

**WEST VIRGINIA
SECRETARY OF STATE
JOE MANCHIN, III
ADMINISTRATIVE LAW DIVISION**

Form #3 □

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2003 AUG -1 P 4: 53

OFFICE WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: Department of Administration TITLE NUMBER: 148

CITE AUTHORITY: 12-3-11

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 17

TITLE OF RULE BEING PROPOSED: Out-of-State Travel

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.


Authorized Signature

Agency: Department of Administration
Rule Type: Legislative

Title Number: 148
Cite Authority: 12-3-11

STATEMENT OF CIRCUMSTANCE AND BRIEF SUMMARY

The Department of Administration wants to establish Legislative Rules regarding Out-of-State Travel in order to be able to enforce the Travel Regulations. Travel regulations have been in effect and on file at the Secretary of State for many years, however, Legislative Rules have never been promulgated.

TITLE 148
WEST VIRGINIA DEPARTMENT OF ADMINISTRATION

SERIES 17
OUT-OF-STATE TRAVEL

2003 AUG -1 P 4: 53

OFFICE WEST VIRGINIA
SECRETARY OF STATE

§148-17-1 General.

1.1 Scope- This rule governs out-of-state and international travel, hereinafter referred to as "travel", for state officials and employees and non-employees traveling on behalf of the State of West Virginia, except those in the legislative and judicial branches of state government and except for the Attorney General, Auditor, Secretary of State, Treasurer, Board of Investments, Commissioner of Agriculture and their employees, and the Higher Education Governing Boards.

1.2 Authority- W.Va. Code §12-3-11

1.3 Filing Date- _____

1.4 Effective Date- _____

1.5 Purpose- The purpose of this rule is to establish enforceable standards and guidelines for all aspects of travel. They establish procedures to fund authorized travel and expenses when such travel is necessary to conduct state business, and to promptly reimburse employees for expenses incurred.

Ensure all employees have a clear and consistent understanding of policies and procedures for business travel and hospitality.

Provide business with a reasonable level of service and comfort at the lowest possible cost.

Maximize the state's ability to negotiate discounted rates with preferred

suppliers and reduce travel expenses!

§ 148-17-2 Definitions.

The following words and terms, when used in this rule, have the following meanings, unless the context clearly indicates otherwise:

2.1 "Agency Head" - The Administrative Head of a State Agency.

2.2 "Agency Fleet Coordinator"- The Agency Head or the person designated by the Agency Head to be responsible for the management of all state owned and/or leased vehicles assigned to their agency.

2.3 "Agency Travel Coordinator"- The Agency Head or the person delegated by the Agency Head within their respective state agency to act as designee(s) for authorizing and approving travel and travel related expenses as may be required.

2.4 "Employee"- Any person who is currently employed either full time or part time by an agency of the State of West Virginia who has been authorized by their Agency Head to travel on business on behalf of the State of West Virginia.

2.5 "E-Ticket"- an electronic ticket which is utilized for travel in place of a printed hard copy ticket.

2.6 "Fleet Management Office"- The office within the Department of Administration who is responsible for the management of all state owned and/or leased vehicles.

2.7 "Incidental"- When a traveler must go out-of-state in order to reach his/her destination in-state.

2.8 "Non-Employee"- Any person who is not an employee of the State of West Virginia but has been authorized by an Agency Head to do business on behalf of the State of West Virginia such as consultants and contractors.

2.9 "Official Headquarters"- The post of duty or location where performance of official duties require employees to spend the largest part of their working time and where travel normally begins and ends. Exceptions- Agency heads may designate an employee's residence as the official headquarters if the employee's assigned duties require travel every working day.

2.10 "Preferred Vendor"- The vendor who holds the current state contract for specific travel services.

2.11 "Reimbursement Account"- A credit card account set up within an agency for the purpose of payment of invoices and reimbursement of expenses. Said account is often called a "Ghost Account".

2.12 "Spending Unit"- A department, agency or institution of the state government for which an appropriation is requested, or to which an appropriation is made by the Legislature.

2.13 "State Agency"- A department, agency or institution of the state government on whose behalf an employee will be traveling.

2.14 "Travel Management Office"- The office within the Department of Administration that oversees travel for all agencies of the State of West Virginia, with the exception of those agencies that are

exempt.

2.15 "Travel Status"- The time period during which the individual is traveling for official state business.

§ 148-17-3 Delegation of Authority and Traveler Responsibility

3.1 Authority to manage, approve or disapprove travel and travel related expense is delegated exclusively to the administrative head of a state agency. Authority may also be revoked by the Travel Management Office.

3.2 The Agency Head may also delegate authority to others within their respective state agency to act as designee(s) for authorizing and approving travel and travel related expenses as may be required. All such authorizations and approvals shall be made according to the provisions of this rule.

3.3 Travel may be authorized only for official business and only if the state agency has the financial resources to reimburse the traveler for travel expenses.

3.4 State agencies may, at their discretion, impose greater control than required by this policy but never less, consistent with this rule, to provide additional guidance to employees and others traveling on behalf of the state agency.

3.5 The responsibility to audit a traveler's expense account settlement lies with the state agency. Approval of a traveler's expense account settlement by the state agency means that the expense account settlement meets all criteria established by this rule for reimbursement.

3.6 Any questions, concerns or suggestions regarding this policy should be directed to the employee's respective agency

Travel Coordinator.

3.7 The State has negotiated discounted rates and special services with various travel vendors (e.g. airlines, travel agencies, vehicle rental companies, hotels) referred to as "Preferred Vendors." Use of these vendors are required for state travel services. The use of these vendors benefits the state in controlling and reducing travel expenses.

3.8 Employees are on travel status while away from headquarters on authorized State business. Travel status begins when employees leave official headquarters, or other authorized location, to go directly to their destination. Travel status ends when employees return directly to headquarters, or other authorized location after completing State business.

§ 148-17-4 Travel Authorization.

4.1 Under no circumstances should and employee travel without proper approval of the Agency Head or their agency Travel Coordinator. Written approval to travel shall be secured in advance by the employee according to this rule unless out-of-state travel is incidental. Travel may be approved if the Agency Head or agency Travel Coordinator approving the travel reasonably determines that:

4.1.a The travel is primarily for the benefit of the state and is related to the effective conduct of state business.

4.1.b The cost to the state of the travel will be offset by benefits accruing to the state.

4.1.c The travel relates to activities which do not have as their purpose the advancement of a political party or political candidate.

4.2 Employees are responsible for submitting a travel expense account settlement form, with all required attachments, to the travelers spending unit. The form should be submitted within the time prescribed by the Travel Management Office or spending unit, after the last day of the approved travel to qualify for reimbursement and should detail any financial decision made, such as an employee leaving a day early to take advantage of a lower airfare, or staying over a weekend to obtain lower airfare. An agency may pay additional expenses related to the reduced airfare providing they submit the amount saved compared with the normal airfare.

4.3 Consultants, contractors and non-employees are not required to use these rules and regulations, at the spending units' option. All consultant and contractor travel should be included as part of the consulting/contractor fee agreement.

4.4 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.

4.5 This rule shall govern reimbursement of travel expenses to Board and Commission members when legislation requires such members to follow this rule.

§ 148-17-5 Air Transportation.

5.1 Travelers are expected to make advance bookings through the contracted travel service vendor to secure the least expensive airfare possible. Reimbursement for ticket where reservations were not made through the contracted travel service vendor require approval from the Travel Management Office. Whenever possible and

practical, all change of plans or itinerary while en-route must also be made through the designated agency.

5.2 Travelers should use electronic tickets (E-Tickets) whenever possible and practical to do so. In the instances when paper tickets are required, delivery/collection will be arranged at the time of reservation. Paper ticket fees are not a reimbursable expense.

5.3 Travelers shall book the least expensive possible logical fare via the most direct route, or a reasonable alternative route if it results in a lower fare. Management reports issued by the travel agency will state the reason for refusal by the employee to accept recommended arrangements if such a refusal results in greater costs to the state agency.

5.4 All employees who travel at least once per year should submit a completed Traveler Profile Form to the state's contracted travel agency to ensure that pertinent details and preferences are adhered to in the reservation process.

5.5 According to the West Virginia Ethics Commission, frequent flier miles, hotel bonus points or other travel incentives resulting from business travel may be used only for official business travel, never personal use. Travelers may not specify a particular airline to accumulate mileage or promotional plans, such as frequent flyer programs if it results in a higher airfare.

5.6 Air transportation generally is restricted to certified commercial airlines. Employees may travel on charter aircraft, but should weigh the advantages of the low cost against other factors. All travel by charter aircraft must be authorized by the Agency Head or the agency Travel Coordinator prior to said travel.

5.7 Privately owned aircraft may not be used.

5.8 Aircraft owned and managed by the Department of Administration shall be used whenever available. Charter service may be used only when a state owned aircraft is not available.

5.9 If the change or cancellation of an airline ticket results in a higher airfare or change/cancellation fee, the charge is reimbursable if the traveler is directed by the appropriate Agency Head to alter his/her 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.

5.10 Unused paper or e-ticket receipt must never be discarded or destroyed as these documents may have a cash value. To expedite refunds, unused or partially used airline tickets must be returned immediately to the agency's Travel Coordinator.

5.11 The state will not reimburse travel or entertainment expenses incurred by a spouse or other individual accompanying an employee on business unless the spouse/companion is a state employee and there is a bona fide business purpose requiring their attendance, and the traveler has obtained prior approval from the Agency Head.

5.12 In order to receive reimbursement, the traveler must submit the passenger receipt or an invoice that details the passenger name, ticket number, ticket price and itinerary. If airfare is reimbursed before the trip, it must be referenced on the traveler's final expense account.

5.13 Commercial airline tickets shall be

charged, whenever possible, to the spending unit's centrally billed account or "reimbursement account" and paid before the travel if allowed by the spending units' administrative policies and procedures.

5.14 Reimbursement may be made to the traveler in advance for airfare purchase between 45 and 180 days before the trip begins. The traveler must forward the passenger's receipt portion of the airline ticket and a copy of the travel agency itinerary, to the agency's Travel Coordinator.

§ 148-17-6 Ground Transportation

6.1 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 Fleet Management Office and/or the spending units' administrative policies and procedures.

6.2 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 are not reimbursable.

6.3 In cases where a traveler chooses to drive rather than fly while on business, reimbursement will be based on actual total expenses (mileage, hotels, car rental, parking, meals, etc.) not to exceed the lowest available commercial airfare plus local transportation, and parking (where required) to and from the airport. Quotes should realize maximum savings (i.e. Saturday overnight, advance booking, etc.) and be obtained at first knowledge of the trip.

6.4 Commercial rental vehicles may

be used when traveling on state business with the contracted car vendor. Reimbursement will be made at actual cost for the daily rental fee for a mid-size or smaller vehicle. 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. Receipts and/or documentation is required for reimbursement of car rental and mileage charges or fees. Reimbursement may be made for actual fuel cost, receipts shall be attached.

6.5 Compact or mid-size/intermediate rental vehicles shall be used for travel with the following exceptions:

6.5.a The number of passengers is three or more.

6.5.b Excess baggage for state business requires a larger vehicle (examples: booth displays, slide presentations or sales items).

6.5.c A larger size vehicle is provided at no extra charge above compact or mid-size rate.

6.6 The State wide contract provides reduced corporate rates through the preferred vehicle rental company and must be used whenever possible. These rates include certain optional coverages and benefits at no additional charge. Exceptions include:

6.6.a. Contracted vendor does not have a location in the specific area.

6.6.b Contracted vendor does not have the appropriate vehicle at the time or duration needed.

6.7 Rental vehicles shall be charged to the contracted corporate travel card.

6.8 No insurance or insurance-like

product is reimbursable for rentals used in the United States.

6.9 Employees should accept all insurance coverage when renting vehicles in a foreign country. Insurance coverage purchased in foreign countries is reimbursable.

6.10 The traveler must refuel prior to returning the rented vehicle to avoid excess fees. Fuel surcharges will not be reimbursed.

6.11 Privately owned vehicles may be used when traveling on state business. Reimbursement will be made at the prevailing rate per mile established by the Travel Management Office, for actual miles traveled using the shortest practicable route to the point of arrival at the traveler's destination. The traveler's daily round trip commuting mileage to and from official headquarters, as determined by their spending unit, must be deducted from the total of any such business usage to calculate reimbursable miles.

6.12 The reimbursable rate is intended to cover all operating costs of the vehicle (including fuel, towing, maintenance, depreciation, business insurance, etc.). The owner of the vehicle being used for business should carry vehicle insurance coverage for their protection and for the protection of any passengers. Receipts are not required for reimbursement of mileage for using privately owned vehicles.

6.13 State owned vehicles may be requested from a spending unit's motor pool according to the departments administrative policies and procedures. State owned vehicles are for official business use only and must be operated by an employee of the spending unit. Receipts/documentation are not required for use of state-owned vehicles. When the state issued gas card is not used a receipt is required for fuel reimbursement.

6.14 Courtesy Vehicles may be used when traveling on state business. Reimbursement will be made at the prevailing rate per mile established by the Travel Management Office. The traveler's daily round trip commuting mileage to and from official headquarters must be deducted. Receipts are not required for reimbursement of mileage.

6.15 An original receipt for rental vehicle cost must be included with the employee expense report.

6.16 When courtesy transportation is provided by a hotel, motel, or other service facility, the traveler shall use their service.

6.17 If an employee elects to drive a personal vehicle instead of fly. The prior approval document requires the lowest applicable round trip coach airfare amount along with anticipated mileage expenses. Reimbursement for personal vehicle use in lieu of airfare is at the lower reimbursement rate and shall not exceed the lowest round trip coach airfare. An airfare itinerary from the state's contracted travel agency must be attached to the employee expense report.

6.18 Rail service may be used if it is less expensive than air travel and meets the employee's time requirements. Receipts/documentation are required for reimbursement of rail service expenses.

§ 148-17-7 Lodging

7.1 Employees are reimbursed for the actual expense of lodging, up to the maximum established by the per diem established by the Federal General Services Administration, Employees shall secure the lowest rate available at a reasonably priced facility. Certain hotels and motels offer special reduced rates to state employees.

Allowable reimbursement for lodging shall include the actual expenses for overnight accommodations and all applicable taxes and surcharges. Sales tax is to be paid by the traveler unless the lodging facility is located in the State of West Virginia and billed directly to the agency.

7.2 Reimbursement for a single occupancy shall be at the least expensive single room rate available. The employee must stay at a licensed lodging facility. Employees will not be reimbursed for staying at the private residence of a relative or friend. Employees must submit original receipts with expense report for reimbursement.

7.3 While in travel status the location of the lodging facility should be as convenient as possible to the place where the business is being transacted. The meal per-diem is based on the temporary duty location, if lodging is not available at your business location, your agency may authorize or approve the maximum per diem rate for the location where lodging is obtained.

7.4 Reservations for out-of-state lodging shall be made either through the contracted travel service vendor or directly with the hotel. The itinerary should indicate the lodging facility, address, telephone number, government or special rate and the confirmation number of the reservation.

7.5 The employee is responsible for confirming the accommodations reservation by mail or fax.

7.6 Employees must verify rate when checking into a lodging facility to ensure receiving the appropriate and lowest available rate. Rate differences from the rate quoted on itinerary or confirmation should be questioned and resolved at the time of check-in.

7.7 Reservations should be made with a "guarantee for late arrival" using the state issued corporate travel credit card or personal credit card. This guarantee is required if your expected arrival is later than the facilities required check-in time or in case of travel delays. The credit card account will be charged a no-show fee if the employee does not check-in to the facility or fails to cancel the reservation, this fee is not reimbursable.

7.8 Employees must submit the original lodging receipts which show the detail of charges with their Expense Report in order to obtain reimbursement. Credit card billings are not acceptable receipts. Employees can be reimbursed only for the single room rate for lodging. 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. Lodging may be direct billed if allowed by the spending units' administrative policies and procedures. The traveler must attach a copy of the lodging invoice or other proof of lodging to the expense account settlement

§ 148-17-8 Meals

8.1 Employees are reimbursed for the actual expense of a meal, up to the maximum established by the Internal Revenue Service, when there is an overnight stay. Cost of a meal includes tax and a reasonable gratuity and does not include alcoholic beverages and entertainment expenses.

8.2 The temporary duty location determines the maximum per diem meal reimbursement rate. Meal reimbursement is allowed when lodging is listed as "gratis" or no charge. Meal expenses for single day travel (without overnight stay) are not

reimbursable. Reimbursement shall be as follows:

8.2.a Breakfast: An employee may not claim reimbursement for breakfast unless he/she was required to leave home for a travel status assignment 2 hours before the traveler's normal work day commences.

8.2.b Lunch: 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 his or her normal lunch period.

8.2.c Dinner: An employee may not claim reimbursement for dinner unless the state business caused him/her to return home from travel status 2 hours after the normal work day ends.

8.3 When meals are provided for a traveler, the traveler's maximum daily rate shall be reduced by an appropriate amount. To determine the amount of deductions for meals, allowance for meal expenses shall be deducted accordingly:

8.3.a Breakfast: 20% of the maximum daily rate.

8.3.b Lunch: 20% of the maximum daily rate.

8.3.c Dinner: 60% of the maximum daily rate.

8.4 Exceptions may be granted to meal reimbursement rates in situations when authorized by the Cabinet Secretary or Agency Head. If reimbursement is made in excess of the IRS rates or for single day travel, receipts are required and the Cabinet Secretary or Agency Head must approve the expense form. The following qualifications for extraordinary meal expense reimbursement require the exercise of good judgement in

determining what is a reasonable expense:

8.4.a Guardian Travel:

Employees transporting or accompanying patients, students or others entrusted to a spending unit for their care, education or placement, may be reimbursed the actual cost of meals, not to exceed the IRS rates. Receipts (or student signature form) per the Auditor's current guidelines are required. Employees in undercover operations, law enforcement personnel and others in certain occasional overtime situations, at the direction of the Agency Head, may be reimbursed for actual expenses. These cases must have the approval of the Cabinet Secretary or Agency Head. Agencies should keep appropriate documentation on file.

§ 148-17-9 Personal/Business Travel

9.1 When an employee combines business and personal travel, the state will reimburse the employee only for expenses incurred that are directly related to the business portion of the trip. If a rental vehicle is used for both business and pleasure, and additional costs incurred because of pleasure driving will not be reimbursed. The state will not pay for expenses such as golf, sightseeing, bus tours, souvenirs and personal expenses such as movies, amusement park fees, health or private club fees.

9.2 State negotiated airline, hotel and rental car discounts may not be used for personal/vacation travel. Corporate insurance coverage will not apply when using state negotiated rate for personal /vacation travel.

9.3 The State's Corporate Travel Credit Card is prohibited to pay for personal/vacation travel. Personal/business travel billing must be clearly distinguished and

not combined with state business travel billing. Only business related expenses will be reimbursed.

9.4 Telephone calling cards may be obtained for state employees who travel routinely and place numerous long distance calls while conducting state business. Requests for telephone calling cards, or to report that a card is lost or stolen, should be directed to the Agency Head or his/her designee.

9.5 For trips involving multiple days of travel or for single day travel where the traveler is unexpectedly delayed for business reasons, or an emergency situation occurs, the traveler may make one personal telephone call home per day. Reimbursement shall be made at actual cost, not to exceed \$3.00 a day. This call must not be made on the state telecommunications or travel card.

§ 148-17-10 Travel Insurance

10.1 Employees traveling on state business must, whenever possible, use the State's corporate credit card for reimbursable expenses such as airline tickets, meals, vehicle rental and lodging. Use of this card provides travel insurance benefits.

10.2 Expenses for additional travel insurance coverage will not be reimbursed by the state.

§ 148-17-11 Expense Reporting

11.1 All travel related business must be accurately documented on an expense report approved by the Travel Management Office in order to be reimbursed. Expense reports should be submitted within 15 days after completion of trip. Employees are

required to submit original paper receipts for all miscellaneous expenditures over \$75.00.

11.2 Original itemized receipts are required for any individual miscellaneous expenditure in excess of \$75.00. The Agency Head or his/her designee may require any and/or all receipts at their option, as a means of cost control.

11.3 An agency may allow an employee to file a copied, faxed, or duplicate invoice if the original receipt is lost, however the Auditor's Office requires two original signatures, in addition to the travelers. One must be the Chief Financial Officer, or the Agency Head. The other must be a delegated agency staff person. A signature card must be on file at the State Auditor's Office.

11.4 A cash advance for travel is permissible when an employee travels a minimum of two (2) consecutive days on official business.

11.5 The minimum cash advance is \$100 with a maximum of \$200 in a seven day period.

11.6 A cash advance is for business purposes only. No cash advance for personal purposes is permitted.

11.7 The preferred method of obtaining a cash advance is to use the state corporate travel card at an ATM or bank lobby. Try to obtain your ATM cash advance at a bank location as convenience stores sometimes limit the amount of cash it will dispense. Cash advances are limited to the maximum amount authorized by the spending unit.

11.8 The employee will be reimbursed for only one (1) cash advance transaction fee, and associated fee, per trip.

Unless authorized by the Travel Management Office, the original receipt ticket from the ATM machine is required for reimbursement of the ATM transaction fee.

11.9 The State Auditor's Office will process cash advances for State business related travel expenses upon authorization by the spending unit submitting the request. Cash advances may be issued for:

11.9.a All State travel expenses.

11.9.b Total estimated expenses for a student or student group.

11.9.c Other circumstances approved by the spending unit.

11.10 Cash advance settlements shall be submitted by the spending unit to the State Auditor's Office for final settlement within 30 days from completion of travel.

11.11 Failure to settle a cash advance within the time frame prescribed by the State Auditor's Office may result in suspension of cash advance privileges.

11.12 Persons traveling in foreign countries should report their expenditures in United State dollars. The total expenditure in foreign currency must be converted into U.S. 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 shall, whenever possible, use the corporate travel card to receive the best conversion rates and avoid high currency conversion fees.

§ 148-17-12 Credit Cards

12.1 Travelers should use the corporate charge card issued by the State of

West Virginia for business related travel expenses. The state corporate credit card is intended for business use only, no personal purchases are permitted. Employees are responsible for paying their state credit card bill promptly each month. Failure to pay the account promptly or misuse of the state corporate card may result in:

12.1.a Suspension or cancellation of charge privileges.

12.1.b Notification sent to employee's supervisors/manager.

12.1.c Legal action against the employee by the card issuer.

12.1.c Employees may be asked to sign an acceptance of responsibility form, at the Agency's discretion.

12.2 A lost or stolen corporate credit card must be reported as soon as the employee discovers it missing. Unauthorized use of stolen cards is greatest in the first few hours after the theft. Contact credit card company directly, the Travel Coordinator or Travel Management Office.

12.3 Upon termination of employment, all corporate cardholders must cut the card in half and send it to their agency's Travel Coordinator or Travel Management Office and promptly reconcile account and pay any remaining balances.

12.4 All state agencies are required to cancel employee credit card accounts immediately upon termination of their employment.

12.5 Personal charge or credit cards may be used for business travel only by employees who do not meet the issuance criteria for corporate credit card, or for establishments that do not accept the state

corporate charge card. Employees will not be reimbursed for annual fees or interest on personal credit card.

§ 148-17-13 Miscellaneous Expenses

13.1 Travelers may incur miscellaneous business related expenses which may be reimbursed if appropriate. Such expenses and reimbursements must be approved by the Agency Head or his/her designee and may include, but are not limited to:

13.1.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 portage (bell person) services rather than a facility where the traveler is expected to carry his/her own luggage.

13.1.b Laundry and dry cleaning when an employee is in travel status in excess of 7 days without returning home may be allowed actual cost at the agency's discretion.

13.1.c Baggage storage between appointments, and between hotels and meeting places.

13.1.d Tolls, garage and parking fees, including gratuities.

13.1.e Communication expenses such as local calls which may include a surcharge, internet connections, long distance calls which may include toll charges and surcharges, facsimiles, cablegrams or telegrams which may include toll charges, surcharges or delivery charges.

13.1.f Currency conversion.

13.1.g Guides, interpreters and visa fees.

13.2 The following items shall not be reimbursed:

13.2.a Alcoholic beverages.

13.2.b Collision damage waiver (rental car) when using State issued corporate card.

13.2.c Commuting expenses between an employee's residence and their headquarters.

13.2.d Entertainment or amusement costs, movies, 'no-show' charges, optional travel or baggage insurance, daily commuting mileage.

13.2.e Laundry and dry cleaning if on travel status less than 7 consecutive days.

13.2.f Parking or other traffic fines.

13.2.g Personal automobile accident insurance.

13.2.h Spouse/Family travel expense.

13.2.i Towing or maintenance for personal automobile.

13.2.j State travel charge card late fees and interest charges.

13.2.k Refuel charges on rental vehicles.

13.2.l Clothing

13.3 Any exceptions to this rule must be explained in writing and approved by the

Travel Management Office of the Department
of Administration.

Agency: Department of Administration
Rule Type: Legislative

Title Number: 148
Cite Authority: 12-3-11

BRIEF SUMMARY OF COMMENTS RECEIVED; AGENCY RESPONSE; AND AMENDMENTS

Comment: The language in section 3.7 is too restrictive as agencies should have the authority to obtain a better price than the required vendor can provide.

Response: There is a statewide contract for services and the Department of Administration feels that agencies should be required to utilize them. Additionally, you should not be able to get a better price by going elsewhere.

Amendment: None made.

Comment: The word required in section 5.1 should be changed to expected as you can not always make advanced booking.

Response: The Department of Administration believes that the word required is appropriate as no one would make the advance bookings without the requirement to do so.

Amendment: None made.

Comment: If the per diem rates established by the GSA for lodging apply then in regard to section 7.3 there should be an exception made for lodging for meetings at the discretion of the Agency Director.

Response: The Department of Administration believes that adding an exception to the rules would encourage Agency Directors to grant exceptions when not necessary.

Amendment: None made.

Comment: Has clarification been made as to insurance coverage for personal usage?

Agency Response: The Department of Administration believes that the State's insurance would not apply to any employee during personal usage.

Amendment: None made

Comment: How is accurate documentation of charges for personal vs. business travel performed?

Agency Response: No personal travel will be reimbursed and must be paid for separately. The Auditor's office reviews reimbursement.

Amendment: None made.

Comment: I would like to point out that the rules state that whenever possible the State's corporate travel credit card be used. A person's credit history is what makes up a credit score and the number of card issued may change their score.

Response: The State's corporate card must be paid off when reimbursed so they should not get a bad score because of having a card that is paid off monthly. We do not mandate that an employee get a card.

Amendment: None made.

Comment: Can employees who do not want to get a State's corporate credit card use their personal cards for travel? It is unfair for employees to have to get a card if they don't want to and prefer to use their own card.

Agency Response: Yes but they can not acquire any points, bonuses or dividends as it is against the Ethic's Law.

Amendment: None made

Comment: The definition of preferred vendor could cause confusion as it refers to a statewide contract but there are preferred vendor agreements that are not statewide.

Response: The Department of Administration is agreeable to changing the definition of preferred vendor to delete the word state-wide and just state the vendor who holds a contract with the state for specific travel services.

Amendment: Change definition of preferred vendor.

Comment: In regard to section 5.13 there are two aspects being discussed and they should be separated in the discussion.

Agency Response: The Department of Administration does not have a problem with separating them.

Amendment: Add a section number 5.14.

Comment: Is commuting milage not deducted when using a courtesy vehicle?

Agency Response: Yes the commuting milage would be deducted.

Amendment: A sentence will be added to section 6.14 to that affect.

Comment: The wording in 7.4 states that a traveler must make reservations through the contracted travel service vendor or directly with the hotel. If a traveler must make a reservation with the vendor then the traveler can not make it with the hotel directly.

Agency Response: The Department of Administration will add the word either in the section to avoid confusion.

Amendment: The word either added to section 7.4.

Comment: Clarification of word structure in section 8.4

Agency Response: Do not understand the question.

Amendment: None made..

Comment: Are employees still eligible to receive a cash advance for advanced payment of registration and then eligible for a cash advance for the actual trip?

Agency Response: No cash advance is given for registration unless the entity does not accept a credit card.

Amendment: None made

Comment: The proposed Travel Regulations should follow the Federal Government guidelines on meals and possibly hotels. Why not make the interpretation the same?

Agency Response: The Department of Administration agrees that by doing this it would be a large cost savings.

Amendment: Section added to have the hotel/lodging adhere to the Federal GSA per diem guidelines.

Comment: The \$200.00 ATM cash advance limit is too restrictive for employees.

Agency Response: The Department of Administration disagrees. We can not give larger cash advances as it is the tax payer dollars and we feel the \$200.00 is sufficient.

Amendment: None made.

Comment: The Aviation Division should continue to get an exception to the single day travel meal reimbursement.

Agency Response: We agree

Amendment: No amendment made. This has been done in the past by authorization from the Cabinet Secretary and will continue to be handled in this manner.

Comment: Why refer to Non-employee as a contractor/consultant.

Agency Response: They are simply give as examples.

Amendment: None made.

Comment: In section 4.3 it states that consultants and contractors are not required to use these rules and regulations at the spending unit's option. It should say allowed instead.

Agency Response: We believe that this section is sufficient.

Amendment: None made.

Comment: The words "boarding pass" should be changed to receipt as there are no longer boarding passes.

Agency Response: We agree

Amendment: The words boarding pass has been changed to receipt.

MEMO TO: Donna Prunty, Administration
FROM: Bill Kenny, Deputy Commissioner
RE: Proposed Legislative Rule, Travel / Comments
DATE: July 28, 2003

In accordance with your request for comments, this office wishes to submit the following regarding the proposed travel related rule changes:

Page 3– 3.7

The State has negotiated discounted rates and special services with various vendors (e.g. airlines, travel agencies, vehicle rental companies, hotels) ~~referred to as “Preferred Vendors.”~~ Use of these vendors are required for state travel services. The use of these vendors benefits the state in controlling and reducing travel expenses.

Comment: Please be aware that my position within this agency is charged with the management of the budget. The proposed language is very restrictive, i.e., various schedules for travel related services are not necessarily considered. Specifically, the possibility of using a non-preferred airline due to meeting schedules and length of flight times must be allowed. Additionally, should various agency management not be given the authority to obtain a better price than an agency required vendor can provide?

Page 3 – 5.1

Travelers are ~~expected~~ required to make advance bookings through the contracted travel service vendor to secure the least expensive airfare possible. Reimbursement for tickets where reservations were not made through the contracted travel service vendor require approval from the Travel Management Office. Whenever possible and practical, all changes of plans or itinerary while en-route must also be made through the designated agency.

Comment: The existing language seems appropriate given that this agency often is required to make quick changes in travel itinerary. Management’s discretion seems sufficient here. Some required trips are not known in sufficient time to make advance reservations. What latitude is there for required travel where little notice is available and firm travel requirements are not known?

§148-17-7 Lodging

There are plans to include the Lodging Rate Per Diem from the GSA Per Diem Rates as part of the travel guidelines.

Page 7 – 7.3

While in travel status the location of the lodging facility should be as convenient as possible to the place where the business is being transacted. The meal per diem is based on the temporary duty location, if lodging is not available at your business location, your agency may authorize or approve the maximum per diem rates for the location where lodging is obtained. (See also 8.2)

Comment: *This agency is required to attend many meetings annually many of which are hosted by the National Association of Insurance Commissioners. Attendance is paramount to the effective regulation of insurance within the State. It would seem impractical if this agency were required to stay off-premise of where business was being conducted, especially when taxi fare and other expenses are incurred. This office suggests the exception be made for meetings at the discretion of Agency Directors.*

§148-17-9 Personal/Business Travel

Page 8 – 9.1

When an employee combines business and personal travel, the state will reimburse the employee only for expenses incurred that are directly related to the business portion of the trip. If a rental vehicle is used for both business and pleasure, and additional costs incurred because of pleasure driving will not be reimbursed.

9.3

The State's Corporate Travel Credit Card is prohibited to pay for personal/vacation travel. Personal/business travel must be clearly distinguished and not combined with state business travel billing. Only business related expenses will be reimbursed.

Question: *Has clarification been made as to insurance coverage for personal usage?*

Comment: *There is no description of the methodology to be used to differentiate between personal miles driven and business related miles. This is especially true given that the Corporate Card may NOT be used what-so-ever for personal usage. Many rental car vendors do not utilize*

mileage for some rental products. How is accurate documentation of charges performed.

§148-17-12 Credit Cards

Page 10 – 12.1

Travelers ~~should~~ shall use the corporate charge card issued by the State of West Virginia for business related travel expenses.

Page 10 – 12.5

Personal charge or credit cards may be used for business travel only by employees who do not meet the issuance criteria for corporate credit card, or for establishments that do not accept the state corporate charge card. Employees will not be reimbursed for annual fees or interest on personal credit card.

Comment:

*Requiring a traveler to obtain an additional open credit account could also cause a state employee's insurance premiums to increase. Many personal auto and homeowners insurance companies look at consumer credit information as a factor in a decision whether to issue or renew an insurance policy and for underwriting purposes. Insurance companies maintain that information in a credit report can predict which consumers are likely to file insurance claims. They believe that consumers who are more likely to file claims should pay more for their insurance. Therefore, a "credit score" for insurance purposes, which is based upon a consumer's credit report, can affect how much the consumer pays for his or her auto or homeowners insurance. Based upon various presentations by entities that produce credit scores for insurance purposes, the more **open credit accounts** an individual has could negatively affect his or her credit score, and consequently cause his or her insurance premiums to go up. A state employee should not be forced to open an additional credit account in order to engage in state travel, which could have a negative impact on the employee's credit score and could cause the state employee to pay more for his or her insurance.*

From: "Darlene Parsons" <parsod@mail.wvnet.edu>
To: "Donna Prunty" <dprunty@gwmail.state.wv.us>
Date: 7/21/03 4:06PM
Subject: Travel Regs - Credit Card (Credit Scoring)

Donna,

After looking over the Proposed Legislative Rules, I would like to bring up a very important matter. The Proposed Rules state that whenever possible, use the State's corporate credit card for reimbursable expenses such as airline tickets, meals, vehicle rental and lodging. I do not know if you are aware, but there may be some adverse situations associated with getting and using this card by some state employees.

A person's credit history is what makes up your credit score. It is rated by the number of cards issued to an individual, the amount of times it is used, the number of times a person applies for a credit card, the number of hits on a persons credit, the number of open accounts a person has, the total amount of credit a person has, etc., etc. All of these situations can lower your credit score. This credit score can and usually is one of the criteria an insurance company uses when quoting you your house insurance and car insurance. Your credit score is also used when you apply for a loan and can be used for other quotes as well. If a person has a low credit score, they will pay more for their insurance and they may or may not get the loan they have applied for.

I have tried to condense this as much as possible.

Thanks,

Darlene Parsons

Administrative Officer

WV Insurance Commission

PO Box 50540

Charleston, WV 25305-0540

Ph: (304) 558-3707 x142

Fx: (304) 558-4967

e-mail: parsod@mail.wvnet.edu

From: "Ingram, June CIV" <JUNE.INGRAM@WV.NGB.ARMY.MIL>
To: <DPRUNTY@GWMAIL.STATE.WV.US>
Date: 7/15/03 12:56PM
Subject: Proposed Legislative Rules

Ms. Prunty:

We have read the proposed legislative rules for travel and agree with the majority of the changes. The only question we have is on 148-17-12 Credit Cards 12.5 it states Personal charge or credit cards may be used for business travel only by employees who do not meet the issuance criteria for corporate credit card, or for establishments that do not accept the state corporate charge card. We have several employees who use their personal credit cards to travel; they are eligible for corporate cards but prefer to use their own cards. We would like to see that sentence removed or rewritten to allow employees to use their personal credit cards. We feel it is unfair to make employees apply for another card if they prefer to use their own credit cards.

Thank You

June Ingram
The Adjutant General's Office
1703 Coonskin Dr
Charleston, WV 25311
304-561-6305
june.ingram@wv.ngb.army.mil

From: "Elizabeth Webb" <ewebb@wvdhhr.org>
To: <dprunty@gmail.state.wv.us>
Date: 7/21/03 9:55AM
Subject: Comments for the Proposed Travel Regulations

Attached are the comments from the Department of Health and Human Resources on the proposed Travel Regulations. If you have any questions, I can be reached at 558-2996.

CC: "Danny Franco" <dfranco@wvdhhr.org>, "Jean Jones" <jjones@wvdhhr.org>, "Warren Keefer" <wkeef@wvdhhr.org>

**Department of Health and Human Resources
Office of Accounting
Comments on Proposed Travel Regulations**

Listed below are comments on the new Proposed Travel Regulations:

General comments

1. There is no mention in the Proposed Travel Regulations concerning registration.
2. Under the section entitled "General", the language reflects the Travel Regulations governs out-of-state and international travel. Under the section entitled "Purpose", the language reflects the Travel Regulations governs all aspects of travel. Does the Proposed Travel Regulations govern all travel which includes in-state, out-of-state and international?
3. In the definition of "Preferred Vendor", the definition refers to a Statewide contract. There are preferred vendor agreements that are not Statewide contracts. This could cause confusion.

Air Transportation

- 5.4 Is it necessary?
- 5.10 A memorandum was distributed in November 2002 concerning the restricted use of non-refundable airline tickets. This memorandum indicated that "all major airlines for travel originating on or after October 1, 2002 any changes to nonrefundable tickets must be made on or before the departure date or the value of the ticket will be lost."
- 5.13 Clarification in the word structure. There are two aspects being discussed. This includes reimbursement account and advance payment of airline tickets. These should be separated in the discussion.

Ground Transportation

- 6.14 The explanation concerning deducting normal commuting mileage is discussed in 6.11. The deducting of normal commuting mileage is not mentioned under courtesy vehicles. Does this mean that normal commuting mileage is not deducted?

Lodging

- 7.4 Clarification in word structure. The wording reflects that the reservations must be made through the contracted travel service vendor or directly with the hotel. If a traveler must make the reservations through the contracted travel service vendor, then the traveler

Date Prepared: July 18, 2003

cannot make the reservations directly with the hotel.

Meals

- 8.4 Clarification in word structure. The first exception (extraordinary meal expense reimbursement) is separated using (a). The second one, under cover operations, is not.

Expense Reporting

- 11.4 There is a numbering problem with this portion of the Travel Regulations.
- 11.5 Are employees still eligible to receive a cash advance for advanced payment of registration and then eligible for a cash advance for the actual trip?
- 11.6 Does this include in-state cash advances?

Credit Cards

- 12.5 Addresses staff that do not meet the criteria (use of personal charge or credit cards). What about staff that have lowered limits? What if staff do not wish to participate in the corporate travel credit card program?

Date Prepared: July 18, 2003

**Department of Health and Human Resources
Office of Accounting
Comments on Proposed Travel Regulations**

Listed below are comments on the new Proposed Travel Regulations:

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Date Prepared: July 18, 2003

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Credit Cards

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Date Prepared: July 18, 2003

From: "Elizabeth Webb" <ewebb@wvdhhr.org>
To: <dprunty@gwmail.state.wv.us>
Date: 7/30/03 6:34PM
Subject: Comments

I apologize for the lateness of these two comments. If you have any questions, please let me know.

**West Virginia Department of Health and Human Resources
Additional Comments from July 22, 2003 Meeting
on Proposed Travel Regulations**

- 7.3 The destination is where an employee conducts business; not where they have lodging accommodations. This is a loose interpretation from the Federal government regulations. The proposed Travel Regulations should follow the Federal government guidelines on meals and possibly hotels. Why not make it interpretation the same.
- 11.5 If an employee is traveling to a large city for several days, \$200 will not cover all of the miscellaneous expenses (taxi, shuttle, some meals, etc.) for the employee. Also, ATM cash advances are used for registration fees. Therefore, if a registration fee is \$495 and no credit cards are allowed, the employee can obtain an ATM cash advance for \$500 in which to pay the registration fee. The \$200 ATM cash advance limit is too restrictive for employees.

Prepared: July 29, 2003

**West Virginia Department of Health and Human Resources
Additional Comments from July 22, 2003 Meeting
on Proposed Travel Regulations**

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Prepared: July 29, 2003



STATE OF WEST VIRGINIA
DEPARTMENT OF ADMINISTRATION
AVIATION DIVISION
Yeager Airport
502 Eagle Mountain Road
Charleston, WV 25311

Bob Wise
Governor

Gregory A. Burton
Cabinet Secretary
Keith A. Wood
Director

MEMORANDUM

TO: Tom Susman, Acting Cabinet Secretary
Department of Administration

THRU: Donna M. Prunty, Executive Coordinator
Cabinet Secretary's Office
Department of Administration

FROM: Keith A. Wood, Director
Aviation Division

DATE: July 15, 2003

RE: Proposed Legislative Rules (Travel Regulations)

PURPOSE: The purpose of this memorandum is recommend changes to the proposed legislative rules governing travel and to seek the **continued** exception to policy whereby authorizing single day travel meal reimbursement for Aviation Division pilots.

ISSUE:

The purpose of the Aviation Division is to enhance the efficiency and effectiveness of State Government by providing safe, secure, reliable and professional air transportation to the Governor and his administration. To accomplish this mission, the Aviation Division pilots are on call 24 hours a day and work abnormal work hours dependent on flight schedule. Experts in the field of aviation medicine recognize the importance of nutritious, well-balanced diet for aircrew members. Not only is it critical the pilot should eat at regular times, but they should also maintain their normal dietary habits. The act of missing meals or substituting a quick snack and coffee for a balanced meal can induce fatigue, inefficiency and hypoglycemia. As a pilot's energy is depleted, the subsequent degradation of skills becomes more pronounce.

In most occupations within state government the act of missing or delaying a meal would at most, result in possible fatigue at the latter part of the work day. However, the Aviation Division

Continued.....

pilots working long and odd hours are required to be at their top performance in accuracy and judgement, with no room for error while landing at night in adverse weather conditions at the completion of a twelve (12) hour (or more) work day. Safety depends upon the degree to which an organization manages all elements under its control, the most important being personnel. Top management's role in establishing a culture that encourages safety cannot be underestimated.

RECOMMEND CHANGES:

148-17-5 Air Transportation: 5.8 Aircraft owned and managed by DOA ~~may~~ (shall) be used whenever available. Charter services ~~may~~ (should) be used only when a state owned aircraft is not available.

148-17-8 Meals: As per past travel regulations, an exception to single day meal reimbursement should be authorized by a Cabinet Secretary (See Attached).

Attachments



STATE OF WEST VIRGINIA
DEPARTMENT OF ADMINISTRATION
OFFICE OF THE CABINET SECRETARY
BUILDING 1, ROOM E 119
1900 KANAWHA BOULEVARD, EAST
CHARLESTON, WV 25305-0120

BOB WISE
GOVERNOR

February 20, 2001

GREGORY A. BURTON
CABINET SECRETARY

Mr. Keith A. Wood
Director, Aviation Services
502 Eagle Mountain Road
Charleston, WV 25311

Re: Meal Reimbursements

Dear Mr. Wood:

The current State of West Virginia travel regulations prohibit single-day meal reimbursements without direct authorization of a Cabinet Secretary or Agency Director. Knowing that pilots and other crew members' work schedules vary and taking into consideration the lengthy hours, at times, that they are required to work, I feel that consideration should be made in granting single-day meal reimbursements where applicable.

Therefore, I am granting the Aviation Division a blanket exception from this section of the travel regulation.

Sincerely,

Gregory A. Burton
Cabinet Secretary

GAB:db

*Your file
Copy*

Line



STATE OF WEST VIRGINIA
DEPARTMENT OF ADMINISTRATION
OFFICE OF THE CABINET SECRETARY
BUILDING 1 ROOM E 119
1900 KANAWHA BOULEVARD, EAST
CHARLESTON, WV 25305-0120

CECIL H. UNDERWOOD
GOVERNOR

JACK R. BUCKALEW
CABINET SECRETARY

June 1, 2000

Mr. Keith A. Wood
Director, Aviation Services
502 Eagle Mountain Road
Charleston, WV 25311

Dear Mr. Wood:

This letter is in response to your memorandum dated July 30th regarding travel regulations that went into effect July 1, 1998.

The new regulations do not authorize single-day meal reimbursements without authorization by the Cabinet Secretary or Agency Director. I agree that pilots and other crew members must maintain a nutritious, well-balanced diet to ensure top performance in their jobs.

Therefore, I am granting the Aviation Division a blanket exception from this section of the regulation.

Very truly yours,

Jack R. Buckalew
Cabinet Secretary

STATE OF WEST VIRGINIA
DEPARTMENT OF ADMINISTRATION
OFFICE OF THE CABINET SECRETARY
BUILDING 1, ROOM 2119
1900 KANAWHA BOULEVARD, EAST
CHARLESTON, WV 25305-0120

CECIL H. UNDERWOOD
GOVERNOR

JOSEPH F. MARKUS
CABINET SECRETARY

August 6, 1998

Mr. Keith A. Wood
Director, Aviation Services
502 Eagle Mountain Road
Charleston, WV 25311

Dear Mr. Wood:

This letter is in response to your memorandum dated July 30th regarding travel regulations that went into effect July 1, 1998.

The new regulations do not authorize single-day meal reimbursements without authorization by the Cabinet Secretary or Agency Director. I agree that pilots and other crew members must maintain a nutritious, well-balanced diet to ensure top performance in their jobs.

Therefore, I am granting the Aviation Division a blanket exception from this section of the regulation.

Very truly yours,



Joseph F. Markus
Cabinet Secretary



WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
Division of Public Transit

1900 Kanawha Boulevard East • Building Five • Room 830
Charleston, West Virginia 25305-0432 • 304/558-0428
FAX: 304/558-0174 • TDD: 1-800-742-6991

Bob Wise
Governor

Fred VanKirk, P. E.
Secretary

Susan L. O'Connell
Director

July 28, 2003

Donna M. Prunty, Executive Coordinator
Department of Administration
Building 1, Room E-119
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0120

Dear Ms. Prunty:

Thank you for the opportunity to comment on the proposed legislative rules governing Out-of-State Travel. The Division of Public Transit would like to offer the following comment.

- 12.5 Personal charge or credit cards may be used for business travel only by employees who do not meet the issuance criteria for corporate credit cards, or for establishments that do not accept the state corporate card, or for establishments that do not accept the state corporate charge cards.

Employees should not be forced to use the state corporate card if they do not request reimbursement for annual fees or interest on personal credit cards. The corporate credit card listed on an employee's credit report may prevent the employee from getting a lower interest rate or prevent him/her from getting a loan because it gives the appearance that this credit is available to them.

If employees are going to be forced to have a corporate credit card, a credit check should be a condition of employment, which would be unfortunate.

Thank you for providing us with an opportunity to comment.

Sincerely,

A handwritten signature in black ink that reads "Susan L. O'Connell".

Susan L. O'Connell
Director

From: Valerie Rist <vrist@state.wv.us>
To: <DPRUNTY@GWMAIL.STATE.WV.US>
Date: 7/22/03 2:31PM
Subject: Travel Rule Comments

The only comment I have to offer on the proposed rule changes is to the mandatory use of the corporate charge card as specified in §148-17-12, rule no. 12.1 and 12.5.

The Grievance Board is a very small agency and we do very limited travelling, especially out of state. I have offered to get everyone in the office a travel card, but no one wanted one. Also, it would be more cumbersome for us, as a small agency to make everyone get a travel card, for the limited travel done. Right now, everyone uses their own credit cards, when needed and I have opened a ghost account to pay for registrations. Everything works well that way. I don't think getting all our employees travel cards would be a very good use of the contract.

[This e-mail was scanned for viruses by F-Prot/Declude Antivirus]



DIVISION OF NATURAL RESOURCES

Capitol Complex, Building 3, Room 669
1900 Kanawha Boulevard East
Charleston WV 25305-0660
TDD (304) 558-1439
TDD (304) 1-800-354-6087
Fax (304) 558-2768
Telephone (304) 558-2754

Bob Wise
Governor

Ed Hamrick
Director

July 25, 2003

Ms. Donna M. Prunty, Executive Coordinator
Department of Administration
Building 1, Room E-119
1900 Kanawha Boulevard, East
Charleston, WV 25305

Dear Ms. Prunty:

Thank you for the opportunity to comment on the proposed travel regulations. On behalf of the Division of Natural Resources, the following comments are offered:

- 2.8 New, page 2, Non-Employee

"Any board, commission, committee member, or volunteer who has been authorized by the agency head to travel on business on behalf of the State of West Virginia."
- 2.8 Under current purchasing regulations are consultants allowed to claim travel expenses? If so, then why refer to "Non-Employee" as a contractor/consultant?
- 2.8 Delete the word "is" in line 3 of non-employee.
- 2.10 "~~Preferred Vendor~~" Change to "Statewide Contract Vendor."
- 4.1 Line 2 - Change "and" to "an."
- 4.3 Consultants and contractors are not ~~required~~ allowed to use these rules and regulations. ~~, at the spending units' option.~~ All consultant and contractor travel shall ~~should~~ be included as part of the consulting/contractor fee agreement.

5.1 Travelers ~~are expected~~ shall make . . . through the ~~contracted travel service vendor~~ statewide contract vendor to secure . . .

5.4 All employees . . . Traveler Profile Form to the ~~state's contracted statewide contract vendor~~ to ensure . . .

5.10 Unused paper or e-ticket ~~boarding pass~~ receipt must . . .

5.13 Commercial airline tickets shall be charged, whenever possible, to the spending unit's centrally billed account or ~~reimbursement account:~~ ghost account and paid . . . policies and procedures.

5.14 Reimbursement may be made . . . of the airline ticket ~~and a copy of the travel agency itinerary~~, to the agency's . . . the centrally billed account.

6.4 Commercial rental vehicles . . . vendor. Reimbursement will be . . . for a SUV mid-size . . . vehicle. For travel . . . shall be attached.

7.4 Reservations for out-of-state . . . made either through the ~~contracted travel service vendor~~ statewide contracted vendor or directly . . .

11.1 All travel related . . . completion of the trip. ~~Employees are required to submit original paper receipts for all miscellaneous expenditures over \$75.00:~~

Second 11.4 - ~~The minimum cash advance is \$100 with a maximum of \$200 in a seven day period.~~ Delete this section as these terms are dictated by the United Bank Travel Card application approved by the agency for each individual traveler.

Second ~~11.3~~ Change to 11.5

Third ~~11.4~~ Change to 11.6

~~11.5~~ 11.7 The employee will shall be . . . fee, per trip per a seven (7) day rolling period. Unless authorized . . . transaction fee.

Donna M. Prunty
Page Three
July 25, 2003

| | |
|--------|--------|
| 11.6 | 11.8 |
| 11.6.a | 11.8.a |
| 11.6.b | 11.8.b |
| 11.6.c | 11.8.c |
| 11.7 | 11.9 |
| 11.8 | 11.10 |
| 11.9 | 11.11 |

12.5 ~~Personal charge . . . business travel, howerer, the use of the State travel card is highly recommended. only by employees who do not meet the issuance criteria for corporate credit card, or for establishments that do not accept the state corporate charge card. Employees will not be reimbursed for annual fees or interest on personal credit card.~~

13.1.b Delete in entirety and replace with "Actual laundry and dry cleaning costs shall be fully reimbursable when an employee is in travel status exceeding a seven (7) day rolling period without returning to his/her place of residence."

Also, there is no section for "registration." Please create this section.

Again, thank you for the opportunity to provide these comments.

Sincerely,



Ed Hamrick
Director

EH/hpb

cc: David Tincher
Catherine DeMarco



BOB WISE
GOVERNOR

STATE OF WEST VIRGINIA
DEPARTMENT OF ADMINISTRATION
PURCHASING DIVISION
2019 WASHINGTON STREET, EAST
P.O. BOX 50130
CHARLESTON, WEST VIRGINIA 25305-0130

GREGORY A. BURTON
CABINET SECRETARY

DAVID TINCHER
DIRECTOR

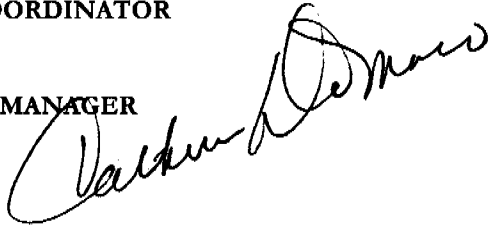
MEMORANDUM

DATE: JULY 28, 2003

TO: DONNA PRUNTY, EXECUTIVE COORDINATOR

FROM: CATHERINE DEMARCO, TRAVEL MANAGER

RE: TRAVEL RULES



I would like to make two comments regarding the purposed travel rules, Section 5.10 states that the unused 'boarding pass' must never be discarded. Since the boarding pass has no monetary value it should be change to 'coupons'. I questioned the reference to 'reimbursement account' when the industry name is 'ghost account or CTS account (Corporate Travel System)', I have included a copy of the MasterCard contract pertaining to that account.

Also at last weeks meeting I was asked to clarify certain items.

Are meal reimbursement based on hotel or temporary duty station. The Federal rule is: *Your TDY location determines your maximum per diem reimbursement rate. If you arrive at your lodging location after 12 midnight, you claim lodging cost for the preceding calendar day. If no lodging is required, the applicable M&IE reimbursement rate is the rate for the TDY location. If lodging is not available at your TDY location, your agency may authorize or approve the maximum per diem rate for the location where lodging is obtained.*

The Federal Travel Regulations do not specify a certain time of day when meals could be claimed, they state: *Your per diem or actual expense entitlement starts on the day you depart your home, office, or other authorized point and ends on the day you return to your home, office or other authorized point*

The final request was to define 'courtesy vehicles'. The Federal regulations do not; they reference 'special conveyance' but do not identify or describe.

Please don't hesitate to contact me if you need additional information or added clarification.

cc: David Tinchler, Purchasing Director

cash advance and ATM transactions. However, there will be a minimum transaction amount of \$100.00.

- b. Finance charges on Cash Advances are applied from the date of the withdrawal and are NOT reimbursable expenses under State Law or Higher Education Travel Policy.

Finance charges on cash advance and ATM transactions will not be imposed for 60 days.

- c. The response time and procedure for emergency increases in cash advance limits is not defined.

Requests for increases in the cash advance limits made by authorized state personnel during customer service hours (8:30 a.m.-11:00 p.m. Eastern Standard Time) will be completed immediately and the accounts will be adjusted "real-time".

- 5) The initial enrollment procedure does not include issuing cards to all existing card holders and requires a signed application transmitted to NEBA, United Banks third party card administrator. Can an electronic file be submitted with signed applications be maintained by the agency ?

Based on a discussion with the Travel Program Manager, we have learned that additional signatures are required prior to submission of an application. In addition, United requires a signed application by all credit card applicants acknowledging and agreeing to the terms and conditions of each account. Based on these operational issues and compliance with state and federal banking regulations, a paper application will be required.

- 6) Team Cards, Departmental Cards, and special airfare CTS (Ghost Accounts), billed to and paid by the University, are not listed as available under the contract. Costs, fees, and transaction limits, if any, and procedures for large dollar transactions, e.g. Bowl Game travel, are not defined.

These types of accounts were not clearly defined in the RFP. Now that United Bank understands the need for these types of accounts, we will issue a line of credit sufficient to meet the needs of the state.

The same rates and fees will apply. See Rate and Fee Schedule.

- 7) Travelers Checks are specified in the contract as "Not Available".

Travelers checks are available at all United Bank branch offices. Service fee for the travelers checks will be waived with the use of the travel card as payment.

f. Name, title, address and phone/fax/e-mail numbers of agency person(s) to receive all written correspondence regarding this rule: (please type)

Donna Prunty, Executive Coordinator

Department of Administration

1900 Kanawha Boulevard, East

State Capitol, Room E-119

Charleston, WV 25305

304-558-3392

g. IF DIFFERENT FROM ITEM "f", please give Name, title, address and phone number(s) of agency person(s) who wrote and/or has responsibility for the contents of this rule: (please type)

Dave Tincher, Director of Purchasing

2019 Washington Street, East

Charleston, WV 25301

304-558-2538

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

N/A

b. Date of hearing or comment period:

July 1, 2003 through July 31, 2003

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

N/A

d. Attach findings and determinations and reasons:

Attached See attached

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Title 148, Series 17, Out-of-State Travel

Type of Rule: X Legislative Interpretive Procedural

Agency: Department of Administration

Address: 1900 Kanawha Boulevard, East

Building 1, Room E-119

Charleston, WV 25305

1. Effect of Proposed Rule:

| | ANNUAL FISCAL YEAR | | | | |
|-----------------------|--------------------|----------|---------|------|------------|
| | Increase | Decrease | Current | Next | Thereafter |
| ESTIMATED TOTAL COST | -0- | -0- | -0- | -0- | -0- |
| PERSONAL SERVICES | | | | | |
| CURRENT EXPENSE | | | | | |
| REPAIRS & ALTERATIONS | | | | | |
| EQUIPMENT | | | | | |
| OTHER | | | | | |

2. Explanation of Above Estimates:

No costs will be associated with the passage of the proposed rule changes as the Department of Administration already implements the items addressed in the proposed rules.

3. Objectives of These Rules:

To get Legislative approval of the Travel rules in order to have the full force and effect of the law when trying to enforce the rules.

4. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government:

None

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


None

C. Economic Impact on Citizens/Public at Large.

None

Date: 8-1-03

Signature of Agency Head or Authorized Representative:



Tom Susman, Acting Cabinet Secretary
Department of Administration