

NON-UNION PERSONNEL POLICY

ARTICLE VI. EMPLOYEE BENEFITS

SECTION 6.15 TRAVEL

Employees required to travel and/or use personal conveyances on official business for the County will be reimbursed for such expenses as food, lodging and transportation as may be incurred while on such official business of the County. Reimbursement for use of personal conveyance shall be set at such rate as may be set forth by County administrative regulations. Please refer to Administrative Regulation #4 Meal & Travel Allowance and Appendix G.



#4: Meal & Travel Allowance

I. PURPOSE

The purpose of this policy is to establish meal & travel reimbursement guidelines rates for County employees.

II. REQUIREMENT

Those employees who wish to attend a training/conference (in or out of state) that includes an overnight stay either before or after the training/conference, shall submit a Professional Development / Training request form as attached in Appendix G. A full estimate of cost shall be provided within the request form. Those employees who plan on traveling for training shall receive permission from their immediate supervisor and the County Manager or his/her/they designee. When a supervisor travels, assurances shall be made that the office will be covered by another supervisor during the travel period.

III. POLICY

Employees required to travel and/or use personal conveyances on official business for the County will be reimbursed for such expenses as food, lodging and transportation as may be incurred while on such official business of the County.

Meal expenses are divided between the following categories: Same Day, and In-State Multi-Day. Same day meal expenses are those that have been approved for one-day events, typically but not necessarily within the state of Maine. Multi-Day expenses are those that require an employee to spend multiple days outside of their normal work environment and seek outside lodging, and may or may not be located within the state of Maine.

The limits for expenses are as follows:

A. Same Day Meal Reimbursements (In-State or Out-of-State)

Same day meal expenses will have the following maximum allowances including all taxes and tips:

1. ~~Breakfast: \$12~~

2. Lunch: \$15~~20~~
3. Dinner: \$25~~30~~

The employee will be reimbursed by submission of itemized receipts. Non-itemized receipts will not be reimbursed by the County.

B. In-State Multi-Day Meal Reimbursements

Multi-day meal expenses will have the following maximum allowances including all taxes and tips:

1. Breakfast: \$15
2. Lunch: \$20
3. Dinner: \$30

The employee will be reimbursed by submission of itemized receipts. Non-itemized receipts will not be reimbursed by the County.

C. Out-of-State Multi-Day Meal Reimbursement

County employees in travel status on official county business are entitled to expenses of necessary travel, lodging and meals. They are allowed actual reasonable costs of travel and lodging. The Cumberland County is not responsible for hotel arrangements prior to a flight. Hotel reservations will only be paid for during the time of the conference/training.

A Daily Per Diem of \$65.00 is allowed for meals. The employee could choose between a flat rate per diem or a reimbursement of up to \$65.00 a day by submitting itemized receipts. Non-itemized receipts will not be reimbursed. Per Diem reimbursement will be made after the traveling has occurred.

All out of state travel and per diem must be authorized by the appropriate department head/supervisor, Deputy Manager or County Manager prior to departure.

~~C.~~ Personal Conveyance

~~Reimbursement for personal conveyance will be set at such rate as may be set forth by County Administrative Regulations.~~

D. The purpose of this policy is to provide clear directions on travel reimbursement for all County employees.

Mileage Reimbursement

Any employee requesting reimbursement for work-related travel must have prior approval from the Department Head and Commissioners. An employee who elects to use a private vehicle when a County-owned vehicle is made available by the

Department Head will not be eligible for reimbursement. Mileage reimbursement shall be at the standard mileage rate established by the IRS. Travel and Expense Forms are available on the County's Intranet.

In general, mileage will be reimbursed after your normal commute to work, regardless of the location of training. See "For a One Day Trip" for further explanation.

Commuting Time

The FLSA states that normal travel time from home to work is not work time and does not need to be compensated. For example, Patrol Deputies in Cumberland County who take their cruiser home with them and drive to their work location in their cruiser are not considered to be at work until they reach their assigned work location. It is my understanding that the CCSO considers a patrol deputy to be at work once he/she reaches their assigned area of work. If the employee is required to perform some work on the way to their assigned area, that time is work time and must be compensated. For example, if an employee lives in Saco and is assigned to work in Standish, the employee is not at work until he/she enters Standish. If the employee is required to perform some work prior to reaching Standish, the employee must be compensated for his/her time for performing that work. See 29 C.F.R. § 785.35. Further, as an illustration, if an employee finishes their work on premises at 5:00PM, is sent to another job that is completed at 8:00PM, and is required to return to the employer's premises at 9:00PM, all of that time is considered to be working time. However, if the employee goes home rather than returning to the employer's premises, travel time after 8:00PM is considered normal travel time from home to work and not considered to be hours worked.

Travel from Home to Work in Emergency Situations

When an employee is called out after completing their days' work and must travel a substantial distance to perform work for the employer, the employee is considered to be working once called out, so the travel time is considered work time. The FLSA takes no position on whether travel time from home to reach a regular place of employment outside of regular hours and travel back home is considered to be work time. See 29 C.F.R. §785.36. It is my understanding that the CCSO pays employees for their travel time if required to respond to a call outside of their normal working hours, so there is no issue under the FLSA.

Travel Home to Work on Special One-Day Assignment in another Location

Travel from home to a location that is different than the employee's regular work site is not ordinary travel to work time as the employer required the employee to undertake the travel. However, not all of the travel time must be considered to be work time. The amount of travel time the employee normally spends in commuting to work may be deducted from the travel time to the alternate work location and

additional travel time beyond the usual commute time is considered to be work time and must be paid. For example, if an employee who lives in Saco and is regularly assigned to work in Standish, is assigned to attend training at the Maine Criminal Justice Academy and the amount of time it generally takes for the employee to drive from home (Saco) to the work location (Standish) is 30 minutes, the employee is not entitled to be paid for the first 30 minutes of travel time to and from the MCJA. If the employee lives halfway between the MCJA and his/her regular work location, the employee would not be paid for travel time to attend the academy as the time to reach each place is the same. See 29 C.F.R. §785.37.

Overnight Travel

When an employee is required to travel overnight for the employer, the time the employee is traveling during normal working hours, including those hours on non-work days, is considered to be work time. Regular meal periods are not considered to be work time. However, time spent in overnight travel outside of regular work hours is not considered to be work time if the employee is a passenger on an airplane, bus, boat, plane or automobile. If an employee travels by plane to Washington D.C. to attend a meeting or training and travels on a day the employee is not scheduled to work, the travel time is not work time, but if it is a regularly-scheduled work day and the travel occurs during work hours, the travel time is work time. See 29 C.F.R. § 785.39.

Private Automobile Use For Travel Away from Home Community

If an employer offers public transportation to an employee for travel away from their home community, but the employee requests permission to drive their own vehicle instead, the employer may count as “hours worked” either the time spent traveling in the vehicle or the time the employee would have had to count as “hours worked” during working hours had the employee used the public transportation. See 29 C.F.R. 785.40.

E. Training Time

Employee attendance at training that is required by an employer is considered to be work time and must be compensated. Pursuant to 29 C.F.R. § 785.27, training time is not considered to be work time only when the following four criteria are met:

1. Attendance is outside of the employee’s regular working hours;
2. Attendance is in fact voluntary;
3. The course, lecture or meeting is not directly related to the employee’s job; and
4. The employee does not perform any productive work during such attendance.

Note that, for the purposes of the criteria above, attendance is not voluntary if it is

required by the employer, or if the employee is led to understand or believe that their present working conditions or continued employment would be adversely affected by nonattendance. Further, in determining whether training is directly related to an employee's job, the FLSA provides that training is directly related to an employee's job if it is designed to make the employee handle their job more effectively as distinguished from training an employee for a different job, or to a new or additional skill. See 29 C.F.R. §785.28 and 785.29.

An example of training time that would not be considered to be work time would be an employee who is taking courses towards earning an associate or bachelor's degree. The County may reimburse for some portion of the cost of the course, but the employee is not required by the County to take the courses.

Finally, note that travel time to attend training is governed by the above-referenced travel provisions. If an employee is traveling each day to training, then the employee is considered to be on a one-day assignment at another location.

F. Receipts (Non-Per Diem)

The County will reimburse employees for meals and lodging, as long as the employee submits a detailed itemized receipt showing purchased items. At no time will the County reimburse for alcoholic beverages.

A detailed original receipt, issued by the vendor must accompany each expense; summary invoices that only list totals and don't provide detail will not be accepted. The Travel and Expense Form must be submitted through Department Head/Supervisor to the Deputy Manager or County Manager Finance—Office for processing for reimbursement. Prior approval from the Commissioners is required if the above amounts are to be exceeded, and approval must be noted on the Travel and Expense Form.