



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

E-178398

June 7, 1973

31032

Mr. Harry D. Shargel  
7625 Front Street  
Cheltenham, Pennsylvania 19012

Dear Mr. Shargel:

We refer further to your letter of March 22, 1973, which in effect requests review of our Transportation and Claims Division settlement action of March 19, 1973, which disallowed your claim as an employee of the Defense Supply Agency for increased pay from January 1-12, 1973.

You claim entitlement to the pay increase authorized by Executive Order 11691 of December 15, 1972, for the "pay period which commenced 1 January 1973, and ended 12 January 1973."

The pay conversion rules for rates of basic pay in the General Schedule adjusted under 5 U.S.C. 5305 and Executive Order 11691 provide in pertinent part:

(a) \* \* \* the rate of basic pay of an employee subject to the General Schedule shall be initially adjusted effective the first day of the employee's first pay period which begins on or after January 1, 1973, \* \* \* See section 531.205, 5 CFR.

As you point out 5 U.S.C. 5504, among other things, provides that the pay period for an employee covers two administrative workweeks. "Administrative workweek" is defined to be "a period of 7 consecutive calendar days designated in advance by the head of an agency under section 6101 of title 5, United States Code." See section 610.102, 5 CFR.

In this connection we stated in 48 Comp. Gen. 152 (1968) at page 156 as follows:

\* \* \* With certain exceptions which do not seem to be applicable in the present instance the pay period of a permanent civilian employee of the Federal Government covers, generally, two administrative workweeks. Each basic workweek consists of 40 hours work scheduled on 5 days, Monday through Friday, inclusive, with Saturday and Sunday as nonworkdays. See 5 U.S.C. 5504(a), (b), and 6101.

*Review of Disallowed Claim for Pay Increase*

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There is no requirement in the law that pay periods be established to begin with the first day of each calendar year. As a matter of fact this would not be possible since the pay periods are based on 52 weeks (364 days) whereas the calendar year consists of 365 days or 366 days when a leap year is involved.

Since the record indicates your administrative workweek begins on Sunday and ends on Saturday with the pay period involved in your claim beginning December 31, 1972, and ending January 13, 1973, the first day of the first pay period on or after January 1, 1973, in your case began January 14, 1973.

Accordingly, we can only affirm the action disallowing your claim.

Sincerely yours,

(SIGNED) ELMER B. STAATS

Comptroller General  
of the United States

cc: Defense Supply Agency  
Headquarters, Cameron Station  
Alexandria, Virginia 22314

re: DASH-CFF