

# Supreme Court of Kentucky

2009-09

## ORDER

IN RE: Amendments to the Rules of Administrative Procedure AP  
Part VII, Reimbursement for Official Travel

Under Sections 110(5)(b) and 116 of the Constitution of Kentucky, it is HEREBY ORDERED effective September 1, 2009, Part VII of the Rules of Administrative Procedure, Reimbursement for Official Travel, is hereby deleted in its entirety and shall be replaced by the following:

### TRAVEL REGULATIONS

#### **SECTION I - Official Travel**

##### 1) General

- a) Persons responsible for authorizing that travel expenses be incurred shall ensure that all travel expenses are as economical as feasible.
- b) All persons who travel on official court business shall state on the travel voucher the purpose of each trip, shall maintain records to support their claims, and shall provide themselves with sufficient personal funds to defray their travel expenses.
  - i) Except for mileage, out-of-state meals, and in-state tolls, employees and elected/appointed officials must furnish for each expenditure claimed over three dollars (\$3.00) a pre-printed receipt from the hotel, motel, restaurant, or other establishment utilized.
  - ii) For all official airline travel, employees and elected/appointed officials shall furnish the original airline receipt if the employee or elected/appointed official is claiming reimbursement.

- c) The Director of the Administrative Office of the Courts (AOC) or designee is responsible for ensuring that all travel reimbursement conforms to these regulations. The Director or designee may disallow, reduce or strike from expense vouchers any claims contrary to these regulations. Written justification for any claim may also be required. Exceptions may be approved upon finding the exception is in the best interest of the Court of Justice and not in violation of the manifest intent of these regulations.

## 2) Eligibility

- a) Except as provided by state law or by these regulations, no reimbursement shall be claimed for expenses of any person other than employees, elected/appointed officials, or other persons in the official service of the Court of Justice. Only necessary expenses of official travel will be reimbursed.
- b) No reimbursement shall be claimed or allowed for travel, meals, lodging, transportation or other items provided free of charge.
- c) No reimbursement may be claimed for travel, meals, lodging, transportation, or other expenses incurred when attending a Court of Justice meeting, conference, or educational program unless the employee or elected/appointed official attends programs scheduled during the time period in which the expenses were incurred. Exceptions may be made for good cause shown.
- d) An employee on official travel status may be granted annual leave if arriving prior to or staying after official business. No travel expenses may be reimbursed during that period.
- e) An employee on official travel status may continue on travel status for a period of seven (7) calendar days if he/she becomes incapacitated due to illness or injury that qualifies as official sick leave. Travel expenses may be allowed during the period of incapacitation unless the employee returns to his/her official workstation or residence.
- f) If an employee works on a holiday or other non-scheduled work day, it is considered to be a working day for travel purposes.

## **SECTION II – Official Work Station**

### 1) Elected and Appointed Officials

The work station of all judges and their staff shall be specified by the Chief Justice of the Supreme Court.

### 2) AOC Employees

The official work station of an AOC employee shall be Frankfort unless otherwise approved by the AOC Director or designee. All work station designations shall be based upon the best interest of the Court of Justice.

### 3) AOC Field Employees

Designations of work station shall be based upon the work location of which an employee averages 60% (22.5 hours of a 37.5 hour work week) unless otherwise approved by the AOC Director or designee.

## **SECTION III – In-State Travel**

### 1) Transportation

- a) State-owned vehicles should be used for business travel when available and feasible. No mileage reimbursements shall be claimed when state-owned vehicles are used.
- b) Employees and elected/appointed officials who travel on official court business and use a state-owned vehicle shall not be reimbursed for any additional insurance coverage.
- c) Reimbursement for official use of a privately-owned vehicle shall be in accordance with the mileage rate set forth by the Chief Justice.
- d) Vicinity mileage includes only necessary travel within the immediate area.
- e) Privately owned aircraft may only be used if approved by the Chief Justice.

## 2) Lodging

### a) Individuals

- i) Lodging expenses incurred during official travel shall be reimbursable within the limits provided in these regulations.
- ii) Cost of lodging within seventy-five (75) miles of the official work station or home is not eligible for reimbursement or payment unless approved by the appointing authority.
- iii) Employees and elected/appointed officials shall not incur lodging expenses above \$75 per night, excluding taxes, without written approval of the AOC Director or designee.
- iv) Lodging accommodations shared by other persons who are not state employees shall be reimbursed at the single-room rate.
- v) Facilities providing special government or commercial rates shall be used where feasible and employees shall request such rates when on official travel.
- vi) A receipt for all non Court of Justice direct billed expenses claimed on a travel voucher shall be submitted with a receipt.
- vii) Employees and elected/appointed officials are responsible for cancelling lodging accommodations. Charges incurred for failure to cancel shall be reimbursed by the employee or elected/appointed official.

### b) Groups

- i) The Administrative Office of the Courts may independently contract with hotels, motels and other establishments for the occupancy and use of one or more rooms in such establishments by a group of four or more state employees engaged in official business away from their official work stations. Group rates shall be requested.
- ii) For payment, a payment voucher, with the vendor's bill, the names of affected employees, and a copy of the contract shall be retained by the Administrative Office of the Courts. The payment shall not include personal charges for employees. The state's payment shall be made directly to the hotel, motel, or other establishment.

- iii) Rooms at state park facilities used by the Court of Justice for a group of four (4) or more shall be paid by inter-account bill within the limits of these regulations.

### 3) Meals

- a) An employee or elected/appointed official shall be eligible for reimbursement of meal expenses while traveling in Kentucky if the authorized work or official business requires an overnight absence.
- b) The cost of meals purchased during official in-state travel shall be reimbursed at a rate not to exceed twenty-eight dollars (\$28.00) per twenty-four (24) hour day, inclusive of sales taxes, when supported by receipts. Where travel involves a portion of a day, meals shall be reimbursed at the following rates:

Breakfast: authorized travel 6:30 a.m. through 8:00 a.m. - \$6.00

Lunch: authorized travel 11:00 a.m. through 1:30 p.m. - \$8.00

Dinner: authorized travel 5:30 p.m. through 7:00 p.m. - \$14.00

- c) Gratuities for meals may be reimbursed up to an amount equal to fifteen percent (15%) of the amount claimed for each meal.
- d) Groups:
  - i) The Administrative Office of the Courts may independently contract with hotels, motels and other establishments for meals in such establishments by a group of four or more state employees engaged in official business away from their official work stations.
  - ii) For payment, a payment voucher, with the vendor's bill, the names of affected employees, and a copy of the contract will be retained by the Administrative Office of the Courts. The payment shall not include personal charges for employees. The state's payment shall be made directly to the hotel, motel, or other establishment.
  - iii) Meals at state park facilities used by the Court of Justice for a group of four (4) or more may be paid by inter-account bill within the limits of these regulations.

## **SECTION IV – Out-of-State Travel**

Out-of-state travel shall be authorized in advance by the Chief Justice or designee on the Out-of-State Travel Authorization Form. All out-of-state travel arrangements shall be made by the AOC Director or designee.

### 1) Transportation

#### a) Airline

- i) All commercial airline travel shall be by coach class.
- ii) Privately owned aircraft may only be used if approved by the Chief Justice.

#### b) Vehicle

- i) State-owned vehicles may be used for out-of-state travel.
  - ii) Privately-owned vehicles may be used for out-of-state travel if mileage reimbursement is less than or equal to the cost of the coach class airfare.
  - iii) Reimbursement for official use of a privately-owned vehicle shall be in accordance with the mileage rate set for by the Chief Justice.
- c) Ground Transportation – Employees are encouraged to use the most economically feasible ground transportation available.
- d) Officers, agents, and employees traveling on court business shall use the most economical standard transportation available and the most economical routes. Expenses added by use of other transportation or routes shall be assumed by the individual. Use of other transportation shall not exceed the cost of coach air fare.

### 2) Lodging

- a) Lodging for out-of-state travel shall be arranged through the AOC Director or designee.
- b) Lodging expenses incurred during official travel shall be reimbursable within the limits provided in these regulations.

- c) Lodging accommodations shared by other persons who are not state employees shall be reimbursed at the single-room rate.
- d) Employees are responsible for cancelling lodging accommodations. Charges incurred for failure to cancel shall be reimbursed by the employee.

3) Meals

- a) The cost of meals, including gratuities and incidentals, purchased during out-of-state travel shall be reimbursed at a rate equal to the federal per diem allowed for the locality involved.
- b) Where travel involves a portion of a day, meals shall be reimbursed at the following rates:

Breakfast:	20%
Lunch:	29%
Dinner:	51%

**Section V – Supreme Court**

1) Per Diem

In lieu of claiming expenses on a travel voucher for travel on official business, each justice of the Supreme Court may claim a per diem equal to the federal per diem allowed for the locality where the overnight stay occurs.

2) Other Travel

When claiming voucher expenses, members of the Supreme Court shall be reimbursed under the same terms and conditions set forth in this regulation.

3) Court Week

Staff of each justice may claim meals during court week without an overnight stay. Meals reimbursed without an overnight stay are a taxable benefit.

## **Section VI - Other Travel Expenses**

- 1) Baggage Charges: Reasonable expenses are allowed for baggage handling, for delivery to or from a common carrier or lodging, and for storage. Charges for overweight baggage may be allowed if the excess was for official business.
- 2) Registration Fees: Registration fees may be allowed. If the fee entitles registrants to meals or other reimbursable expenses, no additional expense for the meal or meals or expenses in question shall be allowed.
- 3) Technology Expense: Telephone, fax, or internet costs for necessary official business may be allowed. Calls to central agency offices should be made through the state's toll-free numbers. Telephone expense may be allowed for one call, not to exceed 10 minutes, to the claimant's home upon arrival and one upon departure.
- 4) Parking and Tolls: Parking, bridge, and toll charges are reimbursable. Toll receipts are not required for in-state travel by two-axle vehicles.
- 5) Other: Where justified, other miscellaneous expenses may be allowed by the Director of the Administrative Office of the Courts or designee provided that they were incurred as an incident to official travel and are clearly shown to have been necessary in the performance of official duties.
- 6) Non-Reimbursable Expenses  
The following expenses are considered personal and are not reimbursable. Examples of these expenses include, but are not limited to:
  - Spouse/companion or family expenses incurred during the course of travel
  - Airline or other travel insurance
  - Association Dues
  - Medical bills, prescriptions, over the counter medications, or other medical services incurred while traveling
  - Personal telephone calls
  - Traffic and parking violations
  - Luggage lost or delayed
  - Snacks and refreshments such as coffee, soda, candy, mini bar snacks, etc., which are in addition to meal charges for breakfast, lunch and dinner
  - Hotel room movies



- Health and fitness center charges at a hotel or personal fitness centers
- Childcare
- Kenneling for pets
- Telephone or data calls made from airplanes (e.g., AirFones, AirOne Communications Network)
- Navigational systems (GPS) and satellite radio expenses in personal or rental cars

## **SECTION VII - Travel Expense Voucher**

### 1) Use

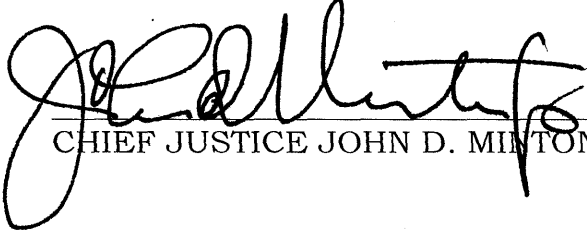
- a) Travel Voucher Form shall be used for reporting all travel expense for which reimbursement is authorized and claimed.
- b) The expense of only one (1) employee or elected/appointed official shall be included on a single travel voucher, unless specifically authorized by the AOC Director or designee.
- c) A travel voucher shall ordinarily cover a period of not less than one (1) month, with the month corresponding to the AOC Human Resources Department work week schedule. Travel vouchers may be submitted more than once a month if the official travel expenses claimed on each voucher exceed \$125.00.
- d) A single voucher may cover no more than six (6) months within the same fiscal year. Travel vouchers submitted more than 30 days after the last date of the fiscal year when expenses were incurred may be denied.
- e) A separate travel voucher shall be submitted for each out-of-state trip.

### 2) Preparation

- a) All receipts shall be stapled to the back of the upper left corner of the voucher.
- b) Each travel expense voucher shall show the employee or elected/appointed official's employee identification number. Only in the absence of an employee identification number should a social security number be used.
- c) Departure and arrival times must include a.m. or p.m. indication if meals or lodging expenses are claimed.

- d) If approved annual leave or sick leave interrupts official travel, the travel voucher shall show the dates of leave.
- e) Computation of mileage for travel shall be from point of origin to point of destination as generated by Administrative Office of the Courts' approved software. However, when point of origin or point of completion is the employee or elected/appointed official's private residence, reimbursement shall be based on the lesser of the distance between work station and destination or private residence and destination.
- f) Employee travel vouchers shall be signed and dated by the employee and approved by the employee's authorized supervisor. No employee may approve his or her own travel voucher.
- g) Elected or appointed official's travel vouchers shall be approved by the AOC Director or designee.

Entered this 31<sup>st</sup> day of August, 2009.

  
CHIEF JUSTICE JOHN D. MINTON, JR.