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DECISION



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

FILE: B-193034

DATE: July 31, 1979

MATTER OF: ACTION - [Subsistence expenses at headquarters
of employees conducting training]

DIGEST: ACTION employees who train VISTA volunteers at their ^{AGC} headquarters are frequently required to take meals with volunteers and to remain overnight. Meals constitute an intrinsic part of training sessions and Director, ACTION, has determined that round-the-clock supervision is required for training. Since agency head is authorized by Domestic Volunteer Service Act of 1973 to train VISTA volunteers and to provide supervision, technical assistance, and other support, the necessary expenses incurred for meals and lodgings at headquarters by employees who train VISTA volunteers may be reimbursed.

This decision responds to a request regarding the statutory authority of ACTION to reimburse its employees for the cost of meals and lodgings incurred in connection with official training duties performed at their official duty stations. The question to be decided is whether the employees giving the training ("trainers") may be reimbursed in light of the general rule that the subsistence expenses of employees at their permanent duty stations ("headquarters") may not be paid by the Government

In accordance with the authority granted by the Domestic Volunteer Service Act of 1973, as amended, Public Law 93-113, codified at 42 U.S.C. § 4951 et seq., ACTION administers a variety of domestic volunteer programs, including Volunteers in Service to America (VISTA). Section 102 of the Act gives the Director of ACTION the authority to operate the VISTA Program by recruiting, selecting, and training persons to serve in full-time volunteer programs. Under section 105(b) of that Act, the Director is authorized to " * * * provide volunteers such living, travel (including travel to and from places of training), and leave allowances, and such housing * * * transportation, supervision, technical assistance, and such other support as he deems necessary and appropriate to carry out the purpose and provisions of this part * * *." Pursuant to this authority, ACTION requires all potential VISTA volunteers to undergo training, usually limited to 3 days, at various locations throughout the United States. The training frequently is held within the confines of an official duty station of the agency.

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Due, in part, to the brevity of the training period, extensive participation by the volunteers and staff employees assigned to train and supervise them is required during the normal 3-day period of training. Hence, the trainers are frequently required to remain overnight at the training facility and to take meals with the volunteers during the training sessions. The meals are intrinsic parts of the training sessions and information is often presented to the training participants during the meals. At other times, the trainers are required to remain with the volunteers in order to be available to respond to the many inquiries which arise during the formal training sessions.

As indicated above, the general rule is that the subsistence expenses of civilian employees at their official duty stations are personal to the employees and, in the absence of specific authority, may not be provided at Government expense regardless of any unusual working conditions involved. 53 Comp. Gen. 457 (1974). See Federal Travel Regulations, paragraph 1-7.6(a), FPMR 101-7 (May 1973). However, with regard to the training of civilian employees, the Government Employees Training Act, Public Law 85-507, July 7, 1958, as codified in title 5, United States Code, provides in section 4109(a)(2) that the head of an agency may:

"pay or reimburse the employee for, all or a part of the necessary expenses of the training * * * including among the expenses the necessary costs of--

* * * * *

"(F) other services or facilities directly related to the training of the employee."


The implementing regulations state that "[t]he head of an agency shall determine which expenses constitute necessary training expenses under section 4109 of title 5, United States Code." 5 C.F.R. § 410.601.

As to the employees who receive training, we have held that the Government Employees Training Act constitutes the specific authority necessary to overcome the prohibition against paying for employees' meals and lodgings at their headquarters. See 50 Comp. Gen. 610 (1971), and 39 id. 119 (1959).

The closely related question of the payment of meals and lodging expenses incurred by the employees giving the training has been discussed generally in 48 Comp. Gen. 185 (1968). There, an employee coordinator of a seminar, conducted for the purpose of training employees of the International Agricultural Development Service, had paid for the meals of non-Government employee guest speakers as well as the meals of certain employees of the Service who attended the seminar. His expenses in furnishing the meals to the non-Government employee speakers were authorized under 5 U.S.C. § 4109 as an expense of the training. Moreover, since one of the Government employees addressed a dinner and evening session, we held that "his participation in the meal was a necessary incident to providing the training." Further, it appeared that training was conducted during meal sessions. Hence, the cost of his meals was reimbursable under the Training Act. Compare B-168774, September 2, 1970.

Similarly, as shown above, the applicable provisions of the Domestic Volunteer Service Act of 1973 authorize the Director, ACTION, to provide training to VISTA volunteers and in connection therewith, to provide the volunteers such supervision, technical assistance, and such other support as he deems necessary and appropriate. As stated above we have held that the Government Employees Training Act authorizes agencies to reimburse the subsistence expenses of trainees at headquarters and that the subsistence expenses of a Government employee trainer is a necessary training expense. In view of these holdings we do not see any reason why the subsistence expenses incurred by a Government employee trainer at headquarters should not be paid in the same manner as those of a trainee. Therefore, we believe that the authority given to the Director, ACTION, by the Domestic Volunteer Service Act to train volunteers must likewise be construed to permit the agency to reimburse the subsistence expenses of its employees, at headquarters, necessarily incurred by them in training VISTA volunteers.

In the present case, since the Director of ACTION has determined that round-the-clock supervision is required for training VISTA volunteers and since meals constitute an intrinsic part of the training sessions, we find that participation by staff employees, as trainers, is a necessary incident to providing the training. Accordingly, the necessary expenses incurred for meals and lodgings at headquarters by ACTION employees in training VISTA volunteers, under the described circumstances, may be reimbursed.


Deputy Comptroller General
of the United States