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DECISION



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

FILE: B-186065

DATE: OCT 8 1976

MATTER OF:

Arthur K. Henning - Reimbursement for parking fees - Change of duty location within official station

DIGEST:

Claim of U.S. Customs Service employee for parking fees while assigned for 6 months to Seattle Federal Office Building; from usual place of duty on Seattle waterfront may not be authorized for payment. Agency has discretion to determine whether relocation of workplace within official station is of short duration, and travel thereto official business, or whether such relocation is change of regular workplace, and travel thereto nonreimbursable commuting expenses. Agency policy places employee's relocation within latter class. GAO will not question agency policy if reasonable, as here.

This action is in response to a request dated February 27, 1976, by the Director, Financial Management Division, United States Customs Service, San Francisco, for our decision concerning a claim by Mr. Arthur K. Henning; for parking fees while assigned to a new place of duty. Comments on this matter have been received from both the National Treasury Employees Union and the claimant. No voucher was presented with the submission.

The authority of this Office to issue advance decisions to certifying officers is limited to questions involved in specific vouchers presented to them for certification. 31 U.S.C. 82d (1970); see 26 Comp. Gen. 797 (1947); 51 *id.* 701 (1972). We therefore will treat this submission as a request for decision from the head of the Department under 31 U.S.C. 74 (1970).

The record shows that Mr. Henning, a customs inspector at grade GS-9, has claimed parking fees for the period from April 15, 1974 to October 24, 1974, when he was informally assigned to act as a quantity control officer at the Federal Office Building, Seattle, Washington. The duties to which he was assigned were those of a miscellaneous documents examiner grade GS-7. Prior to this assignment, Mr. Henning was assigned to Station 5, Terminal 106E, at the southern end of the Seattle waterfront, approximately 2.5 miles from the Federal Building. Mr. Henning's claim initially was made in the form of a grievance.

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The Customs Service denied Mr. Hennin's claim on the basis that Mr. Hennin's assignment at the Federal Office Building constituted an assignment to a regular place of duty and that Mr. Hennin was therefore in a commuter status and not entitled to reimbursement for the expenses of getting to and from work. Mr. Hennin contends, however, that since there was no position at the Federal Office Building for a Customs Inspector grade GS-3, and that since the two official positions for miscellaneous document examiners grade GS-7 at the Federal Office Building were filled, he therefore must have been on temporary duty and was entitled to parking fees for the period of this assignment.

For purposes of clarity, it is necessary to first differentiate between "official station," or the geographic limits of the area at which an employee is assigned, and the specific place of performance of duty within such official station. For lack of a better term, we shall refer to an employee's specific place of performance of duty as a "workplace."

The Federal Travel Regulations (FTR), FPMR 101-7 (1973), define official station as bounded by the corporate limits of the city or town in which the officer or employee is stationed. FTR para. 1-1.3(c)(1). Temporary duty has been interpreted to denote work performed in a travel status and, therefore, necessarily involves the travel of an employee away from his official station. See 21 Comp. Gen. 591 (1951). We note here that both Federal 104E and the Federal Office Building are within the city limits of Seattle, which was Mr. Hennin's official station. In these circumstances, Mr. Hennin's reassignment constitutes a change in assigned workplace within his official station rather than temporary duty.

The FTR authorizes the reimbursement to employees of the expense of the use of privately owned conveyances on official business within or outside their official station, including the expense of parking fees. FTR para. 1-4.1. An employee's travel to a different workplace within his official duty station, e.g., other than his usual workplace, may be considered travel for official business within the exercise of administrative discretion. See 37 Comp. Gen. 705 (1957). The proper exercise of this discretion, however, requires that consideration be given

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to the general rule that employees must bear the expenses of commuting to their jobs. This Office has consistently held that no authority exists for reimbursement of an employee for the expenses incurred in traveling from his residence to his place of business. See 11 Comp. Gen. 417 (1932); 15 id. 342 (1935); 19 id. 836; B-182427, October 9, 1975. The question, therefore, is whether the employee's assignment to another workplace is of such short duration that travel thereto may be considered official business away from the employee's usual workplace, or whether the new workplace becomes the employee's regular place of business, so as to prohibit reimbursement for traveling expenses.

In considering questions involving an employee's post of duty, this Office has consistently held that an employee's official station is the place at which he performs the major part of his duties and is expected to spend the greater part of his time. 32 Comp. Gen. 87 (1952); B-182427, supra. The same standard is applicable in determining the location of an employee's regular workplace. Furthermore, since the question of the location of an employee's workplace is essentially a factual matter, such determinations are primarily matters for the administrative agency. We will not question the agency's determination as long as it is reasonable. B-175957, July 27, 1972.

In this regard, the Customs Service has advised us that it is the policy of the Regional office to allow mileage and parking fees when assignments are made to other places of duty within the employee's regular scheduled tour of duty (40 hour week). When it is determined that the new place of assignment will continue beyond the following scheduled tour of duty, the employee is directed to report to the newly assigned place of duty and is considered to be in a commuting status and must report there at his own expense. We see nothing unreasonable in either the Region's policy or in its application to the claim of Mr. Henning.

In view of the foregoing, Mr. Henning's claim may not be authorized for payment.

In addition, the Director, Financial Management Division, San Francisco, has specifically requested our determination regarding the time when an employee can be considered to be

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assigned to another workplace within his official duty station so as to be in a commuter status. However, we are of the opinion that establishment by this Office of a rigid time limit applicable in all cases is neither required nor appropriate. As stated above, we regard the matter as involving an element of administrative discretion and judgment in the determination of the location or change in location of an employee's workplace. An administrative determination or policy will not be questioned by us so long as it is reasonable in the circumstances. We are satisfied here that the policy of the Customs Service Region regarding such changes meets this standard.

The Director has also asked whether assignments of this type must be in writing. We do not have the regulations of the administrative office before us and do not know if such a requirement is stated therein, nor do we know of a general requirement for prior written authorization for such assignments. However, we have previously indicated that we would accept approval of the employee's reimbursement voucher by an appropriate official as sufficient evidence of authority for local travel so long as this method of approval was in conformity with agency regulations. 3-173279, August 16, 1971.

R. F. KELLEY

Deputy - Comptroller General
of the United States