



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Aimee A. Stover - Overtime Claim For Travel
Outside Duty Hours

File: B-229067

Date: November 29, 1988

DIGEST

An employee who traveled outside of her regularly scheduled administrative workweek in order to be at certain ports 2 or 3 days prior to a ship's arrival is not entitled to overtime compensation. Although the government could not control the arrival of the ships, adequate notice of their arrival was available in ample time to schedule the employee's travel within her regularly scheduled workweek. Her claims for overtime compensation are denied since record fails to indicate any immediate official necessity for travel within the meaning of 5 U.S.C. § 5542(b)(2)(B)(iv) and decisions of this Office construing that overtime entitlement authority.

DECISION

Ms. Aimee A. Stover, an employee of the Defense Logistics Agency, seeks overtime compensation for travel performed in connection with her official duty.^{1/} Since the circumstances of Ms. Stover's travel do not meet the conditions specified in the statute which authorizes overtime compensation, we deny her claim.

Ms. Stover was employed by the Defense Fuel Region Caribbean (DFR-CF), a division of the Defense Fuel Supply Center, Defense Logistics Agency. From February 1984 through December 1985, she was assigned to the Island of Curacao in the Netherlands Antilles. Ms. Stover's duty hours were 7:30 a.m. to 4 p.m., Monday through Friday. Her assignment involved inspecting ships loading fuel products purchased by the United States. This required considerable travel throughout the Caribbean and Latin America. She claims

^{1/} This claim was submitted to us by Director of the Office of Accounting and Finance, Defense Logistics Administrative Support Center, Defense Logistics Agency.

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235 hours and 30 minutes of overtime for travel performed outside of her official duty hours.

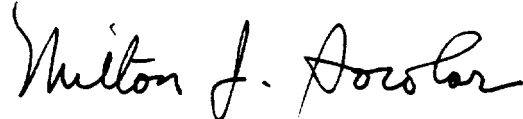
At the outset of her assignment, Ms. Stover was issued blanket travel orders. She was instructed to keep informed of the arrival dates of ships in the area for which she was responsible. This information was available to Ms. Stover from the U.S. Consulate in Curacao and from telexes from the Defense Fuel Supply Center in Alexandria, Virginia. Upon receipt of this information, Ms. Stover was required to make her own travel arrangements and to arrive at her temporary duty location 2 to 3 days in advance of a ship's estimated arrival in order to fulfill her duties at the refinery.

Ms. Stover contends that her travel outside of normal duty hours resulted from an event (the arrival of the ship) which was not administratively controllable and, therefore, was compensable as overtime.

Agencies are required to schedule employees' travel during regular duty hours to the maximum extent practicable. 5 U.S.C. § 6101(b)(2). However, when travel is not scheduled and performed during regular duty hours, the employee is not necessarily entitled to overtime compensation. Any entitlement an employee has to overtime compensation while traveling is governed by 5 U.S.C. § 5542(b)(2)(B). That statute provides that time spent in a travel status away from the official duty station of an employee is not hours of employment unless the travel (i) involves the performance of work while traveling, (ii) is incident to travel that involves the performance of work while traveling, (iii) is carried out under arduous conditions, or (iv) results from an event which could not be scheduled or controlled administratively.

The only issue presented by Ms. Stover's case is whether the travel she performed can be considered as resulting from an event which could not be scheduled or administratively controlled. We have held that, for the purposes of allowing overtime compensation or compensatory time under this provision, the travel must result from an event which could not be administratively controlled or scheduled and an immediate official necessity must exist in connection with the event requiring the travel to be performed outside the employee's regular duty hours. If there is adequate notice of the event to permit scheduling of the travel during normal duty hours, then overtime is not payable if the travel takes place outside duty hours. Gerald C. Holst, B-222700, Oct. 17, 1986.

In this case, there was adequate notice of the events. The fact that the ships' arrivals were not controlled by the government is not enough to meet the statutory requirement for entitlement to overtime compensation where the travel could have been scheduled by Ms. Stover so that she would have arrived 2 or 3 days in advance of the arrival of the ship. Accordingly, Ms. Stover's claim for overtime compensation properly was denied by the agency.

for 
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