



United States General Accounting Office
Washington, DC 20548

Decision

Matter of: United States Geological Survey (USGS) – Use of Appropriated Funds to Pay for Annual Eye Examinations and Prescription Eyeglasses

File: B-286137

Date: February 21, 2001

DIGEST

The United States Geological Survey may establish a vision certification program for employees performing tasks requiring visual acuity and use appropriated funds to pay for annual eye examinations for those employees under the authority of 5 U.S.C. § 7901. Prescription eyeglasses for employees requiring vision correction are personal items employees are expected to provide themselves and an agency may not use appropriated funds to pay for personal expenses.

DECISION

The Associate Chief for Operations of the United States Geological Survey (USGS) has asked for an advance decision on whether USGS may use appropriated funds to pay for annual eye examinations and purchase prescription eyeglasses for employees performing certain tasks related to the National Aerial Photography Program and the Optical Science Laboratory. For the reasons explained below, we conclude that USGS may pay for annual eye examinations, 5 U.S.C. § 7901, but not for prescription eyeglasses for these employees.

Background

In 1998, USGS asked the Federal Occupational Health Office of the U.S. Public Health Service to evaluate the need for a vision certification program for the operators of the National Aerial Photography Program (NAPP) and the Optical Science Laboratory (OSL). The Public Health Service recommended that USGS should establish a visual certification program for operators and supply operators with prescription eyeglasses.¹ USGS explains that the operators perform six tasks

¹ The operators in the NAPP and OSL programs are classified as cartographers, GS-1370 series or cartographic technicians, GS-1371 series. The classification standards for these positions describe the applicable duties, responsibilities, and qualification requirements for these positions. While they do not address the visual standards at

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requiring visual acuity.² Four of those tasks require either searching for fine detail or evaluating fine detail within a 16-inch viewing distance, *i.e.*, the near viewing distance. Based on the Public Health Service's findings and to obtain a more uniform work product, USGS proposes to establish a visual certification program that includes paying for annual eye examinations and prescription eyeglasses for NAPP and OSL operators.

During their workday, NAPP operators perform film inspection and coverage inspection tasks. Film inspection involves rapidly scanning each frame of contractor supplied photography over a Richard Transparent Light Table equipped with a special lamp to search the film for anomalies or defects that are often small and subtle. Operators must identify fine detail from a changing background to locate these anomalies and defects. This task occupies about 80 percent of the operator's workday. Coverage inspection involves orienting scanned film to a specific known landmark on the ground. The operator uses a transparent overlay with existing landmarks and matches landmarks on the overlay with corresponding landmarks on the film. This task requires identifying, focusing on and studying specific areas of each overlay and film. Operators spend approximately 20 percent of their workday on coverage inspection.

OSL operators appraise the quality of lenses used by contractors and other agencies in aerial photography flights. To do this, OSL operators perform reading resolution and calibration test tasks that require visual acuity for near vision and searching for fine detail. The reading resolution task compares the resolution of the test pattern on the film with a test pattern on a wall chart. The operator views the film's test pattern through a microscope to identify the fine detail of the pattern, compares it to the pattern on the wall chart, and chooses the size of the film's test pattern. The operator requires visual focus of both near vision of 16 inches and intermediate vision of 32 inches. This task involves approximately 15 percent of the operator's workday. With respect to the calibration test, the OSL operator's objective is to ensure that distortion and repeatability of the test pattern on the film is within acceptable standards. The operator uses a binocular microscope connected to

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issue in this case, the standards include tasks that require visual acuity. For example, these employees must be able to identify and evaluate data sources for quality, inspect and edit digital geospatial data to ensure compliance with specifications, operate stereoscopic instruments, and extract digital terrain data and edit the content to produce a specific graphic product.

² Visual acuity is the ability to distinguish details and shapes of objects, also called central vision. Visual acuity is expressed as a fraction. The top number refers to the distance a person stands from the chart, normally 20 feet. The bottom number represents the distance from which a person with normal vision could see the object. Visual acuity of 20/20 is considered normal vision. See "Glossary of Vision Terms," National Eye Institute, National Institutes of Health.

computerized measuring equipment and moves a sight line on the microscope over a target on the film, a task that requires identifying fine detail on the target. This task occupies 80 percent of the workday.

USGS has concluded, in accordance with the Public Health Service's recommendation and in order to ensure a uniform quality of work, that it should maintain a standard for NAPP and OSL operators of 20/20 vision with emphasis on 20/20 visual acuity for near vision. USGS proposes to implement a vision care program that includes a basic complete eye exam and providing prescription eyeglasses as necessary to operators in order to correct their vision to 20/20 in the near viewing distance.

Analysis

An agency may use appropriated funds only for the purposes for which appropriated. 31 U.S.C. § 1301(a). While the USGS appropriation for surveys, investigation, research, and administrative expenses does not specifically identify eye examinations or prescription glasses as an object of that appropriation, Department of Interior and Related Agencies Appropriations Act, 2001, Pub. L. No. 106-291, 114 Stat. 922, 931-932 (2000), an agency may use an appropriation for official expenses beyond those specified explicitly in its appropriation. See 1 United States General Accounting Office Principles of Federal Appropriations Law, (PFAL) p.4-14, (2d ed. 1991). Indeed such is the clear import of the "necessary expense" rule. However, to determine whether proposed expenditures such as the eye examinations and prescription eyeglasses at issue here are permissible uses of the appropriation, we must first look to whether the expenditure is personal or official.

Annual Eye Examinations

The Congress, in 5 U.S.C. § 7901, has established that employee physical examinations, including eye examinations, are an official expenditure of agency appropriations. Section 7901 of title 5, United States Code, authorizes agencies to offer a health service program to promote and maintain the physical and mental fitness of employees. Under this statute, agencies may establish, by contract or otherwise, a health service program for treatment of on-the-job illness and dental conditions requiring emergency attention, pre-employment and other examinations, referral of employees to private physicians and dentists, and preventive programs related to health. 5 U.S.C. § 7901(c). As part of these programs, agencies clearly may provide physical examinations to their employees. 64 Comp. Gen. 835 (1985) (National Park Service could include health hazard appraisals, physical fitness evaluations, and blood tests as examinations authorized under 5 U.S.C. § 7901(c)); B-256092, July 6, 1994 (National Transportation Safety Board could reimburse its investigators for the costs of physical examinations for a Federal Aviation Administration medical certificate). Cf. 41 Comp. Gen. 531 (1962) (Saint Lawrence Seaway Corporation could pay for annual physical examinations for employees engaged in operating heavy equipment to determine their fitness and to prevent damage or injury to government property and personnel). Thus, under the authority

of section 7901, USGS may provide annual eye examinations for the employees involved in the NAPP and OSL tasks described above.

Prescription Eyeglasses

Because items such as prescription eyeglasses enable an employee to qualify himself to perform official duties, their costs are considered, generally, a personal expense not payable from appropriated funds. 3 Comp. Gen. 433 (1924); and 1 PFAL at 4-198. In the absence of an appropriation or other statutory authority specifically available to pay what would otherwise be considered a personal expense,³ we apply two tests. First, we ask whether the Government can accomplish its purpose as expeditiously and satisfactorily without such items. 63 Comp. Gen. at 281 (appropriated funds are not available to purchase corrective eyeglasses for employees who use video display terminals); 45 Comp. Gen. 215, 217 (1965). Where the agency demonstrates that the use of the equipment materially increases the employee's work output, we have found that the first test is satisfied. 45 Comp. Gen. at 217. Here, USGS has demonstrated that employees with 20/20 vision can better perform the tasks in the near vision range and perceive fine detail and that maintaining a consistent standard will result in a uniform, high quality product. Thus, USGS has satisfied the first test.

The second test asks whether the item is one that the employee is reasonably expected to furnish as part of the personal equipment necessary to enable him to perform the regular duties of his position.⁴ 63 Comp. Gen. at 281; 45 Comp. Gen. at 217. In making this determination, we look to whether the item is to be used by the employee in connection with his regular duties or only in emergencies and whether the item is assigned to an employee for individual use or can be used by different employees. Id.

USGS notes that we had agreed with its use of appropriated funds for a vision program in which it provided special filter glasses for employees with normal vision and special prescription filter glasses for employees whose vision needed to be corrected. 45 Comp. Gen. 215 (1965). According to USGS, the work performed by its employees today is the evolution of the work described in that decision, albeit with different technology and work methods, but with the same visual acuity and productivity concerns. We think our decision in 45 Comp. Gen. 215 is

³ The purchase of ordinary prescription eyeglasses under USGS' proposal does not meet the standard for purchasing safety and protective equipment under the authority of 29 U.S.C. § 668 or special clothing or equipment for the protection of personnel under 5 U.S.C. § 7903. We identified no statutory authority for USGS to purchase prescription eyeglasses for its employees.

⁴ This type of employee benefit is not typical of those historically offered by federal agencies and we are not aware, nor has USGS provided evidence to establish, that a benefit such as prescription eyeglasses is a typical benefit provided the nonfederal workforce. See 71 Comp. Gen. 527, 529 (1992).

distinguishable from the present proposal. In our earlier decision, the special filter glasses, with or without the prescription, were only useful for operating the precision stereoscopic map plotting instruments. The glasses were of no personal use to the employees, were the property of the government and were subject to the government's control. *Id.* at 216.

We believe, based on our analysis of the second test, that the prescription eyeglasses in this case are personal to the employee. While the USGS certainly benefits from employees' corrected vision, the primary beneficiary is the employee. Unlike the situation in 45 Comp. Gen. 215, where all employees would need the special filter glasses, whether prescription or not, in this case only employees requiring vision correction would need the glasses to perform the work. USGS does not dispute that the prescription lenses it proposes to purchase are in the nature of ordinary corrective lenses. As ordinary corrective lenses, these would be useful only to the employee for whom they are prescribed, and of value to the employee outside of his work for USGS. See 63 Comp. Gen. at 281. Furthermore, the Public Health Service concluded that USGS could legitimately exempt an employee from the standard where it had evidence that the employee could adequately perform the tasks involved here without vision corrected to 20/20 and that all current employees qualified for that exemption.

Absent statutory authority for the purchase of prescription eyeglasses and the failure to demonstrate that the item should not be furnished by the employee as part of the personal equipment necessary to perform the duties of the position, we conclude that the prescription eyeglasses are personal to the employee; and under these circumstances, appropriated funds are not available to pay for this expense.

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Acting General Counsel