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Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: William Perkette - Lodging Expenses at
Permanent Duty Station

File: B-247907

Date: August 20, 1992

DIGEST

An employee was assigned as a trainer/facilitator for a 5-day managerial seminar held at a hotel located within the corporate city limits of his permanent duty station and place of residence. Even though the demands of the seminar required the employee to remain at the hotel until late at night, he was not required to remain there overnight to provide necessary services incident to the training. Therefore, the employee is not entitled to reimbursement of overnight lodging expenses in view of the prohibition against payment of per diem or actual subsistence expenses within the limits of the city that constitutes the employee's official duty station.

DECISION

A certifying officer of the Federal Aviation Administration (FAA), Department of Transportation, asks whether Mr. William Perkette, an employee, is entitled to reimbursement for the cost of lodging obtained in the vicinity of his official duty station. For the reasons stated below, Mr. Perkette is not entitled to reimbursement for that expense.

BACKGROUND

Mr. Perkette attended and conducted in his capacity as trainer/facilitator the FAA national course, Managerial Team Action Seminar, on April 5-10, 1992, and again on May 17-22, 1992, in Lansing, Michigan, where he lives and works. Mr. Perkette stayed in the hotel where the course was being taught, and the agency requests that he be allowed per diem for the hotel expenses incurred.

The agency explains that this seminar is an extremely intensive, long training course which starts on Sunday evening and ends the following Friday in the afternoon. Each evening trainees are in session at least until 10 p.m., and frequently teams will continue their sessions past

10 p.m. The trainers must stay until all teams conclude their activities plus prepare for the next day's activities. It is common for the staff to work until 11:30 p.m. or 12:30 a.m. each night. The agency states that "it is a requirement of this training that both trainees and trainers stay at the hotel due to team learning, long hours, and concern/liability of putting employees on the road driving with so little sleep (especially with such fatiguing sessions)."

ANALYSIS

It is a well-established rule that without specific authority of law the government may not pay, in addition to an employee's regular compensation, per diem or subsistence expenses to civilian employees at the employees' official duty stations, even though they may be working under unusual conditions. See 42 Comp. Gen. 149 (1962). See also 5 U.S.C. § 5536 (1982), which states that no employee of the government "unless specifically authorized by law," shall receive any pay or allowance in addition to that provided by statute. In this regard the Federal Travel Regulation (FTR), 41 C.F.R. § 301-7.5(a) (1991), provides as follows:

"A. No allowance at official station. A per diem allowance shall not be allowed within the limits of the official station (see definition in § 301-1.3(c)(4)) or at, or within the vicinity of, the place of abode (home) from which the employee commutes daily to the official station. . . ."

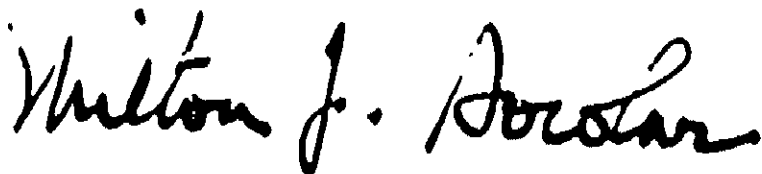
Reimbursement of actual and necessary subsistence expenses follows the same rules as entitlement to per diem. See FTR, para. 301-8.1(d).

Consistent with this general rule, we have disallowed claims for expenses under circumstances similar to those in this case. For example, we have denied claims for lodging expenses by employees who had special duties to perform in connection with certain government-sponsored conferences. Karen A. Killian, B-223500, Mar. 16, 1987; Richard Washington, B-185885, Nov. 8, 1976; Nancy Blustein, 68 Comp. Gen. 46 (1988).

We made a limited exception to this rule in a case concerning an intensive 3-day program for training volunteers under the Volunteers in Service to America (VISTA) program, and authorized reimbursement for overnight lodging at headquarters for employees assigned to train and supervise the volunteers. See ACTION, B-193034, July 31, 1979. There the agency had specific statutory authority to recruit, select, and train the volunteers, and to provide them with "transportation, supervision, technical

assistance, and such other support" as the head of the agency deemed necessary. The trainers were required to remain overnight at the training facility to maintain the round-the-clock supervision of the trainees the head of the agency deemed necessary.

In the present case, it is stated to be common for the trainers to work until 11:30 p.m. or 12:30 a.m., and it is a requirement of the course for both the trainees and the trainers to stay at the hotel due to team learning, long hours and concern for putting employees on the road with little sleep. While we recognize the personal inconvenience involved in this and other unusual situations where an employee must work late from time to time, unlike the ACTION case, the record here does not reflect that the head of the agency has determined that these employees must remain at the training facility overnight to provide supervision or other necessary services incident to the training. As a result, on the present record we must deny Mr. Perkette's claim for lodging in accordance with the general rule that an employee may not be reimbursed for per diem or subsistence at his official duty station.



Acting Comptroller General
of the United States