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NoraV Borja

IN THE
SUPREME COURT
OF THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

**IN RE THE NORTHERN MARIANA ISLANDS
JUDICIAL BRANCH TRAVEL POLICY**

SUPREME COURT NO. 2019-ADM-0015-MSC

ORDER ADOPTING JUDICIAL BRANCH TRAVEL POLICY

¶ 1 This matter comes before the Court on our own motion to adopt policies governing official business travel undertaken by the Judiciary. The Court deems it necessary and proper to adopt a travel policy for those traveling under the CNMI Judiciary which ensures restraint, accountability, and prudence when incurring travel-related expenses.

¶ 2 IT IS HEREBY ORDERED that the *Northern Mariana Islands Judicial Branch Travel Policy*, attached as Exhibit A, is adopted effective on September 11, 2019.

SO ORDERED this 17th day of September, 2019.

/s/

ALEXANDRO C. CASTRO
Chief Justice

/s/

JOHN A. MANGLONA
Associate Justice

/s/

PERRY B. INOS
Associate Justice



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**NORTHERN MARIANA ISLANDS
JUDICIAL BRANCH**

TRAVEL POLICY

Exhibit A

Effective September 11, 2019

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Section 1. Scope

- (a) This policy applies to all Official Business travel undertaken by each justice, judge, official, and employee of the Judiciary of the Commonwealth of the Northern Mariana Islands, and any other person traveling on Official Business on behalf of the Judiciary.
- (b) Each justice, judge, official, employee, and any other person subject to this policy shall exercise restraint and prudence when incurring travel-related expenses. Expenses deemed unnecessary or excessive shall not be reimbursed. Any exceptions to this policy require an advance approval from the Chief Justice or his designee.

Section 2. Definitions

In this policy, the following terms have the meaning indicated:

- (a) “Conference” refers to any training, conference, seminar, or other activity that is the purpose or the partial purpose for the travel.
- (b) “Conference organized lodging” refers to a lodging where a conference is held or a lodging that the conference has entered into an agreement with for the purpose of providing a discounted lodging rate and/or to provide additional amenities to conference attendees.
- (c) “Days” are calendar days including weekends and legal holidays.
- (d) “Employee” means an employee of the Judiciary. For ease of reading of this policy, “employee” also refers to a justice, judge, and official of the Judiciary and any other person traveling on Official Business on behalf of the Judiciary.
- (e) “JTAR” is the acronym for the Judiciary Travel Advance Request form.
- (f) “JTRR” is the acronym for the Judiciary Travel Reimbursement Request form.
- (g) “Official Business” means the authorized duties and responsibilities of an employee’s position.
- (h) “Per diem” refers to a payment to cover the cost of lodging, meals, and incidental expenses for one day.
- (i) “Per Diem Meal and Incidental Expenses Allowance,” also known as “Per Diem Rate,” means the rate at which an employee is reimbursed for expenses incurred for meals and incidental expenses while in off-island Travel Status.
- (j) “Reimbursement” refers to payments to compensate employee for out-of-pocket expenses incurred during off-island Travel Status.
- (k) “Time in Travel Status” means from the time an employee begins Travel Status until the time the Travel Status ends. The Judiciary

does not pay for normal commute time from an employee's principal residence to the airport, or vice versa.

- (l) "Travel Status" means an employee engaged in traveling on Official Business for the Judiciary. Travel Status begins at the time Official Business travel starts, and it ends when an employee finishes a travel. Travel Status does not include commuting from a place of residence to a principal office location. An employee is considered to be in Travel Status on the first and last days of overnight travel.

Section 3. Documentation Process

An employee traveling on Official Business must have prior written approval from the employee's or his designee to qualify for reimbursement of travel costs.

- (a) To receive written approval, the employee must submit a signed copy of the Judiciary Travel Advance Request ("JTAR") form to the Chief Justice or a designee at least seven days before the date of departure. An employee is not eligible for reimbursement if JTAR is not submitted within seven days of the date of departure. An employee wishing to travel with less than seven days' notice must provide a written justification and attached it to the JTAR.
- (b) The JTAR must be accompanied by any receipts and/or hotel bookings, flight confirmations, or rental car reservations. Any costs that must be documented cannot be reimbursed if they are not submitted with the JTAR.
- (c) An employee is not eligible for reimbursement until the Chief Justice or a designee has signed the JTAR.
- (d) The Judiciary shall issue a check to the employee for approved documented costs before the employee travels.
- (e) An employee returning from work-related travel must submit a signed copy of the Judiciary Travel Reimbursement Request (JTRR) to the Chief Justice or a designee within seven days of arrival on the employee's home island.
- (f) The JTRR must be accompanied by any documents required to confirm costs. Any costs that must be confirmed cannot be reimbursed if they are not submitted with the JTRR.
- (g) An employee is not eligible for reimbursement of costs until the Chief Justice or a designee has signed the JTRR.

Section 4. Reimbursable Expenses

An employee may be reimbursed for the following expenses when incurred during travel on Official Business:

4.1 Airfare

- (a) Reimbursement for transportation by airline is limited to actual coach fare, documented by receipt upon purchase accompanying JTAR and confirmed by boarding passes for all airline flight segments accompanying JTRR. The difference in increased airfare resulting from an employee's side trip to another destination or extended layover will be borne by the employee.
- (b) If the employee is charged a fee for checking a baggage, the employee may receive reimbursement for the cost of checking one baggage, confirmed by receipt accompanying the JTRR. If the employee must check additional baggage, a written justification shall be attached to the JTAR.
- (c) If the employee is traveling within the CNMI or Guam and uses a charter flight or private sea transportation, the employee may choose to receive an alternate payment of \$5.00 per nautical mile traveled. The alternative payment, however, may not exceed the cost of a coach class airfare. This payment shall be documented by the employee in JTAR and confirmed by any documentation sufficient to show that the employee used alternative transportation to travel to their destination accompanying JTRR.
- (d) The employee is not entitled to per diem reimbursement for lodging or meals if they are provided as part of the ticket price by the common carrier.
- (e) Frequent flyer miles earned by an employee while traveling on Official Business are the property of the employee.

4.2 Per Diem

- (a) Lodging
 - (1) Reimbursement for lodging is limited to the applicable maximum rate described in Table I. Sales tax, lodging tax, local tax, and service fees applied to the cost of lodging are considered part of the actual cost of lodging. Receipts are not required and should not be submitted if the cost of lodging is within the applicable maximum rate.
 - (2) Lodging in excess of the applicable maximum rate in Table I is reimbursable when the employee is in a high cost area and unable to secure lodging within the maximum rate and within a reasonable reservation time prior to the date of travel. The employee must submit documentation showing that the

lodging rate claimed is within the prevailing rate for reasonable accommodation at the employee's destination. The employee may establish the prevailing rate by providing three price quotations for lodgings in the area.

- (i) If conference organized lodging exceeds the maximum rate established in Table I, the employee may stay at conference organized lodging if they can demonstrate that it would be more financially advantageous to the Judiciary to pay the increased lodging rate because the employee will not seek reimbursement for any of the reimbursable expenses listed in Section 4 of this Policy.
 - (ii) If applicable reimbursable costs listed in Section 4 of this Policy, in combination with the maximum rate for lodging established in Table I, is more than the price of conference organized lodging, the employee must reserve the conference organized lodging. If applicable reimbursable costs in combination with the maximum lodging rate do not exceed the conference organized lodging rate, the employee must reserve alternative lodging.
 - (iii) Any employee seeking to avail themselves of the exception contained in § 4.2(a)(2) must provide a written justification and attach it to the JTAR for the approval of the Chief Justice or a designee.
- (3) Employees traveling together are not required to share lodging, but may voluntarily elect to share lodging. When submitting the reimbursement claim, each employee should indicate in the comment section of JTRR that the room was shared with another employee.
 - (4) If an employee wishes to stay at a destination beyond the time required to carry out the work functions, the employee must list the dates to be engaged in self-funded lodging in the comment section of JTAR.
 - (5) Additional lodging costs incurred as a result of flight delays or cancellations must be confirmed by receipt accompanying JTRR, containing the same information required by §§ 4.2(a)(2)(i) through 4(a)(2)(iii).
 - (6) An employee is expected to select medium-priced restaurants and hotels/motels (or for higher-priced hotels, to obtain a rate equivalent to the charges of a medium-priced hotel) and to be prudent in controlling expenses.
- (b) Meals and Incidental Expenses Allowance.

- (1) The Judiciary will utilize the Meal Allowance for In-Commonwealth, Guam and Micronesia travel as set forth in Table I; the Per Diem Meal and Incidental Expenses Allowance by U.S. General Services Administration for Out-of-State Travel (GSA Rates at <https://www.gsa.gov/travel/plan-book/per-diem-rates/mie-breakdown>); and the Foreign Per Diem Rates by the U.S. Department of State for Out-of-Country Travel (US State Department Rates at https://aoprals.state.gov/web920/per_diem.asp).

Receipts are not required for meal and incidental expenses reimbursements and should not be submitted with the request for reimbursement. The cost of meals and incidental expenses, up to the established rates, will be reimbursed. The allowance includes a nominal amount for personal incidental expenses, such as snacks, tips, laundry, dry cleaning, etc.

- (2) If an employee is in Travel Status, meals are reimbursable at the applicable rates and as outlined below.

Overnight travel: For overnight travel, an employee is considered in Travel Status on the days the employee travels to and from the destination.

First day in Travel Status - 75% of Per Diem Rate, less meals provided.

Full day(s) in Travel Status - 100% of Per Diem Rate, less meals provided.

Last day in Travel Status - 75% of Per Diem Rate, less meals provided.

- (3) If the registration fee for a conference provides for the cost of meals, such meals are not reimbursable. Meals provided as part of a Judiciary-sponsored event or training are not reimbursable. Meals, such as breakfast, that are provided as part of the cost of lodgings are not reimbursable. Meals that are not reimbursable should be deducted from the applicable Per Diem Rate. Eligibility for the Per Diem Rate is based upon Time in Travel Status.
- (4) An employee is considered to be in Travel Status on the first and last days of overnight travel.

- (5) A copy of the agenda (if published) must be provided with the reimbursement request for any conference, seminar or training, and for which meal reimbursement is requested.
- (6) The Chief Justice or a designee, may give special consideration for reimbursements above the established guidelines.

4.3 Vehicle Rental

- (a) Use of a rental vehicle must be pre-approved by the Chief Justice or a designee. This approval must be in writing, and must be attached to the request for reimbursement, along with the receipts. Reimbursement for vehicle rental is limited to actual cost, up to the applicable maximum rate described in Table I. Vehicles may only be rented from a licensed vehicle rental agency.
- (b) Vehicle reimbursement costs must be documented by receipt accompanying JTAR and confirmed by a copy of the rental contract accompanying JTRR. Collision damage insurance cost is reimbursable.
- (c) Vehicle rental over the maximum rate in Table I is available when the employee is in a high cost area and unable to secure a vehicle rental within the maximum rate. The employee must submit documentation showing that no vehicle rental agency at the destination offered a rate within the cost established in Table I.

4.4 Fuel

- (a) Reimbursement for vehicle fuel is limited to actual cost, up to the applicable maximum rate described in Table I.
- (b) Vehicle fuel reimbursement costs must be confirmed by receipt accompanying the JTRR.
- (c) Employees must refuel rental vehicles before returning them to rental agencies. Employees will not be reimbursed for any additional costs incurred due to failure to refuel a rental vehicle before returning it to the agency.
- (d) If the employee exceeds the maximum fuel rate described in Table I, the employee must attach a justification to JTRR. If the employee is aware prior to travel that the fuel cost may exceed the maximum fuel rate, the employee must attach a justification to the JTAR.

4.5 Ground Transportation

- (a) Reimbursement for ground transportation other than vehicle rental, including taxis, shuttle services, and mass transit, is limited

to actual cost, up to the applicable maximum rate described in Table I.

- (b) Reimbursement for ground transportation includes: airport to and from hotel, hotel to and from places of official business, and places of official business to and from places of official business. Reimbursement for ground transportation to and from restaurants shall not be given if adequate meals are available at or near the place of lodging.
- (c) Ground transportation costs must be confirmed by receipt accompanying Judiciary Travel Form 2.

4.6 Parking and Toll Fees

- (a) Reimbursement for parking and toll fees is limited to actual cost, up to the applicable maximum rate described in Table I.
- (b) Parking and toll costs must be confirmed by receipt accompanying JTRR. An explanation which details the reason why a receipt was not available will be required in lieu of a receipt.

4.7 Fees and Costs Imposed by Travel Agents

- (a) Reimbursement for fees and costs imposed by travel agents is limited to costs that are reasonable and necessary.
- (b) Fees and costs imposed by travel agents must be documented by receipt accompanying JTAR.

4.8 Work-Related Communication Expenses

- (a) Reimbursement for work-related communication expenses, including long-distance telephone calls, roaming charges, and Internet access fees, are limited to costs that are reasonable and necessary.
- (b) Work-related communication expenses must be confirmed by receipt accompanying JTRR.

4.9 Registration Fees

- (a) Reimbursement for registration fees to attend a work-related conference is limited to actual cost.
- (b) Registration fees must be documented on JTAR.
- (c) Employees are not allowed reimbursement for any cost that is already included in the registration fee.

4.10 Costs Incurred by the Judiciary

Any costs associated with employee travel paid directly by the Judiciary shall be clearly identified on JTAR and JTRR. Such costs cannot be reimbursed to the employee.

4.11 Other Costs

At the discretion of the Chief Justice or a designee, other costs are reimbursable provided they are for a public purpose.

Section 5. Non-reimbursable Expenses

5.1 An employee may not be reimbursed for the following expenses:

- (a) Alcoholic beverages or other intoxicants
- (b) Entertainment
- (c) Personal communication expenses
- (d) Costs of applying for or renewing driver's licenses, passports, or other documents necessary for travel
- (e) Flight insurance, traveler's insurance, or personal accident insurance
- (f) Any cost that is already included in a registration fee
- (g) Lodging or meal costs during any time in which a common carrier provides lodging and/or meals.

5.2 An employee may not be reimbursed for expenses if the trip is cancelled.

- (a) Upon cancellation of a trip, the traveling employee must notify the Chief Justice or his designee in writing of the cancellation.
- (b) Upon cancellation, the traveling employee must mark any reimbursement check as "VOID" and return it to the Chief Justice or a designee immediately. If the check has already been cashed or deposited, the employee must return the money to the Judiciary within seven days of the cancellation.
- (c) An employee is not liable to repay the Judiciary for any costs incurred directly by the Judiciary to a third party resulting from a trip cancellation.

Section 6. Penalties

6.1 Falsification Prohibited

Falsification of information presented on the travel expense forms is a violation of this policy and may result in denial of reimbursement and/or disciplinary actions, up to and including termination and referral to the Attorney General for criminal prosecution.

6.2 Personal Liability

An employee is personally liable for any losses incurred by the Judiciary as a result of failure to comply with this policy.

6.3 Investigation Process

- (a) The Chief Justice or a designee may investigate whether an employee has failed to comply with this policy.
- (b) Upon a preliminary finding that an employee has failed to comply with this policy, the Judiciary shall notify the employee in writing that the employee appears to be out of compliance. The notification shall list the dates and destination of the trip, the expenditure questioned, the amount of money in question, and any documentation the employee must provide to justify the reimbursement.
- (c) Upon the employee's receipt of the notification letter, the employee has thirty days to present the Judiciary with evidence of compliance. The employee may inspect the Judiciary's records during this time to gather evidence.
- (d) After the employee's thirty-day period to present the Judiciary with evidence of compliance has expired, the Judiciary may begin disciplinary action against the employee if the employee has not presented the Judiciary with satisfactory evidence of compliance.
- (e) Disciplinary actions against employees shall be conducted pursuant to the rules, regulations, contract terms, and policies governing the employee's employment with the Judiciary.

Section 7. Miscellaneous

7.1 Forms

The Director of Courts may from time to time revise or develop additional travel forms to effectuate the intent and purposes of this policy.

7.2 Effective Date

This policy is effective as of September 11, 2019.

Judiciary Travel Advance Request (JTAR)

Submit form no later than 7 days prior to travel start date.

Travel Authorization No. _____

1. Employee _____
2. Division _____
3. Employee's Address _____
4. Travel Destination _____
5. Travel Start Date _____
6. Travel End Date _____
7. Purpose of Travel _____

Itemizing the Advance

Expense			Amount	Paid By (Judiciary, Employee, etc.)
Mode of Travel (Airfare, private carrier, etc) (attach receipt/proof)			\$	
Lodging	Cost per Night \$	Nights	\$	
Meals (Daily)	Daily Meal Allowance \$	Days	Total Allowance \$	
Meals (Individual)	Breakfast Allowance per Day \$	Partial Days	Total Breakfast \$	
	Lunch Allowance per Day \$	Partial Days	Total Lunch \$	
	Dinner Allowance per Day \$	Partial Days	Total Dinner \$	
Vehicle Rental (attach receipt)	Cost per Day \$	Days	Total Cost \$	
Travel Agent Costs (attach receipt)			\$	
Other Costs (Explain and attach additional sheets as necessary)			\$	
Total Cost to Advance (do not include costs paid by Judiciary)			\$	

By signing this form, I certify:

1. The information in this documentation is true and correct.
2. I acknowledge that reimbursement is subject to the Judiciary's travel policies.

3. I am not eligible for reimbursement until the Chief Justice signs this documentation.
4. I must submit a Travel Expense Report to the Chief Justice or a designee within 7 days of my return to my home island. Failure to do so may prevent employee from receiving a subsequent travel advance.
5. Unsubstantiated amounts or expenses not in compliance with travel policies are the responsibility of the employee and must be reimbursed to the Judiciary when submitting a travel expense report.

I further accept responsibility for all cash, receipts and all required documentation and agree to the Employee's Responsibilities as noted above and will comply with the Judicial Branch Travel Policy.

	Signature	Printed Name	Date
Requesting Employee/Traveler			
Authorizing Supervisor			
Chief Justice or Designee			

JT-1 (06/2019)

Judiciary Travel Reimbursement Request (JTRR)

Submit form no later than 7 days from travel end date.

Travel Authorization No. _____

1. Employee _____
2. Division _____
3. Employee's Address _____
4. Travel Destination _____
5. Travel Start Date _____
6. Travel End Date _____
7. Purpose of Travel _____

Mode of Travel (Airfare, private carrier, etc) (attach boarding passes/proof)			\$
Vehicle Rental (attach contract)	Cost per Day \$	Days	Total Cost \$
Lodging (attach receipt)			\$

Confirmation of Additional Costs:

Baggage Costs (attach receipt)			\$
Additional Lodging (attach receipt)	Cost per Night \$	Nights	Total Cost \$
Additional Meals	Breakfast Allowance per Day \$	Partial Days	Total Breakfast \$
	Lunch Allowance per Day \$	Partial Days	Total Lunch \$
	Dinner Allowance per Day \$	Partial Days	Total Dinner \$
Fuel (attach receipt)			\$
Ground Transportation (attach receipt)			\$
Parking & Tolls (attach receipt)			\$
Work-Related Communication (attach receipt)			\$
Other Costs (explain, may attach additional sheets as necessary)			\$
Total Additional Costs to Reimburse			\$

By signing this form, I certify:

1. The information in this documentation is true and correct.

2. I acknowledge that reimbursement is subject to the Judiciary's travel policies.
3. I am not eligible for reimbursement until the Chief Justice signs this Travel Reimbursement Request.

	Signature	Printed Name	Date
Employee/Traveler			
Received by			
Chief Justice or Designee			

JT-2 (06/2019)

Table I

Reimbursement Rates

Per Diem Destination	Maximum Lodging Rate	Meals and Incidental Expenses Allowance	Total Per Diem
CNMI/Micronesia	\$175/night	\$65/day	\$240/day
Guam	\$175/night	\$75/day	\$250/day
United States	\$225	GSA rate	
Foreign Countries	\$225	Prevailing Department of State rate	

Partial Day Meal Allowance (In-Commonwealth and Guam Travel)	Rate
Breakfast	\$15.00 The employee is away from his or her home island between 6:00 am and 8:00 am.
Lunch	\$25.00 The employee is away from his or her home island between 11:00 am and 1:00 pm.
Dinner	\$35.00 The employee is away from his or her home island between 5:00 pm and 7:00 pm.

Vehicle Rental Expenses	Maximum Rate
Vehicle Rental	\$75/day
Gas	\$10/day

Other Expenses	Maximum Rate
Parking	\$20/day
Ground Transportation	\$50/day