



Department of Administrative Services

## POLICY MANUAL

Issuing Division: Risk Management Division

Subject: State Business & Travel Status Policy

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Approval	<i>JMB</i>

### I. THE BASIC POLICY

State employees and agents are covered by state liability and workers' compensation coverages only if and when they are duly performing the state's business and direct travel to that business at the state's direction and control. Employees and agents are not covered by the state while they engage in personal activities or in activities prohibited by the state. Technically, they are not covered because personal and prohibited activities are outside the course and scope, or performance, of state employment or duties.

### II. DEFINITIONS

- A. **The State's Business** means the activities of the employee or agent that the employing state agency assigns, requires, directs, and controls. This includes education or training you are required to attend. An activity does not become official state business merely because an agency *permits* you to do it, even if the agency pays your expenses. The state must direct and control the activity to be responsible for it. The state's business includes the direct travel required by state business.
- B. **Direct Travel** means travel by common, appropriate, or reasonably necessary means over a route that is the shortest, or a reasonable and ordinary, route to the destination required for the state's business. Direct travel includes circuitous routes only as reasonably necessary to reach the destination. Direct travel includes travel to sites near the direct route or destination for eating and lodging and other personal needs that must be met if state business is to be performed. Eating, lodging, and personal activities in which you engage are personal activities.
- C. **Personal Activity** includes all activities other than direct travel and the state's business. Personal activity includes all activities you undertake by personal choice for your own interest or benefit and not at the direction and control of the state. These remain personal activity even if the agency pays or reimburses costs, allows leave time, or otherwise has knowledge or gives permission. For example, the state may pay for your motel room, but it does not control your sleep. It may pay for your meal, but it does not tell you what to eat. It may require you to attend a business convention, but it does not require you to swim, golf, work-out, or consume alcohol.

Examples of common personal activities for travelers include: Personal errands, personal fitness or sports activities; using hot tubs, swimming pools, or saunas; moving personal household goods due to relocation, attending religious services, traveling from your residence to your work station, eating, sleeping, recreating, coffee breaks, sight seeing, attending entertainment, making personal visits, shopping, medical or other personal appointments, and diversions from state business or direct travel for any personal purpose.

Personal activities include classes, courses, or seminars that you request if they are not necessarily your duties and are not provided, offered, or solicited by your agency for its own purposes. These classes remain personal activities even if your agency pays or reimburses your costs and allows you leave time to attend. These classes or seminars are not at the direction or control of the state.

- D. ***Prohibited activities*** means activities that are in direct violation of the law or of state rules or written state policies. Examples of activities that are prohibited during state business or state travel include: consuming alcohol, using or dealing in illicit drugs, soliciting prostitution, using a state vehicle for any prohibited purpose, engaging in any crimes against people or property. You would not do these, but, if and when you did, you would do so at your own cost and risk.

### III. DISCUSSION

Is what you are doing state business or personal business? When you are on state business and state travel you are normally covered by the state for workers' compensation, auto liability, and general liability. When you are about your own business, you are at your own risk. It is mostly *what you are doing and who can control it* that determines whether you are on state business and travel. The state controls and self-insures its activities. It does not control or self-insure private activities. Except, the state does prohibit some private activities from state workplaces. Traveling does not change the rules. On travel, it helps to ask yourself, *"if I was in my normal workplace, would this activity be under state control and coverage? Or, would it be my own business and my own risk?"*

### SEE ALSO

Accounting Manual: Oregon Department of Administrative Services, State Controller's Office; Number 40.10.00.PO, effective January 1, 2002 including revisions and updates; Travel Chapter, General Travel Rules.

Self-Insurance Handbook: Oregon Department of Administrative Services, Risk Management Division; "Alcohol Risk Control Policy" Number 125-7-401, effective July 2, 1993; Section III. B. reads, in part, "Alcohol consumption is outside the scope of state employment or business..."

OAR 125-155-520 Vehicle Use and Access: Overnight and Full-Time Use. Oregon Department of Administrative Services, Risk Management Division; This rule allows vehicles to be used for some activities which are normally considered "personal business". Use of the vehicle to travel does not automatically extend the state's insurance or self-insurance to cover the activities traveled to.