



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE EXEMPT, INTERPRETIVE OR PROCEDURAL
RULE**

AGENCY: Administration TITLE-SERIES: 148-NA
RULE TYPE: Legislative Exempt Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: State of West Virginia Travel Rules
CITE STATUTORY AUTHORITY: W. Va. Code Section 12-3-11

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

July 1, 2019

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Mary J Pickens -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

**Title 148. Department of Administration
State of West Virginia Travel Rules**

Section 1. General

1.1 Scope – These Travel Rules govern travel by all State of West Virginia officers, board members, employees, consultants, contractors and anyone authorized to be reimbursed travel expenses by or on behalf of the State of West Virginia, and includes all in-state, out-of-state and international travel. An entity with authority pursuant to W. Va. Code §12-3-11 to promulgate rules concerning out-of-state travel is encouraged to utilize these Travel Rules and make exceptions when it determines the exceptions are in its best interests.

1.2 Authority – West Virginia Code §12-3-11.

1.3 Effective Date – July 1, 2019.

1.4 Definitions

For purposes of these Rules, the following terms are defined:

1.4.1 “Duty Station” is the city/town, county, and State in which the employee works. For most employees, this will be the location of the employee's work site.

1.4.2 "FMD" means the State of West Virginia Fleet Management Division.

1.4.3 “Ghost Account” means the State Travel Card Program.

1.4.4 "GSA" means the U.S. General Services Administration.

1.4.5. “Purchasing Card” means the payment account issued by the financial institution and administered by the State Auditor to make payment for transactions.

1.4.6 "Rules" means these Travel Rules.

1.4.7 "Spending Unit" means a department, agency, board or institution of state government for which an appropriation is requested, to which an appropriation is made by the West Virginia Legislature, or which files an expenditure schedule with the State Budget Office.

1.4.8 "Spending Unit Officer" means a person with authority to approve Travel Authorization and Travel Expense Account Settlement Forms.

1.4.9 "State" means the State of West Virginia and any Spending Unit.

1.4.10“Third Party Booking” means using an internet travel site such as Expedia, Travelocity, Orbitz, Kayak, Hotels.com and the like, where a Traveler may research and book travel reservations.

1.4.11 "TMO" means the State of West Virginia Travel Management Office.

1.4.12 "Travel Authorization" means the form/format approved by the TMO that is to be used for approving travel under these Rules whether in an electronic travel management solution or on paper.

1.4.13 "Travel Expense Report" means the form/format approved by the TMO that is to be used for settling all travel related expenses incurred pursuant to these Rules, whether in an electronic travel management solution or on paper.

1.4.14 "Traveler" means a State of West Virginia officer, board member, employee, consultant, contractor and anyone authorized to be reimbursed travel expenses by or on behalf of the State.

1.4.15 "Travel Status" is defined as the authorized period of travel time away from the official workstation commencing with the time of departure and ending with the time of return.

Section 2. General Information

2.1 The State has an "accountable plan" for reimbursement of travel expenses and will only reimburse for actual expenses or in an amount deemed substantiated.

2.2 Authority to manage, approve, or disapprove travel and travel-related expense is delegated exclusively to the Spending Unit Officer of a Spending Unit. Authority may be revoked by the TMO.

2.3 Travel may be authorized only for official business and only if the Spending Unit has the financial resources to reimburse the Traveler for travel expenses.

2.4 Travel expenses will be reimbursed for legitimate and reasonable expenses considered necessary for the proper conduct of State business in accordance with these Rules.

2.5 The Spending Unit Officer may develop administrative policies and procedures for the Spending Unit, consistent with these Rules, to provide additional guidance to employees and others traveling on behalf of the Spending Unit.

2.6 A Traveler is considered in "travel status" when he or she is traveling on behalf of the State, which includes leaving his/her assigned official work location to perform duties at other locations.

2.7 Approval to travel out of West Virginia must be secured in advance by the Traveler from the Spending Unit providing reimbursement.

2.8 The responsibility to audit a Traveler's expense report lies with the Spending Unit. Approval of a Traveler's expense report by the Spending Unit means that the Travel Expense Report meets all criteria established by these Rules for reimbursement. The Spending Unit shall audit and submit an accurate Travel Expense Report for reimbursement to the State Auditor's Office within fifteen (15) days after completion of travel.

2.9 Travelers must use state contracts for travel services, or deal directly with the service vendor. Third Party Booking sites shall not be used.

2.10 Travelers are personally responsible for submitting all required, valid receipts for travel to his/her Purchasing Card Coordinator for expenses paid by a Purchasing Card.

Section 3. Reimbursement

3.1 Reimbursement of travel expenses incurred by consultants, contractors and non-employees will be in accordance with these Rules, unless otherwise specified in the purchase order or contract with the State.

3.2 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 these Rules; otherwise, these Rules shall govern the reimbursement.

3.3 Travel reimbursement requests must be submitted in wvOasis and have all required receipts and forms attached before submitting to the Spending Unit.

3.4 Spending Units are responsible for auditing Travel Expense Reports. Approval of a Travel Expense Report is required by a Spending Unit Officer to certify the Report meets all criteria established by these Rules.

3.5 Itemized receipts are required for expenses claimed in excess of \$75.00 unless otherwise specifically addressed in these Rules.

3.6. When a receipt is required, the receipt must be the valid, itemized receipt issued by the vendor or service provider documenting the transaction.

3.7 When an acceptable form of receipt is not available, a Traveler shall create, in paper or electronic form, an itemized list reflecting the goods or services purchased, vendor name, date of purchase and price. The physical or electronic signatures of the Traveler and the Spending Unit employee with signature authority for travel are required, along with whatever receipt or other documentation is available.

Section 4. Meals

4.1 Meal expense reimbursement is based on the temporary duty location and is not to exceed the maximum per diem established by the federal government. Alcohol and entertainment expenses are specifically excluded. Meal reimbursement is allowed when lodging is listed as "gratis" or "no charge."

4.2 Meal and incidental rates differ by travel location; incidentals are included in the meal per diem and are therefore not separately reimbursable. Examples of incidental expenses are fees and tips given to porters, baggage carriers, bellhops, hotel maids, stewards or stewardesses and others on ships, and hotel servants; transportation between places of lodging or business and places where meals are taken, if suitable meals cannot be obtained at the temporary duty site; and mailing cost associated with filing travel vouchers and payment of government charge card billings.

4.3 Meal expenses are reimbursable for travel requiring overnight lodging.

4.4 A Traveler may request a cash advance for meals and/or mileage by submitting a “Cash Advance Exception Request” to the Auditor’s Office.

4.5 Current rates and an example of the per diem meal breakdown may be found at the TMO website at [www.state.wv.us/admin/purchase/ travel](http://www.state.wv.us/admin/purchase/travel).

4.6 Adjustments to Per Diem Rates

4.6.1 Exceptions may be granted to per diem rates in situations when authorized by the Spending Unit Officer. When expenses are approved in excess of per diem rates, itemized receipts are required for the meal and incidental expenses for the entire day.

4.6.2 On the first and last days of travel of an overnight trip when no meals are provided, the allowable reimbursement is based on 75% of the federal government’s per diem rate for the specific city. Departure or arrival times are not considered. If a meal(s) is provided gratis or included within a registration fee of the business travel, the per diem rate must be reduced by the appropriate amount

4.6.3 A meal provided by a common carrier or as a *complimentary* meal provided by a hotel/motel does not reduce the maximum per diem rate.

4.7 Extraordinary Meal Expense Reimbursement

4.7.1 Meal expenses for single day travel are not reimbursable unless the Traveler is in travel status for more than 12 hours in a 24 hour period and reimbursement has been approved by the Spending Unit Officer. The maximum reimbursement is 75% of the GSA rate. Date and time of departure and return must be clearly noted on the Travel Expense Report.

4.7.2 Travelers providing Guardian Travel, e.g., transporting or accompanying clients, patients, students or others entrusted to a Spending Unit for its care, education or placement, may be reimbursed the cost of companion meals, not to exceed the maximum per diem. Receipts (or the student signature form) are required to be attached to the Travel Expense Report.

4.7.3 Travelers in undercover operations, law enforcement personnel and others in certain occasional overtime situations, at the direction and with the written approval of the Spending Unit Officer, may be reimbursed for their meal expenses. Spending Units must keep appropriate documentation on file.

Section 5. Transportation

5.1 Air Transportation

5.1.1 Commercial Airlines

5.1.1.1 Allowable reimbursement for commercial airline travel shall include the actual cost for the least expensive logical fare via the most direct route, or a reasonable alternative route if it results in a lower fare.

5.1.1.2 Travelers should make air travel bookings through the Statewide Contract for Travel Services.

5.1.1.3 Electronic tickets (E-tickets) are the industry standard and are issued automatically unless a paper ticket is specifically requested by the Traveler. Costs for obtaining paper tickets are not reimbursable. E-tickets are sufficient for traveling and reimbursement.

5.1.1.4 Airfare should be paid by a Purchasing Card or Ghost account.

5.1.1.5 Inappropriate Actions

5.1.1.5.1 Travelers may not deliberately cause increased costs or delays to obtain personal gratuities, such as denied boarding compensation, frequent flier points or mileage or other benefits. Conversion of airline tickets for personal benefit, such as downgrading tickets, returning unused tickets for cash, credit or personal airline tickets or other similar action is prohibited.

5.1.1.5.2 Travelers may not specify a particular airline to accumulate mileage or promotional plans such as frequent flyer programs if it results in a higher fare. Travelers may retain frequent flyer points properly accumulated.

5.1.1.5.3 If an increase in airfare is caused by the Traveler without legitimate excuse, the increased costs of the airfare are a personal expense of the Traveler and will not be reimbursed. If an increase in airfare is incurred through no fault of the Traveler and the Spending Unit Officer has approved the increase, the increased cost is reimbursable.

5.1.1.6 The travel agency should be notified immediately if airline tickets are unused or refundable for proper credit or refund.

5.1.2 Non-Commercial Aircraft Service

5.1.2.1 For any state-owned or private aircraft services to be used, Travelers are to contact the Aviation Division of the Department of Administration.

5.2 Ground Transportation

5.2.1 Generally

5.2.1.1 A Traveler may use a privately-owned, state-owned, or a commercial rental vehicle for ground transportation.

5.2.1.2 A Traveler must possess a valid operator's license to drive a vehicle while traveling on behalf of the State.

5.2.1.3 The Traveler is responsible for following all applicable laws and requirements while driving and for any fines and/or penalties resulting from citations, charges or warrants attributable to the operator. Such fines and/or penalties are not reimbursable expenses.

5.2.1.4 When a Traveler requests to drive his or her personal vehicle rather than fly for business, reimbursement shall be based on actual in-transit expenses (mileage and other costs incurred while in-transit, such as lodging, meals, parking, tolls, etc.), not to

exceed the least expensive logical commercial airline cost plus local transportation to and from the airport and parking (where required). A Traveler is not permitted to claim toll costs unless those costs were actually incurred and paid at the personal expense of the Traveler. If the Traveler's vehicle contains an EzPass transponder that has unlimited usage for a period of time, reimbursement for tolls that accept the EzPass transponder is prohibited.

5.2.1.5 Travel between the place of residence and the official workstation is not reimbursable. A manager may deem that the point of travel may start from the employee's place of residence rather from the workstation when the miles from the place of residence to the destination would be less than the miles from the workstation to the destination.

5.2.2 Privately-Owned Vehicles

5.2.2.1 Privately-owned vehicles may be used for state travel with Spending Unit approval when Spending Unit owned or leased vehicles are unavailable. A privately-owned vehicle should not be used when reimbursement costs are expected to exceed \$50.00 per day or mileage reimbursement is expected to cost more than the cost of commercial travel (air, rental car, etc.).

5.2.2.2 Mileage allowance for privately owned vehicles engaged in State business will be based on the GSA rate in effect at the time of the travel. The rate covers all operating costs such as fuel, maintenance, insurance, etc., and no additional reimbursement will be made for such expenses.

5.2.2.3 The mileage allowance will be based on the shortest practical route to and from the destination.

5.2.2.3.1 Travel for which mileage is claimed shall normally begin and end at the Traveler's official work location.

5.2.2.3.2 Travel commencing before or after the work day for which mileage is claimed shall begin from either the traveler's official work location or the Traveler's home, whichever is closer to the destination.

5.2.2.4 Receipts are not required for mileage reimbursement when using privately-owned vehicles.

5.2.2.5 Insurance

5.2.2.5.1 Owner's personal insurance will be primary for liability insurance coverage. Owner should contact their automobile insurer to discuss coverage available/required when using their own vehicle on State business.

5.2.2.5.2 The State's insurer, BRIM (Board of Risk & Insurance Management), will provide excess liability coverage for additional protection to the Traveler using their personal vehicle in the course of State business. Being excess, BRIM's coverage will only be available after the vehicle owner's coverage is

exhausted.

5.2.2.5.3 BRIM does not provide coverage that will pay for damage to a personal automobile regardless of the cause. Further, BRIM will not pay the owner's physical damage deductible.

5.2.3 State-Owned Vehicles

5.2.3.1 A Traveler desiring to use a state-owned vehicle should contact the Spending Unit Fleet Coordinator or the ~~FMO~~FMD. Please see the Legislative Rule for State-Owned Vehicles, 148 CSR 3.

5.2.3.2 Expenses, such as gasoline, parking and tolls, not chargeable to the vehicle's gas card are reimbursable upon the Traveler providing a valid itemized receipt for expenses exceeding \$75.

5.2.4 Commercial Rental Vehicles

5.2.4.1 A commercial rental vehicle should only be used when a temporary need arises, a state vehicle is unavailable and the cost will be less than the reimbursement associated with a privately-owned vehicle. Only the Traveler renting the commercial rental vehicle is permitted to operate the vehicle. If state employees are traveling together it must be noted on the rental agreement if they will operate the vehicle.

5.2.4.2 The Purchasing Card or Ghost Account are the only acceptable methods of payment when renting a vehicle. Reimbursement for rentals made outside of the statewide car rental contract requires authorization from the TMO.

5.2.4.3 Travelers must use the State contract for car rental services, unless the State contracts for car rental services do not have:

- a. a location in the specific area,
- b. the type of vehicle needed, or
- c. the vehicle for the duration needed.

~~All contracted rates are accessible through the E-Travel System.~~ If the State contract for car rental services is not used, then the Traveler must note the reason on the Travel Expense Report.

5.2.4.4 For travel of more than a few days in duration, weekly rental rates may be reimbursed if they result in a lower total cost than the daily rate.

5.2.4.5 Reimbursement for commercial rental vehicles will be made at actual cost for the daily rental charge for a mid-size or smaller vehicle, plus mileage fees and fuel costs.

5.2.4.6 Reimbursement may be made for a full-size vehicle if more than three (3) people are traveling together on business and for larger vehicles if a group of five (5) or more is traveling together.

5.2.4.7 Larger vehicles may be rented when situations warrant (i.e. negotiating

rough terrain, transporting large groups of people or equipment or other extenuating circumstances) as approved by the Spending Unit Officer.

5.2.4.8 Collision Damage Insurance (CDW)

5.2.4.8.1 The state contract(s) for car rental services may provide CDW insurance for some vehicles that are excluded by the Purchasing Card.

5.2.4.8.2 The Purchasing Card provides CDW coverage at no cost for rentals up to 31 days.

5.2.4.8.3 No other insurance or insurance-like product is reimbursable for rental vehicles used in the United States, unless required by law. Full coverage insurance is a reimbursable expense for any approved rental vehicle used outside the United States.

5.2.4.9 The Purchasing Card does not cover the rental of trucks, campers, off-road vehicles, trailers, motorized bikes, motorcycles and motorized scooters, antique cars, high value, special interest and exotic cars, or vans that seat more than eight (8) occupants.

5.2.4.10 A receipt or documentation is required for reimbursement of vehicle rental and mileage charges or fees.

5.2.4.11 Reimbursement may be made for actual fuel costs, supported by valid, itemized receipts.

5.2.4.12 Vehicles should be returned to the rental agency with a full tank of fuel. Unless rental location provides gas at a lower rate, documentation required.

5.3 Rail Service

5.3.1 Travelers shall make advance bookings for rail service through the Statewide Contract for Travel Services, using the least expensive logical fare via the most direct route or other reasonable route that results in a lower fare.

5.3.2 The cost of rail service should be paid by a Purchasing Card or Ghost account.

5.4 Other Ground Transportation

5.4.1 When courtesy transportation is provided by a hotel, motel, or other service facility, the Traveler is encouraged to use such service.

5.4.2 Travelers may be reimbursed for taxi, bus, and other forms of public transportation. Receipts are not required if under the limit authorized by the TMO, currently \$75.

Section 6. Lodging

6.1 Lodging for a Traveler is reimbursable where the distance is more than fifty (50) miles

from his or her official work location or home, whichever is the shorter distance, and an overnight stay is required.

6.2 Travelers shall not book lodging through a Third Party Booking vendor. Third party vendors are unable to provide an itemized invoice or folio for reimbursement

6.3 The lodging facility location should be as convenient as possible to the location where business is being conducted.

6.4 Allowable reimbursement for lodging shall include the actual expense for overnight accommodations and all applicable taxes and surcharges. Employees are reimbursed for lodging up to the maximum per diem established by the federal government. Travelers may request reimbursement above the per diem, not to exceed 300 percent (300%) of the maximum per diem allowance. Request for reimbursement above the per diem allowance should be made in advance of travel. Reimbursement above per diem following travel may be granted subject to Spending Unit approval.

6.5 Sales tax is to be paid if the lodging facility is located outside the State of West Virginia. When using the Purchasing Card for travel, purchases made with this card for in-state travel are exempt from any form of taxation.

6.6 If more than one Traveler shares a room, one of the Travelers may claim the total charge at the rate charged for the number of persons in one room; each Traveler will need to be referenced on the other Travel Expense Account Settlement Forms. They may also request the total charge be split between them accordingly and each issued their own separate folio or receipt.

6.7 Receipts are required for lodging reimbursement. A valid, itemized invoice or folio shall be the official document utilized for reimbursement to the Traveler.

6.8 If an increase in the lodging charge is incurred due to the Travel being directed by a Spending Unit Officer to change travel plans or due to extenuating circumstances arising beyond the control of the Traveler, then the increase is reimbursable. Increased charges incurred due to the Traveler's failure to notify the lodging facility are the personal expense of the Traveler and are not reimbursable.

Section 7. Registration Fees

7.1 Registration fees and event-related materials for meetings, conferences, seminars, and/or workshops are reimbursable.

7.2 Receipts are required for reimbursement. The receipt or documentation provided by the event sponsor shall be sufficient for reimbursement.

7.3 Travelers are to adjust meal reimbursement (per diem) requests for meals included with the registration fee.

7.4 Traveler should verify acceptable payment methods with the event sponsor prior to attending. Registration fees should be charged on a Purchasing Card when possible.

7.5 If a cancellation charge is incurred, the charge is reimbursable if the Traveler is directed to change his/her travel plans, or if other extenuating circumstances beyond the Traveler's control arise. Charges incurred due to the failure of the Traveler to notify the event sponsor are considered a personal expense.

Section 8. Other Expenses

8.1 Travelers may incur miscellaneous business-related expenses for which reimbursement may be made, if appropriate. Receipts are required for any individual expenditure in excess of \$75.00. The spending officer may require any or all receipts at their option as a means of cost control.

Such expenses and reimbursement may include, but are not limited to:

- a. Baggage storage between appointments and between hotels and meeting places;
- b. Tolls, garage, and parking fees - excluding valet parking for personal convenience.
- c. Currency conversion;
- d. Guides, interpreters, and visa fees; and
- e. Laundry and dry cleaning when an employee is in travel status in excess of seven days without returning home

8.2 Valet charges will only be reimbursed where self-parking is not available or where self-parking costs more than valet parking.

8.3 Expenses for travel in foreign countries are to be reported in United States dollars. Expenditures in foreign currencies must be converted into United States dollars at the rate or rates at which the foreign currency was obtained. The rates of conversion and commissions must be shown on an attachment to the Travel Expense Report.

8.4 When a non-employee accompanies a Traveler on official business, the State shall in no way be responsible or liable for any expenses, actions or inaction of the non-employee whatsoever.

Section 9. Purchasing Card

9.1 Travelers must use the State of West Virginia Purchasing Card for approved business-related travel expenses whenever it is accepted. The Purchasing Card shall not be used for personal expenses.

9.2 Personal expenses, including food charges, shall not be charged to hotel folios when a Purchasing Card is used.

Section 10. Travel Forms

10.1 TMO approved format is to be used when seeking prior approval for reimbursement for travel expenses or submitting a request for reimbursement.

10.2 Any non-employee seeking approval or reimbursement for travel expenses must use a TMO approved form to submit the request according to these Rules. The form must contain the Traveler's original signature, preferably in blue ink.

10.2.1 Any invoice or receipt requiring original certification may be certified by the non-employee Traveler and the Spending Unit's chief financial officer or administrator, or as determined by the State Auditor in emergency situations.

Section 11. Restrictions, Exceptions or Waivers

11.1 Spending Unit Officers have the right to establish procedures that are more restrictive than any provision of these Rules.

11.2 Travel Expense Reports for which an exception, waiver or deviation from these Rules has been granted or made by a Spending Unit Officer shall be processed separately from those reports without exceptions, waivers or deviations. The need for specialized audit review may result in longer processing times.