BEFORE THE 2006 JUDICIAL COUNCIL OF GUAM
RESOLUTION NO. JC 06-008

RELATIVE TO THE AMENDMENT OF THE OFFICIAL TRAVEL POLICY RULES APPLICABLE TO THE JUDICIARY OF GUAM REGARDING ADMINISTRATIVE LEAVE DURING OFFICIAL TRAVEL

WHEREAS, the Judicial Council of Guam adopted the Judiciary of Guam Official Travel Policy Rules on April 22, 2005; and

WHEREAS, the Judicial Council of Guam thereafter amended the Official Travel Policy Rules through its Resolution No. 06-006 and included as Exhibit A to such Resolution the entire set of Rules as amended; and

WHEREAS, Rule 12 of the Official Travel Policy Rules addresses the issue of leave status while a person is on official travel and allows for administrative leave during travel time to-and-from the official event necessitating the travel in certain situations but prohibits such administrative leave during travel time to-and-from the official event in other situations; and

WHEREAS, the Council has determined that Rule 12 as it current exists must be amended to provide fairness and equity to persons undertaking official travel combined with approved personal leave;

NOW THEREFORE BE IT RESOLVED, that Rule 12 of the Judiciary of Guam Official Travel Policy Rules is amended to read as follows:

RULE 12.00 LEAVE STATUS WHILE ON OFFICIAL TRAVEL

12.01 The traveler must prepare leave forms prior to departure and submit them to the Human Resources Administrator for review to ensure that proper leave is signed for in compliance with leave policies and these Rules.

12.02 A person on official travel may receive up to two days of administrative leave for missing standard work days preceding commencement of the official activity which necessitated the official travel and up to two days of administrative leave for missing standard work days following completion of the official activity which necessitated the official travel.

Exhibit A

Judiciary of Guam
Official Travel Policy Rules

[As amended by Judicial Council Resolution No. 06-____]

RULE 1.00 STATEMENT OF INTENT

These rules are established to provide guidelines relative to travel for official business for Justices, Justices Pro Tempore, Designated Justices, Judges, Judges Pro Tempore, Designated Judges, Administrators, Court Referees, Administrative Hearing Officers, other classified and unclassified employees of the Supreme & Superior Courts of Guam, and any other individuals expressly authorized by the Administrator of the Courts. Official travel is permitted for training, conferences, seminars, meetings, court ordered escorts, off-island recruitment, and for other official business as approved by the Judicial Council of Guam or the Administrator of the Courts.

RULE 2.00 STATEMENT OF POLICY

2.01 It is the policy of the Judiciary that all off-island travel must be for the direct benefit of the Judiciary to fulfill a legitimate obligation of the Judiciary. Such travel must be programmed, budgeted, scheduled and approved by the Administrator of the Courts and shall be consistent with these Official Travel Policy Rules as approved by the Judicial Council of Guam.

2.02 All off-island travel should be by the most economical means possible consistent with time availability and the urgency of the travel.

RULE 3.00 DEFINITIONS

For the purpose of these rules, the following definitions shall apply.

3.01 Per Diem: A specified amount of money which is authorized by the laws of Guam on a per day basis to compensate the traveler for the cost of meals and lodging while on travel status. However, if lodging expense is otherwise paid or if no lodging expense is incurred, such per diem shall be reduced by fifty percent (50%).

3.02 Traveler: Any person who is traveling on behalf of the Judiciary for official business and is authorized to do so pursuant to these Rules.

3.03 Judiciary: The combination of both the Supreme and Superior Courts of Guam and all employees thereof.

RULE 4.00 PERSONS AUTHORIZED TO TRAVEL

A person who satisfies all requirements of these Rules is authorized to travel upon being expressly approved by the Administrator of the Courts.

RULE 5.00 CLASS OF TRAVEL AUTHORIZED

All travelers shall utilize economy/coach class accommodations for air travel as well as any other type of travel for which economy/coach class service is available.

RULE 6.00 TRAVELER'S TRANSPORTATION AND LODGING

6.01 Transportation includes all necessary official travel on airlines, buses, streetcars, taxicabs, and other usual means of conveyance.

6.02 Transportation

A. Routing of Travel. All travel must be by a usually traveled and most direct route to the official business site. Travel by other routes is allowable upon establishment of the official necessity therefor and approval by the Administrator of the Courts.

B. Indirect Travel. Indirect travel may be authorized provided that such travel is at no additional expense to the Judiciary. Any additional expense shall be paid by the traveler. Reimbursement will not be made to the traveler for any expenses other than those charges as would have been incurred by a usually traveled route.

6.03 Ground Transportation

A. A request for ground transportation expense must be approved by the Administrator of the Courts prior to departure, to the extent practicable.

B. In the event two or more employees are attending the same training, it is encouraged that they share the same ground transportation in order to minimize cost.

6.04 Lodging

A. It is the responsibility of the traveler to request the lowest available lodging rate, to the extent practicable, at the time of making reservations. Lodging charges in excess of the maximum per diem allowance necessitating additional per diem for such lodging as well as meals may be authorized by the Administrator of the Courts.

B. A person who may require special lodging accommodations due to a health condition must request approval of such accommodations in advance from the Administrator of the Courts to the extent practicable.

RULE 7.00 LONG DISTANCE COMMUNICATIONS

7.01 Travelers may claim long distance telephone charges while traveling on official business provided that they furnish a statement that the calls were related to official business and identify the name of the party called, the points between which the service was rendered, the date, the time occupied and the amount paid on each call.

7.02 Travelers may claim long distance facsimile, e-mail, cellular and internet services while on official business when such expeditious means of communication is essential and should employ the most economical means available. Travelers shall adhere to the procedures in 7.01 when utilizing such service on official business.

RULE 8.00 PER DIEM

8.01 Per diem is defined as a specific amount of money which is authorized by the laws of Guam on a per day basis to compensate the traveler for the cost of meals and lodging while on travel status.

8.02 All persons traveling on official business for the Judiciary shall exercise prudent practices and care in incurring meal and lodging expenses.

8.03 Pursuant to PL 28-068, per diem rates shall be determined by reference to federal per diem rates which shall apply except when the Administrator of the Courts expressly authorizes an exception from such rates, or when lodging expense is other wise paid or if no lodging expense is incurred, in which case all per diem rates shall be reduced by 50%. Further, PL 28-068 shall also control the determination of whether specific travelers are entitled to premium per diem by virtue of the position they hold with the Judiciary.

8.04 Travel Time Per Diem Allowable

Per diem allowances shall be computed pursuant to the number of actual days the traveler is attending the official event necessitating the travel multiplied by the applicable per diem rate. At the discretion of the Administrator of the Courts, travel time per diem for time spent in travel to and from the traveler's destination may also be allowable as follows:

A. No amount of travel time per diem will be granted when the elapsed time spent in traveling to or from the destination does not exceed six (6) hours.

B. If the elapsed time spent in traveling to or from the destination is in excess of six (6) hours, a total of two (2) days of per diem for travel time is allowable, one day at the beginning of the travel and one day at the end of the travel.

C. Travel time for per diem purposes is not allowable to travelers performing court ordered escorts off-island. The traveler shall receive per diem from the date of arrival at the destination to the departure date.

D. When a traveler's official travel will encompass more than one official business purpose, additional days of per diem may be allowable. The employee must submit a written request to the Administrator of the Courts for approval and list the number of days in between such multiple official business purposes.

E. When the official training is federally funded through grant applications that dictate the issuance of federal per diem rates over local per diem rates, the Administrator of the Courts may supplement those federal rates with local per diem rates as applicable.

8.05 Recovery of Per Diem

A. In the event of a cancellation or indefinite postponement of authorized travel, the Controller shall take immediate steps to secure the refund of any per diem funds that may have been issued.

B. Per diem payments for time lost as a direct result of the traveler's negligence (i.e., missing a flight) or failure to fulfill the purpose of the official travel shall also result in immediate repayment by the traveler of all fees, per diem, air fare, etc. expended by the Judiciary in relation to the travel. The traveler shall not be penalized when a cancellation beyond their control occurs. In the event of a cancellation, the traveler will be required to return any unused per diem with an official written narrative describing the cancellation upon returning to work status.

RULE 9.00 ADVANCE PAYMENTS

9.01 At the discretion of the Administrator of the Courts, funds may be provided to a traveler in advance of official travel to be used for business expenses unrelated to meals or lodging. Upon the traveler's return from travel, it shall be the traveler's responsibility to provide a report to the Controller within ten (10) working days regarding such expenses (see Rule 13) and it shall be the responsibility of the Controller to ensure that any amount advanced to the traveler is deducted from the total expense(s) allowed prior to any reimbursement payment being made to the traveler. If advances were given in excess of total expenses allowed, it shall be the Controller's responsibility to recover such advanced funds from the traveler. In the event of a cancellation or indefinite postponement of authorized travel, the Controller shall take immediate steps to secure the refund of any advances that may have been issued. The Controller shall promptly recover outstanding advances which are not fully recovered by deductions from allowed expenses or voluntary refund by making an adjustment to the traveler's salary, withholding the traveler's payroll check or by such other means of recovery as necessary.

RULE 10.00 REQUEST FOR TRAVEL

10.01 All official travel requests shall utilize form TR-001 entitled Judiciary of Guam Training Request (see Exhibit A). Travel requests shall be initiated by the respective proposed traveler's division head prior to submission to the Administrator of the Courts. Such request must include justification for travel, training information, costs and logistics. Upon approval by the division head, the request shall be forwarded to the Administrator of the Courts for review. Upon the Administrator's approval, the Administrator shall send the request to the Human Resources Administrator and Controller for further processing consistent with Rule 11.00 herein.

10.02 The Chief Justice shall consider for approval any travel by the Administrator of the Courts. All other travel pursuant to the Rules shall be subjected to the approval of the Administrator of the Courts. No final approval for travel shall be given without a certification from the Controller that funds are available for such travel.

10.03 When an employee is scheduled to go off-island on personal leave status and requests to attend a training, conference, seminar, or meeting while off-island, per diem and administrative leave may be granted for the actual days of training upon approval by the Administrator of the Courts. Travel time per diem to and from the training destination will not be granted.

10.04 Employees traveling under federal programs administered by the Judiciary shall be subject to these travel rules unless such enforcement is contradictory to federal travel policies.

RULE 11.00 PROCEDURE

11.01 Upon approval of the travel request by the Administrator of the Courts, the request shall be forward to the Human Resources Administrator who shall be responsible for the following:

A. Verify traveler's travel arrangements, utilizing form TR-001, by contacting the travel agency or airline and confirming the travel itinerary and obtaining estimated airfare and ensuring that the travel route is the most direct and economical route available. The funding source, local or federal funding, shall also be verified.

B. Prepare Travel Authorization Form TA-002 (see Exhibit B) and Order for Transportation of Tickets Form OTT-003 (see Exhibit C) which will then be forwarded to the Financial Management Division for certification of funds by the Controller. Final approval from the Administrator of the Courts will not be given without a certification of funding availability for the off-island travel from the Controller.

C. In cases where an increase or decrease in airfare, per diem or registration fees occurs prior to the departure of the traveler, the Human Resources Administrator will provide the Financial Management Controller with an Amended Travel Authorization Form ATA-004 (see Exhibit D) delineating the increase or decrease in the total travel cost encumbered. If such a change involves an increase in expenses, such shall require supplemental certification of funds availability and final approval consistent with these Rules.

11.02 Upon approval of a travel request by the Administrator of the Courts the traveler may incur business expenses contemplated by the approved travel such as air fare, registration costs, tuition, rental car reservations, etc. The traveler may utilize any means of personal payment including but not limited to personal credit cards, personal checks or cash. At any time subsequent to any such expenditures, including prior to the authorized travel occurring, upon submission of receipts to the Human Resources Administrator by the traveler regarding such expenditures reimbursement shall promptly be made to the traveler.

11.03 All requests for travel will be submitted no later than thirty (30) working days prior to the scheduled date of departure to the extent practicable. The Travel Authorization Form (TA-002) must be supported with the following documents relative to submission to the Financial Management Division:

A. Training Request form (TR-001) or approval letter from the Administrator of the Courts;

B. Airfare quotes with itinerary;

C. Training/Conference registration form;

D. Confirmation letter indicating pre-registration; and

E. Description of the course, training, conference, and/or meetings traveler will be attending. This is to include registration/tuition costs or fees.

11.04 The Controller shall provide quarterly travel expenditure reports to the Administrator of the Courts. Such reports must include a summary of travel completed during that period, list of expenditures detailing type and amount of expenditure paid by the Judiciary and any pertinent fiscal information.

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Resources Administrator for review to ensure that proper leave is signed for in compliance with leave policies and these Rules.

12.02 A person on official travel may receive up to two days of administrative leave for missing standard work days preceding commencement of the official activity which necessitated the official travel and up to two days of administrative leave for missing standard work days following completion of the official activity which necessitated the official travel.

RULE 13.00 TRAVEL CLEARANCE

13.01 Travelers returning from official travel status must clear with the Financial Management Division pursuant to this Rule within ten (10) working days upon return to work status. The purpose of this clearance is to ensure that travelers are completely compensated for all approved official business related expenses incurred by them while on official travel status and that any funds advance by the Judiciary are recovered to the extent appropriate and to facilitate necessary record keeping regarding all official travel pursuant to these Rules.

13.02 Upon any traveler other than the Administrator of the Courts' return to work status, the traveler must submit within ten (10) working days a training report to the Administrator of the Courts summarizing the training that was attended. Upon the Administrator of the Court's return to work status following official travel, the Administrator must submit a similar training report to the Chief Justice within ten (10) working days.

13.03 Upon return from training, any request for reimbursement for official business related expenses incurred by the traveler will be denied if a request prior to travel was not submitted and approved, to the extent practicable, or if receipts from incurred expenses are not provided or do not adhere to the prior approval, if obtained. All requests for reimbursement shall include receipts for such expenses and shall utilize the Judiciary's Travel Reimbursement Claim Form, TRC-005 (see Exhibit E), which shall also be submitted to the Financial Management Division within ten (10) working days following the traveler's return from official travel.

13.04 The Financial Management Division shall prepare a travel clearance form, entitled Travel Voucher (see Exhibit F), for signature of the traveler and approval by the Administrator of the Courts or Chief Justice. If applicable, the traveler shall submit their Travel Reimbursement Claim Form, TRC-005, together with their travel clearance form. All travel clearance forms must be submitted with supporting documents as follows:

A. Airline ticket stubs (original) or electronic ticket (copy);

B. Boarding passes (original);

C. Tuition/registration receipt from vendor, if applicable;

D. Supporting documents/receipts; and

E. Training report to the Administrator of the Courts or Chief Justice together with a Certificate of Completion of training attended.

RULE 14.00 CLAIMS AND EXCEPTIONS

14.01 Claims for expenses incurred by a traveler other than those provided prior to departure must be justified and requested by completing the Travel Reimbursement Claim Form TRC-005 as contemplated in Rule 13 which must be submitted to the Financial Management Division together with supporting receipts for all claimed expenses.

14.02 When necessary, exceptions to the operation of specific provisions of these Rules may be granted in advance by the Administrator of the Courts to met special or unavoidable circumstances and when in the best interest of the Judiciary. Exceptions are to be requested in writing by the traveler and submitted sufficiently in advance to allow meaningful consideration, to the extent practicable.

14.03 When necessary, exceptions to the operation of specific provisions of these Rules may be granted after the fact by the Administrator of the Courts to meet special or unavoidable circumstances and when in the best interest of the Judiciary. Such exceptions are to be requested in writing by the traveler. The written request must state in detail the nature of the request and articulate in detail why the request should be granted.

14.04 The Administrator of the Courts shall exercise authority and discretionary judgement for administrative decisions relative to official travel. This authority may include, but is not limited to, supplementing these rules by issuing written administrative orders.