

DOCUMENT RESUME

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Special Assistance for Training Handicapped Employees concerning Training Courses. B-188710. September 23, 1977. 3 pp.

Decision by Robert F. Keller, Deputy Comptroller General.

Issue Area: Education, Training, and Employment Programs:
Programs for Specific Target Groups (1108).

Contact: Office of the General Counsel: General Government
Matters.

Budget Function: Education, Manpower, and Social Services:
Training and Employment (504).

Organization Concerned: Civil Service Commission.

Authority: Government Employees' Training Act (5 U.S.C. 4101-18;
5 U.S.C. 7153). Rehabilitation Act of 1973, as amended (29
U.S.C. 791 (Supp. V)). 5 U.S.C. 3102. 5 J.S.C. 4109. 31
U.S.C. 628. 53 Comp. Gen. 351. 53 Comp. Gen. 354. 3 Comp.
Gen. 433. 23 Comp. Gen. 831. 45 Ccmp. Gen. 215.

The Acting Chairman of the Civil Service Commission requested concurrence of the view that "special expenses of making training courses available to the handicapped, particularly the communications-impaired employees, are reasonable in view of the Government's responsibilities under the pertinent legislation." A specific question was whether funds generally available for employee training are available to pay for such special expenses as interpreters for the deaf and readers for the blind. Special expenses necessary to enable handicapped employees to participate in Government training courses may be paid with appropriated funds. (Author/SW)

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DECISION



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

FILE: B-188710

DATE: September 23, 1977

**MATTER OF: Special Assistance for Training Handicapped
Employees Concerning Training Courses**

**DIGEST: Special expenses, such as readers, sign language
interpreters, braille, etc., necessary to enable
handicapped employees to participate in Govern-
ment training courses provided under 5 U.S.C. §
4109, may be paid with appropriated funds.**

This is in response to a letter from the Acting Chairman, Civil Service Commission (Commission) requesting our concurrence in the Commission's view that "special expenses of making training courses available to the handicapped, particularly the communications-impaired employees, are reasonable in view of the Government's responsibilities * * * under the Government Employees' Training Act, 5 U.S.C. §§ 4101 - 4118 (1970); 5 U.S.C. § 7153 (1970); and the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 791 (Supp. V, 1975). The Acting Chairman asks specifically whether funds generally available for training of employees, pursuant to 5 U.S.C. § 4109, are available to pay for such special expenses as interpreters for the deaf, readers for the blind, and taping and/or brailleing of materials which are necessary to provide access for handicapped employees to printed materials covered in a course.

Under 5 U.S.C. § 4109, agency appropriations are available to pay, or reimburse an employee for, all or part of the necessary expenses of training, including the necessary costs of " * * * services or facilities directly related to the training of the employee." The agency head has discretionary authority to determine what constitutes "necessary expenses" in the first instance (Federal Personnel Manual, ch. 410, sec. 6-1(a)) and "is urged to establish a policy to assure that just and equitable financial assistance is provided." (Section 6-1(b).) Nevertheless he must be mindful of the provisions of 31 U.S.C. § 628 which warns that "except as otherwise provided by law, sums appropriated for various branches of expenditure in the public service shall be applied solely to the objects for which they are respectively made, and for no others."

It is a settled rule of statutory construction that where an appropriation is made for a particular object, purpose, or program, it is available for expenses which are reasonably necessary and proper or incidental to the execution of the object, purpose, or

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program for which the appropriation was made, except as to expenditures in contravention of law or for some purpose for which other appropriations are more specifically available. 53 Comp. Gen. 351, 354 (1973). The question, therefore, is whether these special expenses may be considered to be "necessary" expenses which may be funded from agency appropriations pursuant to 5 U.S.C. § 4109 or "necessary" to accomplish some other object or purpose duly authorized by law.

Certainly the equipment and services contemplated are "directly related" to training. Nevertheless, we have stated in past decisions that even though certain equipment could be said to be necessary to accomplish the purposes of the appropriation, public funds could not be used to provide it if the equipment could be termed "personal," i.e., the kind of equipment an employee could reasonably be expected to provide for himself in order to carry out the duties of his position. 3 Comp. Gen. 433 (1925); 23 *id.* 831 (1944). See also *id.* 215 (1965).

However, the special expenses described by the Commission for providing training to the handicapped are distinguishable from expenses for equipment necessary for an employee to qualify himself to perform his official duties. First, the equipment and services are not intended to be used by the handicapped employee in connection with his regular duties. Any employee is, presumptively, qualified to perform his official duties. Training is provided, not to qualify the employee, but to increase his knowledge, skill, or proficiency, thus benefiting the Government as the employer, although there is also a benefit to the employee. Moreover the brailleing or taping of training curricula, for example, is not designed to benefit only one employee, but can be used to make the same training available to any visually-handicapped employee eligible to take training courses.

Payment of the expenses in question is therefore not precluded by the cited decisions. The question remains, however, whether they are allowable under the Training Act.


The Commission has called to our attention, in connection with this question, two other statutory provisions. Section 7153 of title 5, United States Code, requires the President to prescribe rules prohibiting, as nearly as conditions of good administration warrant, discrimination because of physical handicap in the competitive service. Also, 29 U.S.C. § 791, *supra*, requires each executive branch agency to submit to the Commission an affirmative action program plan for the hiring, placement, and advancement of handicapped individuals.

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These two statutes, while they do not bear directly on the issue of the availability of funds under the Training Act, reflect the concern of the Congress that handicapped employees not be denied equal opportunity in the Federal service. Certainly, one form of opportunity is found in the extensive training activities of various agencies conducted under the Training Act. While training is provided under the act for the benefit of the agency in order to increase employees' proficiency in the performance of their work, one consequence of training is the opportunity for employees to advance. A use of agency funds to make such opportunities equally available to handicapped employees by making it possible for them to receive the training necessary for advancement appears to be entirely consistent with each agency's affirmative action mandate.

In sum, an agency, having authority under the Training Act to use its appropriations for necessary expenses directly related to the training of employees, may pay expenses necessary to make training curricula accessible to otherwise qualified handicapped employees. 5 U.S.C. § 7153 and 29 U.S.C. § 791 make clear the intent of the Congress concerning equal opportunity for the handicapped. These latter statutes reinforce our view that any doubt as to whether Training Act funds were intended to be used in this manner should be resolved in favor of an interpretation which recognizes the importance of making training available to all qualified employees.

One final point requires discussion. Section 3102 of title 5, United States Code (1970), specifically authorizes the employment of reading assistants for blind employees, provided that the expense is assumed by the employee or a non-profit organization on his behalf. The Commission, in its request to us, mentions readers for the blind as one of the expenses which it proposes might be funded under the Training Act. Presumably, blind or visually handicapped employees needing readers to perform the functions of their positions will provide them under the authority of 5 U.S.C. § 3102. As discussed above, however, training expenses are distinguishable from those personal expenses necessary for an employee to qualify himself for his position. This decision therefore does not constitute authority for agencies to hire readers at public expense for individual blind employees other than in connection with training.


Deputy Comptroller General
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