

**DOCUMENT RESUME**

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[Flexible and Compressed Work Schedules for Federal Employees].  
B-179810. March 23, 1977. 2 pp.

Letter to James M. Frey, Assistant Director for Legislative Reference, Office of Management and Budget; by Paul G. Dembling, General Counsel.

Issue Area: Personnel Management and Compensation (300).

Contact: Office of the General Counsel: Civilian Personnel.

Budget Function: General Government: Central Personnel Management (805).

Organization Concerned: Civil Service Commission.

Authority: Fair Labor Standards Act of 1938, sec. 7 (52 Stat. 1063; 29 U.S.C. 207). S. 517 (95th Cong.).

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MAR 23 1977

B-179810

Mr. James M. Frey  
Assistant Director for  
Legislative Reference  
Office of Management and Budget

Dear Mr. Frey:

Reference is made to your Legislative Referral Memorandum of March 8, 1977, Subject: "(1) Civil Service Commission draft bill 'To authorize Federal agencies to experiment with flexible and compressed employee work schedules,' and (2) S. 517 'To authorize employees and agencies of the Government of the United States to experiment with flexible and compressed work schedules,'" that referred subject legislation to this Office for comment by March 22, 1977.

Various committees of the Congress have requested this Office to comment on legislation concerning this matter, including S. 517. As of this date we have not completed our review of such legislation. However, in order to be responsive to your request, we have reviewed the draft legislation you forwarded with your memorandum. That legislation was initiated as a result of our report, to the Chairman of the Civil Service Commission (CSC), entitled "Legal Limitations on Flexible and Compressed Work Schedules for Federal Employees" (B-179810, dated October 21, 1974).

We have maintained an informal working relationship with the CSC throughout the drafting of the aforementioned proposed legislation and have had the opportunity of reviewing several previous drafts. We believe the present draft is very responsive to recommendations made by this Office.

We recognize that the changes proposed by the draft bill in the overtime provisions of title 5 of the United States Code and in section 7 of the Fair Labor Standards Act of 1938 (52 Stat. 1063, 29 U.S.C. § 207), may cause employees and labor organizations to become concerned that some potential would exist for management to

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use new work schedules to avoid payment of overtime. However, we are of the opinion that the draft bill contains sufficient safeguards to preclude such abuses by requiring that overtime officially ordered in advance will be compensable.

The draft bill appears to provide the requisite authority and flexibility to permit agencies to test and experiment with various work schedules as envisioned in the aforementioned General Accounting Office report. Accordingly, we support the bill as drafted and recommend no changes at this time.

Sincerely yours,

Paul G. Dembling

Paul G. Dembling  
General Counsel