

13226 PLM I

DECISION



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

FILE: B-194451

DATE: March 25, 1980

MATTER OF: William S. Reustle - Overtime Compensation -
Travel Time to Temporary Duty Station

DIGEST: FAA Electronic Technician claims overtime for daily travel for 14 days between regular duty station and nearby temporary duty station on erroneous theory that he could not be ordered to report directly to temporary duty station. Claim may not be allowed. Travel was commuting to place of work, was not inherent part of or inseparable from work, was not performed during tour of duty, and was not otherwise within the purview of 5 U.S.C. § 5542(b)(2).

Mr. William S. Reustle has appealed the disallowance of his claim for overtime compensation for travel time between his regular and temporary duty stations.

Mr. Reustle was employed as an Electronic Technician GS-12 by the Federal Aviation Administration (FAA) at Petaluma, California. His position was exempt from the provisions of the Fair Labor Standards Act. In the latter part of 1977 he was ordered to report to and perform his regular 8 hour tour of duty at a temporary duty station, the Santa Rosa Airport, for approximately 14 days. The airport was about one-half hour travel time distant from his regular duty station. He drove his privately owned vehicle between his residence and the temporary duty station each day, stopping both going and returning at his regular duty station which was in his direct line of travel. He received a mileage allowance for the distance he traveled each day between his regular and temporary duty stations.

It appears to be Mr. Reustle's contention that this temporary duty assignment, requiring him to report for work at a station different from his regular duty station, could not properly be ordered because an FAA regulation required that an employee be given 60 days advance notice of a reassignment which involves relocation. He says that the "order" was abandoned when management finally became convinced of the error. Therefore, he

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argues, he was in effect ordered to report to his regular duty station a half-hour before the beginning of his regular tour of duty, travel to his temporary duty station, work 8 hours there with time out for lunch, and then travel back to his regular duty station, arriving there a half-hour after his regular tour of duty ended--a 9 hour workday. This, he maintains places his travel within the purview of another FAA regulation which provides that when electronic technicians report to the sector office to check in, receive assignments, pick up vehicles, tools, and supplies, and then travel to one or more facilities for maintenance work and return to the section office, such travel is an inherent part of and inseparable from the work, and time spent in such travel is compensable at regular or overtime rates. See paragraph 47, section 3, FAA Order 3550.10, Pay Administration (General Handbook); 43 Comp. Gen. 273 (1963); and B-146389, February 1, 1966.

We are unable to accept Mr. Reustle's argument. The order directing him to report to the airport, some half-hour distance from his regular duty station, was not a reassignment involving relocation which required a 60 day advance notice under the FAA regulation. A reassignment is a formal change from one position to another in the same agency, without promotion or demotion, and is effected through a properly executed personnel action (Standard Form 50). 5 C.F.R. 210.102(b)(12). A reassignment involving relocation, as contemplated by the FAA regulation, is one in which there is a permanent change of station and the employee is required to relocate his residence or place from which he regularly commutes to work.

Mr. Reustle's situation does not fall within this definition. He was merely ordered to report to and perform his regular tour of duty for a brief period at a temporary duty station which was located a relatively short distance from his regular duty station and to which he could and did commute daily from his residence. No position change was required and there was no permanent change of station or relocation involved. Mr. Reustle's statement to the effect that FAA recognized that it could not properly order him to report to the temporary duty station and abandoned the order apparently refers to the fact that his supervisor mistakenly believed that it was necessary to initiate a personnel action (Standard Form 50) to effect this

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temporary duty assignment and that this action was subsequently cancelled. The order directing him to report to the temporary station was not cancelled and there is no evidence that he was required to report to his regular duty station to check in, receive assignments, pick up vehicles, tools or supplies or for any other purpose. Neither was he required to return to his regular duty station after the completion of his tour of duty.

Travel time is compensable only if the travel is an inherent part of and inseparable from work or if the travel meets one of the criteria specified in 5 U.S.C. § 5542(b)(2), the statutory authorization for compensation for travel time. In this case, it must be concluded that Mr. Reustle's reporting to his regular duty station was voluntary on his part and travel between there and his temporary duty station had no purpose other than to transport him to and from the place he performed his regular tour of duty. Such travel is not compensable as an inherent part of or inseparable from work and, even if performed in a Government vehicle, is no different than travel that any Government employee is expected to perform to place himself in a position to perform his daily duties.

Moreover, Mr. Reustle's travel time is not compensable under 5 U.S.C. § 5542(b)(2). No overtime was officially ordered or approved for him as required by 5 U.S.C. § 5542(a) and, therefore, his travel was not performed within his regular tour of duty or regularly scheduled overtime. Further, his travel did not involve the performance of work while traveling, was not incident to travel that involved the performance of work while traveling, was not carried out under arduous conditions, and did not result from an event that could not be scheduled or controlled administratively. Joseph C. Schrage, B-181843, November 19, 1974; Earl Matchett, B-193623, July 23, 1979; and B-178241, May 25, 1973.

Accordingly, the disallowance of Mr. Reustle's claim is sustained.



For the Comptroller General
of the United States