

Rules of the Prosecuting Attorneys' Council of Georgia

Chapter 6

Reimbursement of Official Travel Expenses¹

Part 1.

General Provisions

6.1. Authority. These travel regulations are adopted pursuant to O.C.G.A. §§ 15-18-12, 15-18-19(c), 15-18-42(c), 15-18-45, 45-7-29, 50-5B-5 and 50-19-7.

6.2. Application.

(a) Unless otherwise specifically stated herein, these travel regulations apply as follows to:

(1) District Attorneys' Offices.

(A) The district attorney and state-paid personnel appointed by a district attorney pursuant to O.C.G.A. §§ 15-18-14, 15-18-14.1 15-18-14.2 or 15-18-17, as amended, may be reimbursed by the Council for expenses incurred in the performance of official duty as provided in Part 2.

(B) State-paid, county-reimbursed (SPCR) personnel are eligible for reimbursement of official expenses under Part 2 only if the terms of the contract between the Council, the district attorney and the governing authority of the county or municipality specifically provides for such personnel to be reimbursed by the Council and the Council is reimbursed by the governing authority or by the district attorney's office from budgeted funds or such other funds as may be available to the district attorney for such purposes.

(C) Employees of a district attorney who are compensated by the governing authority of one or more counties within a judicial circuit are not eligible for reimbursement by the Council for expenses incurred in the performance of official duties. Reimbursement of expenses incurred in the performance of official duty is the responsibility of the county. See O.C.G.A. § 15-18-20. If funds are available, the Council may provide reimbursement of certain expenses incurred by non-state paid employees of district attorneys in conjunction with attendance at approved basic and

¹ This Chapter entitled "Travel Regulations" was originally approved by the Prosecuting Attorneys' Council of Georgia on June 14, 1996 and superseded the Travel Regulations previously adopted by the Council on March 11, 1996. The current Rule which replaced in its entirety the Rules adopted on June 14, 1996, was approved by the Council on June 17, 2013, and ratified by the District Attorneys on July 22, 2013. It applies to all travel or expenses incurred on or after July 1, 2013,

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continuing education programs conducted or approved by the Council pursuant to O.C.G.A. § 15-18-75. Such reimbursements are subject to the limitations in Part 3.

(2) District Attorney Pro Tempore Appointed by the Attorney General.

- (A) When a district attorney is designated as district attorney pro tempore in place of the district attorney for another judicial circuit pursuant to O.C.G.A. § 15-18-5, he or she and any state-paid personnel designated by the district attorney to handle the case or cases in the other circuit may be reimbursed by the Council for official expenses incurred in the performance of official duty as provided in Part 2. Non-state paid personnel must be reimbursed by the county in which the case or cases are pending as provided by O.C.G.A. § 15-18-5(e).²
- (B) When a solicitor-general is designated as district attorney pro tempore in place of the district attorney for another judicial circuit, he or she and any personnel designated by the solicitor-general to handle the case or cases in the other circuit must be reimbursed by the county in which the case or cases are pending as provided by O.C.G.A. § 15-18-5(e).³
- (C) When an attorney other than a district attorney or a solicitor-general (including a retired prosecuting attorney) is appointed by the Attorney General as district attorney pro tempore in place of the district attorney for a judicial circuit he or she may be reimbursed by the Council for expenses incurred in the performance of official duty as provided in Part 2. The Council shall adopt Policies to supplement these Rules concerning payment of private attorneys who are serving as a district attorney pro tempore.

(3) Solicitors-General.

- (A) A solicitor-general and employees of a solicitor-general's office are not eligible for reimbursement by the Council for expenses incurred in the performance of official duties except as provided in (B) below. Reimbursement of expenses incurred in the performance of official duties is the responsibility of the county governing authority. See O.C.G.A. § 15-18-68.
- (B) If funds are available and subject to the limitations in Part 3, the Council may provide reimbursement of certain expenses incurred by a solicitor-general or

² When a District Attorney is acting as a Solicitor-General Pro Tempore pursuant to O.C.G.A. § 15-18-65, reimbursement of expenses is governed by subsection (c) of that Code Section.

³ When a Solicitor-General is acting as a Solicitor-General Pro Tempore pursuant to O.C.G.A. § 15-18-65, reimbursement of expenses is governed by subsection (c) of that Code Section.

employees of a solicitor-general in conjunction with attendance at approved basic and continuing education programs conducted or approved by the Council pursuant to O.C.G.A. § 15-18-75. Such reimbursements are subject to the limitations in Part 3.

(4) Prosecuting Attorneys of Municipal, Probate or Other Courts.

- (A) Prosecuting attorneys of municipal, probate or other courts and their employees (hereafter referred to collectively as other prosecutors) are not eligible for reimbursement by the Council for expenses incurred in the performance of official duties except as provided(B) and (C) below. Reimbursement of expenses incurred in the performance of official duties is the responsibility of the local governing authority. See e.g., O.C.G.A. §§ 15-9-156, 15-18-6.1(d), 15-18-97.
- (B) The Council may provide reimbursement of certain expenses incurred by other prosecutors in conjunction with attendance at approved basic and continuing education programs conducted or approved by the Council pursuant to O.C.G.A. § 15-18-75 only if funds are available for such purpose and have been specifically authorized by the Council. Such reimbursements are subject to the limitations in Part 3.
- (C) The Council may provide by Policy other conditions which must be met in order for other prosecutors to be eligible to submit claims for reimbursement of expenses incurred while attending Council training programs.

(5) Prosecuting Attorneys' Council.

- (A) All official travel by members of the Council when in the performance of their official duties as members of the Council pursuant to O.C.G.A. § 15-18-42(c).
- (B) All official travel by members of the staff of the Council;
- (C) All official travel performed by a prosecuting attorney, a member of the staff of a prosecuting attorney or any other person when:
 - (i) Such person is serving as a member of a committee appointed or authorized by the Council;
 - (ii) Such person is serving as faculty, instructor or speaker or otherwise assisting the Council staff in conducting a continuing education program at the request of the Director of the Training Division; or
 - (iii) Such travel is authorized by the Council or the Executive Director and to the extent that such expenses are not otherwise reimbursed by an agency of the State of Georgia or a local government.

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(6) District Attorney-Elect or Solicitor-General-Elect.

(A) A person who has been elected to office as a district attorney or solicitor-general of this State who does not currently serve as a prosecuting attorney in this State shall be considered as a prosecuting attorney for the purpose of such person attending basic and continuing education programs designated by the Council and shall be eligible for reimbursement of certain expenses incurred while attending such basic and continuing education programs on the same basis as their predecessor in office.

(B) A person shall be considered to have been elected as a prosecuting attorney upon such person having been certified as the winner of the last contested election required for election to such office. A person who qualifies for the office of prosecuting attorney without opposition shall be considered a prosecuting attorney-elect from the time qualifying has been completed and the time for qualifying as a write-in candidate for such office has expired.

(b) Expenses incurred by a prosecuting attorney or a member of the staff of a prosecuting attorney while attending continuing education programs conducted by or approved for credit or reimbursement by the Council pursuant to O.C.G.A. § 15-18-45 may be reimbursed by the Council to the extent that funds are available and such expenses are not otherwise reimbursed by an agency of the State of Georgia or any of its political subdivisions, see O.C.G.A. § 15-1-11, as provided in Part 3.

6.3. Definitions. As used in this Chapter or in the Statewide Travel Regulations:

(a) "Council" means the Prosecuting Attorneys' Council of Georgia.

(c) "Executive Director" means the Executive Director of the Prosecuting Attorneys' Council.

(e) "Employee" means:

(1) A district attorney;

(2) A state-paid employee of a district attorney;

(3) A member of the Council;

(4) A member of the Council staff;

(5) A member of a committee appointed by the Council;

(6) A prosecuting attorney or a member of the staff of a prosecuting attorney who is not otherwise eligible for reimbursement of official expenses but is attending continuing

education programs conducted by or approved for credit or reimbursement by the Council pursuant to O.C.G.A. § 15-18-45, as amended; and

(7) A person who is eligible for reimbursement of official expenses under Section 6.2(a)(5)(C) above.

(f) "Head of the office" means:

(1) For a district attorney's office, the district attorney;

(2) For a solicitor-general's office, the solicitor general;

(3) For the Council, the Executive Director;

(4) For any other prosecuting attorney's office other than a district attorney's office or a solicitor-general's office, the elected or appointed chief prosecuting attorney.

(g) "Non-state paid" means that a person is compensated by any source other than funds appropriated for Prosecuting Attorneys by the General Assembly and includes, but is not limited to, personnel compensated by the governing authority of a county, municipality or authority of this state. It includes unpaid volunteers, interns or externs who work in the office of a district attorney or solicitor-general and SPCR personnel if the terms of the contract between the Council and the governing authority of the county or municipality does not specifically provide for such personnel to be reimbursed by the Council and the Council to be reimbursed for such expense by the governing authority.

(h) "Scheduled meeting" includes meetings between a member of the Council staff and a prosecuting attorney or member of the staff of a prosecuting attorney, law enforcement officers or witnesses, which is held in preparation for or during a judicial proceeding under circumstances where the actual cost of such meals would be reimbursable under the State Travel Policy.

(i) "State-paid" means that the source of the compensation paid to an employee is from funds appropriated for such purpose by the General Assembly or from funds otherwise available to the Council for such purpose (i.e., a federal grant), but does not include SPCR personnel unless it is specifically provided in the contract between the Council and the governing authority of the county or municipality that the Council will reimburse SPCR employees for expenses.

6.4. Statewide Travel Regulations.

Unless otherwise specifically provided herein, the Statewide Travel Policy promulgated by the State Accounting Office (SAO) and the Office of Planning and Budget (OPB) pursuant to O.C.G.A. § 50-5B-5, and any subsequently adopted amendments or revisions thereto, are hereby adopted as the travel regulations of the Council and incorporated herein by reference. Any subsequently adopted

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amendments or revisions shall be effective as of the date they become applicable to state employees of the Executive Branch.

6.5. Travel Authorization.

- (a) Except as provided in Section 6.5(b), prior written authorization is not required for official travel within the United States when the expenses incurred will not exceed the approved daily reimbursement rates.
- (b) Prior written authorization is required:
 - (1) For official travel outside the United States;⁴
 - (2) When the estimated expenses will exceed the daily reimbursement rate;
 - (3) For travel by private aircraft.
- (c) The approving authority shall provide the Executive Director or his or her designee with a copy of the document authorizing travel when prior authorization is required by subsection (b).

6.6. Approval of Travel & Reimbursement.

- (a) Designation of supervisors authorized to approve travel and expense reports.
 - (1) The head of the office may designate in writing one or more supervisory employees who are authorized to approve travel when required by Section 6.5 and to approve expense reports. The form for designating employees who are authorized to approve travel and approve expense reports is available on the Council website and a copy shall be submitted to the Council.

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In order to avoid legal and diplomatic issues that can arise when state and local government officials travel to other countries on official business related to actual or potential judicial proceedings (such as interviewing witnesses, taking depositions, or conducting criminal investigations), such foreign travel needs to be cleared in advance by both the United States Department of State (U.S. DOS) and the government of the country in which the official business is to be conducted (the “host country”). Failure to secure host country approval prior to arrival can have severe consequences to the state or local official (arrest, detention, expulsion, or deportation). Pre-clearance is not required for travel to conferences and meetings that are not related to cases or investigations. The first step in obtaining clearance for foreign official travel is to contact the Office of Legal Affairs (CA/OCS/L) at the Department of State, Bureau of Consular Affairs. See http://travel.state.gov/law/judicial/judicial_692.html. (Note: The clearance process can take a considerable amount of time depending on the country to be visited.) A copy of the clearance must be included to the authorization for travel.

- (2) An employee designated to approve travel or expense reports must, as a minimum, be a first line or higher level supervisory or administrative position than the employees whose travel or expense reports he or she will be reviewing and approving and must attend training that may be required.
- (3) Except as indicated below, an employee designated to approve travel or to approve expense reports may not review and approve their own travel or expense reports.
- (4) A copy of the document designating an employee as authorized to approve travel and to approve expense reports must be submitted to the Executive Director or his or her designee.

(b) District Attorney's Office.

- (1) For personnel with a district attorney's office, the district attorney or an employee specifically designated as provided in subsection (a) is required to authorize travel and approve expense reports.
- (2) The district attorney is the approving authority for his or her own expense reports but such reports will be reviewed by the Fiscal Services Division of the Council to determine the appropriateness and reasonableness of expenses.

(c) Solicitor-General's office.

- (1) When personnel with a solicitor-general's office are authorized to be reimbursed for expenses by the Council, the solicitor-general or an employee specifically designated as provided in subsection (a) is required to authorize travel and approve expense reports.
- (2) The solicitor-general is the approving authority for his or her own expense reports but such reports will be reviewed by the Fiscal Services Division of the Council to determine the appropriateness and reasonableness of expenses.

(d) Prosecuting Attorneys' Council

- (1) For Council and the staff, the Executive Director or an employee specifically designated as provided in subsection (a) is required to authorize travel and approve expense reports.
- (2) Expense reports of the Executive Director will be reviewed by the Fiscal Services Division of the Council to determine the appropriateness and reasonableness of expenses.

(e) Review of Expense reports by Council Fiscal Services Division.

- (1) All expense reports submitted to the Council for payment, including those submitted by electronic means, are subject to review by the Fiscal Services Division for the appropriateness and reasonableness of expenses and compliance with the Statewide Travel Policy and these Rules. Any expenses that are submitted that are not authorized by the Statewide Travel Policy or these Rules will not be paid.

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- (2) All expense reports submitted to the Council are subject to funds being available. Expense reports from state-paid and non-state paid employees of a district attorney's office are subject to the annual circuit travel budget established pursuant to O.C.G.A. § 15-18-12(e).
- (3) The Director of Fiscal Services, or his or her designee, may refer an expense report back to the submitting individual for explanation, additional information, or correction.

6.7. Taxpayer Identification Information (W-9)

- (a) The State Accounting Office requires all state agencies to obtain and maintain on file a Request for Taxpayer Identification Number and Certification (IRS Form W-9) on any individual who receive payment, including reimbursement of expenses, through the state's financial system, as a condition of receiving payment.
- (b) Any non-state paid personnel applying for reimbursement of expenses from the Council for the first time on or after July 1, 2013 must submit a Form W-9 with the request for reimbursement.⁵ Non-state paid personnel who have not submitted a request for reimbursement of expenses from the Council for more than two years may be requested to submit a new Form W-9 if their vendor record has been purged by the State Accounting Office.

Part 2.

Official Travel For District Attorneys, State-Paid Employees and Other Authorized Personnel

6.8. Air Travel.

- (a) The Statewide Travel Policy applies, except as provided in this Section.
- (b) Whenever travel by private aircraft is contemplated, prior written authorization is required.

6.9. Ground Transportation and Car Rental.

- (a) The Statewide Travel Policy applies, except as provided in this Section.
- (b) General Rules.
 - (1) No transportation costs will be allowed between an employee's place of residence and his or her official headquarters.

⁵ State paid employees of the District Attorneys provide a W-9 to the Council at the time they are placed on the state payroll.

- (2) Reimbursement will not be allowed for expenses other than those incurred by the employee in travel status; payments to friends or other individuals are not allowed.
- (3) When possible, employees should attempt to travel together to the same destination in one vehicle.

(c) Travel in Vehicles Owned by Local Government.

- (1) When a state-paid employee of a district attorney travels on official business in a vehicle provided to a district attorney's office by a county government, O.C.G.A. § 15-18-12(d)(1) provides that the Council is authorized to reimburse the county for the actual mileage driven.
- (2) The mileage rate for travel on official business in a county-owned motor vehicle shall be set by the Council.
- (3) The procedures for requesting reimbursement for official travel in a county-owned motor vehicle will be set by the Council.
- (4) No reimbursement will be made when a non-state paid employee travels on official business in a vehicle provided to a district attorney's office by a county government.

6.10. Lodging.

- (a) The Statewide Travel Policy applies, except as provided in this Section.
- (b) Where the Council has obtained special lodging rates at one or more facilities in conjunction with a continuing education program or any other activity conducted by the Council, reimbursement is limited to the special rate(s).
- (c) O.C.G.A. § 48-13-51(h)(3), provides that Georgia state or local government officials or employees traveling on official business within the State of Georgia shall not be charged county or municipal excise tax on lodging. The form required to be submitted to the hotel or motel to avoid this tax being charged is available on the Council website.
- (d) When a lodging is shared with other state or county employees on travel status, reimbursement will be calculated, if practical, on a pro rata share of the total cost. A state employee on travel status, if accompanied by someone who is not a state employee on travel status, would be entitled to reimbursement at a single room rate. When lodging is shared with another state employee on travel status, their names must be noted when applying for reimbursement of expenses.

6.11. Meals and Incidental Travel Expenses.

- (a) The Statewide Travel Policy applies, except as provided in this Section.

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- (b) Where the Council has obtained special rates for meals in conjunction with a continuing education program or any other activity conducted by the Council, reimbursement is limited to the special rate(s).

6.12. Miscellaneous Expenses.

- (a) The Statewide Travel Policy applies except as provided in this Section.
- (b) Conference/Registration fees are an allowable reimbursable expense for conferences sponsored or conducted by organizations other than the Council. Registration fees for Council sponsored training events are not reimbursable.⁶

Part 3.

Reimbursement of Non-state Paid Personnel for Official Expenses Incurred While Attending Council Supported Continuing Education Programs

6.13. Application.

- (a) This Part applies to non-state-paid personnel in a district attorney's office and all personnel in a solicitor-general's office or the office or any other state or local prosecuting attorney when such personnel are eligible for reimbursement of certain expenses incurred in conjunction with attendance of approved basic and continuing education programs pursuant to O.C.G.A. § 15-18-75 and these Rules.
- (b) Reimbursement of certain expenses under this Part is subject to funds being available for such purpose and the provisions Section 6.13 regarding part-time prosecuting attorneys.
- (c) Subject to the provisions of Section 6.13, prosecuting attorneys of probate, municipal or other courts and part-time prosecuting attorneys are eligible be reimbursed by the Council for expenses incurred while attending a Council training program only if funding for the program authorizes such reimbursement and the course announcement specifically states that part-time prosecuting attorneys and municipal prosecuting attorneys will be eligible for reimbursement.

⁶ Conference registration fees which are not reimbursed by the Council may be paid or reimbursed by local governments. O.C.G.A. 15-1-11. See also Council Policy 4.5 (Food Stamp Funds); PACGA, BEST PRACTICES GUIDEBOOK ON FIVE PERCENT LOCAL VICTIM ASSISTANCE FUNDS FOR GEORGIA DISTRICT ATTORNEYS AND SOLICITORS-GENERAL (2004); U.S. Dept. of Justice, A GUIDE TO EQUITABLE SHARING FOR STATE AND LOCAL LAW ENFORCEMENT AGENCIES (2009)

6.14. Part-time Prosecuting Attorneys.

Part-time prosecuting attorneys, including but not limited to, part-time solicitors-general and part-time assistant solicitors-general, who are authorized by law to engage in the private practice of law may be eligible for reimbursement of expenses by the Council only if the prosecuting attorney has submitted a statement to the Council that he or she does not, and will not during his or her tenure in office, represent defendants in criminal or forfeiture cases brought by the State of Georgia, or any of its political subdivisions, in the courts of this State. Such statement shall be signed by the prosecuting attorney subject to the provisions of O.C.G.A. § 16-10-20. A sample statement that complies with the requirements of this Section is available on the Council website.

6.15. Attendance.

- (a) Where a program is offered at more than one location, approval will be given to attend the one held closest to the workplace of the person requesting approval.
- (b) Where attendance is the sole criteria for completion of an approved continuing education program, reimbursement is conditioned on attendance.
- (c) No reimbursement will be made if the individual fails to comply with the attendance policies of the sponsoring organization or if the individual fails to attend, without a valid excuse, 80% or more of the program scheduled for the time period for which reimbursement is sought.
- (d) Where examinations or standards of performance are employed as integral parts of approved continuing education programs, reimbursement will be limited to one-half (1/2) of the costs associated with the program if the individual attending fails to complete the program satisfactorily.
- (e) Where a person attending an approved program ceases to be employed by a prosecuting attorney during the program, no reimbursement will be allowed.

6.16. Terms and Conditions.

Reimbursement of costs incurred attending approved programs conducted by other organizations may be conditioned on the individual:

- (1) Performing tasks which will disseminate the information learned during the program to other prosecuting attorneys in Georgia, such as teaching at a Council seminar or writing a paper for publication by the Council on the subject matter of the program.
- (2) Remaining employed by a prosecuting attorney for the State of Georgia for a specified term of years or months or refunding the costs to the Council.

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6.17. Expenses Eligible for Reimbursement.

- (a) When funding is available, reimbursement of non-state paid personnel is subject to the Rules relating to reimbursement of travel expenses as stated in Parts 1 and 2, subject to the following limitations:
 - (1) Reimbursement of air travel, ground transportation, car rental and miscellaneous expenses is not authorized unless the course announcement from the Council specifically states that non-state paid personnel are eligible for reimbursement for such expenses.
 - (2) Reimbursement of lodging and meals is authorized subject to the limits provided in Sections 6.9 and 6.10.
- (b) These limitations do not apply to personnel designated in Section 6.2(a)(5).

Part 4. Reimbursement Procedures

6.18. General.

- (a) Requests for reimbursement for travel expenses should be submitted within 10 days of the completion of travel unless the amount sought is less than \$10.00. If the amount claimed is less than \$10.00, it may be held until a reimbursement of at least \$10 is due. Requests for reimbursement which are submitted after 60 days are required to be treated as taxable income to the individual.⁷
- (b) If travel occurs within the last 30 days of the fiscal year (between June 1 and June 30), the individual submitting the request for reimbursement must promptly notify the fiscal office of the Prosecuting Attorneys' Council if for any reason the reimbursement request cannot be submitted by July 15.
- (c) Supplemental instructions concerning submission of travel and expense report may be published on the Council website.

6.19. State Paid Employees.

- (a) State paid employees may submit requests for reimbursement on PAC Form T-2 until such time as their office is directed to use the state online travel and expense reporting system. Thereafter,

⁷ IRS guidelines state any expense not submitted within 60 days of the completion of the trip becomes taxable income to the traveler.

employees must use the online travel and expense reporting system unless otherwise approved by the Executive Director.

- (b) Mileage expenses for county owned vehicles will be submitted on a separate PAC Form T-2. Explanations should be included and receipts attached as required by the State Travel Policy. The reimbursement request must contain the County FEI number.
- (c) Receipts and explanations shall be attached whenever required by the State Travel Policy.

6.20. Non-State Paid Employees.

- (a) Non-State employees will use PAC Form T-2 to submit requests for reimbursement unless otherwise directed by the Executive Director.
- (b) Receipts and explanations shall be attached whenever required by the State Travel Policy.

**Part 5.
Miscellaneous**

6.21. Coordination of Reimbursements.

- (a) The Council will reimburse travel expenses only to the extent that such expenses have not been reimbursed by any other agency of the State of Georgia or any of its political subdivisions.
- (b) An individual who intends to seek reimbursement from the Council may obtain a travel advance from a political subdivision or such advance may be provided by the prosecuting attorney's office, provided that such advance is repaid by the individual. The Council may provide direct repayment to a political subdivision of this State or to the prosecuting attorneys' office for a travel advance made to an individual who is entitled to reimbursement under these Rules based on a memorandum of agreement between the Council and the governing authority of the political subdivision or the prosecuting attorney's office.

6.22. Audits.

All travel reimbursements are subject to review and audit by the State Auditor. Each District Attorney's office and the Council Fiscal Services Division shall maintain copies of all travel approvals and reimbursements as required by the State Accounting Office and as provided by the Statewide Records Retention Schedules.

6.23. Failure to Comply With Travel Regulations.

Failure to comply with these travel regulations or to provide full and complete information required to process a request for reimbursement will result in the request being denied.

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6.24. False Statements.

The knowing submission of a Request for Reimbursement, or any other document relating to travel or training which contains false information constitutes a violation of O.C.G.A. § 16-10-20.