

- 1. ~~Asst. Dir.~~
- 2. ~~F. P. B.~~
- 3. Payroll
- 4. Travel
- Accounts
- Claims
- Fiscal Inspector

Acting Executive

29 September 1950

STAT

Budget Officer

Effect of Public Law 759 Upon Annual Leave

1. Reference is made to the proposed notice drafted on 19 September 1950 which presents information as to the effect of Section 1212, Public Law 759, 81st Congress, on annual leave earned by employees during the calendar year 1950. There are some of the statements in the proposed draft which appear to have merit in view of the terminology of Section 1212 but with respect to which there is some doubt since, when taken as a whole, the provisions of this Section appear to be somewhat meaningless and apparently the only way to obtain adequate interpretation will be on the basis of a review of the legislative history.

2. There is a question as to the actual effect of the requirements set forth in the provisions of Section 1212 on employees regarding their annual leave earned during 1950 after 1 July 1951 since there is no requirement in Section 1212 that leave earned during the calendar year be forfeited and inasmuch as further legislation in the Appropriation or other Act for the fiscal year 1952 would have to be enacted to continue its application. There is a further question as to the effect Section 1212 would have on existing provisions of law and regulations which preclude an employee from carrying over as of 31 December 1950 any accumulated leave in excess of 60 days or, in some particular cases, as much as 90 days. In this regard it may be that the law has the effect of amending Title 5, U.S.C. 30(b).

3. In view of the above considerations, it is the recommendation of this office that the issuance of a notice be delayed until a decision has been rendered by the Comptroller General of the United States. The Civil Service Commission has recently submitted a request for a decision on certain aspects of Section 1212 and it is anticipated that a reply from the Comptroller General will be forthcoming within the next two weeks.

E. R. SAUNDERS

KEW/vlb

cc: Fiscal Division
 Finance Division
 Signer's copy

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