

Administrative Matters

Directive #4-91
Issued by:

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Administrative Director

1. Travel Reimbursement Directive

Earlier this year, the Department of Treasury revised the State Travel Regulations in response to recent changes by the IRS. These changes have necessitated revisions to the Judiciary's travel reimbursement policy. This Directive sets forth the Judiciary's revised travel reimbursement policy, which is attached. It will become effective beginning with the new fiscal year on July 1, 1991. Major changes from prior policy can be summarized as follows:

- 1) Only trial court judges will be eligible for travel reimbursement while on temporary assignment as specified in the Directive.
- 2) Travel of trial court judges on temporary assignments across county lines will be reimbursable only to the extent that such travel exceeds 32 miles round trip. The initial 16 miles each way of such trips are not eligible for reimbursement, since under the new IRS and Treasury Department regulations such initial mileage represents the cost of an ordinary commute to work.
- 3) A judge who is assigned to a location within his or her county of residence and, during the term of such assignment, relocates his or her residence to another county, shall not be eligible for reimbursement on the basis of an out-of-county assignment.

Reimbursement under the new regulations may be considered by the IRS to be taxable income. These reimbursements are not included in income as reported on Form W-2. IRS Publication 917, "Business Use of a Car," provides information on the use of a personal vehicle for business purposes. Personal tax advisors should be able to clarify any questions on this matter.

Reimbursement for Travel Expenses

The following policy governs the reimbursement of judges for travel expenses. In all instances reimbursement will be for actual expenses only and shall be within the limits and in accordance with applicable State travel regulations except as noted herein.

(a) Within the State

The State will reimburse all judges for travel to and attendance at seminars, conferences and meetings held under the auspices of the Supreme Court.

As an exception to the State travel regulations, the State will reimburse all trial court judges for travel in connection with assignments, as ordered by the Chief Justice, to a county other than the county of their residence if and to the extent it requires travel beyond the standard commutation deduction of 32 round-trip miles.

A judge who is assigned to a location within his or her county of residence and, during the term of such assignment, relocates his or her residence to another county,

shall not be eligible for reimbursement on the basis of an out-of-county assignment.

Reimbursement of judges for travel or related expenses shall not be made by any county, except that (a) the Assignment Judge may approve the payment by a county of necessary expenses incident to meetings of judges of the county (not to include bar association meetings) called or authorized by the Assignment Judge and (b) with the approval both of the Assignment Judge and the Administrative Director, payment may be made by a county of necessary expenses incident to attendance at other meetings of judges

(b) Outside the State

Reimbursement for travel outside the State to attend national meetings of judges will be made only for those judges designated by the Chief Justice to represent this State, with payment being made by the State.

Reimbursement of any judge for travel to attend other meetings outside the State (such as those of a national committee or council of which a judge is a member) will be made by the State only if travel and attendance is approved in advance by the Chief Justice.

No judge shall be reimbursed by a county for travel outside the State.

(c) Amount of Reimbursement

Travel

(1) Public Transportation

If travel is by air, the reimbursement will be for the ordinary or routine airline transportation in standard - less than first class - accommodations where other public transportation is not available or the use of such airline transportation is advantageous for the conduct of State business.

If travel is by train, judges will be reimbursed for the actual cost of the fare. In addition, judges will also be reimbursed for the cost of transportation (car or bus) to and from the station. Taxicab charges are reimbursable if other means of transportation are not available.

(2) Personally-owned Car

If travel is by personally-owned car, judges will be reimbursed at the prevailing rate per mile plus tolls and parking as established by the applicable State travel regulations.

Subsistence

(1) Daily

The cost of luncheon is not reimbursable.

(2) Overnight

In the event that travel necessitates remaining overnight, judges will be reimbursed actual expenses in accordance with the prevailing rates established by the State travel regulations and not to exceed actual expenses.

Miscellaneous

The following miscellaneous expenses are reimbursable:

(1) Bellhop fees in a reasonable amount when checking in and checking out.

(2) Official telephone calls.

Expenses for laundry, valet service, entertainment and other expenses of a similar nature are considered to be personal charges and are not reimbursable.

Judiciary will pay for Western Union service and not claim statutory exemption nor utilize Western Union frank privilege. (Directive #9-76, dated 2/23/77)

Application for Reimbursement

Application for reimbursement of travel expenses should be submitted in triplicate to the Administrative Office of the Courts on Form AR54-2 "Travel Expense Voucher." It is suggested that the vouchers be submitted on a monthly basis. If the application includes reimbursement for subsistence, a receipted copy of the hotel or motel bill must be attached. (State Travel Regulations)

Questions with respect to reimbursement should be directed to the Chief Fiscal Officer of the Administrative Office. (609-292-8070)

EDITOR-S NOTE

This travel policy supersedes Directive #11-66. The original text has been amended to render it gender-neutral.