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Dear Mr. Secretary:

On February 26, 1957, the Assistant Secretary of the Navy requested our decision regarding the proper rate of compensation to be paid to Mr. Peter T. Siopes, an employee at the Naval Ordnance Test Station, China Lake, California, for the period August 8, 1956, to the date of his restoration to leadingman Rigger (the beginning of the first pay period after December 22, 1956). The facts applicable to the period are stated as follows:

"a. On February 21, 1955, the incumbent of a leadingman Rigger position was relieved of his duties for physical reasons with no expectation of his return.

"b. On the same date, Mr. Peter T. Siopes, Rigger, \$2.34 per hour (an employee entitled to veterans preference) was assigned to the duties of leadingman Rigger. The rate of pay for this position at that time was \$5657.60 per annum. However, the personnel action form effecting the action provided for his assignment as Snapper at \$2.52 per hour (\$5241.60 per annum) for a period of 90 days. This rate of pay was increased by a new schedule of wages on June 7, 1956, to \$2.78 per hour (\$5782.40 per annum). The assignment as Snapper was extended by a succession of personnel action forms until August 8, 1956, when he was returned to the position of Rigger, \$2.58 per hour (pay increased by the new schedule of wages).

Satisfactory information was furnished by the activity that Mr. Siopes had in fact satisfactorily performed the duties of leadingman Rigger from February 21, 1955, to August 8, 1956. The fact that he was qualified for the position is evidenced by the fact that he was within reach for selection on a competitive promotion examination for leadingman Rigger during the entire period. The personnel action form providing for his assignment as Snapper was an administrative error.

In accordance with your decision reported in 30 Comp. Gen. 94, the Office of Industrial Relations by letter dated December 22, 1956, directed that the action taken on February 21, 1955, be corrected to show that Mr. Siopes was promoted from Rigger, \$2.34 per hour, to leadingman Rigger, \$5,657.60 per annum, effective February 21, 1955. The letter also directed that the extensions of Mr. Siopes' assignment as Snapper and the termination thereof on

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August 8, 1956, be cancelled and that he be assigned Leadingman Rigger duties at the appropriate rate of pay effective at the beginning of the first pay period following receipt of the letter. As a result of this action, the Naval Ordnance Test Station will pay Mr. Slopes as Leadingman Rigger at the rate of:

"\$5657.60 per annum, Step 1, for the period February 21, 1955, through August 21, 1955

"\$5928 per annum, Step 2, for the period August 22, 1955, through June 6, 1956 (due a periodic step increase on August 22, 1955)

"\$6468.80 per annum, Step 2, for the period June 7, 1956, through August 7, 1956."

NCPI 250.3-4d states that there is no authorized rating of Snapper; that Snapper is recognized only as an additional pay assignment as provided in NCPI 250.5-5; and that as such it may be used only for temporary assignments of 90 days or less. NCPI 250.5-5 provides additional hourly rates to employees assigned to work involving skill or working conditions in addition to those normally encountered by employees of the same rating. Our Office is informally advised that assignments as Snapper do not involve promotions and no personnel action is supposed to be processed; that the issuance of the personnel action in this case was in error; and that the employee immediately protested such error. Upon appeal the matter finally reached the Secretary of the Navy, resulting in an order of the Secretary sustaining the employee's views. By letter dated December 22, 1956, the Office of Industrial Relations, in accordance with the ruling, directed the cancellation of the Snapper designation and the correction of the record to show the promotion to Leadingman Rigger effective February 21, 1955. Also, we understand that except for the administrative error the employee would have been promoted to Leadingman Rigger on February 21, 1955, without limitation. The doubt concerning the employee's pay status August 8, 1956, to the beginning of the first pay period after December 22, 1956, appears to be due to the fact that upon termination of the erroneous assignment as Snapper, August 7, 1956, the only official designation of the employee in existence at that time was his designation as Rigger and he was returned to and performed duties as Rigger from that date until the promotion in December 1956.

The retroactive correction to show the proper duty and pay status as Leadingman Rigger from February 21, 1955, indicates an administrative intention to have promoted the employee on that date from Rigger to Leadingman Rigger. Had such action been taken originally he would not have reverted to Rigger on August 8, 1956. Accordingly, the period of

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duty performed as Rigger, August 8, 1956, to date of restoration to the Leadingman level may be considered, in this instance, as a temporary detail from Leadingman Rigger to duties of Rigger without a change in pay status.

Accordingly, in the circumstances of this particular case as above related, the pay may be adjusted to that of Leadingman Rigger for the entire period from February 21, 1955, to the beginning of the first pay period after December 22, 1956.

Sincerely yours,

JOSEPH CAMPBELL

Comptroller General
of the United States

The Honorable
The Secretary of the Navy