

DOCUMENT RESUME

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[Overtime Compensation for Travel Time]. B-186369. April 22, 1977. 5 pp.

Decision re: John F. Romann; by Robert P. Keller, Deputy Comptroller General.

Issue Area: Military Preparedness Plans: Military Forces Readiness (805).

Contact: Office of the General Counsel: Civilian Personnel.

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

Organization Concerned: Department of the Navy: Military Sealift Command.

Authority: 5 U.S.C. 5342; C.M.P.I. 4650. B-184896 (1976).

A night relief engineer claimed payment of overtime compensation for the time spent in travel, in his private automobile, between his residence and his temporary duty station. Employees traveling to temporary duty stations are not entitled to overtime for travel times of less than 1 hour. The employee traveled 61 minutes each way; the extra 2 minutes are de minimis and are not compensable overtime. (RBS)

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DECISION



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

FILE: B-186369

DATE: April 22, 1977

MATTER OF: John F. Romann - Overtime Compensation for
Traveltime

DIGEST: Employee of Military Sealift Command who traveled each day by private automobile from residence to temporary duty post aboard a ship located outside of local commuting area and return is not entitled under regulations (CMPI) issued by Department of Navy pursuant to 5 U.S.C. 5348 to overtime compensation for traveltime where traveltime is 1 hour or less. These regulations are in accordance with prevailing practices in maritime industry. Employee traveled 61 minutes each way to and from ship. The extra 2 minutes per day are de minimis and not compensable overtime.

This action concerns the appeal of John F. Romann, an employee of the Military Sealift Command, Atlantic (MSCLANT), Department of the Navy, from a settlement action dated October 9, 1975, of our Transportation and Claims Division (now Claims Division) which disallowed his claim for payment of overtime compensation for time spent in travel between his residence and temporary duty station aboard the USNS Myer while the ship was berthed at Perth Amboy, New Jersey, during the period January 9 through March 7, 1973.

The record discloses that Mr. Romann was employed intermittently as a night relief engineer aboard the USNS Myer. During the period of the claim, he resided in Upper Montclair, New Jersey, which the claimant stated is approximately 60 miles round trip from Perth Amboy. In his initial travel claim Mr. Romann stated that he drove his private automobile the 30 miles to and from his residence and the ship in 1 hour. He later reported that his original claim of 1 hour traveltime each way was in error. He then claimed a traveltime of 1 hour and 20 minutes to reach the ship and 1 hour and 10 minutes to return to his residence for each workday in question.

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In a letter dated November 16, 1976, Mr. Romann submitted additional data, substantiated by competent authorities, showing the following approximate traveltime between his residence and the ship where the duty was performed.

1. Approximate driving time from his residence to Exit 151, Garden State Parkway.....10 minutes
2. Approximate driving time traveling south on the Garden State Parkway between Exits 151 and 129.....36 minutes
3. Approximate driving time from Exit 129 to the Perth Amboy Dry Dock Co.....15 minutes

The claimant also reported the following times required for travel between various points in going to and from work on the USNS Myer:

4. Approximate walking time from the Dock Co. parking lot to the ship..... 2 minutes
5. Approximate walking time from his house to his garage (400 yards), opening garage doors, starting and backing out car, and closing garage doors.....5 to 10 minutes
6. Identifying himself as part of the security check at the Perth Amboy Dry Dock gate and approximate driving time from the gate to the yard parking lot.....5 to 8 minutes
7. Approximate walking time up the ship gangway and along foot passage to the engine room....2 to 4 minutes
8. Approximate time required for inspection of spaces and confrontation with engineer to be relieved prior to assuming watch....6 to 10 minutes

The Commander, MSCLANT, determined that Perth Amboy, New Jersey, is outside the local commuting area. He also reported that the traveltime from MSCLANT Headquarters to the ship is estimated at 45 minutes.

The applicable regulations pertaining to pay of officers and members of crews of vessels as promulgated by the Department of the Navy, pursuant to 5 U.S.C. § 5348, are contained in the Civilian Marine Personnel Instructions (CMPI) 4650 and provide in pertinent part as follows:

"2-12. RELIEF OFFICERS.--Relief Deck and Engine Officers are authorized travel time and reimbursement for travel expenses for that portion of travel to and from the ship which is outside the local commuting area of the headquarters office, subject to the following:

"a. Commuting area.--The commuting area is considered to be that area within which employees live and can be expected to commute back and forth to work daily. The perimeter of the commuting area will be determined by individual MSTS commands. Normally, the perimeter of the local commuting area should not require one-way travel in excess of one hour by local common carrier.

"b. Travel time.--Relief Officers will be paid at their hourly, base rates of pay for that portion of travel which is performed outside the local commuting area when reporting to the ship and returning from the ship. Travel time will be computed on the basis of actual time required to perform the travel; however, when travel is performed from the Relief Officer's place of abode, travel time paid will not exceed the amount that would be paid if the employee had traveled from the headquarters of the MSTS command to the ship. When the Relief Officer resides within the commuting area where the ship is berthed, travel time will not be paid."

The record shows that Mr. Romann has been reimbursed by MSCLANT for expenses of mileage and tolls incurred in traveling between his residence and Perth Amboy. Therefore, the issue is whether, based upon the foregoing facts and regulation, Mr. Romann is entitled to payment of overtime compensation for time spent by him in traveling between his residence and his temporary place of duty aboard the USNS Myer.

The aforestated regulations of the Department of the Navy state in pertinent part, and as applicable to the circumstances herein involved, that the commuting area is determined "by individual MSTs commands." In the instant case and as stated earlier, COMSCLANT determined that the place of abode of the claimant was located outside the designated commuting area. Further, that traveltime would be computed on the basis of actual time required to perform the travel and where the employee's place of abode is outside the designated commuting area, payment may be made for the time required to perform one-way travel in excess of 1 hour (2 hours round trip). Further, where travel is performed from the relief officer's place of abode, traveltime paid cannot exceed the amount that would have been paid if the employee had traveled from the headquarters of the MSCLANT command to the ship.

The actual time required by the claimant to travel from his residence to the ship based upon his letter of November 16, 1976, items 1, 2, and 3, was approximately 61 minutes. The time required by the employee in walking from his house to his garage, etc., walking from the parking lot to the ship; identifying himself at the gate; walking up the gangway and foot passage to the engine room; and inspection of spaces and confrontation with the engineer to be relieved prior to assuming the watch, are not includable in computing the actual time required to travel from his place of abode to the ship. As the agency regulations permit payment of overtime compensation only for actual time required to perform the travel and for that period of time in excess of 1 hour, each way, there is no entitlement on the part of Mr. Romann to overtime compensation.

It is noted that the approximate traveltime, one way, to and from the ship was about 61 minutes. However, the approximate 2 minutes in excess of 2 hours, each day, are de minimis and therefore of insufficient quantity to be transformed into compensable overtime. B-184896, August 13, 1976.

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Accordingly, the settlement action of our Transportation and Claims Division of October 9, 1975, which disallowed Mr. Romann's claim for overtime compensation for time spent in traveling between his residence and temporary duty station, is sustained.

Atkinson
Deputy Comptroller General
of the United States