

Federal Property Management Regulations

§ 101-6.402

(d) *Employee* means a Federal officer or employee of a Federal agency and includes an officer or enlisted member of the Armed Forces.

(e) *Residence* means 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.

(f) *Place of employment* means 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.

(g) *Field work* means 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 passenger carrier for home-to-work transportation. (See § 101-6.405.)

(h) *Clear and present danger* means those 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—

(i) Real, not imaginative, and

(ii) Immediate or imminent, not merely potential; and

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

(i) *Emergency* means those 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, an essential Government service must be provided, and there is no other way to transport those employees.

(j) *Compelling operational considerations* means those 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 and death situations.

§ 101-6.402 Policy.

(a) Each Federal agency shall ensure that Government passenger carriers operated by its employees are used for official purposes only; i.e., to further the mission of the agency.

(b) Each Federal agency shall limit the use of Government passenger carriers between an employee's residence and his/her place of employment to:

(1) Those persons, including the President, the Vice-President, and other principal Federal officials and their designees, as provided in 31 U.S.C. 1344 (b)(1) through (b)(7); or

(2) Those persons engaged in field work as defined in § 101-6.401(g).

(c) Other than those uses provided for in § 101-6.402(b), a Federal agency shall only authorize the use of a Government passenger carrier for home-to-work transportation when there is:

(1) A clear and present danger;

(2) An emergency; or

(3) A compelling operational consideration.

(d) The comfort and convenience of an employee shall not be considered sufficient justification for an agency to

authorize home-to-work transportation under § 101-6.402 (b) or (c).

(e) Each Federal agency shall consider the location of the employee's residence prior to authorizing home-to-work transportation. Such transportation shall be authorized only within the usual commuting area for the locale of the employee's place of employment.

(f) An employee authorized home-to-work transportation may elect to share space in a Government passenger carrier with other individuals on a space available basis, provided that the passenger carrier does not travel additional distances as a result, and provided such sharing is consistent with his/her agency's policy. When an agency establishes its space sharing policy, it should consider the effects of its potential liability for and to those individuals. If an employee is authorized transportation between his/her residence and an official duty site, this privilege does not extend to his/her spouse, other relatives, or friends unless—

(1) It is consistent with the agency's policy,

(2) They are with the employee when he/she is picked up, and

(3) They are transported to the same place or event.

(g) The head of each Federal agency shall authorize the use of home-to-work transportation only to the extent that such transportation will substantially increase the efficiency and economy of the Government.

§ 101-6.403 Agency responsibilities.

(a) Each Federal agency shall maintain logs or other records necessary to establish that any home-to-work transportation was used for official purposes. The agency may determine the organizational level at which the logs should be maintained and kept. The logs or other records should be easily accessible for audit and should contain the following information:

(1) Name and title of employee (or other identification, if confidential) using the passenger carrier;

(2) Name and title of person authorizing use;

(3) Passenger carrier identification;

(4) Date;

(5) Location;

(6) Duration; and

(7) Circumstances requiring home-to-work transportation.

(b) The head of each Federal agency shall determine which employees are eligible to use home-to-work transportation in accordance with the definition of field work in § 101-6.401(g) and the guidance contained in § 101-6.405. Determinations must be in writing and must be accomplished as soon as practicable, but not later than 90 days from the effective date of the issuance of the regulations as a final rule. Determinations should be updated as necessary and must be recertified at least every 2 years thereafter. The authority to make determinations may not be delegated.

(c) When circumstances described in § 101-6.402(c) apply, the head of a Federal agency shall make a written determination, containing the following information: Name (or other identification, if confidential) and title of the employee; the reason for authorizing home-to-work transportation; and the anticipated duration of the authorization. The authority to make a determination may not be delegated. The determination should be completed before the employee is provided with home-to-work transportation. In some cases, an agency may wish to have certain employees ready to respond immediately when those circumstances arise without warning. To meet those events, the head of an agency may approve a contingency determination. Such a determination should include the names of authorized individuals or positions, the situation(s) upon which the provision of home-to-work transportation is contingent, and administrative controls. When it is used to provide an employee with home-to-work transportation, the contingency determination must be supplemented with the following information on the specific situation if it is not already part of the contingency determination: Name (or other identification, if confidential) and title of the employee; the reason that justified using the contingency determination; and the starting date and ending date (or anticipated ending date) of the authorization.