

	Montana Operations Manual Policy	Category	Travel
		Effective Date	09/28/2018
		Last Revised	06/28/2019
Issuing Authority	Department of Administration Director's Office		
Meal Allowances			

I. Purpose

This policy establishes meal allowances for state employees traveling on official business.

II. Scope

This policy applies to all state agencies and institutions, excluding community colleges.

III. Policy Overview

Unless covered by a separate section of statute, all elected officials, appointed members of boards, commissions, or councils, department directors, and all other state employees are subject to the regulations regarding meals contained in [2-18-501](#) and [2-18-502](#), MCA. Legislators are subject to certain limitations while the legislature is in session, as noted in [5-2-301](#), MCA. Agencies may refer to the [Employee Travel](#) webpage for additional travel policies and information.

To be eligible for a meal allowance while traveling on state business, an employee must be in a travel status for more than three continuous hours and be at least 15 miles from headquarters or home, whichever is closer. Refer to the Employee Travel policy for an explanation of travel status. Appointed members of a state board, commission, or council, or a member of a legislative subcommittee, select, or interim committee are exempt from this requirement and are entitled to a midday meal on the day of a meeting, regardless of proximity of the meeting to headquarters or their home. This exemption does not apply to a member of a legislative committee that is meeting during a legislative session.

If the employee travels each day from headquarters or home to a specific work site(s) within the vicinity of their headquarters, they are not in a travel status and may not claim a meal allowance unless they have to stay overnight. The employee should consider the work site(s) to be their "headquarters" for that day. Examples include employees from the Montana Department of Transportation at a construction site, or Fish, Wildlife, and Parks employees patrolling and maintaining a state park or fishing access site, where the employees travel each day from headquarters or home to their daily assigned work site.

The meal allowance is a fixed amount per meal, inclusive of any taxes and tips paid, and is not a reimbursement for actual meal costs incurred. An employee is generally entitled to receive a meal allowance if they are in a travel status and meet the above criteria. However, they may not request reimbursement for meals included in the cost of a

conference registration paid by their agency or for meals provided by another entity with whom the state is conducting business.

If an employee is traveling from in-state to out-of-state, or vice versa, they must observe these rules regarding reimbursement for meals:

1. For overnight travel, the geographical location of the lodging facility determines the applicable meal reimbursement rate. However, if the employee has a layover for business or personal reasons that occurs in-state before the employee re-embarks to an out-of-state destination where they continue in a business travel status, in-state rates apply until the employee begins the subsequent leg of their travel taking them out-of-state.
2. If an employee is in a travel status for less than 24 hours and does not stay overnight, the primary destination to which the employee travels for official business dictates whether meal allowances are at the in-state or out-of-state rate.
3. When an employee boards a flight originating in Montana with an out-of-state destination, they receive out-of-state rates from the time they depart until they return to Montana.

IV. Determination of Meal Allowance

A. Travel Shift

Section [2-18-502\(3\)](#), MCA, defines "travel shift" as beginning one hour before and ending one hour after an employee's regular scheduled work shift. An employee may claim only one meal (midday) if travel takes place within their assigned travel shift. An employee is entitled to two meal allowances during a 24-hour calendar day if they depart within their travel shift but return outside the shift; or depart before their assigned travel shift and return during the travel shift.

When travel is totally outside the employee's travel shift, eligibility for a meal allowance is governed strictly by the time ranges for each meal.

For example, if an employee travels to Billings from Helena and leaves at 5:00 a.m. to attend a 9:00 a.m. meeting that lasts until 5:00 p.m., then returns to Helena at 9:00 p.m., and their normal working hours are 8:00 a.m. to 5:00 p.m., they are entitled to all three meals since they are in a travel status for more than three continuous hours in each of the time ranges referenced in B below, and their travel status covers their entire travel shift.

B. Time Ranges

The time ranges determining eligibility for meal allowances are established in [2-18-502\(1\)](#), MCA. To claim an allowance for a meal, an employee must be in travel status for more than three continuous hours within one of the following time ranges:

<u>Time Range</u>	<u>Meal Allowed</u>
12:01 a.m. to 10:00 a.m.	Morning Meal
10:01 a.m. to 3:00 p.m.	Midday Meal
3:01 p.m. to midnight	Evening Meal

Each time range must be considered separately when applying the more-than-three-continuous-hour rule. More than three continuous hours in any one time range is at least 181 minutes.

For example, if an employee regularly works 8:00 a.m. to 5:00 p.m., their qualifying travel shift begins at 7:00 a.m. and ends at 6:00 p.m. If they travel from 7:00 a.m. to 2:00 p.m., they receive a meal allowance only for the midday meal, because the midday meal time range is the only range where they are in a travel status for more than three continuous hours. Their travel status is one minute short of meeting the time range requirement for the morning meal. If they start their travel status no later than 6:59 a.m., they meet the requirements of the more-than-three-continuous-hours rule for the morning meal as well, as they are traveling during this period for 181 minutes (180 minutes equals three hours). They also satisfy the travel shift requirement for reimbursement of two meals by leaving before the start of their travel shift and returning within their travel shift.

An employee cannot claim a meal allowance if they stop to eat, and because of the stop, extend their travel shift into the next allowed meal time range. By stopping they have artificially extended their travel into the next time range and this will result in denial of any claim for that range's meal allowance.

For example, consider an employee with regular work hours of 8:00 a.m. to 5:00 p.m. that leaves Helena at 8:00 a.m. to attend a meeting in Butte at 9:00 a.m. The meeting ends at 4:00 p.m. and, if the employee heads immediately back to Helena, they can be home by 5:30 p.m. They are in a travel status for 2½ hours in the evening meal time range – which is not long enough to qualify them for the evening meal. Suppose the employee chooses to stop for dinner before returning to Helena, and does not reach home until 6:30 p.m. They are in a travel status for 3½ hours in the evening meal time range (from 3:00 p.m. to 6:30 p.m.) but the unnecessary stop for an early dinner was what caused the employee to be later than expected in returning to Helena. This voluntary act postponed their return to Helena and could have been avoided. A claim for an evening meal reimbursement for this trip will be denied.

V. Meal Rates

A. In-State Meal Rates

Section [2-18-501](#)(1), MCA, establishes the following in-state meal allowances:

Morning meal	\$5
Midday meal	\$6
Evening meal	<u>\$12</u>
Total per day	<u>\$23</u>

Effective July 1, 2019, House Bill 175 (2019) amends the in-state meal allowances to the following:

Morning meal	\$7.50
Midday meal	\$8.50
Evening meal	<u>\$14.50</u>
Total per day	<u>\$30.50</u>

B. Out-of-State Meal Rates

Meal allowances for out-of-state travel (including U.S. territories and possessions) are equal to the maximum standard federal rate per meal, as established in [2-18-501\(2\)](#), MCA. The federal schedules are available on the [GSA website](#) and may change annually beginning on October 1st of each year. Although the federal schedules provide for higher meal allowances in specific locations, [2-18-501\(2\)\(b\)](#), MCA, allows only the standard federal rate for meals. As of October 1, 2018, the standard meal rates are:

Morning meal	\$13
Midday meal	\$14
Evening meal	<u>\$23</u>
Total per day	<u>\$50</u>

C. Out-of-Country Meal Rates

For travel to a location outside of the United States, meal reimbursement rates are provided in [2-18-501\(4\)](#), MCA, as follows:

Morning meal	\$ 7
Midday meal	\$11
Evening meal	<u>\$18</u>
Total per day	<u>\$36</u>

All claims for foreign meals **must** be documented by an appropriate receipt, even if the employee is submitting a meal claim for the per diem rates set in [2-18-501\(4\)](#), MCA.

If the cost of meals obtained in a foreign country exceeds the rates established in [2-18-501\(4\)](#), MCA, the employee will be reimbursed for actual meal expenses, excluding any cost of alcoholic beverages, up to the daily maximum established by the U.S. Department of State for the related foreign area. The federal schedules for foreign travel rates can be accessed on [U.S. Department of State](#) website under the link for Foreign Per Diem Rates. This link is also available on the [Employee Travel](#) webpage under Travel Resources.

The allowed federal foreign travel rates for meals and incidental expenses (M & IE Rate) are combined into a single US dollar amount. To determine the appropriate maximum federal per diem rates for each meal the combined rate is allocated at the rate of 15% for breakfast, 25% for lunch, and 40% for dinner; or 80% of the total M & IE Rate for a full day, rounded to the nearest dollar. If an employee is in

foreign travel status for less than a full day, the federal meal total should be allocated using the individual meal percentages. When an employee is in foreign travel status for an entire day, the receipts will be compared to the total allowed per day by [2-18-501\(4\)](#), MCA, to arrive at the higher reimbursement rate due to the employee.

The 20% foreign "incidental allowance" included in the federal per diem rate is not allowable under state law.

VI. Special Circumstances for Firefighters

Sections [2-18-501\(10\)](#) and (11), MCA, provides that firefighters employed by the Department of Natural Resources and Conservation, who are directly involved in the suppression of a wildfire in Montana, are permitted to claim the actual cost of meals, not including alcoholic beverages, when the actual cost of meals exceeds the maximum standard in-state meal reimbursement in [2-18-501\(1\)](#), MCA.