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GAO

United States General Accounting Office  
Washington, DC 20548

Office of  
General Counsel

In Reply  
Refer to: B-197069 (VBG)

December 28, 1979

Mr. Richard E. George  
Business Manager and  
Financial Secretary  
Local Union 570  
International Brotherhood of  
Electrical Workers  
750 South Tucson Boulevard  
Tucson, Arizona 85716

*Do not make available to public reading room*

Dear Mr. George:

I refer to your letter of November 29, 1979, concerning the applicability of decision B-193326, February 1, 1979, 58 Comp. Gen. 251, to an agreement negotiated between the International Brotherhood of Electrical Workers (IBEW), Local 570, and the Department of the Interior's Bureau of Indian Affairs, San Carlos Irrigation Project.

You state that the rates of pay negotiated on behalf of the employees of the San Carlos Irrigation Project by Local 570, are based on the prevailing rate. Your enclosures indicate, however, that the wages negotiated by Local 570 have been declared subject by Department of the Interior officials to a 5.5 percent pay cap for fiscal year 1979 and a 7 percent pay cap for fiscal year 1980. Accordingly, you request a written clarification of the applicability of section 9(b) of Public Law 92-392, August 19, 1972, to a 7 percent wage increase negotiated for the employees of the San Carlos Irrigation Project.

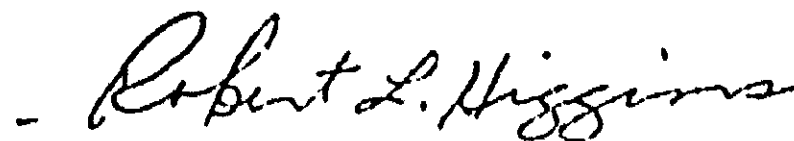
The legal basis for the Department's application of a pay cap to the San Carlos Irrigation Project employees is not cited. Section 614(a) of Public Law 95-429, October 10, 1978, did impose a 5.5 percent pay cap on certain Federal employees. If, however, the employees of the San Carlos Irrigation Project do have their wages negotiated under section 9(b) of Public Law 92-392, then section 614(a) of Public Law 95-429 would appear to have no application to them. 58 Comp. Gen. 251 (1979).



B-197071

Since we do not have before us all of the facts nor the legal briefs of the parties concerned, your request is not appropriate for a formal Comptroller General decision at this time. If, however, after discussing the above information with the appropriate management officials, you do not feel the matter is resolved, you may submit a request for a decision to GAO through the President, IBEW, or his designee, under the procedures set out at 4 C.F.R. Part 21 (1979). The matter can then be fully developed and addressed by the concerned parties and a decision issued thereon.

Sincerely yours,



Robert L. Higgins  
Assistant General Counsel

cc: Ray Meadows  
Area Labor Relations Officer  
Bureau of Indian Affairs  
U.S. Department of the Interior  
Phoenix Area Office  
Post Office Box 7007  
Phoenix, Arizona 85011