

AGREEMENT NUMBER

**CIRM 2006**

REGISTRATION NUMBER

1. This Agreement is entered into between the State Agency and the Contractor named below:

STATE AGENCY'S NAME

California Institute for Regenerative Medicine

CONTRACTOR'S NAME

Remcho, Johansen, & Purcell

2. The term of this Agreement is: January 06, 2005 through April 6, 2005 (with the option to extend for two (2) additional four (4) month extensions)

3. The maximum amount of this Agreement is: \$ 100,000.00  
One hundred thousand and no/100 dollars

4. The parties agree to comply with the terms and conditions of the following exhibits, which are by this reference made a part of the Agreement.

Exhibit A – Scope of Work

Exhibit B – Budget Detail and Payment Provisions

Exhibit C\* – General Terms and Conditions

Exhibit D – Contractor's Resumes

Exhibit E – Contractor's Cost Proposal

Exhibit F – Department of Personnel Administration – Rules for Reimbursement for Meals and Lodging – Excluded Employees

*Items shown with an Asterisk (\*), are hereby incorporated by reference and made part of this agreement as if attached hereto.  
The documents can be viewed at [www.ols.dgs.ca.gov/Standard+Language](http://www.ols.dgs.ca.gov/Standard+Language)*

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

**CONTRACTOR**

CONTRACTOR'S NAME (if other than an individual, state whether a corporation, partnership, etc.)

Remcho, Johansen, & Purcell

BY (Authorized Signature)

DATE SIGNED (Do not type)

2/18/05

PRINTED NAME AND TITLE OF PERSON SIGNING

James C. Harrison, Partner

ADDRESS

201 Dolores Avenue  
San Leandro, CA 94577

**STATE OF CALIFORNIA**

AGENCY NAME

California Institute for Regenerative Medicine

BY (Authorized Signature)

DATE SIGNED (Do not type)

PRINTED NAME AND TITLE OF PERSON SIGNING

ROBERT N. KLEIN, Acting President

ADDRESS

P.O. Box 99740  
Fresno, CA 94662-9740

California Department of General  
Services Use Only

☒ Exempt per Proposition 71  
Chapter 899

STATE OF CALIFORNIA  
CALIFORNIA INSTITUTE FOR REGENERATIVE MEDICINE

**SCOPE OF SERVICE**

Legal Representation

**I. STATEMENT OF WORK**

The Contractor will provide legal representation services to the California Institute for Regenerative Medicine (CIRM). Specifically, the Contractor shall act as Interim General Counsel, pending the CIRM's hiring of a general counsel. These services shall include, but not be limited to, providing advice to the CIRM and its governing board regarding the CIRM's rights and duties under California law.

**II. COMPENSATION**

The CIRM shall compensate the Contractor for actual hours of service performed at the rates shown below:

James Harrison	\$300 per hour
Robin Johansen	\$300 per hour
Kathleen Purcell	\$300 per hour
Thomas Willis	\$300 per hour
Karen Getman	\$300 per hour
Margaret Prinzing	\$265 per hour
Jeanne Pritchard (Political Reform Act Specialist)	\$195 per hour
Douglas Denton (paralegal)	\$145 per hour
George Allen Brandt	\$ 95 per hour

Secretarial and other staff time expended for work under this Agreement shall not be payable by the CIRM.

The CIRM shall reimburse the Contractor for its actual out-of-pocket expenses. Contractor shall not charge the CIRM the cost of advancing funds to these expenses. Reimbursable expenses shall be supported by documentation. Such documentation shall be attached to each invoice.

A. Reimbursable ordinary expenses shall include, but not be limited to:

- Postage
- Messenger service
- Process service
- In-house document reproduction at a rate of \$.25 per page. The billing statement shall contain:
  - 1) General description of documents and purpose
  - 2) Total number of copies made
- Fax service is to be billed at \$1 per page
- Long-distance telephone charges as they appear on the Contractor's telephone bill
- Travel and per diem in accordance with Title, 2, Division 1, Chapter 3 of the California Code of Regulations

B. Nonreimbursable expenses shall include, but not be limited to:

- The increase in any billing resulting from the Contractor charging an hourly rate, which exceeds that set forth in this Agreement.
- Charges that are greater than usual, customary, or reasonable, or are duplicative, ambiguous, excessive or inappropriate.

C. All expenses incurred for travel, meals, and lodging shall be indicated on the invoice(s) in detail and shall be reimbursed in accordance with Department of Personnel Administration Rules for Reimbursement for Excluded Employees (Exhibit F). All expenses must be supported by original receipts.

The total cost to the CIRM for hourly attorney/paralegal fees, actual expenses, travel and per diem together shall not exceed the maximum amount of this Agreement.

Whenever the billings submitted by Contractor first exceeds 75 percent of the maximum amount of the Agreement, including any amendment thereto, the Contractor shall give notice to the CIRM of that occurrence.

Payment will be made in accordance with and within the time specified in Government Code Section 926.17.

The CIRM's obligations under this Agreement are contingent upon and subject to the availability of funds appropriated each fiscal year for this Agreement.

### III. INVOICES

A. Each invoice shall be itemized and include, but not be limited to:

- Agreement Number
- Name of person performing services, hourly rates and specific activities of each attorney, and paralegal.

B. Specific activities shall include, but not be limited to:

- In-person conferences
- Telephone calls
- Correspondence
- Research
- Attendance at Meetings
- Travel (the street, city and state address shall be individually identified for all destinations)

### IV. RESUMES/BIOGRAPHIES

Resumes and biographies of Contractor's staff (attorneys) are included in this Agreement as Exhibit D.

### V. CONTRACT MANAGER

The Contractor's Contract Manager during the term of this Agreement is:

Name: Ruth Fridhandler  
Remcho, Johansen & Purcell  
Address: 201 Dolores Avenue  
San Leandro, CA 94577  
Phone: (510) 346-6200  
Fax No.: (510) 346-6201

The CIRM's Contract Manager during the term of this Agreement is:

Walter Barnes, Chief Administrative Officer and Controller  
California Institute for Regenerative Medicine  
P.O. Box 99740  
Emeryville, CA 94662-9740  
Phone No. (510) 450-2437 / Fax No. (510) 450-2435

## VI. PUBLIC CONTRACT CODE

- A. Contractor shall agree to adhere to legal cost and billing guidelines; litigation plans; and case phasing activities as designated by the CIRM. The Contractor must maintain legal malpractice insurance in an amount not less than \$300,000 per occurrence; and agree that the legal malpractice insurance herein provided for shall be in effect at all times during the term of this Agreement. The Contractor shall also submit and adhere to legal budgets as designated by the CIRM and submit to legal bill audits and law firm audits if requested by the CIRM. The audits may be conducted by employees or designees of the CIRM or by any legal cost control provider retained by the CIRM for that purpose. (Section 10353.5)
- B. Contractor is advised that it has certain duties, obligations, and rights under the Public Contract Code, Article 5, Sections 10355-10412, with which the Contractor should be familiar.

**BUDGET DETAIL AND PAYMENT PROVISIONS**

**1. Invoicing and Payment**

- A. For services satisfactorily rendered, and upon receipt and approval of the invoices, the State agrees to compensate the Contractor for actual expenditures incurred in accordance with the rates specified herein, which is attached hereto and made a part of this Agreement.
- B. Invoices shall include the ***Agreement Number CIRM 2006*** and shall be submitted in triplicate not more frequently than monthly in arrears to:

California Institute for Regenerative Medicine  
c/o State Controller's Office  
Accounts Payable, Suite 621  
Departmental Accounting Office  
P.O. Box 942850  
Sacramento, CA 94250-5877

**2. Prompt Payment Clause**

Payment will be made in accordance with, and within the time specified in, Government Code Chapter 4.5, commencing with Section 927.

**REMCHO, JOHANSEN & PURCELL**  
ATTORNEYS AT LAW

201 DOLORES AVENUE  
SAN LEANDRO, CA 94577  
PHONE: (510) 346-6200  
FAX: (510) 346-6201  
WEBSITE: www.rjp.com

SACRAMENTO PHONE: (916) 264-1818

Joseph Remcho (1944-2003)  
Robin B. Johansen  
Kathleen J. Purcell  
James C. Harrison  
Thomas A. Willis  
Margaret R. Prinzing  
Karen Getman, *Of Counsel*

**PROFILES**

**ROBIN B. JOHANSEN** is a founding partner of Remcho, Johansen & Purcell. She was admitted to the California Bar in 1977 and the Bar of the District of Columbia in 1979. She is a graduate of the University of Illinois (B.A., 1968) and Stanford Law School (J.D. 1977).

Ms. Johansen was Senior Article Editor, Stanford Law Review, Volume 29, and is the author of "The New Federalism: Toward a Principled Interpretation of the State Constitution," 29 Stanford Law Review 297, 1977 and "Searches and Seizures on Church Premises: Weighing the Privacy Rights of Religious Bodies" in Kelley, *Government Intervention in Religious Affairs II*.

Ms. Johansen has been a member of the Board of Directors of Coro Northern California since 1999 and served as Board Chair in 2003-2004. In 1974, Ms. Johansen was a research assistant to the U.S. House of Representatives' Impeachment Inquiry staff. She serves on the Religious Liberty Committee of the National Council of Churches and on the editorial board of *The Journal of Church and State*. From 1992 to 1993, she was a member of the State Citizens' Commission on Ballot Initiatives. She was an Adjunct Professor of Law at the University of San Francisco Law School in 1980, teaching Federal Courts.

Ms. Johansen has represented a broad range of education clients, including the California Teachers Association, the California School Board Association, the State Superintendent of Public Instruction and the State Department of Education, in public policy, school finance and constitutional litigation in both state and federal courts.

Ms. Johansen's extensive appellate experience includes representation of Dow Jones & Company, Inc. and other publishers on First Amendment issues, as well as numerous governmental entities on a variety of public policy issues.

**KATHLEEN J. PURCELL** is a founding partner of Remcho, Johansen & Purcell. She was admitted to the Illinois Bar in 1977 and the California Bar in 1978. She is a graduate of Stanford University (B.A., 1974) and Stanford Law School (J.D., 1977).

Ms. Purcell was a member of the Committee on the Administration of Justice, State Bar of California, from 1982 to 1985. She served on the Board of Governors, California Women Lawyers, from 1982 to 1984 and chaired their amicus committee from 1982 to 1985. She was a founding Board Member of the San Francisco Women Lawyers Alliance, and served for several years on the Litigation Committee of Equal Rights Advocates. She was an instructor at Loyola Law School, Chicago, Illinois in 1979, teaching Advanced Civil Procedure, and at St. Mary's College, Moraga, California in 1990, teaching Constitutional Values. She was part of a team of legal consultants invited to Nicaragua in 1985 as part of Nicaragua's efforts to draft a new constitution. Ms. Purcell has extensive trial and appellate experience in both civil and criminal litigation.

Ms. Purcell is also involved in K-12 schools and education programs. She taught at St. Ignatius College Preparatory from 1989 to 1996. While at St. Ignatius, she took charge of developing summer immersion programs and was Diversity Director for the Western Region of the Jesuit Secondary Educators Association from 1994 to 1996. From 1996 to 2001 she served on the Advisory Committee for the Law Academy, a partnership of the San Francisco Unified School District and the San Francisco Bar Association. She was a Member of the Board of Trustees of St. Elizabeth High School, Oakland, California, from 1996 to 1998. Currently she serves on the Board of Directors for San Francisco Nature Education and on the Board of the MBA-Nonprofit Connection, which develops internship placements at nonprofit organizations. She has also worked closely with the education projects of State and nonprofit organizations, including the California International Studies Project and International Development Exchange.

**JAMES C. HARRISON** joined Remcho, Johansen & Purcell in 1997 and became a partner in 2001. He was admitted to the California Bar in 1992. He is a graduate of Duke University (B.A., *cum laude*, 1988) and the University of California, Los Angeles School of Law (J.D., 1992). Prior to joining Remcho, Johansen & Purcell, Mr. Harrison was a litigation associate at Morrison & Foerster for four years. Since joining the firm in 1997, Mr. Harrison has represented a variety of clients in public policy and constitutional litigation. Mr. Harrison has represented the proponents and opponents of ballot measures in pre- and post-election challenges, including the successful defense of Proposition 10 (*California Assoc. of Retail Tobacconists v. State*, 109 Cal. App. 4th 792 (2003)) and successful challenges to Proposition 213 (*Horwich v. Superior Court*, 21 Cal. 4th 272 (1999)). Mr. Harrison also represented the California Legislature in litigation involving the 2000 Census. Mr. Harrison's appellate experience includes arguments in the Ninth Circuit Court of Appeals, the California Supreme Court, and California courts of appeal.

Mr. Harrison has represented numerous candidates in connection with election law and campaign finance matters. Mr. Harrison also advises public and private clients regarding compliance with the California Political Reform Act and public meeting and public record laws. Mr. Harrison has represented numerous public officials and public agencies in conflict of interest matters, including the Department of Water Resources, the California Children & Families Commission,



Monterey County, Stanislaus County, and the Alameda Unified School District. In addition, Mr. Harrison has conducted ethics training seminars for the Governor's Office, Assembly, and other state and local agencies.

**THOMAS A. WILLIS** is a partner specializing in constitutional, campaign finance, and election law. He was admitted to the California Bar in 1992 and is a graduate of Duke University (B.A., 1987) and the University of Virginia School of Law (J.D., 1992).

Since joining the firm, Mr. Willis has litigated a number of election law, conflict of interest and campaign finance cases. Mr. Willis is currently participating in litigation defending the California Legislature's 2001 redistricting plan. In 2003, he successfully challenged an interim contract approved by a municipality before a referendum election could take place. *Lindelli v. Town of San Anselmo*, 111 Cal. App. 4th 1099 (2003). In 2002, Mr. Willis successfully defended a member of the Public Utilities Commission in an action that sought to remove him from office based on an alleged conflict of interest. *People ex rel. Found. for Taxpayer & Consumer Rights v. Duque*, 105 Cal. App. 4th 259 (2003). Mr. Willis also participated in a successful federal court challenge to San Francisco campaign contribution limits. *San Franciscans for Sensible Government v. Renne*, No. C 99-2456 CW (N.D. Cal. Sept. 8, 1999).

In addition to litigation, Mr. Willis advises clients on the full panoply of laws governing the electoral and political process, including federal and state campaign finance, lobbying, conflicts of interest, and other ethics laws. Mr. Willis also represents clients before the Federal Elections Commission, the California Fair Political Practices Commission, and the San Francisco Ethics Commission. He advises candidates, campaign committees, initiative and referendum committees, corporations and nonprofits about these laws and the electoral process, including election challenges.

**MARGARET R. PRINZING** joined Remcho, Johansen & Purcell in May, 2004. She was admitted to the California bar in 2000. She is a graduate of Indiana University (B.A. *with distinction*, 1992) and Boalt Hall Law School (J.D., 2000). Prior to joining the firm, Ms. Prinzing was an associate with Bingham McCutchen where she specialized in civil litigation. From 1993 to 1997, she worked as a legislative assistant on social policy matters for U.S. Congressmen Martin Olav Sabo and Frank McCloskey. During law school, Ms. Prinzing was Executive Editor of the Berkeley Women's Law Journal and interned with the East Bay Community Law Center and the California Fair Employment and Housing Commission. She has done a wide variety of pro bono work for individuals and nonprofit organizations and currently serves as a member of the Advisory Committee to the California Habeas Project. Since joining the firm, Ms. Prinzing has represented clients in election law, public policy and constitutional litigation, including multiple challenges to recently enacted workers' compensation reform legislation.

**KAREN GETMAN (of counsel)** was admitted to the New York Bar in 1986, the District of Columbia Bar in 1987 and the California Bar in 1988. She is a graduate of Yale College (B.A. *with distinction*, 1980) and Harvard Law School (J.D. *cum laude*, 1985).

Ms. Getman was appointed Chairman of the California Fair Political Practices Commission by Governor Gray Davis in March, 1999 and served in that capacity until April, 2003. In May, 2003 Governor Davis appointed her to the Alcoholic Beverage Control Appeals Board.

During the 2003-2004 academic year, Ms. Getman served as the first Executive in Residence at the Center on Politics at the University of California, Berkeley's Institute of Governmental Studies. She is also adjunct professor at Boalt Hall School of Law, where she co-teaches the course on Regulating Public Integrity.

Ms. Getman previously served on the board of Women Executives in State Government and as a member of the Speaker's Commission on the California Initiative Process. She is a member of the strategic planning team for the Walnut Creek Intermediate School.

Ms. Getman has extensive experience in state and federal courts and before administrative agencies, and represents a variety of clients in public policy and constitutional litigation. Most recently, Ms. Getman successfully challenged a local ordinance's ban on inter-candidate transfers of campaign contributions; succeeded in contesting certification of a proposed manual count voting system; and represented the League of Women Voters in litigation over the counting of write-in ballots in the San Diego mayoral race. Ms. Getman advises candidates, committees and public agencies regarding compliance with the state Political Reform Act, the federal Bi-Partisan Campaign Reform Act, conflict of interest and open meeting laws, and other legal matters. Ms. Getman also advises the California Teachers Association on matters relating to the constitutional school funding guarantee and other legislative and constitutional issues.

**JEANNE PRITCHARD (*Political Reform Act Specialist*)** joined the California Fair Political Practices Commission when it was formed in 1975 and remained with the Commission until joining Remcho, Johansen & Purcell in 1992. From 1985 until she left the Commission, Ms. Pritchard was Chief, Technical Assistance and Analysis Bureau with responsibility for providing advice to the public and specialists in the field on compliance with the Act. She supervised a staff of approximately 25 specialists. Ms. Pritchard, who is not an attorney, provides advice on compliance with the Political Reform Act. In addition, she supervises the preparation of public disclosure reports required of lobbyists, candidates, officeholders, political action committees and others involved in the political process.


STATE OF CALIFORNIA  
CALIFORNIA INSTITUTE FOR REGENERATIVE MEDICINE

**Contractor's Cost Proposal**

The Contractor hereby agrees to furnish all labor, material and equipment necessary to perform all services required for the foregoing titled work in accordance with the Scope of Services, and General Terms and Conditions.

The rates set forth shall remain in force for the stated term of the Agreement and shall include the cost of insurance and every other item of expense, direct or indirect, including State sales tax incidental to the Agreement cost.

By virtue of signing this form, the undersigned is accepting the terms and conditions expressed in this Agreement.

<b>Company Name</b> Remcho, Johansen & Purcell	
<b>Street Address</b> 201 Dolores Avenue	<b>P.O. Box</b>
<b>City, State &amp; Zip Code</b> San Leandro, CA 94577	<b>City, State &amp; Zip Code</b>
<b>Telephone Number</b> (510) 346-6200	<b>Fax Number</b> (510) 346-6201
<b>Federal ID or Social Security No.</b> 94-2843385	<b>E-mail Address</b> <a href="mailto:jharrison@rjp.com">jharrison@rjp.com</a>
<b>Print Name and Title of Signee</b> James C. Harrison, Partner	
<b>Signature of Authorized Representative</b> 	<b>Date</b> February 18, 2005

Status:

- |  |   |
|--|---|
| <input type="checkbox"/> Individual                | <input type="checkbox"/> Corporation (State in which incorporated _____)    |
| <input checked="" type="checkbox"/> Co-partnership | <input type="checkbox"/> Combination <input type="checkbox"/> Joint Venture |

For reporting purposes only, it is important to know whether or not your firm is considered a small or large business in accordance with State Government Code standards.

The CIRM is mandated to complete a Small Business Report for each contractor who does business with the State. Therefore, failure to complete this form will result in the classification of your business as a large business.

Please check the appropriate response:

This business is:        X   Small

(a copy of your OSMB small business certification must be submitted with your bid proposal to verify small business preference)

       Large

**CONTRACTOR'S RATES**

James Harrison	\$300 per hour
Robin Johansen	\$300 per hour
Kathleen Purcell	\$300 per hour
Thomas Willis	\$300 per hour
Karen Getman	\$300 per hour
Margaret Prinzing	\$265 per hour
Jeanne Pritchard (Political Reform Act Specialist)	\$195 per hour
Douglas Denton (paralegal)	\$145 per hour
George Allen Brandt	\$ 95 per hour

## § 599.619. Reimbursement for Meals and Lodging-Excluded Employees

employee on travel status shall be reimbursed actual expenses for receipted lodging, and for meals and incidentals as provided in this section unless directed to travel under the provisions of § 599.624.1. Lodging and/or meals provided by the state or included in hotel expenses or conference fees, or in transportation costs such as airline tickets, or otherwise provided shall not be claimed for reimbursement. Snacks and continental breakfasts, such as rolls, juice and coffee, are not considered to be meals. The circumstances of travel will determine the rate allowed.

(a) Short-term Travel. Reimbursement for short-term subsistence will be authorized only when the traveler incurs expenses arising from the use of reasonable, moderately priced commercial lodging and meal establishments, such as hotels, motels, bed and breakfast inns, campgrounds, restaurants, cafes, diners, etc. that cater to the general public. Employees who stay with friends or relatives may claim meals only in accordance with the rates and time frames set forth below. Lodging receipts are required. The short-term rate is intended for trips of such duration that weekly or monthly rates are not obtainable and will be discontinued after the 30th consecutive day assigned to one location unless an extension has been previously documented and approved by the appointing power. In extending short term travel, the appointing power shall consider the expected remaining length of the travel assignment.

(1) In computing reimbursement for continuous short term travel of more than 24 hours and less than 31 consecutive days, the employee will be reimbursed for actual costs up to the maximum allowed for each meal, incidental, and lodging expense for each complete 24 hours of travel, beginning with the traveler's times of departure and return, as follows.

(A) On the first day of travel on a trip of 24 hours or more:

Trip begins at or before 6 a.m.: breakfast may be claimed on the first day  
 Trip begins at or before 11 A.M.: lunch may be claimed on the first day  
 Trip begins at or before 5 P.M.: dinner may be claimed on the first day  
 On the fractional day of travel at the end of a trip of more than 24 hours:

Trip ends at or after 8 a.m.: breakfast may be claimed  
 Trip ends at or after 2 P.M.: lunch may be claimed  
 Trip ends at or after 7 P.M.: dinner may be claimed

If the fractional day includes an overnight stay, receipted lodging may be claimed. No meal or lodging expense may be claimed or reimbursed more than once on any given date or during any 24 hour period.

(C) Reimbursement shall be for actual expenses, subject to the following maximum rates:

Meals:	
Breakfast	\$ 6.00
Lunch	\$10.00
Dinner	\$18.00
Incidentals	\$ 6.00

Receipts are not required for regular short term travel meals.

Lodging:

Statewide, with receipts	Actual up to \$84.00 plus tax
Specific Bay Area Counties & LA area	\$110 plus tax

If lodging receipts are not submitted, reimbursement will be for meals only at the rates and time frames set forth in this section.

(2) In computing reimbursement for continuous travel of less than 24 hours, actual expenses, up to the maximum in (C) above, will be reimbursed for breakfast and/or dinner and/or lodging in accordance with the following time frames:

Travel begins at or before 6 a.m. and ends at or after 9 a.m.: Breakfast may be claimed

Travel begins at or before 4 p.m. and ends at or after 7 p.m.: Dinner may be claimed

If trip of less than 24 hours includes an overnight stay, receipted lodging may be claimed.

No lunch or incidentals may be reimbursed on travel of less than 24 hours.

(b) Long-term Travel. Reimbursement for long-term meals and receipted lodging will be authorized when the traveler incurs expenses in one location comparable to those arising from the use of commercial establishments catering to the long-term visitor.

Meals and/or lodging provided by the state shall not be claimed for reimbursement. With approval of the appointing power and upon meeting the criteria in (3) below, an employee on long-term field assignment who is living at the long term location may claim either:

(1) \$24.00 for meals and incidentals and up to \$24.00 for receipted lodging for travel of 12 hours up to 24 hours; either \$24.00 for meals or up to \$24.00 for receipted lodging for travel less than 12 hours; or

(2) Reimbursement for actual individual expense, substantiated by receipts, for lodging, utility gas and electricity, up to a maximum of \$1130 per calendar month while on the long term assignment, and \$10.00 for meals and incidentals, without receipts, for each period of 12 to 24 hours; \$5.00 for meals and incidentals for periods of less than 12 hours at the long term location.

(3) To claim expenses under either (1) or (2) above the employee must meet the following criteria:

(A) the employee continues to maintain a permanent residence at the primary headquarters and

(B) the permanent residence is occupied by employee's dependents, or

(C) the permanent residence is maintained at a net expense to the employee exceeding \$200 per month.

(D) the employee must submit substantiating evidence of these conditions to the appointing power in accordance with its requirements.

(4) Employees who do not meet the criteria to claim (1) or (2) above may claim \$12.00 for meals and incidentals and \$12.00 for receipted lodging for every 12 to 24 hours at the long term location; \$12.00 for meals OR \$12.00 for receipted lodging periods of less than 12 hours at the long term location.

(5) With approval of the appointing power, the reimbursement of long term lodging may continue when the employee is away from the long term location on short term business travel or other absences from that location as approved by the appointing authority.

(c) Out-of-State Travel. Out-of-state travel is any travel outside the State of California for the purpose of conducting business outside the State of California. For short-term out-of-state travel, employees will be reimbursed for actual lodging expenses, supported by a receipt, and will be reimbursed for meal and incidental expenses as defined in Section 599.619(a). Failure to furnish lodging receipts will limit reimbursement to meals only at the rates specified in (a). Long-term out-of-state travel will be reimbursed according to Section 599.619(c).

(d) Out-of-Country Travel. For short-term out-of-country travel, employees will be reimbursed for actual lodging expenses, supported by a receipt, and will be reimbursed for actual meal and incidental expenses subject to maximum rates in accordance with the published Government meal and incidental rates for foreign travel. Long term out-of-country travel will be reimbursed according to Section 599.619(a) through (c).

(e) Exceptions to reimburse in excess of the maximum lodging rate cited in (a) of this rule may be granted by the Appointing Power only in an emergency, or when there is no lodging available at the State maximum rate or when it is cost effective. The Appointing Power document the reasons for each exception and shall keep this documentation on file for three calendar years from the date of the exception.

NOTE: Authority cited: Sections 3539.5, 19815 4(d), 19816 and 19820, Government Code  
 Reference: Sections 3527(b) and 11030, Government Code

### History

1. New chapter 3 (sections 599.619-599.745, not consecutive) filed 10-12-83 as an emergency; effective upon filing (Register 82, No. 42). A Certificate of Compliance must be transmitted to OAL within 180 days or emergency language will be repealed on 4-10-83.

2. Certificate of Compliance including amendments transmitted to OAL, 3-15-83 and filed 4-19-83 (Register 83, No. 17). Amendment filed by the Department of Personnel Administration with the Secretary of State on 7-8-87, operative 7-8-87. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 87, No. 22).

3. Reconsignation of sections 599.619-599.632, not consecutive, to article 2 filed 9-6-87 effective thirtieth day thereafter (Register 83, No. 37).

4. Amendment filed by the Department of Personnel Administration with the Secretary of State on 8-20-84, effective upon filing. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 85, No. 18).
5. Amendment filed by the Department of Personnel Administration with the Secretary of State on 5-23-86, effective upon filing. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 86, No. 26).
6. Amendment filed by the Department of Personnel Administration with the Secretary of State on 6-27-88, pursuant to Government Code section 3539.5, submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 88, No. 31).
8. Amendment of subsection (a)(4) filed by the Department of Personnel Administration with the Secretary of State on 9-1-88, operative 10-1-88. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 88, No. 41).
9. Amendment of subsections (a)(1) and (a)(5) filed by the Department of Personnel Administration with the Secretary of State on 6-30-89, operative 6-30-89. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 89, No. 33).
10. Amendment of subsections (a)(2)-(a)(4) filed by the Department of Personnel Administration with the Secretary of State on 10-20-89, operative 10-20-89. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 89, No. 49).
11. Change without regulatory effect amending section filed 9-10-91 (corrected text filed 9-11-91) pursuant to section 100, title 1, California Code of Regulations (Register 91, No. 51).
12. Amendment filed 12-31-91 with the Secretary of State by the Department of Personnel Administration, operative 12-31-91. Submitted to OAL for printing only pursuant to Government Code section 3539.5 (Register 92, No. 12).
13. Editorial correction of printing errors in subsections (a)(1) and (a)(2)(A) (Register 92, No. 34).
14. Amendment of section heading and section filed 12-27-95, operative 1-1-96. Submitted to OAL for printing only pursuant to Government Code section 3539.5 (Register 95, No. 52).
15. Amendment filed 7-1-97, operative 7-1-97 pursuant to Government Code section 11343.4(d), (Register 92, No. 12). Submitted to OAL for printing only pursuant to Government Code section 3539.5 (Register 97, No. 27).

## § 599.623. Miscellaneous Meal Expenses-Excluded Employees.

(a) Overtime Meals. When an excluded employee assigned to work week group 2 is required to work overtime, he/she may receive an overtime meal allowance of up to \$8.00. To be eligible, the excluded employee must be required to report to work at least two hours prior to or remain at least two hours past his/her regularly scheduled work day, or work a minimum of 10 hours on a regularly scheduled day off or holiday.

When required to work for extended periods of time, the excluded employee may be reimbursed for meal expenses prescribed herein for each additional six-hour of overtime worked. No more than three overtime meal allowances may be claimed during any 24-hour period. The meal time itself shall not be included in the computation of overtime for purposes of this section.

In lieu of overtime meal reimbursement, agencies operating food service facilities may furnish an overtime meal to an excluded employee. Agencies shall maintain a record of all guest meals furnished for this purpose. An excluded employee may not claim reimbursement for an overtime meal or be furnished a meal free of charge if claiming travel meals.

Meals for Extended Arduous Work. On those rare occasions when an employee who is in a work week group other than work week group 2 would be required to physically or mentally work 10 hours or more (not including any breaks for meals) for an extended period of time, the employee, with approval of the appointing authority, may claim the actual cost of an arduous work meal up to \$8.00. Such meals should only be approved when it is clear that the work schedule is consistently in excess of a normal full time schedule. Occasional extra hours worked, consistent with the nature of an other than Work Week Group 2 work schedule, do not meet the criteria for Extended Arduous Work Meals.

(b) Business-Related Meals. This section is intended to allow an agency to reimburse employees for meal expenses in the limited number of instances where they are required to incur such expenses in connection with the conduct of official state business with a person or persons from outside state government.

When it is necessary for an excluded employee to conduct official state business during a meal, he/she may be reimbursed for actual meal expenses, supported by a receipt, up to the maximums prescribed in Section 599.619(a)(1). Claims must include the establishment, the persons in attendance, the business conducted and the reason why the business had to be conducted during the meal period.

Business meals are not reimbursable when departments call meetings with their own and/or other department employees to conduct state business.

To claim reimbursement for a business-related meal, the circumstances surrounding the meal must be beyond the control of the excluded employee and it must be impractical to complete the business during normal working hours, such as:

(A) to conduct state business with a person or persons from outside state service

when availability of the person or persons is limited and it is imperative that business is conducted during the meal period, or

(B) to attend a board or commission meeting where attendance is mandatory and there is no adjournment during the meal period.

(2) Claims for meal expenses where business is incidental to the meal or the attendance of the excluded employee is primarily for public or community relations are specifically prohibited.

(c) Meals of Appointees. Members of non-salaried boards, commissions, and duly constituted advisory committees may be reimbursed for actual expenses up to the maximum prescribed in Section 599.619(a) when attending board, commission, and committee meetings. The restrictions of Section 599.616 do not apply. They may not claim this if they are also claiming subsistence allowance while on travel status.

While on travel status other than attending board, commission or committee meetings, appointees may be reimbursed for expenses prescribed in Section 599.619.

(d) Excluded employees of the Department of Forestry engaged in emergency fire suppression activities may be reimbursed for actual meal expenses without regard to mileage and time frame limitations to the extent that circumstances reasonably require such an exception. Emergency fire suppression activities are defined as actions taken under emergency conditions to extinguish uncontrolled fires which threatened to destroy life, property, or resources.

(e) Agencies operating facilities for feeding officers, employees and official guests may furnish an official guest meal to an employee. Agencies shall maintain a record of all guest meals furnished for this purpose. An employee may not claim reimbursement for a travel or overtime meal that has been provided as a guest meal.

NOTE: Authority cited: Sections 3539.5, 19815.4(d), 19816 and 19820, Government Code. Reference: Section 11030, Government Code.

### HISTORY

1. Repealer and new section filed by Department of Personnel Administration with the Secretary of State on 9-9-85, effective upon filing. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 85, No. 41).
2. Correction of HISTORY 1. (Register 86, No. 28).
3. Amendment filed by Department of Personnel Administration with the Secretary of State on 6-27-88 pursuant to Government Code section 3539.5. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 88, No. 31).
4. Amendment filed 12-31-91 with the Secretary of State by Department of Personnel Administration, operative 12-31-91. Submitted to OAL for printing only pursuant to Government Code section 3539.5 (Register 92, No. 12).
5. Amendment of section heading and section filed 12-27-95, operative 1-1-96. Submitted to OAL for printing only pursuant to Government Code section 3539.5 (Register 95, No. 52).

## § 599.624.1. Contracting for Meals and/or Lodging Expenses-Excluded Employees

Appointing authorities may enter into agreements with restaurants, hotels, and lodging establishments for the furnishing of subsistence to state employees at or below the rates provided in these rules when such method of handling is advantageous to the State. When such agreements are entered into, the vendor may receive payment either from the employee, a group leader or by billing the State on a regular itemized invoice.

(a) Group leaders who pay subsistence expenses for other personnel may claim reimbursement by submitting a vendor's invoice and a list of names of the employees whose expenses were paid.

(b) Individuals who have specific meal and/or lodging expenses paid by the group leader or department may not claim reimbursement for those meal and lodging expenses per 599.619.

(c) The total payment under any such agreement shall not exceed the aggregate of the subsistence allowances otherwise claimable by the participating employees.

(d) No individual's reimbursement shall exceed the rate(s) negotiated under the provisions of this section of the maximum subsistence rates provided in these rules, whichever is less.

NOTE: Authority cited: Sections 19815.4(d), 19816 and 19820, Government Code. Reference: Section 11030, Government Code.

### HISTORY

1. New section filed 12-27-95, operative 1-1-96. Submitted to OAL for printing only pursuant to Government Code section 3539.5 (Register 95, No. 52).

## § 599.625.1. Receipts-Excluded Employees.

An excluded employee is defined in Section 599.615(h)

(a) Receipts are required for each item of expense of \$25.00 or more. As specified in this rule, receipts are also required for items of expense of less than \$25.00. Receipts shall be submitted with claims for every item of business expenses incurred while away from headquarters conducting state business except for actual expenses as follows:

(1) Railroad and bus fares of less than \$25.00 when travel is wholly within the State of California.

(2) Street car, ferry fares, bridge and road tolls, local rapid transit system, taxi, shuttle or hotel bus fares, and parking fees of \$10.00 or less for each continuous period of parking or each item of transportation expense noted in this item.

(3) Telephone or telegraph, fax or other business charges related to State business of \$5.00 or less.

(b) In the absence of a receipt, reimbursement shall be limited to the non-receipted amount above.

(c) Regardless of the exceptions in (a) above, the authority approving the claim and/or the appointing power may require any additional verification, or information, he/she deems necessary to determine that an expense was actually and reasonably incurred. In the absence of satisfactory explanation no reimbursement shall be allowed. If there is reason to believe that inappropriate non-receipted expenses have been claimed, receipts may be required for each item of expense listed above for future travel.

NOTE: Authority cited: Sections 3539.5, 19815.4(d), 19816 and 19820, Government Code. Reference: Sections 11030, Government Code.

#### History

1. New section filed by Department of Personnel Administration with the Secretary of State on 9-1-88; operative 10-1-88. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 88, No. 41).
2. Amendment filed 12-31-91 with the Secretary of State by the Department of Personnel Administration; operative 12-31-91. Submitted to OAL for printing only pursuant to Government Code section 3539.5 (Register 92, No. 12).
3. Amendment of section heading and section filed 12-27-95; operative 1-1-96. Submitted to OAL for printing only pursuant to Government Code section 3539.5 (Register 95, No. 52).

### § 599.626.1. Transportation Expenses-Excluded Employees.

Transportation expenses consist of the charges for commercial carrier fares; private car mileage allowances; emergency repairs to state cars; overnight and day parking of state or privately-owned cars; bridge and road tolls; necessary taxi, bus, or streetcar fares; and all other charges essential to the transport from and to the official headquarters while on authorized state business.

(b) Reimbursement will be made only for the method of transportation which is in the best interest of the State, considering both direct expense as well as the officer's or employee's time. Provided the mode of transportation selected does not conflict with the needs of the agency, the officer or employee may use a more expensive form of transportation and be reimbursed at the amount required for the least expensive mode of travel that is in the best interest of the state. Both modes of transportation will be shown on the travel claim with reference to this section. A cost comparison shall be completed and attached to the claim. Cost comparisons shall include only the least costly methods of transport for those expenses actually being substituted, and shall include only the expenses of traveling from one location to another. Transportation expense at the travel work location will be reimbursed based on the actual business transportation expenses incurred while at the travel location.

(c) Expenses arising between home or garage and headquarters shall not be allowed regardless of the employee's normal mode of transportation. When a trip is commenced or terminated at claimant's home, the distance traveled shall be computed from either his/her headquarters or home, whichever shall result in the lesser distance.

Exceptions to the above are:

(1) Where such expenses are incurred by call back to work necessitating more than one trip to the work location on a normal work day or by reason of any call back or pre-scheduled work on an employee's normal day off.

(2) When travel to or from a common carrier commences or terminates one hour before or one hour after the regularly scheduled work day or on a regularly scheduled day off, distance may be computed from the employee's residence in accordance with Section 599.631.

(3) When the criteria in 599.626.1 for remote headquarters are met.

(d) When an employee's regular work assignment requires him/her to rotate among two or more posts or work stations at different geographic locations and

he/she is instructed to report to a designated post, the reimbursable distance from his/her home to the designated post, the reimbursable distance from his/her home to the designated post and return shall be limited to that which exceeds the round trip distance from his/her home to his/her designated headquarters. Reimbursement shall be computed at the rate set forth under Section 599.631.

(e) No reimbursement will be allowed for transportation expense when the employee uses a privately-owned motorcycle or motor-driven cycle in the conduct of state business.

NOTE: Authority cited: Sections 19815.4(d), 19816 and 19820, Government Code. Reference: Sections 11030, Government Code.

#### HISTORY

1. New section filed 12-27-95; operative 1-1-96. Submitted to OAL for printing only pursuant to Government Code section 3539.5 (Register 95, No. 52).

### § 599.627.1. Special Transportation-Excluded Employees

(a) Where it is authorized and necessary to hire special conveyances, except automobiles a full explanation, state the facts constituting the necessity, shall accompany the expense claim.

(b) Commercial Automobile Rental

(1) Reimbursement will be for actual and necessary costs of such rental when substantiated by a voucher. Where it is necessary to pay extra charges or premium rental rates for air conditioning, convertible body-style, expensive, or other luxury items, a full explanation shall accompany the expense claim.

(2) Reimbursement will not be made for a damage waiver. Reimbursement will be made to the officer or employee for any loss necessarily sustained by him/her by reason of his/her not having purchased such waiver.

(c) Where a privately owned bicycle is used in the conduct of official state business, the employee will be allowed to claim 4 cents per mile.

### § 599.628.1 Transportation by Aircraft-Excluded Employees

In the determination of fare or mileage reimbursement for transportation by airplane, the point of origin and return shall be an appropriate airport facility servicing the area of the employee's residence or headquarters, whichever is most advantageous for the State.

(a) Scheduled Airline. Reimbursement of expenses for transportation by scheduled airline shall be at the current contract rate; except that when the employee's actual airfare is lower, the lower amount shall be reimbursed. Claims for reimbursement of higher fares or extra charges for transportation by scheduled airline may be allowed if accompanied by a full explanation stating the facts constituting the official necessity, and approved by the appointing power.

(b) Privately-Owned Aircraft. A claim of an employee for transportation by privately-owned aircraft shall be allowed where he/she has obtained prior approval of the use of this form of transportation from his/her department. If an employee is to act as pilot, he/she must satisfy the following insurance requirements:

(1) certificate of current insurance in an amount of not less than \$50,000 per person liability.

(2) certificate of current insurance in an amount of not less than \$1,000,000 per incident.

(3) Reimbursement for the use of the employee's privately-owned aircraft shall be made at the rate of 50 cents per statute mile. Claims for reimbursement for privately-owned aircraft expenses must include the civilian airplane license number and the name of each state officer, employee, or board, commission, or authority member transported on the trip. No reimbursement of transportation expenses will be allowed any employee while a passenger in any airplane operated by another officer, employee or member.

(A) Distance shall be computed on the basis of shortest air route from origin to destination, using airways whenever possible. Distance shown on claim shall be clearly marked "Air Distance."

(B) When the trip is limited solely to state business and the "Air Distance" cannot accurately be computed from origin to destination, the department director may authorize reimbursement for the actual cost of renting a plane.

(4) Reimbursement for use of a rented aircraft will be for actual and necessary costs of such rental when substantiated by a receipt.

(A) Reimbursement will be authorized only for the size and type aircraft necessary to complete the assignment.



(3) When substantiated by a receipt, reimbursement may be made for actual and aircraft. Reimbursement will not be allowed for storage or parking fees at the location where the privately-owned aircraft is normally stored.

(5) If an employee is to act as pilot and carry passengers he/she must, in addition to Federal Aviation Administration Regulations, have previously logged as a pilot at least 250 hours of actual flight as pilot in command of an aircraft. In addition, the employee pilot must have logged, as a pilot in command of an aircraft, at least 40 hours of actual flight within the preceding 12 months.

Any employee pilot who has carried or intends to carry passengers may be required to present his/her log book substantiating that he/she meets the requirements. Passenger shall be defined as any person other than the pilot traveling in the aircraft. An employee pilot who carries a passenger but fails to meet the above qualifications shall not be reimbursed for transportation expense.

(c) Payment of Fare. Payment for transportation by aircraft may be made by (1) cash, (2) credit card, or (3) ticket order. When payment is made by (1) cash, the travel expense claim must be accompanied by the traveler's flight coupon, in accordance with Section 599.625(a)(1). If no flight coupon was issued, as may be the case with chartered or private aircraft, a formal receipt must be submitted. If payment was made by credit card or by ticket order, this should be noted on the travel expense claim.

(d) Air Travel Insurance. Any state agency may insure that its officers and employees against injury or death arising from aircraft accidents incurred while flying on state business in other than regularly scheduled passenger aircraft, subject to the following conditions:

(1) Insurance shall be provided only to those employees who are directed to fly to fulfill their work requirements. Insurance coverage shall not be provided when use of a privately-owned aircraft is for point-to-point transportation and is a voluntary response from the employee, even though such use may be advantageous to the State.

(2) Application for insurance shall be submitted to, and the insurance procured by, the Department of General Services.

(3) Except as provided in subsection (4) below, the maximum limit of such insurance shall be \$15,000 in the case of death or dismemberment for each officer and employee.

For excluded employees, as defined in Section 599.619.1, the maximum limit for travel insurance shall be \$50,000 in the case of death or dismemberment for each officer and employee.

NOTE: Authority cited: Sections 19815.4(d), 19816 and 19820, Government Code. Reference: Section 11030, Government Code.

#### HISTORY

1. New section filed 12-27-95; operative 1-1-96. Submitted to OAL for printing only pursuant to Government Code section 3539.5 (Register 95, No. 52).

### § 599.629.1 Railroad Transportation-Excluded Employees

(a) Not more than actual fare on any transportation service, in accordance with the latest tariffs at the time the trip was made, shall be allowed. Special rates and round-trip rates shall be used whenever possible.

(b) Reimbursement for roomette or Pullman accommodations will be allowed. Where it is necessary to use Pullman accommodations more expensive than a roomette, a full explanation stating the facts constituting the official necessity shall accompany the expense account together with a receipt.

(c) Unused portions of railroad and sleeping car tickets are subject to refunds and all steps necessary to secure funds on such tickets shall be taken.

(d) Any unusual delay or a deviation from the shortest, usually traveled route shall be explained.

(e) Any expenses related to deportation will be reimbursed in accordance with Federal Immigration and Naturalization Service rules.

(f) Meals incurred while on overnight train travel will be reimbursed in accordance with Section 500.619.

(g) Tickets for rail transportation or Pullman accommodations may be purchased by the individual, by credit card, or ticket order. If purchased by credit card or by ticket order, this fact should be noted on the individual's expense claim.

NOTE: Authority cited: Sections 19815.4(d), 19816 and 19820, Government Code. Reference: Sections 11030, Government Code.

#### HISTORY

1. New section filed 12-27-95; operative 1-1-96. Submitted to OAL for printing only pursuant to Government Code section 3539.5 (Register 95, No. 52).

### § 599.631

### Transportation by Privately Owned Automobile-Excluded Employees

(a) Where the employee is authorized to use a privately owned automobile on official state business the reimbursement rate shall be 31 cents per mile. Claims for reimbursement for private vehicle expenses must include the vehicle license number and the name of each state officer, employee on board, commission or authority member transported on the trip. No reimbursement of transportation expense shall be allowed any passenger in any vehicle operated by another state officer, employee or member.

(1) Expenses arising from travel between home and headquarters or garage shall not be allowed, except as provided in 599.626(d)(2) or 599.626.1(c), regardless of the employee's normal mode of transportation.

(2) When a trip is commenced or terminated at a claimant's home on a regularly scheduled work day, the distance traveled shall be computed from either his/her residence or headquarters, whichever shall result in the lesser distance except as provided in 599.626.1(c).

(3) However, if the employee commences or terminates travel on a regularly scheduled day off, mileage may be computed from his/her residence.

(b) Where the employee's use of a privately owned automobile is authorized for travel to or from a common carrier terminal, and the automobile is not parked at the terminal during the period of travel, the employee may claim double the number of miles between the terminal and the employee's headquarters or residence, whichever is less, at a rate as defined in Section 599.631(a), while the employee occupies the automobile for the distance between the terminal and his/her residence or headquarters. If the employee commences or terminates travel one hour before or after his/her regularly scheduled work day, or on a regularly scheduled day off, mileage may be computed from his/her residence.

(c) All ferry, bridge, or toll road charges will be allowed with any required receipts.

(d) All necessary parking charges while on state business will be allowed, with any required receipts, for:

(1) Day parking on trips away from the headquarters office and excluded employee's primary residence.

(2) Overnight public parking on trips away from the headquarters and excluded employee's primary residence, except that parking shall not be claimed if expense-free overnight parking is available.

(3) Day parking adjacent to either a headquarters office, a temporary job site or training site, but only if the excluded employee had other reimbursable private or state automobile expenses for the same day. An employee may not prorate weekly or monthly parking fees.

(e) Gasoline, maintenance and routine automobile repair expenses will not be allowed.

(f) The mileage reimbursement rates include the cost of maintaining liability insurance at the minimum amount prescribed by law and collision insurance sufficient to cover the reasonable value of the automobile, less a deductible. When a privately owned automobile operated by state officer, agent or excluded employee is damaged by collision or is otherwise accidentally damaged, reimbursement for repair or the deductible to a maximum of \$500.00 will be allowed if:

(1) The damage occurred while the automobile was used on official state business by permission or authorization of the employing agency; and

(2) The automobile was damaged through no fault of the state officer, agent or excluded employee; and

(3) The amount claimed is an actual loss to the state officer, agent or excluded employee, and is not recoverable directly from or through the insurance coverage of any party involved in the accident; and

(4) The loss claimed does not result from a decision of a state officer, agent or excluded employee not to maintain collision coverage; and

(5) The claim is processed in accordance with the procedures prescribed by the Department of Personnel Administration.

(g) Specialized Vehicles. An excluded employee with a physical disability who must operate a motor vehicle on official state business and who can operate only specially equipped or modified vehicles may claim a rate of 24 cents per mile without certification and up to 37 cents per mile with certification. Where travel is authorized to and from a common carrier terminal, as specified in Section 599.631(b) the employee may compute the mileage as defined in Section 599.631(b). Supervisors approving these claims must determine the employee's need for the use of such vehicles.

#### HISTORY

1. Amendment of subsections (a)-(c) and (h) filed by the Department of Personnel Administration with the Secretary of State on 8-20-84; effective upon filing. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 85, No. 18).
2. Amendment filed by the Department of Personnel Administration with the Secretary of State on 7-8-87; operative 7-8-87. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 87, No. 32).
3. Amendment filed by the Department of Personnel Administration with the Secretary of State on 6-27-88 pursuant to Government Code section 3539.5. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 88, No. 31).
4. Amendment filed by the Department of Personnel Administration with the Secretary of State on 6-30-89; operative 6-30-89. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 89, No. 33).
5. Amendment filed 12-31-91 with Secretary of State by Department of Personnel Administration; operative 12-31-91. Submitted to OAL for printing only pursuant to Government Code section 3539.5 (Register 92, No. 12).
6. Amendment of section heading and section filed 12-27-95; operative 1-1-96. Submitted to OAL for printing only pursuant to Government Code section 3539.5 (Register 95, No. 52).
7. Amendment of subsection (a)(1) filed 1-10-96; operative 1-10-96. Submitted to OAL for printing only pursuant to Government Code section 3539.5 (Register 95, No. 38).
8. Editorial correction of subsection (g) (Register 96, No. 38).
9. Amendment of subsection (a) filed 7-1-97; operative 7-1-97 pursuant to Government Code section 11343.4(d). Submitted to OAL for printing only pursuant to Government Code section 3539.5 (Register 97, No. 27).

### § 599.633.1 Travel Reimbursements While on Sick Leave, Vacation, Other Paid Leave, or Compensating Time Off (CTO)-Excluded Employees.

(a) When a state officer or employee is granted sick leave while away from his/her headquarters for purposes of state business, the appointing authority may approve such officer or employee to claim reimbursement for actual travel expenses not to exceed the maximums prescribed by these rules during such sick leave, for a period not to exceed three days. This time limitation may be extended in unusual cases approved by the appointing power, when either the employee is unable to travel, or when it is more economical for the state to maintain the employee on sick leave and travel status in order to complete the assignment.

(b) When a state officer or employee is authorized time off for vacation or CTO while away from his/her headquarters on state business, reimbursement for travel expenses during such vacation or CTO shall not be paid.

(c) The appointing power may make exceptions for employees on long term assignments for long term lodging expenses only that are incurred at the long term location and will continue during the employee's absence.

NOTE: Authority cited: Sections 19815.4(d), 19816 and 19820, Government Code. Reference: Sections 11030, Government Code.

#### HISTORY

1. New section filed 12-27-95; operative 1-1-96. Submitted to OAL for printing only pursuant to Government Code section 3539.5 (Register 95, No. 52).

### § 599.635.1 Attending Conferences, Conventions-Excluded Employees.

For the purposes of this rule a conference or convention is a meeting, with a formal agenda, of persons to discuss or consult on specific work related subjects with the purpose of exchanging views, providing lecture or dialogue or providing or gaining skills and/or information for the good of the State.

(a) Under the direction of the Appointing Power, a State Sponsored Conference or Convention is planned and arranged by one or more state agencies for the benefit of the state and/or outside parties for the purpose of conducting State business. Specifically excluded is any event, meeting or gathering initiated by a state agency for dissemination of information to its own departmental employees. Costs and reimbursements for State sponsored conferences are subject to the exclusions in (c) below. Approval for any individual employee's attendance or participation in a State sponsored conference is at the sole discretion of the appointing authority. In planning and contracting any State sponsored conference, consideration is to be given to State-owned facilities and interagency meeting facilities, responsible scheduling, cost effective lodging and meal expenses, awareness of the public perception of state employee activities, and the overall mission of the event.

(b) Meals that are determined to be an integral part of the conference may be provided if the conference continues to be conducted while the meal is served and consumed. Conference planners may contract for the conference meals at reasonable meal rates and such costs may be included in registration fees for the event. Meals not included in registration fees or not provided as part of the

conference will be reimbursed in accordance with 599.619. Meals provided shall not be claimed or reimbursed.

(2) Lodging. Lodging may or may not be negotiated as a part of the conference package. When it is appropriate to contract for lodging, rates will be negotiated in the best interest of the State, at the lowest rate possible to a maximum of \$110, and be based only on those individuals who would normally spend the night considering the distance and duration of their travel status as defined in section 599.619.

(b) Non-state sponsored conference or convention.

(1) At the discretion of the appointing power, and if not included in a registration fee or otherwise provided, and subject to the restrictions in item (c), employees may be reimbursed for actual meals and lodging expenses included in the conference, supported by receipts. Meals and lodging not contracted for the event shall be reimbursable at the rates set forth in 599.619.

(2) At the discretion of the appointing power, but in accordance with (c) below, registration fees may be reimbursed totally or in part, based on the State interest being served, the needs of the department and the costs incurred.

(c) Specifically excluded from this rule are:

(1) Meetings initiated by a department for employees of that same department.

(2) Conference meals that are secondary to the business being conducted, or that are optional, or that are organized for social purposes.

(3) Any activities or expenses related to recreation, sports, entertainment or tourism.

(4) Any expense for alcoholic beverages.

NOTE: Authority cited: Sections 19815.4(d), 19816 and 19820, Government Code. Reference: Sections 11030, Government Code.

#### HISTORY

1. New section filed 12-27-95; operative 1-1-96. Submitted to OAL for printing only pursuant to Government Code section 3539.5 (Register 95, No. 52).

### § 599.638.1 Expense Claim Form-Excluded Employees.

(a) No travel expense claim shall be paid unless submitted on a Travel Expense Claim, Standard form 262 or some other form approved by the Controller. All expense claims shall be itemized, accompanied by the necessary receipts and supporting documentation and approved by the authorized officer(s). It is the responsibility of the officer approving the claim to ascertain the necessity and reasonableness of incurring expenses for which reimbursement is claimed and that the expenses claimed are in compliance with these regulations.

(b) Expense claims shall be submitted at least once a month and not more than twice a month. If the amount claimable for any month does not exceed \$10, the filing may be deferred until the total amount claimable exceeds \$10 or until June 30, whichever occurs first. Travel expenses claimed for July 1 and beyond must be on a separate travel expense claim from those claimed for June 30 or earlier. Expense claims totaling less than \$1 shall not be submitted or paid.

(c) Each officer and employee making a claim for travel expenses must show the inclusive dates of each trip for which allowances are claimed and the times of departure and return. Time of departure and return means the time employee starts from or returns to his/her office or, when leaving on a trip or returning from a trip without going to the office, his/her home.

(d) Each officer and employee must state the purpose of each trip for which reimbursement is claimed, and for each meal for which reimbursement is claimed under Sections 599.622.1, 599.623.1 or 599.635.1.

(e) Each state officer and employee must show his/her headquarters address and primary dwelling address on the Travel Expense Claim. Employees claiming subsistence expenses pursuant to Section 599.619.1(b)(1) will show their headquarters address as the address of their primary dwelling.

(f) Each claim for the payment of travel expenses shall contain a certification as follows: I hereby certify that the above is a true statement of the travel expenses incurred by me in accordance with Department of Personnel Administration regulations in the service of the State of California, and that all items shown were for the official business of the State of California.

NOTE: Authority cited: Sections 19815.4(d), 19816 and 19820, Government Code. Reference: Section 11030, Government Code.

#### HISTORY

1. New section filed 12-27-95; operative 1-1-96. Submitted to OAL for printing only pursuant to Government Code section 3539.5 (Register 95, No. 52).
2. Editorial correction of subsection (a) (Register 96, No. 38).