

GAO

United States General Accounting Office
Washington, DC 20548

Office of
General Counsel

In Reply 8-197846
Refer to:

APR 30 1980

Mr. James E. Lawrence
382 North Powers Avenue
Manteca, California 95336

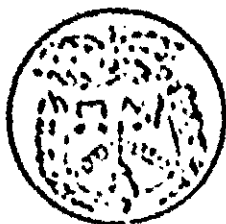
Dear Mr. Lawrence:

This is in response to your letter of February 11, 1980, in which you request to be advised concerning your entitlement as a staff duty officer on a tour as a civilian employee in Saudi Arabia to compensation for standby duty for a 7-day period wherein you were subject to call 24 hours a day and required to remain in the area of your assignment for possible emergency problems. You state that you were required to be in radio or telephonic contact at all times during this period.

This is not a decision of the Comptroller General of the United States. However, the following may be of assistance to you:

Because the Fair Labor Standards Act exempts employees permanently stationed within a foreign country, your entitlement to overtime compensation is governed either by 5 U.S.C. 5542, applicable to General Schedule employees, or 5 U.S.C. 5544, applicable to wage board employees. Under these authorities we have held that an employee performing a duty officer type function, who is required to remain in telephone or radio contact and hold himself in a position to report to his office or another location in the event his services are required, is not entitled to overtime compensation. For your information, we are enclosing a copy of decision in Matter of Roy C. Bauer, B-188025, July 21, 1977, which involves circumstances similar to those in your case. While the Bauer case involves employees entitled to overtime compensation under 5 U.S.C. 5542, essentially the same standards have been applied to wage board employees under 5 U.S.C. 5544.

If, after reviewing the enclosed decision, you feel that you are entitled to overtime compensation, you may file a claim with our Claims Group at the following address:



B-197846

U.S. General Accounting Office
Claims Group, Room 5451
FCMSD
Washington, D.C. 20548

We hope the above information will be of assistance to you.

Sincerely yours,

Edwin J. Monsma

Edwin J. Monsma
Assistant General Counsel

Enclosure