

Chapter 292

(Partial)

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Subsistence and Mileage Allowances For Travel by State Officers and Employees

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STATE OFFICER AND EMPLOYEE TRAVEL ALLOWANCES

292.210 Definitions for ORS 292.210 to 292.230. As used in ORS 292.210 to 292.230, unless the context otherwise requires:

(1) "State agency" has the same meaning as provided in ORS 291.002.

(2) "State officer" means any elected or appointed state officer, including members of boards and commissions. [Amended by 1953 c.623 §3; 1971 c.153 §1]

292.220 Department to regulate subsistence and mileage allowances for travel; rules. The amounts and nature of subsistence allowances for travel, and the rate of mileage allowance for travel by private automobile, payable by state agencies, shall be established and regulated by the Oregon Department of Administrative Services within any limits that may be prescribed by statute. The department shall prescribe by rule the conditions under which allowances for travel by private automobile may be made. [Amended by 2005 c.22 §215]

292.230 Policy on out-of-state travel; guidelines; use of travel awards; rules. (1) It is the policy of the state that all out-of-state travel by state agency personnel shall be allowed only when the travel is essential to the normal discharge of the agency's responsibilities. Out-of-state travel shall be conducted in the most efficient and cost-effective manner resulting in the best value to the state. The travel must comply with requirements of rules adopted under subsection (5) of this section. State agencies shall adhere to the following guidelines when using out-of-state travel:

(a) All out-of-state travel must be for official state business.

(b) Use of out-of-state travel must be related to the agency's scope of responsibilities.

(c) Each state agency is charged with the responsibility for determining the necessity and justification for and method of travel.

(d) Each state agency shall make every effort possible to minimize employee time spent on out-of-state travel.

(2) Notwithstanding any other law, including but not limited to ORS 243.650 to 243.782, it is the policy of the state that travel awards earned while conducting state business shall be used to reduce the costs of state travel expenses except as otherwise required as a prerequisite to receipt of federal or other granted funds. The use of travel awards obtained while conducting state business for personal travel constitutes personal gain from state employment and violates ORS 244.040.

(3) The Oregon Department of Administrative Services shall work with commercial

airlines to make travel awards available to the state rather than individual employees.

(4) Notwithstanding subsection (5) of this section, each state agency shall manage all travel awards earned by personnel employed by them who travel for the state. Agencies shall establish procedures in accordance with Oregon Department of Administrative Services rules to monitor the earning and use of awards by individual employees.

(5) The Oregon Department of Administrative Services shall adopt by rule standards regulating out-of-state travel including but not limited to:

(a) Limiting the number of officers and employees who may attend the same meeting;

(b) Requiring state agencies to establish practices for travel that are consistent with the agency's resources;

(c) Requiring agencies to develop information sharing for reporting and other aspects that have benefits to more than one agency;

(d) Developing telecommunication resources to be used in lieu of travel;

(e) Requiring agency administrators or their designees, as designated in writing, to approve out-of-state travel; and

(f) Setting up procedures to audit agency use of travel and travel awards including appropriate sanctions for misuse.

(6) As used in this section:

(a) "Official state business" means activity conducted by any agency personnel that has been authorized by that agency in support of approved state programs.

(b) "Out-of-state travel" means all travel from a point of origin in Oregon to a point of destination in another state and return therefrom.

(c) "Travel award" means any object of value awarded by any business providing commercial transportation or accommodations to an individual or agency which can be used to reduce the cost of travel including, but not limited to, frequent flier miles, discounts or coupons. [Amended by 1993 c.750 §1]

292.250 Reimbursement for use of privately owned motor vehicle on official business. (1) No person shall be reimbursed by the state for the use on official or state related business of a privately owned motor vehicle at a rate to exceed the rate established and regulated by the Oregon Department of Administrative Services. Reimbursement shall be paid only for distances actually traveled and trips made in the performance of official or state related duties.

(2) The rate prescribed in subsection (1) of this section shall be deemed to be in full compensation for all and every expense, charge or liability incurred through the use of the privately owned motor vehicle, including the cost of gasoline, oil, repair parts, depreciation, taxes, insurance and maintenance and upkeep of every kind and nature.

(3) No law enacted before August 2, 1951, allowing the recovery by any person of necessary and reasonable traveling expenses incurred in the performance of official duties shall be construed to authorize payment by the state for the use of a privately owned motor vehicle on a basis in excess of the rate provided in subsection (1) of this section. [Amended by 1965 c.8 §1; 1971 c.153 §2; 1971 c.244 §1; 1973 c.224 §1; 1974 c.10 §1; 1975 c.525 §1; 1979 c.179 §1] §6]

292.280 Advance for expenses of travel and subsistence. Notwithstanding ORS chapters 291, 292 and 293, any officer or employee of any state agency may receive an advance for approved necessary expenses of travel and subsistence arising out of official duties or employment, in the manner provided in ORS 292.286 and 292.288. [1955 c.765 §1; 1973 c.158 §1]

292.286 Approval of advance by agency head; payment; rules. (1) Any officer or employee of a state agency who desires a cash advance for the expenses of travel and subsistence arising out of official duties or employment shall file a written request for the approval of such advance with the administrative head of the state agency by which the officer or employee is employed.

(2) The administrative head of the state agency by which the officer or employee requesting the advance is employed shall forward a copy of the written approval to the official authorized to disburse funds of such agency. The advance shall be paid from funds available to the agency for the payment of claims.

(3) The Oregon Department of Administrative Services shall make rules setting forth procedures for request and disbursal of travel advances provided in ORS 292.286 and 292.288. [1955 c.765 §3; 1971 c.244 §3; 1973 c.158 §2; 1993 c.18 §57; 2005 c.22 §216]

292.288 State claim on advances. The state shall have a prior claim against and a right to withhold any and all funds payable, or to become payable, by the state to any officer or employee up to the amount of such advance. [1971 c.244 §5]
