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UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

November 8, 1982

OFFICE OF GENERAL COUNSEL

B-208224

Mr. R.J. Menia
Labor and Employee Relations
Division Director
Civilian Personnel Office
Department of the Navy
Naval Air Rework Facility
Norfolk, Virginia 23511

Dear Mr. Menia:

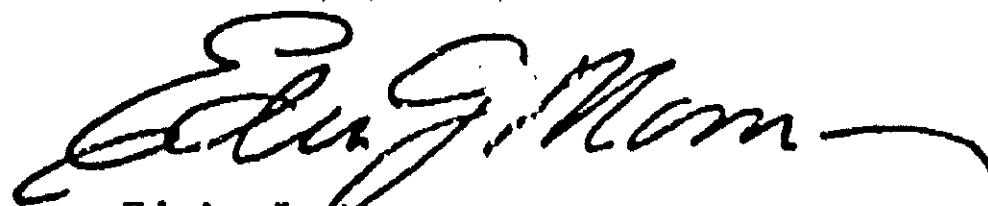
We refer again to your submission dated July 7, 1982, concerning entitlement to payment of overtime compensation during periods that an employee is on military leave. In your letter you explained that as a result of a Naval audit the Facility changed its policy on making overtime payments for periods that employees are on military leave. You further state that in view of an arbitration award which indicated that the Facility's policy with regard to the payment of overtime is incorrect you desire guidance on payment of overtime compensation in other cases involving military leave.

You state that if the Facility adheres to its current policy you expect that the union will file another grievance. Regulations provide that the Comptroller General will not issue a decision or comment on the merits of a matter which is subject to a negotiated grievance procedure authorized by 5 U.S.C. 7121, except upon the request of an authorized certifying or disbursing officer or the joint request of the agency and labor organization. See 4 C.F.R. 22.7(b)(1982). In addition, those regulations require that a copy of a request be served on the appropriate representative of the labor organization and that a statement of service be submitted to the General Accounting Office. See 4 C.F.R. 22.4 (1982). We call to your attention that payments made pursuant to an arbitration award which is final and timely under 5 U.S.C. 7122(a) or (b) are considered conclusive and the Comptroller General will not review or comment on the merits of such an award. However, payments made under an arbitration award do not constitute precedent for payment in instances not covered by the award. See 4 C.F.R. 22.7(a)(1982). We are enclosing the regulations set forth at 4 C.F.R. Part 22 (1982).

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We regret the delay in responding to you in this matter.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Edwin J. Monsma". The signature is written in dark ink and has a long, sweeping horizontal stroke at the end.

Edwin J. Monsma
Assistant General Counsel