

DECISION**THE COMPTROLLER GENERAL
OF THE UNITED STATES**

WASHINGTON, D. C. 20548

FILE: B-158549

DATE: July 5, 1974

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MATTER OF: Overtime entitlement of General Services
Administration guards in Baltimore, Maryland.

DIGEST: Although decision 53 Comp. Gen. ___, B-158549, January 22, 1974, authorized payment of 15 minutes uniform changing and additional travel time to guards in Region III, General Services Administration, through period up to February 28, 1966, guards assigned to Baltimore area may be paid such overtime to December 23, 1970, inasmuch as the regulation requiring that uniforms be changed at assigned lockers, applicable in Baltimore, was not amended to permit wearing of uniforms to and from work until that date.

This decision involves the claim of Mr. Leon C. Johnson for overtime compensation for preliminary and postliminary duties performed as a member of the Baltimore contingent of the Federal Protective Service, Region III, General Services Administration. Except insofar as explained below, Mr. Johnson's claim is identical to those of the 11 guards assigned within Region III to duty in the Washington metropolitan area whose claims are the subject of our decision B-158549, January 22, 1974, 53 Comp. Gen. ___ (1974).

In that decision we held that pursuant to the holding of the Court of Claims in Ernie L. Baylor v. United States, 198 C. Cls. 331 (1972), guards within Region III are entitled to overtime compensation for the time involved in changing into and out of uniform at assigned locker locations prior to February 28, 1966, on which date the pertinent regulations were amended to permit members of the guard force to wear their uniforms to and from work. We further held that insofar as guards are able to provide evidence that they in fact performed such activities they are entitled under the Baylor decision to overtime compensation for the time involved in performing preliminary and postliminary supervisory responsibilities, in obtaining and replacing firearms, and in traveling between assigned locker locations, gun points and posts of duty. Except as indicated below our holding in that decision is applicable to members of the guard force within Region III assigned to Baltimore, including Mr. Johnson.

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In considering that portion of Mr. Johnson's claim for uniform-changing time, we note that the applicable procedures followed in Baltimore are distinguished from those which prevailed throughout the remainder of Region III. Specifically, guards assigned to Baltimore were required to change into and out of uniform at their assigned locker locations until they were notified on December 23, 1970, that they would thereafter be permitted to wear their uniforms to and from work.

In regard to the Baltimore uniform procedures, a letter of December 6, 1973, from Mr. George I. Perryman, Regional Administrator, Region III, states, in pertinent part, as follows:

"The special order issued in 1966 affecting a policy change in the wearing of uniforms was not comprehensive in coverage. Circumstances which precipitated the change were considered to be local in nature by the officials who developed the new policy. In fact, at the time of the change in regulations, guards assigned to outlying areas of the region were directly responsible to their Buildings Managers rather than to the centralized Federal Protective Service which now exists. Thus, policy changes made for the Washington metropolitan area would not have been applicable regionwide.

"No official in the Baltimore area was authorized to approve overtime during the period in question. Only the Regional Commissioner, Public Buildings Service, Region 3, or the Director, Buildings Operation Division, could have made such authorizations. * * *

"With respect to the entitlements for overtime compensation for uniform changing by Mr. Johnson and the other Baltimore guards, it was not until September 1970, that the policy allowing each guard the option of wearing his uniform to and from work was made applicable regionwide by an amendment of the GSA orders pertaining to guards. The earliest official notification of this policy

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to the guards in the Baltimore area which we have been able to document is a letter dated December 23, 1970. This correspondence was directed to guard supervisors by Melvin J. Komenda, Captain of the Guard in Baltimore, clarifying the procedures for exercising the uniform option.

Because it appears that members of the Baltimore contingent of the Region III guard force were officially required to change into and out of uniforms at their locker locations until December 23, 1970, those individuals are entitled to overtime compensation for a maximum of 15 minutes per day for changing uniforms through that date rather than through the February 20, 1970 date applicable to guards assigned in the Washington metropolitan area. Consequently, those individuals may be entitled to additional overtime compensation for the time involved in traveling between locker locations and gun points or posts of duty for the periods of their claims prior to December 23, 1970.

Insofar as applicable to members of the Region III guard force assigned to the Baltimore area, our decision B-158549, supra, is modified to authorize payment of uniform changing and travel time as indicated in the preceding paragraph.

R.F.KELLER

[Deputy Comptroller General
of the United States