

DECISION



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

61437

FILE:

B-189506

DATE:

SEP 2 1976

98085

MATTER OF:

U.S. Information Agency--Effective
date of Wage Rates

DIGEST:

U.S. Information Agency and union negotiate wage rates for Radio Technicians at Voice of America. Agency and union agreed to conduct wage survey and implement wage schedule, but action was delayed while agency sought approval from Civil Service Commission. Agency and union may agree in advance to effective date of new schedule before amount of increase is determined, thus, new wage rate may be implemented retroactively to date agreed upon.

This decision is in response to the request from the United States Information Agency concerning the propriety of granting retroactive pay increases to Radio Technicians employed at the Agency's Voice of America facility.

The facts, briefly stated, indicate that the Agency and Local 1418 of the National Federation of Federal Employees (NFFE) entered into a collective bargaining agreement on August 15, 1968, covering Radio Technicians employed at the Voice of America. Article XI of the agreement establishes a Joint Wage Council which considers and makes recommendations to the Chief, Domestic Service Personnel Division, regarding wage surveys and the proposed wage schedule to be established by the Chief. The Chief, on behalf of the Agency, determines the timing and coverage of the survey, conducts the survey, and, after consultation with the Joint Wage Council, establishes a wage schedule. The submission from the Agency states that on April 30, 1975, the Joint Wage Council recommended that a wage survey be implemented immediately and that the newly established rates be implemented on July 1, 1975. The Agency states further:

"Management did not oppose this recommendation, but did recognize its then believed obligation to obtain U.S. Civil Service Commission approval to conduct the survey in June, as opposed to the past practice of conducting a new survey in November of each calendar year."

The Civil Service Commission responded by letter dated August 27, 1975, that the Commission has no authority to approve or disapprove the Agency's request since the wage-fixing mechanism was established under a collective bargaining agreement, and, as such, it is outside the Commission's authority with respect to wage setting for prevailing rate employees. See Pub. L. 92-302, 9(b), 86 Stat. 574. The Agency in its submission concludes by stating that it supports the union's request that the new rates, which resulted from a wage survey ordered on August 28, 1975, and conducted in September 1975, be made retroactive to July 1, 1975, if it is within the authority of the Agency to do so. The union, Local 1418 of NFFE, has also written arguing that the Agency had agreed in May 1975, that the effective date of the wage survey would be July 1, 1975, that the Agency then acted erroneously in first seeking Civil Service Commission approval for conducting an early wage survey, and that the effective date of the new wage schedule should not be delayed due to the Agency's erroneous actions.

Our Office has held that an agency and a union may agree in advance on an effective date to implement a negotiated wage schedule, even though the exact amount of the increase has not yet been determined, so long as the effective date is set no earlier than the date of the preliminary agreement setting that date. See B-183083, November 28, 1975, and cases cited therein. We similarly hold that the parties can also agree that an arbitrator may set the effective date of a wage increase where negotiations between the agency and the union reached an impasse. B-180010.07, April 14, 1976. 55 Comp. Gen. _____. In the present case, it appears that the parties agreed in advance that the effective date of a new wage schedule would be July 1, 1975, and that a delay resulted from the Agency seeking the approval of the Civil Service Commission.

Accordingly, we have no objection to the implementation of the new wage schedule effective July 1, 1975.

R.F.KELLER

Acting Comptroller General
of the United States