

RETAIN

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Public Law 102 - 83d Congress  
Chapter 178 - 1st Session  
H. R. 4654

AN ACT

To provide for the exemption from the Annual and Sick Leave Act of 1951 of certain officers in the executive branch of the Government, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 202 of the Annual and Sick Leave Act of 1951 is amended by adding a subsection (c) as follows:

"(c) (1) This title shall not apply to the following officers in the executive branch of the Government and officers of the government of the District of Columbia, including officers of corporations wholly owned or controlled by the United States:

"(A) persons appointed by the President by and with the advice and consent of the Senate, or by the President alone, whose rates of basic compensation exceed the maximum rate provided in the General Schedule of the Classification Act of 1949, as amended;

"(B) persons who receive compensation in accordance with section 411 of the Foreign Service Act of 1946; and

"(C) such other officers (except postmasters, United States attorneys, and United States marshals) as may be designated by the President.

No officer in the executive branch of the Government and no officer of the government of the District of Columbia, including an officer of a corporation wholly owned or controlled by the United States, to whom this title applies shall be deemed to be entitled to the compensation attached to his office solely by virtue of his status as an officer.

"(2) The President, in his discretion, may authorize leaves of absence to persons who are exempted from this title pursuant to subsection (c) (1) (B) for use in the United States and its Territories and possessions. Leaves of absence authorized under this subsection shall not constitute a leave system, and no such leave of absence which is not used shall be made the basis for any lump-sum payment."

Sec. 2. (a) The accumulated and current accrued annual leave to which any officer exempted from the Annual and Sick Leave Act of 1951 as a result of the enactment of this Act is entitled immediately prior to the date this Act becomes applicable to him shall be liquidated by a lump-sum payment in accordance with the Act of December 21, 1944 (5 U. S. C. 61b-61e) or the Act of August 3, 1950 (5 U. S. C. 61f-61k), except that payment under either such Act (1) shall be based upon the rate of compensation which he was receiving immediately prior to the date on which this Act became applicable to him, and (2) shall be made without regard to the limitations imposed by the amendments made by sections 4 and 5 of this Act with respect to the amounts of leave compensable under such Acts.

(b) In the event any such exempted officer, without any break in the continuity of his service, again becomes subject to the Annual and Sick Leave Act of 1951 upon the completion of his service as an exempted officer, the unused annual and sick leave standing to his credit at the time he was exempted from the Annual and Sick Leave Act of 1951 shall be deemed to have remained to his credit.

Sec. 3. (a) Section 203 (c) of the Annual and Sick Leave Act of 1951 is amended to read as follows:

"(c) The annual leave provided for in this section, which is not used by an officer or employee, shall accumulate for use in succeeding years until it totals not to exceed thirty days at the beginning of the first complete biweekly pay period, or corresponding period in the case of an

Annual and sick leave.  
65 Stat. 679.  
5 USC 2061.  
Exemptions.

63 Stat. 965.  
5 USC 1113.  
60 Stat. 1002.  
22 USC 866.

Accrued leave liquidation.  
65 Stat. 679.  
5 USC 2061 note.  
Post, p. 139.  
64 Stat. 395.  
67 Stat. 136.  
67 Stat. 137.

5 USC 2061 note.

5 USC 2062.

Maximum accumulation.

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officer or employee who is not paid on the basis of biweekly pay periods, occurring in any year."

(b) So much of section 203 (d) of the Annual and Sick Leave Act of 1951 as precedes paragraph (1) thereof is amended to read as follows:

"(d) Notwithstanding the provisions of subsection (c), a maximum accumulation not to exceed forty-five days at the beginning of the first complete biweekly pay period, or corresponding period in the case of an officer or employee who is not paid on the basis of biweekly pay periods, in any year is authorized to the following categories of employees of the Federal Government, other than officers and employees in the Foreign Service of the United States under the Department of State, stationed outside the several States and the District of Columbia: "

65 Stat. 682.  
5 USC 2066.

(c) Section 208 (a) of the Annual and Sick Leave Act of 1951 is amended to read as follows:

"SEC. 208. (a) In any case in which—

"(1) the amount of accumulated annual leave to the credit of an officer or employee immediately following the end of the last complete biweekly pay period in the calendar year 1952, or corresponding period in the case of an officer or employee who is not paid on the basis of biweekly pay periods, under the provisions of law then applicable to such officer or employee is in excess of the amount allowable under the applicable provisions of section 203, or

"(2) the amount of accumulated annual leave to the credit of an officer or employee who is subject to the provisions of section 203 (d) and who becomes subject to the provisions of section 203 (c) is in excess of the amount allowable under section 203 (c),

such excess shall remain to the credit of such officer or employee until used, but the use during any leave year of an amount in excess of the aggregate amount which shall have accrued during such year shall automatically reduce the maximum allowable accumulation at the beginning of the first complete biweekly pay period, or corresponding period in the case of an officer or employee who is not paid on the basis of biweekly pay periods, in the following leave year, until the accumulation of such officer or employee no longer exceeds the amount prescribed in the applicable provisions of section 203."

Lump-sum  
payment.  
58 Stat. 845.  
5 USC 61b.

67 Stat. 137.  
67 Stat. 138.

Refund.  
5 USC 2061.

Sec. 4. (a) The second and third sentences of the first section of the Act of December 21, 1944, are amended to read as follows: "Such lump-sum payment shall equal the compensation that such officer or employee would have received had he remained in the service until the expiration of the period of such annual or vacation leave, except that after August 31, 1953, no such lump-sum payment shall exceed compensation for any period of such leave in excess of thirty days or the number of days carried over to his credit at the beginning of the leave year in which entitlement to payment occurs, whichever is the greater. If such officer or employee is reemployed (other than in a position exempted from the Annual and Sick Leave Act of 1951 under section 202 (b) (1) (B), (C), or (H) of such Act) in the Federal service or in or under the government of the District of Columbia prior to the expiration of the period covered by such leave payment, he shall refund to the employing agency an amount equal to the compensation covering the period between the date of

reemployment and the expiration of such leave period. The leave represented by any such refund—

“(1) in the case of an officer or employee reemployed under the same leave system, shall be recredited to him in the employing agency in an amount equal to the amount represented by the refund;

“(2) in the case of an officer or employee reemployed under a different leave system, shall be recredited to him in the employing agency on an adjusted basis in accordance with regulations to be prescribed by the Civil Service Commission; and

“(3) in the case of an officer or employee reemployed in an office or position exempted from the Annual and Sick Leave Act of 1951 under section 202 (c) (1) of such Act, shall be deemed, upon separation from service, death, or transfer to another office or position in the Government service, to have remained to the credit of such officer or employee.

5 USC 2061.

Any amounts so refunded shall be deposited in the Treasury to the credit of the employing agency. The lump-sum payment herein authorized shall not be regarded, except for purposes of taxation, as salary or compensation and shall not be subject to retirement deductions.”

(b) Section 205 of the Annual and Sick Leave Act of 1951 is amended by adding at the end thereof a new subsection to read as follows:

5 USC 2064.

“(e) In the case of transfer of an officer or employee between positions under different leave systems (other than transfers involving positions exempted under section 202 (b) (1) (B), (C), or (H)), without a break in service, the annual and sick leave to the credit of such officer or employee shall be transferred to his credit in the employing agency on an adjusted basis in accordance with regulations to be prescribed by the Civil Service Commission.”

Transfer.

5 USC 2061.

SEC. 5. Clause (6) of section 2 of the Act of August 3, 1950, is amended to read as follows: “(6) payment for all accumulated and current accrued annual or vacation leave equal to the compensation the decedent would have received had he remained in service until the expiration of the period of such annual or vacation leave, except that after August 31, 1953, no such lump-sum payment shall exceed compensation for any period of such leave in excess of thirty days or the number of days carried over to his credit at the beginning of the leave year in which entitlement to payment occurs, whichever is the greater;”

Decedents.

64 Stat. 396.

5 USC 61g.

SEC. 6. The heads of the departments and agencies are authorized and directed to take such action as may be necessary to bring about reductions in the accumulated annual leave to the credit of officers and employees which is in excess of the amounts allowable under the applicable provisions of section 203 of the Annual and Sick Leave Act of 1951, as amended by this Act, within a reasonable period of years, consistent with the exigencies of the public business, and to make such reports with respect to the action taken as may be requested by the Civil Service Commission. The Civil Service Commission shall include in its annual report to the Congress a statement of the progress made in carrying out the purposes of this section.

Reduction of excess.

5 USC 2062.

67 Stat. 138.

67 Stat. 139.

Report to Congress.

All 67 Stat. 139. Pub. Law 102

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Effective dates. SEC. 7. (a) Section 401 of the Independent Offices Appropriation Act, 1953 (Public Law 455, Eighty-second Congress), is repealed, effective as of June 29, 1953.  
66 Stat. 418.  
5 USC 2062a.  
58 Stat. 846. (b) Sections 3 and 4 of the Act of December 21, 1944, are hereby repealed.  
5 USC 61d, 61e.

SEC. 8. The first section and section 2 of this Act shall take effect on the first day of the first pay period which begins after the date of enactment of this Act.

Approved July 2, 1953.