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Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Bonneville Power Administration - Wheelchair
Van Transportation Expenses for Disabled
Employee

File: B-243300

Date: September 17, 1991

DIGEST

Bonneville Power Administration may pay for a wheelchair van to transport a handicapped employee home on the rare occasions when her disability strikes her at work. The agency is required by law to make "reasonable accommodation" for handicapped employees.

DECISION

An authorized certifying officer with the Bonneville Power Administration, Department of Energy, Portland, Oregon, requests an advance decision as to whether occasional wheelchair van transportation may be paid for to accommodate a handicapped employee. For the reasons indicated below, we hold that such an expenditure is permissible.

BACKGROUND

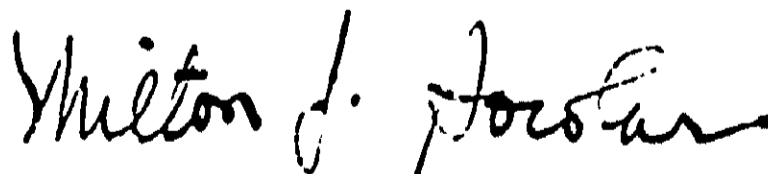
The employee was hired under a former Civil Service Commission regulation regarding the employment of "severely physically handicapped persons." 5 C.F.R. § 213.3102(u) (1977). At that time her handicap was listed as cerebral palsy. According to the submission, when the employee's disability strikes at work she becomes distressed and is unable to walk. "In that condition, she is no longer able to perform her assigned duties and the situation becomes very disruptive to the entire office." The submission states that at such times the employee needs transportation assistance to get to her home. Normally, the employee relies on the local bus system to get to and from work and has no alternative means of transportation. She also has no relatives in the area to help her when the disability occurs. In the past, fellow employees have transported her home "even though they were subjecting themselves to personal liability." The Administration has been advised by a psychologist that "employees are to discontinue that practice because they are not competent to make an assessment of her medical condition at the time of transportation." The disability strikes the employee approximately three times a year and the occasional use of

wheelchair van transportation "would mean a total annual expense of approximately \$150."

Analysis

The submission correctly points out that federal employees are normally expected to pay for their own transportation from their homes to their places of employment and back, since this is a personal expense. See B-243677; B-243674, May 13, 1991. However, we do not view the proposed expenditure as the government paying for employee commuting costs, but rather accommodating the needs of a handicapped employee. Under regulations implementing section 501 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 791 (1988), "[t]he Federal Government shall make reasonable accommodation to the known physical or mental limitations of a qualified handicapped . . . employee unless the agency can demonstrate that the accommodation would impose an undue hardship on the operation of its program." 29 C.F.R. § 1613.703-704 (1990) (emphasis added). This Office has held that agencies may, when acting under the authority of the Rehabilitation Act, expend appropriated funds to accommodate the handicapped. See B-240271, Oct. 15, 1990 and examples cited therein. See also 68 Comp. Gen. 242 (1989) (extra baggage handling fees allowable for traveling disabled employee) and 64 Comp. Gen. 310 (1985) (additional subsistence expenses allowable for handicapped employee who arrived at temporary duty site early and delayed return to avoid traveling in inclement weather).

In the present case, as the cost of the van service is minimal and poses no undue hardship to the Administration, the expenditure is permissible to accommodate the handicapped employee, assuming she is qualified under the Rehabilitation Act. See 64 Comp. Gen. 310, 314 (1985). Our decision, however, is limited to those rare situations in which sending a handicapped employee home is medically necessary, and should not be interpreted as generally allowing an agency to pay transportation costs for handicapped employees between their homes and places of employment.

for 
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