



EXECUTIVE DIRECTOR  
Test Security and Educator Integrity  
Office of School Personnel Review and Accountability

**To:** American Arbitration Association  
Education Law §3020-a Hearing Officers

**From:** Tina Sciocchetti 

**Date:** December 14, 2012

**Subject:** Hearing Officer Voucher Guidelines

The purpose of this memorandum is to provide further clarification regarding maximum rates of compensation and study hours, and audit guidelines for reimbursement of travel expenses for hearing officers providing services on Education Law §3020-a hearings.

### COMPENSATION RATES AND HOURS

The maximum rate of compensation and the eligible hours for reimbursement set forth in the Memorandum of Valerie Grey dated May 9, 2012 **remain unchanged**. This memorandum provides additional guidance based on inquiries to the New York State Education Department (“NYSED”) concerning that memorandum. The following guidelines apply to all requests for reimbursement submitted by hearing officers for services rendered on post-April 1, 2012 cases.

#### Probable Cause Hearings (New York City only):

- **Hearing Time:** The New York State Education Department (NYSED) will reimburse for a minimum of two hours (irrespective of the transcript times) up to the actual time spent to the nearest 1/10<sup>th</sup> of an hour. For charges exceeding two hours, NYSED will use the transcript as the source for actual time spent.
- **Study Time:** Study time (which includes all other administrative tasks, such as preparation, phone calls, correspondence and decision writing), shall be limited to actual time spent to the nearest 1/10<sup>th</sup> of an hour. NYSED will reimburse study time for a minimum of two hours and a maximum of the actual number of hours of the probable cause hearing. Certain *limited* exceptions to exceed this time may be granted in the sole discretion of NYSED on a case by case basis where good cause substantiates additional study time, upon the submission of a written justification along with the voucher.
- **Cancellation Fees:** To the extent that the hearing officer committed an entire day or a block of time, the balance of the unused anticipated time (not reimbursed by NYSED) may be subject to any cancellation fee charged by the hearing officer to the responsible party or parties (at the discretion of the hearing officer). NYSED will not participate in the billing, monitoring or payment of cancellation fees.

### Pre-Hearing Conference:

- **Conference Time:** The majority of pre-hearing conferences are held via conference call with the parties. Therefore, NYSED will reimburse only the actual time spent to the nearest 1/10<sup>th</sup> of an hour. NYSED will use the transcript as the source for actual time spent.
- **Study Time:** Study time (includes all other administrative tasks, such as preparation, phone calls, correspondence and decision writing), shall be limited to actual time spent to the nearest 1/10<sup>th</sup> of an hour and shall not exceed the actual number of hours of the pre-hearing conference. Certain *limited* exceptions to exceed this time may be granted in the sole discretion of NYSED on a case by case basis where good cause substantiates additional study time, upon the submission of a written justification along with the voucher.
- **Cancellation Fees:** To the extent that the hearing officer committed an entire day or a block of time on the pre-hearing conference (e.g., the parties wanted the pre-hearing conference in person), the balance of the unused anticipated time (not reimbursed by NYSED) may be subject to any cancellation fee charged by the hearing officer to the responsible party or parties (at the discretion of the hearing officer). NYSED will not participate in the billing, monitoring or payment of cancellation fees.

### Hearings:

- **Hearing Time:** It is anticipated that unless a case is settled or otherwise resolved, the parties will make good use of the initial hearing day. NYSED realizes that many cases get resolved on the first day of the hearing. Therefore, NYSED will reimburse for a full seven hours, irrespective of actual time spent. All subsequent hearing days will be reimbursed for actual time spent at the hearing to the nearest 1/10<sup>th</sup> of the hour. NYSED will use the transcript times as the source for the actual time spent.
- **Study time:** Study time (includes all other administrative tasks, such as preparation, phone calls, correspondence and decision writing) shall be limited to actual time spent to the nearest 1/10<sup>th</sup> of an hour. NYSED will reimburse study time for a minimum of two hours and a maximum of the actual number of hours of the hearing, except that study time is capped at seven days (49 hours), even if the actual number hearing hours exceeds this amount. Certain *limited* exceptions to exceed this time may be granted in the sole discretion of NYSED on a case by case basis where good cause substantiates additional study time, upon the submission of a justification along with the voucher.
- **Cancellation Fees:** To the extent that the hearing officer committed an entire day or a block of time, the balance of the unused anticipated time (not reimbursed by NYSED) may be subject to any cancellation fee charged by the hearing officer to the responsible party or parties (at the discretion of the hearing officer). NYSED will not participate in the billing, monitoring or payment of cancellation fees.

## TRAVEL, HOTEL AND OTHER EXPENSES

In addition to the compensation for services rendered, hearing officers are entitled to reimbursement for “necessary travel and other reasonable expenses” pursuant to Education Law §3020-a(3)(b)(i)(A). There have been many questions surrounding what constitutes “necessary travel and other reasonable expenses.” This memorandum clarifies existing rules with respect to “necessary travel and other reasonable expenses” and provides information concerning audit guidelines. **It applies to all vouchers submitted on post-April 1, 2012 cases and all other vouchers submitted after the date of this memorandum, irrespective of the date the hearing was commenced, or the date that services were rendered.**

Necessary travel and other related reasonable expenses will be reimbursed “in accordance with the rules and limits on travel applicable to state employees” (8 NYCRR 82-1.12[b]). State employees are required to travel to and from a destination by using the most economical method. Hearing officers who exceed the amount equal to the most economical method of travel or travel by a more expensive method will only receive reimbursement in accordance with this memorandum. Certain limited exceptions to the rates or method of travel may be granted upon the submission of a justification on a case-by-case basis in the sole discretion of NYSED.

In order to be eligible for reimbursement, all vouchers must have an original signature and original receipts (see section pertaining to receipts below). Additionally, a photocopy of the voucher *and* the receipts must be submitted with the original voucher in order to be processed.

**Travel:** Any travel will be reimbursed up to a maximum of the least expensive mode of travel. As a general rule, public transportation is cheapest, although not always. Airfare will only be reimbursed if it can be demonstrated that it is the least expensive method of travel and has received advance approval from NYSED. NYSED will only reimburse travel expenses from a contiguous state, or from the public transportation station, terminal, depot or airport located in New York State closest to the hearing location. Mileage will only be reimbursed at the state rate. If using a rental car, the rate that will be reimbursed will be the rate for a full-size car from the starting point of the travel. Unless a train or bus is used, to be eligible for reimbursement, the hearing officer must do a cost analysis to determine the least expensive mode of travel and submit a copy of the cost analysis with his or her voucher (see **Example 1**).

- **Example 1.** A hearing officer lives in Syracuse and is scheduled to do a hearing in Albany. The total mileage is 300 miles.

Expense	Receipt Required	Amount
<b>Personal Car</b>		
Mileage (300 miles x \$.555)	No	\$116.50
<b>Rental Car</b>		
Daily Rate (use full-size)	Yes	\$35.00
Gas for Car (est. 25/mpg)		
(300 mi/25mpg x \$4 gal.)	Yes	\$48.00
Mileage to and from Car rental	No	\$18.00
	<b>Total</b>	<b>\$101.00</b>

In **Example 1**, the least expensive mode of travel is the use of a rental car. Any expenses over and above the least expensive mode of travel will not be reimbursed by NYSED and may not be passed to the parties. Unless a personal car is used, receipts for travel must be provided. Please see the instructions for receipts below.

**Hotels:** Hotels will be reimbursed at the rate of one night per full day hearing, and only to the extent that travel to and from the hearing on day of the hearing is not practical due to the distance of the travel and the start and end times of the hearing. Reimbursement will be limited to the rates provided for by the GSA for New York State. The rates are available here: <http://www.gsa.gov/portal/category/100120>. Itemized hotel receipts must be provided to be eligible for reimbursement.

**Overnight Meals:** When a hearing officer stays in a hotel overnight, meals will be reimbursed in accordance with the amounts set forth by the GSA at the above webpage. Receipts are not necessary to claim overnight meal reimbursement.

**Daily Meals:** A hearing officer is eligible for the reimbursement of breakfast and/or dinner when the travel is completed in the same day, or where there is a partial travel day. A partial travel day is where the hearing officer leaves his or her home, travels, conducts the hearing, stays overnight and returns home the following day. The daily meal reimbursements apply to the meals at the beginning or end of the travel (not the meals connected to the overnight portion of the trip). On the days the hearing officer leaves before 7:00 a.m., a claim may be made for a meal allowance for breakfast in the amount of \$5.00. On the days, the hearing officer returns home after 7:00 p.m., a claim may be made for a meal allowance for dinner in the amount of \$12.00. If a hearing officer stays overnight in a hotel the dinner the night before and the breakfast the morning after, will be reimbursed in accordance with the rates established above. Lunch is not eligible for reimbursement. Receipts are not necessary to claim meal reimbursement.

**Receipts/Miscellaneous Expenses:** Other receipted *reasonable* miscellaneous expenses are eligible for reimbursement, such as parking fees, tolls, subway fares, taxicab fares, etc. Receipts are not required for miscellaneous small individual expenses (such as parking meter fees and subway tokens). **To be eligible for reimbursement, original receipts must be affixed to 8.5 x 11 sheet of paper and sent in with the original voucher. A photocopy of the receipts must be also provided. Illegible receipts will be disallowed.**

- Example 2.** A hearing officer lives in Poughkeepsie and takes the train to New York City for a hearing. He leaves his house at 6:30 a.m. and drives 10 miles to go to the train station. He pays \$20 to park his car for the day. He pays \$78 for a round trip train ticket. Once in New York City, he purchases two subway tokens for \$5 to get to and from the hearing location. Once at the hearing, the parties take a lunch break and he pays \$17 for lunch. They conclude the hearing at 5:00 p.m. and he returns home on the train. He arrives at his home at 7:30 p.m. The following expenses may be claimed (with appropriate receipts):

<b>Expense</b>	<b>Receipt Required</b>	<b>Amount</b>
Mileage (20 miles x \$.555)	No	\$11.10
Parking	Yes	\$20.00
Breakfast	No	\$5.00
Lunch (not eligible)	Not Eligible	\$0.00
Dinner	No	\$12.00
Train Ticket	Yes	\$78.00
Subway Tokens	No	\$5.00
	<b>Total</b>	<b>\$131.11</b>

- Example 3.** A hearing officer lives in Saratoga and travels to New York City for a hearing. The hearing is scheduled for an early morning start time, so the hearing officer travels to New York City the evening before the hearing. She leaves her home at 3:00 p.m. and drives 30 miles to go to the train station. She pays \$30 to park her car for two days. She pays \$110 for a round trip train ticket. Once in New York City, she travels by cab to the hotel which costs \$12. She stays overnight and gets to the hearing location by foot. At the conclusion of the hearing, she takes a cab for \$10 back to the train station and returns home on the train. She arrives at her home at 9:00 p.m. The following expenses may be claimed (with appropriate receipts):

<b>Expense</b>	<b>Receipt Required</b>	<b>Amount</b>
Mileage (60 miles x \$.555)	No	\$33.30
Parking	Yes	\$30.00
Hotel (GSA Rates)	Yes	\$295.00
Overnight Meals (GSA Rates)	No	\$71.00
Dinner	No	\$12.00
Train Ticket	Yes	\$110.00
Cab Fares	Yes	\$22.00
	<b>Total</b>	<b>\$573.30</b>

### **ASSISTANCE REGARDING VOUCHER MATTERS**

NYSED staff are available to assist you with any questions about submitting claims for reimbursement. If you have any questions, please contact Clare Carroll, Education Finance Specialist, Office of School Personnel Review and Accountability, at (518) 486-5352 or [ccarroll@mail.nysed.gov](mailto:ccarroll@mail.nysed.gov).