

PK-101-1

DECISION



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

[Entitlement to Retroactive Temporary Promotion] 10,385

FILE: B-194062

PN

DATE: June 6, 1979

MATTER OF: Lillian T. Levandoski - Retroactive temporary promotion

DIGEST: Employee assigned some duties of abolished higher-grade position is not entitled to retroactive temporary promotion since she did not perform higher-grade duties of classified, established position.

AGC 00009

Mr. Alfred M. Zuck, Assistant Secretary for Administration and Management, U.S. Department of Labor, requested our decision on the claim of Lillian T. Levandoski, who believes she is entitled to a retroactive temporary promotion for an assignment to a position at a higher grade.

The issue is whether Ms. Levandoski actually performed all essential duties and responsibilities of an established position at a grade level higher than she was paid.

Ms. Levandoski was a Supervisory General Clerk, at grade level GS-5 in the Wilkes-Barre, Pennsylvania, office of the U.S. Mining Enforcement and Safety Administration, Department of the Interior (now Department of Labor). She states that during 1975, her supervisor, the District Manager in the Wilkes-Barre office, informed her that she would perform the duties of the position titled Administrative Officer, GS-341-9, which was then vacant. She claims to have been assigned all of the duties of that position from then until March 18, 1977.

However, the file contains a memorandum dated June 30, 1976, from the supervisor to Ms. Levandoski and another employee saying:

"* * * I am requesting that each of you assist in implementing some of the duties of this position [Administrative Assistant] on a bi-monthly basis."
(Underlining and parentheses added.)

Significantly, the supervisor stated that "some" rather than all of the duties of the Administrative Officer position would be performed by Ms. Levandoski and a fellow employee. The record

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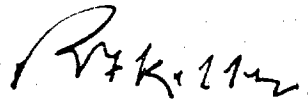
also contains a list of those duties Ms. Levandoski did and did not perform. Among other things, it says "at no time did she furnish technical and detailed advice to the District Manager on budgetary, personnel, and office management phases of the operation."

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By letter of September 6, 1978, the Acting Personnel Officer, Mine Safety and Health Administration, informed the National Vice President of the American Federation of Government Employees, 3rd District, who represented Ms. Levandoski, that her claim was denied. According to the Acting Personnel Officer, the Administrative Officer, GS-9, position had been abolished and only the lower grade duties of the abolished position were assigned to Ms. Levandoski.

Under Comptroller General decision Matter of Patrick J. Fleming, B-194062, September 19, 1978, the employees must be assigned the duties of an established, classified position in order to be entitled to a retroactive temporary promotion. In the present case, Ms. Levandoski was assigned only some of the duties of a position that was no longer established and existing in the Wilkes-Barre office. There is no evidence that the duties and responsibilities she performed during the period in question constituted a position classified and established at a level higher than her GS-5 grade.

Accordingly, the claim for a retroactive temporary promotion is denied.



Deputy Comptroller General
of the United States