



SUPREME COURT OF APPEALS OF WEST VIRGINIA

Travel Policy and Standards Finance Division

Introduction

This document prescribes the fiscal rules for travel paid by the Supreme Court of Appeals of West Virginia (“the Court”).

Accordingly, while patterned in large part after the State of West Virginia Travel Rules, this document establishes a distinctive set of policies, procedures, and guidelines for travel by all employees of the Court, including all Judicial Officers and Employees of the Supreme Court, Intermediate Court, Circuit Courts, including Probation Officers, Family Courts, Magistrate Courts, the Administrative Office, Board of Law Examiners, Office of Disciplinary Counsel, Judicial Investigation Commission, and, other individuals who are authorized to seek reimbursement from the Court for travel and travel-related expenses.

To the extent these Rules fail to provide adequate guidance in addressing or resolving a specific problem or question, the Administrative Director and Chief Financial Officer shall address the matter, and with the approval of the Court, establish the fiscal rules to be followed in these special situations.

1. Scope, Authority, and Definitions.

1.1 Scope.

This Travel Policy and Standards document establishes the policies, procedures, and guidelines for travel by all employees and officers of the Court, including all Judicial Officers, employees of the Supreme Court of Appeals, the Intermediate Court of Appeals, Circuit Courts, including Probation Officers, Family Courts, Magistrate Courts, the Administrative Office (“AO”), Board of Law Examiners, Office of Disciplinary Counsel, Judicial Investigation Commission, and other individuals who are authorized to seek reimbursement from the Court for travel and travel-related expenses. This Policy applies to the expenditure of Court funds for Court travel and does not apply to travel or related expenses funded by third-party sources.¹

The rules set forth in this Travel Policy and Standards are designed to be a guide to a variety of situations and are not designed to encompass all circumstances that might arise. From time-to-time individual circumstances may warrant a case-by-case review and determination as to how the rules apply in each situation.

Violations of this Travel Policy and Standards may give rise to grounds for immediate corrective action, also on a case-by-case basis.

1.2 Authority.

The Court establishes this Policy pursuant to the Authority granted in West Virginia Code

¹ Provided, the Court will not reimburse employees and officers of the Court for travel or travel-related expenses sponsored or paid by an external third-party source. *See, e.g.*, Section 9.4.

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§ 12-3-11, and by Article 8, Section 3 and Section 16 of the Constitution of the State of West Virginia which provides that the Court has general supervisory control of the judicial branch.

1.3 Definitions.

- (a) **“Administrative Director”** is the individual appointed by the Supreme Court of Appeals of West Virginia under Article 8, Section 3 of the Constitution of the State of West Virginia and West Virginia Code § 51-1-15, with duties as set out in § 51-1-17, and as further assigned by the Court.
- (b) **“Commuting”** is travel between the home residence and the regular place of work. Under no circumstances are the costs incurred in commuting considered reimbursable Court business expenses. NOTE: Reimbursement for Commuting expenses, approved on an exception basis, such as in Section 9.1, is considered taxable income to the recipient.
- (c) **“Employee”** is an individual who lawfully occupies a regular or temporary position in the judicial system, is paid a wage or salary through payroll, and may be full-time or part-time.
- (d) **“Ghost Account”** means the State Travel Card Program.
- (e) **“Headquarters”** is the official work location.
- For Employees of local courts throughout the State of West Virginia, the Headquarters is the county courthouse or related facility where the Employee reports to work on a regular or daily basis.
 - For AO Employees, the Headquarters is either the State Capitol or the West Virginia Judicial Tower, and exceptions may be approved by the Administrative Director in determining where the Employee reports to work on a regular or daily basis.
 - All Judicial Officers and Employees must be assigned to a single specific Headquarters, except as noted otherwise in these Rules.
 - Probation officers must be assigned to a single specific Headquarters, except as stated otherwise in these Rules. However, probation officers do not need advance approval by the Director of the Division of Probation Services to travel to other locations within the Circuit in which they work. .
 - As a general rule, a personal residence cannot serve as a Headquarters, with the exception of specially designated positions that do not have a designated regular work location, such as Senior Status Judges and certain designated temporary and other Employees on a case-by-case basis.

- For Judicial Officers that travel on a regular basis, the county of residence determines the Headquarters. (See also Section 9.1 of these Rules).
- (f) **“Judicial Officer”** is an individual elected or appointed to a statutory position within the West Virginia Judiciary, including but not limited to a Supreme Court Justice, Intermediate Court of Appeals Judge, Circuit Court Judge, Family Court Judge, and Magistrate.
- (g) **“Out-of-State Travel”** means that the travel destination is out of state. Expenses such as lodging, meals, or mileage which occur incidentally in another state are not considered out of state travel costs.
- (h) **“Purchasing Card”** means the payment account issued by the financial institution and administered by the State Auditor to make payment for transactions.
- (i) **“Reimbursable mileage”** for Court business travel shall be calculated for reimbursement purposes from the Headquarters to the Court business travel destination and back, including any miles from remote Court business location to location. In particular travel situations, a manager may deem that the point of travel commences from the Traveler’s place of residence rather than from the Headquarters when the miles from the place of residence to the destination would be less than the miles from the Headquarters to the Court business destination.
- (j) **“Routine Travel”** means travel that is incidental to the performance of daily work duties. Routine Travel does not include traveling from the Traveler’s Headquarters to another location within the Circuit in which the Traveler works.
- (k) **“Rules”** mean these Travel Rules.
- (l) **“Selecting Authority”** is an individual who is authorized by statute or by the Supreme Court of Appeals of West Virginia to select Employees in the West Virginia Judiciary. With approval by the Administrative Director, a Selecting Authority may delegate certain functions to a Supervisor.
- (m) **“Supervisor”** is an individual designated by the Administrative Director or by a Selecting Authority, who directs, oversees, or coordinates the activities of other Employees.
- (n) **“Temporary Assignments”** are assignments that last, or are anticipated to last, for twelve (12) or fewer months.
- (o) **“Travel Authorization”** is the form approved by the AO and used for approving travel under these Rules.
- (p) **“Travel Expense Account Settlement”** is the form approved by the AO and used by the Traveler to submit travel-related expenses incurred pursuant to these Rules.
- (q) **“Traveler”** is a West Virginia Judicial Officer or Employee, approved consultant,

appointed board member, or anyone approved and authorized to travel on Court business. This may include newly elected Judicial Officers, mental hygiene commissioners, or others approved for travel reimbursement due to their required attendance at Court-sponsored events. All approved travel for Court business is subject to reimbursement in accordance with these Rules.

- (r) “**Travel Status**” is defined as the authorized period of travel time away from the official Headquarters commencing with the time of departure and ending with the time of return. The Traveler is considered in “travel status” when traveling on behalf of the Court, including leaving the assigned official Headquarters location to perform duties at other locations.

2. Travel Authorization and Reimbursement Process.

2.1 Travel authorization.

- (a) The Court delegates the authority to manage, approve, or disapprove travel and travel-related expenses to the Administrative Director or their designee. This authority may be revoked by the Court as it deems appropriate.
- (b) Travel may be authorized only for official Court business and only if the Court has the financial resources to reimburse the Traveler for travel expenses.
- (c) The Court may develop administrative policies and procedures consistent with these Rules to provide additional guidance to employees and others traveling on behalf of the Court.
- (d) Travel expenses will be reimbursed for legitimate and reasonable expenses considered necessary for the proper conduct of Court business in accordance with these Rules.
- (e) Routine Travel in the course of meeting day-to-day work responsibilities does not require advanced approval. Non-routine travel requires the advanced approval of the Traveler’s immediate Selecting Authority or Supervisor, Out of State travel must be approved by the Administrative Director.

2.2 Travel Reimbursement.

- (a) The Traveler must complete the [Travel Expense Account Settlement](#) form, accounting for all expenses incurred for the travel. All necessary receipts and related documents must accompany the completed form.
- (b) The Traveler must submit a Travel Expense Account Settlement form as soon as is possible, preferably no later than one (1) month and in no case longer than three (3) months following the conclusion of the travel event.
- (c) Once the Traveler completes the form and attaches all necessary receipts, the

Traveler will submit the packet to the direct supervisor or Division Director for review and preliminary approval. Once the direct supervisor or Division Director approves and signs the Travel Expense Account Settlement form, the packet is forwarded to Accounts Payable within the Division of Financial Services for processing. As a matter of course, the Chief Financial Officer (or a designee) will secure the approval of the Administrative Director (or a designee) and finalize the Travel Expense Account Settlement processing in accordance with these Rules. Provided, that all Travel Expense Account Forms submitted by Travelers who are Judicial Officers attending conferences or Travelers attending Court-sponsored conferences will submit this documentation to the Judicial Education Director or their designee for review and preliminary approval.

(d) All required receipts must be valid, itemized, authentic receipts issued by the vendor or service provider as documentation for the transaction. When an acceptable form of receipt is not available, the Traveler shall create, in paper or electronic form, an itemized list reflecting the goods or services purchased, vendor name, date of purchase, and price.

(e) All Travel Expense Account Settlement forms must contain the original or digital signature of the Traveler, Supervisor or Division Director, and the Administrative Director (or a designee) or Chief Financial Officer (or a designee) to be processed.

(f) Each Division Director within the AO is responsible for auditing individual Travel Expense Account Settlement forms prior to submission to the Division of Financial Services for processing and payment. Then, the Division of Financial Services to the best of its ability and within reason further audits Travel Expense Account Settlement forms received and submits them to the State Auditor's Office for payment. Provided, that the Judicial Education Director or their designee is responsible for auditing the Travel Expense Settlement forms for conference-related travel submitted by judicial officers, or the forms of Travelers attending Court-sponsored conferences.

(g) Upon processing a Travel Expense Account Settlement form, the State Auditor's Office shall deposit the reimbursement into the Traveler's designated account on file. The individual Traveler must complete the appropriate form to receive timely deposit of reimbursements directly into the designated account. Otherwise, payments shall be processed by paper check, which may take considerably longer.

(h) As a general rule, the value of reimbursable items as detailed in these Rules is not considered taxable income to the Traveler Employee or Judicial Officer. See exceptions at Sections 4(f) and 9.

(i) Any Travel Expense Account Settlement form about which the Administrative Director or Chief Financial Officer has granted an exception, waiver, or deviation, shall be processed separately from those reports that do not have exceptions, waivers, or deviations. The need for specialized audit review may result in longer processing times.

2.3 General.

- (a) Reimbursement of travel expenses incurred by consultants, contractors and non-employees, such as those traveling for interview purposes, will be in accordance with these Rules, unless otherwise specified in the purchase order or contract with the Court.
- (b) Reimbursement of travel expenses paid from federal, state, and private grants shall be governed by the terms and conditions of the grant if they differ from those contained in these Rules; otherwise, these Rules shall govern the reimbursement.
- (c) The Traveler must use state contracts for travel services or deal directly with the service vendor. The Traveler is not permitted to use third-party booking sites. The Traveler is personally responsible for submitting all required, valid receipts for travel to their Purchasing Card Coordinator for expenses paid by a Purchasing Card, if applicable.

3. Meals

- (a) Reimbursement for meal expenses requires the Traveler to experience overnight travel and lodging outside of the Traveler's Headquarters county. The travel must be for legitimate Court business. Proof of the overnight stay is required for the Traveler to receive meal expense reimbursement. The Traveler should request the hotel folio upon check-out and submit it with the Travel Expense Account Settlement form to secure reimbursement for meal expenses. See below for situations that are not encompassed by this Rule.
- (b) Meal reimbursement is made on a per diem basis, not to exceed the maximum amount established by the federal government. The standard is the Authorized Daily Rate established by the US General Services Administration ("GSA"), accessible at [Per Diem Rates](#). The Traveler should note that the maximum per diem GSA rate includes expenses for meals, service, gratuities, tips, and other incidental expenses, such as transportation between places of lodging, business, and places where meals are taken, and these incidental expenses are NOT separately reimbursable.
- (c) The Traveler does not need to submit actual meal receipts with a completed Travel Expense Account Settlement form to receive reimbursement for meals, provided the Traveler follows the standards detailed in these Rules. If the Traveler incurs meal-related expenses in excess of the maximum per diem GSA rate, or encounters an extraordinary circumstance, and elects to request reimbursement, then the Traveler must submit all receipts, including for meals, in order to be considered for special approval in excess of the maximum per diem GSA rate. Only the Administrative Director is authorized to approve any exceptions to the maximum per diem GSA rate.
- (d) The Court will not under any circumstances reimburse the Traveler for alcohol and entertainment expenses.

(e) Meal expenses for the first and last days of travel on a multi-day, overnight trip shall be reimbursed at a rate of seventy-five percent (75%) of the per diem GSA rate. The date and time of departure and return are not considered. The Traveler may round the calculated amount up to the next whole dollar where a percentage of the maximum daily rate applies.

(f) If travel is wholly within a single day with no overnight travel, the Court will not issue reimbursement for meals absent exigent circumstances.

(g) When meals are provided at no cost to a Traveler, the Traveler must claim a reduced daily M&IE allowance by deducting the cost for the meal, based on the [GSA M&IE Breakdown](#), from the overall daily M&IE allowance. This may occur when the meals are provided as part of a meeting, included as part of a conference and/or registration fees, provided to the Traveler by the judiciary, or reimbursed or provided from other sources.²

(h) If the Traveler attends a Court-sponsored conference, banquet, or event, regardless of location, and is charged for a meal, the Traveler may include the value of that meal on the Travel Expense Account Settlement form for reimbursement.

(i) The costs of all refreshments at Court-sponsored conferences, banquets, or events, will be paid directly by the Court and the value of these items shall not reduce the meal allowance for the Traveler participating in these functions.

(j) The Administrative Director or Chief Financial Officer, at his or her discretion, may require the Traveler to maintain individual meal receipts, and nothing in this section shall prevent the Court from reimbursing the actual cost of a meal up to the established rate for the location in which the meal was purchased.

4. Transportation.

4.1 General.

(a) To receive reimbursement for ground transportation from the terminal (air or any common carrier) to or from the destination lodging site, the Traveler must complete a Travel Expense Account Settlement form and present it for approval with any original receipts for such transportation.

(b) When the Traveler uses courtesy transportation as provided by a hotel, motel, or other service facility, the Traveler shall not be eligible for reimbursement for such courtesy service. The Traveler should use such transport if available.

² Travelers may have special dietary considerations. When registering for Court-sponsored events, Travelers must provide advance notice of requested dietary accommodations as soon as possible to ensure the vendor can provide alternative meal options. If a Traveler is unable to obtain an alternate meal, he or she may report the full M&IE allowance on the Travel Expense Account Settlement form. The Chief Financial Officer must use discretion when authorizing a full daily M&IE allowance when a meal is furnished.

(c) The Traveler can request reimbursement for taxi, bus, and other forms of public transportation, as well as ride-share services. Receipts are not required if under the limit authorized by the State Travel Management Office, which is currently seventy-five dollars (\$75).

(d) The Traveler may travel by the common carrier of choice, including air, rail, or bus, provided the Traveler chooses the least expensive logical fare via the most direct or other reasonable route that results in the lower fare. When booking rail transport service, the Traveler shall make advance bookings for rail service through the Statewide Contract for Travel Services using the least expensive logical fare via the most direct or other reasonable route that results in the lower fare.

4.2 Commercial Air Travel.

(a) The preferred method of reserving air transportation shall be through the direct-bill arrangement established by the AO Division of Financial Services.

(b) In the event that the Traveler directly reserves air travel, the Court will reimburse the Traveler for the actual cost for the least expensive logical airfare via the most direct route, or a reasonable alternative route if it results in a lower fare. To receive reimbursement for the purchase of an air travel ticket, the Traveler must complete a Travel Expense Account Settlement form in accordance with these Rules and present it for approval with the original receipt for the purchase.

(c) In all instances, air travel arrangements shall be made by the least expensive airfare possible, via the most direct route of travel, or a reasonable route if it results in a lower fare.

(d) Electronic Tickets (“E-tickets”) are the industry standard and are issued automatically unless a paper ticket is specifically requested by the Traveler. Costs for obtaining paper tickets are generally not reimbursable, unless there is a showing of need.

4.3 Inappropriate Traveler Behavior.

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

(b) The Traveler may not specify a particular airline to accumulate mileage or promotional plans such as frequent flyer programs if it results in a higher fare. As a general rule, the Traveler may retain frequent flyer points properly accumulated.

(c) If an increase in airfare is caused by the Traveler without legitimate excuse, the increased costs of the airfare are considered a personal expense of the Traveler which the Court will not reimburse. For example, first class or other premium seating

shall be at the expense of the Traveler. If an increase in airfare is incurred through no fault of the Traveler and the Administrative Director or Chief Financial Officer has approved the increase, the increased cost is reimbursable.

(d) The travel agency must be notified immediately if airline tickets are unused or refundable for proper credit or refund.

4.4 Ground Transportation.

(a) General

- The Traveler Employee or Judicial Officer may use a privately owned, state-owned, or commercially leased vehicle for ground transportation used in meeting Court business travel needs. Under no circumstances is this Traveler to use Court resources in furtherance of personal pleasure, gain, or objectives.
- Regardless of which type of vehicle the Traveler opts to use, the Traveler must at all times possess a valid operator's license while operating a motor vehicle as a means of transportation for Court business travel.
- Under no circumstances are the costs incurred in commuting, as defined in these Rules, considered reimbursable Court business expenses. Reimbursable mileage shall normally be calculated for reimbursement purposes from the Headquarters to the Court business travel destination and back, including any miles from remote Court business location to location. A Supervisor may deem that the point of travel commences from the Traveler's place of residence rather than from the Headquarters when the miles from the place of residence to the destination would be less than the miles from the Headquarters/Work Situs to the destination. See these Rules for exceptions.
- The Traveler Employee or Judicial Officer that utilizes the home residence as the Headquarters is eligible to request reimbursement for Court business travel from the home residence/Headquarters when traveling to and from assignments. This travel shall not be considered commuting.
- The Traveler on a temporary assignment is eligible to request reimbursement for Court business travel from the home residence when traveling to and from the location of a temporary assignment. If the temporary assignment exceeds twelve (12) months, the assignment shall convert retroactively to an indefinite assignment and payments made during that indefinite period shall be considered taxable.
- The Traveler is responsible for following all applicable laws and requirements while operating a motor vehicle on Court business travel. The Traveler is responsible for any fines and penalties resulting from citations, charges, or warrants attributable to operation of the vehicle. Any such fines and penalties are not reimbursable expenses.
- When the Traveler Employee or Judicial Officer requests to drive his or

her personal vehicle rather than fly for business, reimbursement shall be based on actual in-transit expenses (mileage and other costs incurred while in-transit, such as lodging, meals, parking, etc.), not to exceed the least expensive logical commercial airline cost plus local transportation to and from the airport and parking (where required).

(b) Privately-Owned Vehicles

- The Traveler Employee or Judicial Officer may use privately-owned vehicles for Court business travel on occasions where Court-owned vehicles are unavailable or when use of a Court-owned vehicle poses undue hardship or inconvenience to the Traveler. When the Traveler elects to use a privately-owned vehicle, reimbursement for mileage shall not exceed the amount that would have been allowed for commercial transportation to and from the authorized destination.

- Mileage allowance for privately owned-vehicles used for Court business travel will be based on the [GSA rate](#) in effect at the time of the travel. The GSA mileage rate covers gasoline and all vehicle operating costs such as fuel, maintenance, insurance, wear-and-tear, and repairs. No additional reimbursement will be made for such expenses.

- To secure reimbursement for mileage incurred while traveling on Court business in a privately-owned vehicle, the Traveler must complete a Travel Expense Account Settlement form and present it for approval with all appropriate travel related receipts. The Traveler is not required to present receipts to secure mileage reimbursement when using a privately-owned vehicle, but would be required to present receipts to secure reimbursement for tolls, parking, and related travel expenses.

- Mileage reimbursement is always based upon the shortest practical route to and from the destination, with travel normally beginning and ending at the Traveler's Headquarters, except where the shortest distance to and from the destination is from the Traveler's residence. In calculating mileage, the Traveler shall use the actual odometer reading or a commonly accepted online mapping or GPS-based service source for mileage, and the Traveler shall use the most direct or shortest route available. When requesting reimbursement for travel to or from the residence, documentation of the route must be included with the Travel Expense Account Settlement form.

- Insurance (Privately-Owned Vehicles):

- In addition to possessing a valid operator's license, the Traveler that uses a privately-owned vehicle for Court business travel must possess adequate insurance coverage at all times.

- The Traveler's (or, as applicable, private vehicle owner's) insurance will be **primary** for liability insurance coverage. The Traveler

or private vehicle owner should communicate with their automobile insurance carrier to discuss available and required coverage for the purpose of using the privately-owned vehicle while on Court business travel.

- The Court's insurer, BRIM (Board of Risk & Insurance Management), will provide **excess** liability coverage for additional protection to the Employee Traveler using their privately-owned vehicle for Court business travel. Being excess, BRIM's coverage will only be available after the Traveler's or private vehicle owner's coverage is exhausted.

- BRIM does not provide coverage that will pay for damage to a privately-owned or personal automobile regardless of the cause. Further, BRIM will not pay the Traveler's or private vehicle owner's physical damage deductible.

(c) Commercial Rental Vehicles

- The Traveler should only use a commercial rental vehicle when a temporary need arises, a state vehicle is unavailable, and the cost will be less than the reimbursement associated with use of a privately-owned vehicle.

- Only the Traveler renting the commercial rental vehicle is permitted to operate the vehicle. If state employees, including both Judicial Officers and Employees, are traveling together, it must be noted on the rental agreement which of the Travelers are authorized to operate the vehicle. The Purchasing Card or Ghost Account are the only acceptable methods of payment when renting a vehicle. Reimbursement for rentals made outside of the statewide car rental contract requires advance authorization.

- The Traveler Employee or Judicial Officer must use the State contract for car rental services, unless the State contracts for car rental services do not have:

- A rental location in the specific area,
- The type of vehicle needed, or
- A vehicle available for the duration needed.

- If this Traveler does not use the State contract for car rental services, the Traveler must note the reason on the Travel Expense Account Settlement form.

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

- Reimbursement for commercial rental vehicles will be made at actual

cost for the daily rental charge for a mid-size or smaller vehicle, plus mileage fees and fuel costs, as applicable. Reimbursement may be made for a full-sized vehicle if more than three (3) people are traveling together on business and for larger vehicles if a group of five (5) or more is traveling together. Larger vehicles may be rented when situations warrant (i.e. negotiating rough terrain, transporting large groups of people or equipment, or other extenuating circumstances) as approved by the Administrative Director or Chief Financial Officer.

- Collision Damage Insurance (“CDW”):
 - The State contract(s) for car rental services may provide CDW insurance for some vehicles that are excluded by the Purchasing Card.
 - The Purchasing Card provides CDW coverage at no cost for rentals up to thirty-one (31) days.
 - No other insurance or insurance-like product is reimbursable for rental vehicles used in the United States, unless required by law. Full coverage insurance is a reimbursable expense for any approved rental vehicle used outside the United States.
 - The Purchasing Card does not cover the rental of trucks, motorcycles and motorized scooters, antique cars, high value, special interest and exotic cars, or vans that seat more than eight (8) occupants.
 - A receipt or documentation is required for reimbursement of vehicle rental and mileage charges or fees.
 - Reimbursement may be made for actual fuel costs, supported by valid, itemized receipts.
 - Vehicles should be returned to the rental agency with a full tank of fuel. Unless rental location provides gas at a lower rate, documentation required.

(d) Court-Owned Vehicles

- The Traveler desiring to use a Court-owned State vehicle for Court business travel should reference the Court’s Motor Vehicle Policy To make travel arrangements to use a Court-owned State vehicle, the Traveler must reserve a vehicle on the [Intranet](#).
- As detailed in the Motor Vehicle Policy, fuel for Court-owned vehicles is provided through the use of a Purchasing Card assigned to the vehicle. There is no additional reimbursement for fuel or mileage while using a Court-owned vehicle. Other travel expenses such as parking and tolls are not chargeable to

the Purchasing Card assigned to the vehicle and as such are reimbursable with itemized receipts for each expense. The Traveler must include these expenses and receipts on a Travel Expense Account Settlement form to receive reimbursement. NOTE: Tolls in many cases will be covered by the EZPass assigned to and provided in the Court-owned vehicle, mounted in the windshield area of each vehicle.

5. Lodging.

(a) Lodging for the Traveler is reimbursable where the distance is more than fifty (50) miles from the assigned Headquarters, or outside of the county of residence. Lodging for the Traveler shall not be reimbursable if incurred within the Traveler's county of residence unless one of the following conditions applies: (a) the Traveler has a documented medical or health-related condition that reasonably requires overnight lodging to safely or effectively perform their job duties; or (b) the Traveler is required to travel more than fifty (50) miles one way within their county of residence and overnight lodging is deemed necessary to support Court business needs. For any overnight lodging to be reimbursable pursuant to this Policy, an overnight stay must be required based upon the Court business needs. An overnight stay is not reimbursable for the night prior to an event if the event begins at 1:00 p.m. or later and the Traveler lives within a four-hour drive of the event location. In exceptional circumstances not otherwise covered above, overnight lodging may be reimbursed subject to approval of the Administrative Director or Chief Financial Officer.

(b) The Traveler shall secure the lowest rate available at a reasonably priced facility. Most hotels and motels offer special reduced rates to the Traveler which are stored in the system. The reimbursable allowance for lodging is based on a single-occupancy rate, and if available with application of a government or conference discount.

(c) The Traveler shall not book lodging through a third-party booking vendor. Third-party vendors are unable to provide an itemized invoice or folio for reimbursement and may charge services fees that are not reimbursable.

(d) The lodging facility location should be as convenient as possible to the location where Court business is being conducted.

(e) Allowable reimbursement for lodging shall include the actual expense for overnight accommodation and all applicable taxes and surcharges. Employees are reimbursed for lodging up to the maximum per diem established by the federal government. The Traveler may request reimbursement above the per diem, not to exceed three hundred percent (300%) of the maximum per diem allowance. Requests for reimbursement above the per diem allowance should be made in advance of travel. Reimbursement above per diem following travel may be granted subject to approval of the Administrative Director or Chief Financial Officer.

(f) Sales tax is to be paid if the lodging facility is located outside the State of West Virginia. When using the Purchasing Card for travel, purchases made with this card for

in-state travel are exempt from any form of taxation.

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

(h) Receipts are required for lodging reimbursement. A valid, itemized invoice or folio shall be the official document utilized for reimbursement to the Traveler. The Traveler must attach this original receipt document with the completed Travel Expense Account Settlement form when it is submitted for approval. The final receipt must show a full credit or zero balance.

(i) If an increase in the lodging charge is incurred due to the Traveler being directed by the Administrative Director or a designee of the Administrative Director to change travel plans or due to extenuating circumstances arising beyond the control of the Traveler, then the increase is reimbursable. Increased charges incurred due to the Traveler's failure to notify the lodging facility are the personal expense of the Traveler and are not reimbursable.

(j) The Traveler has the option to make direct-bill arrangements with the lodging provider as an alternative to paying for the lodging and requesting reimbursement. The Traveler should check with the lodging provider to obtain the necessary paperwork for completion to establish a direct-bill relationship. All lodging direct-bill arrangements must be coordinated with the Finance Division.

6. Registration Fees for Conferences, Meetings, and Educational Seminars.

(a) Registration fees and event-related materials for authorized meetings, conferences, seminars, and workshops are reimbursable.

(b) The Traveler must present receipts for registration and related items to receive reimbursement. The receipt or documentation provided by the event sponsor shall be sufficient for reimbursement.

(c) The Traveler is to adjust meal reimbursement (per diem) requests for meals included with the registration fee, as described in Section 3.

(d) The Traveler should verify acceptable payment methods with the event sponsor prior to attending. Registration fees should be charged on a Purchasing Card when possible. The Traveler must retain all original receipts for registration fees in order to receive reimbursement, account for Purchasing Card purchase, and similar record keeping purposes.

(e) If the Traveler incurs a cancellation charge, the charge is reimbursable if the Traveler is directed to change their travel plans, or if other extenuating circumstances beyond the Traveler's control arise. Approval of the Administrative Director is

required in these instances.

(f) If transportation, lodging, meals, or other reimbursable costs are included in conference fees, registration fees, commercial transportation tickets, or are otherwise provided or obtained at no additional cost to the Traveler, then no reimbursement shall be made for these items.

7. Other Expenses.

(a) The Traveler may incur miscellaneous business-related expenses for which reimbursement may be made, if appropriate. Receipts are required for all expenditures. Such expenses and reimbursement may include, but are not limited to:

- Baggage storage between appointments and between hotels and meeting places;
- Tolls, garage, and parking fees, excluding valet parking for personal convenience;
- Currency conversion;
- Guides, interpreters, and visa fees;
- Laundry and dry cleaning when an employee is in Travel Status in excess of seven (7) days without returning home; and
- Valet charges, which are only reimbursable where self-parking is not available, where self-parking costs more than valet parking, and where self-parking costs the same amount as valet at the Traveler's discretion.

(b) Expenses for international travel are to be reported in United States dollars. Expenditures in other currencies must be converted into United States dollars at the rate or rates at which that currency was obtained. The rates of conversion and commissions must be shown on an attachment to the Travel Expense Account Settlement form.

(c) Personal expenses such as for dry cleaning, movie rental, entertainment, snacks, and similar items, except as noted in these Rules, are not reimbursable. Hotel parking, necessary baggage transfer and storage, and related business expenses are reimbursable with an original receipt. Baggage storage fees will not be reimbursable if the total exceeds equivalent to ten percent (10%) of a daily single-occupancy hotel rate.

8. Purchasing Card Use (PCard).

The Traveler must use the State of West Virginia Purchasing Card ("PCard") for approved Court business travel related expenses, wherever possible. The Traveler that is an authorized PCard holder is not to use the PCard for personal purchases under any circumstances. Relatedly, personal expenditures are not to be charged to hotel room folios where a PCard will be used for the lodging expenses. Please refer to the Court's

[Purchasing Card Policy and Procedure](#) for additional rules regarding the authorized use of PCards.

9. Special Situations.

9.1 Mileage and Expenses of Certain Traveling Judges.

- (a) Special statutory provisions apply to a “judge of the Supreme Court of Appeals and of a circuit court” that holds court outside of their county of residence. W. Va. Code § 6-7-5. If the Traveler elects to pursue reimbursement under this option, the Traveler will receive a per diem and a specific mileage reimbursement rate for the commute. Note that this method of reimbursement may be considered taxable income and processed accordingly. For more information, contact the Division of Financial Services.
- (b) In situations where these judges travel from the Headquarters to hold court outside of the county of residence, the judge can instead request mileage reimbursement for travel from or to the regular Headquarters. Reimbursement of mileage under this standard shall be at the standard government rate consistent with Section 4.4 of this Policy and is not taxable to the recipient.

9.2 Members of Statutory Boards or Commissions.

- (a) Any compensation paid to Board or Commission Members in accordance with statutory provisions for such compensation shall be made on a W-2 basis with tax withheld. Board Members shall be considered “temporary court employees” for the limited purposes of compensation.
- (b) Board or Commission Members may be reimbursed, in accordance with statutory provisions, for the actual, necessary, and reasonable expenses incurred in the performance of their duties. For reimbursement purposes, the Headquarters of the Board or Commission Member shall be the place at which the Board or Commission Member conducts Board work, including the Board Member’s residence or office. Board and Commission Members should be made aware that public funds are the source of the reimbursement.
- (c) By Administrative Order, the Court shall declare there to be no inherent conflict in practicing law or appearing before the Court as a result of the Board or Commission Member service and receipt of compensation as a W-2 employee.

9.3 Job Applicants, Contractors, and Other Non-Employees.

- (a) Any non-employee seeking approval or reimbursement for travel expenses must use a Court Travel Expense Account Settlement form to submit the request according to these Rules. The completed form must contain the non-employee Traveler’s original signature, preferably in blue ink.

(b) When a non-employee accompanies a Traveler Employee or Judicial Officer on official business, the Court shall in no way be responsible or liable for any expenses, actions, or inactions of the non-employee companion.

9.4 Travel Not Paid by the Court.

Judicial Officers and Employees may be invited to attend meetings, seminars, or conferences concerning or related to Court business where their travel expenses are either paid directly by the sponsor or reimbursed by the sponsor. In such instances, the Traveler may accept the invitation if the Court approves the travel. No Judicial Officer or Employee shall be eligible for Court reimbursement for any expenses incurred by the Traveler if these expenses are reimbursed by such a sponsor as described here.

The details of this policy and all Court policies are subject to modification by the Court at any time as situations, standards, and legal requirements may change.