

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

Form #2

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2002 APR 24 P 3: 36

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Higher Education Policy Commission TITLE NUMBER: 133

RULE TYPE: Procedural 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: Series 29

TITLE OF RULE BEING PROPOSED: Travel

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON May 24, 2002 AT 10:00 AM ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Office of the Chancellor
Higher Education Policy Commission
1018 Kanawha Blvd. East
Charleston, WV 25301

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

J. Michael Muller jmd
Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

SCANNED

TITLE 133
PROCEDURAL RULE
HIGHER EDUCATION POLICY COMMISSION

SERIES 29
TRAVEL

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2007 APR 24 P 3: 36

OFFICE WEST VIRGINIA
SECRETARY OF STATE

SECTION 1. GENERAL

1.1 Scope:

- 1.1.1 This rule implements the guidelines and procedures concerning management of in-state, out-of-state and international travel, hereinafter referred to as "travel," and for reimbursement of expenses to members of the institutional Boards of Governors, hereinafter referred to as the "Governing Boards" and/or "Board," members of the West Virginia Higher Education Policy Commission, hereinafter referred to as "Commission," the employees of the Governing Boards and Commission , and other non-employees traveling on behalf of the Governing Boards or the Commission.
- 1.1.2 Consultants and contractors are not required to use these rules and regulations, at the Governing Board's or Commission's option.
- 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.
- 1.1.4 As used in this rule, all terms have the same meaning as provided in West Virginia Code §18B-1-2. For the purposes of this rule, the Commission Office and West Virginia Network for Educational Telecomputing (WVNET) shall be considered institutions.
- 1.1.5 Each Governing Board shall promulgate travel rules, policies and procedures for managing travel at its institution(s) consistent with this rule, state and federal laws, and Internal Revenue Service (IRS) regulations.

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

1.3 Filing Date:

1.4 Effective Date:

- 1.5 Repeal of Former Rules: Title 131, Procedural Rule of the State College System of West Virginia, Series 47, and Title 128, Procedural Rule of the University System of West Virginia, Series 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 or Commission member, or other non-employee unless such claim meets all the requirements of this rule.

SECTION 2. PROVISIONS APPLICABLE ONLY TO THE COMMISSION AND THE GOVERNING BOARDS

- 2.1 The Commission and the Governing Boards 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 Commission or Governing Board, to be interviewed concerning her or his possible employment by the Commission or Governing Board or agent thereof. Authorization for such payment shall be given by the Commission and/or Chancellor, or the Governing Board and/or institutional president, or other administrative head of an institution.
- 2.2 Payment may be authorized for: (1) all or part of the reasonable expenses incurred by a person newly employed by the Commission or Governing 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 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 Commission or Governing Board; provided, that no part of the moving expenses of an employee shall be paid more frequently than once in twelve months. Authorization for such payment shall be given by the Commission and/or Chancellor, or the Governing Board and/or institutional president or other administrative head of an institution.

SECTION 3. DELEGATION OF AUTHORITY AND RESPONSIBILITIES

- 3.1 Authority to manage, approve or disapprove travel and travel related expenses is delegated to the Chancellor for and on behalf of the Commission, and to the Governing Boards for and on behalf of their respective institution(s). A Governing Board may delegate authority to the president and/or other administrative head of an institution, hereinafter called the "Chief Executive Officer" to manage, approve or disapprove travel and travel related expenses at their institution. Such delegated

authority shall be made by resolution of the Board and may also be revoked or modified by the Board.

- 3.2 The Chancellor or Chief Executive Officer may also delegate authority to others within her or his respective institution(s) to act as her or his designee(s) for authorizing and approving travel and travel related expenses. 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 Chancellor and Chief Executive Officer shall develop 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 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 EMPLOYEES, COMMISSION AND GOVERNING 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 the policies and procedures of the institution.
- 4.1.2 Employees are responsible for submitting a travel expense account settlement form, with all required receipts and attachments, to her or his institution within a reasonable amount of time after the last day of travel, as defined by the institution, in order to qualify for reimbursement of expenses or for payment.

4.2 Members of the Commission and Governing Board

- 4.2.1 This rule shall govern reimbursement of travel expenses to members of the Commission and Governing Boards when a

Commission or Board member requests reimbursement for travel expenses.

4.3 Non-Employees

4.3.1 When non-employees are eligible to receive reimbursement of travel expenses, reimbursement shall be made in accordance with this rule and the policies and procedures of the institution.

SECTION 5. TRANSPORTATION

5.1 Air Transportation

5.1.1 Commercial Airlines

5.1.1.1 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 or as otherwise approved by the institution to secure the least expensive airfare possible. 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 of the commercial airline ticket. 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 policies and procedures.

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, 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 Chancellor or 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.

5.2 Ground Transportation

5.2.1 A traveler may use a state owned vehicle, privately owned vehicle, a commercial rental vehicle, or rail service for ground transportation when traveling on official business of the institution. Receipts and documentation are not required unless otherwise indicated below or required by the institution:

5.2.1.1 State Owned Vehicles: The availability and use of a state owned vehicle will be determined by the institution's policies and procedures.

5.2.1.2 Privately Owned Vehicles: Privately owned and courtesy vehicles may be used. Reimbursement will be made in accordance with the institution's policies and procedures and shall not exceed the prevailing rate per mile established by the Internal Revenue Service.

5.2.1.3 Commercial Rental Vehicles: Commercial rental vehicles may be used. Reimbursement will be made at actual cost for the daily rental fee for a mid-size or smaller vehicle, plus insurance, mileage fees and fuel costs in accordance with the institution's policies and procedures. Receipts/documentation is required for reimbursement.

5.2.1.3 Rail Service: May be used for ground transportation in accordance with the institution's guidelines and procedures. Travelers are expected to make advanced bookings and use the least expensive logical fare via the most direct route, or other reasonable route that results in a lower fare. Receipts/documentation is required for reimbursement.

5.2.1.4 Miscellaneous Ground Transportation: Miscellaneous ground transportation may be reimbursed in accordance with the institution's guidelines 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.

SECTION 6. LODGING

- 6.1 Reimbursement for lodging shall include actual expenses for overnight accommodations, use of a room during daytime, and all applicable taxes and surcharges. Reservations for lodging shall be made according to the institution's policies and procedures. Lodging receipts are required for reimbursement.
- 6.2 Lodging may be direct billed if allowed by the institution's 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 shall be made in accordance with the institution's policies and procedures and is limited to actual expenses for food, service and gratuities up to the applicable maximum daily rate authorized by the Commission or Governing Board. Specifically excluded are alcoholic beverages and entertainment expenses.
- 7.2 Receipts are not required for meal reimbursement.

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 and shall be made according to the institution's policies and procedures. Registration fees may also be direct billed to the institution when feasible.
- 8.2 Receipts are required for reimbursement. The receipt/documentation provided by the event sponsor shall be sufficient for reimbursement.
- 8.3 The traveler shall not receive an allowance or reimbursement for lodging or food that is included in registration fees.

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, or unless otherwise required by the institution. 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 portage (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 be reimbursed for 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 Chancellor, 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.

SECTION 10. FORM OF PAYMENT FOR BUSINESS TRAVEL

- 10.1 Corporate Charge Card or Credit Card: 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: Cash advances for official travel may be requested from the State Auditor's Office according to the procedures established by the Auditor for employee and student travel, and for group travel such as bands, athletic teams and organized student groups. The Governing Boards shall establish policies and procedures for requesting and settling cash advances with the Auditor.
- 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 Commission. 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 Paragraph 10.2 shall apply.

10.3.4 Each institution shall adopt and actively pursue policies and procedures to manage and minimize credit losses by employees using the corporate charge card.

10.4 Direct Billing: Direct billing may be authorized by the appropriate institutional representative in accordance with the institution's policies and procedures. 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.

SUMMARY

TITLE 133 PROCEDURAL RULE HIGHER EDUCATION POLICY COMMISSION SERIES 29 TRAVEL

This rule establishes the guidelines and procedures concerning management of in-state, out-of-state and international travel and for reimbursement of expenses to members of the institutional Boards of Governors, members of the West Virginia Higher Education Policy Commission, the employees of the Governing Boards and Commission, and other non-employees traveling on behalf of the Governing Boards or the Commission.

□
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: 133-29: Travel

Type of Rule: Legislative Interpretive Procedural

Agency: Higher Education Policy Commission

Address: 1018 Kanawha Boulevard East
Charleston, WV 25301

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:

There is no cost to implementation of this rule. It is procedural.

3. Objectives of These Rules:

This rule establishes guidelines for the reimbursement of travel by higher education employees, members of the Policy Commission and its staff, and by institutional governing board members, and certain non-employees.

Rule Title: 133-29: Travel

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: April 24, 2002

Signature of Agency Head or Authorized Representative:

J. Michael Donnell / jcd