



POLICY STATEMENT

Policy Statement 5200

Policy Area: Employee Transit Subsidy

Effective Date:

MAY 11 2010

Approved:

Adrienne Poteat, Deputy Director

EMPLOYEE TRANSIT SUBSIDY POLICY

I. COVERAGE

This Policy Statement applies to all Court Services and Offender Supervision Agency (CSOSA) employees. CSOSA employees include full-time, part-time, and temporary employees and interns paid directly from CSOSA funds. This policy also applies to non-paid student volunteers. This Policy does not apply to contractors, non-student volunteers, and individuals whose salaries are not paid by CSOSA or by the Pretrial Services Agency. This Policy does not apply to the use of transit fare for local travel to conduct Agency business. See Operational Instruction MA-2008-51-2 for implementation guidelines on this Policy.

II. BACKGROUND

Executive Order 13150, Federal Workforce Transportation, dated April 21, 2000, requires Federal Agencies to offer qualified Federal employees a non-taxable transit subsidy in amounts approximately equal to the employee's commuting costs, not to exceed the maximum allowable by law.

III. POLICY

CSOSA employees who meet eligibility requirements may participate in the Washington Metropolitan Area Transit Authority (WMATA) transit subsidy program to recover the approximate cost of commuting to and from work up to prescribed limits when using certain area bus, rail and vanpool commuter services such as Maryland Area Regional Commuter (MARC), Virginia Railway Express (VRE), Metrorail and Metrobus. Each CSOSA employee that participates in an eligible transit subsidy program must certify quarterly that he or she will personally use the benefit to subsidize his or her commute to and from work, and that his or her regular commuting mode and route is as specified on the certification form. Employees who commute to and from work on WMATA-specified forms of transportation that accept the SmarTrip card are required to receive their transit benefit by use of an employee purchased, registered and owned SmarTrip card. SmartBenefit vouchers will only be distributed to employees whose transportation provider does not accept the SmarTrip card. The maximum monthly benefit amount is specified in the Operational Instruction which implements this policy. Participating CSOSA staff who abuse the privilege of participation in the transit subsidy program will be subject to disciplinary action, including but not limited to temporary suspension or permanent removal from the CSOSA transit

subsidy program and/or criminal prosecution under 18 U.S.C. § 287 (False, fictitious or fraudulent claims) and 18 U.S.C. § 1001 (False claims and statements).

IV. AUTHORITIES, SUPERSEDURES, REFERENCES, AND ATTACHMENTS

A. Authorities.

Executive Order 13150 – Federal Workforce Transportation

Public Law, 105-178 (1998), Title IX; Section 9010 (as amended) (Transportation Equity Act for the 21st)

26 U.S.C § 132 (f)2A

18 USC . § 287

18 U.S.C. § 1001

5 U.S.C. § 3111

5 U.S.C. § 7905

B. Supersedures.

Memorandum from Jim Williams, Associate Director, Management & Administration, dated October 1, 2000, subject Employee Transit Subsidy

C. Procedural References.

Operational Instruction MA-2008-51-2, Employee Transit Subsidy.

D. Attachments.

Appendix A. Responsibilities

Appendix B. General Procedures

**APPENDIX A
RESPONSIBILITIES**

- A. The Director of the Agency is responsible for setting general policies governing the employee transit subsidy benefit program and for allocating adequate funding for the subsidy within projected budget restrictions.
- B. The Director of the Office of Financial Management (OFM), is responsible for overall implementation of the employee transit subsidy program, to include developing and maintaining operational instructions for the administration and audit of the employee transit subsidy program.
- C. The Director of OFM is the financial operating plan manager for the Agency-wide employee transit subsidy benefit program budget.
- D. The Associate Director of Management and Administration is responsible for general oversight of the employee transit subsidy program, including responsibility for ensuring adherence to all policies governing the audit review process.
- E. Supervisors of eligible transit subsidy employees are responsible for verification of the CSOSA Transit Subsidy Request form. Supervisors certify an employee's actual work schedule, transportation mode, and commute amount to be correct to the best of the supervisor's knowledge.
- F. The Transit Subsidy Program Manager within OFM is responsible for the daily administration and oversight of the transit subsidy program to include card registration; transit subsidy verification, distribution and maintenance; and accurate recordkeeping.
- G. The employee is responsible for submitting quarterly certification and for complying with the policy.

**APPENDIX B
GENERAL PROCEDURES**

A. Employee Eligibility and Benefits

In addition to the eligibility criteria defined in the Employee Transit Subsidy Policy in Section III, the following criteria also applies:

1. Employees with assigned CSOSA parking spaces are not allowed to retain the space and participate in the transit subsidy program. Only one option is allowed. If an employee is granted a temporary parking space, (for example, a one day assignment for a specified purpose), the employee must reduce his/her transit subsidy request in the following month by the amount of the unused benefit, if the change reduces the allowable subsidy below the maximum monthly subsidy amount. This is done by the employee re-submitting a revised certification form for the month following the change.
2. Commuter parking and non-WMATA transit costs are not included in determining an employee's allowable commuting costs, except when using MARC, VRE, commuter buses, and any WMATA participating vanpool.
3. Employees must make every effort to use discounts provided by transit providers, including reduced-fare bus passes, when calculating transit costs.
4. Employees will receive the transit benefit as calculated one of two ways. It is calculated either based on the employee's daily commute rate multiplied by the monthly commuting days or based on a fixed weekly/monthly commuting fee.
5. Employees participating in Alternate Work Schedule (AWS) will not receive the transit subsidy for days scheduled to be on AWS. Employees who switch to AWS from a regular schedule must submit a revised certification form to the CSOSA Transit Subsidy Program Manager as soon as possible.
6. Employees with planned telecommuting workdays will not receive the transit subsidy for the days working from home.
7. Employees will not receive the transit subsidy for days in training and other events unless WMATA transportation was used for those days.
8. CSOSA fulltime, part-time and temporary employees, interns and non-paid student volunteers are eligible for the transit subsidy for those days actually worked, upon verification of their work schedules by their supervisor.

9. Contractors, non-student volunteers, or other individuals whose salaries are not paid by CSOSA are not eligible for the transit subsidy.
10. Employees whose actual commuting costs for any month are less than the monthly benefit amount provided, must reduce their benefit request in the following month by the surplus amount. It is the responsibility of the employee to make the reduction by submitting an updated certification form.
11. Employees who report for testing under the agency's Drug Free Workplace Program (DFWP) during the previous quarter may receive reimbursement for expenses incurred commuting by public transportation to/from testing by providing cost information on the current quarterly certification form.

B. Transit Benefit

1. Transit Subsidy Benefit Amount

The method for determining the effective monthly distribution amount is calculated one of two ways. It is calculated either based on the employee's daily commute rate multiplied by the monthly commuting days or based on a fixed weekly/monthly commuting rate. Days for AWS and telecommuting days are not reimbursed. Days in training or conferences for which employees do not commute by an authorized transit provider are also not reimbursable. Employees with special circumstances (for example, the employee commutes several days by bicycle or the employee is a "stay-in-schooler" who only commutes three (3) days per week) must provide this information to the distribution office on their quarterly certification form. Reduction of the monthly distribution amount for AWS, telecommuting, training, conferences or other special circumstances is only applicable when these events cause commuting costs to drop below the agency maximum subsidy amount.

2. SmarTrip Card

Employees who commute to work on WMATA-specified forms of transportation that accept the SmarTrip card are required to receive their approved monthly transit benefit by an electronic transfer to a SmarTrip card owned and registered to the employee. The WMATA SmarTrip program allows the cardholder to receive his/her certified monthly transportation benefit by electronic transmission to the employee owned SmarTrip card on or after the first day of the qualified benefit month and the last calendar day of the qualified benefit month. The cost of purchasing the SmarTrip card and registering the card with WMATA in the employee's name is the responsibility of the employee. When SmarTrip cards are lost, stolen or demagnetized it is the responsibility of the employee to replace and register the new card. The employee must contact the Transit Subsidy Program Manager immediately to provide the new card registration information necessary for transferring the employee's monthly benefit to the new card.

The employee is responsible for alerting the Transit Subsidy Program Manager upon ending participation in the program or terminating employment, in accordance with CSOSA's clearance procedures.

The Transit Subsidy Program Manager provides WMATA with certified benefit amounts for participating employees each month. The employee retrieves funds by inserting the SmarTrip card in specified kiosks located throughout the WMATA system. Use of the SmarTrip card benefits the employee by saving time spent visiting the distribution office to receive the benefit and gives the employee the ability to consolidate all transit benefit funding in one place, including adding money of their own, up to the card's maximum funds capacity.

Employees who do not download the monthly benefit to the SmarTrip card by the last day of the benefit month lose that month's funding, which will automatically revert back to the agency. If a qualified employee does not obtain his/her SmarTrip benefit for a qualified benefit month, both the employee and their Supervisor will be notified. The employee will be asked to re-certify and to provide an explanation, through their Supervision, as to why the benefit was not acquired the previous month. Employees must provide this information to the distribution office prior to receipt of the next month's transit benefit.

3. SmartBenefit Fare

Employees who commute to work on WMATA-specified forms of transportation that do not accept the SmarTrip card have the option of receiving their approved monthly transit benefit by SmartBenefit fare. The employee may retrieve his/her benefit from the distribution office the last workday of the prior month and the first six (6) workdays of the current distribution month as outlined in the monthly distribution schedule. Any employee that does not retrieve his/her benefit during the seven (7) workday timeframe, must schedule an appointment with the Transit Subsidy Program Manager, in advance, to retrieve their benefit. All benefits must be retrieved by the 14th calendar day of the current distribution month. Employees who do not obtain their SmartBenefit fare within the allotted distribution period, forfeit their benefit for that particular month. If a qualified employee does not obtain their SmartBenefit fare for a qualified benefit month, both the employee and his/her Supervisor will be notified. The employee will be asked to re-certify and to provide an explanation, through their Supervision, as to why the benefit was not acquired the previous month. Employees must provide this information to the distribution office prior to receipt of the next month's transit benefit.