainder of the full workday for which he receives compensation under 5 U.S.C. § 6324.

BACKGROUND

Section 6324 of title 5 of the United States Code provides that:

"* * * sick leave may not be charged to the account of a member of the Metropolitan Police force or the Fire Department of the District of Columbia, the United States Park Police force, or the Executive Protective Service force for an absence due to injury or illness resulting from the performance of duty."

Under this authority, a member of the Park Police force injured in the performance of duty is entitled to compensation based on a full day of work during periods he is absent as a result of that injury. Depending on the extent of his injury, an officer may be excused from duty altogether or he may be assigned to light duty. As defined by the Park Service, light-duty status may entail an officer working part of a workday and being excused from duty under 5 U.S.C. § 6324 for the remainder of that workday.

We are asked whether an officer assigned to light-duty status should be charged leave based on his light-duty work schedule or on the basis of the full-time work schedule for which he is compensated by virtue of 5 U.S.C. § 6324. To illustrate its request, the Park Service cites the case of an officer in a light-duty status for 4 hours a day who is excused from work under section 6324 for the remaining 4 hours of his regularly scheduled 8-hour workday. In the event the officer requests a week of annual leave, the Park Service asks whether he should be charged 20 hours or 40 hours of annual leave.

DISCUSSION

The benefit of time off without charge to leave provided for by 5 U.S.C. § 6324 is sometimes referred to as "administrative sick leave." In fact, it is neither administrative nor sick leave. Section 6324 does not provide for leave as such but, rather, that periods of absence due to injury or illness resulting from the performance of duty will not be charged to the Park Police force member's account. We have recognized that an officer, while receiving the benefits provided for by section 6324, continues in a pay status during such periods of absence. For this reason, we have held that he continues to accrue annual and sick leave during periods he is absent from duty because of an injury resulting from the performance of duty. Robert T. Good, B-182608, February 19, 1976. Thus, in the example posed by the Park Service, the officer accrues annual and sick leave based on an 8-hour workday even though he actually works only 4 hours a day while on light duty.

Section 6324 provides only that sick leave may not be charged for an "absence due to injury" which occurred in the performance of duty. It does not preclude the charging of annual or even sick leave for periods of absence unrelated to that injury. Since an officer assigned to light duty is in a pay status for a full 8-hour workday, and is accruing annual and sick leave on the basis of that full-time work schedule, he should be charged leave for absences unrelated to his injury on the same basis as if he were working a full-time

work schedule. In the example set forth by the Park Service, the officer should be charged leave for the 40 hours of the regularly scheduled workweek for which he receives compensation. We understand that this is generally consistent with the leave policies of the Metropolitan Police force of the District of Columbia which is also covered by 5 U.S.C. § 6324.

In the particular example posed by the Park Service, the officer's request for annual leave covering 5 consecutive workdays raises the clear presumption that his absence for that workweek is the result of personal plans and not the result of his injury. The presumption is less compelling in the case of an officer who requests leave for a single day. Such a request raises no clear presumption that the officer would have taken 8 rather than 4 hours of leave if he had been working a full 8-hour work schedule. Requests for sick leave for reasons unrelated to the line-of-duty injury raise similar issues. For example, if the officer requested a week of sick leave for elective surgery unrelated to the line-of-duty injury, he should be charged 40 hours of sick leave based on the full workweek for which he receives compensation by virtue of section 6324. Where, following that surgery, he requests 4 hours of sick leave for a follow-up medical consultation, there is no basis to presume that he necessarily would have taken more than 4 hours of leave if he had not been injured in the performance of duty. Because of the number of individual situations that might arise, we believe it would be appropriate for the Park Police to adopt instructions, consistent with this decision, defining the bases upon which annual and sick leave will be charged to officers in a light-duty status when they are absent for reasons unrelated to the injury they sustained in the performance of duty.

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for Comptroller General
of the United States