

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.

(1) Each determination and contingency determination must be submitted to Congress in accordance with procedures set forth in § 101-6.404. When a contingency determination is exercised, supplemental information on the specific situation, as outlined in paragraph (c) of this section, must also be provided to Congress. Such documentation must be easily available within the agency for audit. Additional guidance concerning determinations is contained in § 101-6.405.

(2) The initial duration of a determination shall not exceed 15 calendar days. Should the circumstances justifying home-to-work transportation continue, the head of a Federal agency may approve a subsequent determination of not more than 90 additional calendar days. If at the end of the subsequent determination, the underlying circumstances continue to exist, the head of the Federal agency may authorize an additional extension of 90 calendar days. This process may continue as long as required by the circumstances.

#### § 101-6.404 Reports.

Each initial determination and contingency determination, as well as supplemental information on each situation where a contingency determination is exercised, prepared under § 101-6.403(c) shall be submitted to Congress promptly, but not later than 60 calendar days after approval. An agency may consolidate any subsequent determinations into a single report and submit them quarterly. Determinations and reports shall be sent to:

Chairman, Committee on Governmental Affairs, United States Senate, suite SD-340, Dirksen Senate Office Building, Washington, DC 20510.

Chairman, Committee of Governmental Operations, United States House of Representatives, suite, 2157, Rayburn House Office Building, Washington, DC 20515.

#### § 101-6.405 Additional guidance.

(a) House of Representatives Report No. 99-451 99th Cong., 1st Sess. (1985) clearly indicates the intent of Congress to eliminate abuse of home-to-work transportation. The report notes, on p. 7, that:

The provision for "field work" is meant to cover an employee of [a Federal] agency whose job requires the employee's presence at various locations that are at a distance from [the employee's] place of employment \* \* \*. Examples of such employees include, but are not limited to, mine inspectors, meat inspectors, and certain other law enforcement officers, whose jobs require travel to several locations during the course of a workday. However, the field work exception may not be used (1) when the [employee's] workday begins at his or her official [G]overnment duty station, or (2) when the [employee] normally commutes to a fixed location, however far removed from his or her official duty station (for example, auditors or investigators assigned to a defense contractor plant). Although their daily work station is not located in a [G]overnment office, these [employees] are not performing "field work" \* \* \*. Like all [G]overnment employees, [employees] working in a "field office" are responsible for their own commuting costs.

The report also states in the same section that the legislation is intended to allow home-to-work transportation for medical officers on outpatient service. The guidelines contained in the report, as well as the *Congressional Record* (daily ed. October 10, 1986, pp. S 15865-15868), should provide an adequate basis for an agency to determine which of its employees may be authorized home-to-work transportation.

(b) Additional examples of employees who may perform field work include, but are not limited to, quality assurance inspectors, construction inspectors, customs inspectors, dairy inspectors, revenue officers, compliance investigators, and personnel background investigators. The assignment of an employee to such a position does not, of itself, entitle an employee to receive daily home-to-work transportation. When authorized, such transportation should be provided only on days when the employee actually performs field work, and then only to the extent that such transportation will substantially increase the efficiency and economy of the Government.

(c) Instances may occur when an employee, by the nature of his/her job, is designated as being authorized home-to-work transportation under the field work provision. However, circumstances may require that field work only be performed on an intermittent basis. In those instances, the