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B-119740 July 29, 1954

Number: B-119740

Date: 1954-07-29

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The Honorable The Attorney General:

Dear Mr. Attorney General:

Reference is made to your letter of April 16, 1954, relative to the collection by Federal employees of funds for charitable purposes and group hospitalization payments.

As you point out, it is recognized that a large number of Federal employees are participants in group hospitalization plans for which the collection of monthly payments on a group basis results in a financial saving to the participating employees, and that there are also a number of worthy charities with which the various Government agencies have cooperated in fund-raising campaigns.

You request advice as to whether the services of Federal employees may be utilized during official working hours for the following purposes:

"a. The collection of funds for consolidated charity drive whereby funds are solicited at one time for all the various charitable campaigns throughout the year.

"b. The collection of funds for individual charitable campaigns throughout the year.

"c. The collection of Group Hospitalization monthly payments from fellow employees."

While no decision of this Office, or of the courts, dealing precisely with the propriety of Federal employees making any of the above described collections has been found, the accounting officers have had occasion to consider various other situations involving the exercise of administrative discretion with respect to the performance of or excuse from duty of employees. In a decision dated September 20, 1895, 2 Comp. Dec. 173, the method of employment of a department's employees was held to rest wholly within the executive discretion of the head of the department. See, also 21 Comp. Dec. 203, October 8, 1914. More recently, this office has recognized the discretion of an administrative agency to excuse per annum employees from the performance of duty without a charge to annual leave in certain cases of emergency conditions. 28 Comp. Gen. 111; 32 id. 189. Also, this Office has not questioned the authority of administrative agencies to permit an employee to be excused from work without charge for leave for the purpose of making a blood donation. 30 Comp. Gen. 522.

It is understood that one or more of the collections in question here are made in most if not all of the agencies of the Government by employees during working hours. So far as is known to this Office, these collections involve only a relatively small part of the time of a few employees and may not be said to constitute an abuse of administrative discretion. Accordingly, if you decide to permit employees in your Department to make any of the collections in question here during working hours, this Office would not question such practice, assuming of course that such employees are not hired specifically for, or do not devote substantial periods of time to, to that purpose.

Consideration of the last two questions presented in your letter does not appear to require in view of the foregoing.

Sincerely yours,

FRANK H. WEITZEL Acting Comptroller General of the United States