

# STATE CONTROLLER GUIDANCE

## TRAVEL FREQUENTLY ASKED QUESTIONS

### **Purpose of Travel FAQs**

These FAQs supplement Fiscal Rule 5-1, travel related policies, and guidance. An employee should review Fiscal Rule 5-1, travel related policies, and any department or IHE travel policies for guidance. If an employee does not find an answer, then an employee should consult with the department or IHE controller or designative representative first. If there still is not an answer, an employee, department or IHE controller, or designated representative should email the question to the Financial Analysis and Reporting at [dpa\\_farmailbox@state.co.us](mailto:dpa_farmailbox@state.co.us).

### **Fiscal Rule 5-1 Travel:**

1. Authority
2. Definitions
3. Rule
4. Transportation Expenses
5. Travel Authorizations
6. Travel Advance
7. Travel Expenses
8. Non-Allowable Travel Expenses
9. Certification and Approval
10. Reimbursement Requirements
11. Payment of Travel Expenses
12. Special Situations
13. Per Diem Rates – Meals and Incidental Expenses

### **Flexible Work Arrangements Fiscal Policy**

1. Definitions for Occupational Privilege Tax, Hybrid Workplace, Remote Workplace, and State Workplace.
2. Tables for employee reimbursement, State agency purchases for employees, employee payroll deductions, and employee wages and salaries.
3. Explanations of terms in the tables and requirements for requesting and reporting for employees working out-of-State.

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## **Mileage Reimbursement Policy**

1. References to mileage reimbursement rates, reimbursement for 2WD and 4WD and calculation of mileage reimbursement for mileage reimbursement:
2. Includes three tables:
  - a. Employees who have a Regular Work Location
  - b. Employees who do not have a Regular Work Location and the employee's job duties can be performed at any location.
  - c. Employees who do not have a Regular Work Location and the employee's job duties can be performed only in a particular geographic area and the employee was hired to perform those work duties in that geographic area.

## **Travel Guidance**

1. Provides State Controller guidance to clarify Fiscal Rule 5-1 Travel
2. Agencies can develop their own policies based on the Travel Guidance

## **Taxability of State Travel Reimbursements Technical Guidance**

1. Tax issues related to reimbursement for State travel, transportation, and commuting costs
2. Travel vs. Transportation vs. Commuting Graphic

## **Workplace Flexible Work Arrangements Fiscal Policy**

Q: How do you define available workplace?

A: A cube or office whether or not it is dedicated to an employee. Workplace includes hoteling.

Q: Can you address hoteling space?

A: Hoteling is a flexible way of reserving workspace at a State workplace for a specific period.

Employees reserve a workspace but do not have an assigned workspace.

Q: Does putting an employee's classification of remote, hybrid, or State workplace on a job description make any difference?

A: Classification resides in CPPS, and is used for occupational privilege tax (OPT). An Appointing authority determines employee's work location. For instance, the Office of the State Controller's work location is 1525 Sherman, Denver. This is independent from an employee's classification of remote, hybrid, or State workplace.

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Q: If there is hoteling does that mean there is possibly available space for all?

A: No, there does not need to be sufficient workspace for all employees to occupy the State Workplace at the same time.

Q: With hoteling does that mean there would need to be "assigned" hoteling spaces to meet the Hybrid designation?

A: No, space does not have to be specifically identified, as long as employee has a workspace.

Q: If an employee's residence is located in Grand Junction and our offices are in Denver and has an available workspace, would the employee be Hybrid?

A: Yes, the employee would be Hybrid.

Q: Employee was hired in Grand Junction and the department closed Grand Junction office, but have office in Denver. What is the classification of the employee for the Flexible Work Arrangements Policy?

A: If the employee's office in Grand Junction closed, and the employee has a State Workplace in Denver, then the employee would be Hybrid.

Q: As part of that Remote guidance provided to DPA Division of Human Resources (DHR), were there more than one kind of "remote" discussed? For example, Remote/Regional (works out of car), Remote/Reduce State Carbon Footprint, and Remote/on a FWA?

A: When OSC and DHR developed their flexible work arrangements policies, we were finding our way, and we had a number of versions of the Universal Policy and Fiscal Policy There is now only one kind of remote employee.

Q: With the definition of available workspace so broad, e.g., the space does not have to be assigned to an employee, it makes it hard to designate someone as remote. We almost have to say that the open space in the office is not available to them in order to justify the remote designation.

A: That is correct, to be remote the employee would not have a workspace in a State Workplace and this would be included in the agency's facility space plan developed with the Office of the State Architect.

### **Metropolitan Area Fiscal Rule 5-1, §2.18**

Q: Is travel within the Metropolitan Area reimbursable?

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A: An employee could be reimbursed for transportation expenses (mileage) within the metropolitan area in accordance with the Mileage Reimbursement Policy. An employee would not be reimbursed for travel expenses because the employee is not Traveling Away from Home.

Q: How does the State define the Metropolitan Area?

A: The Metropolitan area is a mileage radius of 50 miles within the physical location of the Employee's Regular Work Location.

Q: If an employee is required to attend a conference or work retreat within the employee's Metropolitan Area would the employee be reimbursed for travel expenses?

A: No, because the employee is not Traveling Away from Home.

Q: Even if there is inclement weather?

A: The employee would not be reimbursed for travel expenses because the employee is not Traveling Away from Home.

Q: What if the employee travels outside the Metropolitan Area and there is inclement weather?

A: In this case, an agency may reimburse the employee for travel expenses. See FAQs on Extended Workday.

Q: Does the 50-mile metropolitan area apply "as the crow flies" when actual miles driven could be greater such as in mountainous terrain?

A: The 50-mile metropolitan area applies "as the crow flies." Actual miles driven are reimbursable as outlined in the Mileage Reimbursement Policy.

### **Extended Workday – Fiscal Rule 5-1, §2.34**

Q: What is the basis for using 14 hours as the extended workday?

A: 14 hours is the minimum extended workday. There are legal cases where the Tax Court held that a single workday could be as long as 18 hours. A variety of State Agency and IHE business scenarios were considered in conjunction with Tax Court rulings to arrive at a 14 hours as the standard threshold for an extended work day.

Q: Can a State Agency or IHE adopt a different extended workday?

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A: A State Agency or IHE may adopt a longer extended workday beyond 14 hours, but should only adopt a shorter extended workday to address specific and unique departmental scenarios to minimize the risk of non-compliance with IRS guidance.

Q: What tasks are included in the extended workday?

A: For purposes of defining an extended workday, a workday includes travel, work time, attendance at meeting or conference, break time (same time that employee would take if employee were not traveling).

Q: When can a State Agency or IHE reimburse a Traveler for meals and hotel accommodations when on an extended workday?

A: See Fiscal Rule 5-1 §2.38.

- a. A Traveler who has a Regular Work Location is Traveling Away from Home if:
  1. The Traveler's duties require the Traveler to be away from the Traveler's Regular Work Location substantially longer than an ordinary day's work (see Travel Guidance); and
  2. The Traveler needs to sleep or rest to meet the demands of the Traveler's work while away from the Traveler's Regular Work Location, and the Traveler stays overnight; and
  3. The Traveler is performing duties at a location that is outside the Traveler's Metropolitan Area.
- b. A Traveler who does not have a Regular Work Location is Traveling Away home if:
  1. The Traveler's duties require the Traveler to be away from the Traveler's Residence substantially longer than an ordinary day's work (see Travel Guidance); and
  2. The Traveler needs to sleep or rest to meet the demands of the Traveler's work while away from the Traveler's Residence and the Traveler stays overnight; and
  3. The distance between the Traveler's Residence and the location where the Traveler is performing duties is greater than 50 miles.

Examples:

1. Employee is required to travel outside the Metropolitan Area for 11.5 hours. Employee takes a one hour break so total hours are 12.5 hours. Employee has not met the 14-hour test. If the employee stays overnight, the hotel accommodation is a personal expense.
2. Employee works within the Metropolitan Area for 14.5 hours. Employee has not met the test of working outside the Metropolitan Area. If the employee stays overnight, the hotel accommodation is a personal expense.
3. Employee is required to travel outside the Metropolitan Area for 12 hours. Due to projected weather forecast of heavy snow during the return trip home, the employee estimates that it will

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take longer than 2 hours to return home. If the employee stays overnight, a State agency may reimburse the employee for meals and hotel accommodations.

### **Transportation – Fiscal Rule 5-1 §4**

Q: When can an employee be reimbursed for parking?

A: An employee can be reimbursed for the cost of parking in situations where an employee can be reimbursed for mileage.

Q: Can a department set a minimum dollar threshold for mileage reimbursement?

A: Yes, a department may set a minimum dollar threshold for mileage reimbursement.

Q: An employee's normal work location is in downtown Denver and the employee is assigned to work temporarily to Ft. Logan. If the distance from the employee's home to Fort Logan is shorter than the employee's normal commute to downtown Denver, is the employee reimbursed for mileage to the temporary work location in Ft. Logan?

A: No, under the State Controller Policy "Mileage Reimbursement", the employee would not be reimbursed for mileage in situations where travel from an employee's home to the temporary work location is shorter than the distance from the employee's home to the normal work location.

Q: Employee's Residence is Aurora and employee's Regular Work Location is Denver. The State Agency assigns the employee to a Temporary Work Location in Lakewood, and the employee does the same work he/she did at the Denver location. Lakewood is within the Denver Metropolitan Area. If the employee travels directly from the Employee's Residence to the Temporary Work Location in Lakewood, is the employee reimbursed?

A: Under the State Controller Policy entitled "Mileage Reimbursement" an employee will be reimbursed to the extent the number of miles between the Employee's Residence and the Temporary Work Location exceeds the normal commuting miles from the Employee's Residence to the employee's Regular Work Location. In this example, the distance from the Employee's Residence in Aurora to the Temporary Work Location in Lakewood is 24 miles. The distance from the Employee's Residence in Aurora to the Regular Work Location in Denver is 15 miles. The distance to the employee's Temporary Work Location exceeds the distance to the employee's Regular Work Location by 9 miles. The agency would reimburse the employee for the cost of this travel (9 miles multiplied by the 90% of the prevailing IRS mileage rate provided in A-9-104(2)).

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Q: What is the mileage reimbursement for driving to/from the Employee's Residence to the office to pick up a state fleet vehicle that is located at the office or in the state motor pool office, which is a few blocks from the office?

A: Because the mileage for picking up the vehicle is the same or about the same as commuting mileage, an employee would not receive mileage reimbursement in this situation.

Q: What if the employee picked up the vehicle and continued to a conference in the employee's personal vehicle?

A: In this case, the employee is driving the employee's personal vehicle and would be reimbursed for mileage from the employee's Regular Work Location to the conference location.

Q: What if the employee picks up a State vehicle on a non-work day, such as a weekend?

A: The time the employee picks up a vehicle does not affect whether the employee eligible for mileage reimbursement.

Q: What if the employee travels to the airport on a non-workday, such as a weekend?

A: Mileage reimbursement would be the same for traveling to the airport on a non-workday as on a workday.

Q: Do we normally use the two-wheel rate? In which situation should we use the four-wheel rate?

A: See Mileage Reimbursement Policy, Section 4.c.

Q: Can you explain "Temporary Work Location"?

A: A Temporary Work Location is a location where employment is expected to continue, and does continue, for one year or less that is not the Traveler's Regular Work Location. A Traveler works in a Temporary Work Location at the direction of Traveler's Appointing Authority to complete temporary State Business. See Fiscal Rule 5-1, §2.31.

Q: For employees who were hired as Remote/Regional (working out of car) and were required to go to the Denver Metro area for a conference or training would Denver be considered a "Temporary Work Location"?

A: No, a conference or training is not a temporary work location. Travel in this situation is commuting and is not reimbursable. The agency would need to assign the employee to a location that meets the definition of a temporary work location.

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Q: Can a conference within the State be a temporary work location?

A: No, a conference is not a temporary work location.

Q: If employees working in a Remote Workplace travel from their home to the office location for training, is the employee reimbursed for mileage?

A: See State Controller Policy Mileage Reimbursement.

Q: If an employee works in a regional office and the agency assigns the employee to a temporary work location, would the employee be reimbursed for travel expenses?

A: See State Controller Policy Mileage Reimbursement.

Q: To clarify, for travel to non-work locations (temporary, conference, training, etc.) do employees need to subtract the mileage from the Employee's Residence from all mileage reimbursement requests?

A: See State Controller Policy Mileage Reimbursement.

Q: Will mileage be reimbursed between employee residence and airport?

A: See State Controller Policy Mileage Reimbursement.

Q: Do employees need to subtract commuting miles from travel to the airport?

A: See State Controller Policy Mileage Reimbursement.

Q: Does an agency have the option to define commuting miles for their department? For example, can an agency say that 35 miles is considered normal commuting miles?

A: No, an agency must follow the State Controller Policy Mileage Reimbursement.

Q: Employee is working from home, and has to travel to a work meeting at location due to monitoring of a facility. The meeting location is closer to employee's home than office. Can employee get reimbursement for mileage?

A: An employee would be reimbursed for mileage in accordance with the State Controller Policy Mileage Reimbursement.

Q: When is an employee able to use personal vehicle to conduct state business? I thought they had to use a fleet vehicle.



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A: The preference is always to use a State fleet vehicle if available, but an employee may use a personal vehicle in situations where this makes the most business sense. See FAQs on Auto Rentals.

Q: Can an employee be reimbursed for the cost of using a ride share such as Uber or Lyft?

A: Yes, an employee can be reimbursed for the cost of using a ride share such as Uber or Lyft, provided the employee has no other reasonable alternatives for transportation under the circumstances and this is not for commuting. If the employee has other reasonable alternatives for transportation under the circumstances, then the employee should use those alternatives. If the employee uses a ride share and no other reasonable alternatives are available, then a State agency may reimburse an employee for the use of a ride share. The ride share cost should be the most economical means of transportation. A State agency shall not be reimburse an employee for the use of a ride share for commuting

Q: Can an employee be reimbursed for the cost of using ride share from the employee's residence to a State workplace or to a State Fleet facility to pick up a State Fleet vehicle?

A: No, the employee would not be reimbursed for these costs. Travel from an employee's residence to a State workplace or a State Fleet facility is not reimbursable if an employee uses a personal vehicle or if the employee uses ride share.

Q: Are generic taxis considered a reasonable alternative such that employees are directed to use a taxi rather than a ride share?

A: Employee should utilized the most economical means of transportation.

Q: Can an employee who has received an approved ADA accommodation to use a ride share service from their Human Resources ADA Coordinator, be reimbursed for use of a rideshare such as Uber or Lyft?

A: Yes, and a State Agency can reimburse the employee with an approved ADA accommodation for the use of a ride share such as Uber or Lyft.

Q: What is the reimbursement rate when an employee uses a ride share service?

A: For employees either with or without ADA accommodation, an agency should reimburse employees based on the cost of the ride share.

Q: Can an employee be reimbursed for the use of a ride share when traveling outside the Metropolitan Area?

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A: Yes, these expenses would be part of travel expenses and would be allowable using the same criteria for traveling within the Metropolitan Area.

Q: Is an employee covered for insurance when using a ride share such as Uber or Lyft?

A: There is case law that Uber and Lyft must insure and cover their drivers. Because of this insurance, the State Office of Risk Management has determined that an employee can use Uber or Lyft.

Q: For ride shares, is the priority pickup (added fee) and reservation fee reimbursable?

A: These fees would be reimbursable provided there is a business reason for incurring these fees.

Q: What are the guidelines for tips for commercial transportation?

A: Fiscal Rule 5-1, §7.9 provides that tips for commercial transportation, such as taxi or shuttle drivers, shall be reimbursable as part of and shall be included in the cost of the transportation. Recommended tips for rideshare and taxi drivers are 10% to 15% with 15% as the maximum reimbursement amount.

Q: Is the cost of an RV rental reimbursable?

A: No, the RV rental cost is not reimbursable. If the employee uses their Personal RV parks the RV on a campsite, then the employee may be reimbursed for parking, provided there is a business reason for using the RV.

Q: If CPS provides seasonal/temp employees to live in a State park, can the cost of the rental of the RV lot for months be reimbursed? Is there any time limit?

A: The cost of the rental of the RV lot can be reimbursed provided the rental is for a State Purpose. The reimbursement period must be concurrent with the duration of the temporary assignment.

Q: Can the State pay the RV park directly for the RV lot rental or would the employee need to pay up front and request travel reimbursement?

A: This depends on the agency's policy, but regardless of the reimbursement process, the agency's procurement staff should review the rental agreement.

Q: Is traveling from an Employee's Residence to a State Workplace reimbursed?

A: No, this is commuting and is not reimbursed.

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Q: A conference or meeting is held at a State Workplace in the Denver Metropolitan Area. One employee lives in the Metropolitan Area and a second employee lives outside the Metropolitan Area. How is mileage reimbursement handled?

A: See State Controller Policy Mileage Reimbursement.

Q: If a conference is at a State Workplace that is 100 miles away from my regular office, there is no mileage reimbursement?

A: See State Controller Policy Mileage Reimbursement.

Q: An employee lives in Fort Collins, is a hybrid employee with a State Workplace in Denver, but drives in their personal vehicle from Fort Collins to Grand Junction State Office for a meeting. Can we reimbursement for mileage to Grand Junction minus miles from Fort Collins to Denver:

A: See State Controller Policy Mileage Reimbursement.

Q: An employee has a State Workplace in Denver and either drives to that location and then drives to another State Workplace in Pueblo or drives directly from the Employee's Residence to another State Workplace in Pueblo to carry out employee's duties such as conducting inspections or providing oversight of staff at other locations. Does the employee receive mileage reimbursement?

A: See State Controller Policy Mileage Reimbursement.

Q: CDE has employees who were hired in Pueblo, Steamboat Springs, and Grand Junction to visit school districts in these areas. Sometimes they come to Denver to swap out IT equipment of meet with CDE staff. Are their miles to Denver reimbursable?

A: See State Controller Policy Mileage Reimbursement.

Q: What about new hires who come into the office for the first time for their orientation and live outside the Denver Metropolitan Area.

A: See State Controller Policy Mileage Reimbursement.

Q: In the Mileage Reimbursement Policy, what is the difference between travel to a State Workplace (employee's regular work location/employee's agency work location) in scenario .1 and travel to conferences, meetings, training sessions and other business related activities (scenarios .6, .7, and .8)?

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A:

1. Scenario X.1 applies to situations where an employee travels to a State Workplace (employee's regular work location/employee's agency work location) and performs the same job duties that the employee performs while working remotely.
2. Scenarios X.6, X.7, and X.8 apply to situations where an employee travels to conferences, meetings, training sessions and other business-related activities. Scenario X.6 includes travel to a State Workplace within the Metropolitan Area, Scenario X.7 applies to travel to a State Workplace outside the Metropolitan Area, and Scenario X.8 applies to travel to a non- State Workplace.

Q: What scenario applies to a new hire who comes to a State Workplace to pick up computer equipment?

A: A new hire who travels from the employee's residence to a State Workplace to pick up computer equipment would be included in Scenario X.1.

Q: If an employee with a regular work location meets at an offsite location near the office, then drops by the office, is mileage reimbursable because the meeting was at an offsite location?

A: If the meeting could be held at the office location, mileage is deemed a commute and not reimbursable.

Q: An employee works in Grand Junction, and there is a regional office in Grand Junction. Can the employee be reimbursed for mileage to travel to the Denver headquarter location?

A: It depends. If the employee's regular agency work location is Denver, mileage is not reimbursable as commuting mileage. If the employee's regular agency work location is Grand Junction, mileage is reimbursable to Denver less commuting mileage as defined in the Mileage Reimbursement Policy. Lastly, if the requirements for traveling away from home are met (workday is 14 hours or greater and the traveler requires rest), mileage and other travel costs are reimbursable.

## **Traveling Away from Home – Lodging - Fiscal Rule 5-1, §2.38**

Q: How many miles does an employee have to travel, for travel that is planned within a single day, before being allowed reimbursement for lodging?

A: The number of miles is not the determining factor regarding whether an employee is reimbursed for hotel accommodations for travel that is planned within a single day. See Travel Guidance §4.

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Q: How long does a meeting, including travel to a meeting, need to be in order to be reimbursed for hotel accommodations?

A: For travel in a single day, at least 14 hours. See Travel Guidance §4.

Q: How many miles does an employee have to travel to be reimbursed for lodging the night before a conference?

A: Generally, 50 miles.

Examples:

1. Employee travels less than 50 miles to a three-day conference. Employee travels to the conference location on the day prior to the start of the conference and stays overnight at a hotel. There are no extenuating circumstances. If the employee stays overnight, the lodging expense, as well as any other expenses incurred the day before travel such as meals and incidentals, is a personal expense. See Travel Guidance §9.
2. Same facts as example e.4.a. except that the employee travels 60 miles to the conference location. In this case, the State would reimburse the employee for lodging expense and other travel expenses
3. Same facts as in example e.4.a, except that snow is predicted on the first day of the conference and the employee's Approving Authority approves the employee to stay overnight due to extenuating circumstances. In this case, the State could reimburse the employee for lodging expense and other travel expenses. See Travel Guidance §9.
4. Same facts as in example e.4.1 except the employee is required to travel to the conference the night before to set up for the next day. In this situation, the employee has a business purpose for traveling to the conference the night before and the employee would be reimbursed for lodging expense and other travel expenses, as well as any other expenses incurred after beginning travel to the conference location, including meals and incidentals.
5. Employee travels to a two-day conference outside the Metropolitan Area that is 6 hours each day and the travel time is 2 hours. This is a multiple day conference. The State Agency would pay for lodging on the first night and other travel expenses for the trip.
6. An employee has training all week, as well as Friday from 8 am to 5 pm, and a drive home of five or more hours. Because the total hours are more than the 14 hours for the day, under State Controller Travel Guidance §4, the employee would be reimbursed for travel expenses on the last night of training.

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7. Same facts as in example e.4.f, except the training is for two weeks. The training begins at 8 am on Monday for the second week, so the employee stays overnight on Saturday and Sunday. If the cost of staying over Saturday and Sunday is less than the mileage reimbursement had the employee traveled home for the weekend, the State may reimburse the employee for lodging as well as other travel expenses for Saturday and Sunday.

Q: Can the State pay lodging expenses for employees who are performing research in remote areas of the State?

A:

1. For employees hired specifically for the research project and are located at the site, and this is not a temporary assignment, the answer is no.
2. For employees that were hired to work at a main place of business with a temporary assignment to work in another location where it is not practical to return to their tax home at the end of the day, the answer is yes. These employees would be eligible for reimbursement of per diem, mileage, and lodging.

### **Commercial Lodging – Fiscal Rule 5-1, §2.16**

Q: Are short-term rentals considered commercial lodging?

A: No. Fiscal Rule 5-1 definition of Lodging does not include short-term rentals. State Agencies and IHEs cannot reimburse for use short-term rentals

Q: Why are short-term rentals not allowed?

A: Companies that provide short-term rentals include terms in their contracts that the State cannot sign, so that the employee would need to contract with these companies and obtain reimbursement from their agency. This practice exposes employees to liability that the State cannot accept.

Q: When did this short-term rental exclusion officially start?

A: Travel Guidance was issued 7/1/2022 and clarified that short-term rentals are not allowed.

Q: Are RV lots considered commercial lodging?

A: Yes, RV lots and commercial campsites are considered commercial lodging

Q: My understanding is that short-term rentals do have liability insurance, like hotels.

A: Terms vary with each homeowner and include terms that are unacceptable to the State.

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Q: What would be the alternative for employees who are traveling to remote areas with no commercial lodging available?

A: The agency would ask for a fiscal rule waiver.

Q: DNR has a number of circumstances when people may need to stay at an Airbnb even though the temporary work assignment is only say 20 miles away. Extreme terrain where the employee would be taking unnecessary moderate risks (example mountain passes in winter months, forest roads during mud season, etc.)

A: DNR can ask a fiscal rule waiver to address these situations.

Q: Many of the Airbnb's and VRBO's are purchased and set up as a business for income and are required to pay taxes, etc. Would this make them commercial lodging?

A: No, definition of Commercial Lodging includes hotels, motels, and other suites owned and operated by a commercial business. For example, other suites this would include Home Suites.

Q: If an agency hires consultants to oversee projects and they are staying in either an Airbnb or VRBO, would we be able to reimburse them for that lodging?

A: Contractor travel costs should be included in the contract, and should not be reimbursed separately.

### **Auto Rentals – Fiscal Rule 5-1, §7.6**

Q: When should an employee use a State fleet vehicle instead of a personal vehicle?

A: The preference is always to use a State fleet vehicle if available, but an employee may use a personal vehicle in situations where this makes the most business sense. State Office of Risk Management (SORM) recommends that prior to using a personal vehicle for state business, the driver contact their personal auto insurance carrier to verify coverage for work related travel. Some carriers require notice of the business use, or may discuss other insurance options to ensure coverage in case of an accident. In the event of an accident while on state business in a personal vehicle, the employee should immediately notify their personal auto insurance carrier, and must notify their supervisor for workers' compensation purposes.

Q: What happens if a state employee is involved in an automobile accident while on State business?

A: If the employee is in a personal vehicle:

1. Any bodily injury to the state employee arising from the accident must be reported as a workers' compensation claim.

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2. SORM cannot cover damage to the state employee's personal vehicle in the event of an accident while the vehicle is being used for state business, nor does SORM cover damage to the other vehicle, to the driver or occupants of the other car, or to any third party or their property.
3. Instead, if the state driver is liable, the state employee is responsible for any liability property damage claims related to the accident, including those to the "other car," its driver/occupants, and to third parties. The employee is encouraged to file a claim with their automobile insurer.

Q: If an employee has an accident in their personal vehicle while traveling for work purposes, is there any liability to the State or does the employee assume all liability?

A: When driving for work purposes in their own vehicle, the employee's personal auto liability insurance would be primary and the State would be excess above that if needed. The State does not contribute anything to costs associated with damage to the employee's personal vehicle.

Q: If an employee decided not to use a State fleet vehicle and must carry additional insurance on a rental car, is that additional insurance on the rental car reimbursable?

A: If there is a business purpose for the use of a rental vehicle rather than a State fleet vehicle, and the purchase of additional insurance is required by SORM, then the cost of the additional insurance is reimbursable. [See State Vehicle User Guide](#)

### **Payment of Travel Expenses Fiscal Rule 5-1, §11**

Q: Can a State Commercial Card be used to pay for travel for contractors?

A: No, per Fiscal Rule 5-1, §11. The State Commercial Card is intended to be used only for travel by State employees. A State Agency or IHE should reimburse contractors for travel in the same way a State Agency or IHE reimburses the contractor for project expenses.

Q: Can a State Commercial Card be used to pay travel expenses for board members and other non-state employees who are not contractors?

A: A State Agency's or IHE's controller may identify certain limited situations where a State Agency may use a State Commercial Card to pay expenses of non-State employees, but should consider risk/liability issues when considering exceptions.

Q: I was notified by a restaurant that our tax-exempt certificate number does not match the number on our commercial card. Which tax-exempt number is correct?

A: Could be either. When the CCard program was implemented, agencies were asked to include their FEIN if they have unique FEIN. If you agency has a mismatch, your agency should contact your CCard program administrator.



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Q: Can a CCard be used to pay for conference fees?

A: Yes, as long as the agency uses the correct card to pay for conference fees – One card or Travel Card. Agencies should be sure that the conference removes taxes for the fees.

Q: What is the OSC's position on signatures on travel and transportation reimbursement forms? With so many employees not in offices regularly, it is hard to get wet signatures and not all staff have Adobe Pro.

A: In this situation, the OSC suggests that the employees use Basic Adobe, which includes set up of digital signatures.

Q: Can an agency attach a PDF of an e-mail approving the form?

A: This depends on your agency's policies.

Q: Can contractors be reimbursed separately for meals and lodging?

A: No, these costs should be included in the contractor's quote.

## **Timeliness of Request for Reimbursement Fiscal Rule 5-1, §11.1**

Q: Is a travel reimbursement request presented between 61-90 days taxable to the employee if reimbursed?

A: IRS Publication 463 considers reimbursement under an accountable plan nontaxable if timely. The IRS generally considers 60 days to be timely; however, that is dependent on circumstance. If a traveler can demonstrate that the request was made timely under the circumstances, the reimbursement is nontaxable to the employee. Otherwise, the reimbursement should be treated as taxable income and reported on the employee's W-2.

## **Travel within a Single Day (Fiscal Rule 5-1, §8)**

Q: Employee travels to different locations for a State Business and completes the travel in a single day and returns home even though the employee worked over 14 hours. What expenses should be reimbursed?

A: Presently, State agency shall reimburse the employee according to Fiscal Rule 5-1, §13.1 and the table included in §10 of Travel Guidance. For FY24, the OSC will revised this fiscal rule to not allow for reimbursement for meals for travel in a single day to comply with IRS regulations.

Q: Going back to taxability of meals - Want to confirm that the amount taxed is based on the per diem rate as opposed to actual cost of a meal?

A: Presently, Fiscal Rule 5-1 allows for reimbursement for meals for travel in a single day. In that case, the per diem rate would be used for taxability. For FY24, the OSC will revised this fiscal rule to not allow for reimbursement for meals for travel in a single day to comply with IRS regulations.

## STATE CONTROLLER GUIDANCE

Q: Can lunch be reimbursed when traveling in a single day?

A: No, lunch cannot be reimbursed when the employee is traveling in a single day. Lunch can be reimbursed when an employee is Traveling Away from Home. See IRS Publication 463. The IRS has not changed the regulations on meal reimbursement. The State is aligning the fiscal rules to IRS regulations.

Q: We have inspectors who travel in the vehicles within a single day and now they will not be able to be reimbursed for meals?

A: Yes, this complies with IRS regulations.

### Additional Questions

Please send additional questions to [dpa\\_farmailbox@state.co.us](mailto:dpa_farmailbox@state.co.us)



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