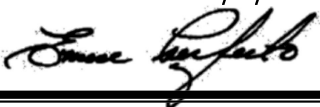




<u>POLICY NAME:</u>	Pre-Authorized Expenses	Number: 404.060.001
<u>DIVISION:</u>	Administrative Services	Effective Date: 7/1/2024
<u>RESPONSIBLE SECTION:</u>	Pre-Authorized Expenses Division	
<u>APPROVED:</u>	Oregon Public Defense Commission	Approval Date: 6/13/2024

PURPOSE: Establishes eligibility, criteria, service types and time frames for which authorization of Pre-Authorized Expenses (PAE) (formerly Case Support Services) will be considered.

AUTHORITY: ORS 151.216, 151.225(1)(c), 419A.211, 419B.201, 419B.518, 419C.206

APPLICABILITY: This policy applies to all requests for authorization of Pre-Authorized Expenses (PAE) submitted to OPDC and supersedes any previous memorandum or version of the policy.

POLICY

SECTION 1 – IN GENERAL

Persons determined to be eligible for court-appointed counsel are entitled to necessary and reasonable fees and expenses for investigation, preparation, and presentation of the case for trial, negotiation, and sentencing. This includes persons who are *pro se* or have retained counsel but who are found by the court to be financially eligible for appointed counsel. OPDC does not need a copy of the order authorizing expenses, but the order must be reflected in OEI.

By accepting any public defense case assignment or related work, vendors agree to comply with all OPDC policies and procedures as may be amended from time to time.

Requests for authorization of expenses must be submitted by Counsel other than where statute specifically allows otherwise.

The total anticipated service fees and out of pocket expenses that will be incurred between the effective and expiration date of an Authorization must be outlined in the submitted request. Authorizations may include services hours to be performed out of the state of Oregon. A separate request must be submitted for any case related travel expenses, not included on the original Authorization, referencing the related PAE number.

OPDC shall review each request and determine whether the amount is necessary, reasonable, and properly payable from public defense funds. Pre-authorization does not guarantee payment of any fee or expense that is later determined to not be necessary or reasonable at the time the fee or expense was incurred. If the expense is determined to not be necessary or reasonable the invoice may be denied.

The Schedule of Guideline Amounts establishes expected rates for most fees and expenses. The amounts shown are not equivalent to a pre-approved cost and is not a substitute for pre-authorization.

Services must be obtained within the parameters outlined in the Schedule of Guideline Amounts whenever possible. Counsel should first attempt to secure providers within their jurisdiction or a neighboring jurisdiction. A qualified in-state Service Provider or expert is required unless none are available, or the use of an out-of-state expert is more economical and has been authorized by OPDC.

OPDC will fund expenses only if the expense was preauthorized and it is at the rate indicated in Schedule of Guideline Amounts or, if at a higher rate, only when Counsel has shown compelling circumstances and OPDC has authorized the higher rate.

1.1 Responsibilities of Counsel or Person Who Is *Pro Se*

Counsel and *pro se* persons who receive authorization for services must:

- **Before incurring costs for services expected to be paid from public defense funds**, ensure that any prospective Service Providers are aware of OPDC policies and the Schedule of Guideline Amounts.
- Forward a copy of the Authorization form from OPDC to the Service Provider.
- Maintain oversight of services and provide ongoing communication with the Service Provider regarding the status of the case, including when a case has been closed and services are no longer required.
- Certify completed services. Once OPDC has developed a formal process and implemented a case management system, counsel shall review service provider's invoice to verify that services performed are consistent with that approved in the pre-authorized expense request. Certification will be accepted via signature on the invoice, or an email attached to the invoice that notes the client's name, case number, and service start and end dates shown on the invoice. This requirement does not apply to *pro se* persons.
- Authorizations do not transfer. If Counsel withdraws or new Counsel is appointed, any unused PAE shall be inactivated, and new counsel shall seek pre-authorization of any reasonable and/or necessary expenses. Any PAE that has had work performed shall be submitted for payment within 180 days.

1.2 Responsibilities of Service Providers

Service Providers must obtain and review a copy of the Authorization. The Authorization is sent to and should be obtained from Counsel that requested the service. The Authorization will specify the service hours and expenses authorized and should be reviewed prior to performing any services. The Service Provider must submit a copy of the Authorization with their invoice. The Authorization is sent to and can be obtained from the Counsel who requested the service.

Service providers must perform the services and submit the bill within 180 days of the authorization date unless an exception has been granted on the Authorization.

Service Providers who perform services are responsible for complying with all applicable requirements, including but not limited to, licensing that the State of Oregon or another state or country may require for the performance of services in those jurisdictions.

1.3 Engaging Relatives for Compensable Services

Prior to engaging any relative or member of the household, as defined by ORS 244.020, counsel should first provide notification of the relationship and potential services to OPDC.

An individual appointed, employed, promoted, or advanced in violation of this section is not entitled to pay, and may not be paid from public defense funds.

1.4 Expenses Incurred Prior to Authorization

Under limited circumstances, OPDC may authorize an expense after the expense has been incurred. An explanation of the exigent circumstances that required the expense to be incurred before requesting pre-authorization or before OPDC could act on a request is required. Exigent circumstances DO NOT include requests that Counsel failed to submit before services were needed.

1.5 Rush Requests

Requests to “rush” processing of a request for pre-authorization will only be considered for trial or other major court events impacting the case in two weeks or less, or when an expert services appointment is available in the next two weeks and must be booked to preserve it.

1.6 Contact Information

Pre-Authorized Expense Requests & Reconsideration Inquiries: CSS@opds.state.or.us

SECTION 2 – REQUESTS FOR PRE-AUTHORIZATION OF EXPENSES

A request for pre-authorization of expenses must be submitted on the Pre-Authorized Expense Request form. The request must include the total expected maximum number of hours of services, maximum amount of fees and expenses including any anticipated need for travel to be completed during the term of the Authorization. All requests are subject to review. OPDC will determine whether the request for services and the outlined expense is necessary, reasonable, and properly payable from public defense funds. Requests will be reviewed within 5 business days of receipt as staffing allows.

Authorizations may include fees for services performed out of the state of Oregon. A separate request must be submitted for any case related travel expenses, not included on the original Authorization, referencing the original related PAE number.

The form submitted must be the most current version available on the OPDC website (<http://www.oregon.gov/opds/provider/pages/forms.aspx>) all information must be completed on the form, including the highest case type of all related cases, and it must be signed by Counsel, or the request will be denied.

The Pre-Authorized Expense Request form is submitted by clicking the “Click here to email this request to OPDC” button at the end of the form. This generates an email to the OPDC PAE team with the form attached for processing. The form may also be submitted by email to OPDC at CSS@opds.state.or.us. The case information (case name, number, county, highest case type) must be entered on the form and will be verified with the Oregon eCourt Case Information (OECI).

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Each Authorization can only be invoiced against once. Any invoice submitted a second time on a single Authorization will be denied.

Requests for authorization of services may be submitted as often as needed to provide necessary and reasonable services including for additional services on the same case during the original Authorization term.

Court-appointed Counsel must have submitted an Attorney Qualification form within the previous two years and been approved by OPDC to accept appointments for specified case types in order to process the requests for Authorizations.

2.1 Authorization Effective Date and Expiration

If a request is authorized, OPDC will generate a Pre-Authorized Expenses Authorization with the effective date. This Authorization must be submitted with the related invoice. The Authorization effective date will generally be no earlier than the date counsel was appointed.

Authorizations expire 180 days from the effective or approval date, whichever is greater, of the Authorization unless counsel has provided sufficient reason for OPDC to grant an extension. Providers shall complete services and bill on the invoice within 180 days of the effective or approval date, whichever is greater, on the Authorization. Invoices for services for which the Authorization has expired will not be paid.

2.2 Overhead Expenses

Overhead expenses, including services performed by an employee or an independent contractor of Counsel or Service Provider, are not reimbursable, except in extraordinary circumstances with the pre-authorization of OPDC. Overhead expenses, except as otherwise expressly provided in this policy, include, but are not limited to:

1. Travel time and expense between home and office
2. Paraprofessional Services (law clerk, legal assistant, paralegal, administrative, and secretarial services)
3. Timekeeping and bill preparation
4. Rent and utilities
5. Office equipment and supplies, including flash drives and other storage devices or other item purchased in bulk that cannot be associated with a specific case.
6. Library materials
7. Computerized legal research software, installation, and monthly access fees.

Overhead expenses will only be authorized as pre-authorized expenses if OPDC determines that the expense is necessary and reasonable, and the agency concludes funding the requested expense would be more cost-effective than not doing so.

PAE requests for paraprofessional services in Murder cases are typically allowed.

2.3 Amendment of Authorization

OPDC will consider requests for amendment of an Authorization only when the request to amend the Authorization is made within 30 days of issuance and no payment has been made on the Authorization for approved services.

PAE authorizations that have been paid in part shall NOT be sent back to the PAE division for reconsideration or amendment. A new PAE request shall be prepared by Counsel and submitted.

If there is a change in Service Provider a new request for authorization must be submitted.

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2.4 Reconsideration

If a request for pre-authorization is denied or approved in part, it will be reflected on the Pre-Authorized Expense Authorization.

Counsel may request reconsideration of the denial or partial approval via email at CSS@opds.state.or.us. The email must have **RECONSIDERATION REQUEST** in the subject line. The request must include the PAE authorization number and any additional rationale or documentation, and it must be submitted within 30 days of the denial or processed date. It will be reviewed by the Reconsideration Panel for approval or denial within 10 business days.

The reconsideration panel will consist of representatives from the Pre-Authorized Expense Division, General Counsel and Budget. All decisions of the reconsideration panel are the final decision of the agency.

Pursuant to ORS 135.055, an appeal of the panel's decision must be submitted to the Presiding Judge in the court in which the subject case is pending or the Chief Judge or Chief Justice when the request involves an appellate case. All motions requesting the court's review must be in writing, filed with the court within 21 days of the date of the reconsideration denial, and served on OPDC via email at CSS@opds.state.or.us. The court shall review the agency's decision pursuant to an abuse of discretion standard. The court shall notify the provider and OPDC when a decision has been made.

2.5 Confidentiality

ORS 135.055(9) prohibits disclosure of requests and administrative orders for pre-authorization of non-routine fees and expenses, and billings for such fees and expenses, to the district attorney before the conclusion of the case.

ORS 135.055(10) permits disclosure to the district attorney of the total amount of moneys determined to be necessary and reasonable for non-routine fees and expenses at the conclusion of the trial in the circuit court.

ORS 40.225(5) provides that the lawyer-client privilege is maintained for communications made to OPDC for the purpose of seeking pre-authorization for, or payment of, non-routine fees or expenses.

ORS 192.355(4) exempts from disclosure under the Public Records Law information submitted to a public body in confidence and not otherwise required by law to be submitted, where such information should reasonably be considered confidential, the public body has obliged itself in good faith not to disclose the information, and when the public interest would suffer by the disclosure.

- 1) OPDC will keep confidential all information regarding the cost of representation of a client and Pre-Authorized Expenses in a particular case, except as follows:
- 2) OPDC may release, upon request at the conclusion of the case, the total amount of money paid for representation in the case.
- 3) OPDC shall disclose information regarding the cost of representation and Pre-Authorized Expense requests in a particular case to:

- (a) Counsel who represents or represented the Client in the case.
 - (b) Counsel who represents the Client in a matter arising out of a particular case.
 - (c) To the client, upon written request from the Client, except that OPDC shall not disclose information to the Client that it is prohibited from disclosing under state or federal law.
- 4) OPDC may disclose to appropriate authorities' information regarding the cost of representation and Pre-Authorized Expense requests when such information is reasonably believed to be evidence of, or relevant to, alleged criminal activity on the part of the court-appointed Counsel or other OPDC paid Providers.
 - 5) OPDC may disclose information regarding the cost of representation and Pre-Authorized Expense requests in a particular case in response to a subpoena for records following the conclusion of the case if the court issues a protective order.
 - 6) OPDC shall disclose information regarding the cost of representation and Pre-Authorized Expense requests as otherwise required by law.

This policy does not prohibit OPDC from disclosing statistical information that cannot be identified with any particular case.

SECTION 3 – EXPENSES THAT REQUIRE PRE-AUTHORIZATION

The following services may be funded if the agency, after having reviewed the request for Pre-Authorized Expenses, concludes the proposed service and expenditure is necessary and reasonable for investigation, preparation, and presentation of the case for trial, negotiation, and sentencing.

PERSONNEL:

3.1 Alternative Sentencing Evaluation (OPE)

An Alternative Sentencing Evaluation consists of a client interview, LS/CMI risk assessment, and ASAM evaluation and concludes with a written report. OPDC will consider requests for Alternative Sentencing Evaluations only when the presumptive sentence is a prison sentence.

3.2 American Society for Addiction Medicine (ASAM)/Drug and Alcohol Evaluation

OPDC will authorize an ASAM evaluation to assess and diagnose the client's chemical dependency when it is reasonable and necessary to investigate, prepare, and present the case. OPDC will not authorize an ASAM evaluation as a substitute for another agency (*e.g.*, Oregon Department of Human Services) fulfilling its obligation under statute, regulation, or court order to provide this service. An ASAM evaluator must have their current license on file with OPDC.

3.3 Associate/Research Counsel

Counsel may seek funding for an attorney to serve as Associate/Research counsel to assist with legal research or case preparation. Associate/Research counsel does not serve as an expert, is not appointed to the case and does not provide direct client representation. Associate/Research counsel may be approved in cases where it's reasonable and necessary, *i.e.*, murder, juvenile waiver, cases subject to ORS 137.719 and 137.725, Jessica's Law cases or any case in which OPDC deems an Associate/Research attorney is reasonable and necessary. The temporary hourly increase program rates do not apply to Associate/Research counsel approvals.

3.4 Case Managers and Social Workers

Case managers and social workers may be authorized when necessary and reasonable. Case managers and social workers must have:

- a Bachelor's or higher level degree in Social Work/Human Services or a closely related field; OR
- a Bachelor's degree in a field not closely related to Social Work/Human Services and one year of human services related experience (*i.e.*, work providing assistance to individuals and groups with issues such as being economically disadvantaged, unemployment, abuse and neglect, substance abuse, aging, disabilities, inadequate housing).
- a combination of equivalent experience in related fields including lived experience in the criminal and juvenile systems. Providers requesting approval based on lived experience in recovery must have a minimum of three years documented sobriety and shall possess a Certified Recovery Mentor (CRM) or Peer Wellness Specialist (PWS) certificate. Other certificates or programs that offer similar training around peer support may also meet this criteria.

Mileage and/or time spent transporting a client is not compensable. Travel time is included in the hours authorized.

3.5 Dual Diagnosis Evaluation

An evaluation consisting of a client interview, multi-level assessments, and possible interviews of others to determine if a person meets the criteria for a diagnosis of both a substance abuse disorder and a mental health disorder.

3.6 Expert Attorney Services

In post-conviction relief cases, or other cases in which a lawyer's duties or standard of care is an issue of fact, Counsel may seek funding for an attorney to serve as an expert. Additionally, Counsel may seek funding for an attorney if the case requires specialized legal advice.

Counsel may secure immigration advice for their clients, in accord with *Padilla v. Kentucky*, through the agency's designated immigration counsel vendor. An attorney other than the agency's designated vendor will only be funded if a legal conflict of interest exists.

Ethics counsel is an overhead expense and will not be funded.

3.7 Forensic Experts

An expert from one of the many different fields of science that can be applied for forensic investigations including but not limited to:

- Accident Reconstruction
- Arson
- Ballistics
- Biology
- Biomechanical Engineer
- Computer
- Criminalist
- Fingerprint
- Handwriting
- Linguistics
- Toxicologist
- Traffic Engineer
- Use of Force

Overhead expenses such as photocopies, postage or telephone calls are considered part of the Provider's rate and not subject to reimbursement.

3.8 Interpreters and Assistive Communication Devices

Counsel must request pre-authorization for interpreters only when rates exceed the Schedule of Guideline Amounts amount. Pre-Authorization is not needed for interpretation within the guideline rates for authorized investigation, mitigation, psychiatric and polygraph services.

Mileage out of the state of Oregon over 100 miles must be preauthorized.

Except as provided in ORS 45.275(7) (Appointment of interpreter for non-English-speaking party, witness, or victim), an interpreter is subject to the provisions of the Oregon Evidence Code relating to qualification as an expert and the administration of an oath or affirmation that the interpreter will make a true and impartial interpretation of the proceedings in an understandable manner using the interpreter's best skills and judgment in accordance with the standards and ethics of the interpreter profession.

Interpreters who are certified by the Office of the State Court Administrator, under ORS 45.291 for out-of-court attorney/client communication, must be used unless none are available. The State Court Administrator establishes categories of certificates based on the nature of the interpreter services to be provided, including categories for interpreters for persons with disabilities and non-English-speaking persons. If no certified interpreter is available, counsel must use a qualified interpreter, as defined in ORS 45.275(8)(c).

If no OJD Certified or Registered Interpreter is available and outside sources are needed, pre-authorization is required.

3.9 Investigators

Counsel shall submit requests for investigation using the case number with the highest charge. Only one request shall be submitted. Counsel should not submit a request for each case number. To be funded for investigation services the person must be licensed by the Department of Public Safety Standards & Training.

All requests for and approvals of investigation services must include a conservative, projected maximum expense for services and number of hours. The hourly rate includes all overhead expenses. Travel time is included in the hours authorized. Mileage outside of the state of Oregon over 100 miles must be preauthorized.

To receive reimbursement to counsel for investigation, the services requested and performed must be for an employee, that is not already funded under contract. OPDC will only reimburse counsel at the rates set in the Schedule of Guideline Amounts.

3.10 Medical Experts

Medical experts include, but are not limited to, doctors, nurse practitioners, nurses, physical therapists, occupational therapists, chiropractors, speech therapists, hematologists, radiologists, sleep pathologists, veterinarians, pharmacists, and geneticists.

3.11 Mental Health Professionals

Mental health professionals include psychiatric nurse practitioners, psychologists, psychiatrists, and neuropsychiatrists. OPDC will authorize an evaluation by such a mental health professional when it is reasonable and necessary to investigate, prepare, and present the case. OPDC will not authorize a mental health, psychological, neuropsychological, psychiatric, or neuropsychiatric

evaluation as a substitute for another agency (*e.g.*, Oregon Department of Human Services) fulfilling its obligation under statute, regulation, or court order to provide the service. When a mental health expert is required to testify, trial Counsel should accommodate those witnesses, and whenever possible, attempt to take their testimony out of order.

In jurisdictions with a Rapid Aid and Assist Docket, attorneys must submit a PAE request. However, the mental health professional can proceed with the forensic evaluation once the request is submitted and do not need to wait for approval before work can begin.

3.12 Mitigators

Mitigation specialists gather and investigate historical data and anecdote into a client and their life. The client background research includes but not limited to, investigating a client's formative experiences including traumas, cognitive functioning, mental health, physical health, addiction, religious background, traumatic brain injuries, substances/toxin exposure in utero and through life, genetics, environmental factors, and family health histories. A mitigation specialist assists the attorney by documenting these factors through records and interviews to integrate this information into the client's defense. Mitigators shall, at the minimum, be licensed by the Department of Public Safety Standards & Training. Mitigators may be available in cases where it's reasonable and necessary, *i.e.*, murder, juvenile waiver, cases subject to ORS 137.719 and 137.725, Jessica's Law cases or any case in which OPDC deems a mitigator is reasonable and necessary.

Travel time is included in the hours authorized.

3.13 Paraprofessional Services

OPDC will consider requests from non-contract hourly counsel for paraprofessional services, such as legal assistants, law clerks, legal secretaries, paralegals (non-attorney & attorney), litigation support & data management, to assist Counsel with non-legal services, including file redaction and file organization.

Contract counsel is required to secure, at their expense in whole or in part from contract funds, any support services necessary to perform contract obligations.

Contract counsel may be reimbursed for paraprofessional services as a Pre-Authorized Expense at the rate shown in the Schedule of Guideline Amounts only when OPDC determines there are extraordinary circumstances as outlined in the Overhead section of this policy. To receive reimbursement to counsel, the paraprofessional services requested and performed must be for counsel's employee. Counsel may not seek reimbursement for an employee that is already funded through overhead under contract. OPDC will only reimburse counsel at the rates set in the Schedule of Guideline Amounts. In all other instances payment shall be paid directly to the service provider.

Any request for authorization must include a description of the tasks to be assigned.

3.14 Polygraph Examinations

Polygraph services will only be authorized when the service is necessary for case negotiation and resolution.

OPDC will not authorize polygraph expenses for testing the truthfulness of communications between a client and appointed counsel.

3.15 Process Servers and Other Personnel to Secure Witnesses

Counsel shall use the most economic method available for process service. Service may be effectuated by the Sheriff pursuant to ORS 21.300, an investigator, or a process server.

In circumstances where counsel needs an out-of-state court order to compel the appearance of an out-of-state witness, counsel may retain the services of an out-of-state attorney at the hourly attorney rates published in this policy.

3.16 Testimony rates

OPDC does not, as a matter of course, authorize differing rates for vendor services based upon whether a vendor testifies.

3.17 Transcription Services

Transcription is the process of converting a stenographic or electronically recorded word into a written document. The rate for transcription services of court proceedings is set by ORS 21.345. A rate exception may be made for audio transcription that is a rush and/or inaudible. Rate exceptions shall not exceed \$1.00 above the rate set by statute, even if both exceptions are applicable.

OPDC may pay additional rates for transcription of recorded word that is not associated with a court proceeding, but only if it is requested before the expense is incurred and only when appointed Counsel has shown compelling circumstances and authorization is granted by OPDC.

In addition to the page rate, OPDC may reimburse a person providing transcription services for:

- Costs incurred attending depositions
- Appearance fees
- Time spent reviewing notes or similar tasks related to preparing transcripts

OPDC will pay for one original but no copies of a transcript.

Grand Jury transcripts are considered routine expenses and do not require pre-authorization when billed at the guideline rate. Transcript requests that exceed the guideline rate require pre-authorization.

3.18 Translation and Transcription Services

Interpretive services not related to attorney-client or court communication, such as translation and transcription of recorded discovery, interviews, or other audio or video, must be preauthorized. A Forensic Transcription Translation will only be provided if the service is reasonable and necessary.

3.19 Cancellations and Missed Evaluations and/or Examinations

In the event any Service Provider schedules an evaluation or examination with a client and the client fails to appear, OPDC will pay the following amounts:

- A maximum of 2 hours at half of the approved hourly rate, OR
- 50% of the flat rate amount approved

OPDC will not pay for a missed appointment that is attributable to Counsel. Once a client misses two appointments, Service Provider shall submit the PAE for payment, and Counsel and Service Provider shall not schedule another appointment without submitting a new PAE request.

Note that section 3.17 does not apply to interpreters, (see Routine Expense Policy Section 1.5), investigators, mitigators or case managers.

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SERVICES:

3.20 Client Clothing

OPDC may authorize the purchase of appropriate attire for court appearances for a client. Counsel must contact contractors who maintain “clothing rooms” to determine whether suitable clothing is available prior to submitting a request to OPDC. If Counsel receives pre-authorization to purchase clothing for a client, that clothing must be provided to a “clothing room” upon completion of the case. Dry cleaning or commercial laundering of purchased or borrowed clothing, prior to return or donation to a “clothing room,” is reimbursable without pre-authorization.

3.21 Lay Witness Travel Expenses

All lay witness related travel expenses including meals, lodging, rental car, rideshare and/or airfare require pre-authorization.

3.22 Travel-Related Compensable Time

Travel time must be pre-authorized. Except as limited by this section, hours spent in-transit between a specified point of departure and destination may be invoiced as travel time at the provider’s full rate. If the service requested is a flat rate travel time shall not exceed \$75/hr.

Once the destination has been reached, hours spent at the destination may not be counted as hours in-transit. However, service hours spent working on a case at the specified destination, may be invoiced accordingly.

Time in transit between home and office, home and a court, or office and a court within assigned jurisdiction are not compensable for Counsel. Assigned jurisdiction is defined as the county where Counsel’s office is, as reflected in Counsel’s business registration with the Secretary of State.

Time in transit between home and office is not compensable, but time in transit between office and a court is compensable for Service Providers.

Time spent transporting a client is not compensable.

Time spent in or awaiting transit is compensable. When possible, case work should be done in transit.

3.23 Travel Expenses

Travel expenses must be authorized before the expenses are incurred. Mileage, meals, lodging, airfare, and other similar travel costs must be pre-authorized except for mileage and parking specifically outlined in the Routine Expenses Policy.

All out-of-state travel related expenses (i.e., airfare, lodging, car rental, etc.) and mileage 100 miles or more must be preauthorized.

Traveler must plan with establishments that offer General Services Administration (GSA) or commercial rates where available. GSA rates can be reviewed at <https://www.gsa.gov/travel/plan-book/per-diem-rates>. **If GSA rates are unavailable, written documentation from the hotel or car rental establishment should be requested when informed that a higher rate will be necessary due to a lack of availability at approved rates.** Documentation, with an explanation of what exigent

circumstances exist that required you to incur the expense without requesting pre-authorization, must be submitted with the invoice.

OPDC does not amend travel Authorizations for GSA rates. Please request written documentation **from the hotel or car rental establishment** when you are informed that a higher rate will be necessary due to a lack of availability at approved rates. Please include that documentation and an explanation when you submit your invoice. This will provide the documentation we need to consider payments over the preauthorized amount. Submitting this with your invoice will eliminate the need for our accounts payable team to reach out for clarification which slows processing time.

3.24 Airfare

Traveler must fly coach regardless of funding source unless the difference is paid from the traveler's personal funds.

Arrangements for airfare must be made through OPDC and the expense will be sent directly to OPDC. When a request for airfare is preauthorized, OPDC will notify the travel agency that holds the state contract that the expense has been approved. OPDC will provide the travel agency with the pertinent information regarding the trip. Counsel or the Service Provider must contact the travel agency to make the travel arrangements.

Travel arrangements must be booked within **60 days** of the PAE Authorization effective date.

Airfare may be purchased outside the state contract only with prior approval from OPDC. The purchase price of the ticket must be less than the available contract price and the ticket must be paid for in advance. Cancellation insurance is suggested. Additional costs incurred because the Provider failed to obtain cancellation insurance are not reimbursable.

3.25 Car Rental

Arrangements for a rental car may be made through the travel agency that holds the state contract for airfare.

Travelers must rent a compact car from the least expensive rental agency. Rental of any other size or type of vehicle must be specifically justified and approved. Any insurance costs related to the car rental are the responsibility of the vendor. **If a compact car is unavailable, written documentation from the car rental establishment should be requested.**

OPDC will reimburse for fuel, not mileage, upon submission of an original receipt.

3.26 Lodging

Lodging expenses must be preauthorized. Original receipts must be submitted with the Mileage and Travel worksheet. If lodging is required in multiple cities, separate Authorizations must be requested.

Lodging will be reimbursed for total cost of lodging, including taxes using the Federal GSA per diem amounts. OPDC will not pay for cleaning fees or incidentals unless the total cost is less than or equal to the applicable per diem rate. To be eligible to request lodging reimbursement, travel must be more than 50 miles one way from counsel's assigned jurisdiction. Assigned jurisdiction is defined as the county where Counsel's office is, as reflected in Counsel's business registration with the Secretary of State. OPDC is not responsible for any damages or additional fees beyond what is approved in the pre-authorized expense authorization.

The traveler must request a government or commercial rate. If the hotel requires proof of state affiliation, OPDC can provide a letter on the traveler's behalf.

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Non-commercial lodging of \$25 may be claimed if it is more economical, and the traveler arranges for the accommodations. The traveler must submit a brief written explanation as to the types of alternate accommodations used unless it was specifically authorized.

The OPDC accounts payable manager may approve direct billing from a hotel. Direct billing must be approved in advance and is reviewed on a case-by-case basis. If approved, Counsel will be responsible for facilitating the lodging arrangements. The direct bill is only valid for that specific lodging and does not include incidentals. Counsel should send requests for direct billing to AccountsPayable@opds.state.or.us (Attention: Accounts Payable manager).

3.27 Meals

Meals must be pre-authorized. Generally, a meal allowance will be approved only when lodging is authorized. If lodging was not authorized but the traveler's departure or return time and the distance traveled are such that lodging would be justified, meals may be reimbursed if OPDC determines it reasonable.

To be eligible to request day trip meal reimbursement, travel must be more than 100 miles one way, departure and arrival times are reasonable and align with time(s) services are provided.

Travel times must be provided, meals will be reimbursed at GSA per diem rates applicable to the geographic area and time of travel.

3.28 Mileage

Reimbursable mileage is paid at the rate shown in the Schedule of Guideline Amounts and must be submitted with all information on the Mileage and Travel worksheet.

Mileage over 100 miles out of the state of Oregon must be pre-authorized.

If a private vehicle is used for a trip when the use of a rental car or air travel is an option and is more economical than personal vehicle mileage, OPDC will pay the traveler the amount of the most economical method of travel. When determining the amount to pay, OPDC will consider the overall cost of the trip, including travel time.

Mileage related to transporting a client for any reason including to Counsel's or Service Provider's office, appointments of any kind, the courthouse or other location where a hearing or judicial appearance is scheduled is not an allowable expense and will not be reimbursed.

Approved by: OPDC
Prepared by: Policy Division
Reviewed by: Executive Team

Publish: Internally & Externally