

## Temp. Duty (TDY) Travel Allowances

machine (ATMs) when using the Government contractor-issued travel charge card and expenses for laundry, cleaning, and pressing of clothing.

[FTR Amdt. 70, 63 FR 15971, Apr. 1, 1998, as amended by FTR Amdt. 2016-02, 81 FR 63136, Sept. 14, 2016]

### Subpart E—Policies and Procedures Relating to Travel of an Employee with a Disability or Special Need

#### **§ 301-70.400 How should we authorize and administer the payment of additional travel expenses for an employee with a disability or special need?**

You should authorize and administer the payment to reasonably accommodate employee(s) with disabilities in accordance with the Rehabilitation Act of 1973, as amended (29 U.S.C. 701, *et seq.*) and 5 U.S.C. 3102 and part 301-13 of this chapter. An employee with a special need should be treated the same as an employee with a disability. You must determine that additional travel expenses are necessary to accommodate the employee's needs.

[FTR Amdt. 2006-03, 71 FR 24597, Apr. 26, 2006, as amended at 85 FR 39849, July 2, 2020]

#### **§ 301-70.401 What governing policies and procedures must we establish regarding travel of an employee with a disability or special need?**

You must establish the policies and procedures governing:

(a) Who will determine if an employee has a disability or special need which requires accommodation, including when documentation is necessary under §§ 301-10.103 and 301-10.121, and when a determination may be based on a clearly visible and discernible physical condition; and

(b) Who will determine how to reasonably accommodate the employee and what expenses you will pay.

[FTR Amdt. 70, 63 FR 15971, Apr. 1, 1998, as amended by FTR Case 2020-300-1, 87 FR 55706, Sept. 12, 2022]

## § 301-70.502

### Subpart F—Policies and Procedures for Emergency Travel of Employee Due to Illness or Injury

#### **§ 301-70.500 What governing policies and procedures should we establish relating to emergency travel?**

Each agency must determine:

(a) When you will authorize emergency travel under part 301-30;

(b) Who will determine if the employee's situation warrants payment for emergency travel expenses;

(c) When and by whom travel to an alternate location other than official station or point of interruption will be authorized; and

(d) Who will determine when and if the definition of family may be extended and to whom.

#### **§ 301-70.501 Does per diem continue when an employee interrupts a travel assignment because of an incapacitating illness or injury?**

Yes, when an employee interrupts a travel assignment because of an incapacitating illness or injury and takes leave (annual or sick), per diem will be allowed, not to exceed the maximum rate for the location where the interruption occurs, for a reasonable period, normally not to exceed 14 calendar days (including fractional days) for any one period of absence. You may approve a longer period if justified.

[FTR Amdt. 108, 67 FR 57967, Sept. 13, 2002]

#### **§ 301-70.502 Are there any limitations to the payment of these expenses?**

Yes, there are limitations to the payment of these expenses. Per diem is not payable, or if paid, must be collected from the employee when—

(a) The employee is confined to a hospital or medical facility that is within the proximity of the official station or that is the same one the employee would have been admitted to if the illness or injury had occurred while at the official station; and/or

(b) The Government provides or reimburses the employee for hospitalization under any Federal statute (including hospitalization in a Department of Veterans Affairs (VA) medical center or military hospital) other than 5 U.S.C.

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8901-8913 (Federal Employees Health Benefits program).

[FTR Amdt. 108, 67 FR 57967, Sept. 13, 2002, as amended by FTR Amdt. 2010-07, 75 FR 72967, Nov. 29, 2010]

### **§ 301-70.503 What additional emergency expenses should we allow?**

When an employee discontinues a TDY assignment before its completion due to an incapacitating illness or injury, you may pay—

(a) Transportation and per diem expenses for travel to an alternate location to receive medical treatment;

(b) Transportation and per diem expenses to return to the official station; and

(c) Transportation costs of a medically necessary attendant.

[FTR Amdt. 108, 67 FR 57967, Sept. 13, 2002]

### **§ 301-70.504 When the employee is able to travel, should we continue the use of the existing travel authorization?**

Not if the interrupted trip was authorized under a trip by trip authorization. If, when the employee's health has been restored, the agency decides that it is in the Government's interest to return the employee to the TDY location, such return is considered to be a new travel assignment at Government expense. An interrupted trip authorized under an open or limited open authorization may be continued without further authorization.

[FTR Amdt. 70, 63 FR 15971, Apr. 1, 1998. Re-designated by FTR Amdt. 108, 67 FR 57967, Sept. 13, 2002]

### **§ 301-70.505 May any travel costs be reimbursed if the employee travels to an alternate location for medical treatment?**

Yes. When an employee interrupts a TDY assignment because of an incapacitating illness or injury and takes leave of absence for travel to an alternate location to obtain medical services and returns to the TDY assignment, you may reimburse certain excess travel costs provided in this section. Specifically, you may reimburse the excess (if any) of actual costs of travel from the point of interruption to the alternate location and return to the TDY assignment, over the con-

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structive costs of round-trip travel between the official station and the alternate location. The nearest hospital or medical facility capable of treating the employee's illness or injury will not, however, be considered an alternate location.

NOTE TO § 301-70.505: An alternate location is a destination other than the employee's official station or the point of interruption.

[FTR Amdt. 70, 63 FR 15971, Apr. 1, 1998. Re-designated by FTR Amdt. 108, 67 FR 57967, Sept. 13, 2002]

### **§ 301-70.506 How do we define actual cost and constructive cost when an employee interrupts a travel assignment because of an incapacitating illness or injury?**

(a) Actual cost of travel will be the transportation expenses incurred and en route per diem for the travel as actually performed from the point of interruption to the alternate location and from the alternate location to the TDY assignment. No per diem is allowed for time spent at the alternate location if confined to a medical facility.

(b) Constructive cost is the sum of travel and transportation expenses the employee would reasonably have incurred for round-trip travel between the official station and the alternate location plus per diem calculated for the appropriate en route travel time. The calculation will necessarily involve assumptions. Examples of related expenses that could be considered constructive costs include, but are not limited to, taxi and TNC fares, baggage fees, rental car costs, tolls, ferry fees, and parking charges.

[FTR Amdt. 70, 63 FR 15971, Apr. 1, 1998. Re-designated by FTR Amdt. 108, 67 FR 57967, Sept. 13, 2002, as amended at 88 FR 2845, Jan. 18, 2023]

### **§ 301-70.507 May we authorize per diem if an employee discontinues a TDY assignment because of a personal emergency situation?**

Yes. Expenses of appropriate transportation and per diem while en route may be allowed, with the approval of

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## § 301-70.602

an appropriate agency official, for return travel from the point of interruption to the official station.

[FTR Amdt. 70, 63 FR 15971, Apr. 1, 1998. Redesignated by FTR Amdt. 108, 67 FR 57967, Sept. 13, 2002]

### **§ 301-70.508 How do we handle reimbursement if the employee travels to an alternate location and returns to the TDY location because of a personal emergency situation?**

You may reimburse certain excess travel costs (transportation and en route per diem) to the same extent as provided in § 301-70.501 for incapacitating illness or injury to the employee.

[FTR Amdt. 70, 63 FR 15971, Apr. 1, 1998. Redesignated by FTR Amdt. 108, 67 FR 57967, Sept. 13, 2002]

### **§ 301-70.509 What factors must we consider in expanding the definition of family for emergency travel purposes?**

Agencies must consider on a case by case basis:

- (a) The extent of the emergency;
- (b) The employee's relationship to the individual involved in the emergency; and
- (c) The degree of the employee's responsibility for the individual involved in the emergency.

[FTR Amdt. 70, 63 FR 15971, Apr. 1, 1998. Redesignated by FTR Amdt. 108, 67 FR 57967, Sept. 13, 2002]

## **Subpart G—Policies and Procedures Relating to Threatened Law Enforcement/Investigative Employees**

### **§ 301-70.600 What governing policies and procedures must we establish related to threatened law enforcement/investigative employees?**

You must establish policies and procedures governing:

- (a) When you will pay transportation and subsistence expenses of threatened law enforcement/investigative employees, under part 301-31 of this chapter;
- (b) Who will determine the degree and seriousness of threat in each individual case;
- (c) Who will determine what protective action should be taken, including

the location and duration of temporary lodging;

(d) Who will reevaluate the situation to determine whether protective action should be continued or discontinued and how often;

(e) What procedures must be followed to obtain authorization of transportation and subsistence expenses for threatened law enforcement/investigative employees; and

(f) What special procedures must an employee follow to claim expenses.

### **§ 301-70.601 What factors should we consider in determining whether to authorize payment of transportation and subsistence expenses for threatened law enforcement/investigative employees?**

You should consider:

(a) *The degree and seriousness of the threat.* You should pay transportation and subsistence expenses only if a situation poses a legitimate serious threat to life.

(b) *The option of relocating the employee.* You should consider whether relocating the employee permanently would be advantageous given the specific nature of the threat, the continued disruption of the family, and the alternative costs of a change of official station.

### **§ 301-70.602 How often must we reevaluate the payment of transportation and subsistence expenses to a threatened law enforcement/investigative employee?**

You must reevaluate the situation every 30 days based on the same factors you considered when you first authorized the payment of the expenses.

## **Subpart H—Policies and Procedures Relating to Mandatory Use of the Government Contractor-Issued Travel Charge Card for Official Travel**

SOURCE: FTR Amdt. 90, 65 FR 3056, Jan. 19, 2000, unless otherwise noted.