



Decision

September 20, 1994

Mr.

Dear :

This is in response to your letter to our Office, dated May 11, 1994, by which you appealed our Claims Group's Settlement Certificate, Z-2868687, April 13, 1994, which denied your claim for premium pay for regularly scheduled standby duty at your residence from 1987 to 1992. For the following reasons, we affirm our Claims Group's action and deny your claim.

In your appeal, you now concede that your residence was not designated as your official duty station by your employing agency, the National Park Service, United States Department of the Interior. However, you contend that you are entitled to premium pay for standby duty performed at your residence because your on-call duty at the Grand Canyon National Park was identical to your prior duty at Yosemite National Park whose rangers have received backpay for standby duty.

Your position was not covered by the Fair Labor Standards Act, and thus the only relevant statute is 5 U.S.C. § 5545(c)(1) (1988), which is implemented by 5 C.F.R. § 550.143(a) and 550.143(b)(3) (1994).

In order to be entitled to regularly scheduled standby duty pay, 5 C.F.R. § 550.143(a) (1994) provides that the employee must be in a position requiring him "regularly to remain at, or within the confines of, his . . . station." This requirement is further defined by 5 C.F.R. § 550.143(b)(3) (1994) to mean: "[i]n an employee's living quarters, when designated by the agency as his duty station and when his whereabouts is narrowly limited and his activities are substantially restricted." Thus, 5 C.F.R. § 550.143(b)(3) (1994) requires that an agency designate an employee's living quarters as his duty station, and that an employee's whereabouts be narrowly limited and an employee's activities be substantially restricted. See , B-205442, Mar. 22, 1982.

As you concede, the National Park Service did not designate your living quarters as your duty station. The National Park Service's report and our examination of the record shows that your activities were not substantially restricted. Furthermore, the National Park Service's report states that your circumstances at National Park Grand Canyon were not similar to those of the rangers in Yosemite National Park. Thus, your on-call status would not be considered standby duty for purposes of payment of premium pay under 5 U.S.C. § 5545(c)(1) (1988). See supra.

Accordingly, we affirm our Claims Group's Settlement Certificate and deny your claim. If you wish to pursue your claim, you may file a lawsuit in the Court of Federal Claims or the U.S. District Court, as appropriate.

Sincerely yours,

/s/ Seymour Efros
for Robert P. Murphy
Acting General Counsel

cc: Mr. Robert S. Chandler
Superintendent, Grand Canyon
National Park Service
P.O. Box 129
Grand Canyon, Arizona 86023-0129

Mr. Boyd Evison
National Park Service
P.O. Box 129
Grand Canyon, Arizona 86023-0129

B-257386

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DIGEST

Park Ranger employed by National Park Service, Department of the Interior, claims premium pay for regularly scheduled standby duty at his living quarters. In order to be eligible for this type of pay, 5 C.F.R. § 550.143(a) and (b)(3)(1994) requires, inter alia, that an agency designate an employee's living quarters as his duty station, and that an employee's activities be substantially restricted. These conditions were not fulfilled and we deny the employee's claim.