

SUPREME COURT OF APPEALS **FILED**

STATE OF WEST VIRGINIA

**TED PHILYAW**  
ADMINISTRATIVE DIRECTOR



**JUL 9 11 02 AM '96**  
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3 July 1996

The Honorable Ken Hechler  
Secretary of State  
Building 1, Suite 157K  
State Capitol  
Charleston, WV 25305

Dear Mr. Hechler:

Enclosed for filing are the Supreme Court travel regulations (Section 10 of the West Virginia Personnel System Manual), as amended effective 1 July 1996.

Sincerely,

Richard Rosswurm  
Chief Deputy

RR/mg

Enclosure

cc: Ted Philyaw  
Dreamma Guinn

SECTION 10: TRAVEL REGULATIONS

FILED

The regulations set out in this section supersede the travel regulations previously promulgated by the Supreme Court of Appeals, effective January 23, 1989.

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

10.1 -- GENERAL PROVISIONS

(A) An employee's official headquarters is the same as that of the court at which or the judge under whom personnel work. A judge's home-base courthouse is his or her headquarters. If circumstances require that a judge's employee maintain headquarters different from the judge's, such different headquarters must, in writing, be designated by the chief judge and approved by the Chief Justice. An employee will not be reimbursed for commuting from his or her residence to headquarters, except for judges as provided W.Va. Code § 6-7-5 and for judges' secretaries and court reporters or electronic recording operators who demonstrate an undue burden to, and receive approval by, the Administrative Director if their judge's headquarters are changed after their initial employment; the Administrative Director shall consider requests on a case-by-case basis, and determination of whether undue burden is demonstrated shall be in the sole discretion of the Administrative Director.

(B) Individuals who are conducting, under the Supreme Court, official business or who are being interviewed for employment within the state judicial system will be allowed reimbursement for expenses under the regulations of this section.

(C) The standard state travel expense account form must be used for submission of all claims (see Appendix C). Claim items and amounts must be listed day-by-day for each date of travel, and receipts must be attached for items requiring documentation.

The claimant must sign the expense account.

Expense accounts of employees other than judges claiming expenses for local duty travel must be certified by the appropriate supervising circuit judge, chief magistrate, or chief probation officer; all other expense accounts must be certified by an Administrative Office staff member having signature authority.

(D) No "miscellaneous" listing claimed on an expense account will be allowed. Expenses not entailed in travel and expenses of, paid by, or reimbursed by a third party will not be allowed.

(E) The following expense claims, if otherwise allowable, require the submission of documentation with the expense account:

(1) Air fare: original customer receipt portion of the airline ticket.

(2) Lodging: original hotel bill showing full credit or zero balance; if not showing such, either the original customer copy of the credit card slip or a photocopy of both sides of the cancelled check together with the original hotel bill.

(3) Parking: original receipt.

(4) Ground transportation (taxi; airport bus, van, or limo; car rental and gasoline): original receipt.

(5) Conference tuition, registration, or other fees (for seminars, workshops, or conventions): original receipt or photocopy of both sides of cancelled check -- unless, for out-of-state conferences, billed directly to the Supreme Court.

(F) Expense accounts for in-state conferences and for out-of-state travel must be submitted within one month of the return date. Expense accounts for other in-state travel must be submitted within three months of any date of travel.

## 10.2 -- IN-STATE TRAVEL

### (A) TRANSPORTATION: PERSONAL VEHICLE

(1) Reimbursement will be allowed for driving, by the most direct and/or practical route, from and return to headquarters to perform duties or engage in other approved activities.

(2) Allowable reimbursements will be for: mileage at the rate of \$.31 per mile effective July 1, 1996, unless otherwise provided by statute or special Supreme Court regulation; toll charges; parking, which must be documented by original receipt.

### (B) TRANSPORTATION: RENTAL VEHICLE

(1) Reimbursement will be allowed for car rental only if the Administrative Director or his designee has granted approval in advance; the limitations of (A)(1) above will apply.

(2) Allowable reimbursements will be for: rental charges (but not optional insurance) and gasoline, both of which must be documented by original receipt; toll charges; parking, which must be documented by original receipt.

### (C) TRANSPORTATION: COMMON CARRIER OR PUBLIC CONVEYANCE

(1) Reimbursement will be allowed for commercial airline, train, or bus (at tourist or economy rates, unless the travel time exceeds three hours).

(2) Allowable reimbursement will be for: ticket or supersaver reduced-price airfare cost, which must be documented by original customer ticket stub, original receipt, or photocopy of both sides of cancelled check; mileage and parking (the latter must be documented by original receipt) if airport or station is outside the headquarters county or, if inside, for a maximum of seven days. For good cause shown, the Administrative Director may waive the supersaver airfare reimbursement limit. The Administrative Director may approve reimbursement to personnel holding a non-refundable supersaver airline ticket if approved travel is cancelled for a reason deemed by the Administrative Director to be an unavoidable emergency.

(3) Reimbursement for ground transportation expense at destination site will be allowed only from airport or station to hotel and return (which must be documented by original receipt).

(D) LODGING

(1) Reimbursement or direct bill to the Supreme Court will be allowed for overnight stays more than 40 miles from headquarters when required to perform official duties or to engage in other approved activities.

(2) Allowable reimbursement or direct bill to the Supreme Court will be at the single-occupancy (and, if available, government or conference) rate; the cost (unless direct-billed) must be documented by the original hotel bill showing full credit or a zero balance; if not showing such, by either the original customer copy of the credit card slip or a photocopy of both sides of the cancelled check together with the original hotel bill.

(3) Reimbursement will be allowed for necessary transfer or storage of baggage on the check-in or check-out dates not to exceed 10% of the daily single-occupancy hotel rate.

(4) No reimbursement will be allowed for such extra hotel charges as radio, television, movies, bar bills, laundry, valet service, or personal telephone calls or for any lodging or meal charges for an employee's guest(s).

(5) When two employees share a room and are billed at the double-occupancy rate, each employee will share the cost equally and the cost should be billed/receipted equally unless direct-billed to the Supreme Court.

(E) MEALS

(1) Reimbursement will be allowed, except for judges receiving the statutory per diem, when travel outside an employee's headquarters county is required to perform official duties or to engage in other approved activities.

(2) Allowable reimbursement will be a flat per diem of \$30, except: on the last day of a conference it will be \$15.00 if the return distance is under 200 miles; on banquet day, if the banquet is direct-billed to the Supreme Court, the per diem will be reduced by the amount of the banquet cost; for duty travel of more than 50 roundtrip miles, with same-day return, the allowance will be \$7.00 for lunch. The Administrative Director or his designee may waive the stated allowances of this paragraph.

(3) Personnel who attend a banquet at a conference sponsored by the Supreme Court may be reimbursed for the banquet cost or have the cost direct-billed to the Supreme Court, regardless of whether the event is inside or outside the headquarters county.

(4) The costs of all coffee breaks or refreshments during functions sponsored by the Supreme Court will be paid directly by the Court and will not reduce the meal allowance for personnel participating in the functions.

(F) DIFFERING REGULATIONS FOR EDUCATION TRAVEL

For specific variations in allowances for education-related travel, prevailing over this section's regulations, see Sections 9.2, 9.3, and 9.4(C).

(G) CIRCUIT JUDGE OUT-OF-COUNTY DUTY TRAVEL

Circuit judges traveling outside their county of residence to hold court may opt either for the per diem allowance under W.Va. Code § 6-7-5 or for expense reimbursement under the regulations above.

10.3 -- OUT-OF-STATE TRAVEL

(A) APPROVAL: requests must be submitted well in advance for review by the Administrative Director or Director of Judicial Education. Requests by personnel other than circuit judges, unless initiated by the Administrative Director, must be accompanied by a favorable recommendation from the supervising circuit judge. Only requests forwarded to and approved by the Chief Justice will entitle personnel to travel out of state at state expense. Requests must include information sufficient to show justification and to show approximate costs. An exception to the approval

requirement and procedure above is that expense accounts by probation officers for out-of-state duty travel need only be accompanied by a court order directing such travel. See also Section 9.5.)

(B) CONFERENCE TUITION, REGISTRATION, OR OTHER FEES:  
unless billed directly to the Supreme Court, reimbursement will be allowed at actual cost for seminars, workshops, or conventions as documented by original receipt or photocopy of both sides of cancelled check.

(C) TRANSPORTATION: allowances for transportation will be the same as provided in Section 10.2(A)-(C), except that, when travel is by automobile outside the state, reimbursement for transportation, meals, and hotel together on the days en route may not exceed the round-trip coach fare for travel by commercial airline to and from the destination.

(D) LODGING: allowances for lodging will be the same as provided in Section 10.2(D), except that, for approved attendance at programs conducted by the National Judicial College, the American Academy of Judicial Education, and other national providers, reimbursement will be limited to the amounts charged for the lodging accommodations provided or made available by the program sponsor (e.g., the University Inn or other facility at Reno; University of Virginia housing or other facility at Charlottesville).

(E) MEALS: allowable reimbursement for meals will be a flat per diem of \$50, except that any meal expense amount otherwise reimbursed or provided must equivalently reduce the per diem allowance (e.g., meals included in a registration or conference fee; the meal portion of the cost at the University Inn, Reno).

(F) CASH ADVANCES

(1) The Administrative Director or the Director of Judicial Education may, upon timely request, approve a cash advance for out-of-state travel that the Chief Justice has previously approved.

(2) A request for a cash advance for out-of-state travel must be communicated to the Administrative Office at least three weeks in advance of the expected departure date.

(3) A cash advance reflects an estimate, possibly an overestimate, of expenses to be incurred for approved out-of-state travel. A cash advance is not a minimum allowance or guarantee, and any surplus (amount beyond actual allowable expenditures) must be refunded to the state at the time of settlement.

(4) Anyone receiving a cash advance is personally responsible for filing actual allowable expenses and making final settlement, through the Administrative Office, within one month after the return date of the out-of-state trip.