



Comptroller General
of the United States
Washington, D.C. 20548

Decision

Matter of: Robert E. Monson and William P. Owens--Reimbursement for Training--
Nongovernment Facility

File: B-258442; B-258443

Date: April 19, 1995

DIGEST

A finance officer questions whether payment may be made on two employees' claims for reimbursement for tuition incurred for training in nongovernment facilities. The finance officer doubts whether the training was sufficiently related to the employees' duties. Under the authority of the Training Act and its implementing regulations, agency heads are granted authority to provide training at agency expense in nongovernment facilities and to determine the types of training to be provided. In this case, the authority to make this determination has been delegated to the head of the field activity, who approved the courses involved, and the record does not show an abuse of that authority. Therefore, payment is authorized.

DECISION

An Air Force accounting and finance officer requests a decision whether payment may be made on vouchers covering the claims of Robert E. Monson and William P. Owens for tuition reimbursement for training in nongovernment facilities.¹ As explained below, payment may be made.

Mr. Monson and Mr. Owens are Quality Assurance Specialists (GS-12 and GS-11, respectively) with the Defense Logistics Agency (DLA). Their duty station is in Korea, and the classes they took were offered through the University of Maryland's Asian Division in Pusan, South Korea. In each case, the employees obtained the approval of their supervisors, training officers and the base commander or his deputy for reimbursement of the tuition costs.

Mr. Monson claims reimbursement for two classes, Organizational Behavior (\$271) and Entrepreneurship (\$271). In his request for reimbursement, Mr. Monson asserted the objective of the first course was "To better understand communication and performance of

¹The request was submitted by the Air Force regional accounting and finance officer, Osan Air Base, Korea.

organizations in order to enhance motivations so that I can facilitate groups." The objective of the second course, he stated, was "To enhance my presentation skills, professionalism and writing capabilities on the job."

Mr. Owens claims reimbursement for one class, International Business Management (\$259), the objective of which, he stated, was the "Development of International Business Management Techniques which correspond to DCMAO [Defense contract management area operations] International functions. Helps in writing and analytic skills."

The regional finance officer, however, questions whether these courses were sufficiently related to the employees' duties to justify reimbursement. He notes that under agency regulations, training may be approved only to "improve current job knowledge, skills, and/or abilities." Defense Logistics Agency Regulations (DLAR) 1430.12 (Nov. 24, 1987). He also refers to a decision of our Office in which we held that training that could be paid for by an agency was limited to that which is "directly connected with and is essential to the fulfillment of the purposes for which the appropriation is made and is not for the personal convenience or knowledge of the employees." 34 Comp. Gen. 587, 589 (1955).

OPINION

The Government Employees Training Act, originally enacted in 1958 (Pub. L. No. 85-507, 72 Stat. 327) and now codified at 5 U.S.C. §§ 4101-4118 (1988), expressly authorizes the use of nongovernment facilities for the training of government employees. 5 U.S.C. § 4105. The act delegates to agency heads the responsibility to develop training programs (§ 4103) and authorizes the Office of Personnel Management (OPM) to issue regulations implementing the act (§ 4118). It also authorizes heads of agencies, under the regulations prescribed by OPM, to pay, or reimburse an agency employee for all or part of the expenses of training from appropriations available to the agency (§ 4109(a)).

The regulations promulgated by OPM provide that the head of the agency shall determine the policies which are to govern the training of the agency's employees, and training programs to the maximum extent feasible shall be based on "short-or long-range needs, existing or reasonably foreseeable." 5 C.F.R. § 410.301(a) and (c) (1995).

Consistent with the statute and OPM's regulations, the DLA has adopted agency-wide regulations establishing a training program. These regulations authorize the heads of field activities, or an officially approved representative, to approve short-term training (120 days or less) in nongovernment facilities. DLAR 1430.12, ¶ VII (K)(1). Such training may be "designed to improve current job knowledge, skills and/or abilities" or "to enhance skills, knowledge or abilities that will be required in performing future assignments." DLAR 1430.12, ¶ VII (K)(14).

In this case, the employees' training received all the necessary approvals required by the agency regulations. These regulations expressly delegate to the head of each field activity--here, the base commander--the discretion to approve training requests. The relationship between the work of Quality Assurance Specialists and the courses at issue here does not appear to be so attenuated as to constitute a basis for us to consider the approval of this training to have been an abuse of the discretion granted to the agency officials by the statute and regulations, cf. Army Corps of Engineers--Toastmasters International Membership Fees as Training Expenses, B-223447, Oct. 10, 1986.

As to the language in our decision 34 Comp. Gen. 587, supra, to which the finance officer referred, this decision predates the Training Act. In the cited case, we relied on the established rule that, absent specific statutory authority to incur an expense, a general appropriation may be used to pay only those expenses that are necessary to accomplish the object of the appropriation. See also 34 Comp. Gen. 168 (1954). As discussed above, the Training Act and its implementing regulations now provide specific authority for agencies to establish training programs, including the use of nongovernment facilities, using appropriated funds, and the act and the regulations grant a considerable degree of discretion to agency heads to determine the types of training to be provided. Thus, the more restrictive language in our decision referred to by the finance officer would not bar payment in this case.

Accordingly, payment on the vouchers submitted is approved, if otherwise correct.²

\s\ Seymour Efros

for Robert P. Murphy
General Counsel

²The vouchers enclosed with the submission are being returned herewith.