

N.D.A.G. Letter to Enget (Sep. 4, 1991)

September 4, 1991

Mr. Wade G. Enget
Mountrail County State's Attorney
PO Box 363
Stanley, ND 58784

Dear Mr. Enget:

Thank you for your August 20, 1991, letter regarding reimbursement to county employees for meals. You seek a clarification of my July 29, 1991, opinion to Gerald A. Kuhn, Logan County State's Attorney, attached. You ask whether the county is required to reimburse its employees for meals during the time the employee is away from home but not required by his/her travel to stay overnight.

N.D.C.C. § 44-08-04 governs claims for meals and lodging made by county employees as well as other public employees. In my attached July 29, 1991, opinion to Mr. Gerald A. Kuhn, I stated:

Reimbursement is required when an employee must travel on official business under circumstances requiring him or her to be away from the regular place of work or residence at times when meals are normally consumed. If the legislature intended that employee to be reimbursed only when away from home overnight, reimbursement would be expressly limited to those occasions.

Thus, if official business requires an employee to be gone at least four hours or overnight, the county must reimburse the employee for those meals which are normally consumed during the time period the employee is gone. For example if the employee is gone from 10 a.m. to 5 p.m., the employee must be reimbursed for the noon meal.

I trust this clarifies the issue.

Sincerely,

Nicholas J. Spaeth

vkk