

Supreme Court of Kentucky

2018-12

ORDER

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

Effective September 1, 2018, AP Part VII, Reimbursement for Official Travel, of the Administrative Procedures of the Court of Justice is amended as follows:

TRAVEL REGULATIONS

SECTION I – General Information

Section 1.01 Administration

- (1) The Administrative Office of the Courts (hereinafter “AOC”) Manager of Accounting and Purchasing is responsible for the administration and enforcement of these Administrative Procedures (hereinafter “Travel Regulations”).
- (2) The Manager of Accounting and Purchasing or his or her designee may disallow, reduce or strike from reimbursement requests any claims contrary to these Travel Regulations. Written justification for any claim may also be required.
- (3) Exceptions from these Travel Regulations may be approved by the AOC Director or designee upon a finding that the exception is in the best interests of the Kentucky Court of Justice (hereinafter “Court of Justice”) and is in accord with the manifest intent and spirit of these Travel Regulations. Any exceptions shall be documented in writing and maintained with the record of the reimbursement.
- (4) All final interpretations of these Travel Regulations shall be made by the AOC Director. These determinations shall be final and conclusive.
- (5) Any tax implication or obligation, whether local, state, or federal, resulting from or related to reimbursement under these Travel Regulations shall be the sole responsibility of the traveler.

Section 1.02 Applicability

- (1) These Travel Regulations are applicable to all travel for official business undertaken on or after September 1, 2018, by elected and appointed officials, employees, and all persons receiving travel reimbursement from the Court of Justice.
- (2) Each person subject to these Travel Regulations is to exercise restraint and prudence when incurring travel-related expenses to limit costs.
- (3) Expenses deemed unnecessary or excessive by the AOC Manager of Accounting and Purchasing will not be reimbursed unless approved as an exception by the AOC Director or designee.

Section 1.03 Definitions

As used throughout these Travel Regulations, the following definitions apply:

- (1) “Fleet vehicle” means any vehicle owned by the Court of Justice or the Commonwealth of Kentucky that is available to any person for use during travel for official business.
- (2) “In-state travel” means travel within the Commonwealth of Kentucky and travel to a bordering state that does not require airfare or an overnight stay.
- (3) “Official business” means the authorized duties and responsibilities of an individual’s position or office.
- (4) “Official work station” means the street address where the elected/appointed official’s or employee’s primary office is located.
- (5) “Out-of-state travel” means authorized travel to a destination outside of the Commonwealth of Kentucky that does not constitute “in-state travel” as defined in subsection (2) above.
- (6) “Request for reimbursement” means the completion and submission of the AOC Travel Voucher Form (AOC T-1).
- (7) “Travel status” means the time actually spent traveling on official business and the usual waiting time that precedes or interrupts such travel.

- (8) "Traveler" means any employee, elected and appointed official, or other person who is required and authorized to travel for official business of the Court of Justice.

Section 1.04 Eligibility for Reimbursement

- (1) Supervisors responsible for approving travel expenses shall ensure all expenses are reasonable and economical.
- (2) Only necessary expenses for official business travel will be reimbursed.
- (3) Except as otherwise provided by state law or by these Travel Regulations, no request for reimbursement shall be made or allowed for the expenses of any person other than employees, elected and appointed officials, or other persons on official business of the Court of Justice.
- (4) No request for reimbursement shall be made or allowed for travel, meals, lodging, transportation, services, or items provided to the traveler free of charge.
- (5) No request for reimbursement shall be made or allowed for travel, meals, lodging, transportation, or other expenses incurred by a traveler on official business to attend a meeting, conference, or educational program unless the traveler attends the program(s) scheduled during the time period in which the expenses were incurred.
- (6) If an employee on official business travel is granted annual or compensatory leave at any time prior to, during, or after the official business, no travel expenses will be reimbursed for the period of the annual or compensatory leave.
- (7) If a traveler becomes incapacitated due to illness or injury while traveling and qualifies for sick leave, travel expenses may be allowed during the period of travel not to exceed seven days.
- (8) If a traveler receives a reimbursement that he or she was not eligible to receive pursuant to these Travel Regulations, the traveler shall return any ineligible amount received to the Manager of Accounting and Purchasing within 120 days of receipt, by check made payable to the Kentucky State Treasurer.

SECTION II – Official Work Station

Section 2.01 Elected and Appointed Officials and Staff

The official work station of all elected and appointed officials and their staff shall be specified by the Chief Justice of Kentucky.

Section 2.02 AOC Employees

The official work station of an AOC employee shall be specified by the AOC Director, based upon the location where the employee spends the majority of his or her work time and in the best interests of the Court of Justice.

SECTION III – In-State Travel

Section 3.01 Transportation

- (1) Fleet vehicles should be used for official business travel when available and feasible.
 - a) No request for reimbursement for mileage shall be made or allowed for the use of a fleet vehicle.
 - b) All fuel purchases for fleet vehicles must be made with the state-issued fuel card associated with each fleet vehicle. The state-issued fuel card must not be used to purchase fuel for personal vehicles.
- (2) Mileage for the use of a privately-owned vehicle for Court of Justice official business travel shall be reimbursable in accordance with the privately-owned vehicle reimbursement rate established by the Kentucky Finance and Administration Cabinet.
 - a) Reimbursement is based on mileage incurred for all official business when using a privately-owned vehicle, which includes and applies to work days, after-hours travel, and travel on weekends and holidays. No reimbursement for mileage shall be made or allowed for any mileage that is not associated with official business.
 - b) The computation of mileage for travel shall be made from the point of origin to point of destination as generated by AOC-approved software.

- c) No request for reimbursement shall be made or allowed for the mileage incurred while commuting between a traveler's home and official work station.
 - d) When the private residence of the traveler is either the point of origin or the point of destination, reimbursement shall be based on the lesser of: (i) the distance between the official work station and origin/destination; or (ii) the distance between the traveler's private residence and origin/destination.
 - e) If official business of the Court of Justice requires the traveler to stop at a destination en route between the traveler's work station and the traveler's private residence, mileage shall only be reimbursable for the number of miles that the traveler is required to deviate from his or her route between private residence and work station.
 - f) Requests for reimbursement by retired judges assigned to a case shall be allowed for the mileage from the retired judge's home to and from his or her temporarily assigned location.
- (3) No request for reimbursement for any additional insurance coverage, vehicle repairs, or vehicle maintenance for personal vehicles shall be made or allowed to any person for the use of any vehicle for official business travel.

Section 3.02 Individual Lodging

- (1) Lodging expenses for official business travel may be paid directly by the AOC in the discretion of the AOC Division of Accounting and Purchasing. Lodging expenses incurred during official business travel shall be reimbursable within the limits provided in these Travel Regulations if not directly paid by the AOC. A receipt must be provided to substantiate claimed lodging expenses not directly paid by the AOC. All lodging receipts or invoices shall be in the traveler's name.
- (2) Lodging expenses shall be reimbursable when a traveler is required to travel 75 miles or more away from the traveler's official work station or home for official business travel. Requests for reimbursement for lodging within 75 miles of a traveler's official work station or home shall be allowed only if the lodging is a necessary expense of official business travel, as determined by the AOC Director. Any such determination shall be documented in writing and maintained with the record of reimbursement.

- (3) Additional lodging expenses incurred as a result of lodging accommodations shared by other persons who are not on official business, e.g., a spouse, shall be paid by the traveler or reimbursed to the AOC by the traveler. Reimbursement, if required, shall be made to the Manager of Accounting and Purchasing, by check made payable to the Kentucky State Treasurer, within 120 days of the date the expense was incurred by the AOC.
- (4) Facilities providing special government or commercial rates shall be used where feasible and travelers shall request such rates.
- (5) Travelers are responsible for cancelling lodging accommodations. Expenses incurred for failure to cancel shall be paid by the traveler or reimbursed to the AOC by the traveler. Reimbursement, if required, shall be made to the Manager of Accounting and Purchasing, by check made payable to the Kentucky State Treasurer, within 120 days of the date the expense was incurred by the AOC.
- (6) No request for reimbursement shall be made or allowed by a traveler on official business for personal expenses or expenses paid directly to an establishment by the AOC.
- (7) Lodging at state park facilities used by the Court of Justice shall be paid by inter-account transaction within the limits of these Travel Regulations. A State Park Travel Authorization document may be obtained by contacting the AOC Division of Accounting and Purchasing prior to travel to a state park.

Section 3.03 Meals

- (1) In-state travelers on official business shall be eligible for reimbursement of meals only if the official business travel requires an overnight stay.
- (2) The maximum allowable meal per diem for a 24-hour day for in-state travel is \$36, inclusive of taxes and gratuity. To be eligible for meal reimbursement, a traveler shall be in travel status for the entire duration of the following time periods:

- a) Breakfast: authorized travel is 6:30 a.m. through 9:00 a.m.—\$8.00.
- b) Lunch: authorized travel is 11:00 a.m. through 2:00 p.m.—\$10.00.
- c) Dinner: authorized travel is 5:00 p.m. through 9:00 p.m.—\$18.00.

Example: To be eligible for breakfast reimbursement, an employee must leave at or before 6:30 a.m. and return at or after 9:00 a.m. This requirement shall apply to all meals.

- (3) The cost of meals incurred during in-state travel for official business shall be reimbursed at a rate not to exceed the maximum allowable meal per diem. Receipts are not required for meals reimbursed under the allowable meal per diem.
- (4) No request for reimbursement shall be made or allowed for meals when the cost is:
 - a) Paid directly by the AOC to an establishment;
 - b) Included in the registration fee for a conference, convention, seminar, training session, or other event associated with official business travel;
 - c) Included in the cost of lodgings, e.g., complimentary hotel breakfast; or
 - d) Not otherwise incurred by the traveler.
- (5) Meal costs that are not reimbursable under subsection (4) above or incurred when travel includes only a portion of a day, i.e., the first and last day of travel, shall be deducted from the maximum daily meal per diem of the traveler.

Section 3.04 Contract Lodging and Meals

- (1) The AOC may independently contract or negotiate with hotels, motels and other establishments for individual accommodations, group accommodations and meals. These costs shall be negotiated in the best interest of the Court of Justice.

- (2) The AOC shall make negotiated payments directly to the establishment and such invoice(s) shall:
 - a) Contain the name(s) of the affected travelers and an itemized listing of charges; and
 - b) Not include personal charges for any traveler.
- (3) All contracts for lodging and meals shall be reviewed by the Office of General Counsel prior to execution and shall be retained by the AOC in accordance with the Records Retention Schedule for the Administrative Office of the Courts.
- (4) Agreements between the Court of Justice and state park facilities shall be paid by an inter-account transaction within the limits of these Travel Regulations.

SECTION IV – Out-of-State Travel

Section 4.01 General Information

- (1) Out-of-state travel must be authorized in advance by the Chief Justice on the Out-of-State Travel Authorization Form (AOC T-3), regardless of the source of funds financing the travel. A traveler's failure to receive proper authorization will result in denial of reimbursement for incurred expenses.
- (2) Travelers should present approved Out-of-State Travel Authorization Forms to the Division of Accounting and Purchasing at least 30 days before the date of travel to allow sufficient time for the Division of Accounting and Purchasing to make travel arrangements.
- (3) Travelers who present an approved Out-of-State Travel Authorization Form to the Division of Accounting and Purchasing less than 30 days before the date of travel shall be required to make his or her own travel accommodations and seek reimbursement pursuant to these Travel Regulations after the travel occurs.
- (4) Travelers making their own travel accommodations shall use the travel agency required by the Division of Accounting and Purchasing for airline reservations.

- (5) If actual costs of out-of-state travel exceed the amount approved by the Chief Justice on the Out-of-State Travel Authorization Form, the traveler shall submit an amended Out-of-State Travel Authorization Form to the Chief Justice including the revised costs for approval. The traveler is responsible for any costs not approved on the Out-of-State Travel Authorization Form.
- (6) Travelers are responsible for cancelling all arrangements made on their behalf for out-of-state travel. Charges incurred for failure to cancel must be paid by the traveler or reimbursed to the AOC by the traveler. Reimbursement, if required, shall be made to the Manager of Accounting and Purchasing, by check made payable to the Kentucky State Treasurer, within 120 days of the date the expense was incurred by the AOC.
- (7) Travelers who are combining personal travel with official business travel may only do so when the Court of Justice does not incur any cost associated with the personal portion of travel. Travel arrangements will only be made by the Division of Accounting and Purchasing to accommodate the official business of the traveler.

Section 4.02 Transportation

- (1) Airline
 - a) All airline travel shall be commercial basic economy class.
 - b) The AOC will reimburse or pay for the airfare and/or penalty incurred for a change or cancellation of travel plans when the change or cancellation is required by the Court of Justice, or is the result of other unavoidable circumstances, as approved by the AOC Director or designee.
 - c) Every effort shall be made by the traveler to confirm out-of-state travel dates and book flight reservations no later than 14 days prior to travel.
 - d) Reimbursement for the cost of checking the first piece of a traveler's luggage shall be allowed. No request for reimbursement shall be made or allowed for additional pieces of checked luggage unless an appropriate business purpose explanation is provided by the traveler and approved by the Director or designee.

- e) Baggage charges incurred for excess weight will not be reimbursed for any piece of luggage unless an appropriate business purpose explanation is provided and approved by the Director or designee.

(2) Ground Transportation

- a) Fleet vehicles may be used for out-of-state travel if the cost is less than or equal to the cost of commercial basic economy class airfare.
- b) Privately-owned vehicles may be used for out-of-state travel if the total mileage reimbursement is less than or equal to the cost of commercial basic economy class airfare.
- c) Reimbursement for use of a privately-owned vehicle for out-of-state travel will be in accordance with the in-state mileage rate identified in Section 3.01(2).
- d) The preferred means of ground transportation for out-of-state travelers shall be public transportation. Other means of ground transportation may be used when public transportation is unavailable or impractical.
- e) Taxi, van, or car service fares incurred during out-of-state official business travel are reimbursable. Tips associated with ground transportation are reimbursable up to 15%. Receipts (including any associated tips) must be attached to the request for reimbursement.
- f) Travelers may use rental cars only when other means of transportation are not available, more costly, or impractical. The use of a rental car must be pre-approved by the Chief Justice via the Out-of-State Travel Authorization Form.
- g) Travelers on official business shall use the most economical transportation available and the most economical routes. Expenses added by use of other transportation or routes shall be paid by the traveler and no request for reimbursement shall be made or allowed for such.

Section 4.03 Lodging

Lodging expenses incurred during out-of-state official business travel are reimbursable within the limits provided in these Travel Regulations. A receipt must be provided to substantiate claimed travel expenses for lodging costs when lodging expenses are not directly paid by the AOC.

Section 4.04 Meals

- (1) A traveler is eligible for reimbursement for meals at the federal per diem rate for the applicable location, as established by the U.S. General Services Administration. See www.gsa.gov. Receipts are not required for meals reimbursed under the allowable per diem rate.
- (2) Meal reimbursement for the first and last calendar day of travel is calculated at 75% of the federal per diem rate for the applicable location.
- (3) No request for reimbursement shall be made or allowed for meals:
 - a) Paid directly by the AOC to an establishment;
 - b) Included in the registration fee for a conference, convention, seminar, training session, or other event associated with official business travel;
 - c) Included in the cost of lodging, e.g., complimentary hotel breakfast; or
 - d) Not otherwise incurred by the traveler.
- (4) Meal costs that are not reimbursable under subsection (3) above must be deducted from the traveler's total meal per diem in accordance with the rates established by the U.S. General Services Administration for the applicable location.

Section 4.05 Scholarships

- (1) Travelers shall include any scholarship received to offset the cost of out-of-state travel on the Out-of-State Travel Authorization Form.
- (2) It is the responsibility of the traveler to complete and submit all required scholarship paperwork.

- (3) In the event the scholarship recipient is paid directly by the scholarship provider, the traveler shall reimburse the Manager of Accounting and Purchasing, by check made payable to the Kentucky State Treasurer, within 120 days of receipt of the scholarship proceeds for any portion of covered expenses paid by the AOC.
- (4) If a scholarship for any approved out-of-state travel is denied or revoked, the traveler must submit an amended Out-of-State Travel Authorization Form and receive the approval of the Chief Justice for the AOC to incur costs related to the travel.

Section V – Supreme Court Travel

Section 5.01 Meals

- (1) Except for court week, Supreme Court justices shall be eligible for reimbursement of meals only if the official business travel requires an overnight stay.
- (2) Each justice of the Supreme Court may claim a meal per diem at the federal per diem rate for the applicable location, as established by the U.S. General Services Administration. See www.gsa.gov. Receipts are not required for meals reimbursed under the allowable per diem rate.
- (3) Meal reimbursement for the first and last calendar day of travel is calculated at 75% of the federal per diem rate for the applicable location.
- (4) No request for reimbursement shall be made or allowed for meals:
 - a) Paid directly by the AOC to an establishment;
 - b) Included in the registration fee for a conference, convention, seminar, training session, or other event associated with official business travel;
 - c) Included in the cost of lodgings, e.g., complimentary hotel breakfast; or
 - d) Not otherwise incurred by the traveler.

- (5) Meal costs that are not reimbursable under subsection (4) above must be deducted from the traveler's total meal per diem in accordance with the rates established by the U.S. General Services Administration for the applicable location.
- (6) All meal reimbursement claims must be made on a Travel Voucher demonstrating the date, times, home address, work station, destination, and business purpose of the travel.

Section 5.02 Lodging

- (1) Reimbursement for lodging will be allowed in accordance with these Travel Regulations.
- (2) For overnight travel in Frankfort, Kentucky associated with official business of the Court of Justice, each justice of the Supreme Court may:
 - a) Request the Division of Accounting and Purchasing reserve accommodations to be paid directly by the AOC in accordance with Section 3.02(1) of these Travel Regulations;
 - b) Request reimbursement for lodging expenses in accordance with Section 3.02 of these Travel Regulations; or
 - c) Claim a lodging per diem at the federal per diem rate for the applicable location, as established by the U.S. General Services Administration. See www.gsa.gov.
- (3) Receipts are not required for lodging reimbursed at the allowable per diem rate. All lodging reimbursement claims must be made on a Travel Voucher Form (AOC T-1) demonstrating the date, times, home address, work station, destination, and business purpose of the travel.

Section 5.03 Court Week

- (1) Reimbursement for meals of each justice of the Supreme Court and his or her staff shall be allowed during court week in accordance with these Travel Regulations, but no overnight stay shall be required. The costs of meals reimbursed without an overnight stay may be reported as taxable income.

(2) Notwithstanding Section 3.02(2) of these Travel Regulations, requests for reimbursement made by a Supreme Court justice for lodging expenses incurred during court week shall be allowed if he or she is traveling more than 40 miles from his or her official work station or home. Requests for reimbursement for lodging within 40 miles of a Supreme Court justice's official work station or home shall be allowed only if the lodging is a necessary expense of official business travel, as determined by the Chief Justice. Any such determination shall be documented in writing and maintained with the record of reimbursement.

Section VI - Other Travel Expenses

Section 6.01 Technology Expenses

Requests for reimbursement for necessary technology expenses incurred during official business travel, including but not limited to, telephone, fax, or internet costs for official business shall be allowed. Receipts must be attached to the Travel Voucher Form (AOC T-1).

Section 6.02 Parking and Tolls

Requests for reimbursement for necessary fees related to parking, bridges, or tolls are allowed. Receipts are not required for parking and toll expenses less than \$3.

Section 6.03 Miscellaneous Expenses

Where justified, requests for reimbursement of miscellaneous expenses may be allowed by the Director of the AOC or designee, provided the expenses were incurred as an incident to official business travel and are clearly shown to have been necessary in the performance of official business. Receipts must be attached to the Travel Voucher Form.

Section 6.04 Non-Reimbursable Expenses

No request for reimbursement of personal expenses shall be made or allowed. Personal expenses include, but are not limited to, the following:

- a) Spouse/companion or family expenses incurred during the course of travel;
- b) Airline or other travel insurance;

- c) Medical bills, prescriptions, over the counter medications, or other medical services incurred while traveling;
- d) Personal telephone calls;
- e) Traffic and parking violations;
- f) Valet parking unless no other parking is available;
- g) Lost or delayed luggage;
- h) Snacks and refreshments such as coffee, soda, candy, mini bar snacks, etc., which are in addition to meal charges for breakfast, lunch and dinner;
- i) Alcoholic Beverages;
- j) Personal entertainment;
- k) Health and fitness center charges at a hotel or personal fitness center;
- l) Childcare;
- m) Kenneling for pets; and
- n) Navigational systems (GPS) and satellite radio expenses in personal or rental cars.

SECTION VII - Travel Voucher Form

Section 7.01 Use of Travel Voucher Form

- (1) The Travel Voucher Form (AOC T-1) or electronic travel software approved by the AOC Director shall be used for reporting all travel expenses for which reimbursement is authorized and claimed.
- (2) Only the expenses of one traveler shall be included in a single Travel Voucher Form.
- (3) A Travel Voucher Form shall cover a period of not less than one month. Travel reimbursement requests may only be submitted more than once per month if the official travel expenses claimed on each voucher exceed \$125.00.

(4) A single Travel Voucher Form shall cover no more than two months within the same fiscal year.

(5) Any Travel Voucher Form submitted more than 60 days after the expenses were incurred will be denied.

Section 7.02 Preparation of Travel Voucher Form

(1) All required receipts must be attached, manually or electronically, to the Travel Voucher Form. Receipts should include the name and address of establishment, date of service, the amount charged for service, and an itemized list of expenditures. Meal receipts are not required for per diem meal reimbursement.

(2) Each Travel Voucher Form must list the traveler's employee identification number. A traveler's social security number should only be listed on the Travel Voucher Form if the traveler does not have an employee identification number.

(3) All travelers must:

- a) Maintain records to support claimed expenses; and
- b) Provide themselves with sufficient personal funds to defray their travel expenses.

(4) All Travel Voucher Forms must include:

- a) The business purpose of each trip on the Travel Voucher Form;
- b) Date(s) of travel;
- c) Times of travel;
- d) An a.m. or p.m. designation of departure and arrival times;
- e) The traveler's home address; and
- f) The traveler's work station.

(5) Any Travel Voucher Form that does not contain the information required in subsection (4) above shall be returned to the traveler for revision.

- (6) Only one point of origin to point of destination shall be represented on a single line of the Travel Voucher Form. If multiple trips are made during a day of official business travel, each trip must be listed on separate lines on the Travel Voucher Form. The traveler may designate a trip as a round trip rather than listing each portion of the trip separately.
- (7) An employee's Travel Voucher Form must 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 Form.
- (8) The Travel Voucher Forms of elected and appointed officials must be signed and dated by the elected or appointed official and approved by the Manager of Accounting and Purchasing or his or her designee. Approval in this subsection shall be for the purpose of verifying that the Travel Voucher is complete and the reimbursement request is consistent with these Travel Regulations.
- (9) All payments to employees or elected or appointed officials under these Travel Regulations will be made via electronic funds transfer (EFT) to the primary bank account associated with the employee ID number of the employee or elected or appointed official. All payments to other travelers will be made via electronic funds transfer (EFT) to the bank account provided by the traveler on the EFT Form.

Entered this 1st day of August 2018.



JOHN D. MINTON, JR.