



POLICY STATEMENT

Policy Statement 5200

Policy Area: Financial Management

Effective Date: **May 29, 2013**

Approved: *Nancy M. Ware*

Nancy M. Ware, Director

EMPLOYEE TRANSIT SUBSIDY POLICY

I. COVERAGE

This Policy Statement applies to all Court Services and Offender Supervision Agency (CSOSA) employees. CSOSA employees include full-time, part-time, and temporary employees and interns paid directly from CSOSA funds. This policy also applies to non-paid student volunteers. This Policy does not apply to contractors, non-student volunteers, and individuals whose salaries are not paid by CSOSA or by the Pretrial Services Agency. This Policy Statement does not apply to the use of transit fare for local travel to conduct Agency business. See “Operational Instruction Employee Transit Subsidy” on the Agency’s intranet for implementation guidelines on this Policy Statement.

II. BACKGROUND

Executive Order 13150, Federal Workforce Transportation, dated April 21, 2000, requires Federal Agencies to offer qualified Federal employees a non-taxable transit subsidy in amounts approximately equal to the employee’s commuting costs, not to exceed the maximum allowable by law.

III. POLICY

CSOSA employees who meet eligibility requirements may participate in the CSOSA transit subsidy program to recover the approximate cost of commuting to and from work up to prescribed limits when using certain area bus, rail and vanpool commuter services such as Maryland Area Regional Commuter (MARC), Virginia Railway Express (VRE), Metrorail and Metrobus. Each CSOSA employee that participates in an eligible transit subsidy program must quarterly complete and sign the “CSOSA Transit Subsidy Request Form,” thereby certifying that he or she will personally use the benefit to subsidize his or her commute to and from work, and that his or her regular commuting mode and route is as specified on the form (“certification form”). The Agency transit benefit must only be used for employee commuting and cannot be used for personal or Agency travel.

Employees are required to receive their transit benefit by use of an employee-purchased, registered and owned SmarTrip card account. The maximum monthly benefit amount must not exceed the employee’s planned commuting costs or benefit limits outlined by law; that amount is specified in the Operational Instruction that implements this Policy Statement. At the end of each benefit month, unused Agency transit benefits will be forfeited by the employee and automatically returned to the Agency.

The Transit Subsidy Program Manager (TSPM) within CSOSA's Office of Financial Management (OFM) manages the Agency's transit subsidy program and coordinates the purchase and distribution of approved subsidy amounts to employees.

Participating CSOSA staff who abuse the privilege of participation in the transit subsidy program will be subject to disciplinary action, including but not limited to temporary suspension or permanent removal from the CSOSA transit subsidy program and/or criminal prosecution under 18 U.S.C. § 287 (False, fictitious or fraudulent claims) and 18 U.S.C. § 1001 (False claims and statements).

IV. AUTHORITIES, SUPERSEDURES, REFERENCES, AND ATTACHMENTS

A. Authorities.

Executive Order 13150 – Federal Workforce Transportation

Public Law, 105-178 (1998), Title IX; Section 9010 (as amended) (Transportation Equity Act for the 21st Century)

26 U.S.C. § 132 (f)2A

18 U.S.C . § 287

18 U.S.C. § 1001

5 U.S.C. § 3111

5 U.S.C. § 7905

B. Supersedures.

P.S. 5200 Transit Subsidy Policy, Dated May 11, 2010.

C. Procedural References.

Operational Instruction MA-2013-52-2, Employee Transit Subsidy.

D. Attachments.

Appendix A. Responsibilities

Appendix B. General Procedures

**APPENDIX A
RESPONSIBILITIES**

- A. The Director of the Agency is responsible for setting general policies governing the employee transit subsidy benefit program and for allocating adequate funding for the subsidy within projected budget restrictions.
- B. The Associate Director of OFM is responsible for general oversight of the employee transit subsidy program, including responsibility for ensuring adherence to all policies governing the audit review process.
- C. The OFM Associate Director is also responsible for the overall implementation of the employee subsidy program, to include developing and maintaining operational instructions for the administration and annual audit of the employee transit subsidy program.
- D. The OFM Associate Director is the financial operating plan manager for the Agency-wide employee transit subsidy benefit program budget.
- E. The Transit Subsidy Program Manager within OFM is responsible for the daily administration and oversight of the transit subsidy program to include card registration; transit subsidy verification, distribution and maintenance; and accurate recordkeeping.
- F. Supervisors of eligible transit subsidy employees are responsible for verification of each employee's CSOSA Transit Subsidy Request form. Supervisors certify, to the best of their knowledge, an employee's actual home address and work location, work schedule, transportation mode, and accuracy of the commute cost.
- G. The employee is responsible for submitting quarterly certification and for complying with the Employee Transit Subsidy Policy Statement and the related Employee Transit Subsidy Operational Instruction.
- H. Employees who commute to work on WMATA-participating modes of transportation that do not accept the SmarTrip card for direct payment of commuting services must create an account with a third-party vendor that will automatically allot monthly Agency transit benefits from the employee's SmarTrip account to the designated transportation provider for the purchase of the commuting fare. Examples of transportation providers that do not currently accept the SmarTrip card for direct payment of commuting services include: VRE, MARC, MTA commuter buses and vanpools.

**APPENDIX B
GENERAL PROCEDURES**

A. Employee Eligibility and Benefits

In addition to the eligibility criteria defined in the Employee Transit Subsidy Policy in Section III, the following criteria also applies:

1. Employees with assigned CSOSA parking spaces are typically not allowed to retain the space and participate in the transit subsidy program. Only one option is allowed in most circumstances. However, there are certain, limited circumstances in which employees with temporary or part-time use of Agency parking may participate in the transit subsidy program. Employees who receive both Agency parking and the transit benefit outside of the circumstances and thresholds below are not in compliance with this policy.
 - a. If an employee is granted a one-time temporary CSOSA parking space, (for example, a one day or one-week assignment for a specified purpose), the employee may participate in the transit subsidy program for that benefit month. The unused transit subsidy benefit received by the employee for the period of temporary Agency parking must be forfeited and returned to CSOSA at the end of the benefit month. Temporary parking assignments may not exceed 10 consecutive business days.
 - b. If an employee formally shares an assigned Agency parking space or only uses the space on certain business days, the employee may participate in the transit subsidy program. The employee's quarterly Transit Subsidy Certification must reflect the benefit reduction for those days for which Agency parking is provided.
2. Commuter parking and non-WMATA transit costs are not included in determining an employee's allowable commuting costs, except when using MARC, VRE, commuter buses, and any WMATA participating vanpool.
3. Employees must make every effort to use discounts provided by transit providers, including reduced-fare bus passes and weekly/monthly fares, when calculating transit costs.
4. Employees will receive the transit benefit as calculated either based on the employee's daily commute rate multiplied by the monthly commuting days or based on a fixed weekly/monthly commuting fee.
5. Employees participating in Alternate Work Schedule (AWS) will not receive the transit subsidy for days scheduled to be on AWS. Employees who switch to AWS from a regular schedule must submit a revised certification form to the CSOSA TSPM as soon as possible.

6. Employees with planned telecommuting workdays will not receive the transit subsidy for the days on which an employee works from home.
7. Employees will not receive the transit subsidy for days in planned all-day training, conferences and other business events located away from their work location unless eligible transportation is used by the employee for commuting to those locations on those work days.
8. CSOSA full-time, part-time and temporary employees, interns and non-paid student volunteers are eligible for the transit subsidy for those days actually worked, upon verification of their work schedules by their supervisor.
9. Contractors, non-student volunteers, or other individuals whose salaries are not paid by CSOSA are not eligible for the transit subsidy.
10. Employees must submit complete, properly prepared and approved quarterly certification forms to the TSPM in an electronic format within required timeframes.
11. Employees must immediately inform the TSPM, in writing, of any changes in their commute, work schedule or SmarTrip account that would affect their transit benefit.

B. Transit Benefit

1. Transit Subsidy Benefit Amount

The TSPM computes the benefit amounts based on quarterly certification forms submitted by employees. The method for determining the effective monthly distribution amount is calculated one of two ways. It is calculated either based on the employee's daily commute rate multiplied by the monthly commuting days or based on a fixed weekly/monthly commuting rate. The benefit is not provided for planned days of AWS leave, furlough, telecommuting, travel or leave. The benefit is also not provided for days in training or conferences away from the work location for which employees do not commute by an authorized transit provider. Employees with special circumstances (for example, the employee commutes several days by bicycle or the employee is a "stay-in-schooler" who only commutes three (3) days per week) must provide this information to the TSPM on their quarterly certification form. Reduction of the monthly distribution amount for AWS, telecommuting, training, conferences or other special circumstances is only applicable when these events cause commuting costs to drop below the Agency maximum subsidy amount.

2. SmarTrip Card Account

Employees are required to receive their approved monthly transit benefit by an electronic transfer to a SmarTrip card owned and registered to the employee. The CSOSA SmarTrip program allows the cardholder to receive his/her certified monthly transportation benefit by electronic transmission to the employee owned SmarTrip card account on or after the first

calendar day of the qualified benefit month. Employees who do not receive their benefit on their card account by the last calendar day of a benefit month forfeit the benefit for that month. Agency-provided transit benefits and the employee's personal funds are maintained separately on the card account.

The cost of purchasing the SmarTrip card and registering the card account with WMATA in the employee's name is the responsibility of the employee. When SmarTrip cards are lost, stolen or demagnetized it is the responsibility of the employee to work with WMATA to replace, register and transfer unused personal benefits to the new card account. The employee must contact the TSPM immediately to provide the new SmarTrip account registration information necessary for transferring the employee's next monthly benefit to the new card.

The employee is responsible for immediately alerting the TSPM in writing upon ending participation in the program, temporarily suspending his/her participation in the program for 20 concurrent calendar days or terminating employment, in accordance with CSOSA's employee's separation procedures.

When actual employee commuting costs for any benefit month are less than the Agency benefit amount provided, unused benefit amounts will be forfeited by the employee and automatically returned to the Agency. Any employee personal funds maintained on the card account are the property of the employee and will not revert back to the Agency.

C. Transit Subsidy Controls

1. The OFM Director is responsible for ensuring that an audit of the Agency transit benefit program takes place on an annual basis. The audit must ensure that the TSPM followed proper benefit purchase and distribution procedures for each benefit month. In addition, the audit must ensure, on a sample basis, that employees receiving the benefit are qualified to participate in the program and that the actual benefit received complied with the commuting costs contained in the quarterly certification form.
2. If a qualified employee does not convey (i.e., autoload) his/her Agency benefit to his/her SmarTrip card account for a qualified benefit month, both the employee and his/her supervisor will be notified in writing by the TSPM. The employee will be asked to re-certify and to provide an explanation, through his/her supervisor, as to why the benefit was not acquired the previous benefit month, and an answer as to whether he/she plans to continue participating in the Transit Subsidy Program. Employees must provide this information to the TSPM prior to receipt of the next month's transit benefit.
3. The TSPM is responsible for performing quarterly reviews to ensure that transit benefit participants do not also receive Agency parking privileges.