

CHAPTER 40. TRAVEL AND SUBSISTENCE

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Authority

The provisions of this Chapter 40 issued under sections 216 and 709(f) of The Administrative Code of 1929 (71 P. S. §§ 76 and 249(f)), unless otherwise noted.

Source

The provisions of this Chapter 40 adopted November 17, 1972, 2 Pa.B. 2186; amended through May 18, 1984, effective May 19, 1984, 14 Pa.B. 1709, unless otherwise noted. Immediately preceding text appears at serial pages (83297) to (83298), (63924) to (63925), (67249) to (67250), and (63926) to (63933).

Cross References

This chapter cited in 4 Pa. Code § 5.232 (relating to composition); 4 Pa. Code § 5.764 (relating to expenses); 4 Pa. Code § 6.65 (relating to compensation); 4 Pa. Code § 6.115 (relating to Commission on Children and Families); 4 Pa. Code § 6.174 (relating to compensation); 4 Pa. Code § 6.211 (relating to composition); 4 Pa. Code § 6.225 (relating to compensation); 4 Pa. Code § 6.225 (relating to compensation); 4 Pa. Code § 6.234 (relating to compensation and expenses); 4 Pa. Code § 6.251 (relating to Office of Health Care Reform); 4 Pa. Code § 6.385 (relating to compensation); 4 Pa. Code § 39.96 (relating to use of personal automobiles); 31 Pa. Code § 151.14 (relating to fees); 31 Pa. Code § 152.22 (relating to fees); and 37 Pa. Code § 203.81 (relating to basic training).

§ 40.1. Purpose.

This chapter establishes policies and defines reimbursable expenses of Commonwealth officers and employees subject to section 216 of The Administrative Code of 1929 (71 P. S. § 76).

§ 40.2. [Reserved].

§ 40.3. General policy.

(a) Officers and employees shall be entitled to receive reimbursement for out-of-pocket expenses incurred in the performance of their duties within maximums prescribed under this chapter.

(b) Maximums established under this chapter are not flat allowances and only amounts actually expended may be claimed.

(c) The Offices of Administration and the Budget will issue, through the Directives Management System, guidelines, administrative procedures, documentation requirements, and maximum amounts of reimbursement for travel and subsistence expenses of officers and employees under the Governor's jurisdiction. Other agencies subject to section 216 of The Administrative Code (71 P. S. § 76) but not under the Governor's jurisdiction will also adopt guidelines, administrative procedures, documentation requirements, and maximum amounts of reimbursement for their officers and employees. Guidelines, administrative procedures, documentation requirements, and maximum amounts of reimbursement shall be submitted to the Executive Board and shall become effective upon Executive Board approval. In the absence of approved guidelines, the current issuance of the Directives Management System pertaining to travel and subsistence shall apply to officers and employees subject to this chapter.

(d) Officers and employees shall not be eligible for reimbursement of meals or lodging when furnished by the Commonwealth without charge or when furnished by friends or relatives.

(e) Officers and employees traveling on official business are expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business. Officers and employees are liable for the repayment of expenditures disallowed by the agency comptroller's office.

(f) Persons who incur expenses while traveling on official Commonwealth business are to be reimbursed under this chapter and guidelines established under this chapter. To preclude the possibility of financial benefit, expense reimbursements received from another source, such as the Federal government, a private business, an individual, or other party shall be remitted to the agency comptroller's office immediately upon receipt. Checks received may not be cashed, but must be endorsed to the order of the Commonwealth of Pennsylvania.

Notes of Decisions

Since a Memorandum of Understanding arrived at through the "meet and discuss" provisions of the Public Employee Relations Act (43 P. S. § 1101.704), is neither a collective bargaining agreement nor a contract, a dispute arising under the Memorandum is not precluded from Board of Claims jurisdiction under the rule of *Kapil v. Association of Pennsylvania State College and University Facilities*, 470 A.2d 482 (Pa. 1983) and *Liquor Control Board v. Shulin*, 471 A.2d 599 (1984). *Shaffer v. Liquor Control Board*, 500 A.2d 917 (Pa. Cmwlth. 1985).

Were the Board of Claims to accept claimant's implied contract theory, as an alternative to his claim under a memorandum of Understanding, the Board of Claims could have jurisdiction even though the Memorandum of Understanding contained an arbitration clause. *Shaffer v. Liquor Control Board*, 500 A.2d 917 (Pa. Cmwlth. 1985).

§ 40.4—40.12. [Reserved].**§ 40.13. Categories of reimbursable expenses.**

Subject to limitations or conditions which may be imposed from time to time under this chapter, the following categories of expenses are reimbursable:

(1) All modes of transportation are authorized consistent with and appropriate to the requirements of an assignment and the efficient and economic conduct of official business. All travel shall be by the most direct and expeditious route considering both travel time and distance.

(2) Expenses for lodging will not be allowed at the place of an officer's or employe's headquarters or residence, nor at sites located within a reasonable commuting distance of headquarters or residence.

(3) Expenses for subsistence are reimbursable in amounts and subject to limitations as may be established under this chapter.

(4) Conference and convention registration fees, moving expenses required as a condition of continued Commonwealth employment, telephone and telegraph, registered or certified mail, money order charges incurred in the course of official business, expenses incurred by Commonwealth officers and employes in the course of their official duties on behalf of others, and other miscellaneous expenses as may be established under this chapter shall also be reimbursable.

Source

The provisions of this § 40.13 adopted May 18, 1984, effective May 19, 1984, 14 Pa.B. 1709.

APPENDIX A

(Editor's Note: 1 Pa. Code § 3.13(b) (relating to contents of Bulletin) gives the Legislative Reference Bureau discretion to exclude from publication in the Pennsylvania Bulletin classes of documents which are voluminous and applicable only to Commonwealth property or contracts or agency organization, management or personnel. Section 3.13(c) requires the Bureau to publish and codify a summary table of documents filed under § 3.13(b).)

(1) Administrative Circular No. 92-24, Dated July 10, 1992. Commonwealth Corporate Card Program.

(2) Administrative Circular No. 92-27, Dated July 27, 1992. Matters Requiring Executive Board Approval.

(3) Administrative Circular No. 92-29, Dated July 31, 1992. Commonwealth Travel Center.

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