



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON 25

B-62540

FEB 12 1947

Chairman,

National Mediation Board,

Federal Works Agency Building.

My dear Mr. Douglass:

I have your letter of January 2, 1947, transmitting a copy of a letter dated December 3, 1946, from the United States Public Health Service, embodying an agreement for the reimbursement by the National Mediation Board to the United States Public Health Service of a proportionate share of the cost of operating the emergency room in the Federal Works Administration Building, and requesting a decision as to whether your Board may sign such agreement and pay for the services.

The referred-to letter of December 3, 1946, reads as follows:

"Reference is made to a previous agreement between the Federal Works Agency and this Service providing for the services of three nurses and a matron for duty at the Emergency Room in the Federal Works Administration Building as well as the furnishing of medical supplies incidental to its operation.

"Since there has been no written agreement thus far between the National Mediation Board, including the National Railway Labor Panel, and this Service for the fiscal year 1947, there is proposed the following agreement to be in effect, subject to concurrence by an authorized representative of your Board:

"1. Effective July 1, 1946 the Public Health Service will furnish the following personnel to staff the Emergency Room in the Federal Works Agency Building:

<u>Title of Position</u>	<u>Grade</u>	<u>Salary</u>
Nurse	SP-8	3,648
Nurse	P-1	2,895.60

<u>Title of Position</u>	<u>Grade</u>	<u>Salary</u>
Nurse	P-1	2,644.80
Matron	GPC-3	1,954

"The salaries of the three nurses and matron mentioned above would be subject, of course, to any within-grade promotions which the incumbents of the position have or may earn. It is also contemplated that the SP-8 position will be reclassified to P-2.

"2. Effective July 1, 1946 this Service will furnish the medical supplies needed for the operation of this emergency room as a part of the cost of operation thereof.

"3. Effective July 1, 1946 the Office of the Administrator, Federal Works Agency will furnish the telephone service for the emergency room. The telephone expenses will be borne proportionately by all the bureaus and offices using the facilities of the emergency room. The Public Health Service will deduct the cost of this telephone service from the amount to be billed the Office of the Administrator.

"4. The Public Health Service will be responsible for the assignment of any personnel required in the absence of the regularly assigned employees on annual or sick leave.

"5. As part of the expense of operating this room, the various offices and bureaus using these facilities will agree to pay for any accumulated annual leave earned by an employee of the Public Health Service while detailed at this emergency room per this agreement if such employee should resign or be terminated from this Service by any reduction in force.

"6. The offices and bureaus using this emergency room will reimburse the Public Health Service upon the proper submission of a Standard Form 1080 voucher for their prorated share of the total direct cost of operating the Emergency Room. It is proposed that such vouchers will be submitted three times a year.

"It is requested that an authorized representative of your Board sign the original agreement and return it to this Office immediately. A copy of the agreement is enclosed for your files.

"Separate agreements are being effected between other Agencies using the emergency room and this Service."

While the appropriations for the National Mediation Board contained in Public Law 549, approved July 26, 1946, do not provide specifically for the expenses of maintaining an emergency room, it

has been the position of this office that, in view of their long-continued existence in Government departments and agencies with the apparent knowledge and sanction of the Congress, the expenses of maintaining emergency rooms may be considered within the contemplation of current appropriations of the departments and agencies. See 18 Comp. Gen. 533. And, of course, effective operation of such facilities requires services and supplies of the nature here involved.

Section 601 of the act of June 30, 1932, as amended, 31 U.S.C. 606, provides that any executive department or independent establishment of the Government, or any bureau or office, if funds are available therefor and if it is determined by the head of such executive department, establishment, bureau, or office to be in the interest of the Government so to do, may place orders with any other such department, establishment, bureau, or office for materials, supplies, equipment, work, or services of any kind that such requisitioned agency may be in a position to supply or equipped to render, and payment of the actual cost thereof is authorized to be made in advance or upon a reimbursement basis.

Since, as indicated above, the cost of maintaining an emergency room may be considered a proper charge against the current appropriation of the National Mediation Board, and since the United States

Public Health Service is in a position to render the services involved, there would appear to be no objection to the execution of the agreement set forth in the letter of December 3, 1946, herein quoted.

Respectfully,

(Signed) Lindsay C. Warren

Comptroller General
of the United States.