

U.S. DEPARTMENT OF AGRICULTURE
WASHINGTON, DC 20250

DEPARTMENTAL REGULATION		Number: 5400-5
SUBJECT: Use of Government Vehicle for Home-to-Work	DATE: January 22, 1996	
	OPI: Office of Operations	

1 PURPOSE AND SCOPE

This regulation establishes, as required by Pub. L. No. 99-550, (31 U.S.C. 1344) and Federal Property Management Regulation Amendment A-42, the Secretary's policy, procedures and approvals for the use of Government vehicles for home-to-work transportation. This regulation applies only to the use of home-to-work transportation for employees on normal duty (non-travel) status performing assigned duties at their place of employment. This regulation does not apply to the use of Government vehicles when:

- a used in conjunction with official travel to perform temporary duty assignments away from a designated or regular place of employment, or
- b the employee's residence is his/her official duty station and a record is on file showing the supervisor's approval.

The regulation is effective upon issuance.

2 CANCELLATION

This regulation supersedes Departmental Regulation 5400-5, dated February 9, 1990 and Amendment 1, dated August 4, 1993.

3 POLICY

An employee is allowed to use a Government provided vehicle for transportation to and from work only when that use is consistent with this regulation or has been approved in advance by the Secretary. All instances of home-to work transportation must be documented fully with necessary reports, logs, or records of such use. Form AD-728, Request and Authorization for Home-to-Work Transportation, is to be used for this purpose.

Employees who use vehicles for home-to-work transportation may be subject to fringe benefit withholdings as explained in Departmental Regulation 2600-1.

The use of Government vehicles between an employee's residence and his/her place of employment shall be limited to:

- a The Secretary.
- b Employees engaged in field work, as defined in Section 3. The Secretary has determined that the job series listed in Appendix A are authorized home-to-work transportation when actually performing field work and then only to the extent that such transportation will substantially increase the efficiency and economy of the Government. If circumstances require that field work only be performed on an intermittent basis, the agency must establish procedures to ensure that the Government vehicle is used only when field work is being performed.
- c Other employees, when use is in response to a highly unusual circumstance which presents a clear and present danger, when emergencies exist, or when other compelling operational considerations make such transportation essential to the conduct of official business.
- d Employees engaged in criminal law enforcement and protective service duties when the use is essential for the safe and effective performance of those duties.

4 DEFINITIONS

- a Government Vehicles. Any motor vehicle, aircraft, boat, ship or other similar means of transportation that is owned or leased (including non TDY rentals) by the United States Government or has come into possession or control of the Government by other means, such as forfeiture or donation.
- b Residence. The primary place where an employee resides and from which the employee commutes to his/her place of employment. The term "residence" is not synonymous with "domicile" as that term is used for taxation or other purposes, nor does this regulation affect the provisions set forth in the Federal Travel Regulations for employees on temporary duty (TDY) away from their designated or regular place of employment.
- c Place of Employment. Any place within the accepted commuting area as determined by the agency for the locality involved where an employee performs his/her business, trade, or occupation even if the employee is there only for a short period of time. The term includes, but is not limited to, an official duty station, home base, headquarters, or any place where an employee is assigned to work including locations where meetings, conferences, or other official functions take place.

- d Field Work. Official work performed by an employee whose job requires the employee's presence at various locations that are at a distance from the employee's place of employment (itinerant-type travel involving multiple stops within the accepted local commuting area or use outside that area) or at a remote location that is accessible only by Government-provided transportation. The designation of a work site as a field office does not, of itself, permit the use of a Government vehicle for home-to-work transportation.

Examples of employees involved in field work include, but are not limited to, meat inspectors, and certain law enforcement officers, whose jobs require travel to several locations during the course of the work day. The field work exception may not be used (1) when the employee's workday begins at his or her official Government duty station, or (2) when the employee normally commutes to a fixed location no matter how far removed from his or her official duty station; i.e., Plant Protection and Quarantine Officers assigned to airports since these employees are not performing field work.

- e Criminal Law Enforcement. Official work related to the enforcement of Federal criminal laws by a law enforcement officer. A law enforcement officer is an employee whose primary duties are the investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States.
- f Protective Services. Official work providing authorized personal security to Department officials.
- g Clear and Present Danger. Highly unusual circumstances which present a threat to the physical safety of the employee's person or property under circumstances where; (1) the danger is real, not imagined, and is immediate or imminent, not merely potential, and (2) a showing is made that the use of a Government vehicle would provide protection not otherwise available.
- h Emergency. Circumstances which exist whenever there is an immediate, unforeseeable, temporary need to provide home-to-work transportation for those employees who are necessary to the uninterrupted performance of the agency's mission. An emergency may occur where there is a major disruption of available means of transportation to or from a work site, and essential Government service must be provided, and there is no other way to transport an employee.
- i Compelling Operational Consideration. Circumstances where the provision of home-to-work transportation to an employee is essential to the conduct of official

business or would substantially increase a Federal agency's efficiency and economy. Home-to-work transportation may be justifiable if other available alternatives would involve substantial additional costs to the Government or expenditures of employee time. These circumstances need not be limited to emergency or life threatening situations.

5 RESPONSIBILITIES

a Agency Heads will:

- (1) Designate officials to sign Form AD-728 when (1) a request for home-to-work transportation must be forwarded to the Secretary for approval, (2) it is being used to document the use of a Government vehicle under the field work definition, or (3) it is being used to document the use of Government vehicles for employees whose residences are designated as their duty station.
- (2) Ensure that requests are justified and are submitted for the Secretary's approval for home-to-work transportation only when such use will substantially increase the efficiency and economy of the Government. The comfort and convenience of an employee shall not be considered as justification for such authorizations.

Agencies may have situations where it is more cost effective to the Government to provide an employee a Government vehicle for home-to-work use rather than have the employee travel long distances to pick up a vehicle then drive back towards or beyond his/her residence to perform his/her job. In these situations, if practicable, agencies should consider basing the vehicle at a Government facility located near the employee's job site. If such a solution is not feasible, the agency must decide if the use of the vehicle qualifies under the compelling operational considerations as defined in this regulation.

- (3) Ensure that the appropriate records, logs, and reports are maintained to substantiate the necessity for an employee's authorization to use home-to-work transportation.
- (4) Ensure that all field work determinations for use of home-to-work transportation including job series listed in Appendix A must be recertified by the Secretary every two years.

b Office of Operations (OO) will:

- (1) Coordinate requests for the Secretary's approval for home-to-work transportation described in

Section 2c;

- (2) Ensure that requests are adequately justified;
- (3) Return a signed copy of each approved authorization to the requesting agency;
- (4) Submit copies of approved requests to the Committee on Governmental Affairs, United States Senate, and Committee on Government Operations, United States House of Representatives, no later than 30 days after approval, and
- (5) Obtain the Secretary's approval for updates as necessary to the job series listed in Appendix A and recertification of the entire listing at least every two years.

6 PROCEDURES FOR REQUESTING APPROVAL BY THE SECRETARY

- a Should agencies find that employees in other occupational series need to be included in Appendix A because they involve field work, requests must be forwarded to the Personal Property Management Division, OO. OO will forward the request for approval to the Office of the Secretary. Such requests should include the type of work performed and circumstances requiring use between an employee's residence and assigned work station.
- b The requesting agency must submit an original and three copies of Form AD-728 to the Personal Property Management Division, OO, for each individual request for home-to-work transportation in unusual circumstances that present a clear and present danger, an emergency, or a compelling operational consideration. These requests must be submitted and approved in advance of the use of the Government vehicle. The agency head or designee must approve requests before submission to OO. The initial duration of a determination of use shall not exceed 15 calendar days. Should circumstances justify that the home-to-work transportation continue beyond the 15-day period, the Secretary may approve a subsequent request for a duration of 90 calendar days. At the end of the 90-day period, the Secretary may authorize an additional extension of 90 calendar days and continue this process as long as circumstances justifying home-to-work transportation continue to exist.

Requests should be handled in the most expedient manner possible (i.e., overnight mail, hand delivery, telecopier, electronic mail, or other means) to expedite submission to the Secretary for approval. In cases where it is physically impossible to secure the prior approval of the Secretary, an agency official may authorize short-term use of

vehicles for home-to-work transportation if the circumstances meet one of the situations listed in Appendix B, Contingency Determinations. However, the request must still be submitted for post-approval by the Secretary.

7 RECORDS AND REPORTS

Each agency will maintain logs or other records necessary to establish that any home-to-work transportation was performed for official purposes. Logs or other records must be easily accessible for audit purposes. These logs or records should contain, at a minimum, the following information:

- a Name and title of the employee (or other identification, if name is confidential) using the Government vehicles;
- b Name and title of the person who authorized the use;
- c Identification of the Government vehicle;
- d Date;
- e Location;
- f Duration of home-to-work transportation; and
- g Circumstances requiring the home-to-work transportation.

Departmental Form AD-728 contains the above information and must be used to request individual approval by the Secretary. Agencies may also use it for the documentation required for other home-to-work transportation. Form AD-728 is available from the Consolidated Forms and Publications Distribution Center, Landover, Maryland.

Signed by:

DAN GLICKMAN

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