

any action, suit, or other judicial proceeding, including any condemnation, preliminary, informational, or other proceeding of a judicial nature, but does not include an administrative proceeding.

(b) An employee as defined by section 2105 of this title (except an individual whose pay is disbursed by the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives) or an individual employed by the government of the District of Columbia is performing official duty during the period with respect to which he is summoned, or assigned by his agency, to—

(1) testify or produce official records on behalf of the United States or the District of Columbia; or

(2) testify in his official capacity or produce official records on behalf of a party other than the United States or the District of Columbia.

(c) The Office of Personnel Management may prescribe regulations for the administration of this section.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 522; Pub. L. 91-563, §1(a), Dec. 19, 1970, 84 Stat. 1476; Pub. L. 94-310, §1, June 15, 1976, 90 Stat. 687; Pub. L. 95-454, title IX, §906(a)(2), Oct. 13, 1978, 92 Stat. 1224; Pub. L. 96-70, title I, §1251, Sept. 27, 1979, 93 Stat. 476; Pub. L. 104-186, title II, §215(10), Aug. 20, 1996, 110 Stat. 1746; Pub. L. 104-201, div. C, title XXXV, §3548(a)(8), Sept. 23, 1996, 110 Stat. 2869.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 30n.	June 29, 1940, ch. 446, §1, 54 Stat. 689.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-201, in concluding provisions, substituted “Puerto Rico or” for “Puerto Rico,” and struck out “, or the Republic of Panama” after “Pacific Islands”.

Pub. L. 104-186 substituted “Chief Administrative Officer” for “Clerk” in introductory provisions.

Subsec. (b). Pub. L. 104-186 substituted “Chief Administrative Officer” for “Clerk”.

1979—Subsec. (a). Pub. L. 96-70 substituted “the Trust Territory of the Pacific Islands, or the Republic of Panama” for “the Canal Zone, or the Trust Territory of the Pacific Islands”.

1978—Subsec. (c). Pub. L. 95-454 substituted “Office of Personnel Management” for “Civil Service Commission”.

1976—Subsec. (a)(2). Pub. L. 94-310 substituted “other than as provided in subsection (b) of this section, as a witness on behalf of any party in connection with any judicial proceeding to which the United States, the District of Columbia, or a State or local government is a party” for “as a witness on behalf of a party other than the United States, the District of Columbia, or a private party”.

1970—Pub. L. 91-563 included witness service and official duty status for certain witness service in section catchline.

Subsec. (a). Pub. L. 91-563 designated existing provisions as subsec. (a) and expanded such provisions to authorize leave for jury service in courts in the District of Columbia and in territories and possessions of the

United States, to permit leave for persons summoned as witnesses in behalf of a party other than the United States, the District of Columbia, or a private party, defined “judicial proceeding”, and excepted individuals whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives.

Subsecs. (b), (c). Pub. L. 91-563 added subsecs. (b) and (c).

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-70 effective Oct. 1, 1979, see section 3304 of Pub. L. 96-70, set out as an Effective Date note under section 3601 of Title 22, Foreign Relations and Intercourse.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-454 effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95-454, set out as a note under section 1101 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-310 effective Oct. 1, 1976, see section 4 of Pub. L. 94-310, set out as a note under section 130b of Title 2, The Congress.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

§ 6323. Military leave; Reserves and National Guardsmen

(a)(1) Subject to paragraph (2) of this subsection, an employee as defined by section 2105 of this title or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, is entitled to leave without loss in pay, time, or performance or efficiency rating for active duty, inactive-duty training (as defined in section 101 of title 37), funeral honors duty (as described in section 12503 of title 10 and section 115 of title 32), or engaging in field or coast defense training under sections 502-505 of title 32 as a Reserve of the armed forces or member of the National Guard. Leave under this subsection accrues for an employee or individual at the rate of 15 days per fiscal year and, to the extent that it is not used in a fiscal year, accumulates for use in the succeeding fiscal year until it totals 15 days at the beginning of a fiscal year.

(2) In the case of an employee or individual employed on a part-time career employment basis (as defined in section 3401(2) of this title), the rate at which leave accrues under this subsection shall be a percentage of the rate prescribed under paragraph (1) which is determined by dividing 40 into the number of hours in the regularly scheduled workweek of that employee or individual during that fiscal year.

(3) The minimum charge for leave under this subsection is one hour, and additional charges are in multiples thereof.

(b) Except as provided by section 5519 of this title, an employee as defined by section 2105 of this title or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, who—

(1) is a member of a Reserve component of the Armed Forces, as described in section 10101 of title 10, or the National Guard, as described in section 101 of title 32; and

(2)(A) performs, for the purpose of providing military aid to enforce the law or for the purpose of providing assistance to civil authorities in the protection or saving of life or property or the prevention of injury—

(i) Federal service under section 331, 332, 333, or 12406 of title 10, or other provision of law, as applicable, or

(ii) full-time military service for his State, the District of Columbia, the Commonwealth of Puerto Rico, or a territory of the United States; or

(B) performs full-time military service as a result of a call or order to active duty in support of a contingency operation as defined in section 101(a)(13) of title 10;

is entitled, during and because of such service, to leave without loss of, or reduction in, pay, leave to which he otherwise is entitled, credit for time or service, or performance or efficiency rating. Leave granted by this subsection shall not exceed 22 workdays in a calendar year. Upon the request of an employee, the period for which an employee is absent to perform service described in paragraph (2) may be charged to the employee's accrued annual leave or to compensatory time available to the employee instead of being charged as leave to which the employee is entitled under this subsection. The period of absence may not be charged to sick leave.

(c) An employee as defined by section 2105 of this title or an individual employed by the government of the District of Columbia, who is a member of the National Guard of the District of Columbia, is entitled to leave without loss in pay or time for each day of a parade or encampment ordered or authorized under title 39, District of Columbia Code. This subsection covers each day of service the National Guard, or a portion thereof, is ordered to perform by the commanding general.

(d)(1) A military reserve technician described in section 8401(30)<sup>1</sup> is entitled at such person's request to leave without loss of, or reduction in, pay, leave to which such person is otherwise entitled, credit for time or service, or performance or efficiency rating for each day, not to exceed 44 workdays in a calendar year, in which such person is on active duty without pay, as authorized pursuant to section 12315 of title 10, under section 12301(b) or 12301(d) of title 10 for participation in operations outside the United States, its territories and possessions.

(2) An employee who requests annual leave or compensatory time to which the employee is otherwise entitled, for a period during which the employee would have been entitled upon request to leave under this subsection, may be granted such annual leave or compensatory time without regard to this section or section 5519.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 522; Pub. L. 90-588, §2(a), Oct. 17, 1968, 82 Stat. 1151; Pub. L. 90-623, §1(17), Oct. 22, 1968, 82 Stat. 1313; Pub. L. 91-375, §6(c)(18), Aug. 12, 1970, 84 Stat. 776; Pub. L. 96-54, §2(a)(40), Aug. 14, 1979, 93 Stat. 383; Pub. L. 96-70, title III, §3302(e)(5), Sept. 27, 1979, 93 Stat. 498; Pub. L. 96-431, §1, Oct. 10, 1980, 94 Stat. 1850; Pub. L. 102-190, div. A, title V, §528, Dec. 5,

1991, 105 Stat. 1364; Pub. L. 103-337, div. A, title XVI, §1677(a)(2), Oct. 5, 1994, 108 Stat. 3019; Pub. L. 104-106, div. A, title V, §516(a), title X, §1039, Feb. 10, 1996, 110 Stat. 309, 432; Pub. L. 106-65, div. A, title VI, §672(b), title XI, §§1105(a), 1106(a), Oct. 5, 1999, 113 Stat. 674, 777; Pub. L. 106-554, §1(a)(3) [title VI, §642], Dec. 21, 2000, 114 Stat. 2763, 2763A-169; Pub. L. 107-107, div. A, title V, §563, Dec. 28, 2001, 115 Stat. 1120; Pub. L. 108-136, div. A, title XI, §1113(a), Nov. 24, 2003, 117 Stat. 1635; Pub. L. 108-375, div. A, title V, §523, Oct. 28, 2004, 118 Stat. 1888.)

#### HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 30r(a).	Aug. 10, 1956, ch. 1041, §29 (a), 70A Stat. 632. Sept. 2, 1958, Pub. L. 85-861, §13, 72 Stat. 1557. June 30, 1960, Pub. L. 86-559, §7, 74 Stat. 282. Oct. 4, 1961, Pub. L. 87-378, §7(a), 75 Stat. 809.

In subsection (a), the words “without regard to classification or terminology peculiar to the Civil Service system” are omitted as unnecessary. The word “performance” is added on authority of the Performance Rating Act of 1950, which is carried into chapter 43 of this title.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

#### REFERENCES IN TEXT

Section 8401(30) of this title, referred to in subsec. (d)(1), was amended generally by Pub. L. 106-65, div. A, title V, §522(c)(2), Oct. 5, 1999, 113 Stat. 597, and, as so amended, no longer describes military reserve technicians.

#### AMENDMENTS

2004—Subsec. (d)(1). Pub. L. 108-375 struck out “(other than active duty during a war or national emergency declared by the President or Congress)” before “for participation in”.

2003—Subsec. (b)(2). Pub. L. 108-136 designated existing provisions as subpar. (A), redesignated former subpars. (A) and (B) as cls. (i) and (ii), respectively, of subpar. (A), and added subpar. (B).

2001—Subsec. (a)(1). Pub. L. 107-107 inserted “funeral honors duty (as described in section 12503 of title 10 and section 115 of title 32),” after “(as defined in section 101 of title 37).”

2000—Subsec. (a)(3). Pub. L. 106-554 added par. (3).  
1999—Subsec. (a)(1). Pub. L. 106-65, §1106(a), inserted “, inactive-duty training (as defined in section 101 of title 37),” after “active duty” in first sentence.

Subsec. (d)(1). Pub. L. 106-65, §§672(b) and 1105(a), amended par. (1) identically, striking out “noncombat” after “for participation in”.

1996—Subsec. (b). Pub. L. 104-106, §516(a), inserted at end “Upon the request of an employee, the period for which an employee is absent to perform service described in paragraph (2) may be charged to the employee's accrued annual leave or to compensatory time available to the employee instead of being charged as leave to which the employee is entitled under this subsection. The period of absence may not be charged to sick leave.”

Subsec. (d). Pub. L. 104-106, §1039, added subsec. (d).  
1994—Subsec. (b)(1). Pub. L. 103-337, §1677(a)(2)(A), substituted “section 10101” for “section 261”.

Subsec. (b)(2)(A). Pub. L. 103-337, §1677(a)(2)(B), substituted “or 12406 of title 10” for “3500, or 8500 of title 10”.

1991—Subsec. (b)(2). Pub. L. 102-190 substituted “law or for the purpose of providing assistance to civil au-

<sup>1</sup> See References in Text note below.

thorities in the protection or saving of life or property or the prevention of injury—” for “law—” in introductory provisions.

1980—Subsec. (a). Pub. L. 96-431 designated existing provisions as par. (1), substituted “Subject to paragraph (2) of this subsection, an employee” for “An employee” and “for active duty or engaging in field or coast defense training” for “for each day, not in excess of 15 days in a calendar year, in which he is on active duty or is engaged in field or coast defense training”, inserted provision relating to accrual and accumulation of leave, and added par. (2).

1979—Subsec. (b)(2)(B). Pub. L. 96-70 which directed the amendment of subsec. (c)(2)(B) by striking out “the Canal Zone,” was executed to subsec. (b)(2)(B) in view of the redesignation of subsec. (c) as (b) by Pub. L. 96-54. See 1979 Amendment note below.

Subsec. (b). Pub. L. 96-54 redesignated subsec. (c), as added by Pub. L. 90-588, as (b). Former subsec. (b), relating to military leave, was repealed by Pub. L. 91-375, §6(c)(18)(B), Aug. 12, 1970, 84 Stat. 776.

Subsec. (c). Pub. L. 96-54 redesignated subsec. (c), as added by Pub. L. 90-588, as (b).

1970—Subsec. (a). Pub. L. 91-375, §6(c)(18)(A), struck out “(except a substitute in the postal field service)” after “section 2105 of this title”.

Subsec. (b). Pub. L. 91-375, §6(c)(18)(B), struck out subsec. (b) relating to military leave, without loss in pay, time, or efficiency rating, of substitute employees of the postal service, not in excess of 80 hours in a calendar year, for National Guard training as Reserves of the Armed Forces or members of the National Guard, on basis of 1 hour for 26 hours of work, including minimum working period of 1,040 hours in the prior calendar year.

Subsec. (c). Pub. L. 91-375, §6(c)(18)(A), struck out “(except a substitute in the postal field service)” after “section 2105 of this title”.

Subsec. (d). Pub. L. 91-375, §6(c)(18)(B), struck out subsec. (d) relating to military leave, without loss of or reduction in pay, leave, service credit, or efficiency rating, of substitute employees of the postal service, not in excess of 160 hours in a calendar year, for service as members of Reserve components of the Armed Forces or the National Guard, for Federal service under insurrection provisions of sections 331, 332, and 333 and in the Army National Guard and Air National Guard under sections 3500 and 8500 of Title 10 and non-Federal service (in the States, District of Columbia, Puerto Rico, Canal Zone, and the territories) for purpose of providing military aid to enforce the law, on basis of 1 hour for 13 hours of work, including minimum working period of 1,040 hours in the prior calendar year.

1968—Subsecs. (a), (b). Pub. L. 90-623, §1(17)(A), substituted “loss in” for “loss of”.

Subsec. (c). Pub. L. 90-623, §1(17)(B), added subsec. (c), set out second.

Subsec. (c). Pub. L. 90-588 added subsec. (c), set out first.

Subsec. (d). Pub. L. 90-588 added subsec. (d).

#### EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108-136, div. A, title XI, §1113(b), Nov. 24, 2003, 117 Stat. 1635, provided that: “The amendments made by subsection (a) [amending this section] shall apply to military service performed on or after the date of the enactment of this Act [Nov. 24, 2003].”

#### EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106-65, div. A, title XI, §1105(b), Oct. 5, 1999, 113 Stat. 777, provided that: “The amendment made by subsection (a) [amending this section] shall take effect on the date of the enactment of this Act [Oct. 5, 1999] and shall apply with respect to days of leave under section 6323(d)(1) of title 5, United States Code, on or after that date.”

Pub. L. 106-65, div. A, title XI, §1106(b), Oct. 5, 1999, 113 Stat. 777, provided that: “The amendment made by subsection (a) [amending this section] shall not apply

with respect to any inactive-duty training (as defined in such amendment) occurring before the date of the enactment of this Act [Oct. 5, 1999].”

#### EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-337 effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as an Effective Date note under section 10001 of Title 10, Armed Forces.

#### EFFECTIVE DATE OF 1980 AMENDMENT

Section 2 of Pub. L. 96-431 provided that: “The amendments made by the first section of this Act [amending this section] shall take effect October 1, 1980.”

#### EFFECTIVE DATE OF 1979 AMENDMENTS

Amendment by Pub. L. 96-70 effective Oct. 1, 1979, see section 3304 of Pub. L. 96-70, set out as an Effective Date note under section 3601 of Title 22, Foreign Relations and Intercourse.

Amendment by Pub. L. 96-54 effective July 12, 1979, see section 2(b) of Pub. L. 96-54, set out as a note under section 305 of this title.

#### EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-375 effective within 1 year after Aug. 12, 1970, on date established therefor by Board of Governors of United States Postal Service and Published by it in Federal Register, see section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding section 101 of Title 39, Postal Service.

#### EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-623 effective as of Sept. 6, 1966, for all purposes, see section 6 of Pub. L. 90-623, set out as a note under section 5334 of this title.

#### AUTHORIZATION TO USE APPROPRIATIONS TO PAY MILITARY LEAVE OR ANNUAL LEAVE

Pub. L. 107-117, div. A, title VIII, §8023, Jan. 10, 2002, 115 Stat. 2252, provided that: “During the current fiscal year and hereafter, funds appropriated or otherwise available for any Federal agency, the Congress, the judicial branch, or the District of Columbia may be used for the pay, allowances, and benefits of an employee as defined by section 2105 of title 5, United States Code, or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, who—

“(1) is a member of a Reserve component of the Armed Forces, as described in section 10101 of title 10, United States Code, or the National Guard, as described in section 101 of title 32, United States Code;

“(2) performs, for the purpose of providing military aid to enforce the law or providing assistance to civil authorities in the protection or saving of life or property or prevention of injury—

“(A) Federal service under sections 331, 332, 333, or 12406 of title 10, United States Code, or other provision of law, as applicable; or

“(B) full-time military service for his or her State, the District of Columbia, the Commonwealth of Puerto Rico, or a territory of the United States; and

“(3) requests and is granted—

“(A) leave under the authority of this section; or

“(B) annual leave, which may be granted without regard to the provisions of sections 5519 and 6323(b) of title 5, United States Code, if such employee is otherwise entitled to such annual leave:

*Provided*, That any employee who requests leave under subsection (3)(A) for service described in subsection (2) of this section is entitled to such leave, subject to the provisions of this section and of the last sentence of section 6323(b) of title 5, United States Code, and such leave shall be considered leave under section 6323(b) of title 5, United States Code.”

Similar provisions were contained in the following prior appropriation acts:

- Pub. L. 106-259, title VIII, §8023, Aug. 9, 2000, 114 Stat. 679.
- Pub. L. 106-79, title VIII, §8025, Oct. 25, 1999, 113 Stat. 1236.
- Pub. L. 105-262, title VIII, §8025, Oct. 17, 1998, 112 Stat. 2302.
- Pub. L. 105-56, title VIII, §8026, Oct. 8, 1997, 111 Stat. 1226.
- Pub. L. 104-208, div. A, title I, §101(b) [title VIII, §8028], Sept. 30, 1996, 110 Stat. 3009-71, 3009-94.
- Pub. L. 104-61, title VIII, §8036, Dec. 1, 1995, 109 Stat. 659.
- Pub. L. 103-335, title VIII, §8042, Sept. 30, 1994, 108 Stat. 2627.
- Pub. L. 103-139, title VIII, §8047, Nov. 11, 1993, 107 Stat. 1450.
- Pub. L. 102-396, title IX, §9064, Oct. 6, 1992, 106 Stat. 1916.
- Pub. L. 102-172, title VIII, §8068, Nov. 26, 1991, 105 Stat. 1187.
- Pub. L. 101-511, title VIII, §8086, Nov. 5, 1990, 104 Stat. 1895.

DEFINITION OF OFFICERS AND EMPLOYEES

Section 4 of act July 1, 1947, ch. 192, 61 Stat. 239, as amended by act June 22, 1956, ch. 428, 70 Stat. 331, provided that: "The words 'officers and employees of the United States or of the District of Columbia' as used in the third paragraph, subheading 'Ordinance Stores and Equipment for Reserve Officers Training Corps', of the Act of May 12, 1917 (40 Stat. 72; 10 U.S.C. Annotated 371) [covered by this section], as now or hereafter amended, as used in that part of section 80 of the Act of June 3, 1916 (39 Stat. 203; 32 U.S.C. 75) [covered by this section], as now or hereafter amended, which precedes the proviso, and as used in the first proviso of section 9 of the Naval Reserve Act of 1938 (52 Stat. 1177; 34 U.S.C. 853g) [covered by this section], as now or hereafter amended, shall be construed to mean all officers and employees of the United States or of the District of Columbia, permanent or temporary indefinite, without regard to classifications or terminology peculiar to the Federal Civil Service System. The words 'officers and employees of the United States or of the District of Columbia', as used in such provisions of law, as now or hereafter amended, also shall be construed to mean substitute employees in the postal field service; such substitute employees shall be entitled to military leave of absence on the basis of one hour of such leave for each period or periods aggregating twenty-six hours of work performed in the calendar year immediately preceding the year in which they are ordered to duty by proper authority: *Provided*, That the number of hours worked during the preceding calendar year shall not be less than one thousand forty hours before such substitute employee shall be entitled to military leave of absence, pay for such leave not to exceed eighty hours in each calendar year."

§ 6324. Absence of certain police and firemen

(a) Sick leave may not be charged to the account of a member of the Metropolitan Police force or the Fire Department of the District of Columbia, the United States Park Police force, or the United States Secret Service Uniformed Division for an absence due to injury or illness resulting from the performance of duty.

(b) The determination of whether an injury or illness resulted from the performance of duty shall be made under regulations prescribed by—

- (1) the District of Columbia Council for members of the Metropolitan Police force and the Fire Department of the District of Columbia;
- (2) the Secretary of the Interior for the United States Park Police force; and

(3) the Secretary of Homeland Security for the United States Secret Service Uniformed Division.

(c) This section shall not apply to members of the United States Secret Service Uniformed Division who are covered under chapter 84 for the purpose of retirement benefits.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 522; Pub. L. 90-623, §1(18), Oct. 22, 1968, 82 Stat. 1313; Pub. L. 94-183, §2(28), (29), Dec. 31, 1975, 89 Stat. 1058; Pub. L. 111-282, §2(c), Oct. 15, 2010, 124 Stat. 3038.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 2071.	Aug. 21, 1964, Pub. L. 88-471, §5, 78 Stat. 583.

The word "officer" is omitted as covered by "member".

In subsection (b), the words "injury or illness" are substituted for "injury or disease" to conform to subsection (a).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

2010—Subsec. (a). Pub. L. 111-282, §2(c)(1), substituted "United States Secret Service Uniformed Division" for "Executive Protective Service force".

Subsec. (b)(3). Pub. L. 111-282, §2(c)(2), substituted "Homeland Security for the United States Secret Service Uniformed Division" for "the Treasury for the Executive Protective Service force".

Subsec. (c). Pub. L. 111-282, §2(c)(3), added subsec. (c). 1975—Subsecs. (a), (b)(3). Pub. L. 94-183 substituted "Executive Protective Service" for "White House Police".

1968—Subsec. (b)(1). Pub. L. 90-623 substituted "District of Columbia Council" for "Commissioners of the District of Columbia".

EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by Pub. L. 111-282 effective on first day of first pay period which begins after Oct. 15, 2010, see section 5 of Pub. L. 111-282, set out as a note under section 5102 of this title.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-623 intended to restate without substantive change the law in effect on Oct. 22, 1968, see section 6 of Pub. L. 90-623, set out as a note under section 5334 of this title.

TRANSFER OF FUNCTIONS

District of Columbia Council, as established by Reorg. Plan No. 3 of 1967, abolished as of noon Jan. 2, 1975, by Pub. L. 93-198, title VII, §711, Dec. 24, 1973, 87 Stat. 818, and replaced by Council of District of Columbia, as provided by section 401 of Pub. L. 93-198.

§ 6325. Absence resulting from hostile action abroad

Leave may not be charged to the account of an employee for absence, not to exceed one year, due to an injury—

- (1) incurred while serving abroad and resulting from war, insurgency, mob violence, or similar hostile action; and
- (2) not due to vicious habits, intemperance, or willful misconduct on the part of the employee.

The preceding provisions of this section shall apply in the case of an alien employee referred