

HOME-TO-WORK TRANSPORTATION PROGRAMS

I. Purpose

This Directive establishes policies, assigns responsibilities and prescribes procedures governing the use of home-to-work transportation programs throughout the Department of Homeland Security (DHS).

II. Scope

- A. This Directive applies throughout DHS.
- B. DHS Management Directive 0530.1, Home-to-Work Transportation Programs, is hereby cancelled.

III. Authorities

- A. Title 31, United States Code (U.S.C.), Section 1344, "Passenger carrier use"
- B. Title 41, Code of Federal Regulations (C.F.R.), Part 102-5, "Home-to-Work Transportation"

IV. Responsibilities

- A. **Component heads:**
 - 1. Submit requests to the Secretary, through the Office of the Chief Administrative Officer (OCAO). Authority to submit such requests may not be re-delegated by the Component heads (except to the individual exercising the authority of the Component head under Delegation 0106, "Succession Order and Delegation of Authorities for Named Positions").
 - 2. Ensure that such requests directly and specifically facilitate the performance of a Component mission.

3. Ensure that adequate records are initiated and maintained so as to preclude fraud, waste and/or abuse, document that travel was done for official purposes only and maintained in accordance with the National Archives and Records Administration General Record Schedule 3.
4. Account for and report as necessary taxable benefits rising from employee use of the program.
5. Establish management and internal controls sufficient to detect and preclude abuse. Of particular note, such internal controls provide a method for accounting for any income tax impact rising from the use of a home-to-work vehicle.
6. Provide a detailed analysis of the costs of the proposed home-to-work program within their Component
7. Submit annually to the Office of the Chief Administrative Officer a certification of the ongoing need for each home-to-work transportation program. Included in the annual certification will be a comparison of costs between those proposed in the original request and those actually incurred in the performance of the program.

B. The **Chief Financial Officer** advises the Component Financial Officers of the requirements for reporting any fringe benefits attributable to participation in home-to-work transportation programs on the employees' W-2.

C. The **Chief Administrative Officer**:

1. Reviews requests submitted by the Components, ensuring compliance with applicable laws and regulations and makes a recommendation to the Under Secretary for Management regarding the proposed program;
2. Reviews management and internal control plans submitted by the Components as part of the authorization request and, from time to time, conducts a review of the efficacy of Components' efforts in this regard;
3. Prepares consolidated notifications to Congress, as required by 31 U.S.C. § 1344.

D. The **Chief Human Capital Officer** establishes procedures for addressing abuses which are sufficient to comply with the requirements of 31 U.S.C. § 1349.

E. **Employees** do not use government assigned vehicles for personal use.

V. Policy

A. In accordance with Title 31 U.S.C. § 1344, only the Secretary may approve home-to-work transportation; this authority may not be re-delegated.

B. Under no circumstances will home-to-work transportation be authorized solely or principally for the comfort or convenience of an employee.

C. Requests to establish and/or modify a home-to-work transportation program are considered only under the following conditions:

1. For persons engaged in field work: An assignment to field work does not, in itself, provide an entitlement to home-to-work transportation. Requests for a home-to-work transportation program based on the field work exemption are based on an ongoing condition that requires the employee to spend a significant amount of time in the field. Component home-to-work transportation programs must contain programmatic management and internal controls sufficient to ensure that home-to-work transportation is only provided on those intermittent occasions for which the requirement actually exists. A field work exemption is not requested, nor is it considered, when the employee's workday begins at the employee's workplace, or when the employee commutes to a fixed location, regardless of the distance from the employee's official duty station, unless the location is accessible only with government transportation.

2. For persons engaged in intelligence, counter-intelligence, protective services or criminal law enforcement: Requests to establish a home-to-work program based on this exemption require that the employee(s) be engaged directly in one of these four areas and that the employee occupy a position for which transportation between the employee's residence and various locations is essential to the safe and efficient performance of those duties. Employees providing support to these positions are generally not considered for the exemption. In initiating the request, the Component Head certifies that all personnel provided home-to-work transportation under this exemption are directly involved in the execution of tasks under one of these four areas.

3. For persons for whom there is a clear and present danger, or compelling operational considerations or declared emergencies.

Requests to establish home-to-work programs based on this exemption are held to an absolute minimum. An employee may be authorized home-to-work transportation when highly unusual circumstances present the conditions of a clear and present danger to the individual. Such conditions will be well documented, and accompanied by a report from the security service supporting the requesting Component, confirming the existence of the threat. Requests for home-to-work transportation based on compelling operational circumstances must contain clear and concise justification identifying the unique circumstances or events prompting the request. Requests approved under this exemption do not exceed 15 days in duration. The Secretary may review such requests, and extend them as appropriate every 15 days, not to exceed a total of 90 days.

D. Exemptions carry the further limitation in that only other federal employees, who, at the time of the transport are operating in official business are authorized to share space as passengers. No other persons are authorized.

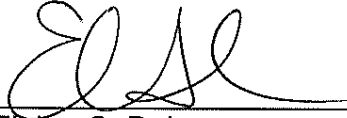
E. Employees for whom home-to-work transportation is requested are not authorized to use such transportation until fully approved by the Secretary.

F. Contingency determinations may be requested to ensure that certain employees are ready to respond to foreseeable, but sudden and immediate circumstances that arise without warning. In order to provide a capability to respond immediately, Components may prepare contingency determinations that identify situations which, if and when such situations occur, will authorize designated employees be provided home-to-work transportation. Contingency determinations require development of administrative controls and supervisory review to prevent abuse. Contingency determinations may be based on situations which present a clear and present danger, emergency, or compelling operational considerations and must be part of a Department-approved plan to respond to emergent circumstances. Such contingent circumstances must be clear, well-defined and of limited duration. See Title 41 C.F.R. § 102-5.50

G. The Components' internal controls are reviewed by the Chief Administrative Officer's Internal Control staff to ensure appropriations limitations are not exceeded and the program is operated in compliance with the law.

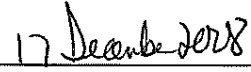
VI. Questions

Address questions regarding this Directive to the Office of the Chief Administrative Officer.



Elaine C. Duke

Under Secretary for Management



Date