

<i>date</i> 3/7/85	<i>subject</i> <b>Moving Expense Regulations for Management/Confidential Employees</b>	<i>item</i> G-200
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**1. Purpose, Scope and Regulations**

The Regulations for Reimbursement of Moving Expenses for Management/Confidential Employees are promulgated by the Director of the Budget pursuant to sections 202 and 204 of the State Finance Law and are published as Part 154 of Title 9 of the "Official Compilation of Codes, Rules and Regulations of the State of New York."

These Regulations authorize reimbursement of basic moving expenses incurred by certain Management/Confidential employees promoted, transferred or reassigned for the convenience of the State. The Regulations also authorize reimbursement of basic moving expenses to certain newly-appointed Management/Confidential employees to aid in filling positions for which a shortage of qualified candidates exists.

It shall be the responsibility of the department or agency to inform the employee or potential appointee of the limitations of the Regulations. In no case should individuals be promised that they will be reimbursed for all moving expenses.

Any questions should be directed to the agency's budget examiner. The full text of the Regulations follows:

**PART 154**

**Reimbursement of Moving Expenses for Management/Confidential Employees**

- Section 154.0 Statement of policy
  - 154.1 Eligibility for reimbursement of moving expenses
  - 154.2 Allowable moving expenses
  - 154.3 Procedure to be followed
  - 154.4 Effective date
  - 154.5 Exceptions

**154.0 Statement of policy.** Sections 202 and 204 of the State Finance Law authorize the reimbursement of basic moving expenses incurred by certain State employees and new appointees to a department or agency of the State in transporting themselves and their families and household effects to their new places of residence.

In the case of new appointees, it is the policy of the State that such reimbursement may be approved when the Department of Civil Service (for competitive class appointments) or the appointing authority (for appointments outside the competitive class) determine that there exists in New York State a shortage of qualified candidates for the position to which the appointment would be made and when

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providing such reimbursement would improve the State's ability to consummate an appointment.

For the purpose of reimbursement for moving expenses, these regulations shall apply to:

- a. Officers and employees whose positions are designated managerial or confidential pursuant to article 14 of the Civil Service Law;
- b. Officers of the Division of Military and Naval Affairs in the Executive Department;
- c. Officers and employees excluded from representation rights under article 14 of the Civil Service Law, pursuant to rules and regulations of the Public Employment Relations Board; and
- d. Officers or employees whose salaries are prescribed by section 19 of the Correction Law.

Persons employed by political subdivisions of the State or by public authorities are not to be considered as State employees for purposes of reimbursement, regardless of the fact that a portion of their compensation may be paid from State funds.

It is not the policy of the State to reimburse either employees or appointees covered by this Part for related expenses in relocation, such as selling and buying a house or renting temporary living quarters.

**154.1 Eligibility for reimbursement of moving expenses.**

- (a) The following individuals shall be eligible for moving expenses in accordance with the provisions of these regulations:
  - (1) Employees in positions who are promoted, transferred or reassigned for the convenience of the State shall be eligible for reimbursement for approved moving and travel expenditures in accordance with the provisions of these regulations.
  - (2) Employees transferred or reassigned as a result of a relocation of an agency or subdivision of an agency or the abolition of a position shall be deemed transferred or reassigned for the convenience of the State.
  - (3) No reimbursement for moving expenses shall be made to appointees unless the appropriate appointing authority, for positions outside the

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competitive class, or by the Department of Civil Service, for competitive class positions, has determined that there exists in New York State a shortage of qualified candidates for the position to which the appointment is made.

- (b) Employees shall not be eligible for reimbursement for expenses incurred in moving if:
  - (1) the transfer or reassignment is a result of a demotion, either voluntary or following disciplinary action; or
  - (2) the transfer or reassignment is made for educational or training purposes;
  - (3) the transfer or reassignment is made at the request of the employee and is not expressly for the convenience of the State;
  - (4) reimbursement for moving expenses shall not be granted if the distance between the old and new places of employment or between the new place of employment and place of residence at time of employment, as measured over the shortest distance along public highways, is less than 35 miles.

**154.2 Allowable moving expenses.**

- (a) Employees eligible for reimbursement pursuant to this Part shall be reimbursed for actual and necessary moving expenses in an aggregate amount not in excess of \$3,000 for a move commenced on or after January 1, 1985, in accordance with the provisions of this section, provided that claim for such payment is made within one year of the relocation, transfer, reassignment or promotion.
- (b) Appointees eligible for reimbursement shall be reimbursed for actual and necessary moving expenses incurred, in an aggregate amount not in excess of \$3,000 for a move commenced on or after January 1, 1985. Reimbursement shall be made in accordance with the provisions of this section, provided that claim for such payment is made within one year of the effective date of appointment.

Subject to the above dollar limitations, an eligible employee/appointee shall be reimbursed for:

- (1) (i) the basic cost of moving household goods and personal effects from the employee's/appointee's residence at the time of appointment to the

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residence located near the new place of employment, provided that the mover used a carrier authorized by the New York State Department of Transportation or the Interstate Commerce Commission to perform such service. The *basic cost of moving* shall mean the cost of loading, transporting and unloading household goods and personal effects, including necessary expenditures for handling such household good as pianos, refrigerators and deep freezers. Household goods shall not be deemed to include automobiles; other motor vehicles; trailers, other than house trailers used as employees'/appointees' residences; farm tractors, implements and equipment; livestock; boats; animals raised for profit by the employee; belongings which are not the property of the employee's/appointee's immediate family; belongings related to commercial enterprises engaged in by the employee/appointee or his family; and building materials;

(ii) the cost of additional insurance above the lowest valuation rate charged;

(iii) for a move commenced on or after January 1, 1985, no reimbursement shall be provided for household goods and personal effects in excess of 12,000 pounds;

(iv) if employees/appointees do not use a commercial household goods carrier they shall be reimbursed for the basic cost of moving household goods and personal effects by rental of trailers or trucks from commercial establishments;

(v) if employees/appointees do not use a commercial carrier or do not rent a trailer or truck from a commercial establishment, they may be eligible for up to \$200 to help cover moving expenses, provided the claim is accompanied by documentation showing that such expenses were actually incurred;

- (2) the cost of packing and/or unpacking of household goods and personal effects if such services provided by the carrier are used;
- (3) the cost of storage of goods in-transit for actual storage and for required warehouse handling, provided such services are required. For a move commenced on or after January 1, 1985, reimbursement shall not be provided for storage or handling of goods in excess of 12,000 pounds; and

**BUDGET POLICY AND REPORTING MANUAL**

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- (4) the cost of transportation of the employees/appointees and their families to the new location, at the rate paid by the State for the use of personally-owned automobiles on official business, the mileage to be measured by the shortest highway route between the two places of residence. Payment shall be made at such rate for one automobile regardless of the number owned, or actual method of transportation used.
- (c) Expenses other than those enumerated above incurred by the employee/appointee as the result of a move occasioned by transfer, reassignment or promotion or new appointment shall not be subject to the reimbursement.

**154.3 Procedure to be followed.** In order to obtain reimbursement for moving expenses, an eligible employee/appointee shall file for such reimbursement, through the fiscal or administrative officer of the department or agency, with the Department of Audit and Control on forms prescribed by the State Comptroller. Such forms shall be accompanied by a receipted copy of the bill of lading or freight bill issued by the commercial carrier showing the charges collected; or receipts from rental establishments. Forms submitted for individuals not using commercial carriers or rental establishments must be accompanied by appropriate documentation.

**154.4 Effective date.** The provisions of this Part are to be effective January 1, 1985. Moving or relocation expenses incurred by management/confidential employees prior to January 1, 1985 are covered by the regulations in place at that time.

**154.5 Exceptions.** The restrictions and limitations of this Part may be waived by the Director of the Budget if it is determined that such restrictions and limitations would result in an unusual and unavoidable hardship for the employee/appointee being relocated, transferred, reassigned, promoted or appointed.