

I. Purpose

This order establishes the policy for the U.S. Department of Education (ED) Transit Benefits Program.

II. Policy

- A. In an effort to decrease traffic congestion on area highways and reduce pollution, ED promotes and endorses the use of public mass transportation by employees in its headquarters and regional offices.
- B. Only ED employees who are full-time permanent, part-time permanent, full-time temporary, or part-time temporary are eligible for the Transit Benefits Program. ED student volunteers are also eligible for the Transit Benefits Program. Employees and student volunteers are eligible for benefits as of their enter-on-duty date.
- C. ED employees may not receive ED transit benefits if they are also receiving any other form of commuter benefit, such as reduced-rate parking in any Federal building. However, employees are eligible for transit benefits if they are members of certified vanpools that park on federally-owned or federally-leased property. A certified vanpool is one that accepts the local fare media distributed by the Department of Transportation and meets the IRS definition of "commuter highway vehicle" under *Publication 15b, Employer's Tax Guide to Fringe Benefits; Chapter 2 - Fringe Benefit Exclusion Rules, Transportation (Commuting) Benefits*: "Commuter highway vehicle: A commuter highway vehicle is any highway vehicle that seats at least 6 adults (not including the driver). In addition, you must reasonably expect that at least 80% of the vehicle mileage will be for transporting employees between their homes and work place, with employees occupying at least one-half of the vehicle's seats (not including the driver's)."
- D. Employees may only receive transit benefits for that part of their commute when they use mass transit. Mass transit includes rail, bus, metro, Para transit (for employees with disabilities), ferry, or any other carrier authorized by statute to receive the transit benefits.
- E. Benefits are to be used for an employee's commute to and/or from work. The amount requested may not exceed the average monthly commuting costs, based on a 20-day month. The maximum monthly amount of transit benefits that participants may receive is determined by Executive Order 13150. Parking costs may not be claimed as any portion of the monthly commuting costs.

III. Authorization

This program is established in accordance with 5 U.S.C. § 7905 and Executive Order 13150.

IV. Applicability

This policy applies to all Principal Offices (POs) in the Department of Education.

V. Responsibilities

A. The Office of Management shall:

1. Develop ED policy and provide oversight of the entire ED Transit Benefits Program.
2. Manage and operate a Washington, D.C. headquarters transit benefits program.
3. Manage and operate a regional transit benefits program.
4. Prepare and submit any departmental reports required by Federal guidelines.
5. Reserve the right to secure outside contractors and/or other Federal agencies to distribute transit benefits and administer part or all of the program, as it may find appropriate.
6. Ensure, to the extent possible, that regional employees who apply for transit benefits receive the benefits for which they are eligible.
7. Provide each Executive Office with a quarterly report indicating all transit benefits participants within their Principal Office.

B. Participating Employees shall:

1. Complete an Application for Transit Benefits and submit it to the ED Transit Benefits Program Office for certification. This may be done either via e-mail, fax, or standard mail service.
2. Submit a revised application if changes in employment, residence, or commuting costs occur.
3. Certify in writing, before receiving transit benefits, that they understand that intentionally providing false statements may subject them to criminal prosecution, civil penalty action, and/or agency disciplinary action, up to and including dismissal.
4. Use transit benefits only for the purpose specified in Section II (D) and (E).
5. Return to ED/Office of Management (OM) Management Services (MS) in Room 2E107, FB6, the prorated amount of unused transit benefits when any of the conditions listed below occur. The prorated amount returned will be based on the number of months/days remaining in the distribution period after the employee withdraws and the employee's daily benefit. If fare cards are not available for return, the employee shall write a personal check made payable to the U.S. Department of Education for the amount due and submit it to the office listed at the beginning of this paragraph.
 - a. Upon transfer to another ED regional office;
 - b. Leave their jobs at ED; or
 - c. Upon withdrawal from the program.

- C. Executive Officers shall require employees in the transit benefits program to submit a withdrawal form (see Appendix C), cleared by OM MS, in conjunction with attachment/form to the [Clearance of Personnel for Separation or Transfer directive](#).

VI. Monitoring and Controls

- A. ED will use internal controls and/or the Department of Transportation's established procedures to safeguard against waste, fraud, abuse, mismanagement, or misappropriation of government funds. These procedures provide for:
1. Recording and accounting for expenditures to permit the proper maintenance of accounts and the preparation of reliable financial reports.
 2. Ensuring that the monthly transit benefit to a participant does not exceed the monthly tax-excludable benefit under IRS regulations.
 3. Ensuring that annual reviews and assessments are made of the management and control of the program.
 4. Ensuring that participants leaving ED or the Federal service do not continue receiving benefits.
 5. Ensuring the eligibility of personnel transferring between POs or to different duty locations within a PO.
 6. Depending on the nature of a complaint, management in the appropriate office, either the Office of Management, individual Principal Office, or the Office of Inspector General, will follow up on complaints that individuals are not complying with this policy.
- B. Participation must be monitored at the sites where transit benefits are provided to ensure only one benefit per month is provided to participants.
- C. Application for Transit Benefits Privacy Act Statement: Furnishing the information on this form is voluntary, but failure to do so may result in disapproval of an employee's request for a public transit fare benefit. The purpose of this information is to facilitate timely processing of the request, to ensure eligibility, and to prevent the misuse of funds. The information will be matched with lists at other Federal agencies to ensure that employees are not receiving more than one monthly benefit, and may be used to take any appropriate disciplinary action.

Appendix A: Transit Benefits Program Internal Controls

The U.S. Department of Transportation (DOT) manages the Transit Benefits Program for the U.S. Department of Education (ED) and many other Federal and State government agencies. In administering the program, DOT discovered that employees participating in carpools were also recipients of transit benefits. The parameters of the program permit participation in either one or the other but not both. DOT also discovered, at least in the case of its own employees, some persons were collecting benefits that were not eligible employees. In an effort to maintain the integrity of the program, DOT staff randomly selects names in the transit database to compare with names of employees parking at Federally sponsored reduced-rate parking facilities. In addition, ED conducts its own inspection of parking facilities at ED owned or leased buildings. This process is automatically completed via a database that cross checks names in the transit benefits system with those names in the parking system. In addition, the system also checks transit benefit participants against names in the personnel database. As employees' demographic information is entered into the system, the record is flagged if it either appears in the parking database or if it does not appear in the personnel database. ED conducts a 100% check of participants in the regional offices and a random check of participants in headquarters against a Summary Bill Statement provided by DOT.

With the removal of the Executive Office from the screening process, this new procedure is necessary to guard against non-employees realizing the benefits of the program. Also, when employees complete the Application for Transit Benefits and when benefits are received by the individual employee, their signature signifies the information they provide is true and correct and that the benefits shall be used for their daily commute and do not exceed the employee's actual commuting costs. Their signature further signifies that they are aware of the applicable criminal and civil liabilities for providing false information and of the requirement to provide information regarding a change in circumstances that would affect their eligibility or benefit level.

When discrepancies are determined, the names are turned over to the Office of Inspector General for investigation and appropriate disposition. In accordance with the terms and conditions of the program and Title 18, United States Code, Sec. 1001, employees are subject to criminal prosecution under the penalties of perjury that apply to persons in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States who knowingly and willfully make a false, fictitious or fraudulent statement. If convicted, violators may be subject to a period of confinement of up to 5 years in prison, fines of up to \$5,000.00 per occurrence, and agency disciplinary actions up to and including dismissal.

Appendix B: Application for Transit Benefits

This is a new application for Transit Benefits This is a change for an existing Transit Benefits Program participant

Name/Last 4

SSN: _____
 (Last Name) (First Name) (MI) (Last Four SSN)

Home

Address: _____
 (Street Name/Number) (City) (State) (Zip)

Work Info:

 (Principal Office) (Organizational Unit) (Grade) (Phone)

 (Street Name/Number/Room Number) (City) (State) (Zip)

Length of appointment/assignment: Permanent Temporary Not-to-exceed date:

YOU ARE ELIGIBLE FOR TRANSIT BENEFITS IF YOU MEET THE FOLLOWING CRITERIA:

1. You are a full-time permanent, part-time permanent, full-time temporary or part-time temporary employee of the U.S. Department of Education or an ED student volunteer.
2. While receiving ED transit benefits, you will not also receive any other form of commuter benefit, such as reduced-rate parking in any Federal building.
3. For all or part of your monthly commute, you use some form of mass transit, including: rail, bus, metro, para-transit (for employees with disabilities), or some other carrier certified to receive your local transit fare media (e.g., certified vanpools).

Amount of Benefit Requested (\$100 per month maximum). The amount of transit benefits you request may not exceed your average monthly commuting cost. You may NOT claim any parking costs in your calculation.

Check Amount Requested:

\$10 \$15 \$20 \$25 \$30 \$35 \$40 \$45 \$50 \$55 \$60 \$65 \$70
 \$75 \$80 \$85 \$90 \$95 \$100 Other \$_____

EMPLOYEE CERTIFICATION: I HEREBY CERTIFY THAT I AM EMPLOYED BY THE U.S. DEPARTMENT OF EDUCATION AND I AM ELIGIBLE FOR A PUBLIC TRANSPORTATION FARE BENEFIT, WILL BE USING IT FOR MY REGULAR DAILY COMMUTE TO AND/OR FROM WORK, AND WILL NOT TRANSFER IT TO ANYONE ELSE. IN ADDITION, I CERTIFY THAT THE MONTHLY TRANSIT BENEFIT I AM RECEIVING DOES NOT EXCEED MY AVERAGE MONTHLY COMMUTING COST (BASED ON A 20-DAY MONTH, COMMUTING BY PUBLIC TRANSPORTATION). I FURTHER CERTIFY THAT I WILL INFORM THE OFFICE OF MANAGEMENT OF ANY CHANGE IN CIRCUMSTANCE THAT WOULD AFFECT MY ELIGIBILITY OR LEVEL OF BENEFITS, AND THAT I WILL REPAY THE DEPARTMENT FOR ANY BENEFITS REMAINING AT THE TIME OF SEPARATION.

THIS CERTIFICATION CONCERNS A MATTER WITHIN THE JURISDICTION OF AN AGENCY OF THE UNITED STATES AND MAKING A FALSE, FICTITIOUS, OR FRAUDULENT CERTIFICATION MAY RENDER THE MAKER SUBJECT TO CRIMINAL PROSECUTION UNDER TITLE 18, UNITED STATES CODE, SECTION 1001, CIVIL PENALTY ACTION PROVIDING FOR ADMINISTRATIVE RECOVERIES OF UP TO \$5000 PER VIOLATION, AND/OR AGENCY DISCIPLINARY ACTIONS UP TO AND INCLUDING DISMISSAL.

 (Applicant Signature) (Date)

Privacy Act Statement: This information is solicited under authority of Public Law 101-509. Furnishing the information on this form is voluntary, but failure to do so may result in disapproval of your request for a public transit fare benefit. The purpose of this information is to facilitate timely processing of your request, to ensure your eligibility, and to prevent misuse of the funds involved. This information will be matched with lists at other Federal agencies to ensure that you are not listed as a carpool or uncertified vanpool participant or a holder of any other form of vehicle worksite parking permit with Education or any other Federal agency, and may be used to take any appropriate disciplinary action.

Please complete this form and fax to 202-401-0485, or send by mail to:

Office of Management/Management Services
 400 Maryland Avenue, SW
 Washington, DC 20202

Appendix C: Withdrawal Form for Transit Benefits and Parking Programs

Please complete this form and return to:

Transit Benefits
Management Services
400 Maryland Avenue, SW, 2E107
Washington, DC 20202
Fax: 202-401-0485

Or

Parking and Shuttle Services
Management Services/Support Services
400 Maryland Avenue, SW, 2C115
Washington, DC 20202
Fax: 202-205-1866

Name: _____

Principal Office: _____

Last 4 digits of Social Security Number: _____

I am withdrawing from the following program(s):

Parking. If you are a member of a carpool, please list the primary member's name.

Name of primary carpool member: _____

Transit Benefits

Effective withdrawal date: _____

Balance Due: _____

Amount Returned: _____

Employee Signature: _____ Date: _____

Cleared by: _____ Date: _____

(Management Services)