

## **Mileage Reimbursement**

The issue of whether employees are entitled to mileage reimbursement between their home and temporary work locations has been an ongoing issue in state government. The constructive travel doctrine was in effect in state government prior to July 1, 1987. The constructive travel doctrine provided that the normal commuting distance between an employee's home and his/her official duty station was deducted from reimbursable mileage in certain circumstances where the employee was traveling between home and a "field" work location. The constructive travel doctrine operated only in those instances when employees were authorized to begin and/or end their workdays away from their official station.<sup>1</sup>

The State and the Vermont State Employees' Association abolished the constructive travel doctrine effective July 1, 1987, through collective bargaining negotiations. The Board issued a decision in 2001 on a grievance contesting whether the state Department of Motor Vehicles had improperly reinstated the constructive travel doctrine. The Board interpreted the contract language to provide that employees would receive mileage reimbursement for traveling between home and temporary work location, when they had to travel through the municipality in which their official station is located enroute to or returning from the temporary work location, as long as they did not stop at their official station.<sup>2</sup>

The Board held that a statutory provision providing that "nothing . . . shall authorize payment to an . . . employee . . . for travel between his place of residence and office"<sup>3</sup> did not change this result. The Board interpreted the statute to provide that an employee may not receive mileage reimbursement for the employee's normal commute between their home and official duty station, but did not address the

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<sup>1</sup> Grievance of Ray, 13 VLRB 67, 79-80 (1991).

<sup>2</sup> Grievance of VSEA, Friot, et al, 24 VLRB 211, 219-222 (2001).

<sup>3</sup> 32 V.S.A. §1261.

situation where the employee receives mileage reimbursement when not doing the normal commute.<sup>4</sup>

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<sup>4</sup> Grievance of VSEA, Friot, et al, 24 VLRB at 223-224.