Guide to Judiciary Policy

Vol 19: Travel and Relocation

Ch 4: Judiciary Staff Travel Regulations

Note: Travel Regulations for U.S. Justices and Judges are located in Chapter 2.

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§ 410 Authority, Applicability, and General Provisions

§ 410.10 Authority

These regulations are published by the Director of the Administrative Office of the United States Courts (AO) pursuant to 28 U.S.C. § 604(a)(7) and 5 U.S.C. § 5707(a)(1).

§ 410.20 Applicability

These regulations apply to:

(a) Employees of the judicial branch, excluding judges, and including uncompensated volunteers or interns who take the oath of office as employees, and, to the extent authorized by guidelines issued by the AO, personal attendants accompanying employees with disabilities.

(b) Consultants or experts employed intermittently and paid on a daily when-actually-employed (WAE) basis and individuals serving without pay or at $1.00 a year in accordance with 5 U.S.C. § 5703, including employees of Community Defender Organizations.

(c) Contractors, including contract court reporters and court interpreters, to the extent the terms and conditions of the contract provide for travel payments in accordance with these regulations. However, contractors are not entitled to government contract airfares under any conditions. This is an airline contract limitation and may not be waived by the judiciary or the judiciary's contract travel agency. Hotels and car rental firms have the discretion to extend government rates to contractors.

(d) Applicants for the position of bankruptcy judge, magistrate judge, circuit executive, clerk of court, district court executive, senior staff attorney, chief preargument/conference attorney, circuit librarian, federal public defender, bankruptcy administrator, chief pretrial services officer or chief probation

officer when summoned by a judge or court for an interview. The applicant may be reimbursed for transportation and subsistence expenses on an actual expense basis only, up to 150 percent of the applicable per diem allowance or such lesser amount as determined by the judge or court. The number of applicants authorized must be limited to the final three candidates.

When authorized by the chief judge, three final candidates for chief deputy (or equivalent second-in-command), deputy-in-charge (or equivalent in-charge) of a divisional office, or satellite librarian positions and positions in a work shortage category may be reimbursed from decentralized budgets for transportation and subsistence expenses on an actual expense basis only, up to 150 percent of the applicable per diem allowance or such lesser amount as determined by the chief judge. The determination of a work shortage category position will be made by the unit executive on a case-by-case evaluation, with assistance from the AO Office of Human Resources.

(e) Nominees for Article III and Court of Federal Claims judgeships and persons in the concluding stages of the selection process for bankruptcy judgeships and magistrate judgeships when traveling to attend orientation programs sponsored by the AO, the Federal Judicial Center (FJC), or the respective court. Each eligible individual may be reimbursed for transportation (not to exceed the available government contract fare) and actual subsistence expenses for the day of the program and the necessary travel day(s), up to 150 percent of the applicable per diem allowance or such lesser amount as authorized by the AO, the FJC, or court.

§ 410.30 Definitions and Abbreviations

(a) Approving Official

The individual who has the authority to approve travel advance requests and travel vouchers in accordance with the Guide, Vol 13, Ch 6, (Travel Advances and Interim Salary Payments), including the authority to approve specific types of travel expenses defined in these regulations.

(b) Authorizing Official

The individual who has the authority to authorize travel of subordinates, consultants and contractors.

(**Note:** In some instances, an official authorizing funds, such as an officer of FJC, may not be the officer that authorizes the travel).

(c) Common Carrier

A private-sector supplier of air, rail or bus transportation.

(d) Contract Travel Agency

A private-sector travel service or a travel management center which is under contract with the federal government to furnish federal employees and other persons authorized to travel at government expense with travel services, including reservation of accommodations, car rentals and ticketing.

(e) Constructive Cost

The total cost of transportation, subsistence, and incidental expenses that would have been incurred for travel had an employee traveled in the manner most cost effective to the judiciary.

(f) Conterminous U.S. (CONUS)

The 48 contiguous states and the District of Columbia.

(g) Court Unit Executives

Circuit executive; federal public defender; district court executive; clerk, bankruptcy appellate panel; clerk of court; chief probation officer; chief pretrial services officer; community defender; senior staff attorney; bankruptcy administrator; chief preargument/conference attorney; and circuit librarian.

(h) Excess Baggage

This term refers to baggage that exceeds the weight, size, or number of pieces carried free by common carriers.

(i) Extra-Fare Train

A train that operates at an increased fare due to the extra performance of the train (faster speed or fewer stops). The term "extra-fare train" does not mean first-class train accommodations, even though an extra-fare train may offer first-class accommodations.

(j) Government-Furnished Automobile

An automobile (or "light truck") which is (a) owned by a government agency, (b) assigned or dispatched to the judiciary from the General Services Administration (GSA) Interagency Fleet Management System, or (c) leased by the government for a period of 60 days or longer from a commercial source.

(j) Home Circuit

The geographic boundaries of the judicial circuit in which the employee is employed.

(k) Home District

The geographic boundaries of the judicial district in which the employee is employed.

(l) Incidental Expenses

This term refers to the following types of expenses: (1) Fees or gratuities for services and tips given to porters, baggage carriers, bellhops, hotel maids, room stewards, sky caps, and others; and (2) transportation between places of lodging or business and places where meals are taken, if suitable meals cannot be obtained at the temporary duty site. Incidental expenses are part of the per diem and meals and incidental expenses (M&IE) allowance. The rates for the per diem and M&IE are published in the Federal Register periodically by GSA. The Internal Revenue Service (IRS) has adopted these rates in its rules for Accountable Plans. Incidental expenses are not miscellaneous expenses, which are defined below in § 410.30(o).

(m) Local Commuting Area

The geographic area, as determined by the authorizing official, from which most employees in the applicable court, court unit, agency, or office routinely commute to the official station on a daily basis.

(n) M&IE Rate

The rate allowed for the meals and incidental expenses allowance when no lodging expenses are incurred or on the last day of travel. **See:** Meals and Incidental Expenses (M&IE) Breakdown on the GSA website.

(o) Miscellaneous Expenses

Reasonable and necessary expenses incurred by a traveler in the conduct of the official business, which are not included in the traveler's per diem and transportation allowances.

(p) Official Station

(1) Employees

Unless otherwise provided by law, the official station of an employee must be established by the appointing authority and must be designated as the place at which the appointing authority expects the employee to perform most duties. Headquarters, designated post of duty, permanent duty station, and official station have the same meaning within these regulations. The actual performance of such duties over a period of time subsequent to appointment at a different location may require a change of official station.

The boundaries of the official station are the corporate limits of the official station. If an employee is not stationed in an incorporated city or town, the official station is the reservation, station, or established area, or, in the case of large reservations, the established subdivision thereof having definite boundaries within which the designated post of duty is located.

(2) Experts, Consultants, Contractors, and Volunteers

For the purposes of determining the allowances payable under these regulations, the official station of contractors and experts or consultants employed on an intermittent basis, who travel at the request of the judiciary, will be their regular place of business, or, if they have no place of business, their residence. The duty station of a volunteer employee will be the employing court.

(q) Per Diem Allowance

The daily fixed locality allowance for lodging, meals, and incidental expenses is published periodically in the Federal Register by GSA. **See:** Domestic Per Diem Rates on GSA's website. The per diem allowance may be claimed by a traveler in lieu of actual expenses for lodging, meals, and incidental expenses (§ 410.30(n), above). The per diem allowance is

separate from the allowance for transportation expenses (§ 440) and other miscellaneous expenses (§ 460.20).

(r) Place of Abode

The residence from which the employee commutes regularly to the employee's official station.

(s) Temporary Duty (TDY) Location

A place, away from an employee's official duty station, where the employee is authorized to travel.

(t) U.S.C.

United States Code.

(u) Voucher Reviewer

An individual who has been assigned the responsibility to review and/or examine the travel vouchers as a result of procedures established by the certifying official. The reviewer determines whether or not the amount claimed is properly supported and documented and whether the claim is consistent with all of the statutes, rules, and regulations.

§ 410.40 In General

§ 410.40.10 "Prudent Traveler" Rule

An employee traveling on official business must exercise the same care in incurring expenses that a prudent person would exercise in conducting personal business using his or her own money. Excess costs, circuitous routes, services unnecessary or unjustified in the performance of official business are not acceptable under this standard. Employees will be responsible for excess costs and any additional expenses incurred for personal preference or convenience. Mileage and other expenses must be claimed only for the direct mileage route, unless there is an official necessity for travel by another route.

§ 410.40.15 Authorizing Officials' Responsibilities

It is the responsibility of the authorizing official to provide advance authorization for travel of subordinates, consultants, and contractors. The authorizing official determines that official travel is necessary and in the interest of the judiciary.

§ 410.40.20 Approving Officials' Responsibilities

It is the responsibility of the approving official to approve the business purpose of the request for reimbursement and the reasonableness of the amount claimed by the traveler. (**Note:** Approving authority does not bring the approving official within the narrow scope of officials who have personal liability with regard to government funds. Those who approve travel vouchers will be providing reasonable assurance to the disbursing officer that the travel was for government business and the expenses appear appropriate.)

§ 410.40.25 Agency Review and Administrative Control

The Director of the AO periodically conducts reviews and audits of transportation and subsistence expenses to determine whether expenses were proper, necessarily incurred in connection with the specific travel assignment, and properly documented. The Director cautions authorizing and/or approving officials to administer travel in accordance with the letter and spirit of the law and these regulations, and to take such action as is necessary to prevent abuses. Additional responsibilities of the authorizing and/or approving officials are set forth in the Guide, Vol 13, Ch 1 (Overview) and Ch 4 (Disbursing).

§ 410.40.30 Reimbursable Expenses

Travel expenses which will be reimbursed are confined to those expenses essential to the transaction of official business within the scope of these regulations. Reimbursement may not be provided for a traveler's payments to another government employee for transportation, lodging, meals, or other goods or services except staff of part-time magistrates and in exigent circumstances when approved in advance by the Director of the AO.

§ 410.40.35 Promotional Materials and Frequent Flyer Benefits

(a) As a result of the enactment of Public Law No. 107-107, § 1116, on December 28, 2001, government employees (as well as any family member or dependent) may use frequent flyer mileage and similar travel bonuses arising from official travel for personal use. This legislation applies to benefits received before December 28, 2001, as well as on and after this date.

(b) The law requires that any travel entitlements received from a commercial travel provider incident to official travel must be obtained under the same conditions as those offered to the general public at no additional cost to the government. This means that judiciary travelers may not selectively travel in order to obtain benefits. Travel arrangements should be made

based on the official business need and not the frequent travel miles that may be earned or bonuses that may be received.

(c) The IRS has not pursued a tax enforcement program with respect to promotion benefits such as frequent flyer miles. Any future guidance on the taxability of these benefits will be applied prospectively at which time this section will be updated.

§ 410.40.40 Contract Travel Agencies

Government employees are encouraged to use government contract travel agencies. Under the master contract of GSA, the judiciary utilizes a travel agency that serves the courts nationwide. The GSA also contracts with other travel agencies to provide services to government travelers, including judges and judicial employees. These contract travel agencies provide special contract airfares to government travelers when the traveler purchases a ticket with the Government Travel Charge Card or through a centrally billed government-sponsored account. These centrally billed accounts may be used only at contract travel agencies.

§ 410.40.45 Death While in Travel Status

(a) In General

The provisions of 41 CFR chapter 303 are applicable. If death should occur while in a travel status, the AO Office of Human Resources, Court Services Branch should be contacted for assistance.

(b) Voucher

Personnel familiar with the travel (usually the approving officer) undertaken by the deceased employee must prepare a voucher with supporting documentation. To avoid erroneous payment, Standard Form 1055 (Claim Against the United States for Amounts Due in the Case of Deceased Creditor) should accompany the voucher. **See:** Guide, Vol 13, Ch 4 (Disbursing).

(c) Signature

The approving officer must approve the claim upon completion of review. The traveler's name must be inserted in the payee block along with the name of the person entitled to payment in accordance with a designated beneficiary on file or the order of precedence for payments under state law. The individual entitled to payment does NOT have to sign the form.

(d) Cost of transportation of deceased back to official station

Title 41 CFR 303 contains regulations governing reimbursable expenditures, which may be made directly to the person making the payment. Supporting receipts are required.

§ 410.40.50 Claims Arising from Accidents During Official Travel

When accidents occur during official travel and personal injury or property damage results, the government may provide a remedy depending on a variety of factors. **See:** Guide, Vol 20 (Administrative Claims and Litigation).

§ 410.40.55 Payments

Payments from decentralized budgets of court units and federal public defender offices must be made by the district court which disburses for the holder of the budget from which the travel was funded.

§ 410.40.60 Combining Personal Travel with Official Government Travel

The judiciary will reimburse an employee only for costs incurred for official travel. If an employee combines personal and official travel, the employee ordinarily should schedule and route the official portion of the trip in a way that is most direct and advantageous to the government. (The employee should obtain the approval of his/her authorizing official before arranging a trip that includes both official and personal travel.) If the official portion of a trip is not scheduled and routed in that way, a constructive cost analysis (consistent with § 410.30(e), above) must be performed to determine what the cost of the trip would have been had the employee traveled in a the manner most cost effective to the government, and the employee will be limited to reimbursement of the constructive cost of the trip. Expenses in excess of official travel costs will not be paid or reimbursed.

Note: As discussed below in § 440.40.10(c), the GSA contract with the airlines, through which the government is able to obtain discounted government fares for official government business travel, precludes use of contract airfares for personal travel performed by judiciary employees.

§ 410.40.65 Reduced Travel Allowances

If the AO or FJC authorizes reduced transportation and/or subsistence allowances to meetings they sponsor, a traveler's office may not supplement these allowances by using local travel funds (or any other funds).

§ 420 Authorizing and Approving Travel

§ 420.10 In General

All judiciary employees who travel on official business must have written authorization of the court, court unit executive, AO, FJC or United States Sentencing Commission (USSC) official as provided in the following paragraphs, except chambers staff traveling with the employing judge to attend court sessions or authorized judicial meetings as defined in the Guide, Vol 19, Ch 2 (Travel Regulations for Justices and Judges). These regulations allow the court significant flexibility. The following are acceptable methods of written authorization:

(a) Specific authorization for each trip.

(b) Approval of periodic travel plan reports as recommended in the Management Oversight and Stewardship Handbook (page 10).

(c) Use of blanket authorization for routine travel within the home district or circuit or for travel for which funding authorizations are issued by AO and FJC. For pretrial services and probation officers, the blanket authorization may also cover travel to adjacent districts for supervision of defendants and offenders.

(d) Use of e-mail as a means of communicating travel requests and approvals.

§ 420.20 Authorizing and Approving Officials

§ 420.20.10 Authorization of Travel

The following officials may authorize official travel. Responsibilities of approving officials and disbursing officers are set forth in the Guide, Vol 13, Ch 4 (Disbursing).

(a) Chief Judge

For own chambers staff, court unit executives (except federal public and Community defenders), pro se law clerks, death penalty law clerks, and land commissioners. Chief judge may designate others to authorize or approve travel for pro se law clerks, death penalty law clerks, land commissioners and court unit executives. At the district court level, these regulations do not contemplate that chief judges would designate one court unit executive to authorize another court unit executive's travel. The designation should be in writing.

(b) Judge

For chambers staff.

(c) Circuit Executive

For employees, including other employees serving under direct supervision. Also, for chief preargument/conference attorneys if administratively assigned to the circuit executive.

(d) Magistrate Judge

For chambers staff.

(e) Bankruptcy Judge

For chambers staff.

(f) District Court Executive

For employees in district court executive's office.

(g) Clerk of Court

For employees in the clerk's office, court reporters, court interpreters, and jury commissioners. Also, for chief preargument/ conference attorneys if administratively assigned to the clerk of court.

(h) Chief Probation Officer

For employees in the probation office.

(i) Chief Pretrial Services Officer

For employees in the pretrial services office.

(j) Federal Public and Community Defenders

For self, except that written authorization from the Assistant Director, Office of Defender Services, is required for any travel into and out of the conterminous U.S. and for all non-case related travel outside of the district(s). Also, for employees of the federal public or community defender organization, except that written authorization from the Assistant

Director, Office of Defender Services, is required for all travel to locations outside of the conterminous U.S.

(k) Senior Staff Attorney

For employees under his or her supervision. Also, for chief preargument/conference attorneys if administratively assigned to the senior staff attorney.

(l) Bankruptcy Administrators

For employees in the bankruptcy administrator's office.

(m) Circuit Librarian

For employees under his or her supervision.

(n) Director of the AO

For self, employees of the AO, and under § 420.30.40, below, individuals who perform invitational travel in connection with a meeting of a committee of the Judicial Conference. The authorization authority for AO employee travel has been delegated from the Director to the Assistant Directors.

(o) Director of the FJC

For self and employees of the FJC.

(p) Chairman of the USSC

For self and employees of USSC.

(q) Such other officials as may be specifically designated by the Director of the AO.

(r) Alternate authorizing officials may not authorize their own travel.

§ 420.20.20 Voucher Approval

Chief judges of appellate, district, and bankruptcy courts should establish systems of review and control to provide reasonable assurance that travel is for legitimate business purposes and that the expenses approved for reimbursement are reasonable. The system of controls should include review of all travel vouchers by an individual within the

court such as a financial administrator or budget analyst for compliance with the travel regulations and mathematical accuracy. The reviewer would be expected to maintain expertise in the travel regulations and policies. These regulations allow the court significant flexibility. The following are acceptable methods of travel voucher approval:

(a) Chief judges of appellate, district, and bankruptcy courts may approve court unit executives' vouchers personally.

(b) The chief judge may also designate one or more other judges to approve the vouchers, or designate other officials to approve them.

(c) In lieu of approving a court unit executive's voucher or designating another judge or other official to do so, a chief judge may opt to review and approve a report of completed travel similar to that recommended by the Management Oversight and Stewardship Handbook (page 10). If this method is adopted, the chief judge should sign the report, a copy of which should be filed with the travel vouchers listed on the report. The disbursing officer will rely on the claimant's certification on the travel voucher that the travel was for official business purposes and expenses claimed were proper.

(d) Chief judges of appellate courts must approve or designate an official to approve the travel vouchers of the federal public defenders.

(e) The approving official may be another court unit executive or a court unit executive's deputy.

§ 420.20.30 Written Delegation of Authorizing Authority

An authorizing official may delegate authorizing authority, in writing, but must keep such designations to as high a supervisory level as practicable.

§ 420.20.40 Written Delegation of Approving Authority

An approving official may delegate approving authority, in writing, but must keep such designations to as high a supervisory level as practicable.

§ 420.20.50 When Travel is Not Funded by Employing Unit

When funding for official travel is provided by the AO, FJC, USSC or any source other than the unit employing the traveler, a written authorization signed by an authorized representative of the funding organization is required in addition to the approvals listed above.

§ 420.20.60 Travel Outside Geographic Boundaries of the Home Circuit or District

(a) Chambers Staff (Law Clerks and Secretaries)

Specific authorization is required from the employing judge for travel outside the employee's home circuit (for a court of appeals employee) or district except for travel to a court session by one or two chambers staff members. When more than two chambers staff members travel outside the home circuit or district for any official purpose, authorization must be obtained from the employing judge, the appropriate chief judge, and the appropriate division of the AO Office of Judges Programs — i.e., the Article III Judges Division (for staff of Article III and Court of Federal Claims judges), the Magistrate Judges Division, or the Bankruptcy Judges Division, as the case may be.

(b) Court Employees Other than Chambers Staff or Federal Public Defender Office Employees

Specific authorization is required from the employing court unit executive for travel outside the employee's home circuit (for a court of appeals employee) or district for any official purpose. When a court employee travels to a court session outside the home circuit or district, authorization must also be obtained from the appropriate division of the AO Office of Court Administration — i.e., the Appellate Court and Circuit Administration Division, the Bankruptcy Court Administration Division, or the District Court Administration Division — or the AO Office of Probation and Pretrial Services, as the case may be.

§ 420.30 Special Provisions for Certain Categories of Employees and Travel

§ 420.30.10 Chambers Staff

Immediate staff members of a circuit, district, bankruptcy, or magistrate judge need no authorization to attend regular or special sessions of court. The travel voucher must include the statement, "This travel was for the purpose of attending court and was performed at the direction of and with the approval of the [title of judge]."

§ 420.30.15 Courtroom Deputies and Official Court Reporters and Court Interpreters Who Are Employees

(a) Intra-District/Circuit Travel

Courtroom deputies and official court reporters and court interpreters need no authorization to attend regular or special sessions of court conducted

by a district, bankruptcy, or magistrate judge within the geographic boundaries of the district/circuit in which the courtroom deputy, court interpreter, or court reporter is employed. The travel voucher must include the statement "This travel was performed at the direction of and with the approval of the [title of judge] or [title of the clerk of court]."

(b) Inter-District/Circuit Travel

Such travel is generally restricted. Only when a host court is unable to provide required services may a court reporter or courtroom deputy travel to another district. The host court must certify that it is unable to provide the required services, and the providing court must seek a travel authorization from the appropriate division of the AO Office of Court Administration. Such authorizations must be obtained in writing in advance, except when emergency situations do not permit.

(c) Expedited Transcripts

Court reporters may not claim reimbursement for travel expenses incurred in assisting another reporter in the production of daily or expedited transcripts or the handling of backlogs.

§ 420.30.20 Contract Court Reporters and Interpreters

Contract court reporters and interpreters may be paid travel allowances only when specifically authorized by the contract. Subsistence allowances may be claimed only on an actual expense (itemized) basis, up to 150 percent of the applicable per diem allowance or such lesser amount as authorized by the court unit executive. Contractual restrictions take precedence over these regulations. Each trip must be authorized in a manner that provides for verification and documentation to assure that travel is only for officially approved purposes and within the scope of the contract.

§ 420.30.25 Contractors

Contractors may be reimbursed to the extent the terms and conditions of the contract authorize payment.

§ 420.30.30 Employees of the AO, FJC, Multi-District Litigation Panel, USSC, and Court of Federal Claims

Such employees must obtain authorization for official travel from the appropriate authorizing official of their organization on forms that have been specifically designated by their organization. The "Authorization for Official Travel," generated by the Court

Travel Helper software is considered an official authorization once signed by the appropriate official.

§ 420.30.35 Attending Judicial Conference, Circuit Judicial Conference, or Judicial Conference Committee Meetings

Employees may be reimbursed for travel expenses to appear at the Judicial Conference, a circuit judicial conference, or a Judicial Conference committee meeting only when they are authorized by the Director of the AO or invited to appear by the Chief Justice, the chief judge of a court of appeals, or the chair of the committee involved.

§ 420.30.40 Invitational Travel of Individuals Who Are Not Judiciary Employees

Consistent with 5 U.S.C. § 5703, individuals who are without a formal contract and are invited by the judiciary to travel as attendants, experts, speakers, participants at a conference or meeting, and applicants for employment (consistent with § 410.20(d), above), or who are otherwise requested to confer on official government business may be reimbursed for travel expenses, including subsistence expenses, on an actual expense basis consistent with this chapter. In those instances where the invitational traveler is requested to attend a meeting with judges at a temporary duty location, the traveler may be reimbursed actual expenses of subsistence not to exceed the maximum amount that the judges may claim at that location. Where invitational travel is performed on behalf of a court, travel authorization must be obtained from the chief judge or court unit executive inviting the traveler. Where invitational travel is performed on behalf of the AO or a Judicial Conference committee, travel authorization must be obtained from the Director or his or her designee. Travel for individuals serving as contractors may be reimbursed to the extent the terms and conditions of the contract authorize payment in accordance with these regulations.

§ 420.30.45 Permanent Change of Official Station

See: Guide, Vol 19, Ch 5 (Relocation Allowances for Judiciary Staff).

§ 420.30.50 Jurors

See: Guide, Vol 19, Ch 7 (Juror Fee Regulations) and 28 U.S.C. § 1871.

§ 420.30.55 Employee Subpoenaed as a Witness

When an employee is subpoenaed as a witness in connection with official duties performed as an employee of the judicial branch, travel must be reimbursed in accordance with these regulations and payment must be made from the decentralized budget of the employing court, not the funds of the court in which the employee testifies.

If the employee's appearance as a witness concerns his or her prior employment by another federal agency outside the judicial branch, payment must be made from the decentralized budget of the employing court; however, the approving official must notify the AO Accounting and Financial Systems Division, which will request reimbursement from the involved agency in accordance with 5 U.S.C. § 5751. The employee must refund to the District Court Clerk's Office any amount received as a witness fee, which is for deposit to the credit of the appropriation from which the witness's salary is paid, in accordance with 5 U.S.C. § 5515. When an employee is subpoenaed as a witness on a matter not relating to official duties either in the judicial branch or another federal agency, travel expenses will not be reimbursed.

§ 420.30.60 Volunteers

Volunteers generally are not expected to travel; however, if a situation arises which warrants the performance of official travel by an uncompensated employee, written authorization must be obtained from the supervising court unit executive and from the Budget Division of the AO Office of Finance and Budget. Guide, Vol 12, § 550.80.20(a)(4). Volunteers who are not employees, such as students under the Job Training Partnership Act, are not permitted to travel at judiciary expense. **See:** Guide, Vol 12, § 550.60.20(d)(1)(D).

§ 420.30.65 Retreats

With the approval of the chief judge, a court or a unit of a court may conduct a retreat. When the retreat is held outside the corporate limits of the duty station of some or all of the attendees, such employees may be reimbursed their travel and subsistence expenses in accordance with these regulations. When a retreat is held at the duty station of some or all attendees, such employees may be reimbursed the actual costs of meals taken incident to the retreat subject to § 450.30.80(b), below.

§ 420.30.70 Federal Public Defender Organization Employees

This paragraph constitutes a standing authorization for travel on official business by employees of a federal public defender organization for all travel within the district(s) served when the travel is related directly to the organization's casework and is entirely within the conterminous United States. The federal public defender is responsible for ensuring that the organization's travel expenses do not exceed the funds budgeted for this purpose.

§ 420.40 Travel Expenses Not Subject to Reimbursement

As discussed below, not all travel may be reimbursable.

§ 420.40.10 To Attend Meetings or Conventions of Societies and Private Associations

(a) In general, appropriated funds are not available to cover the cost of travel and subsistence expenses, membership fees or dues, registration fees, and any other expenses for an employee to attend a meeting or convention of an association. However, an exception may be authorized in specific circumstances as described below. Generally, attendance or participation in meetings of associations such as the American Bar Association, Court Clerks' Associations, U.S. Court Reporters' Association, and other similar associations and societies does not constitute the performance of official business.

(b) An exception is authorized when the Chief Justice, the chief judge of the appropriate court of appeals, the chairman of a committee of the Judicial Conference, the Director of the AO, or the Director of the FJC designates a court employee to attend or participate in an official capacity as a representative of the judicial branch.

(c) An exception is also authorized when the appropriate judge or court unit executive determines that a chambers or court employee's attendance at the training portions of a meeting is essential for carrying out the purposes of the court's program. Before granting such an exception, the judge or court unit executive must first determine that the training is a necessary expense and is consistent with the provisions of Guide, Vol 12, § 1125 (Funding for Learning and Development). Under those provisions, a judge or court unit executive should consider the following factors in making a determination to authorize training for court and chambers staff employees in administrative, operational, or managerial areas:

(1) the training is essential to carry out an official function, duty, or activity for which that individual is responsible, or will otherwise contribute to improved conduct, supervision or management of such function, duty, or activity;

(2) the training is in the best interest of the judiciary and is not primarily for the convenience or personal gain of the employee;

(3) the training is cost-effective, in light of budgetary and other constraints on the judiciary; and

(4) the training is not available locally through traditional workshops or electronic medium (e.g.,interactive video teletraining, video

conferencing, web based training, computer based training), or through cross-training by another member of the court staff.

If training is approved consistent with the criteria discussed above, then the cost of transportation to and from the training location would be fully reimbursable as official travel as provided in this chapter. Payment of the expenses of lodging and subsistence is at the discretion of the authorizing official consistent with § 450.10, below.

§ 420.40.20 To Attend Investitures, Memorial Services, Building Dedications, and Similar Ceremonies

In general, travel to attend memorial services, funerals, portrait hangings, building dedications, groundbreakings, investitures and functions of a similar nature is not reimbursable as an official travel expense. Notwithstanding this general prohibition, employees may be authorized reimbursement for the expenses of travel to attend such an event under one of the following three circumstances:

(a) Where a chief judge designates a court unit executive to attend any such event as a representative of the court;

(b) Where a chief judge or the Director of the AO or FJC or the chairman of the USSC designates official representatives (not to exceed two) to attend the funeral or memorial service of a judge or employee of the judiciary to sustain morale and reinforce to the court and others the significance of the deceased judge or employee to the judiciary; or

(c) Where a chief judge authorizes one or more employees to attend an event for the purpose of coordinating the logistics for the event.

§ 420.40.30 Accompanying Family Members

Travel by family members accompanying an employee on official business except when they are designated to serve as an attendant to an employee with disabilities in accordance with guidelines issued by the AO.

§ 420.40.40 Commuting

The expense of commuting between an employee's residence and his/her official duty station is a personal expense, and absent statutory authority, appropriated funds are not available to pay for personal expenses.

§ 420.40.50 Applicants for Judiciary Positions

Travel by applicants (employees or non-employees) for positions within the judiciary except as provided in these regulations.

§ 420.40.60 Judgeship Nominees

Travel by nominees for Article III and Claims Court judgeships, except as provided in these regulations.

§ 420.40.70 Subsistence Expenses at Official Station

Meals or other subsistence expenses incurred at the employee's official station or within the local commuting area (as defined in § 410.30(m)), except as provided in these regulations.

§ 430 Credit Cards and Other Means of Covering Travel Costs

§ 430.10 Government Travel Charge Cards

Judiciary employees who travel more than one overnight trip per year should obtain the Government Travel Charge Card and should use the ATM feature of the card to minimize the need for travel advances. The Government Travel Charge Card may only be used by the employee-cardholder to pay authorized official business expenses associated with temporary duty travel or judiciary-authorized relocation. Use of the Government Travel Charge Card for other purposes could result in disciplinary action.

§ 430.20 Purchasing Common Carrier Transportation

§ 430.20.10 Government Travel Charge Card

Government employees are encouraged to use an individual Government Travel Charge Card to purchase common carrier tickets directly from the common carrier or through a contract travel agent. Travelers may use a personal credit card to purchase common carrier tickets; however, a Government Travel Charge Card must be used to obtain government contract airfares.

§ 430.20.20 Infrequent Travelers

A court or any other judicial branch entity may establish a centrally-billed account through which common carrier tickets for infrequent travelers are purchased from a contract travel agent, and the cost of the tickets is charged to the centrally-billed account.

§ 430.20.30 CJA Panel Attorneys

Panel attorneys and related service providers under the Criminal Justice Act are entitled to and urged to use government airfares. Courts should establish separate centrally-billed accounts to pay the cost of these tickets.

§ 430.30 Travel Advances

§ 430.30.10 Obtaining Advance with Government Travel Charge Card

An employee who has a Government Travel Charge Card may obtain an advance of travel funds by an Automated Teller Machine (ATM) or bank using the Government Travel Charge Card. Except in unusual situations, such an advance may not exceed the total of the applicable M&IE rate per each day of travel and other allowable miscellaneous travel expenses that will not be purchased with the Government Travel Charge Card. Any fee incurred while using the government card to obtain a travel advance for official travel is a reimbursable travel expense.

§ 430.30.20 Court Advances to Employees with Card

Courts should not issue advances to employees who have individual Government Travel Charge Cards; however, consistent with 31 U.S.C. § 3726(h) an employee may be issued a travel advance to assist him/her in paying the expense of the advanced purchase of an airline ticket for official travel.

§ 430.30.30 Permissible Coverage

When a traveler is in a continuous travel status for a period of at least 30 days, an advance may cover the entire period of travel except if periodic reimbursement vouchers are to be submitted, in which case the amount advanced will cover only the period between projected voucher submissions.

§ 430.30.40 Only for Official Travel Expenditures

Travel advances are to be used only for official travel expenditures, and use of funds for personal, unofficial expenditures is prohibited under any circumstances.

§ 430.30.50 Traveler Liability

Travelers are fully responsible and liable for repaying travel advances to the government within 30 days of completion of travel. Normally, this will be accomplished by applying the advance to the reimbursement due on the travel voucher, thus reducing the amount paid on the voucher to the difference between the allowable expenses and the advance received. However, in the event the travel is canceled or the allowable expenses are less than the advance, the traveler must repay any balance remaining even if the traveler loses the funds or has the funds stolen. Disbursing officers are

responsible for collecting advances as prescribed in Guide, Vol 13, Ch 6 (Travel Advance and Interim Salary Payments).

§ 430.30.60 Accounting for Advances

The accounting for travel advances, recovery, and reimbursements must be in accordance with procedures prescribed in the Guide, Vol 13, Ch 6 (Travel Advance and Interim Salary Payments).

§ 440 Transportation

§ 440.10 Reimbursable Transportation Expenses

An employee may be reimbursed for expenses incident to transportation such as common carrier fares, mileage expenses, automobile rental fees, and parking fees.

§ 440.20 Selecting Method of Transportation

(a) Travel on official business must be by the method of transportation which will result in the greatest advantage to the judiciary, cost and other factors considered. In selecting a particular method of transportation to be used, the traveling employee and the authorizing official must consider factors such as cost (including the cost of transportation to and from common carrier terminals, cost of a Saturday night stayover, etc.), distance, estimated travel time, lost productivity, and allowable overtime.

(b) Consideration may also be given to energy conservation. The authorizing or approving official may impose dollar limits or other restrictions on the amount of transportation expenses reimbursable.

§ 440.30 Traveler's Cost Liability When Selected Method Not Used

The traveler must use the method of transportation administratively authorized as most advantageous to the government. Any additional cost resulting from use of a method of transportation other than that authorized will be paid from the traveler's personal funds. The government may not pay for such additional costs even if the employee agrees to make reimbursement later.

§ 440.40 Authorized Methods of Transportation

Methods of transportation authorized for travel on official business include:

- airline;

- railroad;
- subway;
- ferry;
- bus;
- commuter rail;
- streetcar;
- transportation terminal limousine;
- taxi;
- privately owned automobile or airplane;
- government owned or rented automobile and airplane; and
- other necessary means of conveyance.

§ 440.40.10 Common Carrier

(a) In General

Travel by common carrier is generally advantageous to the government and must be used when reasonably available.

(b) Air Travel

Since travel by air is generally the least costly and most expeditious mode of long-distance transportation, this method should normally be used for long trips. Reimbursement must be limited to coach accommodations except when flights to the destination provide only higher class accommodations; when space is not available in less than business or first class in time to carry out the purpose of the travel (travelers are responsible to make their reservations at the earliest possible date to avoid this situation); when necessary to accommodate an employee with a disability; or when authorized in advance by the authorizing official for reasons of the traveler's health.

(1) Travel Outside the Conterminous U.S.

When the origin and/or destination is outside of the conterminous U.S. and the scheduled flight time, including stopovers, is in excess of 14 hours, the employee may use premium or business class air travel when authorized in advance by the authorizing official.

(2) Rest Stops

The authorizing official may authorize a rest stop for a period not to exceed 24 hours or which will result in no more than one day's subsistence expense at either an intermediate point or at a

traveler's final destination if (1) the origin or destination is outside the conterminous U.S., (2) the scheduled flight time including stopovers, exceeds 14 hours, and (3) travel is by a direct or usually traveled route. The fact that an employee may use a class of air service higher than coach class does not preclude a rest stop. When a rest stop is authorized, the applicable subsistence rate is the rate for the rest stop location.

(c) Government Contract Fares

Under its City Pair Program, GSA maintains contracts with various airlines to obtain discounted, refundable fares for official business travel by government employees. Use of these government contract fares is generally considered advantageous to the judiciary. Two contract fares are available through the City Pair Program: an unrestricted "YCA" fare and a capacity-controlled (limited seating), even more discounted "CA" fare. Authorizing officials should encourage the use of the lowest reasonably available fare, government contract or otherwise. **See:** § 440.40.10(d), below.

Note: GSA's city pair contracts preclude use of government contract airfares for official government business travel by cost-reimbursable contractors, or for personal travel performed by government (including judiciary) employees.

(d) Use of Special Lower Fares

(1) A traveling employee may, in the interest of economy, use a discounted, non-government contract airfare that is less expensive than the lowest reasonably available government contract fare, but is non-refundable, involves the assessment of a penalty or additional fee if the reservation is cancelled or otherwise changed after booking, or is conditioned on a Saturday-night stay-over or similar requirement. If an employee's travel plans are not definite, both the employee and the authorizing official should weigh the costs and benefits of using a discounted airfare that entails the above-described restrictions.

(2) When a discounted, non-government contract airfare is authorized, any penalties or additional fees assessed for a cancellation or other change in reservations (including the cost of an entirely new ticket if the previously ticketed fare was totally nonrefundable) will be paid by the government when the change is made for official reasons (e.g., a case, meeting, or other official business event ends

significantly earlier or later than expected) or for other reasons beyond a traveling employee's control (e.g., the employee becomes ill, or an accident, serious illness, or death occurs within the employee's immediate family). But when a penalty or additional fee is incurred because of a change made at the traveling employee's discretion solely for his or her personal convenience, the government will pay the penalty or fee *only to the extent* that the actual cost of the original ticket plus the change penalty or fee does not exceed the cost of the lowest reasonably available government contract fare for the route and date(s) traveled as of the time that the employee originally made his or her reservations.

Note: An employee who uses a discounted, non-government contract airfare may be authorized reimbursement of additional lodging and meals costs incurred in satisfying a Saturday-night stay-over or similar requirement for that airfare *only to the extent* that the reduced airfare cost (as compared with the lowest reasonably available government contract fare) offsets the cost of the additional lodging and meals.

(e) Payments from Airlines for Overbooking or Voluntary Bumping

When an airline fails to provide confirmed reserved space and is required to pay liquidated damages to a traveler on official business, such payments must be turned over to the government. In contrast, travelers may retain payments, tickets for future travel, or other awards made by airlines to persons who *voluntarily* give up their seat when a flight is overbooked. Employees should not voluntarily give up their seats if such will interfere with the timely performance of official duties. An employee may not receive any additional travel reimbursements for additional transportation or subsistence expenses incurred as a result of the delay in voluntarily surrendering a seat.

(f) Rail or Bus Service

An employee may travel by rail or bus when such is determined to be advantageous to the judiciary based on cost and other relevant factors (e.g. overall travel time, compatibility with the requirements of official travel, availability and cost of ground transportation). Also, travelers may use extra-fare train service (e.g., Acela, Metroliner) when it is advantageous to the judiciary. In general, travelers should use the lowest class accommodations available on a train; however, exceptions may be made to accommodate a traveler's disability or other special need. If rail transportation is used due to the personal preference of the employee or

other reasons, reimbursement of expenses will be limited to the constructive cost of air travel at the government contract rate. The use of discount fares offered to the government by rail or bus carrier should be used to the maximum extent possible.

(g) Travel by Ship

Except for travel between two points served by ferries, travel by ship is generally not regarded as advantageous to the judiciary. When an employee travels by ship, he or she will generally be limited to the constructive cost of air travel at the government contract rate.

§ 440.40.20 Privately-Owned Automobile

(a) When Authorized

Travel by privately-owned automobile within 500 miles of an employee's official station is presumed advantageous to the judiciary, and reimbursement for mileage, parking, and road, bridge, and tunnel tolls is therefore permitted. However, this section does not limit the employee from electing travel by common carrier.

(b) Travel in Excess of 500 Miles One-Way

When an employee uses a privately-owned automobile for official travel for a one-way distance of more than 500 miles, claims for reimbursement are limited to the lesser of (1) mileage, tolls and subsistence or (2) the constructive cost of travel (as set forth below).

(1) In General

The constructive cost of travel consists of the following:

- the cost of air travel at the government contract rate (if no government contract fare is available, then the lowest coach fare available);
- a subsistence allowance based on reasonable common carrier schedules;
- the usual transportation costs to and from the common carrier terminals including parking fees; and
- tips to taxi and limousine drivers.

Note: Cost of parking private vehicle at place of temporary lodging and presumed cost of local transportation (taxis or rental vehicles) at temporary station are not includable in constructive cost calculation.

(2) When the Points of Travel Are Not Served by an Airline

In the event that the points of travel are not served by an airline, the constructive cost will be based on the cost of travel by the mode of transportation available and most commonly used.

(c) Reimbursable Expenses

Reimbursement may be claimed for travel by privately-owned automobile at the most recent prescribed rate by the Director, plus necessary parking fees, ferry charges, and road, bridge and tunnel tolls. Distances shown by a standard highway mileage guide may be used as the basis for such claims, or, in lieu thereof, actual mileage may be shown. The employee's travel voucher must show the points between which official travel was performed, the total mileage claimed, and the dates of travel in the section entitled "Transportation and Other Expenses."

(d) Travel with More than One Person

Travel by privately-owned automobile may be advantageous to the judiciary when two or more employees travel together. Only the owner of the vehicle may claim reimbursement for mileage, parking fees, tolls, etc. The owner may claim mileage between the starting point of the trip and the locations where passengers assemble. Passengers may claim taxi fares, mileage, or other costs actually incurred for travel to and from the pickup points. The names of passengers must be listed on the owner's travel voucher.

(e) Monthly Parking for Probation Officers, Pretrial Services Officers, and Federal Public and Community Defender Personnel

The authorizing official may authorize reimbursement to probation officers, pretrial services officers, federal public and community defenders, assistant federal public and community defenders and their investigative staff of a pro rata portion of such employees' parking fees allocable to the days on which employees use their vehicles to travel on official business. To determine the amount of the reimbursement, the employee will multiply the periodic parking fee actually paid by a fraction whose numerator

equals the number of days on which the employee's vehicle is used for official travel and whose denominator equals the total number of workdays covered by the periodic parking fee paid. For example, if an employee uses her car for official travel for 12 days during a month which has twenty workdays, he will be reimbursed 12/20 of the monthly parking rate. A parking receipt, clearly indicating the amount and period covered by the charge, must accompany any claim for such reimbursement.

§ 440.40.30 Rental Automobiles

(a) In General

Reimbursement of the costs of a rental car is permitted when the authorizing official determines that the use of a rental car is more advantageous to the judiciary than the use of a taxi, airport limousine, or other mode of transportation. When an employee rents an automobile for personal convenience, the approving officer must limit reimbursement to the amount that the traveler otherwise would have expended for taxi or transportation by common carrier.

(b) Personal Use of Rental Automobile

Personal use of a rental automobile is permissible to the extent it does not increase the cost to the government. A traveler who uses a rental car for personal use and, as a consequence, incurs additional costs (e.g., gasoline), is personally responsible for those costs.

(c) Global Positioning Systems (GPS)

The expense of renting a portable GPS device or upgrading to an automobile equipped with satellite navigation may be reimbursable when a traveler establishes official necessity, the rental or upgrade is advantageous to the judiciary, and the authorizing official approves it in advance of the temporary duty travel.

(d) Rental of Commercial Vehicle Under Government Contract

When a commercial automobile rental is authorized, a government contract rental should be the first resource. Most national automobile rental companies participate in the U.S. Government Car Rental Agreement and provide special daily flat-rates with no mileage restrictions to all government employees on official travel. Furthermore, the cost of collision damage waiver or insurance is included in the government contract rental rate and therefore should not be purchased separately. To

obtain the collision damage waiver/insurance benefit, the traveler must use the Government Travel Charge Card to pay the cost of the rental automobile. Where a traveler does not use the Government Travel Charge Card to pay the cost of rental automobile, he/she must ensure that the paperwork for the rental automobile specifically identifies it as a "U.S. Government business rental."

(e) When Use of a Non-Government Contract Rental Is Permissible

An employee may use a non-government contract rental only when no government contract rate is available. In such an instance, the employee must use the least expensive reasonably available commercial rental. The employee should use the Government Travel Charge Card for payment of such a rental, because the card includes collision damage waiver for rentals used for official purposes. Rental of an automobile from another employee or a member of the traveler's family is not allowed.

(f) Reimbursement for the Cost of Insurance

An employee will not be reimbursed for the cost of personal accident insurance. Similarly, when an employee uses a nongovernment contract rental, charges for collision damage waiver or collision damage insurance are not reimbursable.

(g) Damage to a Non-Government Contract Rental Vehicle

If an employee is not covered by collision damage waiver or collision damage insurance and the employee used the Government Travel Charge Card as advised above and the employee is involved in an accident, the employee should immediately inform the vendor of the Government Travel Charge Card that an accident has occurred. The rental agency that accepted the Government Travel Charge Card should bill that vendor. In addition, the employee should advise the AO Office of the General Counsel. If the employee did not use the Government Travel Charge Card, the employee should advise the rental agency to bill the court.

(h) Incidental Charges

If rental charges do not include the cost of gas or other incidental expenses of operation, the employee should pay the costs and then itemize the expenses on his or her travel voucher.

§ 440.40.40 Privately-Owned Airplane

Travel by privately-owned airplane is reimbursable at the most recent prescribed rate by the Director, plus airplane parking, landing, and tie down fees, not to exceed the cost of travel by commercial airline.

§ 440.40.50 Privately-Owned Motorcycle

Travel by privately-owned motorcycle is reimbursable at the most recent prescribed rate by the Director, with the same allowances and limitations as by privately-owned automobile.

§ 440.50 Local Transportation

An employee may claim reimbursement for the expense of transportation by bus, ferry, commuter rail, streetcar, subway, taxi (subject to the restrictions below) or privately-owned automobile (at the established mileage rate) incurred in connection with the following:

§ 440.50.10 To, From, and Between Places of Work

Employees may be reimbursed for the expense of travel between place of lodging and places of business at a temporary duty station. An employee may also be reimbursed transportation expenses incurred in the local commuting area to perform official business. Where an employee at some point in the day reports to his/her official duty station, mileage is reimbursable only to the extent it exceeds the traveler's normal daily commuting mileage between his/her residence and the official duty station. Where an employee does not report to his/her official duty station on the day in question, no deduction for commuting distance should be made. The following examples illustrate the application of this rule:

> Ex. 1: If a traveler leaves the official duty station, goes to the temporary duty station, and returns to the official duty station, count the mileage from the official duty station to the temporary duty station and back to the official duty station.
>
> Ex. 2: If a traveler leaves his/her residence, goes to the temporary duty station, and returns to his/her residence without going to the official duty station, the traveler should take the mileage from his/her residence to the temporary duty location and back to his/her residence, without any deduction for the normal round-trip commuting distance. An approving official, may within his/her discretion, limit reimbursement to only the mileage in excess of the traveler's normal round-trip commuting mileage or establish another mileage limitation should the situation warrant.

Ex. 3: If a traveler leaves the official duty station, goes to the temporary duty station, and returns to his/her residence without going back to the official duty station, the traveler should take the mileage from the official duty station to the temporary duty station and back to his/her residence, then subtract the normal one-way commuting distance.

Ex. 4: If a traveler leaves from his/her residence, goes to the temporary duty station, and returns to the official duty station, the traveler should take the mileage from his/her home to the temporary duty location and back to the workplace, then subtract his/her normal one-way commuting distance.

§ 440.50.20 To and From Common Carrier Terminals

Employees may be allowed the reasonable cost of ground transportation to and from common carrier terminals. An employee may be reimbursed round-trip mileage and parking when driving his or her privately owned vehicle personally or round-trip mileage each way when driven by a family member, provided that mileage is limited to the direct route and that the total cost of mileage and parking at the airport (if applicable) may not exceed the cost of travel by taxi or other readily available common carrier. Limousine and courtesy car services to and from a place of lodging must be used when such services are available at no cost (or at a lower cost than alternative travel) and their use does not unreasonably interfere with the traveler's schedule. A reasonable tip to the driver may be allowed.

§ 440.50.30 To Places Where Meals Are Obtained

Consistent with § 410.30(I), the expenses of travel to obtain meals at a temporary duty station is normally included within the subsistence (M&IE) allowance.

§ 440.50.40 Between Residence and Office on Day of Departure

Travel from an employee's residence to the office on the day the employee departs from the office for an official trip and from the office to the employee's home upon return may be reimbursed at the discretion of the approving official.

§ 440.50.50 Automobiles Furnished or Rented by the Government

When an automobile is regularly required for official travel performed locally or within commuting distance of an employee's official duty station, a government-furnished automobile should be the first resource considered. If such is unavailable, long-term commercial rentals may be considered. When an employee chooses to use a privately-owned vehicle instead of an available government-owned or rented vehicle, reimbursement will be limited to the lesser of the actual cost of a government-owned or

rented vehicle or the mileage allowance. **See:** Privately Owned Vehicle (POV) Mileage Reimbursement Rates on the GSA website.

§ 440.50.60 Taking Government-Furnished Vehicle Home

An employee must receive written authorization from the chief judge of the court to take home a government-furnished automobile. The chief judge may delegate the authority to grant such permission to other judges and/or court unit executives. Such a vehicle may not be used for personal reasons or for transportation of family members even when an employee is conducting official business.

(a) Tax Consequences

The Internal Revenue Service regards the provision of home to work transportation in a government-provided vehicle as taxable income. The AO has selected the Commuting Value Method to compute the value of this fringe benefit. The Commuting Value method is currently $1.50 for each one-way commute or $3.00 for a round trip commute. This fringe benefit must be reported on the employee's W-2.

(b) Reporting Requirements

Each instance of home-to-work transportation in excess of one per month must be recorded on Form AO 500. The form must be forwarded to the Payroll Services Branch, AO Office of Human Resources, no later than the last full pay period in November.

§ 440.50.70 Between Office and Residence When Working after Hours

An approving official may approve reimbursement of taxi fares for travel between an employee's official duty station and home incident to the conduct of official business outside of the employee's regular business hours. The after-hours work must be officially ordered, and the use of taxi service must be reasonable due to infrequently scheduled public transportation or darkness.

§ 440.50.80 Taxis Incident to the Performance of Official Business

A receipt is required for taxi fares of $50 or more. A reasonable tip may be claimed in addition to the fare. A voucher which includes taxi fares in excess of $75 must have a certification from the employee that a limousine or a less expensive means of transportation was not available, was impractical to obtain, or that the use of a taxi resulted in the greatest advantage to the judiciary. When one judicial employee pays the taxi fare for two or more judicial employees sharing a taxi, claim may be made by that

employee for the full fare. Identification of other judicial employees must be included on the claimant's voucher.

§ 440.60 Home-to-Work Transportation for a Disabled Employee

§ 440.60.10 Authority

Under 31 U.S.C. § 1344(b)(9), the Director, upon the recommendation of the appropriate chief judge, Director of the FJC, Chairman of the USSC, federal public defender or Deputy Director of the AO, may authorize home-to-work transportation for a disabled employee upon determining that "compelling operational considerations make such transportation essential to the conduct of official business."

§ 440.60.20 Scope of Authorization

If authorized, home-to-work transportation may be provided for not more than 15 calendar days. Upon request, the Director may extend an authorization for one or more periods of not more than 90 additional calendar days. 31 U.S.C. § 1344(b) and (d)(2).

§ 440.60.30 Procedures for Requesting Authorization

A disabled employee who requires home-to-work transportation should submit a written request to the respective chief judge, and the chief judge should then endorse the request and forward it to the Director. Requests from federal public defender organization employees should be endorsed and forwarded by the federal public defender instead of by the chief judge. AO employees, with the approval of the supervising official, should submit their request to the Deputy Director for endorsement and the Deputy Director will forward the request to the Director. FJC and USSC employees should submit their requests to the appropriate agency head for endorsement and the agency head should then forward the request to the Director. The request should contain the following information:

(a) the employees' name, address, and telephone number;

(b) the reason for requesting home-to-work transportation;

(c) the anticipated duration of the need for home-to-work transportation; and

(d) the compelling considerations that exist to make the transportation essential to the conduct of judiciary business.

The same process should be used to submit requests for extensions of authorization.

§ 440.60.40 Notification Requirement

Under 31 U.S.C. § 1344(d)(4), notification of authorization or extension of home-to-work transportation for a disabled employee must be transmitted to the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate within 60 calendar days of approval. Upon authorizing home-to-work transportation for a disabled employee, the Director will transmit a report to these committees.

§ 440.70 Use of United States Flag Carriers

§ 440.70.10 Travel by United States Flag Ships

Section 901 of the Merchant Marine Act (46 U.S.C. app. 1241(a)) provides that any officer or employee of the United States traveling on official business overseas or to or from any of the possessions of the United States must travel and transport all personal effects on ships registered under the laws of the United States where such ships are available. If such ships are not available, the employees should provide proof to allow an exception.

§ 440.70.20 Use of Foreign Flag Air Carrier

Generally the use of a foreign air carrier is not authorized under the Fly America Act, 49 U.S.C. § 40118. Transportation by a U.S. flag air carrier should be used when available. If such services are not available, in the case of transportation between the United States and a foreign country, or not reasonably available, in the case of transportation between two places outside the United States, a code share (a U.S. flag air carrier cooperating with a foreign air carrier) should be used if available. Otherwise, the traveler should provide proof that a U.S. air carrier is not available for an exception to fly by foreign flag air carrier.

§ 450 Subsistence Expenses

§ 450.10 Actual Expenses or Per Diem

(a) Subject to limitations imposed by the authorizing official or by local court, AO, FJC, or USSC policy, an employee may be authorized per diem or actual expenses of subsistence allowances not to exceed 150 percent of the per diem rate. A lodging receipt must be attached to the reimbursement voucher to support a claim for either actual expenses or per diem.

(b) Consistent with the Prudent Traveler rule, § 410.40.10 above, travelers are generally expected to select medium-priced restaurants and hotels/motels (or for higher-priced hotels, to obtain a rate equivalent to the charges of a medium-priced hotel) and to be generally prudent in controlling their expenses. For purposes of this paragraph, the term medium-priced hotel means a hotel or a motel which offers room rates at or below the maximum lodging rate set by GSA for the location. In general, the cost of individual meals should be no more than 150 percent of the amounts specified by GSA in its breakdown of breakfast, lunch, and dinner rates by temporary duty location. **See:** Meals and Incidental Expenses (M&IE) Breakdown on the GSA website. The judiciary reimburses judges and judicial staff for their travel expenses under an Accountable Plan, as defined by the Internal Revenue Service. IRS regulations provide that only "ordinary and necessary" business-related travel expenses may be reimbursed. The IRS further states that meal and hotel/motel expenses cannot be "lavish or extravagant." The expense of alcoholic beverages is not reimbursable from appropriated funds, including alcoholic beverages consumed with meals. Under no circumstances may a traveler claim reimbursement for the expense of another individual's meal(s).

(c) If a traveler claims reimbursement for lodging and/or meals and any one of those expenses exceeds the rates referenced in the above paragraph, he or she must complete (and submit along with his or her official Travel Voucher) a Form AO 1012C (Approval for Excessive Travel Costs). In particular, when the cost of a single meal equals or exceeds $75, the traveler must complete that same form and also sign and date the "Certification for Meal Expenses of $75 or More."

(d) The authorizing official may restrict the subsistence allowances otherwise payable to a traveler, such as by authorizing only use of the per diem method, by limiting the dollar amount of the per diem allowance, or by limiting reimbursable actual expense claims to no more than the per diem allowance. In imposing such restrictions, the authorizing official must consider factors such as special accommodation rates made available for a particular meeting or conference or obtained at reduced rate; the inclusion of sleeping accommodations in transportation service; the inclusion of meals (other than a continental breakfast) as part of the meeting or activity; the furnishing of meals and/or lodging at no or reduced charge by a federal government agency at a temporary duty station; and travel calling for more than a one-month stay at a temporary duty station. An authorizing official may not establish subsistence rates in excess of those provided for within these regulations.

§ 450.20 Per Diem Allowance

§ 450.20.10 In General

An employee may claim a per diem allowance when the employee's travel involves an overnight absence from his or her official duty station. This allowance is a daily payment and is in lieu of actual subsistence expenses. The per diem rate for the locality in which the temporary duty station is located or the per diem rate in the locality in which the employee obtains lodging will be used, whichever is lower. No per diem may be allowed if an overnight stay is not involved.

§ 450.20.20 Travel Within the Continental United States

Per diem rates within the continental United States are established by GSA based on location. **See:** Domestic Per Diem Rates on the GSA website. For the day of return to the employee's official duty station or residence, only the M&IE rate will be payable. Except, if the traveler is en route after midnight, an additional one-fourth of the M&IE rate will be allowed for each quarter day of the travel period after midnight through the quarter of arrival at residence, official station or other location where the trip officially ends.

§ 450.20.30 Travel Outside the Continental United States

The per diem rates for localities outside the continental United States are established by the Secretary of State. These rates are set forth in a Department of State publication entitled *Maximum Travel Per Diem Allowances for Foreign Areas* or on the Per Diem Rates on the U.S. State Department website. For the day on which an employee returns to the official duty station or residence, the employee may claim the M&IE rate for the temporary duty point as the per diem allowance. In computing per diem in cases when the traveler crosses the International Date Line (180th meridian), the actual elapsed time will be used rather than calendar days.

§ 450.20.40 Actual Lodging Cost plus Standard Meals and Incidental Expenses Allowance

In lieu of claiming a per diem allowance for the locality where temporary duty is performed, with prior authorization from the authorizing official, an employee may claim the cost of lodging plus the flat standard meals and incidental expenses rate, provided that the total does not exceed 150 percent of the authorized per diem allowance.

§ 450.30 Actual Expenses of Subsistence

§ 450.30.10 In General

An employee may claim actual expenses of subsistence not to exceed 150 percent of the per diem rate for periods of travel of at least 24 hours outside the corporate limits of the employee's official duty station when authorized by the authorizing official. The circumstances justifying actual expenses should be documented on the authorization or the voucher. If an employee claims actual expenses for travel to a temporary duty station, the employee must compute expenses under that system for the duration of the period at that location. Should the employee proceed to a second temporary duty station, the employee may elect to claim reimbursement on either a per diem or actual expense basis for travel to each temporary duty station. Employees may not claim per diem for travel of more than 10 hours but less than 24. When travel is 10 hours or more but less than 24 hours and no lodging expense is incurred, reimbursement of expenses may be paid on an actual expense basis not to exceed the M&IE allowance. Authorizing officials may, within their discretion, apply other limitations in cases involving travel of 24 hours or less, including a 12-hour threshold and/or a distance requirement. In the case of a distance requirement, the authorizing official could stipulate that a traveler may not be reimbursed for subsistence expenses unless he/she performs temporary duty travel to a location outside the "local commuting area" (as defined above in § 410.30(m)) or to a location that is more than a prescribed distance (e.g., 40 miles from the employee's official duty station).

§ 450.30.20 Staff of Part-Time Magistrate Judges

Transportation and subsistence expenses incurred by staff of part-time magistrate judges must be included on the magistrate judge's travel voucher, and must be payable only on an actual expenses basis, not to exceed the allowances which would be reimbursable if the travel were performed by a salaried federal employee.

§ 450.30.30 Itemization of Expenses

If an employee claims actual expenses, each subsistence expense, including each meal, must be itemized for each calendar day of official travel, including the day on which the employee returns to the official duty station or residence from which he or she commutes to that duty station. Travelers must provide itemized receipts for lodging, regardless of amount, plus any other item of subsistence costing $50 or more. Consistent with § 460.10.10, below, authorizing officials may, in their discretion, require travelers to submit receipts for individual travel expenses that are less than $50. The following expenses are considered items of subsistence and should be listed separately:

(a) Lodging or daytime room rental (single occupancy rate if accompanied by spouse or dependent). Note that lodging taxes are reimbursed separately and should be claimed on the travel voucher as a miscellaneous expense. Travelers should take advantage of exemption from the sales tax, whenever legally entitled. The governing state, county, and/or city tax statute controls this entitlement.

(b) Tips and gratuities.

(c) Transportation to obtain meals — The expenses of travel to obtain meals at a temporary duty station is normally included within the subsistence allowance. However, such expenses may be claimed as a miscellaneous expense in the uncommon situation where suitable meals cannot be obtained at or near the place of lodging or work at a temporary duty station. Such transportation costs must be vouchered separately on a daily basis and a statement of justification included on or attached to the voucher.

Note: An employee may not be reimbursed for the purchase of alcoholic beverages or for the cost of entertainment, sporting events, sightseeing tours, cocktail parties or other social events.

§ 450.30.40 Payment at Judges' Rates

(a) When an employee is required to attend a meeting of the Judicial Conference, its committees or subcommittees, a circuit judicial conference, circuit judicial council committee meeting, or to accompany a judge, including a bankruptcy or magistrate judge, while traveling on official business, the authorizing official may authorize the employee to be reimbursed for actual expenses in an amount not to exceed the maximum amount that the judge(s) may claim at any location, or 150 percent of the authorized per diem rate for the locality, whichever is greater.

(b) The Directors, Deputy Directors, and Associate Director of the AO, the FJC, and the Chairman of the USSC will be reimbursed expenses of subsistence in accordance with the provisions of the Travel Regulations for United States Justices and Judges. Staff of the AO, FJC and USSC may also be reimbursed in accordance with the Travel Regulations for United States Justices and Judges when authorized in advance by the appropriate agency Director.

(c) Travel reimbursement at the judges' rate is intended for the benefit of the government and not the individual traveler. Travel reimbursement at the judges' rate should not be treated as an entitlement, and travelers are expected to exercise restraint in incurring expenses, consistent with § 410.40.10 and § 450.10, above.

§ 450.30.50 Maximum Daily Rates for Travel Outside Continental United States

An authorizing official may authorize travel outside the continental United States, and, in unusual circumstances, authorize reimbursement for actual expenses incurred using the greater of the following allowances:

(a) 150 percent of the authorized per diem allowance for the area; or

(b) $50 plus the applicable authorized per diem allowance.

§ 450.30.60 Exceeding Normal Subsistence Limits

The Director may authorize subsistence on an actual expense basis not to exceed 300 percent of the locality per diem rate to accommodate the special needs of an employee with disabilities (such as the higher cost of a hotel room that is accessible or otherwise equipped for physically disabled persons), or where special or unusual circumstances in the travel area (such as a natural disaster declared by the President) result in an extreme increase in subsistence costs for a temporary period or otherwise cause the ordinary maximum allowance to become inadequate to cover reasonable expenses. An increased rate due to special or unusual circumstances will ordinarily be authorized only for groups of official travelers, as such is not justified by nominal excess subsistence costs incurred by individual travelers. A request for a higher rate under this paragraph should be made in writing and describe the circumstances that justify an increased rate.

§ 450.30.70 Reimbursement for Subsistence Expenses When an Employee Owns or Rents a Secondary Abode

(a) When an employee performs temporary duty at a place at which he or she rents or maintains a secondary abode, claims for lodging expense may be paid, prorated based on the average daily cost. Reimbursement is authorized regardless of whether an employee acquires a place of abode solely to meet his or her needs during official travel or whether an employee owned or rented the property prior to official travel.

(b) The amount which may be claimed for lodging for each day of travel under paragraph (a) is the monthly rental or mortgage interest expense plus the cost of utilities (including basic monthly telephone charges) divided by the days of the month. Computation of allowable expenses, including copies of bills, must accompany claims. The allowable daily lodging amount may not exceed the lesser of actual prorated expenses or the daily lodging rate at a reasonable commercial establishment at the location. The maximum daily allowance for lodging and meals may not exceed 150 percent of the lower per diem rate applicable to the location of the abode or the temporary duty station. The actual expense rate otherwise allowable when attending a judicial meeting or traveling with a judge, is not applicable when claiming subsistence under this paragraph.

§ 450.30.80 Meals at Duty Station

(a) An employee who is invited to attend a Judicial Conference committee or subcommittee meeting, a circuit judicial conference, or a circuit judicial council committee meeting held at his or her official station may be reimbursed the actual cost of meals (up to the amount payable to a locally resident judge) taken incident to such a meeting, if attendance of the employee at the meals is necessary to full participation in the business of the conference or committee meeting and if the employee is not free to partake meals elsewhere without being absent and missing essential formal discussions, lectures or speeches concerning the business of the conference or meeting. Reference to this paragraph on a travel voucher will be considered sufficient documentation that the employee has met the criteria for payment of this item of subsistence.

(b) When, with the authorization of the chief judge, a court or court unit is conducting a retreat at a location that is the official station of some or all of the attendees, those employees may be reimbursed the actual cost of meals taken incident to the retreat, if their attendance at the meals is required by the court unit executive supervising the retreat as essential to the conduct of business of the retreat. During the period of a retreat, but outside of working sessions, an employee is not entitled to reimbursements for meals at his or her duty station merely by virtue of taking a meal with colleagues from an outside location who are on travel status during the retreat. Reference to this paragraph on a travel voucher will be considered sufficient documentation that the employee has met the criteria for payment of this item of subsistence.

§ 450.40 Reduced Per Diem/Subsistence Allowance

§ 450.40.10 Staying with Family and Friends

When an employee does not incur a lodging expense because he or she stays with family or friends, the employee may, if authorized in advance by the authorizing official, claim a per diem subsistence allowance at the M&IE rate or itemize meals and other subsistence expenses up to a daily maximum of 150 percent of the M&IE rate.

§ 450.40.20 Lodging or Meals Provided by the Government

(a) Lodging Only

When lodging is provided to the traveler by the government, the employee may be authorized a per diem subsistence allowance at the M&IE rate or itemize meals and other subsistence expenses up to a daily maximum of 150 percent of the M&IE rate. When the purpose of travel is to attend a circuit judicial conference, a meeting of the Judicial Conference or its

committees or subcommittees, or to accompany a judge on travel, actual subsistence expenses not to exceed $100 may be claimed. The subsistence allowance under this paragraph must be reduced to reflect the cost of any meals provided by direct payment by the judiciary.

(b) Lodging and/or Meals

When all lodging and meals are provided by the government, an employee may claim only a minimal daily subsistence allowance not in excess of $8.00, with all expenses itemized. When meals are provided by the government, the employee must take a reduced M&IE rate, deducting the cost of the furnished meals, consistent with the GSA's breakdown of M&IE rates. **See:** Meals and Incidental Expenses (M&IE) Breakdown on the GSA website.

§ 450.40.30 Extended Temporary Duty Assignments

When a travel assignment involves an extended period of more than 30 days at one temporary duty location, it may become financially advantageous to the judiciary for the employee to obtain alternative living arrangements to hotels and restaurant meals. In this case, the employee can reasonably be expected to secure lodging and/or meals at a lower cost by using commercial lodging that caters to the long-term visitor (e.g., an extended stay unit with a kitchen, an apartment, a monthly or weekly room rental). The authorizing official should authorize the employee a reduced per diem allowance, M&IE allowance, or subsistence allowance, as appropriate. In general, the employee should be authorized a per diem allowance that is no more than 75 percent of the full amount (but may be lower, depending on the circumstances) of the applicable GSA locality per diem rate for the area. Where an employee's temporary duty assignment exceeds 60 days, the employee should be authorized a per diem allowance that is no more than 65 percent (but may be lower, depending on the circumstances) of the applicable GSA locality per diem rate.

§ 450.40.40 When the Cost of Lodging And/or Meals Is Known in Advance

The authorizing official may authorize an employee a reduced per diem rate when the authorizing official knows in advance that lodging and/or meal costs will be lower than the prescribed locality per diem rate for the temporary duty location.

§ 450.50 Interruption of Subsistence Entitlement

§ 450.50.10 Other than Due to Illness or Injury or Personal Emergency

(a) Workdays

The taking of leave, other than for illness or injury, for one-half or less of the prescribed working day will be disregarded for subsistence purposes. When leave exceeds one-half of the prescribed working day, no subsistence will be allowed for that day.

(b) Non-Workdays

(1) Temporary Duty Travel of 30 Days or Less

As a general rule, when the cost of maintaining an employee at the temporary duty location exceeds the cost of returning the employee to the official station or residence, the employee should be required to return to his or her official station or residence. Exceptions may be authorized by an authorizing official when it would be advantageous to the judiciary to require the employee to remain at the temporary duty location for reasons of efficiency or effectiveness (e.g., where the time and/or distance involved would make it impractical for the employee to return home or would otherwise create an undue hardship for the employee). Any such exception(s) to the policy should be documented.

(2) Temporary Duty Travel Exceeding 30 Consecutive Calendar Days

For periods of temporary duty exceeding 30 calendar days, the authorizing official may authorize a return to the employee's official station or residence after a reasonable period of time, when such is determined to be advantageous to the judiciary in order to improve the employee's morale and increase productivity or when it is in the interest of economy.

(3) On non-workdays when a traveler does not return to his or her official duty station or residence, a subsistence allowance may be paid. If, due to the taking of leave, subsistence is not allowable for the days preceding and following the non-workdays, subsistence is not allowable for the non-workdays.

§ 450.50.20 Due to Illness or Injury

When an employee on official travel is incapacitated by illness or injury that occurs for reasons other than the employee's own misconduct, the authorizing official may authorize the continued payment of subsistence to the employee for a period of not more than 14 calendar days. Should the period of illness or injury exceed 14 calendar days, the chief judge or agency head may authorize continuation of subsistence payments for such longer period as is reasonable under the circumstances. The authorizing official may also authorize the employee to return to his or her official duty station. In emergency situations, an employee may be reimbursed for the cost of return transportation to his or her official station or residence by a mode of travel that he or she would not have ordinarily utilized, such as an ambulance. The authorizing official may also authorize transportation costs of a medically necessary attendant. If, when the employee recovers, the authorizing official determines that resumption of the travel is in the judiciary's interest, such will be considered a new travel assignment. An employee seeking reimbursement under this paragraph must state in his or her voucher that the claim was due to illness or injury. The approving official may require a physician's statement to support the claim as well.

§ 450.50.30 Due to Personal Emergency

When an employee must discontinue official travel due to a personal emergency, such as death or injury to a family member, or fire, flood or other act of God at the employee's residence, the authorizing official may authorize appropriate expense of transportation and subsistence for return travel to the traveler's official station. If the employee must travel to an alternate location to deal with an emergency, the authorizing official may authorize transportation and subsistence to the alternate location, followed by return travel either to the temporary duty station or official duty station as is most appropriate under the circumstances. The amount of transportation and subsistence reimbursable in connection with travel to and from an alternate location may not exceed the amount of reimbursable expenses that were authorized for the original travel. The reasons for the authorization to return to the official station or to travel to an alternate location must be documented on the travel voucher.

§ 450.50.40 Receipt of Payment From Other Federal Sources

If, after suffering injury or illness during official travel, an employee receives transportation or hospitalization (or is reimbursed for hospital expenses) under any federal statute (including hospitalization in a Veterans Administration or military hospital) other than 5 U.S.C. §§ 8901-8914 (Federal Employees Health Benefits Program), the transportation expenses allowed for the emergency travel and the subsistence allowance for the period involved will not be paid, or, if paid prior to reimbursement, will be collected from the traveler.

§ 460 Claims for Reimbursement

§ 460.10 In General

Claims for reimbursement of travel expenses must be submitted on a travel voucher form approved by the AO and/or the court. The travel authorization, including a record of any limitations or restrictions on the travel or reimbursements authorized, should be included with the voucher, and the voucher must be signed by the approving official. Claimants cannot approve their own claims for reimbursement and all claims must be submitted within 30 days after completion of the travel. If a claimant is unable to file the claim within 30 days of return, the claimant may request an exception on grounds that the voucher could not be filed in a timely manner. The Director may grant an exception when necessary to meet special circumstances or in the best interest of the government.

§ 460.10.10 Documentation of Expenses

(a) Original receipts, paid bills, or similar documentary evidence showing proof of payment must be submitted for lodging and for any individual expense (e.g., for transportation, a meal, parking) of $50 or more incurred by a traveler. Authorizing officials may, in their discretion, require travelers to submit receipts for individual travel expenses that are less than $50. Documentary evidence will generally be considered adequate to support an expenditure if it shows the dollar amount, date, name of vendor, place and business purpose of an expenditure. Thus, a hotel receipt should include the name, location, date, and the separate charges for lodging, meals, telephone, etc. Similarly, a restaurant receipt must indicate the name and location of the restaurant, the number of meals served, and the date and amount of the expense.

(b) If for some reason a receipt or other similar documentary evidence is not available (and a duplicate cannot be obtained), the traveler should complete Form AO 1012B (Missing Travel Receipt Report). Similarly, if a receipt or other documentary evidence is missing necessary information, the traveler should provide an explanation of the missing information and a brief written explanation for the absence of a more detailed documentation. The completed "Missing Travel Receipt Report" should be appended to the individual traveler's travel voucher.

§ 460.10.20. Review of Travel Reimbursement Expense Vouchers

The approving official should carefully review travel reimbursement expense vouchers that require their signature. The approving official is expected to question claims for reimbursement of expenses that appear on their face to be lavish, extravagant, or are unsupported by required documentation.

§ 460.10.30 Suspension of Charges

The approving official should disallow items in travel vouchers which are not authorized by these regulations, which exceed limitations imposed, or which are not properly documented (unless the traveler demonstrates to the approving official's satisfaction that receipts or other required documents are unavailable due to theft, loss, or other valid reason). The notification of such action must indicate the reasons therefore. Items which are subsequently allowed may be claimed on an amended or supplemental voucher.

§ 460.10.40 Audit of Claims

All travel vouchers are subject to audit by the AO in accordance with procedures established by the Director, to determine that all allowances claimed are within the scope of the applicable statutes and these regulations.

§ 460.20 Claiming Miscellaneous Subsistence-Related Expenses

Other reasonable and necessary business expenses of a miscellaneous nature that do not specifically fall within the category of subsistence may be reimbursable and should be entered under the column headed "Transportation and Other Expenses." Receipts are required for any individual item costing $50 or more. These expenses include the following:

(a) Taxi fares and tips to taxi drivers.

(b) Road, bridge, and tunnel tolls.

(c) Parking fees.

(d) Rental of conference rooms or other facilities for official business meetings and related equipment, when authorized by the authorizing official.

(e) Special services needed for travel outside the United States, including:

- Passports, visas, and photographs
- Certificates of birth, health, and identity
- Inoculations

(f) Official telephone calls, faxes, and other communications (mark "official" on voucher).

(g) Personal telephone calls home.

(1) Employees are expected to use their personal cell phones to call home when they are on official government travel, except in the following circumstances:

(A) An employee who does not own a personal cell phone or who performs temporary duty travel in a location where cell phone reception is unavailable, may be reimbursed for the expense of a personal telephone call home at a cost of up to $5 per day.

(B) An employee who performs temporary duty travel outside the conterminous United States may be reimbursed for the expense of a personal telephone call home at a cost of up to $10 per day.

(C) An employee from outside the conterminous United States who performs temporary duty travel may be reimbursed for the expense of a personal telephone call home at a cost of up to $10 per day.

(2) Each call should be itemized separately under the “other” column and identified as a call home. Calls should be made as economically as possible.

(h) Tips for official baggage handling (e.g., heavy or bulky materials or equipment for official business).

(i) Charges/fees for checked baggage. excess baggage (when needed for purposes of official business), and transfer and/or storage of baggage. This includes charges for curbside check-in.

(j) Fees incurred when using the Government Travel Charge Card to obtain cash advances.

(k) Supplies such as paper, batteries, and other incidental expenses.

(l) Charges for business services, including use of computers, internet connection, printers, photocopiers, fax machines, and scanners, as well as expenses for photocopying, printing, and faxing.

(m) Laundry, cleaning, and pressing during travel that involves at least four consecutive nights, in such amount as the approving official finds reasonable.

(n) Applicable lodging taxes. (Employees when traveling on official business should seek an exemption from state or local lodging taxes where such an exemption is permitted by the jurisdiction.)

(o) Hotel reservation cancellation fees, when the following conditions are met: the hotel orally or in writing clearly stated the cancellation policy and the cancellation policy was reasonable; the traveler failed to cancel the reservation within the prescribed time due to press of official business, unavoidable travel delay, or other reason not due to negligence or misconduct; the hotel made all reasonable attempts to resell the space and has credited all resale revenues to the amount owed by the traveler; and the cancellation fee does not exceed cost of one night's lodging.

(p) Energy surcharges.

(q) Registration fees which do not include entertainment.

(r) Other expenses.

Miscellaneous expenditures not enumerated herein such as a resort fee (exclusive of fees for entertainment such as tennis, pool, and golf), when necessarily incurred by the traveler in connection with the transaction of official business, will be allowed when authorized by the approving official for amounts not to exceed $250. Advance approval of the Director is required for such amounts in excess of $250.

(s) Gasoline.

(t) Services of a travel attendant as described in § 420.40.30 and § 450.50.20, above.

§ 470 Evacuation, Safe Haven, and Other Special Allowances

§ 470.10 Authority

This section is authorized under 28 U.S.C. § 604(a)(7); 5 U.S.C. §§ 5707 and 5725; and 5 CFR 550.401, *et seq*.

§ 470.20 General Provisions and Definitions

§ 470.20.10 Evacuation

Under this section, evacuation, safe haven, and other special allowances may be paid to an employee and the employee's dependents, in the event of an evacuation caused by unusual or emergency circumstances such as a national or natural disaster, epidemic, or similar conditions of comparable magnitude. This policy is intended to enable courts to establish promptly alternate work locations and resume normal court operations as early as possible in the wake of a disaster.

§ 470.20.20 Eligibility

In order to be eligible for evacuation, safe haven, and other special allowances, an employee must reside in or proximate to a location that is subject to an evacuation order or orders as declared by federal, state, or local government authorities.

§ 470.20.30 Authorization of Evacuation, Safe Haven, and Other Special Allowances

The Director of the Administrative Office may authorize evacuation, safe haven, and other special allowances when an evacuation order or orders has or have been declared by federal, state, or local government authorities for areas in or proximate to the location where an employee resides. These allowances are intended to enable courts to promptly establish alternate work locations and the resumption of normal court operations as early as possible in the wake of a disaster.

§ 470.20.40 Definitions

(a) Dependents

Consistent with 41 CFR part 300-3, a relative of an evacuated employee residing with the employee prior to the evacuation and dependent on that employee for support.

(b) Home

An employee's primary place of residence, which would include a single family home, town house, apartment, etc., that the employee owns or rents.

(c) Lodgings-Plus Per Diem Method

A method for computing per diem allowances under which the employee and the employee's dependents are reimbursed for actual expenses of

lodging up to a maximum amount and a fixed allowance for meals and incidental expenses (M&IE).

(d) Safe Haven

A designated area to which an employee and the employee's dependents, if any, are evacuated.

(e) Uninhabitable

A home is considered to be "uninhabitable" if it does not have power or potable water, or if it has other deficiencies that render occupancy a risk to health and safety (e.g., obstructions that prevent access to the home). As a result, the employee cannot and does not live in the home the employee resided in prior to the evacuation.

§ 470.30 Reimbursable Expenses

Under this section, the Director may authorize evacuated employees lodging and subsistence expenses under the following methodologies, depending upon the circumstances: (1) actual cost of lodging plus an applicable M&IE allowance (as described above in § 470.20.40(c)); or (2) actual expenses of subsistence up to 300 percent of the applicable locality per diem rate for the location (in accordance with § 450.30.60, above). Claims for lodging expenses must be supported by receipts.

§ 470.30.10 Travel Reimbursements While En Route to a Safe Haven Under an Officially Ordered Evacuation

Employees and their dependents who are ordered to evacuate their permanent duty station to a "safe haven" may be authorized reimbursement for transportation consistent with § 440 of this chapter, and lodging and subsistence expenses incurred during the period of evacuation beginning with the date of departure from the evacuated area through the date of arrival at the safe haven. Under this section, lodging and subsistence expenses will be payable as follows:

(a) Employees

In general, employees will be authorized 100 percent of the lodgings-plus applicable M&IE allowance for the location; however, actual expense reimbursement up to 300% of the applicable per diem rate for the location may be authorized instead.

(b) Dependents

Dependents age 12 or older may be paid 100 percent of the lodgings-plus applicable M&IE allowance for the location. Dependents under the age of 12 may be paid 50 percent of the lodgings-plus per diem allowance for the location.

(c) Miscellaneous Personal Expenses

During the initial period of evacuation, the Director or the Director's designee will determine whether to authorize employees reimbursement for miscellaneous personal expenses such as those listed below. In the event reimbursement is authorized, these items should be claimed on the employee's travel voucher:

(1) air mattresses, folding cots and portable beds;

(2) sleeping bags, blankets, sheets and pillows;

(3) towels, wash cloths, sanitizing wipes/cloths and paper towels;

(4) actual phone calls not to exceed $5 per day (in those instances where the employee's personal cell phone is inoperable);

(5) flashlights and batteries; and

(6) radio.

§ 470.30.20 Travel Reimbursements Upon Arrival at the Safe Haven

Following arrival in the safe haven, an employee may be reimbursed for lodging and subsistence expenses in accordance with § 470.30.10(a), above. Similarly, dependents may be paid a per diem allowance in accordance with § 470.30.10(b), above, except that after 30 days the maximum rate payable to dependents may be reduced up to 40 percent. These allowances may be paid for a period not to exceed 180 days after the effective date of the order to evacuate.

(a) Assignment to temporary duty location following an evacuation

When an employee is assigned to perform temporary duty following an evacuation, the employee's safe haven location serves as the basis for determining his or her travel entitlements.

(b) Subsequent emergency situations

If an employee is at a safe haven location and is evacuated a second time (to another safe haven) because of a subsequent emergency situation, the Director may extend the employee's safe haven allowances for an additional period of up to 180 days.

§ 470.40 Return to the Permanent Duty Station from Safe Haven

§ 470.40.10 Home Uninhabitable

If, following an evacuation, an employee must return to the employee's permanent duty station to perform official business and the home the employee resided in prior to the evacuation is uninhabitable, the employee may be reimbursed for lodging and subsistence expenses in accordance with § 470.30, above, while the employee performs official business at the permanent duty station for a period of up to 180 days. Receipts for lodging are required. Lodging and subsistence expenses in accordance with § 470.30.10(a), above, may be paid to the employee's dependents at the permanent duty station (where they return to the permanent duty station with the employee and do not occupy the uninhabitable residence) or at the safe haven (including a safe haven within commuting distance of the official duty station) for up to 180 days.

Note: Temporary duty travel entitlements payable under § 450 of this chapter are not payable under these circumstances because the employee is not in temporary duty travel status.

§ 470.40.20 Home Habitable

Where an employee returns to the permanent duty station from the safe haven and the employee's home is habitable, then he or she is not entitled to reimbursement for lodging and subsistence expenses. Under these circumstances, the employee's return to the permanent duty station would result in the termination of the employee's and, depending upon the circumstances, the dependents' safe haven allowances.

§ 470.50 Reassignment to Alternative Location

The payment of safe haven allowances may end when an employee is reassigned to an alternative location to perform the same or different duties the employee would have performed at the official duty station. Depending upon the circumstances, the dependent's safe haven allowances may terminate at that time as well.

§ 470.60 When No Lodging Expense Is Incurred

(a) In general

When an employee and/or the employee's dependents stay with family or friends or otherwise do not incur lodging costs (e.g., where lodging is reimbursed or directly paid by a third party such as FEMA or the Red Cross), the employee may be reimbursed for only meals and incidental expenses consistent with § 450.40.10, above. If authorized, the employee may claim an allowance not to exceed 300 percent of the applicable M&IE rate in lieu of the allowance provided under § 450.40.10. The employee's dependents may claim no more than the applicable M&IE rate for the locality.

(b) Exceptions

(1) When an employee stays in lodging that is reimbursed or directly paid by a third party, as discussed above, or stays in a personal recreational vehicle, and the employee incurs expenses such as utilities, phone, or Internet connectivity, the employee may be reimbursed for the expenses in accordance with § 450.30.70 of this chapter.

(2) Where an employee's host can demonstrate that his or her expenses (e.g., utilities, phone, Internet connectivity) increased as a direct result of boarding the employee or the employee's dependent(s), then the employee may be reimbursed to pay for the additional expenses of the host.

§ 470.70 Non-Reimbursable Expenses

(a) Return trips to an employee's permanent residence for the exclusive purpose of assessing damage as a result of the disaster and its aftermath.

(b) Shipment or storage of household goods that may have been acquired at the safe haven.

(c) Expenses of purchasing, transporting, or installing a generator.