

## Office of the General Counsel

B-249835

January 29, 1993

Ms. Pamala J. Powell, Personnel Officer  
U.S. Forest Service  
Huron-Manistee National Forest  
421 S. Mitchell Street  
Cadillac, Michigan 46901

Dear Ms. Powell:

This further responds to your letter of August 4, 1992, requesting our review of your denial of Mr. [redacted] claim for twelve hours of compensatory time for portions of an Eminent Domain seminar and an Advanced Rural Appraisal course he took which extended into his non-duty weekend days. You state that Mr. [redacted] request for compensatory time was denied because the Training Act and implementing regulations prohibit payment of overtime pay (with limited exceptions not applicable to Mr. [redacted]) for periods of training. 5 U.S.C. § 4109(a) (1988), and Federal Personnel Manual, chapt. 410, §§ 6-2b and c. You note that this prohibition also applies to granting compensatory time in lieu of overtime pay.

Mr. [redacted] notes that the agency actively encourages employees to enhance their professional skills through external training and permits employees to use official time for such training. He also argues that appraisal is part of his duties, and the courses in question also meet part of the requirements for him to obtain a state appraisal license he states he needs as an additional qualification for his position imposed by recent legislation.<sup>1</sup> Thus, he believes he should receive compensatory time for his non-duty hours spent in the training.

As you note, compensatory time is granted in lieu of overtime pay (5 U.S.C. § 5543), and is subject to the

---

<sup>1</sup>While not at issue here, we note that an examination to qualify an employee as an Accredited Rural Appraiser has been held not to be "training" for which the employee may be compensated under the Training Act, and it is a long-standing rule that individuals must bear the cost of professional accreditation. See 55 Comp. Gen. 759 (1976).

overtime pay restrictions for training noted above.  
58 Comp. Gen. 547 (1979), and 39 Comp. Gen. 453 (1959).  
Therefore, although this training may have been necessary  
for Mr. to maintain his appraisal skills, he may not  
receive compensatory time for time spent in training.

Accordingly, the denial of the claim is sustained.

Sincerely yours,

*for* *Seymour Egan*  
James F. Hinchman  
General Counsel

B-249835

January 29, 1993

**DIGEST**

An agency's denial of an employee's request for compensatory time for non-duty hours spent in rural appraisal training courses related to his duties is sustained. With limited exceptions not applicable here, overtime pay is prohibited under the Training Act for time spent in training, and compensatory time which is granted in lieu of overtime pay is similarly prohibited.