

Payment of meals and refreshments by the Government for NRC employees

1-12-2000

General Rule: NRC can not pay for meals and refreshments for employees as food is considered to be a personal expense. Further, furnishing meals and refreshments may violate the statutory prohibition of an employee receiving compensation in addition to the employee's pay fixed by statute.

Exceptions:

- (1) NRC may pay for the meal of an employee while on official duty away from his/her official duty station and if the meal is furnished to the employee, appropriate deduction from the M&IE allowance must be made.
- (2) NRC may pay for light refreshments in planning a conference for employees on official duty status away from their official duty station and no deduction from employees' M&IE allowance is required.
- (3) NRC may pay for meals and refreshments incident to training approved by the OHR pursuant to the Government Employees Training Act if OHR determines that providing meals and refreshments is necessary to achieve the objectives of the training program. The fact that a meeting is characterized as training is not controlling; there must be training as defined in the Government Employees Training Act. NRC may also furnish meals and refreshments to non-government speakers as an expense of conducting the training.
- (4) NRC may pay for refreshments at award ceremonies under the Government Employees Incentives Awards Act.
- (5) NRC may pay for meals at meetings and conferences only if all of the following four criteria are met:
 - (a) The conference involves topical matters of general interest to governmental and nongovernmental participants and is not an internal business or informational meeting primarily involving the day-to-day operations of the NRC.
 - (b) The meals for which reimbursement will be made are incidental to the meeting (meeting not incidental to the meal).
 - (c) Attendance of the NRC employee at the meal to be reimbursed is NECESSARY to full participation in the business of the conference.
 - (d) The NRC employee is not free to take meals elsewhere without being absent from essential formal discussions, lectures, or speeches sponsored by NRC.
- (6) Absent meeting any of the above five exceptions, NRC may pay a facility rental fee that includes meals or refreshments if all of the following three criteria are met:
 - (a) The facility rental fee is non-negotiable and non-separable such that meals and refreshments are provided at no additional cost to NRC.
 - (b) The facility rental fee itself is a reasonable and necessary expense for which NRC funds are available.
 - (c) The inclusion of meals and refreshments in the non-separable facility rental fee does not influence NRC's determination; the fee is competitively priced with facilities that do not include meals and refreshments.