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MEMORANDUM

31 May 1951

TO : The Comptroller

FROM : Finance Division

SUBJECT: Annual Leave - Section 1212, Public Law 759, 81st Congress

1. Reference is made to our memorandum to General Counsel dated 6 April 1951, copy attached, requesting decision regarding Public Law 759, 81st Congress, as it pertains to leave of employees who serve abroad and in the U. S. during the period specified by that law. It is understood that the Comptroller General has been requested by the Department of State to issue a statement covering this matter and that in the interim all of our questions cannot be answered. However, in view of the apparent necessity to act upon many cases in the near future, and to provide for the establishment of proper records and controls, it is requested that special consideration be given to several of the more pressing questions listed below.

2. Some examples are as follows:

- (a) An employee who completed two years of foreign duty in May 1951 and is normally entitled to home leave up to the total amount of his accrual is directed to Washington for five days consultation, arriving on 27 May, thence to his home for leave, thence to Washington for permanent change of station and duty. If he departs Washington for leave on 2 June and returns to Washington for duty on 25 June, and has remaining to his credit 9 days of leave earned in 1950 and 10 days of leave carried forward from 1949, none of which is used between 25 and 29 June, will he lose the 9 days of leave earned in 1950 and carry forward the remaining 10 days leave earned in 1949?

- (b) In the case of an employee who travels on the dates cited above, but who is returned for home leave and reassignment

will he carry forward 10 or 19 days leave on 1 July? If he carries forward 19 days what effect, if any, will a subsequent PCS to Washington make: 1) If made early in July? 2) If made at a later date?

- (c) In the case of an employee who has identical leave credits cited in (a) above, who returns for consultation on 27 May, departs for home leave on 2 June and remains on extended leave or leave without pay pending PCS assignment to Washington, is the effective date of his transfer the date he

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- 2 -

returns to duty (or is separated in the event he does not return to duty). Is the period of consultation in May and June, prior to the period of leave, of any significance under these circumstances?

- (d) In the case of an employee who is returned to the U. S. for home leave and PCS Washington, who completes his leave and returns for duty on 2 July with leave of 10 days earned in 1949 and 9 days earned in 1950 remaining to his credit, will he carry forward for use or payment the total of 19 days? Will the fact of his return to Washington, D. C., on 29 June for personal reasons (not entering on duty until 2 July) be of significance? In this case, what will be the effect of an official personnel action effective 29 June?
- (e) In a case similar to (d) above, but where the employee returns for duty on 29 June, will 10, or 20, days leave be carried forward:
 - (1) If the official personnel action transferring him PCS Washington is effective 29 June?
 - (2) If the official personnel action transferring him PCS Washington is effective 2 July?

3. We believe it will be of material help to the individual employees, and to the Finance, Personnel and Administrative units who are confronted daily with many of the questions listed above, if this matter can be discussed at an early date by representatives of Personnel, Finance and the operating offices concerned. Accordingly, if it meets with your approval, we recommend a conference to determine the advice which may be given and action to be taken pending final decision.


Acting Chief, Finance Division

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