

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

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May 12 2 50 PM '93

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Agriculture TITLE NUMBER: 61

RULE TYPE: Procedural; CITE AUTHORITY 12-3-11

AMENDMENT TO AN EXISTING RULE: YES X NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 25

TITLE OF RULE BEING AMENDED: Regulations to Govern In-State and
Out-of-State Travel by West Virginia Department of Agriculture Employees

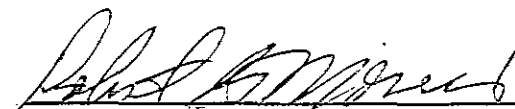
IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED:

TITLE OF RULE BEING PROPOSED:

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON June 14, 1993 AT 4:00 P.M. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

WV Department of Agriculture
Administrative Services Division
State Capitol
Charleston, WV 25305

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.


Assistant Commissioner

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

5.40

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Regulations to Govern In-State and Out-of-State Travel

Type of Rule: Legislative Interpretive X Procedural

Agency West Virginia Department of Agriculture

Address Administrative Services Division

State Capitol

Charleston, WV 25305

1. Effect of Proposed Rule

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
<u>ESTIMATED TOTAL COST</u>	\$	\$	\$	\$	\$
PERSONAL SERVICES					
CURRENT EXPENSE	25,000		-0-	22,916	25,100
REPAIRS & ALTERNATIONS					
EQUIPMENT					
OTHER					

2. Explanation of above estimates:

The estimates were based on the number of miles reimbursed during FY92 with an increase from \$.26 to \$.28 per mile for the use of private vehicles on state business.

3. Objectives of these rules:

These rules establish the policy and rules for in-state and out-of-state travel. The reason for filing this amendment to these rules is that the costs for operation of private automobiles has increased and the mileage allowance is being increased from \$.26 to \$.28 per mile.

Rule Title: Regulations to Govern In-State and Out-of-State Travel

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

The West Virginia Department of Agriculture will incur additional costs for travel.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens.

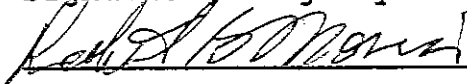
None

C. Economic Impact on Citizens/Public at Large.

Minor

Date: May 12, 1993

Signature of Agency Head or Authorized Representative



Assistant Commissioner

REGULATIONS TO GOVERN IN-STATE AND OUT-OF-STATE TRAVEL
BY WEST VIRGINIA DEPARTMENT OF AGRICULTURE EMPLOYEES

Summary of the rule

This rule establishes rules and policy for travel by West Virginia Department of Agriculture employees. The inspection allowance for field employees and the use of corporate American Express cards are also outlined.

Circumstances requiring this rule

The allowance for mileage is being increased from \$.26 cents per mile to \$.28 cents per mile; out-of-state meal allowance - from \$30 to \$50 per day; in-state meal allowances are adjusted per meal type; employees working two (2) hours in excess of the normal day may claim an evening meal allowance not to exceed \$12, and employees may use rental vehicles for in-state travel.

West Virginia Procedural Regulations
Department of Agriculture
Title 61

General Index
for
Series 25

Title: Regulations to Govern In-State and Out-of-State Travel by West Virginia
Department of Agriculture Employees

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West Virginia Procedural Regulations
Department of Agricultural
Title 61
Series 25

May 12 2 50 PM '93
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

TITLE: Regulations to Govern In-State and Out-of-State Travel by West
Virginia Department of Agriculture Employees.

Section 1. General

1.1 Scope - These procedural regulations establish general operating procedures for in-state and out-of-state travel by employees of the West Virginia Department of Agriculture.

1.2 Authority - These regulations are promulgated and issued under authority of Chapter 12, Article 3, Section 11, of the West Virginia Code, 1931, as amended.

1.3 Filing Date -

1.4 Effective Date -

1.5 Repeal of Former Rule - These procedural regulations repeal West Virginia Procedural Regulations "State Department of Agriculture, Chapter 12-3, Series 25, Regulations to Govern In-State and Out-of-State Travel by West Virginia Department of Agriculture Employees, filed ~~September 25, 1989~~ November 5, 1992, with an effective date of ~~October 1, 1989~~ December 6, 1992.

Section 2. Declaration of Policy

2.1 - General Statement - These regulations govern reimbursement for travel costs and other expenses for authorized employees of the West Virginia Department of Agriculture traveling on business for and on behalf of the State of West Virginia, specifically the West Virginia Department of Agriculture and only for the proper conduct of the State's

business. These regulations are designed to insure fairness in the application and administration of travel expense reimbursement. An employee traveling on state business pursuant to these regulations is expected to exercise the care of a prudent person traveling for personal reasons. Travel on business must be conducted at a minimum cost for achieving success of the mission. All travel expenditures shall be within budgetary allowance for the division for which the trip is taken.

2.2 - Compliance Responsibilities - It shall be the responsibility of each division director within the Department of Agriculture to insure compliance with these regulations.

2.3 - Inquiries - Any questions or inquiries regarding these regulations should be directed either to the ~~Deputy~~ Assistant Commissioner's Office or Travel Management Clerk in Administrative Services.

2.4 - Conflict of Interest - No employee of the Department of Agriculture shall receive reimbursement from a third party or receive prepayment of expenses by a third party while conducting business on behalf of the Department, without the express written prior approval of the Commissioner.

Section 3. General Instructions

3.1 - Headquarters - For purposes of travel reimbursement, each employee of the West Virginia Department of Agriculture shall have a designated workplace as the official headquarters of the employee. For most employees, the official headquarters will be at the Guthrie Agriculture Center. Those employees who do not have Guthrie Agriculture Center as headquarters shall file a properly executed headquarters justification statement with the Department's Administrative Services Division. The official headquarters shall be shown on

all expense accounts. An employee's home may be officially designated as an employee's headquarters only if there is no other location available. All employees using their homes as headquarters must secure the written approval of the Commissioner to do so. In no case will commuting to an employee's headquarters be allowed as a cause for reimbursement without specific written authorization from the Commissioner. Specific exception to this will occur where the employee is required to return to headquarters from home after completing a normal day's work schedule or is called out on what is normally a non-work day or holiday for that employee.

3.1.2 - Headquarters Single Location - Headquarters shall not be multiple stations. Personnel who work multiple stations which necessitate automobile travel are in travel status from the moment of departure of the official headquarters until return to official headquarters. If an employee does not return to the headquarters station at the end of a day or a trip, the employee shall not be eligible for mileage on personal car in excess of the mileage to return to official headquarters.

3.1.3 - Transfer/Relocation of Assignment - When an employee is assigned an official headquarters other than Guthrie Center that requires the relocation of the employee's residence, such employee will be allowed sixty (60) calendar days relocation travel expenses. Provision does not apply to unassigned voluntary relocation. If the employee elects not to move the residence, the employee shall not be allowed expenses related to the change in headquarters after the 60 calendar day relocation period.

3.2 - Expense Accounts - The standard form issued by the Department of Agriculture as an Expense Account form will be used for settlement of and reimbursement for all travel

expenses. The form must show detail of expenses incurred by day, and will be summarized by day and by category as provided for on the forms.

3.2.1 - Itemization - Itemized receipts must accompany the travel expense forms to include, as a minimum, all lodging receipts, airlines or common carrier receipts, registration receipts, parking charges, toll charges (except West Virginia Turnpike toll charges), baggage charges.

3.2.2. - Verification/Approval - All expense account forms will be signed by the employee and approved by the Division Director. No employee, except the Commissioner of Agriculture, may approve the employee's own expense account form. The approval of expense accounts is more than a formality and should be treated with due seriousness. Approval of expense account indicates that expenses submitted for reimbursement have been reviewed, and found to comply with department policies regarding authorized travel expenses.

3.2.3. - Time of Submission - ~~Employees shall be responsible for submitting all requests for reimbursement of travel expenses, including receipts, to their division director within three (3) working days from trip return date~~ Employees shall submit all requests for reimbursement of travel expenses, including receipts, to their division director on a bi-weekly or monthly basis. or within three (3) working days from trip return date. It is the responsibility of the division director to review and approve employee's expense accounts within two (2) working days of receipt and forward to the Administrative Services Division, which will submit appropriate transmittal within three (3) working days to the appropriate executive agencies of state government. ~~Regular in-state travel by inspector classification~~

~~employees shall be submitted on a bi weekly basis~~ Travel expenses incurred during June, must be submitted within ten (10) work days of the last date of travel.

3.2.4. - Commissioner's Approval - Written permission must be received from the Commissioner of Agriculture, or his designee, as required in the following situations.

a) Out-of-State travel ~~when more than two (2) employees are requesting~~ approval to attend the same meeting or conference.

b) Travel for events having a registration fee in excess of \$150.00 per registrant.

c) Travel requiring use of chartered aircraft.

d) Travel outside the continental United States.

e) Attendance at meetings and events involving lodging at resort class facilities, such as The Greenbrier.

3.3 - Meal Allowance

3.3.1 - In-State Meal Allowance - Reimbursement will be made for the actual cost of meals while absent from official headquarters, on extended hours with a maximum of twenty-five dollars (\$25) per day for travel within the State of West Virginia where the distance from the official headquarters is over twenty-five miles. Meals are allowed when lodging is listed as "gratis" or "no charge".

3.3.2. - Out-of-State Meal Allowance - Reimbursement will be made for the actual cost of meals while absent from official headquarters, with a maximum of ~~thirty dollars (\$30)~~ fifty dollars (\$50) per day. Meals are allowed when lodging is "gratis" or "no charge".

3.3.3. - Extended Hours - On overnight trips, departure from official headquarters

before 8:00 a.m. entitles a travelling employee to a full meal allowance. On overnight trips, departure before noon entitles the traveling employee to lunch and dinner, while departure before 6:00 p.m. entitles the travelling employee to dinner.

On the return trip, arrival at the official headquarters before 8:00 a.m. entitles the travelling employee to no meal allowance, arrival before noon entitles the employee to breakfast only; arrival after 12:00 entitles the employee to breakfast and lunch, while arrival after 6:00 p.m. entitles the travelling employee to a full meal allowance. Arrival and departure time must be stated on the travel expense account form.

An exception to overnight status meal qualification, is when an employee who is away from headquarters has been required to be on duty at least two (2) hours in excess of the "normal work day". The definition of a "normal work day" is determined by the applicable division and is not limited to the standard business day, or 8:00 a.m. through 4:00 p.m. Employees claiming reimbursement for this meal allowance must denote on their expense account "WORKED 2 HOURS IN EXCESS OF NORMAL DAY" for each occurrence.

3.3.3(1) - Meal Allowance Determination - The following meal allowances are to be used in determining the amount of reimbursement to employees travelling on state business when the full meal allowance cannot be claimed.

1) In-state travel: ~~breakfast - \$5.00~~ Breakfast - \$7.00, Lunch - \$8.00, and Dinner - \$12.00.

2) In-State Travel-Extended Hours: Dinner - \$12.00

3) Out-of-State travel - ~~breakfast - \$5.00, Lunch - \$10.00, and Dinner - \$15.00.~~

Breakfast - \$10.00, Lunch - \$15.00, and Dinner - \$25.00

3.3.4 - Meals as Part of an Official Meeting - Advance approval must be secured from the Commissioner or ~~Deputy~~ Assistant Commissioner when meals are an integral part of an

official meeting, and in excess of the allowable reimbursement.

3.3.4.(1) - Soil Conservation District Supervisors shall be allowed to charge for a meal at their official District meetings.

3.4 - Lodging - Employees travelling on state business will be reimbursed in an amount equal to their actual cost of lodging as shown on the lodging receipt. Reimbursement shall not be allowed for personal services such as laundry, valet charges or personal telephone calls. In the case of double occupancy, where one of the occupants is not on state business, hotel reimbursement will be on the basis of the least expensive available single rate.

3.5 - Transportation

3.5.1 - Airline or Common Carrier - Reimbursement will be made for the actual cost of bus, rail or air coach travel or other common carrier as evidenced by receipted bills which must accompany and verify the employee expense report. Employees are required to travel at tourist or economy rates when available.

3.5.2 - Motor Vehicle - Reimbursement for the use of employee's personal car in connection with state business will be at the rate of ~~twenty-six cents (\$.26)~~ twenty-eight (\$.28) per mile. Such reimbursement rate shall apply between the employee's official headquarters and the official destination. There will be no reimbursement of expense for commuting purposes, unless an employee is called out to work after the completion of a work day or required to travel on a non-work day or holiday for that employee.

~~3.5.2.1 - Automobile Rental - Automobile rental will be reimbursable to employees when used in conjunction with common carrier travel and when substantiated by receipts.~~

~~Employees are expected to utilize the least expensive rental car available.~~

3.5.2.1 - Commercial Rental Vehicles - Automobile rental will be reimbursable to employees when used in conjunction with common carrier travel, or when a state owned or privately owned vehicle is not available.

In order to receive reimbursement, all commercial rental vehicle requests are to be submitted on Form No. 02-F075 to the Travel Management Clerk in Administrative Services Division ten (10) work days before the first date of travel.

Itemized receipts for reimbursable expenses must accompany the applicable travel expense form and may include the daily rental fee for a mid-size or smaller car, mileage fee, and gasoline costs. In all cases, employees are expected to utilize the least expensive rental car available. Collision damage waiver, or the rental company's equivalent, is a reimbursable expense for rentals of seven (7) days or less; no other insurance or insurance-like product is reimbursable for rentals used in the United States unless required by law.

3.5.3 - Alternative Travel Arrangements - In cases where an employee chooses to drive rather than fly on state business, reimbursement will be limited to the amount of the tourist or economy airline fare to such location. Meals, mileage and other charges in connection with alternate travel will be allowed only to the extent that such costs along with mileage charges do not exceed air fare.

3.5.4 - Other Transportation Costs - Other transportation costs will be reimbursed on an incurred basis as substantiated by receipts. Such reimbursement may include toll road (except West Virginia Turnpike), toll bridges, subways, parking fees and garage storage charges for vehicles used in connection with state business.

3.5.5 - State Vehicles - Employees should use state vehicles whenever practical in their travel.

3.5.5.1 - Operation of State-owned Vehicles - Operation of state-owned vehicles shall be confined to state officials and employees while on official duty. No passengers or other individuals are permitted unless they are on the same business as authorized by the user of the vehicle, such as tour groups.

3.6 - Registration Fees - Registration fees at meetings or conferences must be supported by receipt. Employees shall not receive additional allowance for lodging or food that has been included in the registration fee.

3.7 - Baggage Charges - Baggage charges will be reimbursed on an incurred basis for the date of arrival and the date of departure, not to exceed a total of 5% of the daily room rate.

Section 4. In-State Travel

Daily allowance for in-state travel shall be subject to all requirements of these regulations. Reimbursement shall be allowable for meals, transportation, lodging, registration fees, parking fees, toll charges, and baggage charges.

Section 5. Out-of-State Travel

5.1 - Daily Allowance - Daily allowance for out-of-state travel shall be subject to all requirements of these regulations. Reimbursement shall be allowable for meals, transportation, lodging, registration fees and baggage. Lodging receipts must be marked paid in full.

5.2 - Out-of-State Travel Requests - Each employee which is required to travel out-

of-state must file an application regarding such travel at least fifteen (15) working days in advance of the planned trip with the appropriate division director or the ~~deputy commissioner~~ Assistant Commissioner. Interdepartmental requisition forms will be submitted by the employee to the division director setting forth the purposes of the travel, departure time, transportation costs, lodging costs, length of stay, meal costs, registration costs and total estimated cost.

5.3 - Post Trip Reports - Each employee will file with the division director and the Commissioner's Office an out-of-state trip report. Likewise, each employee may be required to make a presentation to the employee's division or unit to benefit other employees on the benefits derived from the trip.

Section 6. Advance Allowance

6.1 - Out-of-State Advance Allowance - Any employee authorized to travel out-of-state may request an advance allowance for out-of-state travel, provided that the transmittal for the advance allowance is cleared against the related expenses within thirty (30) day of the last day of travel. The division director will be responsible to ascertain that such allowance and related expense reports are cleared within thirty (30) days.

6.1.1. - Certification - Each out-of-state advance allowance shall carry the following certification:

"I hereby certify that the above advance allowance requisitioned in the name of _____ is being requested pursuant to compliance with the rules and regulations of the Commissioner of Agriculture.

signed _____

signed _____
Division Director"

6.2 - Inspection Allowance - Pursuant to the regulatory duties of the Department of Agriculture, those employees charged by law or regulations to purchase at fair market value agriculture products for the purpose of specimens for inspection may request on a monthly basis an inspection allowance of not to exceed one hundred dollars (\$100.00). Those employees so authorized shall be responsible for daily accounting of expenditures on daily activity reports and shall submit each thirty (30) days a settlement of the inspection allowance.

6.2.1 - Outstanding Inspection Allowance Report - Employees authorized to receive a monthly inspection allowance will not be eligible for more than two (2) inspection allowances until at least one prior inspection allowance has been cleared against the actual expenses. The division director will be responsible to ascertain that such allowances are cleared within thirty (30) days.

Section 7. Corporate American Express Cards

7.1 - Eligibility to Apply for Corporate Card - Only fulltime employees of the West Virginia Department of Agriculture who travel as a part of their job responsibilities are eligible to apply and receive the State of West Virginia American Express Corporate Card.

7.2 - Authorized Expenses - The State of West Virginia American Express Corporate Card may only be used for official business travel expenses which shall include lodging, meals, registration fees, automobile rentals, gasoline or diesel fuel, the purchase of airline tickets, but not flight insurance, and business related long distance toll charges.

7.2.1 - Employees to Abide by the Terms and Conditions of the State of West

Virginia American Express Corporate Card Contract - Upon issuance of State of West Virginia American Express Corporate Card employees shall agree to abide by the terms and conditions of the contract between American Express and the State of West Virginia for use of corporate travel cards.

7.2.2. - Personal and Retail Charges Prohibited - The American Express Corporate Card shall not be used for any personal or retail charges including but not limited to the purchase of goods, supplies or services for personal or business related reasons. The purchase of goods, supplies and services for business related reasons shall comply with the purchasing statutes of the State of West Virginia and be pursuant to an authorized purchase order.

7.3 - Penalties for Inappropriate Use of a Card - The provision of a corporate travel card is a privilege and inappropriate use shall result in the revocation of cards on either a temporary or permanent basis. Likewise, an employee who has been issued a State of West Virginia American Express Corporate Card shall undertake the safeguard of that card from the inappropriate use by others.