

GENERAL SERVICES ADMINISTRATION
Washington, DC 20405

OAS 5620.2
May 3, 2017

GSA ORDER

SUBJECT: Using Government Vehicles for Home-to-Work (HTW) Transportation

1. Purpose. This Order establishes the General Services Administration's (GSA) responsibilities, policies, procedures, and reporting requirements for authorizing the use of a Government vehicle for HTW transportation.
2. Background. 31 U.S.C. 1344, implemented by 41 CFR Part 102-5, allows the Administrator of General Services to authorize HTW transportation in certain situations or for certain employees. 41 CFR section 102-5.25 states that each Federal agency should issue guidance concerning such use. 41 CFR section 102-5.20 outlines what is not covered.
3. Scope and applicability. This Order applies to GSA personnel who operate, supervise, manage, control and/or oversee the use of motor vehicles for HTW transportation.

This Order applies to the Office of the Inspector General (OIG) to the extent that the OIG determines it is consistent with the OIG's independent authority under the Inspector General Act and does not conflict with other OIG policies or the OIG mission.

4. Cancellation. ADM P 5620.1, Chapter 4 - Using Government Passenger Carriers For Home-To-Work (HTW) Transportation is cancelled.
5. Forms. This Order provides for the use of GSA Form 3601, Monthly Home-To-Work Transportation Log. Each individual who has been provided authority by the Administrator to use a Government vehicle, including rental vehicles, for each home-to-work/work-to-home trip, must maintain a log using this form.
6. Revisions. This Order assigns responsibility of GSA's internal motor vehicle program to the Office of Administrative Services (OAS), Operational Support Division, Agency Fleet Manager, which reflects changes in the GSA organizational structures. It also contains new or revised policies concerning the processing of HTW transportation determination requests through the Agency Fleet Manager.

Changes made by this Order include writing in “Plain Language” and reference to GSA FMR Bulletin B-35 – Home-to-Work Transportation.

7. Signature.

/S/ _____
CYNTHIA A. METZLER
Chief Administrative Services Officer
Office of Administrative Services

USING GOVERNMENT VEHICLES FOR HOME-TO-WORK (HTW) TRANSPORTATION

Table of Contents

<u>Paragraph</u>	<u>Page Numbers</u>
Policy.....	1
Criteria for HTW transportation.....	1
Approval.....	2
Program Responsibilities.....	2
Authorized Uses.....	2
HTW Exceptions - Employees on Official Travel.....	4
Miscellaneous Situations.....	4
Determinations.....	4
Preparing and Submitting Determination Requests.....	5
Clearance Requirements.....	5
Duration of Determinations.....	5
Termination of Approved Determinations.....	6
Reporting Responsibilities.....	6
Reporting Vehicle Usage.....	6
Congressional Reports.....	7
 Appendix A. Determination(s) Authorizing Use of Government Passenger Carrier(s) for Home-To-Work (HTW) Transportation Pursuant To Federal Management Regulation (FMR) Part 102-5	A-1

USING GOVERNMENT VEHICLES FOR HOME-TO-WORK (HTW) TRANSPORTATION

1. Policy.

HTW transportation is the official use of Government vehicles between an employee's residence and place of employment. GSA employees cannot use Government-owned, -leased, or -rented motor vehicles for commuting from home to work, or from work to home. Employees are personally responsible for their daily transit to and from work.

However, GSA employees may be authorized by the Administrator of General Services to use a Government vehicle for transportation from HTW or from work to home. 31 U.S.C. 1344, implemented by 41 CFR Part 102-5, allows the Administrator to authorize HTW transportation in certain situations or for certain employees. This authority cannot be delegated to another agency official.

2. Criteria for HTW transportation. The following guidelines identify the conditions, situations, and requirements under which the Administrator of General Services may authorize HTW transportation:

a. Government-provided HTW transportation is essential to the conduct of official business.

b. Government-provided HTW transportation will substantially increase the efficiency and economy of the Government. Examples of efficiency and economy are:

(1) The number of miles the Government vehicle will travel is materially decreased;

(2) An employee has been directed to proceed to a point other than their official duty station (ODS) requiring a full day's work and only transportation by a Government vehicle to their residence permits them to spend the full day at such point. (Note: There must be a clear distinction made that it is in the best interest of the Government and not the employee. Use of a Government motor vehicle is never for the comfort or convenience of the employee but for official Government business and the mission of the Agency);

(3) The beginning and ending of an employee's official trip at their residence rather than their place of employment has been determined to be in the best interest of the Government;

c. Government vehicle transportation must only be used between residence and place of employment on days when official duties are performed and this transportation is absolutely required;

d. An employee assigned to visit other Government activities or subject to call on a 24-hour basis is not considered adequate justification for authorizing HTW transportation:

e. Employees cannot use a Government vehicle for their personal comfort or convenience; and

f. Contractors are prohibited from using Government-owned, -leased, or -rented vehicles for home-to-work transportation, unless authorized in accordance with 31 U.S.C. 1344 (41 CFR 102-34.215).

3. Approval. The Administrator of General Services is the only GSA official authorized to approve requests for employee use of Government vehicles for HTW transportation (41 CFR 102-5.40). This authority cannot be delegated to another agency official. Written determinations must be completed in advance of using a vehicle unless doing so would be impracticable (e.g., emergencies). (See paragraphs 9 and 10 on how to prepare and submit requests for HTW transportation authorization.) For additional guidance regarding authorization for HTW transportation, see GSA FMR Bulletin B-35.

4. Program responsibilities. OAS and Regional Vehicle Controlling Officials (VCOs) are responsible for ensuring that the following functions are performed:

a. Coordinating and disseminating information concerning the HTW transportation program;

b. Ensuring vehicles are available for HTW transportation;

c. Assisting in completing and processing determination requests;

d. Collecting GSA Form 3601, Monthly Home-To-Work Transportation Log (see paragraph 14) from employees when usage is made, monitoring usage, and maintaining file copies of the GSA Form 3601;

e. Meeting other program requirements; and

f. Ensuring HTW Transportation Logs are submitted to the Office of the Chief Financial Officer, Office of Financial Management for taxable fringe benefit purposes, if applicable. (See paragraph 14d.)

5. Authorized uses. 31 U.S.C. 1344, as implemented in 41 CFR Part 102-5, allows the Administrator of General Services to authorize the use of HTW transportation under the following circumstances:

a. Field-work. Official work requiring the employee's presence at various locations during a workday that are away from the employee's place of employment;

(1) Examples of employees engaged in field-work include, but are not limited to, certain, auditors, investigators, contract specialists, and quality assurance specialists. Their jobs require travel to several locations, including remote locations accessible only by Government-provided transportation, during the course of a workday;

(2) Two or more daily stops that are scheduled within the local commuting area are considered field trips;

(3) Assignment of an employee to a field-work position does not entitle the employee to receive HTW transportation. Such transportation must be provided only on days when the employee actually performs field-work;

(4) The designation of a work site as a "field office" does not permit the use of a Government motor vehicle for home-to-work transportation. Employees working in a fixed field location are responsible for their own commuting costs;

(5) A field-work determination cannot be used when the employee's workday begins at the official Government duty station (except when the employee's home is their official duty station). It cannot be used when the employee normally commutes to a fixed location, however far removed from the employee's official duty station. (For example, auditors or investigators assigned to a contractor site do not qualify for Government-provided transportation to that site. Although their daily work station is not located in a Government facility, these employees are not performing field-work and are responsible for their own transportation to and from work.)

b. Situations that present a clear and present danger. Those highly unusual circumstances that 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 immediate or imminent, not merely potential; and

(2) A showing is made that the use of a Government motor vehicle would provide protection not otherwise available.

c. Emergencies. Those circumstances that exist whenever there is an immediate, unforeseeable, temporary need to provide HTW transportation for those employees who are necessary to the uninterrupted performance of the agency's mission (e.g., emergency management and/or continuity personnel responding after a natural disaster).

d. Compelling operational consideration. Those circumstances where the provision of HTW transportation is essential to the conduct of official business or would substantially increase a Federal agency's efficiency and economy. HTW transportation may be justifiable if other available alternatives would involve substantial additional costs to the Government or expenditures of employee time.

(1) This authority is for employees who require occasional Government vehicle transportation, under the HTW authority.

(2) The circumstances for this authority could be, but are not limited to, trips to attend meetings or training, obtain goods and services, and conduct occasional inspections.

e. Investigators and law enforcement personnel. Employees serving in positions essential to the safe and efficient performance of intelligence, counterintelligence, protective services, or criminal law enforcement duties. A one-time-only written request is required for the approval of the Administrator.

f. Contingencies. Contingency determinations are appropriate when offices require certain employees or positions to be ready to respond when situations which present a clear and present danger, emergency, or compelling operational consideration arise without warning. These determinations are prepared in advance of knowing when or whether the event will happen. They require administrative controls and supervisory review to prevent abuse.

6. HTW exceptions - employees on official travel. Employees using a Government vehicle in conjunction with official travel are not subject to 41 CFR 102-5. Official travel is when the employee has a TDY assignment away from a designated or regular place of employment for which a GSA Official Travel Authorization has been issued. The official requirement to use a Government motor vehicle during a TDY trip must be documented and approved on the GSA Travel Authorization (OAS 5700.1 Temporary Duty (TDY) Travel Policy)). The Administrator's approval is not required for HTW transportation during official travel. While in TDY status, a Government vehicle may also be used to transport an employee between their residence and the common carrier terminal or from the terminal to their residence.

7. Miscellaneous situations. Situations may arise where it is more cost-effective for the Government to provide an employee a vehicle for HTW transportation rather than have the employee travel a long distance to pick up a vehicle and then drive back toward or beyond the employee's residence to perform their job. In these situations, consideration should be given to basing the vehicle at a Government facility near the employee's job site. If such a solution is not feasible, managers shall decide if the use of the vehicle should be approved under the "compelling operational considerations" definition. HTW transportation in these cases may be approved only if alternatives would involve substantial additional cost to the Government or the expenditure of substantial additional employee time.

8. Determinations. A "Determination" is a written document to the Administrator of General Services requesting authorization to use a Government motor vehicle for HTW transportation for one or more of the authorized uses described in paragraph 5, above.

9. Preparing and submitting determination requests.

a. Prepare determination requests as shown in the formats in Appendix A. Transmit the requests by memorandum from a Head of Service or Staff Office, through the Agency Fleet Manager and the Chief Administrative Services Officer (CASO), OAS; to the Administrator for approval.

b. Determination requests must contain sufficient facts to meet the requirements of 41 CFR 102-5.120 and the guidelines in this Order. Specifically, each determination request must include facts and circumstances that demonstrate how use of a Government vehicle will substantially increase the Government's efficiency and economy, or how it is essential to the conduct of official business. When applicable, provide cost comparisons, times, dates, distances, locations, the beneficial effects on work performance or describe effective results.

c. Requests for contingency determinations must include the employee's name or position title, the situation(s) on which the provision of HTW transportation is contingent, and the administrative controls used to prevent abuse. When the contingency determination is exercised the usage must be reported to OAS' Operational Support Division, and contain the following information: The name(s) and title(s) of the employee(s); the reason that justifies using the contingency determination; and the starting and ending dates.

d. Requests for field-work determinations can identify positions rather than individual names especially in positions where rapid turnover occurs. Provide the job title and number of positions for which the authority is requested in the determination request.

e. Requests for employees essential for the safe and efficient performance of intelligence, counterintelligence, protective services, or criminal law enforcement duties need to be prepared in accordance with the format in Appendix A. A one-time approval is all that is required for each request.

10. Clearance requirements. The applicable Head of Service or Staff Office and applicable Office General Counsel representative must review all submissions for legal sufficiency prior to submission to OAS' Operational Support Division, Agency Fleet Manager.

11. Duration of determinations.

a. Field-work determinations are granted for 2 years from the date of approval and must be recertified every 2 years.

b. The initial authorization for a compelling operational consideration, a clear and present danger, an emergency, or a contingency determination shall not exceed 15 calendar days. The duration of these approved determinations begins with the first day of usage and expires 15 calendar days from that date or with the cessation of the event, situation, or circumstance giving rise to the need for carrier use, whichever is

earlier. Subsequent determinations of not more than 90 additional calendar days each can be approved should the same circumstances continue. This process may continue as long as required by the same circumstances.

c. Determinations for law enforcement and criminal investigative personnel are granted for an indefinite period. Re-certification is not required once written approval is granted for the individual(s) or position(s).

12. Termination of approved determinations. Offices must notify the appropriate Regional VCO, who will notify OAS' Operational Support Division, Agency Fleet Manager when:

- a. A previously approved determination is canceled;
- b. The employee or position no longer requires HTW transportation; or
- c. For other similar reasons.

The notification shall include the employee name(s), and/or position title(s), determination control number(s) and the approval date(s).

13. Reporting responsibilities. The Office of Financial Management has the responsibility for implementing the Tax Code. This code establishes employer-provided transportation as a fringe benefit and is considered income for tax purposes. Employees are liable for this fringe benefit tax when they use a Government motor vehicle between their residence and ODS. GSA requires employees to report more than 12 trips during the reporting year (November 1 through October 31). (Personnel must contact the Office of the Chief Financial Officer, Office of Financial Management regarding the rules and regulations governing the Department of the Treasury - Internal Revenue Service (IRS) tax rule and Publication 15-B Cat. No. 29744N Employer's Tax Guide to Fringe Benefits for use in each calendar year.)

14. Reporting vehicle usage. Operators and passengers using Government motor vehicles for HTW transportation are required to record each trip on a GSA Form 3601, Monthly Home-To-Work Transportation Log.

EXCEPTION: Personnel operating non-personal use vehicles (as described by the IRS) may be exempt from the Tax Reform Act of 1984 and are not required to submit a GSA Form 3601 to the Office of Financial Management. Non-personal use vehicles include ambulances, certain trucks and buses, clearly marked police and fire vehicles, and unmarked vehicles used by law enforcement officers. Personnel in this category should consult their respective Office of General Counsel and the Office of the Chief Financial Officer, Office of Financial Management concerning the non-personal use vehicle exclusion. Further guidance can be found at Publication 5137 (1-2014) Catalog Number 66216W - Fringe Benefit Guide Office of Federal, State and Local Governments, Department of the Treasury, Internal Revenue Service, www.irs.gov.

a. Once the employee completes the log, the employee and their supervisor must sign each page of the log. Employees should keep copies for their records. Non-usage (negative reply) reports are required.

b. The supervisor maintains a copy of the log and provides the original to the appropriate Regional VCO.

c. The Regional VCO maintains a copy of submitted logs for audit purposes and submits a copy of each log, on a monthly basis, to OAS' Operational Support Division.

d. The Regional VCO must submit the original logs each month to:

General Services Administration
Office of the Chief Financial Officer
Office of Financial Management
Consolidated Financial Services Division – BGC
Payroll Services Branch
2300 Main Street - 2NW
Kansas City, MO 64108

15. Congressional reports.

a. Authorized HTW transportation determinations must be reported to Congress, in accordance with 41 CFR 102-5.110. OAS' Operational Support Division, Agency Fleet Manager will prepare and submit these reports to Congress not later than 60 calendar days after approval. Subsequent determinations can be consolidated into a single report and submitted quarterly.

b. Promptly report exercised contingency determinations to OAS' Operational Support Division, Agency Fleet Manager within 15 working days after the last day of usage. Provide the following information: the name and title of the employee; the organizational title; the reason that justified using the contingency determination; and the dates when the usage began and ended or will end.

c. Reports to Congress are not required for law enforcement/intelligence authorizations.

**Appendix A. Determinations Authorizing Use of Government Vehicle(s)
for Home-to-work Transportation Pursuant to Federal Management
Regulation (FMR) Part 102-5**

**Field Work Determination
Authorizing Use of Government Vehicle(s) for Home-to-work
Transportation Pursuant to Federal Management Regulation (FMR) Part
102-5**

Determination Control No. (Leave Blank, Provided by OAS' Operational Support
Division)

The Administrator makes the following determination and approval of use under FMR
Part 102-5

1. The following employee(s) or positions of the General Services Administration
(GSA), [insert requesting office titles] is/are authorized to use Government-owned, -
leased, or -controlled passenger carrier(s) [describe type(s) of carrier(s); e.g., motor
vehicle(s), airplane, boat] for transportation between his/her/their residence(s) and
place(s) of GSA employment to conduct field-work for this agency:

[Insert employee name(s) and position title(s) (or position title(s))]

2. The employee(s) or the position(s) listed above perform or involve the performance
of field-work for GSA. The duties performed require multiple stops within locally
accepted commuting areas or travel to remote locations. These activities or duties come
within the definition of "field work" as set forth in FMR sections 102-5.30 and 102-5.75.
Specifically, Government motor vehicle transportation is necessary between residence
and place of GSA employment for the following reasons:

[Insert information necessitating Government transportation use]

3. Use of Government vehicles for home-to-work transportation by the employee(s) or
those occupying the positions listed above will substantially increase the efficiency and
economy of GSA under the circumstances described. The use is not for the personal
comfort or convenience of the employee(s), and the transportation is approved only on
days when the employee(s) actually perform(s) field-work.

4. This determination and approval shall be updated as necessary and re-certified
every 2 years from the date of this authorization.

(Insert name)
Administrator of General Services

Date

Employees Essential for the Safe and Efficient Performance of Intelligence, Counterintelligence, Protective Services or Criminal Law Enforcement Duties Determination Authorizing Use of Government Vehicle(s) for Home-to-Work Transportation Pursuant to 31 USC 1344

Determination Control No. (Leave Blank, Provided by OAS' Operational Support Division)

The Administrator makes the following determination and approval of use under 31 USC 1344 and FMR Part 102-5:

1. The following employee(s) or positions of the General Services Administration (GSA), [insert requesting office titles], is/are authorized to use Government-owned, -leased, or -controlled passenger carrier(s) [describe type(s) of carrier(s); e.g. motor vehicle(s), airplane, boat] for transportation between his/her/their residence(s) and place(s) of GSA employment for conducting law enforcement work for this agency:

[Insert employee name(s) position title(s) (or position title(s))]

2. Government motor vehicle transportation is necessary between residence and place of GSA employment for the following reasons:

[Insert information necessitating Government transportation use]

3. The employee(s) or positions listed above are essential for the safe and efficient performance of criminal law enforcement, intelligence, counterintelligence, or protective services for GSA.

4. Use of Government vehicles for home-to-work transportation by the employee(s) or persons occupying the positions listed above will substantially increase the efficiency and economy of GSA under the circumstances described. The use is not for the personal comfort or convenience of the employee(s) and the transportation is approved only on days when the employee(s) actually perform(s) the duties. A record of home-to-work use will be maintained by each employee using home-to-work transportation on GSA Form 3601, Monthly Home-To-Work Transportation Log.

5. This determination and approval shall be effective until revoked.

(Insert name)
Administrator of General Services

Date

**For Circumstances That Constitute 1) A Clear and Present Danger, 2) An
Emergency, Or 3) A Compelling Operational Consideration
[Select And Insert One of The Above]
Determination Authorizing Use of Government Vehicle(s) For Home-To-
Work Transportation Pursuant to Federal Management Regulations
(FMR) Part 102-5**

Determination Control No. (Leave Blank, Provided by OAS' Operational Support
Division)

The Administrator makes the following determination and approval of use under FMR
Part 102-5:

1. The following employee(s) or positions of the General Services Administration
(GSA), [insert requesting office titles], is/are hereby authorized to use Government -
owned, -leased, or -controlled passenger carrier(s) [describe type(s) of carrier(s); e.g.
motor vehicle(s), airplane, boat] for transportation between his/her/their residence(s)
and place(s) of GSA employment when officially required:

[Insert name(s), or position title(s)]

2. Government motor vehicle transportation is necessary between residence and place
of GSA employment for the following reasons:

[Describe the circumstances making Government transportation use necessary]

3. The above-described circumstances are within the meaning of FMR Part 102-5.

4. Use of Government vehicles for home-to-work transportation by the above-listed
employee(s) or positions will substantially increase the efficiency and economy of GSA
under the circumstances described. The use is not for the personal comfort or
convenience of the employee(s).

5. This determination and approval shall be effective for a period not to exceed 15
consecutive calendar days, beginning with the first day of motor vehicle usage on or
about (insert date), and ends fifteen calendar days later, or with the cessation of the
event, situation, or circumstance giving rise to the need for carrier use whichever is
earlier. This determination may be extended for additional 90-calendar-day periods by
a subsequent written determination by the Administrator if the same circumstances
underlying this determination and approval continue in existence.

(Insert name)
Administrator of General Services

Date

**Contingency Determination
Authorizing Use of Government Vehicle(s) for Home-To-Work
Transportation Pursuant to Federal Management Regulations (FMR) Part
102-5 Determination**

Determination Control No. (Leave Blank, Provided by OAS' Operational Support Division)

The Administrator makes the following determination and approval of use under FMR Part102-5:

1. The following employee(s) or positions of the General Services Administration (GSA), [insert requesting office titles] are authorized to use Government-owned, - leased, or -controlled passenger carrier(s) [describe type(s) of carrier(s); e.g. motor vehicle(s), airplane, boat] for transportation between his/her/their residence(s) and place(s) of GSA employment if the situation, events, or circumstances described below should be presented or arise:

[Insert name(s) and position title(s) or position title(s)]

2. This authorization is contingent upon the happening of one or more of the following events, situations, or circumstances:

[Describe the event, situation, or circumstances that may arise without warning, making Government transportation use necessary]

3. Use of Government vehicles for home-to-work transportation by the above-listed employee(s) or persons occupying such position(s) will substantially increase the efficiency and economy of GSA under the circumstances described, and such use is not for the personal comfort or convenience of the employee(s).

4. This determination and approval shall be effective for a period not to exceed 15 consecutive calendar days, beginning on the first day of the motor vehicle usage, and ending 15 calendar days later, or with the cessation of the event, situation, or circumstance giving rise to the need for carrier use whichever is earlier. Complete if known: The expected commencement date of the motor vehicle use is [insert date], and is expected to terminate on or about [insert date]. This determination may be extended for additional 90-calendar-day periods, via a subsequent written determination by the Administrator if the same circumstances underlying this determination continue in existence. The use of this contingency determination shall be promptly reported to the Office of Management Services.

5. The administrative controls to validate use of this contingency determination are: [list administrative or supervisory methods to ensure valid use of the passenger carrier(s)].

(Insert name)
Administrator of General Services

Date

**Extension Determination
Authorizing Continuing Use of Government Vehicle(s) for Home-To-Work
Transportation Pursuant to Federal Management Regulations (FMR) Part
102-5**

Determination Control No. (provide current HTW Control No., extension number will be provided by OAS' Operational Support Division)

The Administrator makes the following determination and approval of use under FMR Part 102-5:

1. The following employee(s) of the General Services Administration (GSA) [insert requesting office titles] was/were previously authorized under [insert initial determination control number], on [insert date] to use Government-owned, -leased, or -controlled passenger [describe type(s) of carrier(s); e.g. motor vehicle, airplane, boat] for transportation between his/her/their residence(s) and place(s) of GSA employment.

[Insert employee name(s) and position title(s)]

2. The first day of usage [initial 15 calendar day approval] began [insert date], and ended [or will end on [insert date]. [add if applicable: The subsequent 90 calendar day extension(s) usage period began on [insert date], and will end on [insert date]. The circumstances underlying the initial determination, and [when applicable, subsequent determination(s)], and the requirements for home-to-work transportation continue to exist as described below:

[Describe the circumstances requiring continued Government transportation]

3. The above-described circumstances constitute a(n) [choose one or more: (a) clear and present danger to the employee(s) or to Government property; (b) emergency; or (c) compelling operational consideration], within the meaning of FMR Part 102-5.

4. Use of Government vehicles by the above-listed employee(s) for home-to-work transportation will substantially increase the efficiency and economy of GSA under the circumstances described, and such use is not for the personal comfort or convenience of the employees(s).

5. This determination and approval shall be effective for a period not to exceed 90 consecutive calendar days, commencing on [insert date]. The time period may be extended for additional 90 calendar day periods, via a subsequent written determination by the Administrator if the same circumstances underlying this determination and approval continue in existence past the period specified.

(Insert name)
Administrator of General Services

Date