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

Herbert Simon

DECISION

FILE: B-168189

DATE: November 2, 1977

MATTER OF: Bill V. McBride - Administrative leave for blood donation

DIGEST: The granting of administrative leave to an employee for blood donation purposes is a proper exercise of administrative authority. The Civil Service Commission has not issued general regulations covering the granting of administrative leave and, therefore, each agency, under the general guidance of the decisions of the Comptroller General, has discretion to allow administrative leave for brief periods for the purposes listed in the Federal Personnel Manual. Therefore, Department of the Army may grant two days administrative leave to employee who donated blood to nephew who had cancer.

This action concerns a request by J. T. Irwin, LTC, FC, Finance and Accounting Officer, Department of the Army, for an advance decision as to whether it is within the Army's authority to grant excused absence without charge to annual leave or loss of pay to Mr. Bill V. McBride, a civilian employee at Fort Sill, Oklahoma, for the purpose of allowing him to serve as a blood donor for his nephew on a semi-weekly basis over a period of several months where he is only one of two medically acceptable blood donors.

We have been informally advised that Mr. McBride donated blood only on August 19 and 20, 1976, since his nephew died before additional donations were requested. Since the question has become hypothetical, we shall confine our decision to the question of whether administrative leave may be granted on the two days when blood was donated.

The Civil Service Commission has issued no general regulations on the subject of granting excused absence to employees without charge to leave (commonly called administrative leave). However, this matter is discussed in FPM Supplement 990-2, Book 630, subchapter S11. That subchapter indicates the various purposes for which the granting of administrative leave has been recognized either by law, Executive order, Executive policy, or decisions of our Office. These include:

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- (1) Registering and voting
- (2) Civil defense activities.
- (3) Participation in military funerals
- (4) Blood donations
- (5) Tardiness and brief absences
- (6) Taking examinations
- (7) Attendance at conferences or conventions
- (8) Representing employee organizations
- (9) Office closings

Paragraph a of subchapter S11-5 of Book 630 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, each agency is responsible for determining those situations in which excusing employees from work without charge to leave is appropriate under the general guidance of the decisions of this Office as they are discussed in the applicable FPM Supplement.

The pertinent Army regulations regarding excused absences (CPR 990-2 (C 14) 630.S11) provide further instructions with respect to the specific circumstances in which administrative leave may be granted as follows:

"S11-5. ADMINISTRATIVE DISCRETION

"Absences from regularly assigned duties in connection with the activities outlined below are considered constructive duty time; that is, activity commanders are authorized to excuse any

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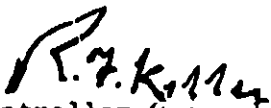
employee without charge to leave or loss of pay to the extent indicated in each case.

"b. Blood donation. All employees who volunteer as blood donors, without compensation, to the American Red Cross, to military hospitals, or other blood banks, or respond to emergency calls for needy individuals will be excused from work without charge to leave. In addition to the time required to travel to and from the blood center and to give blood, donors will be authorized 4 hours of excused absence on the day the blood is donated for recuperation purposes. All donors are encouraged to take the full 4 hours for this purpose." (Emphasis added.)

As the scope of authority for making determinations of granting excused absences without charge to leave is not clearly defined in law and regulation and inasmuch as the absence for a brief period was related to an emergency situation similar to those covered in the Army regulation, we do not believe the exercise of the commander's authority to excuse Mr. McBride should be questioned in this case. Accordingly, our Office will not question the granting of administrative leave under these circumstances.

A voucher for two days' pay was forwarded with the submission. That voucher may not be paid since the proper disposition of this case is the adjustment of Mr. McBride's leave account.

Acting


Comptroller General
of the United States