



# FISCAL & ADMINISTRATIVE POLICY

Revised October 2024

NORTH  
**Dakota** | Management  
and Budget  
Be Legendary.

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# Office of Management and Budget

## Preface

The operating policy for the state is the North Dakota Century Code and Constitution. This manual and the fiscal policies contained herein are established as a guide for agencies and institutions of the State of North Dakota in order to achieve basic uniformity in the application of appropriation expenditures and basic management principles.

The fiscal and administrative policies are not all-inclusive; the underlying rules for all expenditures of taxpayer funds is a common-sense approach.

This is a complete set of policies issued by the Office of Management and Budget.

Below is a brief summary of the changes made to these policies for the 2023-25 biennium. Listed is the policy number, policy title, and the changes made:

### **Policy Changes**

**501 Expense Reimbursement Relating to Telework, Mileage and Miscellaneous Expenses** – Privately owned vehicle mileage reimbursement updated (effective 1/1/2024)

**505 Reimbursement for Meals and Lodging** – In State meal allowance rates updated (effective 10/01/2024)

**511 Use of Personal Vehicle** - Privately owned vehicle mileage reimbursement updated (effective 1/1/2024)

**519 Charter, Lease, or Rental of Aircraft** – Mileage rate for allowable private aircraft travel updated (effective 1/1/2024)

**Appendix A** – Addition of Subscription Based Information Technology Arrangements (SBITA). Effective 7/1/2022

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# Office of Management and Budget

## Payroll and Miscellaneous Fiscal Policies

August 1, 2023

### **Policy 100 - Deferred Compensation**

A program has been established for deferring a portion of employees' compensation in accordance with NDCC Chapter 54-52.2.

These deferred compensation programs are made available as an option to employees in order to provide supplemental retirement income with favorable tax consequences on current and future income.

The provisions of federal law and the IRS require strict adherence to several regulations. In order to protect the integrity of the tax preferred status of deferred compensation, a uniform plan has been developed for use by state agencies. A committee, as provided for in the federal regulations and state statute, administers this uniform plan.

For information relative to deferred compensation, contact the Public Employees Retirement System.

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### **Policy 101 - Employer-Employee Relationship**

The State of North Dakota is required by law to withhold payroll taxes on compensation paid where an employer-employee relationship exists. This precludes making payments to individuals from operating expenses where there is an employer-employee relationship.

The Internal Revenue Service uses many factors to distinguish independents or independent contractors from employees. Factors such as control over method of doing work, training of new employees, place where work is done, determination of hours, source of tools and supplies, etc., are used as qualification criteria. The approach taken by the IRS varies greatly from job to job, agent to agent, and year to year.

The following minimum guidelines should be used to determine whether an individual should be classified as an employee or as an independent contractor as described in the internal revenue code:

Generally, there is an employer-employee relationship when the person for whom services are performed has the right to control and direct the individual who performs the services, not only as to the result to be accomplished by the work, but also as to the details and means by which the result is accomplished. The employer does not have to actually direct or control the way the services are performed; it is enough if he has the right to do so. The following factors are also important in determining whether a person is an employer: right to discharge; furnishing of tools; furnishing a place to work. If the employer-employee relationship in fact exists it does not matter that the employee is called an independent contractor. Substitutes who are properly working in place of regular employees are considered employees for purposes of withholding.

When one agency is paying an employee from another state agency for services, generally these payments should be paid out of the salary line item not treated as a contract expense that is subject to 1099 reporting.

Budget requests must be prepared utilizing the above guidelines.



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## Payroll and Miscellaneous Fiscal Policies

August 1, 2023

### **Policy 102 - Interagency Transfers of Personnel**

The payroll treatment of interagency transfers will be accomplished in accordance with the North Dakota Personnel Policies. These policies set forth the authority granted agencies under Section 54-51 of the NDCC and also provide guidelines for the transfer of annual leave and sick leave.

# Office of Management and Budget

## Payroll and Miscellaneous Fiscal Policies

August 1, 2023

### **Policy 103 – Release of Public Records**

NDCC 44-04-18.1

OMB will release all non-payroll information to which it has access, such as payments for travel, expense vouchers, miscellaneous claims, etc., pertaining to any state agency, department, board, etc.

In accordance with North Dakota Century Code 44-04-18.1, except as otherwise specifically provided by law, a state employee's "personal information" is exempt from being open to the public and will not be released by OMB. "Personal information" means a person's home address; home telephone number; photograph; medical information; motor vehicle operator's identification number; social security number; payroll deduction information; the name, address, phone number, date of birth, and social security number of any dependent or emergency contact; any credit, debit, or electronic fund transfer card number; and any account number at a bank or other financial institution.

OMB will release, as a matter of public record, other "non-personal payroll information" not exempt. NDCC 44-04-18 section 2 states "Upon request for a copy of specific public records, any entity subject to subsection 1 shall furnish the requester one copy of the public records requested. A request need not be made in person or in writing, and the copy must be mailed upon request....."

A public entity may charge a "reasonable fee" for the actual cost to make the copy, including labor, materials, and equipment. Refer to NDCC 44-04-18 section 2 for more details on what and how much a public entity may charge.

The state is now using uConfirm verification services for all the state's employment verifications. Requests to verify employment or salary history for current or former employees should be referred to uConfirm's website [www.uconfirm.com](http://www.uconfirm.com), to complete the verification process.

#### Exceptions

- The "personal information" as defined in NDCC 44-04-18.1, at the discretion of OMB, can be released if there is a valid request and is necessary to conduct state business.
- Any telephone number and the home address of an employee of the Department of Corrections and Rehabilitation are confidential and will not be disclosed.
- Any "personal information" or records that would reveal the identity or endanger the life or physical wellbeing of any state undercover law enforcement officer is confidential and will not be disclosed.

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## Payroll and Miscellaneous Fiscal Policies

August 1, 2023

### **Policy 104 - Unemployment Compensation**

All departments and institutions of the State of North Dakota will pay to OMB one percent of the first six thousand dollars of each employee's earnings. This assessment is to be paid from the general fund and special funds appropriated to the individual departments and institutions.

For agencies on the central payroll system, the above assessment will be automatically charged to appropriations from the monthly payroll records. A report will be issued of all salaries for which the assessment has been charged.

Agencies not on the central payroll system will be required to report all salaries paid (by employee) and pay the assessment on a monthly basis.

OMB is responsible for the collection of this assessment and also for processing of reimbursements to Job Service North Dakota. However, each department is responsible for the verification of claims and the certification for payment.

OMB may suspend the above assessment upon determination that the Unemployment Compensation Fund has sufficient resources to offset anticipated obligations.

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## Payroll and Miscellaneous Fiscal Policies

August 1, 2023

### **Policy 105 – Severance Pay**

NDCC Chapter 54-14-04.3, provides for severance pay as follows:

1. For the purpose of this section, severance pay means compensation received, upon termination of employment, for reasons primarily beyond the control of the state employee or officer. Severance pay does not include payments made to a terminated employee or officer for accrued annual or sick leave, or compensatory leave, where such payments are authorized.
2. Except as provided in Subsection 3, no state employee or officer shall be entitled to severance pay upon termination of employment if the employee or officer quit employment voluntarily or resigned of his or her own accord, or was dismissed for gross neglect of duty, gross misconduct while on duty, or for other good cause. A state employee or officer may be entitled to severance pay if the employee or officer was dismissed from employment because of reductions in staff or temporary or permanent layoffs, or for other reasons primarily beyond the control of the employee or officer.
3. A state agency may, within the limits of its legislative appropriations, provide financial incentives to encourage an employee to retire or resign if the resulting departure will increase agency efficiencies or reduce expenses.

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## Payroll and Miscellaneous Fiscal Policies

August 1, 2023

### **Policy 106 - Manual Checks**

All disbursements will be made through the state's PeopleSoft payroll and financial systems.

Manual checks will not be issued by OMB except in extreme emergencies where severe hardship or damages will result from a delay in processing the payment through normal channels.

The issuance of manual checks has a negative impact on internal control and requires additional accounting and clerical procedures. Normal delays in processing caused by data entry complications do not constitute an emergency, especially when an agency should have commenced with the payment process at an earlier date.

# Office of Management and Budget

## Payroll and Miscellaneous Fiscal Policies

August 1, 2023

### **Policy 107 – Central Payroll Deductions**

OMB operates the state's central payroll system. This system is operated for all state agencies except the institutions and agencies under the control of the ND University System and the ND Mill. The following policies and procedures explain the payroll deduction features of the central payroll system.

*Limitation on Charitable Campaign Deductions* — OMB will process deductions for charitable campaigns only when they directly benefit the citizens of the State of North Dakota.

*Payroll Cycle* — the central payroll system operates on a monthly cycle. Advanced payroll employees receive their checks the first working day of the month. All hourly employees and overtime payments are paid on the tenth calendar day of the month. If the tenth falls on Saturday or Sunday, payment will be made the prior Friday. The payroll is for the previous month's services.

*Tenth Calendar Day of the Month Payroll Schedule* — payroll checks are released for hourly employees, overtime, and any other pay that was not paid on the first working day of the month on the tenth calendar day of the month.

This is the normal payroll schedule. No guarantee of the payment dates can be made since mechanical problems or other unforeseen problems could cause delays.

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## Payroll and Miscellaneous Fiscal Policies

August 1, 2023

### **Policy 108 – Access to Capitol Complex**

The key control system and card access systems are maintained for the security of the capitol complex. All capitol complex buildings are controlled and secured by a master key locking system. Keys for elected or appointed official's offices located in the capitol complex will be issued and controlled by Highway Patrol. Keys to doors in the legislative wing will be issued and controlled by the Legislative Council. Keys are needed to enter the building and offices on weekends, and weekdays after normal working hours.

Each department and agency will designate an individual to request keys and ensure the return of keys. Agencies and departments should ensure they receive all keys from employees who are terminating their employment with the State of North Dakota prior to their last day. OMB will retain a master listing identifying the keys issued by department, employee, and access allowed by the key or card for the Highway Patrol.

State employees will be issued electronic access (card or key) if approved by the agency head. If employees are granted outside door access, they must be given a key to their office area. Each employee will be responsible for any guests who accompany them into the building.

Keys or cards issued to employees become their personal responsibility. If lost or stolen, it must be reported immediately by the employee to the agency and by the agency to NDHP security. The employee may be charged a fee for the lost key or card.

Employees issued keys and/or electronic access cards shall return them to the employing agency upon termination of employment.

Employing agencies shall request, within 10 business days, the disabling of electronic card of an employee who terminates employment.

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## Payroll and Miscellaneous Fiscal Policies

August 1, 2023

### **Policy 109 – Office Space**

OMB is responsible for the assignment of office space within the capitol complex. All state agencies and departments must comply with this policy and the procedures in NDCC section 54-21-24.1 except for the North Dakota University System, the Adjutant General, the Department of Transportation, and storage space for field engineers and maintenance crews.

When space is not available in the capitol, it is necessary to lease or rent additional space in buildings located off the capitol grounds. Leases for office space off the capitol grounds must be approved by OMB and reviewed by the Office of the Attorney General.

Agencies needing office space outside the capitol complex must first review locations currently rented by other agencies and attempt to secure rental space with other existing units of government prior to securing new locations. OMB has a list of office space within the Bismarck-Mandan area currently leased by state agencies and departments.

Co-location of agencies within the same building will help to ensure efficiency and shared services between units of state government. OMB limits the number of locations for state offices in rental space to help individuals who need the services of these agencies and departments.

Once an agency has decided where to locate its office, the standard lease form provided by OMB must be presented to the owner/landlord for review and approval. This standard lease will be the basis for all leases or rentals. Amendments or special additions may be identified and added to the lease if they are relevant to the function of the agency for specific services being provided by the landlord. Once the lease is signed by both the Office of the Attorney General and OMB, it will be returned to the agency for signature. One copy of the lease, with all signatures, must be retained in OMB.

All remodeling projects within the capitol complex need to be approved by the Director of Facility Management.



# Office of Management and Budget

## Payroll and Miscellaneous Fiscal Policies

August 1, 2023

### **Policy 110 – Form 1099 Compliance**

The state is **NOT** responsible for issuing a 1099 for payments made with a procurement card. The state **IS** responsible for issuing a 1099 for payments made by check/ACH. If a vendor was paid by both methods, the state is responsible for those payments made by check/ACH.

The Internal Revenue Code requires that Form 1099 be filed for certain payments. A reportable payee is an individual, combination of individuals, sole proprietorship, partnership, or trust.

The agency is required to withhold 28 percent of the payment to the payee if Form W-9, Request for Taxpayers Identification Number and Certification, is not filed with the agency. A W-9 is required for all non-state employee vendors **NOT** paid with a procurement card and is to be filed with Vendor Registry.

All monies received by the payee must be reported. It is the payee's responsibility to report to IRS those expenses that are business connected. Non-state employees must be paid as state employees when expenses are involved. The same IRS rules apply if there is no overnight stay. Agencies that pay for these expenses must report them as taxable income.

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## Payroll and Miscellaneous Fiscal Policies

August 1, 2023

### **Policy 111 – Postage Meters**

All state agencies, departments, and institutions requesting to lease or rent a postage meter must comply with NDCC 54-06-18. Each state agency, department, or institution authorized by the director of OMB to lease or rent a postage meter shall maintain records as the director may require and allow the inspection of those records on request.

An annual report identifying total postage used during the calendar year must be submitted to the Central Mailroom by February 15 of each year.

The Central Mailroom will keep a record of the identification numbers of all postage meters authorized for usage.

The University System is exempt from this statute and policy.

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## Payroll and Miscellaneous Fiscal Policies

August 1, 2023

### **Policy 112 – Employee Criminal History Background Checks**

Per NDCC 12-60-24, the Director of the Office of Management and Budget shall require an FBI criminal history background check for each individual who has access to personal information. For purposes of this policy, the term “personal information” applies to electronic information contained in the State’s PeopleSoft system.

This policy applies to an applicant or existing employee that is requesting access or additional access to roles in PeopleSoft that have been previously identified in the [ConnectND HRMS Security Access Request \(SFN 54176\)](#); [ConnectND Financials Security Access Request \(SFN 54418\)](#); [FIN/HCM Business Intelligence Security Access Request \(SFN 59165\)](#).

This policy does not apply to state employees:

- if they are transferring from one state agency to another, have had no break in service, and had the FBI criminal history background check. They are not required to have another.
- If an employee is taking on additional duties or adding additional roles to their access and they had a prior FBI criminal history background check and the employee currently has access to specific roles that have been identified in the forms listed above.

The Risk Management Division of OMB is responsible for coordinating the FBI background checks with the Bureau of Criminal Investigations (BCI) division of the State Attorney General. See [Background Checks for PeopleSoft Access](#).

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## Payroll and Miscellaneous Fiscal Policies

August 1, 2023

### **Policy 113 – Items to be Returned upon Termination with the State**

If an employee is in custody of any of the items listed below, agencies should ensure they are returned by employees who are terminating employment with the State of North Dakota prior to their last day of employment (this is not a complete list of items):

- P-card
- State phone card
- State ID card
- Keys to capitol complex (see policy 108 also)
- Business Cards
- State Issued Electronic Devices

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## Payroll and Miscellaneous Fiscal Policies

August 1, 2023

### **Policy 114 – Procedure for Overpayment/Repayment on Current Employee's Pay**

OMB requires that any overpayment/repayment, made to an employee currently on the state's payroll system, be deducted from the employee's subsequent payroll check(s). An agency is required by NDCC 34-14-04 and 34-14-04.1 to get a signed statement from the employee that they agree the overpayment happened and that it will be corrected by deducting the overpayment from their future check(s). This signed statement should be kept in the agency's employee payroll file. By deducting the overpayment/repayment from future check(s), the payroll system can correctly calculate current year federal and/or state taxes for the employee. The total amount that should be deducted from future check(s) should be either 1) the gross amount of the overpayment/repayment or 2) the number of hours that the employee was overpaid.

OMB recommends that any overpayment/repayment should be paid back, in full, in the month after the overpayment/repayment is discovered. An overpayment/repayment that is reported to OMB within 5 days of the check/advice issued date can be reversed and a correct check calculated and reissued.

If an overpayment occurs at the end of the calendar year, the employee may have to pay back the amount in a personal check. OMB will then manually adjust the wages and taxes and print a corrected W-2. However, this practice should be avoided whenever possible

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## Payroll and Miscellaneous Fiscal Policies

August 1, 2023

### **Policy 115 – Direct Deposit – Deposit Types**

An employee must designate one account within the Direct Deposit section of PeopleSoft payroll with the **Deposit Type** of Balance. If an employee wants their paycheck distributed to multiple accounts, the employee can establish desired percentages and/or priorities for each savings and/or checking account. However, the highest priority account should be the Balance account. Designating one account as the Balance account facilitates the movement of the appropriate vendor information to PeopleSoft Financials.

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## Payroll and Miscellaneous Fiscal Policies

August 1, 2023

### **Policy 116 – Certification of Payroll**

Per and 54-44.3-16 the task of certifying payroll is done at the agency level. As stated in 54-44.3-16:

“The designated personnel officer of each agency or department shall certify to the agency elected or appointed chief officer that each person holding a position in the classified service authorized for payment through payroll has been classified in accordance with the provision of this chapter and that the rate of pay is within established current salary ranges or excepted from the ranges by written authorization by the director.”

It is the agency's responsibility to ensure that payroll is signed by a designated official certifying that all positions have been classified appropriately and paid within the assigned salary ranges. Proper certification is accomplished through the current signature process to authorize payroll. Please keep in mind that the director of Human Resource Management Services will still be able to take exception to payments if it is determined that an individual has not been classified correctly or paid within the assigned salary range.

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## Payroll and Miscellaneous Fiscal Policies

August 1, 2023

### **Policy 117 – Worker’s Compensation**

Employees who are eligible to receive disability benefits for a lost time claim can continue to receive full salary by choosing to use leave to **supplement** their benefits. Any employee that is receiving worker’s compensation benefits should complete the Worker’s Compensation Leave Option form, in the Risk Management Manual 9.7-6. If an employee chooses to use leave to supplement their benefits the disability check stubs must be turned over to the agency payroll clerk to receive this benefit. The amount paid by WSI will be deducted from your paycheck. State law prohibits employees from receiving both worker’s compensation benefits and full leave benefits simultaneously.

Worker’s compensation benefits are not taxable. Therefore, when an employee turns over a copy of the disability check stub, the following adjustments should be made:

#### A) Payroll

- Make a negative one-time adjustment for the amount of the worker’s compensation check. (It will be a reduction of pay). The employee will keep the worker’s compensation check.

#### B) Leave Adjustment

- Determine difference between regular pay and amount paid by worker’s compensation for the hours gone.
- Find out the hourly rate for the month that the person was gone, then take the hourly rate times the number of hours gone that month.
- Determine what this amount is equal to in leave.
- Adjust the leave taken. First annual leave and/or comp is reinstated and then sick leave.
- If a holiday falls within the timeframe that worker’s compensation is received, the holiday needs to be docked from the hours adjusted back. The hours adjusted back are figured only on the leave hours that were taken.

#### **Example**

- Monthly salary \$1600 – worker’s compensation paid \$500
- Employee off 9 days = 9 days X 8 hrs/day = 72 hours
- 22 days in the month x 8 hrs/day = 176 hours in the month.
- $\$1600/176 = \$9.09$  (hourly rate)
- $\$9.09 \times 72 \text{ hours} = \$654.48$
- $\$654.48 - \$500 \text{ (WC payment)} = \$154.48$
- $\$154.48/\$9.09 = 17 \text{ hours}$  leave employee should be docked.
- Reinstated 55 hours of leave (72 hours taken – 17 hours that should have been used)



# Office of Management and Budget

## Payroll and Miscellaneous Fiscal Policies

August 1, 2023

### **Policy 118 – Length-of-Service / Retirement Awards**

The State of North Dakota understands the importance of maintaining morale by recognizing employee length of service or retirement. Please refer to North Dakota Administrative Code 4-07-18 for service award types and allowable amounts. Depending on certain criteria established by the IRS, the gift may be taxable to the employee. This policy provides specific guidelines to determine if the gift is taxable or non-taxable to the employee. If the award is taxable, the award must be reported on the employee's pay line for the month. If it is not taxable, it should be processed through Accounts Payable.

**Non-Taxable** – The gift is non-taxable to the employee if the award from the state agency meets all of the criteria outlined below:

- Timing – NDAC 4-07-18 service awards and amounts comply with IRS rules. The value of the three-year award is considered de minimis and is not affected by the five-year rule.
- Dollar Limit – NDAC 4-07-18 service award values do not exceed the maximums established by the IRS.
- Form of Award – The award must be in the form of tangible personal property, i.e., the gift may not be in the form of cash, check, or gift card. Gift certificates that are redeemable for general merchandise are also considered cash and are taxable. Those which can be applied only to a choice of one type of item are considered non-cash and are not taxable. Note: An agency may purchase a gift (tangible item) in lieu of a gift certificate or cash on behalf of the employee as long as the gift's value corresponds with the service award amount specified in NDAC 4-07-18. This gift would qualify as non-taxable under IRS rules.
- Meaningful Presentation – The award must be presented as part of a special event or celebration that marks the occasion.

**Taxable** – If any one of the following criteria is met, the award is taxable. The taxable portion of the award must be reported on the employee's pay line using earning codes S74 or S77 for the month the award was received so that the appropriate taxes can be withheld through the payroll system and reported on their W-2:

- Form of Award – Awards given in the form of cash, check, gift card or gift certificates that are redeemable for general merchandise, are considered cash equivalents and are taxable regardless of the amount.
- Meaningful Presentation – If an award is not presented as part of a special event or celebration that marks the occasion, it is considered an ordinary gift and the entire amount is taxable if the award value exceeds \$100.

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August 1, 2023

### **Policy 119 – Direct Deposit of Wages**

As provided in NDCC 34-14-02, all new and current employees of the State shall have wages paid with direct deposit in the financial institution of the employee's choice.

The Bank of North Dakota will assist any employee with establishing a new checking or savings account, if desired.

Exceptions to payment of wages by direct deposit are permitted only:

- If an employee is not able to lawfully maintain a checking or savings account in the United States **OR** upon written approval from the head of the employee's agency, based on a determination that the direct deposit requirement would cause hardship to the employee.

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August 1, 2023

### **Policy 120 – Vacant FTE Positions**

All state agencies and institutions should analyze and evaluate the need to fill positions as vacancies occur in order to ensure state government operates efficiently. Agencies and institutions should look at all options for filling non-temporary positions. Examples of these options:

- Hiring temporary staff.
- The use of consultants or contracts on a temporary basis.
- Distributing workload within existing staff.

Positions that have not been filled within 6 months, should be evaluated to see if there is a need for the position.

HRMS is available as a resource for state agencies in analyzing the need to fill vacant positions.

# Office of Management and Budget

## Payroll and Miscellaneous Fiscal Policies

August 1, 2023

### **Policy 121 – Employee Voluntary Payroll Deductions for Agency-Specific Programs**

OMB will set up a payroll deduction code and vendor for agencies that want to have an employee voluntary deduction program account for their agency. (These program accounts could be used for agency jeans day fund, office coffee fund, office birthday fund, etc.)

The following guidelines should be used if an employee voluntary payroll deduction program account is set up:

- A separate bank account needs to be setup at a local bank for the agency's employee programs. The agency will need to contact vendor registry to set up a new vendor number with their ACH information.
- **The agency will be required to obtain their own Federal Tax ID number for these accounts** and *will not use the state's or the agency's Federal Tax ID numbers.*
- The agency should establish internal policy and procedures to govern these accounts outlining authorized expenditures and authorized users.

Contact OMB's payroll division to set up the necessary payroll deduction code.

# Office of Management and Budget

## Expenditure and Revenue Policies

August 1, 2023

### **Policy 200 – Financial Statement – Fiscal Year Cutoff**

Every agency and institution is required to identify and record liabilities, receivables, inventories, and other financial statement data at the close of each fiscal year. The financial data must be reported in accordance with generally accepted accounting principles relating to year-end accruals of receipts and expenditures.

The accounting system allows transactions to be applied to the previous month. Expenditures incurred in June and paid in July should have an apply-back date of June. Receivables deposited in July for June activities should also have an apply-back date of June.

The general rule is that expenditures are to be charged to the fiscal year in which the goods or services were received. Guidance can be found in the Office of Management and Budget's (OMB) Fiscal and Administrative Policy 201. According to that policy, "... all goods and services ordered and received prior to June 30 must be charged to the biennial appropriation for the period ending June 30. Goods and services received after June 30 are obligations of the biennial appropriation beginning July 1." It further states "This policy prohibits receiving goods and services in July and charging the cost to the previous biennium, as well as improperly charging a new biennium for past biennial costs." Although the OMB policy refers to the end of a biennium, the same accounting guidance is applicable for the first fiscal year of a biennium.

In certain cases, expenditures are allowed to be paid prior to the goods or services being received. One instance is when prepayment is a requirement of the contract, such as in the case of certain rental payments or insurance payments. Another instance is when a discount is offered for early payment, such as when purchasing airline tickets. However, there are very few exceptions to the general rule.

# Office of Management and Budget

## Expenditure and Revenue Policies

August 1, 2023

### Policy 201 – Biennium-end Closing of Accounts

As stated in Policy 200, every agency and institution is required to identify and record liabilities, receivables, inventories, and other financial statement data at the close of each fiscal year.

Additional procedures are required at the close of the biennium in order to comply with legislative intent and appropriation laws.

Specifically, all goods and services ordered and received prior to June 30 must be charged to the biennial appropriation for the period ending June 30. Goods and services received after June 30 are obligations of the biennial appropriation beginning July 1.

This policy prohibits receiving goods and services in July and charging the cost to the previous biennium, as well as improperly charging a new biennium for past biennial costs.

**NOTE:** All purchase orders or contracts **must** be issued to include the wording *"payment contingent upon availability of funds"*. This will be the policy upon which OMB will approve and record appropriation expenditures, and upon which the State Auditor will base an examination.

# Office of Management and Budget

## Expenditure and Revenue Policies

August 1, 2023

### Policy 202 – Control Over Rate of Expenditures

At the start of each biennium all state agencies and institutions should distribute their appropriations on the state accounting system. These should be distributed at least at the department ID level. To allow the Budget Office to control the rate of expenditures as required in NDCC 54-44.1-03, Section 5, agencies may allot their appropriations by month. The state accounting system allows monthly expenditure estimates and will provide comparisons of monthly estimates to actual expenditures.

If the agency's total appropriation authority is adjusted during a biennium, **it is the agency's responsibility** to adjust the organizational budget detail that had previously been set up on the accounting system to reflect the changes in the total appropriation. OMB is responsible for adjusting the Appropriation and Appropriation Line budget amounts.

Whenever an agency or institution foresees a possible budgeting problem, **OMB must be notified**. The notification will, at a minimum, include the fiscal impact, the circumstances causing the possible budget problem, and alternative courses of action the agency or institution is examining to alleviate it.

These requirements are in accordance with the responsibilities and power granted the Office of the Budget by NDCC Chapter 54-44.1.

Appropriation expenditures must be consistent with the requirements of Section 54-27-10 of the NDCC, which reserves 25 percent of agency budgets for salaries and operating expenses for the last six months of a biennium.

# Office of Management and Budget

## Expenditure and Revenue Policies

August 1, 2023

### **Policy 203 – Certification of Unexpended General Fund**

Section 54-44.1-11 of the NDCC requires that 30 days after the close of each biennial period all unexpended appropriations or balances of appropriations shall be canceled.

When an agency or institution is funded only by general fund money, the appropriation will be canceled.

When an agency or institution is funded by the general fund, and federal or other funds, a certificate is necessary to provide accurate information on the unexpended general fund authority.

This certification is required to be filed with OMB following the close of each biennium. All such certifications are subject to audit.



# Office of Management and Budget

## Expenditure and Revenue Policies

August 1, 2023

### **Policy 204 – Requests for Emergency Commission Action**

Requests for Emergency Commission action will be submitted to the Secretary of State as the need arises. The requests will be retained by the Secretary of State until a meeting has been arranged.

All requests for Emergency Commission action must be submitted on the standard format approved by the Commission. These forms are available from the Secretary of State.

Five copies of all Emergency Commission requests in addition to the original must be submitted to the Secretary of State. OMB receives a copy from the Secretary of State.

OMB is the statutory counsel to the Emergency Commission, and will review, analyze, and investigate all requests prior to making a recommendation for approval or disapproval to the committee.

Agencies and institutions must submit their requests prior to accepting or obligating funds associated with the requests.

# Office of Management and Budget

## Expenditure and Revenue Policies

August 1, 2023

### **Policy 205 – Fixed Assets**

In accordance with NDCC section 54-27-21, all agencies and institutions shall include all fixed assets under their control in their financial statements, except those having a value of \$5,000 or less. The State Auditor is authorized to provide for the written exemption of specific fixed assets having a value of more than \$5,000 when an exemption is justified upon generally accepted accounting principles.

In accordance with NDCC section 44-04-07, the director of each agency and institution is required to maintain a complete and current inventory record of all property of sufficient value and permanence as to render such inventory record practical. Each year, every agency and institution is to do a physical inventory (an actual verification of the inventory records via a physical observance of each item) and certify said inventory. This section requires the accountability of inventory of sufficient value and permanence in order to safeguard the assets and is independent of the \$5,000 capitalization threshold for financial statement reporting. Each agency and institution is to establish a policy that specifies the dollar level that will be used to implement the accountability threshold. This policy should also include the inventory of assets that are particularly at risk or vulnerable to loss. This will include risk associated with data security on mobile or portable devices and managing small and attractive assets. (some examples - personal computers, tablets and smart phones, electronic items, cameras, power tools, firearms). The policy should also consider the agency or institution's insurance needs. Without adequate records, insurance claims may be disallowed. Each policy will be examined for reasonableness by the State Auditor at the time of audit.

See the Fixed Asset Policies in Attachment A.

# Office of Management and Budget

## Expenditure and Revenue Policies

August 1, 2023

### Policy 206 – PeopleSoft Security Requests/Access

With the State's implementation of PeopleSoft, agencies are required to complete the forms below and submit them to the Office of Management and Budget, where they will be kept on file. The following forms can also be found at [www.nd.gov/eforms](http://www.nd.gov/eforms).

1. Agencies must submit [SFN 54418 ConnectND Financials Security Access Request](#) for any adds, deletes, or changes to security access for PeopleSoft Financials. This form contains a list of roles available to access various modules within PeopleSoft Financials. **NOTE: This form will frequently change to reflect corrections or additions of new roles created.**
2. Agencies must submit [SFN 54176 ConnectND HRMS Security Access Request](#) for any adds, deletes, or changes to security access for PeopleSoft HCM. This form contains a list of roles available to access various modules within PeopleSoft HCM. **NOTE: This form will frequently change to reflect corrections or additions of new roles created.**
3. Agencies must submit [SFN 59165 FIN/HCM Business Intelligence Security Access Request](#) for any adds, deletes, or changes to security access for Cognos.

There are two methods available to agencies for submitting the above forms to the Office of Management and Budget, either in paper format or electronically:

- a. The forms can be completed online, signed electronically by authorized agency personnel, and submitted via email to Toby Mertz at OMB.
- b. The forms can be printed, signed by authorized agency personnel, and mailed in hard copy to Toby Mertz at OMB.

# Office of Management and Budget

## Expenditure and Revenue Policies

August 1, 2023

### **Policy 207 – Promotional Expenses**

This policy does not apply to:

- Miscellaneous items under \$5 per unit such as key chains, pens, flyers, coffee mugs, trinkets, etc., used to promote special programs or public awareness in the normal course of state business.
- Career Fairs - booth rental and miscellaneous items under \$5 per unit such as key chains, pens, flyers, coffee mugs, trinkets, etc., used to recruit potential employees.
- Trade Fairs – booth rental and items used to promote products / services / programs offered by the agency. The \$5 maximum does not apply.
- Commodity Groups for items used to promote their product.
- The purchase of such items with federal funds as long as it is an allowable expense of the federal program. The \$5 maximum per unit does not apply in these instances.
- Expenses related to hosting a conference or training seminar where a registration fee was charged to cover the costs of the event. See Policy 211 – Hosting Training / Conferences, Handling Receipts and Bills.

All other types of promotional expenses will be permitted only if:

- They promote North Dakota, its goods or services
- [SFN 58670 – OMB Fiscal Policy Waiver Request](#) was submitted by the agency director and approval was obtained from the Director of OMB.

Agencies are expected to use restraint and common sense in authorizing these types of expenses.

OMB will periodically review the requests on file and may ask agencies to resubmit [SFN 58670](#) to keep requests up to date.

All requests, approved or denied, will be on file at the Office of Management and Budget.

# Office of Management and Budget

## Expenditure and Revenue Policies

August 1, 2023

### **Policy 208 – Honoraria**

Payment of honoraria is not authorized if there is indication that payment is being made by a department for work or presentation by a state employee who is already being paid by the state for that work.

The department requesting the work or presentation should have a contract with the individual receiving the honorarium. Language in such a contract should indicate the individual is not receiving a salary or other remuneration from the State of North Dakota for the services performed.

If the individual is on approved annual leave from a state agency job, the circumstances should be specified in the contract.

A copy of any such contract must be on file for audit purposes.

# Office of Management and Budget

## Expenditure and Revenue Policies

August 1, 2023

### **Policy 209 – Professional Membership Dues**

Payment by the state of dues to professional organizations is not a fringe benefit for state employees.

Wherever possible, a membership should be carried in the name of the state agency and not of an individual. The idea behind this approach is to promote transferability of the benefits of the membership.

To justify the expenditure of funds, association memberships should be related to an employee's job duties or should be beneficial to the state.

# Office of Management and Budget

## Expenditure and Revenue Policies

August 1, 2023

### **Policy 210 – Donations**

Agencies should not process vouchers for donations to individuals or groups.

Where a donation represents an in-lieu-of payment for goods received, or a service performed, this policy may be waived with adequate supporting documentation.

# Office of Management and Budget

## Expenditure and Revenue Policies

August 1, 2023

### **Policy 211 – Hosting Training Conferences, Handling Receipts and Bills**

**NOTE:** If an agency has budgeted for a conference and the expenses of hosting the conference have been included in the agency's appropriation, the agency must charge their appropriation, rather than using the Conference Fund.

#### **Agencies on PeopleSoft**

When an agency must host a conference for which the costs will be covered by registration and/or other fees charged to the participants, the Office of Management and Budget, the Office of State Treasurer, and the Office of the State Auditor have established the following procedures:

1. All checks and cash must be deposited with the State Treasurer into the Conference Fund on PeopleSoft, fund 212.
2. Receipts must be issued for all fees collected.
3. All bills must be paid by a check or the purchasing card from the Conference Fund on PeopleSoft.
4. Within 60 days after the end of the conference, all expenses associated with the conference must be paid. Any excess receipts must be transferred to the favor of the general fund or special fund from which the agency is funded. Any extra costs become the liability of the host agency and can be paid by voucher against its budget.
5. A complete and detailed reporting of the receipts and disbursements associated with the conference will be maintained by the department and be made available to the Office of the State Auditor upon request.
6. Conference receipts may not be used to pay salary costs of any state employee.

#### **Agencies NOT on PeopleSoft**

1. All checks and cash must be deposited in a special checking account at the Bank of North Dakota. The Bank will provide sufficient new account checks to permit the paying of all bills at the conclusion of the conference. Two signatures will be required on the checking account and on all checks — those of the department head and of the person responsible for the details of the event.
2. All special checking accounts must be approved by the State Auditor and the State Treasurer.
3. All registration fees will be made payable to the name of the conference. Receipts must be issued for all fees collected. It is important that no checks be made payable to the State of North Dakota or any department or agency of the State of North Dakota, as these must be deposited to the credit of the general or operating fund.

(continued)



# Office of Management and Budget

## Expenditure and Revenue Policies

### **Policy 211** (continued)

August 1, 2023

4. All bills must be paid by a check drawn on the conference's special checking account at the Bank of North Dakota. All checks shall bear two signatures.
5. All expenses associated with the conference must be paid 60 days after the end of the conference, and any excess receipts must be deposited to the favor of the general fund or special fund from which the agency is funded as a receipt from the hosting agency. Any extra costs become the liability of the host agency and can be paid by voucher against its budget.
6. A complete and detailed reporting of the receipts and disbursements associated with the conference will be maintained by the department and made available to the Office of the State Auditor upon request.
7. Conference receipts may not be used to pay salary costs of any state employee.

**NOTE:** Policy 211 refers to internal training sessions only. Policy 211 does not apply to regional or national conferences of established associations held in North Dakota. (An example would be the Midwest State Budget Officers Association.) These types of conference expenses are not generally appropriated and therefore should not be processed through Fund 212. The agency hosting a regional or national conference should open a checking account at a local financial institution. These accounts should not be opened in the name of the state, be in any way associated with a state agency, or impose any liability on the state.

# Office of Management and Budget

## Expenditure and Revenue Policies

August 1, 2023

### **Policy 212 – Fees Paid to a Collection Agency**

Per NDCC 54-06-29, all funds collected on behalf of a state agency by a collection or credit agency must be deposited with the State Treasurer. An amount equal to the fees paid to the collection agency is appropriated as a continuing appropriation from the fund where the revenue was deposited.

When paying the collection agency, use the following PeopleSoft coding:

Account – 474015 – Fees Paid to Collection Agency

Fund - Use the same fund that was used on the original deposit

The above coding will not draw down appropriation authority.

# Office of Management and Budget

## Expenditure and Revenue Policies

August 1, 2023

### **Policy 213 – Monitoring of Federal Funds**

Agencies are responsible for monitoring their federal funds to ensure all activity is recorded and reported properly. There are three main types of federal grants – reimbursement grants directly from a federal agency and advanced revenue grants direct from a federal agency (direct grants), and pass-through grants from another state agency/university (which should generally also be reimbursement grants).

It is recommended that a new federal fund be assigned to each new federal award to ease tracking and accountability. This is especially necessary for reimbursement grants. (There are limited instances of a “payment by unit of service” that may deviate from this procedure as approved by OMB.) Funds should be closed out once they are completed.

Reimbursement grants should always have a negative cash balance on PeopleSoft. Federal funds should only be requested after expenditures have been incurred and paid, in accordance with federal agreements.

Direct grants should have all year end accruals reported to OMB on closing packages. This includes, but is not limited to accounts payable, due to other state agencies and receivables (reimbursement grants) or deferred revenue (advance grants). For pass-through grants, agencies will report payables on closing packages, but will not report any receivables – those are determined by OMB based on the due to other state agencies amounts reported.

Agencies should monitor to ensure that each reimbursement grant at June 30 has assets equal to liabilities, when including the trial balance from PeopleSoft plus all related closing package amounts. For advanced grants, at June 30 the liabilities will be greater than the assets by the amount reported as deferred revenue.

Agencies should also be monitoring their pass-through grants for propriety.

# Office of Management and Budget

## Expenditure and Revenue Policies

August 1, 2023

### **Policy 214 – Crediting Appropriations**

An Attorney General's opinion issued October 21, 1964, is as follows:

"It is our opinion that a line item appropriated account may not be credited with refunds except where the refund is the result of an accounting or bookkeeping error. The error referred to would include instances where a warrant check has been canceled after charging same to an account or in instances where the refund is the result of an erroneous overcharge for merchandise and the overpayment is corrected by refund, or where an account was erroneously charged with an expenditure which should have been charged to another account and is so corrected."

Therefore, the only time an appropriation can be credited is as follows:

1. Emergency Commission Action.
2. The voiding of a warrant written in the current biennium.
3. A current biennium payment made in error and refunded by a vendor.
4. An overpayment made in the current biennium and refunded by a vendor.
5. Two warrants are generated in the current biennium relative to the same claim.

If a prior biennium expenditure is refunded by the vendor or a prior biennium warrant is canceled, the transaction should be recorded as revenue in the current biennium and should be budgeted accordingly.

# Office of Management and Budget

## Expenditure and Revenue Policies

August 1, 2023

### **Policy 215 – Alcoholic Beverages**

Alcoholic beverages will not be provided by the agency at an agency-sponsored activity such as a staff picnic, Christmas party, etc. Attendees may be permitted to bring alcoholic beverages to the event if the attendees comply with the regulations of the facility where the event is being held.

# Office of Management and Budget

## Expenditure and Revenue Policies

August 1, 2023

### **Policy 216 – Internal Control & Fraudulent/Significant Dishonest Acts**

#### **Internal Control & Fraudulent/Significant Dishonest Acts**

Fraud is defined as intentional workplace deception; lying, cheating, and stealing or the use of one's position for personal enrichment through the deliberate misuse or misapplication of the State's resources or assets. Fraud is a crime and is also a civil law violation.

Internal control is a process affected by management and other personnel that provides reasonable assurance that the objectives of an entity will be achieved. Internal control also plays an important role in the prevention and detection of fraud. Examples of internal controls are, but not limited to:

- Segregation of duties - separating authorization, custody, and record keeping roles to limit risk of fraud or error by one person.
- Authorization of transactions - review of particular transactions by an appropriate person.
- Retention of records - maintaining documentation to substantiate transactions.
- Supervision or monitoring of operations - observation or review of ongoing operational activity.
- Physical safeguards - usage of items such as cameras, locks, physical barriers to protect property.
- Analysis of results - periodic and regular operational reviews, inventories, metrics, and other key performance indicators.
- IT Security - usage of items such as passwords and access logs to ensure access restricted to authorized personnel.

Agency management must establish and maintain effective internal controls within their agency. A guide to effective internal controls is the "Standards for Internal Control in the Federal Government" issued by the Comptroller General of the United States (Green Book).

Everyone in an organization has responsibility for [internal control](#) to some extent. Virtually all employees produce information used in the [internal control](#) system or take other actions needed to effect control. Also, all personnel should be responsible for communicating upward problems in operations, noncompliance with the code of conduct, or other policy violations or illegal actions. Each state agency has a particular role to play and is ultimately responsible for implementing proper [internal controls](#) within their organization.

(continued)

# Office of Management and Budget

## Expenditure and Revenue Policies

### **Policy 216** (continued)

August 1, 2023

An employee with a reasonable basis for believing that fraudulent or other significant dishonest acts have occurred in the workplace has a responsibility to report the suspected act in a timely manner.

Reports should be made to the employee's immediate supervisor or manager, unless the employee suspects that the supervisor or manager has participated in or condoned the act. In that case, the employee should report the matter to the next highest level of supervision or management.

### **Reporting of Fraudulent/ Significant Dishonest Acts**

This policy does not prohibit prompt notification to appropriate authorities when an immediate threat to personal safety exists or other circumstances justify such notice. Upon discovering evidence of possible fraudulent or other significant dishonest acts, employees should not confront individuals suspected of wrongdoing or initiate fraud investigations on their own because such actions may compromise any ensuing investigation.

Employees should not make statements or disclosures knowing they are false or in reckless disregard of the truth. Such false reports may be cause for disciplinary action up to and including termination.

All state agencies need to perform a fraud risk assessment for each of their functions and divisions. OMB's fraud risk assessment policy and forms can be found in Fiscal Management's website.

Policy at: <https://www.omb.nd.gov/sites/www/files/documents/financial-transparency/fraudriskdocumentwithappendix.pdf>

Form at: <https://www.omb.nd.gov/sites/www/files/documents/financial-transparency/fraud-risk-form.pdf>

# Office of Management and Budget

## Expenditure and Revenue Policies

August 1, 2023

### **Policy 217 – Employee Meals**

This policy does not apply to meals included as part of a registration fee.

According to IRS Publication 463 Travel, Entertainment, Gift, and Car Expenses, meals are not taxable if it is necessary to stop for substantial sleep or rest to properly perform one's work duties while traveling away from home on business. Worded another way, if there is not an overnight stay, any meals paid for or reimbursed to an employee are taxable and will be reported on the employee's W-2 as gross pay.

In order to tax the meal and report it on the W-2, the employee needs to submit a travel expense voucher for reimbursement. The accounting system is designed to process the voucher and send the appropriate data to payroll. For these reasons, employees are to pay for meals and be reimbursed. Working lunches were an exception in the past but this is no longer the case.

A waiver to this policy may be granted by OMB under extenuating circumstances. For example, during an emergency, meals are provided to individuals who work 12 hour shifts and cannot leave the command center. To obtain a waiver in non-emergency situations, complete and submit to OMB the [SFN 58670 OMB Fiscal Policy Waiver Request](#). The request will be reviewed for approval/denial.



# Office of Management and Budget

## Purchasing

August 1, 2023

### Policy 300 – Purchasing Card

- The state has authorized the use of a purchasing card for individual transactions. Use of the purchasing card does not exempt the agency or its employees from the purchasing/procurement requirements of the State of North Dakota.
- Even though a purchasing card is issued in an employee's name, it is considered the property of the State of North Dakota and must be used only for state business. Failure to use the purchasing card in accordance with applicable policies and procedures may result in revocation of the purchasing card and may involve appropriate disciplinary action, up to and including termination and prosecution. Only the person whose name appears on the purchasing card, is authorized to make purchases with that card.
- To ensure the adequacy of internal control surrounding agency purchasing card programs, the agency purchasing card administrator will not be a cardholder. If an agency size or other constraints make this unfeasible, OMB may assume card maintenance duties for an agency. Contact OMB for more information regarding card maintenance.
- **The state IS NOT responsible for issuing 1099s for the purchases made with a purchasing card.** When the purchasing card is used as the form of payment, the merchant's issuing bank is responsible for issuing the 1099.
- The purchasing card can be used for all reimbursable travel expenses except meals. Travel must be for official business for the State of ND. Under no circumstances should the card be used for personal purchases. Allowable types of travel expenses are:
  - Conference registration fees
  - Airlines tickets;
  - All lodging costs; and
  - All ground-related transportation costs.
- Any personal expenses are the responsibility of the employee and should not be charged to the purchasing card.
- Reconciliation Process –
  - After cardholders have reconciled their receipts to their monthly statement, they will sign it and submit it to their supervisor for review and approval.
  - The supervisor will sign the cardholder's statement certifying that the purchases were made for the use of state business and that they comply with appropriate procurement rules and regulations. Cardholder statements and original receipts must be submitted to the agency card administrator and maintained on file.
  - Card administrators should run an agency statement with the state's current card provider and reconcile it to the individual statements. They should sign the agency statement denoting reconciliation.

All political subdivisions are eligible to participate in the state's purchasing card program. Contact OMB-Fiscal Management at 701-328-4936.

Office of Management and Budget  
Purchasing

August 1, 2023

**Policy 312 – Leases and Lease-Purchase Agreements**

Any state agency or institution that acquires the use of an asset, excluding real estate, as the result of a lease arrangement will prepare a written analysis documenting the decision to acquire the use of the asset. The agency or institution will make the analysis available to the auditor for review during the audit for the fiscal period during which the decision was made. An analysis worksheet is available on the statewide Team ND Connect intranet site <https://www.nd.gov/omb/agency/procurement/lease-vs-purchase-analysis>.

The agency should request that the vendor provide the following information for analysis of the lease commitment:

1. The name of the lessor.
2. The inception date of the lease is the date of the lease agreement or commitment, if earlier.
3. The term of the lease in number of months.
4. The monthly/annual payment amount.
5. The amount of executor costs by type. Types of executor costs include insurance, maintenance contracts, and taxes whether paid by the lessor or lessee that are included in the rental payments.
6. The fair value of the leased property at the inception of the lease. Fair value is the price that would be received to sell the asset in an orderly transaction between market participants at the measurement date.
  - a) If the lessor is a manufacturer or a dealer, the fair value of the asset at the inception of the lease will be its normal selling price reflecting any volume or trade discount as applicable. This price should consider prevailing market conditions for the asset and be reduced if there are unfavorable market conditions.
  - b) If the lessor is not a manufacturer or dealer, the fair value of the asset will normally be its cost reflecting any volume or trade discounts as applicable.
7. The purchase price at the termination of the lease. This is needed to determine if the lease contains a bargain purchase option. If this purchase price is considered by the vendor to be a price sufficiently lower than the expected fair value of the asset at the termination of the lease - the vendor should provide comments on this fact.
8. A comment from the vendor stating whether or not the lease transfers ownership of the leased property to the state at the end of the lease term.
9. The estimated economic life of the leased property. This is the estimated remaining period during which the property is expected to be economically usable by one or more users, with normal repairs and maintenance, for the purpose for which it was intended at the inception of the lease.
10. The interest rate (if applicable) used by the lessor to determine the rental payments.

# Office of Management and Budget

## Travel

January 1, 2024

### **Policy 501 - Expense Reimbursement Relating to Telework, Mileage and Miscellaneous Expenses**

#### **Primary Work Locations**

Primary work locations for state team members may be exclusively in-office, exclusively from home, or some agreed upon combination:

- **State Facility** – Work is performed exclusively from a designated state facility.
- **Home** – Work is performed on average of three (3) or more days per week at home.
- **Hybrid** – Work is performed on average of three (3) or more days per week at a designated state facility.
- **Mobile/On the Go** – Work is performed on mobile devices or in the community/district and on the move. The workplace may change frequently.

#### **Office Work Location**

The office work location is the designated state facility, within the State of ND, applicable to the position (this cannot be an employee's home). If an agency maintains office locations at multiple sites, the agency will determine the most appropriate office work location applicable to the position. Regardless of when the hire was done, where the employee's home is geographically located, or what the agency defines as the employee's Primary Work Location, every state employee must have an Office Work Location assigned to their position, which is designated by the agency. For example, if the position or agency currently has or historically has reported to an in-office location at the State Capitol in Bismarck, the State Capitol remains the designated office work location for the position for purposes of determining reimbursement under this policy.

#### **Employee Reimbursement**

Necessary official travel by state employees will be reimbursed at a rate not to exceed the Privately Owned Vehicle (POV) Mileage Reimbursement Rate established by the U.S. General Services Administration (GSA) for an automobile if no state-owned vehicle is available, or if the employee has obtained prior approval. As of January 1, 2024, this rate is 67¢ per mile. State employees permanently located outside the state or on assignments outside the state for an indefinite period of time, exceeding at least 30 consecutive days, will be allowed and be paid 45¢ per mile for each mile traveled in the performance of official duty; the 300-mile restriction imposed by Subsection 3 does not apply.

The following table includes expense descriptions and indicates if the state will reimburse the team member based on their location of departure/arrival for mileage. Pursuant to NDCC 54-06-09 and Policy 511, state-owned vehicles should be used whenever possible when performing official state business. To use a personal vehicle when performing official state business, employees must obtain agency approval prior to departing.

(continued)

# Office of Management and Budget

## Travel

January 1, 2024

### Regular Commute

OMB is defining "regular commute" as the round-trip distance between the team member's home and their designated office work location, regardless of how far the distance is between the two. This follows guidance defined in IRS Publication 463 for *Commuting expenses*.

Reimbursement		
Description	Yes	No
Travel expenses between home and your office work location. This is considered regular commute and is not reimbursable regardless of geographical distance between the two locations or purpose of travel.		X
Travel expenses for official business departing from the office work location to an alternate worksite location.	X	
Travel expenses for official business departing from home to an alternate worksite location, mileage is paid less the regular commute mileage. This mileage reduction will be applied once a day/trip (if away for multiple, consecutive days and driving). <b>Example 1:</b> Team member's regular commute from their home to office work location is 10 miles round-trip. If they leave from their home to the alternate worksite and return to home totaling 25 miles round-trip, the team member must deduct their normal commute of 10 miles, allowing them to claim 15 miles.  <b>Example 2:</b> Team member's regular commute is 5 miles round-trip. They leave home and stop at 2 alternate worksite locations in the morning, return home, then go to 3 alternate worksite locations in the afternoon, totaling 25 miles total for the day. Reduction of the regular commute will be applied once per day, so total mileage claim would be for 20 miles.  <b>Example 3:</b> Team member's regular commute is 15 miles round-trip. They leave from their home and travel to an out-of-town worksite 200 miles away and are there for two overnights. Total round-trip mileage is 400; the employee would claim 385 miles.	X	
Home internet		X
Home utilities		X
Home mortgage or rent		X
Home office furniture and supplies		X

Expenses for mileage only, which are routinely incurred in the performance of employment duties, should not be claimed until a minimum of \$10 in reimbursement is due. However, such reimbursement should be made at least monthly, without regard for the dollar amount.

# Office of Management and Budget

## Travel

August 1, 2023

### **Policy 502 – Travel Vouchers for Non-State Employees**

Non-state employees will be paid the same rates as state employees, whenever possible. In order to obtain the state rate for a non-state employee, a state agency may pay the lodging facility directly for his/her lodging expense. Account code 521060, Non- State Employee Travel, should be used.

# Office of Management and Budget

## Travel

August 1, 2023

### **Policy 503 – Travel Expenses for Committee Meetings**

Since memberships on work groups or committees are based primarily on the relationship of the agency to the subject the committee deals with, it is only proper that the costs involved be reflected in that agency's budget.

It is the policy of OMB that the travel expenses of a state employee representing an agency be paid from that agency budget.

If a state employee is requested to travel by a state agency other than the employee's hiring agency, it is proper that the agency requesting the travel pay for the expenses.

# Office of Management and Budget

## Travel

October 1, 2024

### Policy 505 - Reimbursement for Meals and Lodging

NDCC Chapter 44-08-04 provides for reimbursement of employee expenses for meals and lodging while an employee is away from their normal working and living residence.

If meals are included as part of a registration fee for a conference, seminar, or other meeting, the employee should be reimbursed for the entire registration fee, if paid by the employee. However, the employee cannot claim reimbursement for the applicable meal allowance for that quarter. An employee should be reimbursed for meals paid by the employee while attending a meeting at the request of, or on behalf of, the state or any of its subdivisions, agencies, bureaus, boards, or commissions, up to the allowable rates established below.

Chapter 44-08-04 provides that reimbursement is allowed only for overnight travel and other travel while away from the normal place of employment for four hours or more. Employees will not be reimbursed for the first quarter if travel began after 7:00 a.m. In order to claim expenses for the second and third quarters, the employee must have been in travel status one hour before the start of the quarter being claimed, and travel status must extend at least one hour into the quarter being claimed. The expense allowance for each quarter of any 24-hour period effective **August 1, 2023**, is as follows:

<u>Meal Allowance</u>	<u>0B0BIn-State</u>	<u>1B1BOut-of-State</u>
1. First quarter, 6 a.m. to 12 noon	\$9.00	20% of GSA M&IE rate
2. Second quarter, 12 noon to 6 p.m.	\$14.00	30% of GSA M&IE rate
3. Third quarter, 6 p.m. to 12 midnight	\$22.00	50% of GSA M&IE rate
4. Fourth quarter, 12 midnight to 6 a.m.		

In-State Lodging: Maximum of 90% of the [GSA rate for lodging in North Dakota](#) plus applicable state and local taxes. As of **October 1, 2024**, the GSA rate for lodging in ND will be \$110, therefore the maximum amount that can be claimed is \$99.00 plus applicable taxes (\$110 x 90% = \$99.00). The GSA will update their rates periodically during the biennium and the allowable lodging reimbursement will also change at that time. The state purchasing card should be used for **all** lodging costs whenever possible. By using the p-card, state lodging expenses should be tax exempt from ND tax.

Out-of-State Lodging: Actual lodging expense. Those persons engaged in travel outside of North Dakota shall be reimbursed for meals equal to the per diem meals rate in the **city of final destination**. The state purchasing card should be used for **all** lodging costs whenever possible. However, out-of-state lodging expenses may not be tax exempt. A claim is made on that day as established by rule for federal employees as follows:

(continued)

# Office of Management and Budget

## Travel

### Policy 505 (continued)

October 1, 2022

Within the contiguous 48 states:

- [The U.S. General Services Administration Domestic Per Diem Rates](#)
  - Click on the map to view rates by state
  - Use the Meals & Inc. Exp.
  - If not found, use the standard rate for the continental United States which is \$59

In non-continental United States and overseas non-foreign areas, including Alaska, Hawaii, and Guam:

- [The United States Per Diem Committee as published on the Department of Defense website](#)
  - Use the rates from Outside CONUS, Non-Foreign Overseas, and Foreign
  - Enter Country/State from the drop-down menu
  - Exclude military installations
  - Use the Local Meals Rate plus the Local Incidental Rate

All other: (Includes Canada)

- [The United States Department of State Foreign Per Diem Rates by Location](#)
  - Enter the country where traveling
  - Use the M&IE Rate with the applicable effective date

Verification of claims via receipt is not required for the first three quarters but is required for lodging (see Policy 513 also). Receipts are also required for each taxi fare in excess of \$10 and for other miscellaneous expenses in excess of \$10. Parking fees may be claimed only with a receipt from a hotel/motel or airport.

**The head of any department, institution, or agency may set a rate for out-of-state travel, which is less than that set forth by statute.**

**NOTE:** Before any allowance for such mileage or travel expenses will be made, the official, deputy, assistant, clerk, or other employee will file with the agency, an itemized statement showing mileage traveled, the purpose thereof, and such other information and documentation as may be prescribed by the IRS, or an agency. Statements such as "to attend a meeting" etc., should not be accepted as sufficient documentation for purpose of travel.

If an employee is not claiming reimbursement for lodging, please indicate such on the Travel Expense Voucher. A fillable and printable Adobe (.pdf) Travel Expense Voucher can be found at: <http://www.nd.gov/eforms/Doc/sfn52785.pdf>

**If an employee is claiming reimbursement for meals for travel when no overnight stay is involved, the meal reimbursement is taxable.** When completing the Travel Expense Voucher, taxable meals must be noted accordingly. The employee will receive the full meal reimbursement and the taxes will be withheld through the payroll system during the next payroll cycle.



# Office of Management and Budget

## Travel

August 1, 2023

### **Policy 506 – Travel Advances**

The following allowances are made for travel advances pursuant to NDCC Chapter 44-08-04.2.

"Any state agency shall advance at the request of the agency head for employees of that agency funds to be used for payment of meal and lodging expenses incurred while the official or employee is traveling on official business of this state, provided that such travel must be planned to be **in excess of five days per month**, whether or not consecutive, and provided that the funds advanced do not exceed eighty percent of estimated expenses for the period. Travel advances must be approved by the chief executive officer or a designee of the agency involved. Funds advanced for meals and lodging under this section shall be accounted for as required under section 44-08-04 for travel."

These funds must also be reflected on the travel voucher subsequent to the dates of travel.

# Office of Management and Budget

## Travel

August 1, 2023

### **Policy 508 – Per Diem Allowance for Long-term Travel**

NDCC Chapter 44-08-04.1 provides for per diem allowance for long-term travel as follows:

“With the approval of the office of the budget, any state agency may adopt a per diem allowance in lieu of expenses as allowed by section 44-08-04 for its officials and employees whose official duties require that they remain on travel status away from their normal working and living residence for extended periods of time. No per diem allowed may be in excess of the total allowance for meals and lodging as allowed by section 44-08-04. Travel status of one week or less may not be considered long-term or extended travel. Rental receipts must be used to verify travel status under this section.”

# Office of Management and Budget

## Travel

August 1, 2023

### **Policy 510 – Commercial Air Travel**

Employees may be reimbursed for actual airfares paid for travel on official state business. This reimbursement should occur as soon as possible after the purchase is made. Proper supporting documentation must be attached to the travel voucher as a receipt.

A ticket may be issued electronically or by paper copy.

*Charges to Travel Agents:* If a department allows employees to charge airfare to the state via a travel agency, the following control procedures must be utilized to assure internal control and proper payment and credit:

1. The travel agent should be advised of the proper state billing procedures and accurate address.
2. Employees must submit proper supporting documentation verifying the purchase to their departmental personnel responsible for payment of bills.
3. The department's fiscal personnel will match all travel agency charges to the ticket to assure proper charges and should also verify that the tickets have actually been used.
4. Unused tickets which have been charged to the state must be submitted to the department's fiscal personnel or travel coordinator for refund, not directly to the travel agency. The fiscal staff should make appropriate note of the return ticket prior to payment of the travel agency billing to assure proper credit.

*Prepayment of Airfare:* Agencies may purchase airline tickets in advance of anticipated travel to take advantage of reduced or discounted fares. The state purchasing card should be used to purchase airfare.

*Payment of Luggage Charges:* Employees should be reimbursed for their first piece of checked luggage. It is up to each agency to decide if employees should be reimbursed for additional checked luggage, overweight luggage, and subsequent charges. The cost for the checked luggage should be charged to account code 521070, Out of State – Air Transportation Cost.

The State of North Dakota is participating in a discount program with Delta Airlines. If airline tickets are purchased with Delta, those tickets should be booked using the "Delta EDP" link accessed through the PeopleSoft Employee Hub. At this time Delta Airlines is the only airline offering the state a discount program. The state purchasing card should be used for all commercial air travel expenses.

# Office of Management and Budget

## Travel

January 1, 2024

### **Policy 511 – Use of Personal Vehicle**

NDCC 54-06-09

Per NDCC 54-06-09: "An official, deputy, assistant, clerk, or other employee, when required to travel by motor vehicle or truck in the performance of official duty, shall use a state-owned vehicle, whenever possible, unless exempted under section 24-02-03.3."

When an employee drives a state fleet vehicle, the State's liability coverage is primary should an accident occur. If an employee drives a personal vehicle on state business, the employee's personal insurance is primary. If an employee must drive a personal vehicle because no state fleet vehicles are available, then the State would have primary responsibility.

If an employee is allowed to use a personal vehicle, reimbursement will be made according to the rates below. Reimbursement for mileage for use of personal vehicles within the state use the [Privately Owned Vehicle \(POV\) Mileage Reimbursement Rate](#) established by the U.S. General Services Administration (GSA) for an automobile if no Government Owned Vehicle. As of January 1, 2024, the POV rate is 67¢ per mile.

1. The sum of 67¢ per mile actually and necessarily traveled in the performance of official duty when such travel is by motor vehicle.
2. The sum of one and one-half times the personal vehicle rate per mile when such travel is by private airplane. (Refer to Policy 519 also).

Reimbursement for mileage for use of personal vehicles outside of the State is allowed as follows:

1. When airplane and taxi fares are accepted in lieu of mileage.
2. When reimbursement is at a rate of 67¢ per mile to a geographic point 300 miles each way from the borders of the state, and 18¢ per mile for the remaining distance.

PROVIDED THAT the lesser amount of (1) or (2) above shall be allowed. If more than one state employee travels in the same vehicle, 67¢ per mile for the entire trip will be allowed.

The rate for aircraft is subject to provisions of NDCC 54-06-09.

When official travel is done by motor vehicle or airplane that is owned by the state or by any department or political subdivision thereof, no allowance will be made or paid for such mileage.

(continued)

# Office of Management and Budget

## Travel

### **Policy 511** (continued)

January 1, 2024

If a personal vehicle is used in lieu of air, for the employee's convenience, meals and motel expenses will be allowed for a maximum of one day each way.

State employees permanently located outside the state or on assignments outside the state for an indefinite period of time, exceeding at least 30 consecutive days, will be allowed and paid 45¢ per mile for each mile traveled in the performance of official duty when such travel is by motor vehicle. The 300-mile restriction in subsection 2 of this section does not apply in this instance.

**State agencies may set a rate for personal car mileage that is less than the rates stated in this policy.**

This policy assumes that, generally, personal vehicles are used for out-of-state travel for reasons of personal convenience.

[Vehicle Coverage FAQs](#)

# Office of Management and Budget

## Travel

August 1, 2023

### Policy 513 – Lodging Receipts and Payments

Only receipts from bona fide lodging establishments should be accepted for reimbursement by the agency. Receipts from relatives for the provision of lodging services will not be acceptable. The receipt must be the official receipt from the lodging establishment and not a charge slip from a credit card system.

Bona fide lodging establishments include hotels, motels, college dormitories, hospitals, military facilities, and similar institutions.

- *Lodging charges when accompanied by an individual not eligible for reimbursement:* when accompanied on a state authorized trip by a spouse or traveling companion, the state employee must have the lodging establishment clearly certify the room rate for a single person and only that amount may be claimed.
- *Lodging charges — two employees sharing lodging:* if two state employees are sharing lodging accommodations, the actual cost of the room must be split evenly, and each must have a separate receipt.  
**Example:** Where a double rate is \$100 and a single rate is \$60, the state will reimburse only the actual cost to the travelers, or \$60 each (not \$100 each).
- *Lodging prepaid or billed directly to agency.* If a state agency, board, bureau, or institution makes travel plans involving a lodging expense, the agency, board, bureau, or institution may arrange with the lodging provider or travel agency to have the expense prepaid by the agency or billed directly to the agency.
- *State payment for guaranteed lodging:* if an employee or an agency guarantees a room in-state or out-of-state by making an irrevocable commitment to pay for it and the individual subsequently does not travel, the state may make the payment upon the receipt of a verified statement from the individual, approved by the supervisor, which details why the travel did not take place as planned. The procurement card should be used to guaranty the room and, if required, pay for the first night's lodging.
- The state p-card should be used whenever possible for lodging.

# Office of Management and Budget

## Travel

August 1, 2023

### **Policy 514 – Personal Telephone Expenses/Cellular Devices**

Per NDCC 54-06-26. Use of state telephones by state officials and employees:

"Notwithstanding any provision of law, an appointed or elected state official or a state employee may use a state telephone to receive or place a local call for essential personal purposes to the extent that use does not interfere with the functions of the official's or employee's agency, department or institution. When an appointed or elected state official or state employee is away from the official's or employee's residence for official state business and long-distance tolls would apply for the official or employee to call the official's or employee's city of residence, the official or employee is entitled to make at least one long-distance call per day at state expense. Each state agency, department, or institution may establish guidelines defining reasonable and appropriate use of state telephones for essential personal purposes."

**Personal Cell Phones:** It is at the discretion of each state agency whether to reimburse their employees for state business phone calls made on an employee's personal cell phone. If yes, OMB recommends an internal policy be developed outlining the rules and procedures to be followed.

#### **Cellular Devices**

Cellular devices are provided to improve customer service and enhance department efficiencies. They are not a personal benefit and should only be provided to employees who have a demonstrated business need. This policy provides guidance to agencies regarding the use and payment of cellular devices and services by agency staff. Cellular devices include cellular telephones, satellite phones, air cards, smart phones, or other personal devices with cellular communications capabilities.

Agencies that need to provide cellular devices to their employees may do so using any of the options shown below.

1. State Owned Services
2. A state agency may acquire a device and appropriate service plans directly from the service provider. Under the current state contract devices are eligible for discounted upgrades more frequently than under personal plans. Also, under the current state contract, minutes are pooled, and data is unlimited.  
Employee-Owned Services
  - a. A state agency may reimburse employees for state use of a personal cellular device. The purpose of reimbursement for state use of a personally owned device is based solely on improving efficiency and savings for the State.

(continued)

# Office of Management and Budget

## Travel

### Policy 514 (continued)

August 1, 2023

- b. Standard employee reimbursement are as follows:
  - i. Voice Plan \$20
  - ii. Data Plan \$20
  - iii. Voice and Data Plan \$30
  - iv. The employee must provide a copy of the billing statement as support for the reimbursement. Reimbursement will be limited to the lesser of actual expense incurred by employee and the rates established above.
- c. An agency may consider additional reimbursement when an employee incurs a substantial expense due to an extra-ordinary event or when it is in the State's best interests to utilize a personal device and plan at rates higher than the standard reimbursement rate. Agencies must document the business reason for the additional reimbursement.
- 3. Publishing Cellular Numbers
  - a. State-owned cellular numbers are occasionally transferred (ported) to personal devices when employees leave employment with the state. Accordingly, to ensure continuity of service provided by the State, state owned landline numbers should be published as the primary access for services. Rather than publishing cellular numbers, agencies should coordinate with ITD on available options to extend landline numbers to mobile devices.
- 4. Usage and Compatibility Policies - All cellular devices (Employee and State Owned)
  - b. State policy requires that devices accessing the state network and storing state data (e.g., E-mail synchronization) have a power-on password and automatic device locking and erasing. See the [Enterprise Architecture Policy on Mobile Access Device Control \(ST013-07.1\)](#) for more information.
  - c. Access to State resources will be terminated when an employee terminates employment with the State. Steps should be taken to remove any business communications from an employee-owned device.
  - d. Agencies that wish to allow staff to access State resources with mobile computing devices should coordinate with ITD to determine what devices and operating systems are supported by the State.



# Office of Management and Budget

## Travel

August 1, 2023

### **Policy 515 – Coffee and Soft Drink Expense**

It is realized that coffee and soft drinks are an important part of meetings required by state agencies to inform and train the general public, interested parties, consultants, etc. Payment for coffee and soft drinks will be honored for processing by submitting a travel expense voucher. Coffee and soft drinks for state employees' during staff meetings are not allowed.

# Office of Management and Budget

## Travel

August 1, 2023

### **Policy 516 – Miscellaneous Charges on Travel Vouchers**

(Reimbursable and Non-reimbursable Expenses)

On travel vouchers, whenever a charge is made under the “Miscellaneous” column, it requires detailed explanation, and a receipt must be attached if the item is greater than \$10.

Examples of non-reimbursable expenses are:

1. Alcoholic beverages
2. Entertainment
3. Late check-out charges
4. Parking tickets or other traffic tickets
5. Laundry

Exceptions to this policy may be made by an agency director for unusual or extenuating circumstances such as international travel or travel extending ten days or longer.

# Office of Management and Budget

## Travel

August 1, 2023

### **Policy 517 – Reimbursement for Expenses of Job Interviews**

In some instances, the State of North Dakota may pay the reasonable costs of interviewees for jobs with the state, provided reimbursement for meals and lodging is at the same rate as for employees. Reimbursement of airfare or passage by common carrier will be permitted.

# Office of Management and Budget

## Travel

August 1, 2023

### Policy 518 – Car Rental

The state discourages car rentals unless their cost effectiveness is self-evident. The state will pay for car rental if the use of the vehicle is sufficient to justify that mode of travel.

When renting a vehicle, the following procedures are to be used:

- a. Agencies must use state contracts that include insurance and damage waiver as part of the base rental rate. Exceptions are allowed if agency administrators determine, in consultation with the Risk Management Division, that alternative arrangements will result in cost savings considering the availability and cost of any recommended additional insurance.

More information on the state cooperative contract for rental vehicles can be found [here](#).

- b. If a vehicle is not available through a state contract, agencies **must** purchase the additional insurance and damage waiver protection. See [Vehicle Coverage Frequently Asked Questions](#).

In those instances where additional insurance is not available, coverage for renting a car for state business and operating the vehicle within the scope of employment is provided under the Risk Management Fund. Personal use of a rental car is not covered under the Risk Management Fund and would be the responsibility of the employee's personal insurance.

# Office of Management and Budget

## Travel

January 1, 2024

### **Policy 519 – Charter, Lease, or Rental of Aircraft**

The philosophy governing the necessary travel of state employees must be to transport personnel to and from meetings in the most cost-effective manner possible.

NDCC Chapter 54-06-09 provides the following requirements for travel by aircraft:

1. The mileage rate for allowable private aircraft travel is one and one-half times the [Privately Owned Vehicle \(POV\) Mileage Reimbursement Rate established by the U.S. General Services Administration \(GSA\)](#). Use the applicable rate for an automobile if no Government Owned Vehicle available. As of January 1, 2024, the POV rate was 67¢ per mile, so the reimbursable rate for private aircraft would be \$1.01 per mile ( $.67 \times 1.5 = 1.005$ ). The GSA will change this rate periodically during the biennium. Previous mileage rates/periods are published on their website. Use the rate applicable to when the travel occurred. Mileage by private aircraft shall be computed by actual air mileage when only one state employee or official is traveling; if two or more state employees or officials are traveling by private aircraft, the actual mileage shall be based on the road mileage between the geographical points. Reimbursement for private airplane travel shall be calculated as follows:
  - a. If reimbursement is for one properly authorized and reimbursable passenger, reimbursement shall be paid on a per-mile basis as provided in this subsection.
  - b. If reimbursement is claimed for a chartered private aircraft, reimbursement may not exceed the cost of regular coach fare on a commercial flight, if one is scheduled between the point of departure, point of destination, and return, for each properly authorized and reimbursable passenger on the charter flight; or, where there is no such regularly scheduled commercial flight, the actual cost of the charter.
2. If a community has more than one fixed base aviation operator, price quotes are required from all of them.

# Office of Management and Budget

## Travel

August 1, 2023

### Policy 521 – Moving Expenses

*Permanent Employees:* Chapter NDCC 44-08-04.3 allows for payment of moving expenses for “a permanent employee who has been employed in that department, institution or agency not less than one year” when the employee is transferred to another city for new duty assignment “of a permanent nature within that department, institution or agency.”

Per the IRS, **ALL** moving expenses are now taxable and should be processed on a voucher in PeopleSoft as follows:

#### **PeopleSoft Account 521055**

Reimbursement for taxable moving expenses reportable to the IRS:

1. All actual costs of moving personal household goods and furnishings, not to exceed 11,000 lbs. (4,989.60 kilograms).
2. Transportation, of one vehicle, (to be reimbursed at state mileage rates, see Policy 511) and lodging expenses incurred by the employee and immediate family while in route to the employee's new duty station.
3. Meal expense incurred by the employee and immediate family while in route to the new duty station.
4. Transportation expenses are limited to one round trip, and actual meal and lodging costs for a pre-move, house-hunting trip, for the employee and spouse, for three days.
5. The expenses for the employee and immediate family while occupying temporary quarters within the state not to exceed 30 days.

Limitation: reimbursement for the relocation of permanent employees is limited to \$5,000 by statute. Verification for expenses will be a paid receipt from a licensed moving company, highway mileage between duty stations, meal, and lodging receipts.

*New Employees:* payment of moving expenses for newly hired employees is not specifically addressed by statute. However, it is recognized that market conditions for some higher-level, professional positions involve competitive recruitment activity that often requires payment of moving expenses as a part of the employment agreement.

Agency administrators may include moving expense reimbursement as part of a job offer when it can be demonstrated that local employment market conditions and job requirements are such that recruitment outside of the immediate geographical area was necessary and where such reimbursement is necessary to attract the best candidate.

Reimbursement is not limited to \$5,000 for new employees.

# Office of Management and Budget

## Appendix A

Fixed Asset  
Accounting Policies

Effective Date: July 1, 2001  
Revised: June 10, 2016

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### Fixed Asset Policies

#### GENERAL INFORMATION

##### **Purpose:**

The purpose of this manual is to define the financial accounting policies of the State of North Dakota as established by the Office of Management and Budget (OMB) for fixed assets.

##### **Policy:**

1. OMB will provide and maintain this policies manual to provide information covering statewide financial accounting policies for fixed assets.
2. OMB will ensure that all financial accounting policies contribute to the financial goal of safeguarding assets and providing accurate and useable financial information in accordance with Generally Accepted Accounting Principles (GAAP).
3. All agencies will comply with all financial accounting policies promulgated by OMB. Any departure from these policies must be approved in writing by OMB.
4. Each agency/department is encouraged to develop its own policy for control and protection of assets susceptible to loss or theft.

##### **Background:**

Policies are basic concepts that are not subject to routine and periodic review and which provide a statement of philosophy of financial operations for State government. These policies are meant to provide guidance in accounting for fixed assets.

##### **Responsibility:**

1. OMB will ensure that all policies adopted are consistent with State statutes and will enhance the main policy of safeguarding assets and providing accurate and useable financial information in accordance with Generally Accepted Accounting Principles (GAAP).
2. The agency/department heads will ensure adherence to all adopted policies. They will also ensure that the policies are posted with up-to-date material and used by all appropriate employees. Agency/department heads should develop departmental procedures that are consistent with the policies contained herein.

##### **Updates:**

# Office of Management and Budget

## Appendix A

### Fixed Asset Accounting Policies

Effective Date: July 1, 2001  
Revised: June 10, 2016

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1. Each manual page has an original "effective date" and a "revised" date. When OMB makes modifications to policy, the "revised" date is changed. If the policy is totally rewritten, the "effective date" will be changed.
2. When revisions are made, OMB will include a cover letter with a summary of the updates, which will briefly explain the changes.

### **FIXED ASSETS**

Fixed asset inventories include five distinct classes: Equipment, Construction-in-Progress, Buildings and Building Improvements, Infrastructure and Land and Land Improvements. Each of these classes are further discussed and defined below.

### **CAPITALIZATION POLICY**

Fixed assets should be capitalized when the following criteria are met:

- The asset is tangible or intangible in nature, complete in itself, and is not a component of another capitalized item.
- The asset is used in the operation of the State's activities.
- The asset has a useful life in excess of one year and provides benefit throughout that period.
- Equipment should be capitalized if its cost is \$5,000 or more.
- Building and Building Improvements should be capitalized if the cost is \$5,000 or more.
- Infrastructure should be capitalized if the cost is \$5,000 or more.
- Land and Land Improvements should be capitalized if the cost is \$5,000 or more.
- Intangible assets such as easements, water rights, patents, and trademarks should be capitalized if the cost is \$25,000 or more.
- Software purchased from outside vendors and internally developed software should be capitalized if its cost is \$5,000 or more.

The cost of a fixed asset should include capitalized interest and ancillary charges necessary to place the asset into its intended location and condition for use. Ancillary charges include costs that are directly attributable to asset acquisition—such as freight and transportation charges, site preparation costs, and professional fees.

Donated fixed assets should be reported at acquisition value. Acquisition value is the price that would be paid to acquire an asset with equivalent service potential or the amount for which a liability could be liquidated at the acquisition date.



# Office of Management and Budget

## Appendix A

Fixed Asset  
Accounting Policies

Effective Date: July 1, 2001  
Revised: June 10, 2016

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If a capital asset is held for investment, it should be measured at fair value. GASB defines an investment asset as "a security or other asset that a government holds primarily for the purpose of income or profit and its present service capacity is based solely on its ability to generate cash or to be sold to generate cash." The investment designation would be made at acquisition and would remain for the life of the asset, even if usage changes over time. An asset initially reported as a capital asset and later held for sale would not subsequently be reclassified as an investment.

### **FIXED ASSET CATEGORIES (CLASSES)**

To disclose fixed asset activity, six asset classes will be used:

1. Equipment
2. Construction-in-Progress
3. Building and Building Improvements
4. Infrastructure
5. Land and Land Improvements
6. Intangible Assets

#### **1. Equipment**

Equipment includes costs of equipment, office equipment, machinery, furniture and fixtures, furnishings, and similar items. For trade-ins, if an asset is being traded for a similar asset to the asset that is being purchased. The following calculation can be used.

If similar: book value of trade-in plus monetary consideration equals value of new asset. Example: Book value of traded-in asset is \$5,000, plus additional monetary consideration equals \$25,000, which will be the value of the new asset: \$5,000 plus \$25,000 equals \$30,000. Donated equipment should be reported at acquisition value at the time of its donation.

#### **2. Construction-In-Progress**

Construction-In-Progress (CIP) contains amounts expended on an uncompleted building, infrastructure, capital construction project, or intangible software project. Fixed assets that are substantially complete and available for use on June 30 of any year are not CIP. When assets are substantially complete, the Construction in Progress status needs to be removed and an asset needs to be added to asset

# Office of Management and Budget

## Appendix A

### Fixed Asset Accounting Policies

Effective Date: July 1, 2001  
Revised: June 10, 2016

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records. The asset should be properly classified as Buildings and Improvements, Infrastructure, Equipment, or Intangible based upon the nature of the constructed asset(s).

#### 3. Building and Building Improvements

Buildings are permanent structures housing persons or personal property. Building Improvements are long-lived attachments to buildings that significantly increase the building's life, usefulness, or value. One cannot move or separate Building Improvements from the building. Building Improvements include assets such as elevators, central air conditioning, heating, and fire alarm systems. Building and Building Improvements include the value of all buildings at purchase price or construction cost (including all charges applicable to the building, which includes capitalizable costs at and subsequent to the date of asset acquisition). Donated Buildings and Building Improvements should be reported at acquisition value at the time of donation.

#### 4. Infrastructure

Infrastructure assets are long-lived fixed assets that normally are stationary in nature and normally can be preserved for a significantly greater number of years than most fixed assets. Examples of infrastructure assets include roads, bridges, tunnels, drainage systems, water and sewer systems, dams, and lighting systems. Buildings, except those that are an ancillary part of a network of infrastructure assets, should not be considered infrastructure assets. Donated infrastructure should be reported at acquisition value at the time of donation.

#### 5. Land and Land Improvements

Land – land purchased or otherwise acquired by the State. Purchased land should be carried on the books at cost (purchase price) plus any additional costs needed to place the land in its intended condition for use. Donated land should be reported at acquisition value at the time of its donation.

Land Improvements are permanent in nature and include costs directly related to preparation of existing land for its intended use. Land Improvements should not include infrastructure type assets.

#### 6. Intangible Assets

Intangible Assets are assets that lack physical substance, are nonfinancial in nature, and their initial useful life extends beyond a single reporting period. Examples of intangible assets include easements, water rights, patents, trademarks, computer software (some examples of over 5,000 are: application software, project management software, and enterprise software license). Donated intangible assets should be reported at acquisition value at the time of its donation.

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### **CAPITALIZABLE COSTS ASSOCIATED WITH ASSET ACQUISITIONS**

Capitalizable costs associated with asset acquisition that should be included in the original capitalizable cost of the asset include (not all-inclusive):

- Land
  - Original purchase price
  - Brokers' commissions
  - Closing fees, such as title search, and legal fees
  - Real estate surveys
  - Grading, filling, draining, clearing
  - Demolition costs (e.g., razing of an old building)
  - Assumption of liens or mortgages
  - Judgments levied through suits
- Buildings
  - Cost of construction
  - Expenses incurred in remodeling, reconditioning, or altering a purchased building to make it available for its intended purpose
  - Design and supervision costs
  - Building permits
  - Legal and architectural fees
  - Insurance costs during construction phase
  - Interest costs during construction (applies to construction after July 1, 2001 in enterprise and internal service funds only)
- Construction in Progress
  - Contractor's fees
  - Freight and transportation costs
  - Professional fees attributable to the construction
  - Certain interest expense (For construction after July 1, 2001 in enterprise and internal service funds only)
- Infrastructure
  - Cost of construction
  - Design and supervision costs
  - Building permits
  - Legal and architectural fees
- Equipment
  - Original contract or invoice price
  - Freight, import duties, handling, and storage costs

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- Specific in-transit insurance premiums
- Assembling and installation costs
- Reconditioning costs related to used equipment to make it available for its intended use
- Intangibles
  - Design of chosen path, including software configuration and interfaces
  - Coding
  - Installation to hardware
  - Testing, including parallel processing

Fixed asset components that have a unit cost under stated capitalization levels should be capitalized if they are originally acquired as part of a system and the system cost equals or exceeds capitalization levels. Assets not capitalized should be tracked for insurance and control purposes. A system is defined as a group of interacting, interrelated, or interdependent components forming a whole. For example, the components of computer hardware would include the computer monitor, the keyboard, the Central Processing Unit, and the modem. These components should be considered part of the computer system and capitalized as a unit. The logic behind capitalizing each individual component as part of the entire system is that the component, standing alone, cannot function or serve its intended purpose by itself.

Any components, with a cost greater than the capitalization thresholds, subsequently added to a system should be capitalized as part of the entire system.

Not all expenditures incurred relating to placing an asset in its intended use should be capitalized. The following are types of expenditures that should **not** be capitalized.

- Cost relating to the removal or demolition of buildings, structures, equipment, or other facilities. **Two exceptions** are as follows:
  1. Cost to remove or demolish a building or other structure existing at the time of acquisition of land when the intention of the removal or demolition is to accommodate the land's intended use (such cost is considered part of the land).
  2. Cost to remove or demolish a building or other structure with the intention of replacing the old asset (such costs are considered a part of the cost of the new building).
- Cost incurred on assets that are not purchased, e.g., surveying, title searches, legal fees, and other expert services on land not purchased.

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- Extraordinary costs incidental to the construction of fixed assets such as those due to strike, flood, fire, or other casualties.
- Cost of abandoned construction.

### INTERNALLY DEVELOPED SOFTWARE

Internally developed software should be capitalized beginning with software development completed after June 30, 2003. The internally developed software should be capitalized if the **capitalizable cost** is \$5,000 or greater. The software should be amortized (depreciated) over the estimated useful life of the software.

Not all costs associated with developing software should be capitalized. Training costs, and administrative and overhead costs should **not** be capitalized. Costs of development that are capitalizable include:

- External direct costs of material and services (e.g., purchased "base" software, payments to non-state entity for development)
- Direct payroll costs, including salaries, fringes, and travel
- Interest costs during development – Internal Service and Enterprise funds only
- Data Conversion costs only to the extent it is determined to be necessary to make the software operational. Otherwise, data conversion costs should not be capitalized.

Not all phases of software development are capitalizable. Preliminary project costs, including determination, evaluation, and selection of alternatives, should not be capitalized. Phases that are capitalizable include:

- Design of chosen path, including software configuration and interfaces
- Coding
- Installation to hardware
- Testing, including parallel processing

Capitalization should cease at the point at which a computer software project is substantially complete and ready for its intended use. Computer software is ready for its intended use after all substantial testing is completed.

### INFORMATION TECHNOLOGY DEPARTMENT (ITD) Projects

Many agencies use ITD to create software programs for them. For those projects, it has been determined that approximately 65% of the total project cost is capitalizable (based on the criteria above). Therefore, ITD projects for the development of a new

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program/software where the total charge to the agency is approximately \$7,700 should be capitalized ( $\$7,700 \times 65\% = \$5,005$ ).

Software/programs developed within an agency will require the agency to accumulate capitalizable costs and capitalize, as necessary.

### **ITD PURCHASES OF SOFTWARE/HARWARE FOR AGENCIES:**

ITD will often purchase software and hardware for state agencies that are implementing new systems and may also pay consultants working on the implementation. ITD then bills the agencies for those costs in their monthly ITD bill. The following addresses who is responsible to capitalize such costs and how the payments to ITD should be coded:

When ITD purchases software for an agency, ITD will notify the agency as to who will capitalize the software. In most instances, that will be the state agency and not ITD. Sometimes, more than one state agency will share in the cost of software for a system. Only one agency should be capitalizing the system and the agencies involved will need to agree on which agency will do so.

For internally developed systems, the software purchase is not the only cost as there are implementation costs in order for the software to be useable to the agency. At times, ITD will contract with consultants who will be working on the new system. These consultants costs may be paid by ITD and billed back to the state agency, but the agency will need to capitalize these costs if they are responsible for capitalizing the software system.

Agencies should code the payments to ITD for software and consultant costs to the expenditure accounts for software and IT consultants. ITD will send the agency copies of the invoices for these costs with the billing. ITD developer costs for their work on new programs/software on the ITD bill should just be coded as data processing costs, even though the agency will capitalize 65% of these costs, as noted under the internally developed software policy.

ITD may also charge agencies for server installation, upgrades, etc. (hardware). Agencies should charge those costs to data processing costs as ITD is responsible for the maintenance of the hardware and is considered the owner of the hardware.

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### INTERNALLY DEVELOPED SOFTWARE ENHANCEMENTS

Improvements/upgrades to internally developed software should be capitalized if the capitalizable cost is \$5,000 or more, **and** it results in increased functionality of the software. Programming to change calculations or criteria to comply with new state or federal regulations does not increase the functionality of the software. Adding an entirely new component (i.e., eligibility determination) or a complete overhaul of the existing software does constitute increased functionality. Agencies should follow the above guidelines to determine which costs should be capitalized.

NOTE: All ITD **major** projects (\$500,000 or greater) should be considered enhancements and capitalized unless approved by OMB.

### COSTS SUBSEQUENT TO ACQUISITION

Costs incurred to achieve greater future benefits (e.g., improves efficiency, or materially extends the useful life of the asset, etc.) and which costs greater than the asset class capitalization level should be capitalized, whereas expenditures that simply maintain a given level of service should be expensed. Generally, three major types of costs subsequent to original construction are incurred relative to existing fixed assets.

1. **Additions** (extensions, enlargements, or expansions). Any addition (costing greater than the asset class capitalization level) to a fixed asset should be capitalized since a new asset has been created. For example, the addition of a wing to a hospital or the addition of an air conditioning system to an office building increases the service potential of that facility and should be capitalized. Other examples of additions include:

- an elevator or dumbwaiter
- fire alarm systems
- security windows
- sprinkler systems (internal)
- acoustical treatment

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2. **Improvements and replacements.** The distinguishing feature between an improvement and a replacement is that an improvement is the substitution of a better asset – having superior performance capabilities – (e.g., a concrete floor for a wooden floor) for the one currently used, whereas a replacement is the substitution of a similar asset (a wooden floor for a wooden floor).

In both of these instances agencies should determine whether the expenditure increases the future service potential of the fixed assets, or merely maintains the existing level of service. When the determination is made that the future service level has been increased, the new cost is capitalized.

3. **Repairs (Ordinary and Major).** Repairs maintain the fixed asset in its original operating condition.

*Ordinary* repairs are expenditures made to maintain plant assets in operating condition. Preventive maintenance, normal periodic repairs, replacement of parts, structural components, and other activities such as repainting, equipment adjustments, that are needed to maintain the asset so that it continues to provide normal services should not be capitalized but rather charged to an expense account.

Examples of ordinary repairs include:

- roof and/or flashing repairs
- window repairs and glass replacement
- painting
- masonry repairs
- floor repairs

*Major* repairs are relatively large expenditures that benefit more than one operating cycle or periods. If a major repair, e.g., an overhaul, occurs that benefits several periods and/or extends the useful life of the asset, then the cost of the repair should be capitalized.

## TRANSFER OF FIXED ASSETS BETWEEN AGENCIES

For all transfers, agencies should account for the transfers as additions and deletions of fixed assets. For additions, agencies should record the asset at their cost to obtain the asset and not at the original historical cost of the asset.



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**Note:** Agencies are required to follow the policies and procedures in the State Property Disposal Manual for all retirements and disposals of state-owned property.

Transfers to Surplus Property Section are to be removed from the agency's accounting records at the time Surplus Property takes possession of the property.

### DEPRECIATION

Depreciation is the concept of allocating the cost of fixed assets over their estimated useful lives. Land, land improvements, and construction in progress are not depreciated. In addition, intangible assets with indefinite useful lives should not be depreciated. An intangible asset should be considered to have an indefinite useful life if there are no legal, contractual, regulatory, technological, or other factors that limit the useful life of the asset. All other assets are to be depreciated over their estimated useful life or, in some cases of intangible assets, for the contractual time period.

Agencies may use any rational systematic depreciation method, such as the straight-line or composite methods of depreciation. PeopleSoft calculates depreciation using the straight-line method, based on the months the asset was in use during the year.

Agencies using their own system to calculate depreciation may base the calculation on months the asset was in use during the year or may use an alternative rationale method to apply depreciation in the years the asset is acquired and disposed. For example:

- If the asset was *acquired* in the first half of the reporting period, a full year of depreciation should be taken.
- If the asset was *acquired* in the second half of the reporting period, one-half year of depreciation should be taken.
- If the asset was *disposed* in the first half of the reporting period, one-half year depreciation should be taken.
- If the asset was *disposed* of during the second half of the reporting period, a full year of depreciation should be taken.

### LEASED ASSETS

A lease is defined as a contract that conveys control of the right to use another entity's nonfinancial asset as specified in the contract for a period of time in an exchange or

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exchange-like transaction. In order for a contract to qualify as a lease it must meet the following criteria:

- A lease must be a contract
- A lease must control the right to use the present service capacity and the right to determine the nature and manner of use of an asset.
- The lease must be for a nonfinancial asset. Example: buildings, land, vehicles, and equipment.
- The contract must have an end date.

Examples of contracts not considered a lease under this policy:

- Intangible Assets – Examples: copyrights, mineral rights, or software and patents
- Supply contracts – such as power purchase agreements
- Short term lease – a maximum possible lease term of 12 months
- Leases between State Agencies
- Inventory
- Biological assets – plants, animals, and timber
- Leases that transfer ownership of the underlying asset to the lessee by the end of the contract and have no termination options. This type of lease should be reported to OMB as a purchase agreement as debt.
- Service Concession arrangements
- Supply contracts and leases with the underlying asset financed with outstanding conduit debt are excluded.

Each qualifying lease will also need a fixed asset recorded with the lease.

Upon entering into a lease, the agency should request that the vendor provide all the information necessary for analysis of the lease commitment. This information can be found in **OMB policy 312, "Leases and Lease-Purchase Agreements."**

## **SUBSCRIPTION BASED INFORMATION TECHNOLOGY ARRANGEMENTS (SBITAs)**

A SBITA is defined in GASB 96 as "a contract that conveys control of the right to use another party's (a SBITA vendor's) IT software, alone or in combination with tangible capital assets (underlying IT assets), as specified in the contract for a period of time in an exchange or exchange-like transaction."

To qualify as an SBITA, the following criteria must be met:

- The subscription term must be for longer than 12 months
- Your agency has control of the right to use the SBITA asset
- The agreement includes fixed or fixed-in-substance payments

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- The payments are for an exchange or exchange-like transaction
- The total payments and capitalizable implementation costs are \$25,000 or more

### Examples of SBITAs

- SaaS (Software as a Service): provides customer the ability to use a SBITA vendor's software through the cloud.
- PaaS (Platform as a Service): allows customer to use a SBITA vendor's tools or coding language (software) to create applications that run on SBITA vendor's cloud infrastructure.
- IaaS (Infrastructure as a Service): allows customer to remotely access SBITA vendor's network, server, and other computing tools to process, store and operate the customer's data.
- DWaaS (Data Warehouse as a Service): a service provider sets up, maintains, secures, and upgrades a data warehouse.

### Examples of arrangements that are excluded from GASB 96 include:

- Contracts meeting the definition of a lease in GASB 87, in which the software component is insignificant when compared to the cost of the underlying asset. Link to [GASB 87](#)
- Agencies that provide the right to use their IT software to other external entities through SBITAs (as a passthrough and therefore not the end user).
- Contracts that meet the definition of public-private and public-public partnerships in GASB 94. (GASB 94 is also being implemented for FY2023.) Link to [GASB 94](#)
- Licensing arrangements that provide a perpetual license (recorded under GASB Statement 51, *Accounting and Financial Reporting for Intangible Assets*). Link to [GASB 51](#)
- Non-subscription components of a contract, such as IT support services and maintenance costs.
- Contracts that are not an exchange or exchange-like transaction.
- SBITAs defined as "short-term."

See the [GASB 96 Implementation Summary](#) for additional information to determine if you have a reportable SBITA.

SBITAs that meet the requirements of GASB 96 must be reported in the Lease and SBITA Administration module in Peoplesoft for contracts that started on or before 7/1/2022.

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### **FIXED ASSETS RECORDS**

All fixed asset records should be maintained for audit purposes. Documentation for fixed asset costs should be maintained in permanent files.

Agencies are to maintain a listing of any assets lost, stolen, or completely destroyed and removed from the fixed asset records. Additions to this listing must be authorized by the agency head or agency representative. This listing should be retained by the agency for audit review.

Agencies are required to maintain records to calculate and report by class of fixed assets:

1. Fixed assets by class.
2. Depreciation expense by department number. (Some department activities may be assigned a unique department number for reporting purposes. For example, DOT will need to account for Fleet Services separately since it is a "business type activity.")
3. Gains and losses from disposal of fixed assets.
4. Additions and deductions of fixed assets by class.
5. Accumulated depreciation by class as of July 1, 2001 and additions to and deductions by fixed asset class.
6. Acquisition value of donated assets.

For annual CAFR reporting, agencies using PeopleSoft Asset Management will only need to complete closing packages for Construction in Progress information, if applicable. Agencies not using PeopleSoft Asset Management will continue to report all fixed asset information using closing packages, based on data recorded in the agency's own system. All assets held for investment will need to be reported on a closing package.