



17372 Mr. Volpe  
COMPTROLLER GENERAL OF THE UNITED STATES  
WASHINGTON, D.C. 20548

In Reply  
Refer to: B-201039 (MRV)

March 16, 1981

Do not make available to public reading

Mr. Arch S. Ramsey  
Acting Director  
U.S. Office of Personnel  
Management  
Washington, D.C. 20415

Dear Mr. Ramsey:

This is in response to the letter from your office dated October 21, 1980, requesting our review of your study and [proposed regulations concerning the phrase "regularly scheduled"]

We have reviewed this information and have met informally with a member of your staff, Mr. Dwight Brown. It is our understanding that under the proposed regulations an agency would be required to schedule employees to perform all recognized overtime work. Any overtime performed outside of that schedule would be considered "irregular or occasional." On the other hand, where the agency fails to schedule its employees in a manner that realistically reflects the agency's actual work requirements, this failure to schedule will constitute a violation of regulations warranting payment of premium pay for "regularly scheduled" nightwork or overtime.

While we recognize that these proposed regulations will modify a body of case law established by prior decisions of our Office, we have no objection to this proposal.

We trust that this is responsive to your inquiry.

Sincerely yours,

Acting Comptroller General  
of the United States

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