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DECISION

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

FILE: B-180486

DATE: November 17, 1977

MATTER OF: Billy M. Medaugh - Pay Adjustment for Supervisor

DIGEST: Decision in Billy M. Medaugh, 55 Comp. Gen. 1443 (1976) held that pay adjustment for General Schedule supervisor of wage board employee must be eliminated or reduced when conditions prescribed in 5 U.S.C. 5333(b) are not longer met. That holding is not to be implemented while Civil Service Commission reviews regulations to determine what regulatory modifications may be needed to implement the decision.


We refer to our decision entitled Billy M. Medaugh, 55 Comp. Gen. 1443 (1976) which concerned the claim of a General Schedule supervisor of a wage board employee for a retroactive wage adjustment. The decision held that Mr. Medaugh was entitled under the Back Pay Act to a retroactive adjustment of his salary because of an administrative error by the employing agency in failing to comply with a mandatory agency regulation requiring the prompt identification of Mr. Medaugh for the pay adjustment. In addition, we held that the pay adjustment for General Schedule supervisors of wage board employees authorized by 5 U.S.C. 5333(b) is conditioned on the continued supervision of the wage board employee, and is limited to the nearest rate of the supervisor's grade which exceeds the highest rate of basic pay paid to the supervised employee. We therefore concluded that when these conditions are no longer met, as when the wage board employee is separated or reduced in pay, the adjustment previously granted to the supervisor must be eliminated or reduced, as required by the circumstances. This latter holding is the subject of the present action.

Following the issuance of our decision in Medaugh, we discussed with the Civil Service Commission the appropriate means to implement and administer that decision. It was agreed that agencies should be advised not to implement the latter holding of Medaugh while the Commission determines what modifications or additions to existing regulations might be needed. Pursuant to that agreement, on August 11, 1977, the Civil Service Commission issued Bulletin

B-180486

No. 531-71, advising the agencies not to implement that portion of our decision in Medaugh concerning the reduction or elimination of the pay adjustment prescribed in 5 U.S.C. 5333(b) for General Schedule supervisors of wage board employees. We hereby affirm our concurrence in that action.

Our previous decision dated September 20, 1976, indicated that a settlement would be issued by our Claims Division concerning Mr. Medaugh's claim. That settlement reflected retroactive payment of the adjustment only for a period when Mr. Medaugh supervised a wage board employee whose pay exceeded his own salary and made no adjustment after September 30, 1972. Mr. Medaugh's initial claim, however, included notifications of personnel action (SF-50) and payroll change slips issued on June 19, 1973, in order to provide him with a retroactive wage adjustment without any downward modifications. Presumably, from June 19, 1973, Mr. Medaugh has been paid at the proper grade and the appropriate step of that grade. Therefore, in accordance with the Commission's Bulletin No. 531-71 our Claims Division will issue a further settlement in the amount found due under the corrective personnel actions processed by the agency on June 19, 1973.


Deputy Comptroller General
of the United States

UNITED STATES GOVERNMENT

Tom Hawbert
CP
GENERAL ACCOUNTING OFFICE

Memorandum

TO : Director, Claims Division

November 17, 1977

FROM : Deputy
Comptroller General *Asksin*

SUBJECT: Billy M. Medaugh, 55 Comp. Gen. 1443 (1976);
John O. Johnson, B-186896, November 2, 1976 -
Pay Adjustment for Supervisors

Returned herewith are your files Z-2524194 and Z-2528244 regarding the above-cited actions. As noted in our decision of today, B-180486, copy attached, our Office has agreed with the Civil Service Commission to suspend the implementation of our prior decision regarding Mr. Medaugh in 55 Comp. Gen. 1443, while the Commission conducts a review to determine what regulatory modifications may be needed to implement that decision. Accordingly, the Commission issued Bulletin No. 531-71 dated August 11, 1977, advising the agencies not to implement that portion of 55 Comp. Gen. 1443 concerning the reduction or elimination of the pay adjustment for General Schedule supervisors of wage board employees.

Your memorandum dated February 11, 1977, asked several questions concerning the manner of determining the retroactive pay adjustment due to Mr. Johnson pursuant to our decision in B-186896. In view of the above, Mr. Johnson's pay adjustment should be computed without making downward modifications for periods during which he did not supervise a higher-paid wage board employee. Since the Civil Service Commission is still reviewing its regulations, no answers are given to your other questions.

With respect to Mr. Medaugh, pursuant to our decision of today, B-180486, a recomputation up to June 19, 1973, should be performed in accordance with the notification of personnel action (SF-50) issued by his agency on that date, and settlement should issue in the amount found due.

Attachments