

DOCUMENT RESUME

03785 - [A2733960]

[Compensation for Work Performed after Expiration of Appointment]. B-189954. September 27, 1977. 2 pp.

Decision re: Boyd H. Bates; by Robert F. Keller, Acting Comptroller General.

Issue Area: Personnel Management and Compensation: Compensation (305).

Contact: Office of the General Counsel: Civilian Personnel.

Budget Function: General Government: Central Personnel Management (805).

Organization Concerned: Forest Service.

Authority: B-186229 (1977). 55 Comp. Gen. 109.

H. Larry Jordan, an Authorized Certifying Officer of the Department of Agriculture, requested an advance decision as to whether a claim for compensation for work performed after expiration of a temporary appointment may be certified for payment. The temporary employee who worked 3 days beyond his appointment limitation of 220 days was entitled to be paid for the services rendered on those days as a de facto employee since the services were performed in good faith and under color of authority. (Author/SC)

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Ruth Yudenfriend
Civ. Pers.



DECISION

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

FILE: B-189954

DATE: September 27, 1977

**MATTER OF: Boyd H. Bates - Compensation for Work Performed
After Expiration of Appointment**

DIGEST: Temporary employee of Department of Agriculture who worked 3 days beyond his appointment limitation of 220 days is entitled to be paid for services rendered on those days as a de facto employee since the services were performed in good faith and under color of authority. Matter of Timothy P. Connolly, B-186229, June 8, 1977.

This action is in response to a request dated August 11, 1977, reference FI-2 HLJ, from H. Larry Jordan, an authorized certifying officer of the Department of Agriculture, for an advance decision as to whether a claim submitted by Mr. Boyd H. Bates for compensation for work performed after expiration of his appointment may be certified for payment.

Mr. Bates, a wage grade employee of the Winona Ranger District, Forest Service, U.S. Department of Agriculture, was hired on January 12, 1976, under an appointment that was not to exceed 220 days. Due to the unusually heavy fire season in the Winona Ranger District during 1976, Mr. Bates worked numerous weekends which caused his appointment period to be depleted at an accelerated rate. A periodic computer printout listing employees approaching expiration of their appointments, used by the District Clerk as a control measure, failed to indicate that Mr. Bates was approaching his appointment limitation. As a result the employee worked 3 days beyond his 220-day appointment limitation before the error was discovered. Accordingly, he has submitted a claim for compensation for this 3-day period of service not covered by his appointment.

In Matter of Timothy P. Connolly, B-186229, June 8, 1977, we were confronted with a factual situation which is almost identical to the one in the instant case. In that case we held that an employee, who rendered service in good faith and under color of authority beyond his appointment limitation due to administrative error, should be considered a de facto employee and compensated for his service in excess of his appointment limitation.

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In the instant case there is no evidence that Mr. Bates had constructive or actual notice that his appointment had expired. In view of this and since the administrative office failed to notify him of the impending expiration of his appointment, we conclude that there was no fault on the part of Mr. Bates that would preclude payment of his claim.

Therefore, Mr. Bates' claim for compensation for the reasonable value of services rendered after the expiration of his appointment may be certified for payment in accordance with Connolly, supra, and 55 Comp. Gen. 109 (1975).


Acting Comptroller General
of the United States