



DIGEST - LCP

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COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

Discontinued by 3-19-163, 7-4-13, 1975

B-168855

MAR 24 1970

Mr. Donald E. Muldoon, Director
Financial Review and Accounting Division
Department of Housing and Urban Development
450 Golden Gate Avenue, P.O. Box 36003
San Francisco, California 94102

Dear Mr. Muldoon:

Your letter of January 12, 1970, reference ~~GAF~~, requests a decision on the applicability of section 3.5c(2)c of the Standardized Government Travel Regulations (SGTR) to a reclaim voucher submitted by Mr. James B. Thomas.

Mr. Thomas began travel from San Francisco to Fresno, California, on Wednesday, October 1 at 8:15 a.m. He traveled by privately owned automobile for his own convenience. He completed his duty at 4:45 p.m. and returned to San Francisco the following day with departure from Fresno at 8:10 a.m. and arrival at his residence in San Francisco at 12:10 p.m. According to the reclaim voucher Mr. Thomas was on duty at the San Francisco office from 1 p.m. until 4:45 p.m. on October 2. He claimed \$20 subsistence for 5 quarter days at \$4 per quarter day.

Mr. Thomas states that return to his headquarters duty station was not required until October 2. He bases his claim on Federal Personnel Manual Letter No. 550-52 which was issued by the Civil Service Commission on February 5, 1969, to provide information on section 550.112(a) of the Commission's regulation governing pay for time in a travel status.

You determined that the Fresno trip by Mr. Thomas could have been reasonably accomplished within one day for comparative cost purposes. According to your presentation, Mr. Thomas could have arrived at his residence by 8 p.m. on October 1 by flying from Fresno on a flight scheduled for departure at 6 p.m. His total travel period as constructed would have been slightly over 12 hours. Accordingly, you allowed \$5 (3/4 day at \$8) of the \$20 claimed for subsistence. See section 6.2 of SGTR. Also, Mr. Thomas was charged 4 hours annual leave for October 2.

SUBSISTENCE

Per diem
Delays

To avoid travel after duty hours

859

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Your determination, in part, is based on ~~SOER~~ 3.5c(2)^c, which reads:

"In making the foregoing constructive cost comparisons of transportation and per diem, scheduled departures and arrivals of planes, trains, and buses at unreasonable hours will be disregarded. (For this purpose, 'unreasonable hours' means those which would unduly inconvenience the traveler or adversely affect his safety, or which would result in unduly increasing the constructive per diem.)"

You ask (1) whether the hour of 8 p.m. for arrival at Mr. Thomas' residence is unreasonable and (2) whether you should use ~~SOER~~ or alter your method of auditing travel vouchers as a result of ~~FPM LTR No. 550-52~~.

As noted above, ~~FPM LTR No. 550-52~~ was issued by the Civil Service Commission in connection with its regulations governing pay for time in a travel status. The Commission's letter implements an expressed congressional intent that employees generally should not be required to travel on their time off. It sets forth the basic guidelines under which employees will be compensated for travel time outside their regular hours of duty.

Section 610.123 of the Federal Personnel Manual, Supp. 990-1 relating to travel on official time provides that:

"Insofar as practicable travel during nonduty hours shall not be required of an employee. When it is essential that this be required and the employees may not be paid overtime under section 550.112(e) of this chapter the official concerned shall record his reasons for ordering travel at those hours and shall, upon request, furnish a copy of his statement to the employee concerned."

In the absence of any indication that Mr. Thomas was required to be at his headquarters duty station on the morning of October 2, it does not appear unreasonable for him, in light of the cited regulations, to have left Fresno on the morning of October 2 rather than at the close of business October 1 to obviate at least 3 hours of travel during off-duty hours. See, however, our decision at ~~46 Comp. Gen. 425~~, wherein we concluded that it was not reasonable to delay return travel over a weekend

OFFICERS AND EMPLOYEES

Travel time

Regularly scheduled workweek

EXHIBIT

Per diem

Delays

860

To avoid travel during off-duty hours

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for the purpose of avoiding travel during off-duty hours.

The constructive cost of Mr. Thomas' travel may be recomputed on the basis of his leaving Fresno by common carrier on the morning of October 2 (with appropriate adjustment to his leave record), and we would not be required to object to payment on that basis.

Concerning the question you raise as to how travel vouchers should be audited, we suggest that you seek guidance within the administrative channels of your agency in light of policies regarding travel which may have been established there. Any doubts you might have in the future with respect to specific vouchers before you may, of course, be referred to this Office for decision.

Sincerely yours,

R.F. KELLER

Assistant Comptroller General
of the United States

REGULARLY SCHEDULED WORKWEEK
TRAVEL TIME
OFFICERS AND EMPLOYEES