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DECISION



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

FILE: B-201425

DATE: February 26, 1981

MATTER OF: John E. Wright - ^{Claim For} Expenses of training at non-Government facilities

DIGEST: Employee's request for training expenses for a training program of 45 hours at a non-Government facility did not receive final administrative approval until after the course began. Since 5 C.F.R. 410.508(c) provides that the head of an agency may except training in non-Government facility of 80 hours or less from the requirement for advance of a service agreement, training within the scope of that exception is not required to be authorized in advance, but may be approved after the fact.

This action is in response to a request for a decision submitted by the Department of the Interior regarding the payment of expenses of training at a non-Government facility. The question presented concerns an employee's entitlement to reimbursement of expenses of a training course of 45 hours where the final administrative approval was not received until after the course began.

Mr. John E. Wright, Public Information and Production Specialist, Office of Public Affairs, Department of the Interior, submitted a request for approval to the Division of Personnel Services, Office of Secretarial Operations, to attend a course of instruction of 45 hours, Publicity and Print Media, sponsored by the American University. While Mr. Wright's training request was initiated on August 13, 1980, it was not received by the Division of Personnel Services until September 9, 1980, 5 days after the beginning date of the course. The signature of a duly authorized official of the Division is required in order for training to be approved. It is reported that since the course is directly related to Mr. Wright's duties, it would have been approved had it reached the Division of Personnel Services in a timely manner. A question is now raised regarding the propriety of retroactive approval of training sponsored by a non-Government facility.

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Section 11(a) of the Government Employees Training Act, now 5 U.S.C. 4108(a) (1976), provides that each employee selected for training in a non-Government facility "shall agree in writing with the Government before assignment to training that he will (1) continue in the service of his agency * * * for a period at least equal to three times the length of the training period * * *."

This Office held in 40 Comp. Gen. 12 (1960), that the requirement of section 11(a) for advance execution of a service agreement necessarily implies an advance authorization for such training by an appropriate administrative official prior to commencement thereof. In that decision, however, we recognized that the holding would not be applicable if the regulations of the Civil Service Commission (now Office of Personnel Management) expressly dispensed with the requirement for the execution of a service agreement by the employee.

In B-187215, July 7, 1977, we recognized that the training regulations promulgated by the Civil Service Commission under the authority of the Act provide that the head of an agency may except certain categories of training from the requirement for advance execution of a continued service agreement and hence from the requirement for advance authorization. One of the exceptions contained in 5 C.F.R. 410.508(c) provides that:

"(c) The head of the agency may except from the requirement in section 4108(a) of title 5, United States Code, for entering into a written agreement:

* * * * *

"(2) (An employee selected for training by, in, or through a non-Government facility that does not exceed 80 hours within a single program) * * *."

[The course attended by Mr. Wright falls within the above-quoted exception from the requirement for advance execution of a service agreement since the program of

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training was through a non-Government facility and did not exceed 80 hours. Insofar as the Department of the Interior's own regulations are consistent with this exception we would have no objection to payment of the cost of Mr. Wright's training if approved by the Department of the Interior pursuant to their regulations and if sufficient funds exist to cover such costs.]

Milton J. Aowler

For the Comptroller General
of the United States