

Travel Expenses

A summary of the gift and payment restrictions contained in the Code of Governmental Ethics relating to Travel Expenses



Louisiana Board of Ethics
P.O. Box 4368
Baton Rouge, LA 70821

October 2019

Information Sheet #6

A common issue that is presented to the Louisiana Board of Ethics is whether a public servant may allow a private source to pay for their travel expenses, such as lodging and transportation. This type of situation arises when a public servant's job duties require him or her to travel. There are situations in which a public servant or their agency may accept reimbursements for travel and lodging. The Sections controlling the receipt of travel expenses by a public servant are Sections 1111A and 1115 of the Code of Governmental Ethics.

GENERAL PROVISIONS OF §1111A

- **La. R.S. 42:1111A(1) provides that “no PUBLIC SERVANT shall receive any thing of economic value, other than the compensation and benefits to which he is entitled from his governmental employer, for the performance of the duties and responsibilities of his office or position.”**
- A public servant must consider why the person is offering to provide the travel or lodging. If the public servant is being offered the travel and lodging because of the public position he holds, he is generally prohibited from receiving it, unless the exception in R.S. 42:1115.2 described below applies.
- There is an exception listed in the definition of “thing of economic value” involving travel but it is very limited. The exception allows for reasonable transportation and entertainment which are incidental to the food and drink consumed in the presence of the giver, or representative of the giver, of the food and drink. Therefore, this exception does not allow a public servant to accept travel expenses to any location merely because meals are provided during the travel.

GENERAL PROVISIONS OF §1115

The following gift restrictions apply to elected officials, board/commission members and public employees:

- **La. R.S. 42:1115A(1) provides that no PUBLIC SERVANT shall solicit or accept, directly or indirectly, any thing of economic value as a gift or gratuity from any person**
 - **who has, or is seeking to have, a contractual, business, or financial relationship with the public servant's agency.**
 - **is seeking, for compensation, to influence the passage or defeat of legislation by the public servant's agency.**

The following gift restrictions apply **only** to public employees and board/commission members:

- **La. R.S. 42:1115B(1) provides that no PUBLIC EMPLOYEE shall solicit or accept, directly or indirectly, any thing of economic value as a gift or gratuity from any person**
 - **who conducts operations or activities which are regulated by the public employee's agency.**
 - **who has substantial economic interests which may be substantially affected by the performance or nonperformance of the public employee's official job duties.**

In general, a public servant's acceptance of travel and lodging associated with the performance of the duties of their public position that is paid by someone other than a governmental entity may be considered a violation of §1111A or §1115. Accordingly, the Board of Ethics in prior advisory opinions has concluded that if the travel is paid for by the public servant's agency or another governmental entity, he is not prohibited by §1111A or §1115 from receiving the travel and lodging.

EXCEPTION FOR RECEIPT OF LODGING, AND REASONABLE TRANSPORTATION
R.S. 42:1115.2 (effective August 1, 2018)

If the public servant's receipt of travel and lodging is a direct benefit to his agency or it will enhance the knowledge/skill of the public servant, he may accept the travel and lodging or receive reimbursement for it, if the following occurs:

- prior to the travel and lodging occurring, the public servant's agency head 1) approves the public servant's acceptance of the travel and lodging and 2) certifies that the public servant's acceptance of the lodging and transportation is either:
 - a. of direct benefit to the agency; or,
 - b. will enhance the knowledge or skill of the public servant as it relates to the performance of his public service.
- within sixty days of such acceptance, the public servant files with the Board of Ethics a statement, on a form designed by the Board, disclosing the following:
 - a. the date and location of complimentary admission, lodging, or transportation and a brief description of its purpose;
 - b. the name of the person who gave, provided, paid, or reimbursed in whole or in part the admission, lodging, or transportation;
 - c. the amount expended on his behalf or reimbursed by the person for admission, lodging, and transportation; and,
 - d. the agency head's certification and date of approval.

Form 413 on the Board of Ethics website at ethics.la.gov/PersonalFinancial.aspx should be used to comply with the exception in R.S. 42:1115.2.

NOTE: When the public servant's agency or another governmental pays for the travel expenses, the provisions of §1115.2 do not apply, and the public servant is not required to file the certification form with the Board of Ethics.

The following examples provide better guidance on how the Board may interpret the travel provisions:

Example #1: A parish school board member who, along with the superintendent and other board members, was chosen to select new copy machines for the parish schools. A copy machine company offers the members of the committee a trip to Dallas to view copy machines at their expense. May the school board member accept the trip?

Answer: YES, only if the chairman of the school board certifies the school board member's attendance is a direct benefit to the school system, or will enhance the knowledge/skill of the school board member as it relates to his service on the school board **and** the school board member files Form 413 with the Board of Ethics within 60 days of the travel.

Example #2: A detective for Washington Parish Sheriff's Office has been invited to attend a forensic science conference in Santa Fe, New Mexico hosted by the FBI. The FBI would reimburse her travel and lodging, as well as provide meal vouchers associated with the conference. May she accept meal vouchers and the reimbursement of travel and lodging from the FBI?

Answer: YES. Since the FBI is part of the United States Government, it would not present a violation for her to receive meal vouchers and reimbursement for the travel and lodging. A disclosure statement would not be required to be filed with the Board.

The Board encourages public servants to seek advice from the Board as to how the law applies to their own situations by writing for an advisory opinion. Advisory opinions are not issued as to past conduct, but can provide crucial advice on how to avoid problems in the future. If you wish to obtain an advisory opinion, please send your request to the above address. In addition, our staff is available for informal advice at (225) 219-5600 or toll free (800) 842-6630.

The Board has a website located at ethics.la.gov



This information sheet is only a summary of the provisions contained in §1115, §1111A, and §1115.2 of the Code of Governmental Ethics. If interpretations of this information sheet conflict with the provisions of the Code, the Code will control.