



STATE OF CONNECTICUT

BOARD OF TRUSTEES

FOR THE STATE COLLEGES

P. O. Box 2008

NEW BRITAIN, CONNECTICUT 06050

TEL. NEW BRITAIN: 203-229-1607

TEL. HARTFORD: 203-566-7373

RESOLUTION

concerning

TRAVEL

June 9, 1978

WHEREAS, The efficient and economical use of time often requires that the Executive Director and the College Presidents use their personally-owned motor vehicles in conducting State business rather than the State-owned vehicles assigned to them, and

WHEREAS, The General Statutes and State Regulations provide for and govern the use of personally-owned motor vehicles for State business, be it

RESOLVED, That, in accordance with the requirements of State Regulations concerning the use of personally-owned motor vehicles, the Board of Trustees for State Colleges authorizes the Executive Director and the College Presidents to use their personally-owned motor vehicles on State business at any time when, in the judgment of the individual, such action provides the most expeditious means of transportation, and be it

RESOLVED, That reimbursement for such use of personally-owned motor vehicles shall be as provided in the General Statutes and in appropriate State Regulations.

A Certified True Copy:

L. J. Davidson

L. J. Davidson

Chairman



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May 8, 1978

TO: Mr. L. J. Davidson, Chairman, and Members of the Board of Trustees

Mr. Alvin B. Wood
Mrs. Margaret Shapiro
Mr. Peter J. Berry
Mr. Rocco Colatrella
Miss Patricia Geen
Mrs. Luva M. Hoar
Dr. Ernest A. Johnson
Mrs. Nancy W. Kaplan

Mrs. Ellen W. Long
Mr. Antonio Marrero
Mr. Paul R. McDevitt
Mr. Robert Roldan
Mr. Seymour Smith
Mrs. Betty L. Tianti
Mr. Stephen Varga

Enclosed please find copy of a resolution concerning travel for the Executive Director and the College Presidents. This resolution was reviewed and approved by the Executive Committee on May 5. It will be brought before the Trustees for action at the June 9 Board meeting.

Sincerely,

Betty Higgins

E. A. Higgins
Associate for Board Affairs

EAH/b
encl.



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A Certified True Copy:

James A. Frost
Executive Director



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*Board
Reading*

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93) JPH

RESOLUTION
concerning
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May 5, 1978

AWB
suggests this
wording be used
rather than the
typed version attached
need to place basis
on Ex. Com agenda

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WHEREAS, The efficient use of time often requires that the Executive Director and the College Presidents use their personally-owned motor vehicles in conducting State business rather than the State-owned vehicles assigned to them, and

WHEREAS, The General Statutes and State regulations provide for and govern the use of personally-owned motor vehicles for State business, be it

RESOLVED, That, in accordance with the requirements of State regulation concerning the use of personally-owned motor vehicles, the Board of Trustees for State Colleges authorizes the Executive Director and the College Presidents to use their personally-owned motor vehicles on State business at any time when, in the judgment of the individual, such action provides the most expeditious means of transportation, and be it

RESOLVED, That reimbursement for such use of personally-owned motor vehicles shall be as provided in the General Statutes and in appropriate State regulations.

A Certified True Copy:

James A. Frost
Executive Director

No surplus vehicle shall be disposed of until it has first been offered for transfer to the Office of Fleet Operations. All motor vehicles in excess of an agency's requirements, as determined by the Director of State Fleet Operations, shall be transferred to the Office of Fleet Operations. Said Director may transfer agency fleets or portions of such fleets to the Office of Fleet Operations as required. Motor vehicles confiscated by the State for any reason shall immediately be turned over to the Director of State Fleet Operations.

OVERNIGHT PARKING OF STATE-OWNED VEHICLES: In general, all State vehicles will be parked at State-owned or leased facilities. It shall be the policy of the State to park vehicles at

1. A regional or agency pool location.
2. The building or an office to which the principal drivers are assigned.
3. An approved location which most coincides with the employee's normal travel patterns.
4. At an approved State-owned or leased facility within the employee's assigned geographic area.

Agency heads may approve the garaging of a vehicle at the home of an employee for no more than three (3) days in a calendar month when it is deemed to be in the best interests of the State. Occasional parking of a vehicle at home for more than three (3) days in a calendar month is subject to the approval of the Director of State Fleet Operations at the personal written request of the agency head. The parking of a vehicle at the home of an employee for more than one (1) month will require the approval of the Commissioner of Transportation at the personal written request of the agency head. Employees whose assigned geographic area is Statewide shall park their assigned cars at a facility designated by the Director of State Fleet Operations.

USE OF PERSONALLY-OWNED MOTOR VEHICLES ON OFFICIAL STATE BUSINESS: No such use is to be authorized unless the agency head certifies that (1) no State-owned vehicles is available or can be made available from an agency or regional motor pool; or (2) a less costly mode of transportation is not available or practical. It is expected that proper scheduling by agency heads will minimize the need for the use of personally-owned vehicles. The following regulations shall apply to the use of personally-owned motor vehicles:

1. Prior written approval of the Director of State Fleet Operations shall be required when the use of a personally-owned vehicle on official State business will exceed an average of 750 miles per month.
2. When warranted, the Director of State Fleet Operations may direct that all use of personally-owned vehicles be approved in advance.
3. No payment for use of personally-owned vehicles is permitted for (a) home to office travel (b) any activity except official State business or (c) participation in any activity in which an honorarium, stipend, monetary fee or gift of any value is given to the employee involved.
4. All State employees who are authorized by their agency head to use their own motor vehicles in the performance of their duties, must carry insurance for a minimum liability of \$50,000/\$100,000 and \$5,000 in property damage or, in lieu thereof, a minimum of \$100,000 for liability for bodily injury and property damage.
5. It will be the responsibility of the agency head to see that a certificate of insurance is on file with the agency for each employee authorized to use a personally-owned vehicle on official State business.

PERSONALLY-OWNED MOTOR VEHICLE REIMBURSEMENTS: If the use of a personally-owned motor vehicle by an employee is authorized by the agency head to be used for official State business, the employee shall be reimbursed at the established rate for each mile traveled in excess of the number of miles from the employee's home to official duty station and return. Mileage published by the State Public Utilities Commission will be regarded as official. Charges for the use in interstate travel of personally-owned cars will be limited to the least expensive mode of public transportation. Charges for garage, gasoline, accessories, repairs, depreciation, anti-freeze, towage, and other similar expenditures will not be allowed. Unnecessary meals and other travel

expenses due to the use of an automobile will not be allowed. Parking charges and toll charges incurred in the use of personally-owned car on State business will not be reimbursed. Such charges are covered in the rate allowed.

GENERAL REGULATIONS:

1. The agency head shall require that each operator of a State-owned motor vehicle to be used on official State business is made aware of the regulations governing the use of vehicles, has a valid operator's license, is physically qualified and has the knowledge, skill, and experience to operate the type of vehicle assigned. Agency heads are also responsible for insuring that employees driving State vehicles set a good example for other drivers by driving courteously and obeying all motor vehicle laws.
2. All complaints concerning State vehicles, drivers and passengers, regardless of the source shall be immediately investigated by the agency head. The results of the investigation shall be reported promptly in writing to the Director of State Fleet Operations. Such report shall contain
 - (1) name, address, and telephone number of complainant, if known
 - (2) summary of the complaint
 - (3) investigation findings
 - (4) remedial action taken
 - (5) name, address and operator's license number of driver
3. The agency head is responsible for the care and maintenance of assigned motor vehicles in accordance with the service and repair procedures prescribed by the Director of State Fleet Operations.
4. The agency head is responsible for insuring compliance with accident procedures issued by the Director of State Fleet Operations including the submission of accident reports within 48 hours. Such reports are required for any incident which results in bodily injury or damage to property owned by the State or by others, no matter how slight. Rental rates may be adjusted upward for agencies with a high rate of preventable accidents.
5. The agency head is responsible for assuring that no personal use of a State-owned motor vehicle for social, recreational, religious, educational, or any such purpose, whether on duty or off, is permitted.
6. No State-owned motor vehicle shall be used to transport passengers at any time, whether or not they are State employees, except where such transportation in the judgment of the agency head is necessary for the performance of official State business.
7. The agency head shall require that all State-owned motor vehicle operators obtain gasoline and oil from their agency stations or the Department of Transportation stations located throughout the State. In an emergency, however, sufficient gasoline and/or oil may be purchased from a commercial station to operate a vehicle as far as a State-owned station. Agency heads will be required to submit such reports deemed necessary by the Director of State Fleet Operations concerning gasoline and oil purchases.
8. No State agency shall apply for or accept commercial gasoline credit cards without the written approval of the Director of State Fleet Operations.
9. Monthly mileage reports for State-owned motor vehicles are to be complete in every detail and shall report all use. These reports shall be certified by the operator as true and correct, be certified by the agency head as travel essential to that agency's official State business, and be forwarded to the Director of State Fleet Operations by the 15th of the following month.
10. Monthly mileage reports for personally-owned motor vehicles are to be complete in every detail and shall report all authorized use on official State business. These reports shall be certified by the operator as true and correct, be certified by the agency head as travel essential to the agency's official State business, and be forwarded to the Director of State Fleet Operations by the 15th of the following month. Unauthorized use, or any false statement regarding such travel, or claim for reimbursement which results in the receipt by an employee of any State funds not properly due is cause for dismissal and may subject said employee to civil action and/or criminal prosecution.
11. The agency head is responsible for assuring that the information on the personally-owned motor vehicle monthly mileage report is summarized on the quarterly mileage report for personally-owned motor vehicles and forwarded to the Director of State Fleet Operations by the 15th of the month following the end of each calendar quarter.

12. Payment for charges for overnight storage or parking of any State-owned motor vehicle will not be considered for approval unless such parking arrangement is part of a lease negotiated by the Department of Public Works.
13. Parking fines or other violation charges shall be the personal liability of the motor vehicle operator and are to be taken care of promptly at the time they are incurred.
14. No equipment, decoration, or advertisement shall be affixed to any State-owned motor vehicle without the prior approval of the Director of State Fleet Operations.
15. All State-owned motor vehicles shall be identified in the manner prescribed by the Director of State Fleet Operations.
16. The registration of State vehicles shall be the sole responsibility of the Director of State Fleet Operations. No agency is authorized to apply directly to the Motor Vehicle Department for registration plates without the specific written permission of the Director of State Fleet Operations.
17. No State-owned motor vehicle shall be loaned, leased or rented to any person, organization, business or other governmental jurisdiction except when deemed necessary in a state of emergency or natural disaster. Such essential use shall be approved only by the Commissioner of Transportation.
18. No State-owned motor vehicle shall be driven by anyone other than an employee of the State of Connecticut or by a volunteer worker approved by the agency head. No agreement or contract for any agency of the State shall be approved which permits use of a State-owned motor vehicle by anyone other than approved volunteers and employees unless written permission is first obtained from the Director of State Fleet Operations.
19. The Director of State Fleet Operations is also authorized to:
 - a. prohibit an employee from using a State vehicle for
(1) non-compliance with regulations or laws; (2) engaging in unsafe practices with a motor vehicle; (3) involvement in preventable accidents; (4) improper or discourteous conduct in the operations of a motor vehicle; (5) improper use of motor vehicle; (6) violation of any provisions of these regulations.
 - b. Conduct investigations and recommend remedial or disciplinary action for any of the above.
 - c. Establish standards of safe practices in the operation of motor vehicles.
 - d. Require drivers to participate in designated driver education programs when appropriate.

PENALTIES:

1. Violation of any specific regulation governing the use of a State-owned motor vehicle may result in the immediate recall of such vehicle by the Director of State Fleet Operations. Continued violation by an agency may result in suspension of all motor pool privileges.
2. The agency head may take appropriate disciplinary action in the case of a violation of these regulations or for the engaging in unsafe practices with a motor vehicle. A full report of this action shall be forwarded to the attention of the Director of State Fleet Operations.
3. The willful neglect or misuse of any State-owned vehicle is a cause for dismissal and such misuse or false statements about the use of said vehicles may subject the employee to civil action and/or criminal prosecution.
4. If an employee or driver has violated any of the provisions of these regulations, and is involved in an accident, the Director of State Fleet Operations may assess the responsible party for property damage to (1) State property and (2) to the property of others.

STATE OF CONNECTICUT

DEPARTMENT OF TRANSPORTATION

Regulations Governing the Use of State-owned Motor Vehicles
and Personally-owned Motor Vehicles Used on State Business.

Effective September 1, 1976

These regulations will take precedence over the Standard State Travel Regulations where any part, thereof, may be inconsistent with these provisions.

RESPONSIBILITY: The purpose of these regulations is to maintain controls on the State fleet and to insure its proper utilization and protection. Each agency head is accountable within his agency for the enforcement of these regulations and for insuring the efficient use of State vehicles consistent with the agency's mission. The Department of Transportation does not intend to interfere with the ability of a State agency to carry out its responsibilities or with the policies, procedures, or needs of any other Department. The Department of Transportation does have the responsibility, however, of assuring the efficient and orderly use of motor vehicles used for State business. The Director of State Fleet Operations shall review the use of State-owned vehicles and personally-owned vehicles used on official State business in order to insure full compliance with these regulations.

OFFICIAL-DUTY-STATION: Official-Duty-Station is defined as the building or other fixed location at which an employee reports for duty, which may be a State-owned or leased parking area approved by the Director of State Fleet Operations.

MOTOR VEHICLES: Any vehicle, not necessarily self-propelled, on or in which persons or things are carried from one place to another, except for any device moved by human power or used exclusively on stationary rails or tracks.

ALLOCATION STATE-OWNED MOTOR VEHICLES: The allocation of State-owned motor vehicles will be the responsibility of the Director of State Fleet Operations.

The Director of State Fleet Operations may make long term assignments of State-owned motor vehicles to an agency on certification by the agency head that the vehicles will be used for travel on official State business more than 1,000 miles per month on the average and such travel is normally required on a daily basis. Continuation of any such allocation will be contingent upon evidence of compliance with the foregoing provisions. No vehicle shall be considered to be permanently assigned to an agency, or specifically assigned to an individual.

MOTOR POOLS:

1. All regional motor pools shall be operated by the Director of State Fleet Operations who will issue procedures governing their use.
2. Agencies renting motor vehicles from regional motor pools will be billed monthly at the established rental rates. All authorized expenses in connection with the servicing, maintenance, operation, and replacement of such motor vehicles shall be borne by the Office of Fleet Operations, except that when a vehicle is damaged and such damage is uncollectible from another party, the entire cost will be charged to the using agency.
3. Motor pools may be operated by an agency with the approval of the Director of State Fleet Operations. Such pools must be operated in accordance with rules and guidelines established by said Director.

OWNERSHIP OF MOTOR VEHICLES (ALL TYPES): No State agency may acquire a motor vehicle from any source unless approved by the Director of State Fleet Operations. This shall apply whether or not such acquisition is the result of a gift, purchase, lease or transfer.

BOARD OF

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HIGHER EDUCATION

CARL R. AJELLO
ATTORNEY GENERAL

State of Connecticut



Office of The Attorney General
30 TRINITY STREET
HARTFORD 06115

Tel: 566-4990

October 17, 1977

Dr. Samuel B. Gould
Interim Commissioner
Board of Higher Education
P. O. Box 1320
Hartford, Connecticut 06101

Dear Dr. Gould:

This will acknowledge and reply to your letter of September 23, 1977 to the Attorney General

In your letter you ask whether or not the action of the Board of Trustees for State Colleges creating two new unclassified positions on its central office staff and adjusting the compensation of five other unclassified positions on its central office staff, is subject to the approval of the Board of Higher Education.

The statutes which set forth the relevant powers of the Board of Trustees for State Colleges are, as your letter points out, § 14 of P.A. No. 77-573 "An Act Concerning The Responsibilities of The Commission for Higher Education", and Connecticut General Statutes, § 10-109b.

P. A. No. 77-573, § 14 reads as follows:

"Notwithstanding the provisions of any general statute or special act to the contrary, the selection, appointment, assignment of duties, amount of compensation, sick leave, vacation, leaves of absence, termination of service, rank and status of the individual members of the respective professional staffs of the system of higher education shall be under the sole jurisdiction of the respective boards of trustees within available funds. Said

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BOARD OF TRUSTEES
FOR THE STATE COLLEGES
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A handwritten signature or set of initials, possibly "S.B.G.", written in dark ink.

boards shall determine who constitutes the professional staffs of their respective units and establish compensation and classification schedules for their professional staffs. Each constituent board shall annually submit to the personnel policy board a list of the positions which it has included within the professional staff."

The relevant portion of Connecticut General Statutes, § 10-109b, reads as follows:

"The board of trustees may appoint or remove the chief executive officer of each institution within its jurisdiction, and with respect to its own operation the board of trustees may appoint and remove an executive secretary and executive staff. The board may determine the size of the executive staff and the duties, terms and conditions of employment of said secretary and staff, subject to the approval of the commission. The board of trustees may employ faculty and other personnel needed to maintain and operate the institutions within its jurisdiction. Within the limitation of appropriations, the board shall fix the compensation of such personnel, establish terms and conditions of employment and prescribe their duties and qualifications. Said board shall determine who constitutes its professional staff and establish compensation and classification schedules for its professional staff." (Emphasis added).

The context of Connecticut General Statutes, § 10-109b, makes it apparent that the word "commission", as used in the excerpt quoted above, refers to the Commission for Higher Education. Section 24 of P. A. No. 77-573 provides that whenever the term "commission for higher education" appears in § 10-109b, "it shall be deemed to mean the 'board of higher education.' "

October 17, 1977

-3-

Your letter refers to an apparent conflict between the two statutes quoted above, § 10-109b seeming to require Board of Higher Education approval of the size and duties of the Board of Trustees' professional executive staff and the terms and conditions of such staff's employment, and P. A. No. 77-573, § 14, placing such matters solely within the jurisdiction of the Board of Trustees.

This apparent conflict can be resolved by advertence to the introductory language of the first sentence of P. A. 77-573, § 14, reading: "Notwithstanding the provisions of any general statute or special act to the contrary...."

"Notwithstanding" in this context means "in spite of" or "without obstruction from". Theodore Roosevelt Agency, Inc. v. General Motors Acceptance Corp., 156 Colo 237, 398 P.2d 965, 966; Pinkier v. Jenkins, 118 Ga. App. 239, 163 S.E.2d 443, 454.

Consequently, we conclude that the provisions of P. A. No. 77-573, § 14 should be deemed to override any inconsistent provisions of § 10-109b.

We are strengthened in this conclusion by the fact that the predecessor to the Board of Higher Education, the Commission for Higher Education had, by virtue of § 10-324(a)(6), the authority to :

"approve the size of the executive staff and the duties, terms and conditions of employment of the executive staff and the duties, terms and conditions of employment of the executive secretary and executive staff of the constituent units, except as otherwise provided in the general statutes...."

Section 10-324(a) was repealed by P. A. No. 77-573, § 27, however, and there is no comparable language in P. A. No. 77-573.

It is therefore our opinion that in accordance with the provisions of P. A. No. 77-573, § 14, and in spite of any inconsistent provision of Connecticut General Statutes, § 10-109b, the Board of Trustees for State Colleges may, within available funds, and without the approval

Dr. Samuel B. Gould

October 17, 1977

-4-

of the Board of Higher Education, establish new professional unclassified positions in the central office staff, and determine the compensation of persons on its professional unclassified central office staff.

Very truly yours,

CARL R. AJELLO
ATTORNEY GENERAL

Robert E. Walsh

By: Robert E. Walsh
Assistant Attorney General

REW:rm