

Office Memorandum • UNITED STATES GOVERNMENT

TO : Office of the General Counsel

FROM : Acting Chief, Finance Division

DATE: 7 November 1954

SUBJECT: Regulations Covering Payment of Differential While on TDY

1. From time to time, this office is contacted by Headquarters personnel who have recently made a TDY trip to some Differential Post located outside the continental United States with a request that reimbursement be made for differential due for the time spent at such post. Separate regulations cover foreign posts and territorial posts. Your assistance is requested in interpreting the regulations because of certain differences in definitions so that suitable procedures for payments may be developed.

2. Standardized Regulations (Government Civilians, Foreign Areas) provides for the payment of salary differential to employees serving at foreign differential posts or in foreign differential areas when they are on detail to such a post or area and defines "on detail" as follows:

"1. The temporary assignment of temporary duty of an employee away from his permanent station not classified for differential to a post or area which is so classified, or away from his permanent station which is classified for differential to a post or area classified at a higher rate, when the period of such assignment or duty is actually 60 calendar days or more, or when the head of the agency shall have determined by appropriate personnel documentation that the contemplated duration of the temporary assignment or temporary duty is for a substantial period of time estimated at not less than 60 calendar days."

"2. The temporary assignment or temporary duty of an employee away from his permanent station which is classified for differential to a post or area which is not classified, or classified at the same or a lower rate, for a period of more than fourteen consecutive calendar days counted from date of arrival at such post or area."

3. The amount of time spent at the TDY post is the determining factor as to whether an employee on temporary duty to a foreign post is entitled to payment of the differential applicable to that post.

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4. Chapter 21, Part 350 of the Federal Personnel Manual provides for the payment of Territorial Post Differential and Territorial Cost of Living of employees when on detail and defines "on detail" as follows:

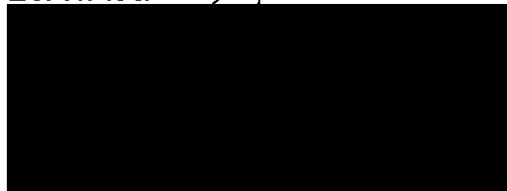
"On detail at a post of duty means performing temporarily at a post other than the post of regular assignment, duties which involve carrying out functions of the post to which detailed. An employee is not 'on detail' to a post if he is there temporarily, in a travel status, performing duties in connection with the duties of his regular position at another post."

5. In the latter instance it appears that the time spent at the post is not for consideration but rather the determining factor is whether the employee was performing duties which involve carrying out functions of the temporary post, or if the duties there are in connection with his regular position at Headquarters or another post of regular assignment.

6. The Federal Personnel Manual definition of "on detail" which is quoted above indicates that an employee is not on detail to a post if he is there temporarily, in a travel status, performing duties in connection with the duties of his regular position at another post.

7. Your opinion is requested as to the proper interpretation to be placed upon the statement "in a travel status." Is an employee considered to be in a travel status regardless of the duration of the temporary duty? In the case of a TDY trip to a United States territory or possession would this office be correct in assuming that the time spent there is of no consequence but rather the duties which the employee performed would be the determining factor for an employee's eligibility to receive payment of the applicable territorial post differential?

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