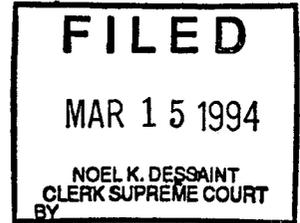


SUPREME COURT OF THE STATE OF ARIZONA



ORDER ADOPTING JUDICIAL)
TRAVEL REIMBURSEMENT POLICIES) ADMINISTRATIVE ORDER
AND PROCEDURES) NO. 94- 18
_____)

IT IS ORDERED that the attached Judicial Branch Travel Reimbursement Policies and Procedures for judicial officers, deputies and employees of the Supreme Court, Court of Appeals and judicial departments are adopted effective December 1, 1993.

DATED this 15th day of March, 1994.

STANLEY G. FELDMAN
Chief Justice

STATE OF ARIZONA, JUDICIAL BRANCH
TRAVEL REIMBURSEMENT POLICIES AND PROCEDURES

Effective as of December 1, 1993

- I. Introduction. All judicial officers, deputies, and employees of the Arizona Supreme Court and the Arizona Court of Appeals, or of any of their departments ("judicial personnel"), as well as members of any judicial committee, commission, or council ("judicial committee members"), may claim expenses and allowances, within the limits provided by law and this policy, when in travel status on official business away from their designated post of duty under the authority of a proper travel order.
- II. Statutory and Constitutional Authority. This travel policy is promulgated under authority of Ariz. Const. art. 3 and 6, §§ 1, 3, 5(5); and pursuant to A.R.S. §§ 38-621 et seq.
- III. Purpose of Travel Policy. This travel policy establishes and explains to judicial personnel and judicial committee members the procedures and guidelines for claiming payment of reasonable travel expenses and allowances. This policy shall govern all reimbursement claims and obligations of all judicial personnel and judicial committee members.
- IV. Definitions.

- A. "Conference Designated Lodging" means the lodging place (hotel, motel, conference center, etc.) where a judicial or legal conference is being held (the "conference site"), or the lodging place specified in the conference brochure or registration materials as the recommended lodging place for the judicial or legal conference.

Lodging accommodations at an alternate location reasonably near the conference site will be considered "conference designated lodging" (1) when no vacancies exist at the conference site or at the recommended lodging place; or (2) when the alternate lodging place is less expensive than the conference (taking into account any additional travel expenses to and from the alternate location) or more suitable than the conference site or the recommended lodging place, taking into consideration the traveler's mission, safety, efficiency, effectiveness, time, or work schedule.

- B. "Designated Post of Duty" means (1) the place that judicial personnel and judicial committee members spend the largest portion of regular work time; (2) the place of return on completion of a special assignment; or (3) the post designated as a duty post by the relevant judicial committee or court.

For judicial committee members who are not full-time judicial personnel, the designated post of duty shall be deemed to be their place of residence.

The designated post of duty for Court of Appeals' traveling judges (elected other than in Maricopa and Pima Counties) shall be deemed to be their place of residence. A.R.S. § 12-120.10.

- C. "Financial Office" means the Financial Officer of the Arizona Supreme Court and the Clerk of the Court for each Division of the Arizona Court of Appeals.
- D. "Judicial Approval Authority" means, except as otherwise provided by law (1) the Chief Justice of the Arizona Supreme Court or the Chief Justice's designees; or (2) the Chief Judge for each Division of the Arizona Court of Appeals, or the Chief Judge's respective designees.
- E. "Judicial Committee" means a board, commission, committee, council, panel, study group, task force, or similar body created by the Constitution of the State of Arizona, the Arizona Supreme Court, or the Arizona Judicial Council. Judicial committee includes any executive committee or subcommittee of the above. Judicial committee also refers to similar bodies created by the Arizona Legislature to study judicial matters.
- F. "Judicial Committee Member" means a person serving on a judicial committee, under a proper and current appointment from the Arizona Supreme Court or the Arizona Governor's Office. If the statute creating, funding, or authorizing a judicial committee includes procedures for obtaining travel reimbursement, then members of that judicial committee shall obtain travel reimbursement in accordance with the specified statutory procedures.
- G. "Judicial Personnel" refers to the public officers, deputies, and employees of the Arizona Supreme Court, the Arizona Court of Appeals, or any of their departments.
- H. "Per Diem" is the allowance for meals and reasonable incidental travel-related expenses, such as laundry, dry cleaning, magazines, newspapers, personal telephone calls, taxes, and tips.
- I. "Residence" is a person's actual dwelling place, without regard to any other legal or mailing address.
 - 1. A person who must reside away from that person's primary residence (due to official travel away from that person's designated post of duty) may continue to claim a residence as an actual dwelling place if that residence is either (a) inhabited by that person's dependents; or (b) is held vacant at that person's tangible expense.
 - 2. No reimbursement for lodging or other expenses shall be allowed on the premises of a residence, except for judges covered by A.R.S. § 12-120.10.

3. If a person is on assignment (away from that person's designated post of duty) in a location in which that person maintains a second residence, the judicial approval authority may, for the period of the assignment, designate that second residence as the primary dwelling place.

J. "Travel Status" refers to the time between start and end of travel needed to attend a judicial or legal conference or to conduct judicial duties away from that person's designated post of duty.

K. "Travel Within Arizona" means travel exclusively within the confines of the State of Arizona.

L. "Traveler" means any judicial personnel or judicial committee member when in authorized travel status away from that person's designated post of duty.

V. Travel Guidelines and Procedures.

A. General Provisions:

1. For a traveler to claim and receive allowances and expenses as provided by law, the judicial approval authority must approve all travel in advance or subsequently authorize it.
2. For a traveler to be eligible for reimbursement of travel allowances and expenses, the judicial approval authority must have authorized or have subsequently approved the travel.
3. Travel authorizations follow these guidelines:
 - a. Travel is usually warranted when personal presence or contact is the best, most economical, most effective, most efficient, or most convenient way to conduct official business.
 - b. Attendance at judicial and legal conferences and meetings should be limited to those immediately concerned with the topics to be discussed or the business to be transacted.
 - c. The most economical method of transportation should be selected, consistent with the traveler's mission, safety, efficiency, effectiveness, time, or work schedule.
4. The judicial approval authority shall provide necessary travel information to a traveler, including information on the travel and expense allowance limits set out in this policy.

5. By this reference, this policy incorporates the reimbursement rates set by the Arizona Department of Administration and the Arizona Department of Revenue, and approved by the Arizona Joint Legislative Budget Committee. Information on these rates may be obtained through the Financial Office.

B. Limitations on Reimbursement.

1. Reimbursement is limited to the most economical method of transportation, taking into consideration the traveler's mission, safety, efficiency, effectiveness, time, or work schedule.
2. There will be no state reimbursement for any portion of travel by an unnecessary, indirect route or for personal business or pleasure. For judicial personnel who are not judges and justices, excess travel time for personal business or pleasure will be charged to accrued annual leave or compensatory time.

VI. Eligibility for Per Diem Reimbursement.

A. Reimbursement Schedule. A traveler shall be reimbursed for the actual cost of meals and incidental expenses, but not in excess of the Arizona Department of Administration's rates, as approved by the Arizona Joint Legislative Budget Committee. To be eligible for incidental expenses, the traveler must be eligible for three consecutive meals and be in overnight travel status for 24 consecutive hours.

B. Per Diem Allowance. Allowances for individual meals are based on the following:

1. Breakfast: When travel begins before 6:00 a.m. and the travel results in lengthening the traveler's normal work day by at least two hours, breakfast may be reimbursed.
2. Lunch: Lunch expenses are reimbursable, but only if:
 - a. A traveler is in a travel status that will last for a period of six (6) hours or more, travel commences at or before 11:00 a.m. and will end at or after 2:00 p.m., and the estimated travel distance is thirty-five (35) miles or more from the traveler's residence and designated post of duty; or
 - b. Part of the traveler's duties on the trip include attending a conference, meeting, or other program that includes a lunch meal.
3. Dinner: When travel will extend beyond 8:00 p.m. and the travel results in lengthening the traveler's normal work day by at least three hours, dinner (the evening or supper meal) may be reimbursed.

4. Judicial committee members participating in a conference, meeting, or other program that encompasses a meal period may be reimbursed subject to the Arizona Department of Administration's rates, as approved by the Arizona Joint Legislative Budget Committee.
 5. When a traveler is entitled to a full day's allowance (three consecutive meals), the amount expended for any particular meal is left to the traveler's discretion. However, the total for all meals and incidental expenses in any 24-hour period shall not exceed the Arizona Department of Administration's maximum per diem allowance, as approved by the Arizona Joint Legislative Budget Committee.
 6. The amount claimed for meals and incidental expenses in any 24-hour period may be shown on the travel claim form as a lump sum.
 7. Whenever meals are provided at no additional cost to the traveler (including full airplane meals, meals at government institutions, or meals included in conference registration fees), the traveler shall not be entitled to a meal allowance for those particular meals.
 8. If circumstances force a traveler to miss a provided meal, the traveler may claim up to the maximum meal allowance. In such case, a receipt and written explanation will be given.
- C. Receipts. Unlike lodging expenses, receipts need not be submitted to obtain the meal and incidental per diem allowance.

VII. Eligibility for Lodging Reimbursement.

A. Reimbursement for Lodging.

1. A traveler shall be reimbursed for actual cost of lodging in accordance with this policy, but not to exceed the Arizona Department of Administration's rates, as approved by the Arizona Joint Legislative Budget Committee.
2. For Arizona cities listed on the Lodging Cost Index, the reimbursable amount (including tax) is the actual cost, but not to exceed the Arizona Department of Administration's maximum lodging rate, as approved by the Arizona Joint Legislative Budget Committee.
3. For other Arizona cities the reimbursable amount (including tax) is the actual cost, but not to exceed the Arizona Department of Administration's current maximum in-state lodging rate, as approved by the Arizona Joint Legislative Budget Committee.

4. For other American cities, the reimbursable amount (including tax) is the actual cost, but not to exceed the Arizona Department of Administration's current maximum out-of-state lodging rate, as approved by the Arizona Joint Legislative Budget Committee.
5. If a traveler attends a convention, conference, or meeting as an official judicial representative, stays at a designated hotel, actual lodging costs may be reimbursed even if the established maximum rate is exceeded. To be eligible for full reimbursement, a copy of the conference, meeting, or program announcement or registration materials that include the lodging rate must be attached to the travel claim, together with the hotel receipt.
6. If a traveler attends a convention, conference or meeting as an official judicial representative, and stays at a hotel other than the designated hotel, and does not exceed the designated hotel rate, actual lodging costs may be reimbursed even if the established maximum rate is exceeded. To be eligible for full reimbursement, a copy of the conference, meeting or program announcement or registration materials which include the lodging rate must be attached to the travel claim, along with the hotel receipt.
7. If the judicial approval authority determines that compliance with the above maximums is impractical, actual lodging costs may be approved for reimbursement even if the maximums are exceeded. Such exceptions normally require advance approval, but exceptions may be made after the fact if circumstances made the need for an exception unforeseeable.

B. Receipts.

1. When selecting lodging, the traveler shall ask for the lowest available rate, which will often be a "state," "government," "business," or "commercial" rate. However, due to special promotions or other programs, the lodging establishment may actually have a lower rate than the one normally given government and business lodgers. The traveler should therefore ask for and obtain the lowest available rate, however denominated.
2. Lodging expenses at a non-commercial establishment are not reimbursable.
3. Receipts shall be the **original receipt** issued by the establishment and must be attached to the Employee Travel Claim for reimbursement. A CREDIT CARD receipt is not acceptable, except as noted below.
4. When two or more travelers share a room, total reimbursement shall not be more than the receipt. In this particular case reimbursement is to be claimed as follows:

- a. Each traveler should obtain a separate original lodging receipt for each traveler's portion of the lodging cost. The total of the two (or more) lodging receipts cannot exceed the total lodging cost. When a room is shared, the travelers should request separate receipts when they register at the lodging establishment.
 - b. If the lodging establishment cannot issue separate original receipts, or refuses to do so, one traveler may submit the original lodging receipt and the other travelers may submit photocopies. However, each receipt (original or photocopy) must be marked "shared lodging" and have the names of all travelers sharing the room. Photocopies must be signed by the traveler and the judicial approval authority. No photocopies will be accepted without these original signatures.
5. If the original lodging receipt is lost, destroyed, or cannot be obtained, reimbursement will be made according to the following guidelines:
- a. A photocopy may be submitted with the statement "Treat as an Original." The photocopy must be signed by the traveler.
 - b. If the original receipt is lost, a photocopy is unavailable, and a copy cannot be obtained from the lodging establishment, then a copy of the canceled check, cash, or credit card receipt is required showing that the traveler paid for the lodging. In addition to the canceled check, cash, or credit card receipt, the judicial approval authority must attach a memorandum in lieu of the original or photocopy of the lodging receipt. The memorandum must contain the name(s) of the traveler(s), the date(s) of the travel, the name, address, and telephone number of the lodging establishment, cost per night, and the total cost of the lodging. The letter should also include the reasons(s) an original or photocopied lodging receipt is not available.
6. When lodging is shared with an person not on judicial business (such as a spouse), reimbursement shall not exceed the single room rate.
7. Lodging costs incurred within 35 miles of a person's designated post of duty or residence will not be reimbursed absent an emergency or an exception approved by the judicial approval authority.

VIII. International Travel Reimbursement. International travel expenses will be reimbursed pursuant to the United States Department of State Standardized Regulations. Information on these regulations may be obtained by contacting the Financial Office.

IX. Transportation.

- A. Expenses are allowable for common carrier fares, privately owned motor vehicle or aircraft mileage, bridge and road tolls, parking, taxi, bus, or streetcar fares.
- B. Reimbursement will be made only for the least expensive method of transportation, taking into consideration the traveler's mission, safety, efficiency, effectiveness, time, or work schedule. When more than one traveler uses the same motor vehicle, only one claim for transportation reimbursement will be allowed.

C. Mileage Reimbursement Rates.

- 1. The mileage reimbursement rate for privately owned motor vehicles shall not exceed the maximum rate set by the Arizona Department of Revenue, as approved by the Arizona Joint Legislative Budget Committee.
- 2. The reimbursement rate for privately owned aircraft shall not exceed the maximum rate set by the Arizona Department of Revenue, as approved by the Arizona Joint Legislative Budget Committee.
- 3. The Employee Travel Claim must indicate the mileage rate used by the traveler.

THE ARIZONA SUPREME COURT DOES NOT AUTHORIZE AND PROHIBITS THE OPERATION OF A MOTOR VEHICLE FOR COURT BUSINESS UNLESS THE DRIVER POSSESSES A VALID ARIZONA DRIVER'S LICENSE AND CURRENT VEHICLE LIABILITY INSURANCE.

D. Privately Owned Motor Vehicle.

- 1. A traveler using a privately owned motor vehicle may receive mileage reimbursement regardless of eligibility for lodging or per diem reimbursement.
- 2. Expenses for travel between home or garage and designated post of duty shall not be allowed unless a traveler is required to report to a duty post outside of normal working hours. In that case, a claim for mileage from home to work place and return will be allowed.
- 3. When travel begins or ends at the traveler's residence, the mileage subject to reimbursement shall be computed from either the designated post of duty or from the traveler's residence, whichever is the shortest distance.
- 4. When a privately owned motor vehicle is authorized for travel within Arizona, reimbursement will be at the current rate set by the Arizona Department of Revenue, as approved by the Arizona Joint Legislative Budget Committee.

The mileage figure will be established by odometer readings or by official state highway maps.

5. Reimbursement for use of a privately owned motor vehicle for travel outside Arizona will be allowed only if approved in advance by the judicial approval authority. Mileage will be reimbursed at the lesser of either the mileage reimbursement rate or the air coach fare to the same destination.
6. Mileage claims based on official state highway maps for use of privately owned motor vehicles shall specify the name of the city or town in the "Departed From" and "Arrived At" columns on the Employee Travel Claim Form. If map mileage is used, enter "Map Mileage" in place of odometer readings on the Employee Travel Claim. Map mileage may only be used between cities and towns.
7. In accordance with the provisions of A.R.S. §§ 41-621 and 28-1251, the Arizona Supreme Court has determined that, in the best interest of the State of Arizona and the Arizona Judicial Branch, a traveler driving a privately owned motor vehicle must have current vehicle liability insurance and a valid Arizona driver's license.
 - a. If the judicial approval authority knows that the traveler does not have current motor vehicle liability insurance in compliance with A.R.S. § 28-1251, the judicial approval authority shall prohibit the traveler's use of a privately owned motor vehicle and require use of a state-owned automobile.
 - b. When the traveler signs a claim including mileage reimbursement, the traveler certifies that motor vehicle liability insurance was in effect and that the traveler possessed a valid Arizona driver's license while in travel status.
 - c. The judicial approval authority in approving a claim for reimbursement of travel by privately owned motor vehicle shall ensure that the traveler has certified that the traveler possessed a valid Arizona driver's license and current motor vehicle liability insurance while in travel status.
8. If a traveler driving a privately owned motor vehicle is involved in an accident and is found to be at fault, the traveler's own liability insurance policy is primary coverage and is responsible to the limits of the policy.
 - a. If the liability amount exceeds the traveler's coverage, the State's self-insurance program will, at that time, cover the amount over the

policy limits, if the traveler was acting within the course and scope of the traveler's duties.

- b. If a traveler driving the traveler's own motor vehicle on official business is involved in an accident, regardless of fault, the State will not reimburse the traveler for any physical damage to the traveler's motor vehicle.

E. State-Owned Motor Vehicles.

1. State-owned motor vehicles should be used in place of privately owned or rented motor vehicles, whenever possible.
2. The use of state-owned vehicles outside of Arizona must be specifically approved in advance by the judicial approval authority.
3. Arizona Department of Administration rules and regulations prohibit the use of state-owned motor vehicles for transporting persons not essential to the purpose for which the vehicle was dispatched.

F. Rented Motor Vehicles.

1. Use of rented motor vehicles is prohibited unless:
 - a. This is the best method of transportation, taking into consideration the traveler's mission, safety, efficiency, effectiveness, time, or work schedule. The judicial approval authority is responsible for determining if the advantages of using a rented motor vehicle outweighs the costs compared to other modes of transportation. Any mileage charges for a rental vehicle must be reasonable, necessary, and substantiated.
 - b. Prior approval by the judicial approval authority is granted or an emergency requires use of a rental vehicle. In the event of such an emergency, the traveler should, if practicable, obtain advance verbal approval from the judicial approval authority.
2. A rented motor vehicle may be used in-state when the cost of renting such a vehicle is less than the cost of using either a state motor pool vehicle or the employee's car or when either a motor pool vehicle or the employee's car are not available and such business travel must be completed.
3. When a traveler rents a motor vehicle for official business within the United States, the traveler is automatically insured for liability and physical damage

losses by State Risk Management. If the traveler has or purchases private motor vehicle insurance, that cost IS NOT reimbursable for this category of trip.

4. When a traveler rents a motor vehicle for official business outside of the United States, the traveler SHALL purchase the offered physical damage coverage, unless the traveler's own insurance policy provides such coverage under these circumstances. These rented motor vehicle insurance costs incurred by the traveler ARE reimbursable.

G. Airlines.

1. Reimbursement for commercial air travel shall be limited to the lowest available fare, taking into consideration the traveler's mission, safety, efficiency, effectiveness, time, or work schedule.
 - a. A traveler will be reimbursed at the first class fare only if the judicial approval authority authorizes the expenditure, in advance if possible.
 - b. If the judicial approval authority approves the first class fare, the traveler shall obtain a statement from the carrier representative that a lower class was unavailable.
2. Flight insurance purchased by the traveler is not reimbursable.
3. The traveler's flight coupon (the airline ticket) must be submitted with Employee Travel Claim.

H. Chartered and Privately Owned Aircraft.

1. Chartered aircraft travel is allowed, provided a common carrier is not feasible or an alternative mode of travel is impractical. The judicial approval authority, not the traveler, must determine if such a travel method is justifiable, taking into consideration the traveler's mission, safety, efficiency, effectiveness, time, or work schedule.
2. Chartered air service may only be obtained from FAA licensed commercial flight operators.
3. Persons who pilot privately owned or rented aircraft must satisfy the requirements of the Arizona Risk Management Division. Only those individuals approved and authorized by Risk Management may claim such expenses.
4. Privately owned or rented aircraft use will be reimbursed based on the shortest air route from origin to destination (using officially designated airways when

possible), at the rate set by the Arizona Department of Revenue, as approved by the Arizona Joint Legislative Budget Committee. Landing and parking fees are allowed except at the location where the aircraft is normally based.

- I. Railroads and Buses. Railroad or bus travel may be used where convenient or economical, taking into consideration the traveler's mission, safety, efficiency, effectiveness, time, or work schedule. Receipts are required for reimbursement.
- J. Other Allowable Transportation Expenses. The use of taxis, airport limousines, local buses, and streetcars is classified as local transportation and may be claimed; receipts are not required. Transport to and from airports shall be by the most economical means, taking into consideration the traveler's mission, safety, efficiency, effectiveness, time, or work schedule. Reasonable airport parking or storage fees for privately owned motor vehicles will be allowed only if less than taxi fare to and from the airport and when supported by a receipt.
- X. Telephone and other Communication Expenses. Business related telephone, telegraph, facsimile, and message delivery expenses incurred as a result of being in travel status on official business are reimbursable.
 - A. Long distance, in-state calls should be made, whenever possible, using the state operator or the traveler's state or private direct dial credit card.
 - B. Any other long distance calls should be made, whenever possible, using the traveler's state or private direct dial credit card.
 - C. While in an authorized travel status, a traveler is entitled to reimbursement for one long distance telephone call (of reasonable duration) per day to the traveler's family.
- XI. Conferences, Meetings, and Other Programs.
 - A. Expenses incurred while attending conferences, meetings, or the programs of associations or organizations must be supported by program materials showing the opening and closing dates.
 - B. Receipts for registration fees must be submitted with the Employee Travel Claim (registration fees may be pre-paid by contacting the Financial Office).
 - C. Expenses incurred prior to the start of or in staying on after the close of a conference, meeting, or other program for personal reasons will not be allowed unless a clear cost savings can be demonstrated.

XII. Travel Advances and Claims When Advance is Made.

- A. **In-State SINGLE TRIP.** Travel advances may be requested by employees traveling for a period of three (3) consecutive days or more. The advance may not exceed eighty-five percent (85%) of the estimated cost of lodging and meals.
- B. **In-State STANDING ADVANCE.** A standing advance may be requested by employees who are in a continuous travel status (an employee traveling a full work week, an average two weeks a month). The maximum amount that will be advanced is \$400.
- C. **Out-of-State SINGLE TRIP.** Employees traveling out-of-state may request a travel advance not to exceed eighty-five percent (85%) of the estimated cost of lodging and meals.
- D. To obtain a travel advance, the traveler must complete a Request for Travel Advance form, which may be obtained from the Financial Office. The completed form should be submitted to the Financial Office at least five (5) days prior to the commencement of travel. The Financial Office will either prepare a revolving fund check or submit a claim to the Arizona Department of Administration Finance Division for the travel advance.
- E. The Financial Office will maintain a register of advances and reimbursements as a control for repayment of travel advances. On completion of a trip (or in the case of a "standing advance" at designated intervals, every two (2) weeks, or monthly), an Employee Travel Claim should be completed by the traveler and submitted to the Financial Office. The amount of the travel advance will be deducted from the total of the travel claim by the Financial Office. If the travel advance is less than the total reimbursement being claimed, a check will be prepared for the difference. If the travel advance is more than the total reimbursement being requested, a check for the balance of the unused travel advance must accompany the Employee Travel Claim. For in-state standing advances, the traveler will be reimbursed the actual amount of the travel claim.
- F. **Travel advances are a lien against wages.** If the Court is not repaid in a timely manner (within ten (10) days after completion of travel is considered timely), the Court may advise the Arizona Department of Administration, Finance Division, to withhold the amount of the travel advance from the traveler's salary. In the case of an in-state standing advance, the repayment of the travel advance must be made within ten (10) days after the traveler ceases being in continuous travel status.
- G. If a terminating employee has not repaid all travel advances, the Financial Office will advise the Arizona Department of Administration, Finance Division, to withhold the amount of the travel advance from the employee's final salary.

XIII. Accidents and Similar Incidents.

- A. In case of an accident while on official business, the individual involved and/or the State may be liable, depending on the specific circumstances of the incident.
- B. **Reporting.** All accidents or incidents involving the public and/or their property must be reported promptly in writing by the Court or commission or individual to the Risk Management Division.
- C. **Liability Claim Procedure.** Risk Management shall investigate reported claims arising as a result of an accident or incident. All contacts with Court or commission personnel concerning a claim against the State or its officers, agencies, or employees must be reported promptly to Risk Management. No oral discussion or written reports of claims or lawsuits shall be made to anyone other than state-authorized personnel without the express permission of the Risk Management Division.

XIV. Reimbursement of Travel Expenses. When travel is over, a Travel Claim Form should be submitted to the Financial Office to initiate processing for travel reimbursement.