



UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

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IN REPLY REFER TO: B-192020

OFFICE OF GENERAL COUNSEL

[Authority To Waive Claims By District of Columbia Against Employees or Former Employees]

MAR 13 1979

Mr. Vincent E. Reed
Superintendent of Schools
Public Schools of the District of Columbia
415 12th Street, N.W.
Washington, D.C. 20004

Dear Mr. Reed:

We refer to your letter of May 22, 1978, in which you have requested authority to waive the repayment of excess wages received by Mr. Bernard Wallace and other employees similarly situated. You stated that Federal Personnel Manual Letter No. 532-71, dated July 16, 1974, entitled Changing Supervisory Payline to Step 2, changed the waiting period for step increases between step 1 and step 2, and step 2 and step 3 for Wage-Supervisory employees, to become effective October 27, 1974. You further stated that since your office did not receive the above letter until November 1977, a number of Wage Supervisory employees were overpaid. Your request for waiver was based upon the fact that the overpayments were due to an administrative error and repayment would cause undue hardship on the employees affected.

Under section 5584(a) of title 5, United States Code, a claim of the United States against a person arising out of an erroneous payment of pay to an employee of an agency, the collection of which would be against equity and good conscience and not in the best interests of the United States may be waived under the procedures established therein. Regulations prescribing the standards for waiver are found at 4 C.F.R. 91.1 et seq. (1978). Under 4 C.F.R. 91.3(a) (1978) the above law and implementing regulations are not applicable to employees of the District of Columbia. Therefore, we do not have authority to authorize waiver of the debt in question.

However, your attention is directed to title 29 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, Act 2-300, published at 25 District of Columbia Register 5,740 at 6,032 (December 29, 1978). Section 2901 of that Act sets out the policy and procedure for the waiver of claims of the District of Columbia against an employee or former employee of the District arising out of erroneous payments. We have been informed that this Act is presently under Congressional consideration

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and is scheduled to become effective March 3, 1979. For further information concerning this Act we suggest you contact Mr. Jim Lemert of the Administrative Law Section, Office of the Corporation Counsel. We regret the delay in responding to your request.

Sincerely yours,

MILTON SOCOLAR

Milton J. Socolar
General Counsel