

WEST VIRGINIA
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #5

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FILED

Mar 16 8 45 AM '99

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW

AGENCY: University System of West Virginia TITLE NUMBER: 128

CITE AUTHORITY: WV Code 12-3-11

RULE TYPE: PROCEDURAL XX INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE _____

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES XX NO _____

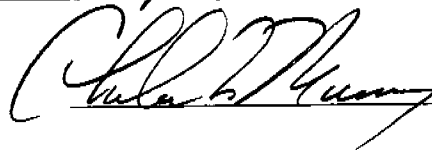
IF YES, SERIES NUMBER OF RULE BEING AMENDED: Series 47

TITLE OF RULE BEING AMENDED: Travel

IF NO, SERIES NUMBER OF NEW RULE BEING ADOPTED: _____

TITLE OF RULE BEING ADOPTED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE.
THE EFFECTIVE DATE OF THIS RULE IS April 16, 1998



\$5.00

SUMMARY

TITLE 128
PROCEDURAL RULE
UNIVERSITY SYSTEM OF WEST VIRGINIA
BOARD OF TRUSTEES

SERIES 47: TRAVEL

This rule sets forth procedures for the management of in-state, out-of-state, and international travel, and for reimbursement of expenses to employees, members of the Board of Trustees of the University System of West Virginia, members of institutional Boards of Advisors, employees of the Central Office of the State College and University Systems and West Virginia Network for Educational Telecomputing, and other non-employees traveling on behalf of the Governing Board or its institutions.

The proposed changes will allow employees to obtain reimbursement for more than one ATM cash advance transaction fee per trip, for rental of larger or specially equipped vehicles to accommodate the physically challenged, and clarifies when the cost of roadside assistance may be reimbursed.

**TITLE 128
PROCEDURAL RULE
UNIVERSITY SYSTEM OF WEST VIRGINIA
BOARD OF TRUSTEES
SERIES 47**

FILED
Mar 16 8 45 AM '90
OFFICE OF THE WEST VIRGINIA
SECRETARY OF STATE

TITLE: TRAVEL

SECTION 1. GENERAL

1.1 Scope:

1.1.1 This rule implements the rules and regulations concerning management of in-state, out-of-state and international travel, hereinafter referred to as "travel," and for reimbursement of expenses to employees, members of the Board of Trustees of the University System of West Virginia, hereinafter referred to as the "Governing Board," members of institutional Boards of Advisors, employees of the Central Office of the State College and University Systems and West Virginia Network for Educational Telecomputing, and other non-employees traveling on behalf of the Governing Board or its institutions.

1.1.2 Consultants and contractors are not required to use these rules and regulations, at the institution's option. All consultant and contractor travel should be included as part of the consulting/contractor fee agreement.

1.1.3 Reimbursement of travel expenses paid from federal, state and private grants shall be governed by the terms and conditions of the grant if they differ from those contained in this rule; otherwise, this rule shall govern such reimbursement.

1.2 Authority: West Virginia Code §12-3-11

1.3 Filing Date:

1.4 Effective Date:

1.5 Repeal of Former Rules: Revision of §128-47.

1.6 According to the West Virginia Code, it shall be unlawful for the Auditor to issue a warrant in payment of any claim for travel expenses incurred by an employee, Board member, or other non-employee unless such claim meets all the requirements of this rule.

SECTION 2. PROVISIONS APPLICABLE ONLY TO THE HIGHER EDUCATION GOVERNING BOARDS

- 2.1 The Governing Board may authorize payment for the traveling expenses incurred by any person, and her or his spouse when appropriate, who is invited to visit the campus of any institution of higher education, or any other facility under the control of the Board, to be interviewed concerning her or his possible employment by the Board or agent thereof. Authorization for such payment shall be given by the Chancellor, Senior Administrator, president, and/or other administrative head of an institution, or their duly authorized designee(s).
- 2.2 The Governing Board may authorize payment of: (1) all or part of the reasonable expenses incurred by a person newly employed by the Board, in moving such employee's household furniture, effects and immediate family to the employee's place of employment; and (2) all or part of the reasonable expenses incurred by an employee of the Board in moving her or his household furniture, effects and immediate family as the result of reassignment of the employee which is considered desirable, advantageous to and in the best interest of the Governing Board; provided, that no part of the moving expenses of any one such employee shall be paid more frequently than once in twelve months. Authorization for such payment shall be given by the Chancellor, Senior Administrator, president, and/or other administrative head of an institution, or their duly authorized designee(s).

SECTION 3. DELEGATION OF AUTHORITY AND RESPONSIBILITIES

- 3.1 Authority to manage, approve or disapprove travel and travel related expenses is delegated exclusively to the Chancellor, Senior Administrator of the Central Office, and the president and/or other administrative head of an institution of higher education, hereinafter called the "Chief Executive Officer." Such delegated authority may also be revoked by the Governing Board.
- 3.2 The Chief Executive Officer may also delegate authority to others within her or his respective institutions to act as her or his designee(s) for authorizing and approving travel and travel related expenses as may be required. All such authorizations and approvals shall be made in accordance with the provisions of this rule.
- 3.3 Travel may be authorized only for official business and only if the institution has the financial resources to reimburse the traveler for travel expenses.
- 3.4 The Chief Executive Officer may also develop administrative policies and procedures for her or his institution, consistent with this rule, to provide additional guidance to employees and others traveling on behalf of the institution.

- 3.5 The responsibility to audit a traveler's expense account settlement lies with the institution. Approval of a traveler's expense account settlement by the institution means that the expense settlement meets all criteria established by this rule for reimbursement. The institution shall audit and submit an accurate expense account settlement for reimbursement to the State Auditor's Office within a reasonable amount of time after receiving such settlement from the traveler.

SECTION 4. TRAVEL REGULATIONS APPLICABLE TO ALL EMPLOYEES, BOARD MEMBERS, AND NON-EMPLOYEES

4.1 Employees

4.1.1 Approval to travel shall be secured in advance by the employee in accordance with this rule and, if applicable, the administrative policies and procedures of the institution. Under no circumstances should an employee travel without proper approval of the Chief Executive Officer or designee(s).

4.1.2 Employees are responsible for submitting for reimbursement a travel expense account settlement form, with all required attachments, to her or his institution within a reasonable amount of time after the last day of the approved travel, as defined by the institution, in order to qualify for reimbursement of expenses or for payment.

4.2 Members of the Governing Board and Members of Institutional Boards of Advisors

4.2.1 This rule shall govern reimbursement of travel expenses to members of the Governing Board and members of Institutional Boards of Advisors when a Board member requests reimbursement for such expenses from the Governing Board.

4.3 Non-Employees

4.3.1 When non-employees are eligible to receive reimbursement of travel expenses, such reimbursement shall be made in accordance with this rule.

SECTION 5. TRANSPORTATION

5.1 Air Transportation

5.1.1 Commercial Airlines

5.1.1.1 Allowable reimbursement for commercial airline travel shall include

the actual expense or cost of the least expensive logical fare via the most direct route, or a reasonable alternative route if it results in lower fare. Travelers may not specify a particular airline in order to accumulate mileage or promotional plans, such as frequent flyer programs, if it results in a higher airfare.

5.1.1.2 Travelers are expected to make advance bookings through a contracted travel service vendor to secure the least expensive airfare possible. Reimbursement for tickets where reservations were not made through a contracted travel service vendor require a waiver from the Chief Executive Officer or designee(s) before reimbursement will be made. Reimbursement may be made to the traveler in advance for airfare purchased up to 180 days before the trip begins.

5.1.1.3 In order to receive reimbursement, the traveler must submit the "passenger coupon" or certified copy from the commercial airline ticket. If airfare is reimbursed prior to the trip, it must be referenced on the traveler's final expense account settlement. Refundable or unused airline tickets shall be returned immediately.

5.1.1.4 Commercial airline tickets may be direct billed to the institution and paid in advance of the travel if allowed by the institution's administrative policies and procedures.

5.1.1.5 If a change in the cost of airfare is incurred, the charge is reimbursable if the traveler is directed by the appropriate institutional officer to change her or his travel plans, or if other extenuating circumstances arise. Increased or extra charges incurred due to the traveler's negligence will be considered a personal expense of the traveler and shall not be reimbursed.

5.1.1.6 Deliberately causing increased costs or delays for the purpose of obtaining personal gratuities, such as denied boarding compensation, frequent flier points or mileage, or similar benefits is prohibited. Conversion of airline tickets for personal benefit, such as downgrading tickets, returning unused tickets for cash, credit, or personal airline tickets, or similar actions, is also prohibited.

5.1.2 Use of Aircraft Owned and Managed by the Department of Administration and Other State Agencies, Chartered Aircraft Service, and Privately Owned Aircraft.

5.1.2.1 For use of aircraft owned and managed by the Department of Administration and other agencies not under the jurisdiction of the Governing Board, the traveler shall follow the rules and regulations of such agencies in scheduling, making reservations, utilizing, and making payment to these agencies for use of their aircraft.

5.1.2.2 If authorized by the Chief Executive Officer or designee(s), chartered aircraft service and privately owned aircraft may be used by the traveler if it will result in the lowest airfare, and if it is approved in advance by the appropriate institutional officer. Direct billing may be used to pay for such service and aircraft use, if allowed by the institution's administrative policies and procedures. A competitively bid charter service contract, if available, may be used by all higher education institutions, as appropriate.

5.2 Ground Transportation

5.2.1 The traveler may use a state owned vehicle, privately owned vehicle, or a commercial rental vehicle for ground transportation. The availability and use of a state owned vehicle will be determined by the institution's administrative policies and procedures.

5.2.2 The operator (traveler) of a vehicle must possess a valid operator's license. The operator is personally responsible for any fines and/or penalties resulting from citations, charges, or warrants attributable to operator negligence. Such fines and/or penalties shall not be a reimbursable expense.

5.2.3 In cases where a traveler chooses to drive rather than fly while on business, reimbursement will be based on actual in-transit expenses (mileage, hotel, meals, etc.), not to exceed the lowest available commercial airfare plus local transportation to and from the airport.

5.2.4 Roadside assistance services for fleet, rental and personal vehicles, if needed, may be reimbursed at actual cost if deemed appropriate and reasonable by an institutional officer authorized to approve travel expenses.

5.2.5 State Owned Vehicles

5.2.5.1 State owned vehicles may be requested from an institution's motor pool in accordance with the institution's administrative policies and procedures. State owned vehicles are for "official business use" only and must be operated by an employee of the institution, or with approval of an appropriate institutional officer.

5.2.5.2 Receipts/documentation are not required.

5.2.6 Privately Owned Vehicles/Courtesy Vehicles

5.2.6.1 Privately owned and courtesy vehicles may be used when traveling on institutional business. Reimbursement will be made at the prevailing rate per mile established by the Internal Revenue Service, excluding commuting mileage, for actual miles traveled using the shortest practicable route to the point of arrival at the traveler's destination. This rate is intended to cover all operating costs of the vehicle (including fuel, maintenance, depreciation, insurance, etc.), and no additional reimbursement will be made.

5.2.6.2 Receipts/documentation are not required.

5.2.7 Commercial Rental Vehicles

5.2.7.1 Commercial rental vehicles may be used when traveling on institutional business. Reimbursement will be made at actual cost for the daily rental fee for a mid-size or smaller vehicle, plus mileage fees and fuel costs. For travel of more than a few days in duration, weekly rental rates may be reimbursed if they will result in a lower total cost than the daily rate. Reimbursement may be made for full size vehicles if more than three (3) people are traveling together on institutional business, and for larger vehicles if a group of five (5) or more is traveling together. Reimbursement may also be made for a larger or specially equipped vehicle if required to accommodate a traveler with a disability or handicap.

5.2.7.2 Insurance: Collision damage waivers for rentals of seven (7) days or less are also reimbursable, and should be taken unless the rental was made using the state issued Diners Club corporate travel card. Diners Club provides collision damage coverage at no cost for rentals up to 60 days. Collision damage waivers for rentals of more than seven (7) days are not reimbursable and should not be taken. The State of West Virginia insurance program automatically covers collision insurance for vehicle rentals in excess of seven (7) days. No other insurance or insurance-like product is reimbursable for rentals used in the United States, unless required by law. Full coverage insurance is a reimbursable expense for any approved rental vehicle used outside the United States.

5.2.7.3 Rental vehicles must be reserved through a contracted travel service vendor.

5.2.7.4 Receipts and/or documentation are required for reimbursement of car rental and mileage charges or fees. Reimbursement may be made for

actual fuel costs; however, receipts are not required, but should be provided if available. Travelers are encouraged to return rental cars with a full tank of fuel to avoid high refueling costs charged by rental agencies.

5.2.8 Rail Service

5.2.8.1 Travelers are expected to make advanced bookings through a contracted travel service vendor and use the least expensive logical fare via the most direct route, or other reasonable route that results in a lower fare.

5.2.8.2 Receipts/documentation are required for reimbursement.

5.2.9 Miscellaneous Ground Transportation

5.2.9.1 When courtesy transportation is provided by a hotel, motel, or other service facility, the traveler is encouraged to use their service.

SECTION 6. LODGING

6.1 Reimbursement

6.1.1 Allowable reimbursement for lodging shall include actual expenses for overnight accommodations, use of a room during daytime, and all applicable taxes and surcharges.

6.1.2 Reimbursement for a single occupancy shall be at the least expensive single room rate available.

6.1.3 For multiple occupancy, reimbursement may be claimed fully by one traveler with no claim filed by the other traveler, or each traveler may be reimbursed at equal percentages of the total actual cost for accommodations.

6.1.4 Reimbursement for multiple occupancy, when only one of the travelers is on higher education business, shall be at the least expensive single room rate. In the event that a single room rate cannot be documented or otherwise determined, reimbursement will be made at eighty percent (80%) of the actual lodging costs.

6.1.5 If a change in the lodging charge is incurred, the charge is reimbursable if the traveler is directed by the appropriate institutional officer to change her or his travel plans, or in other extenuating circumstances, as approved by the immediate supervisor of the traveler. Charges incurred due to the failure of

the traveler or the traveler's representative to notify the facility will be considered the personal expense of the traveler.

6.1.6 All out-of-state lodging reservations, when appropriate and practical, must be made through a contracted travel service vendor.

6.2 Receipts

6.2.1 Receipts are required for lodging reimbursement. The hotel/motel statement, invoice, or folio shall be the official document utilized for reimbursement to the traveler.

6.3 Direct Billing

6.3.1 Lodging may be direct billed if allowed by the institution's administrative policies and procedures; however, the traveler must attach a copy of the lodging invoice or other proof of lodging to the traveler's final expense account settlement.

SECTION 7. MEALS

7.1 Meal expense reimbursement is limited to actual expenses for food, service and gratuities up to the applicable maximum daily rate authorized by the Governing Board. Specifically excluded are alcoholic beverages and entertainment expenses. Where a percentage of the maximum daily rate is used, the traveler may round the calculated amount up to the next whole dollar. Meal reimbursement is allowed when lodging is listed as "gratis" or "no charge."

7.2 Receipts are not required for meal reimbursement.

7.3 When meals are provided for a traveler, the traveler's maximum daily rate shall be reduced by an appropriate amount. For the purpose of determining the amount of deductions for meals on a uniform basis, allowances for meal expenses shall be deducted accordingly:

Breakfast	20% of the maximum daily rate
Lunch	20% of the maximum daily rate
Dinner	60% of the maximum daily rate

7.4 Meal expense reimbursement for single day travel (when there is not an overnight stay) is allowed when travel time begins and/or extends more than two (2) hours beyond the traveler's normal work day. Reimbursement will be made for actual expenses up to the maximum daily rate as follows:

7.4.1 To be eligible for breakfast, the traveler must begin the trip at least two (2)

hours before the traveler's normal work day commences.

- 7.4.2 To be eligible for dinner, the traveler must end the trip at least two (2) hours after the traveler's normal work day ends.
- 7.4.3 Any employee who qualifies for either breakfast or dinner may also qualify for lunch, provided the employee is traveling or is in travel status during her or his normal lunch period.
- 7.4.4 For the purpose of determining the amount(s) allowable for meals for single day travel, the traveler may claim reimbursement for actual expenses according to the following schedule:

Breakfast	20% of the maximum daily rate
Lunch	20% of the maximum daily rate
Dinner	60% of the maximum daily rate

7.5 The following qualifications for extraordinary meal expense reimbursement require the exercise of good judgement in determining what is a "reasonable" expense to incur for the situation.

- 7.5.1 Guardian Travel: Travelers transporting or accompanying clients, patients, students or others entrusted to an institution for their care, education or placement, shall be reimbursed the actual cost of meals up to the maximum daily rate for each person. Receipts are required; or in lieu of receipts for students, a student signature form, in accordance with the Auditor's current guidelines, may be provided.
- 7.5.2 Board and Commission Members: For a single day travel (where there is not an overnight stay), in conjunction with the performance of their official duties, Board and Commission members may be reimbursed the actual meal expenses incurred not to exceed the maximum daily rate. Receipts are not required.
- 7.5.3 Employees in undercover operations, at the direction of the agency head/designee, may be reimbursed for their actual expenses at the option of the agency head/designee. Receipts are not required.

SECTION 8. REGISTRATION FEES

8.1 Fees or charges for attendance at conferences, meetings, seminars, and/or workshops, as well as event related materials, are reimbursable expenses to the traveler. Registration fees may also be direct billed to the institution when feasible. If required by the conference, meeting, seminar or workshop sponsor, advance payment

is permitted. Reimbursement may be made to the traveler prior to commencement of the trip; however, the traveler must attach a copy of the registration receipt or other proof of attendance to the traveler's final expense account settlement.

- 8.2 Receipts are required for reimbursement. The receipt/documentation provided by the event sponsor shall be sufficient for reimbursement.
- 8.3 The traveler will not receive an allowance or reimbursement for lodging or food that is included in registration fees.
- 8.4 If a cancellation charge is incurred, the charge is reimbursable if the traveler is directed by the appropriate institutional officer to change her or his travel plans, or if other extenuating circumstances arise. Charges incurred due to the failure of the traveler or the traveler's representative to notify the event sponsor will be considered a personal expense to the traveler.

SECTION 9. OTHER EXPENSES

- 9.1 Travelers may incur other business related expenses for which reimbursement may be made if appropriate. Receipts are not required unless reimbursement is in excess of current Internal Revenue Service limits for miscellaneous expenses. Such expenses and reimbursement may include, but are not limited to:
 - a. Baggage handling and gratuities when using public transportation or conveniences (i.e., taxi, limousine, air porter services, or airport/rail curbside check-in), or when using a lodging facility that has portering (i.e., "bell person") services rather than a facility where the traveler is expected to carry her or his own luggage;
 - b. Baggage storage between appointments, and between hotels and meeting places;
 - c. Tolls, garage and parking fees, including gratuities;
 - d. Communication expenses such as: (1) local calls which may include a surcharge; (2) long distance calls which may include toll charges and surcharges; (3) surcharges for long distance calls when the toll charges are direct billed; (4) cellular telephone charges; and (5) facsimiles, cablegrams, or telegrams which may include toll charges, surcharges, or delivery charges.
 - e. Currency conversion;
 - f. Guides, interpreters, and visa fees; and

- g. Trips involving multiple days of travel, or for single day travel where the traveler is unexpectedly delayed for business reasons, the traveler may one personal telephone call home per day. Reimbursement shall be made at actual cost, not to exceed the maximum amount established by the Governing Board, provided the call is not charged to the telecommunications card issued by the state or the Governing Board.
- 9.2 Non-reimbursable travel related expenses include the cost of passports (not as a travel expense, but may be considered as a direct charge to the institution), interest on late payment of individually held credit cards, laundry fees, and personal flight or baggage insurance. Exceptions may be approved by the Chief Executive Officer or designee.
- 9.3 Persons traveling in foreign countries should report their expenditures in United States dollars. The total expenditure in foreign currency must be converted into United States dollars at the rate or rates at which the foreign money was obtained. The rates of conversion and the commissions charged must be shown. Travelers are encouraged to use the corporate travel card to receive the best conversion rates and avoid high currency conversion fees.

SECTION 10. FORM OF PAYMENT FOR BUSINESS TRAVEL

- 10.1 Corporate Charge Card or Credit Card
 - 10.1.1 Travelers should use the corporate charge card issued by the State of West Virginia for business related travel expenses, or a higher education corporate charge card if available.
- 10.2 Cash Advances from the State Auditor's Office for Employees, Students, Bands, Athletic Teams and Organized Student Groups
 - 10.2.1 Cash Advances for Employees and Students
 - 10.2.1.1 Cash advances may be received by employees for their own business travel or as a representative of students for the payment of registration fees and/or daily miscellaneous expenses where the state corporate charge card is not accepted. Cash advances may be issued for: (a) out-of-state travel; (b) a minimum of four (4) days and a maximum of the number of days approved for travel at the rate of \$25.00 per day for miscellaneous expenses; (c) the exact amount of registration fee exceeding \$100.00; (d) the total estimated expenses for a student or student group; and (e) other circumstances approved by the appropriate institution officer.

10.2.2 Cash Advances for Bands, Athletic Teams and Organized Student Groups

10.2.2.1 Cash advances for the travel expenses of bands, athletic teams and organized student groups may be made in the exact amount estimated for the designated trip. Such cash advances may be issued for: (a) the total estimated amount of travel expenses, including the expenses of appropriate representatives, staff and/or employees accompanying the band, team or student group; and (b) the total amount of event related expenses as determined by the band or athletic director or the faculty/staff advisor or sponsor of the student group.

10.2.3 Settlement of Cash Advances

10.2.3.1 All cash advances must be settled by the individual traveler, student representative, student group advisor/sponsor, or band and athletic department. Such settlement shall be submitted by the institution to the State Auditor's Office for final settlement within the time frame prescribed by the State Auditor's Office.

10.2.3.2 Failure to settle a cash advance within the time frame prescribed by the State Auditor's Office shall result in suspension of cash advance privileges for the traveler, student group, band or athletic department until such settlement is made.

10.3 Cash Advances from an Automatic Teller Machine (ATM) using the State Corporate Credit Card

10.3.1 Employees may secure a cash advance for business travel expenses only. Cash advances are not permitted for personal purposes.

10.3.2 A cash advance for either in-state or out-of-state travel is permissible when an employee travels a minimum of two (2) consecutive days on official business. The preferred method of obtaining a cash advance is to use the state corporate credit card at an ATM. Cash advances and ATM transaction fee reimbursements are limited to the amount and number authorized by the Governing Board. Receipt(s) from the ATM are required for reimbursement of the ATM transaction fee.

10.3.3 For employees ineligible to receive a state corporate credit card or those who have applied and have not yet received their card, the cash advance procedure in 10.2.1 applies.

10.4 Direct Billing

10.4.1 Direct billing may be authorized by the appropriate institutional representative in accordance with the institution's travel guidelines. The traveler is responsible for attaching to her/his final expense account settlement copies of receipts, invoices, documentation, etc. for any direct billed fee.

SECTION 11. REIMBURSEMENT FORMS

11.1 The form(s) used for reimbursement of travel expenses shall be those promulgated by the Chancellor.

SECTION 12. OTHER PROVISIONS

12.1 According to the West Virginia Ethics Commission, frequent flier miles, hotel bonus points or other travel incentives resulting from official business travel may be used only for future official travel.

DEPARTMENT OF EDUCATION AND THE ARTS
Office of the Secretary

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Cecil H. Underwood
Governor

David R. Ice
Cabinet Secretary

March 12, 1998

The Honorable Ken Hechler
Secretary of State
State Capitol Building 1
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

OFFICE OF THE
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FBI

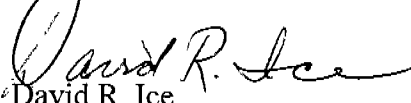
Dear Secretary Hechler:

Please find enclosed the following procedural rule of the University System Board of Trustees which I have approved for final filing:

Title 128, Series 47: Travel

A copy of the rule is attached.

Sincerely,


David R. Ice
Cabinet Secretary

Attachments

cc Dr. Charles Manning, Chancellor