Fitzgerald

The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Norman L. Deas - Weekend Return Travel

File: B-222711

Date: October 17, 1986

DIGEST

The Department of Housing and Urban Development (HUD) regulations provide that, generally, employees may be ordered to return to their official duty stations from long term temporary duty stations at intervals of not less than 2 weeks, if the cost is outweighed by such factors as increased morale and reduced recruitment costs. Under these regulations, HUD has the discretion to order return travel on a weekly basis if warranted by the particular circumstances of the case. Under the circumstances of this case the authorization of weekly return travel is proper.

DECISION

This responds to a March 19, 1986, request from the Director, Office of Finance and Accounting, U.S. Department of Housing and Urban Development (HUD), seeking an advance decision regarding the propriety of paying Mr. Norman L. Deas, a HUD employee, for return travel to his permanent duty station from his extended temporary duty (TDY) station on a weekly basis. Due to the circumstances of this particular case, we hold that HUD, under its own regulations, the Federal Travel Regulations, and our decisions, has discretion to pay Mr. Deas for return travel on a weekly basis.

BACKGROUND

Mr. Deas is permanently assigned to the Cincinnati HUD office. Since October 1985, he has been on TDY as the Operations Director of the East St. Louis Housing Authority. Mr. Deas was originally scheduled to conclude his TDY in March 1986, but we have been advised by the Deputy Director, Office of Finance and Accounting, HUD, that Mr. Deas' TDY will probably be extended to the end of the fiscal year. This extension is necessitated by the problems that HUD is experiencing in obtaining a contractor to assume management of the East St. Louis Housing Authority.

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Mr. Deas returned to his permanent duty station every weekend from October 25, 1985, through February 9, 1986. Since then he has been returning on alternate weekends. A cost analysis concerning Mr. Deas' return travel was prepared by the Regional Administrator - Regional Housing Commissioner, Chicago Regional Office. This analysis examined the TDY subsistence costs, return travel costs, alternative approaches to replacing Mr. Deas, and the increases in morale, efficiency and productivity occasioned by the return travel. The analysis concluded that the return travel was cost beneficial.

DISCUSSION

The General Services Administration regulations grant Federal agencies the discretion to order a traveler to return to his or her official station for nonworkdays. The regulations do not specify or limit the frequency of such return travel. Federal Travel Regulations, FPMR 101-7, para. 1-7.5c (Supp. 1, Nov. 1, 1981), incorp. by ref., 41 C.F.R. § 101-7.003 (1985). We have held that this discretion requires an agency to perform a cost analysis if the travel expense substantially exceeds the costs that would have been incurred if the employee had remained at the TDY station. Thomas Anderson, B-200601, July 31, 1981; John F. Fields, B-186200, January 27, 1977. We have also held that the phrase "required" return travel is broad enough to encompass "authorized" return travel. 55 Comp. Gen. 1291 (1976).

The above-cited provision of the FTR has been implemented by HUD Handbook No. 2300.2, Rev - 3, paragraph 1-7.5c(2), which states:

> "Employees may be ordered to return to their official stations on non-workdays when the cost of returning is outweighed by savings in terms of increased morale, efficiency and productivity, as well as by reduced costs of employee recruitment and retention. Generally, employees may be ordered to return to their official stations at intervals of not less than two weeks, provided that the TDY assignment will continue for at least two more weeks." (Emphasis added.)

The issue raised in this case is whether HUD may authorize payment for such return travel at weekly intervals in apparent disregard of the 2-week interval limitation imposed by its own regulations.

We note, initially, that the HUD regulation does not totally preclude authorization of return travel on a weekly basis, but merely sets up a "general" norm. Therefore, the question here is what circumstances appearing in this particular case, if any, remove it from the general 2-week interval limitation. In the case of Mr. Deas, there are two factors removing it from the normal limitation.

First, in determining whether appropriations are available for return travel, our Office has applied the test of whether the expense involved is reasonably necessary or incident to the execution of the program or activity authorized by the appropriation. 55 Comp. Gen. 1291 (1976). In this case, the cost analysis indicates that the return travel is reasonably necessary to the execution of the activity. The exceptional circumstance here is the difficulty HUD is experiencing in obtaining a contractor to assume management of the East St. Louis Housing Authority. This circumstance apparently will necessitate that Mr. Deas' TDY be extended for an additional 5 or 6 months.

Second, the HUD regulations provide, and we have held, that the improvement of employee morale and increased productivity are valid reasons for reimbursing return travel. 55 Comp. Gen. 1291, supra, at 1292. The cost analysis performed by HUD in the present case stated that Mr. Deas' return travel was cost effective. The analysis also noted that the "assignment to the [East St. Louis] Housing Authority is a tedious one, involving long arduous hours, with many potential hardship factors."

Under the particular circumstances of this case, we hold that, under its own regulations, the FTR, and our cases, HUD has the discretion to authorize Mr. Deas to perform return travel from his extended TDY assignment, on a weekly basis.

Harry R. Van Cleve

for Comptroller General
of the United States