



# POLICY STATEMENT

Policy Statement 5205

Policy Area: Financial Management

Effective Date: **MAY 01 2012**

Approved: *Nancy M. Ware*

Nancy M. Ware, Director

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## EMPLOYEE USE OF PRIVATELY-OWNED VEHICLES

### I. COVERAGE

This Policy Statement applies to all employees of the Court Services and Offender Supervision Agency for the District of Columbia (hereinafter, “the Agency” or “CSOSA”) excluding the Pretrial Services Agency of the District of Columbia (PSA). CSOSA employees include full-time, part-time, and temporary employees and interns paid directly from CSOSA funds. This policy does not apply to contractors and individuals whose salaries are not paid by CSOSA.

### II. BACKGROUND

The Agency recognizes that there are times when employees require access to vehicles in order to perform their duties efficiently and effectively. In certain circumstances, the use of a privately-owned vehicle (POV) for official business may be more advantageous to the Agency than the use of other types of transportation. Use of a POV may be authorized to perform both Local Travel and Temporary Duty (TDY) Travel. TDY Travel is defined as authorized travel to a place at least 35 miles away, one way, from the residence from which the employee normally commutes to his or her official duty station. TDY travel can't be authorized for the location of an employee's official duty station, which for persons employed by CSOSA is the District of Columbia. Local Travel is all official travel within the District of Columbia and other neighboring jurisdictions that does not meet the TDY Travel distance thresholds. Examples of the use of a POV to perform official Agency business include performance of offender supervision duties in the field, visiting an Agency contractor site, and attending an offsite meeting, conference or training.

This Policy Statement provides guidance to employees on the use of POVs for official business. It addresses under what circumstances POVs may be used, what expenses will be paid by the government, and to what extent employees could be held personally liable for property damage and/or injury arising out of a vehicular accident involving POVs.

### III. POLICY

- A. A POV is defined as any vehicle (such as an automobile or motorcycle) operated by an employee that is not an Agency vehicle and is not commercially leased or rented by an employee for use in connection with official Agency business. Employees may use POVs for official Agency business when such use is advantageous to the Agency and authorized by their supervisor, in compliance with the procedures in this Policy Statement. In most cases, use of a POV will only be authorized when Agency vehicles are not available and when commercial transportation (e.g., bus, metro, common carrier) is not cost effective or efficient. Employee transportation methods must be advantageous to the Agency, when total cost and other factors, such as time, are considered.
- B. Employee use of Agency vehicles is addressed in Policy Statement (PS) 5401. Contractor use of POVs and Agency vehicles is covered under PS 5403. Employee TDY Travel is addressed in PS 5203.
- C. Employees are encouraged to review personal vehicle insurance limitations that may limit or restrict coverage or use of a POV for official Agency business purposes. Employees must properly safeguard all belongings (personal and Government) in their POV.
- D. While using an approved POV for official business, employees generally may not use the POV for activities that are outside the scope or specific travel routes and locations of the official Agency business to be conducted. Non-employees and employees who are also performing official business activities may be transported as passengers in a POV. To reduce the risk of liability, it is strongly recommended that only those persons who are on official Agency business be permitted to ride as passengers in POVs.
- E. The use of cell phones or other devices to email, text message or for internet browsing while driving a POV in performance of official Agency business is strictly prohibited. The use of cell phones for placing or receiving voice calls while driving a POV on official Agency business is generally prohibited based on applicable jurisdictions. However, employees with POVs and/or cell phones that have built in hands-free capabilities may use this feature for voice calls while driving. In all other cases, employees must pull over and stop driving to initiate or receive any voice call.
- F. Fines imposed on an employee for traffic offenses committed in a POV while conducting official Agency business are the responsibility of the employee. This includes parking violations.
- G. CSOSA will reimburse employees for properly authorized and allowable POV expenses incurred while performing official business in accordance with Federal law, rule or regulation. Employees must submit Local Travel POV reimbursement requests within 30 calendar days after returning to work status after incurring POV expenses. Reimbursement requests for POV costs incurred during TDY Travel must be submitted within five business

days after returning to work status following approved TDY Travel. CSOSA must reimburse employees for authorized expenses within 30 calendar days after receipt of a properly prepared and valid reimbursement request. According to 41 CFR 301-70.105, employees who use a POV instead of the authorized mode of travel may still be eligible for reimbursement of necessary travel costs up to the constructive cost of the authorized form of transportation, including travel expenses and travel time. Employees who knowingly and willfully attempt to defraud the Government through improper reimbursement requests may face criminal prosecution under 18 U.S.C. § 287 (False, fictitious or fraudulent claims) and 18 U.S.C. § 1001 (False claims and statements).

- H. Violation of this policy may result in administrative action, including temporary or permanent suspension from future use of POVs for official Agency business.

#### **IV. AUTHORITIES, SUPERSEDURES, REFERENCES, AND ATTACHMENTS**

##### A. Authorities

1. 31 U.S.C. § 3721 – Claims of Personnel of Agencies and the Military Personnel and Civilian Employees'
2. 41 C.F.R. Part 301, Temporary Travel Duty Allowances
3. Executive Order 13043 – Increasing Seat Belt Use in the United States
4. 50 D.C. Code § 50-1731.04, Restricted Use of Mobile Telephone and Other Electronic Devices

##### B. Supersedures

P.S. 5402 Use of Privately Owned Vehicles, Dated June 14, 2004

##### C. Procedural References

1. P.S. 1104, Employee Claims for Damages to or Loss of Personal Property Incident to Service, Dated January 21, 2005
2. P.S. 5203, Temporary Duty Travel Policy, Dated August 27, 2010
3. P.S. 5401, Use of Agency Vehicles

##### D. Attachments

Appendix A - General Procedures

Appendix B – Request to Use Privately-Owned Vehicle for Official Business (CSOSA-FAC-010)

Appendix C - Vehicle Accident Report: Privately-Owned Vehicle (CSOSA-FAC-011)

Appendix D – CSOSA Privately Owned Vehicle Daily Field Contacts (CSOSA-FAC-012).

## APPENDIX A GENERAL PROCEDURES

### A. Agency Approval

1. Employees should receive prior approval from their immediate supervisors for each use of their POV for official Agency business. Employees who fail to obtain prior approval risk denial of their request for reimbursement.
2. To obtain approval for use of a POV for TDY Travel employees must complete and receive an approved Travel Authorization as provided in PS 5203 "TDY" Travel.
3. To obtain approval for use of a POV for Local Travel, employees must complete a "Request to Use Privately-Owned Vehicle for Official Business" (Appendix B). The form must be completed and submitted to the immediate supervisor or designee for approval. Community Supervision Services staff must also complete and submit a Daily Field Contacts Form (Appendix D) with the Request for approval, when appropriate. In both cases, the form should be signed by the employee's immediate supervisor or designee prior to each use of the POV. The employee must retain a copy of the signed Form for their records.
4. A copy of the approved Request to Use Privately-Owned Vehicle for Official Business form must be submitted with each request for Local Travel mileage reimbursement. Requests for Local Travel mileage reimbursements will not be approved by the Office of Financial Management (OFM) without a copy of the approved form.
5. Supervisors will approve the use of a POV only when it is advantageous to the Agency to do so. In making such a determination, supervisors shall take into consideration the following factors: (1) the purpose of the trip; (2) whether the employee travel is necessary and prudent; (3) the availability of Agency vehicles and commercial transportation; (4) the total cost to the Agency to use a POV versus other types of transportation; (5) the estimated time to travel to the destination using a POV versus other types of transportation; and (6) any safety/medical concerns posed by the use of commercial transportation or a GOV. The personal convenience of the employee traveling may also be considered a factor only when there is no significant cost and/or time advantages associated with different transportation methods.
6. In no event will an employee be *required* to use his/her POV for work-related purposes or to transport a defendant or offender in his/her POV.

### B. When Use of a POV is Prohibited

It is within the supervisor's discretion to deny an employee's request to use a POV to conduct Agency business. In addition, an employee's request for use of a POV may be denied for previous violations of this policy. In such cases, the supervisor will determine the mode of

transportation that the employee will use on a case-by-case basis with full consideration for the safety of the employee.

C. Reimbursement for Use of a POV

1. Employees are reimbursed for use of their POV at a per mile rate determined and periodically updated by the General Services Administration (GSA). The GSA mileage rate represents the actual cost of transportation, and covers the cost of fuel and wear and tear to the vehicle. Current approved GSA mileage rates can be obtained from the CSOSA Intranet or GSA. GSA rates will be applied based on the actual date of POV usage, not the date of the employee's reimbursement request.
2. POV mileage reimbursement is computed by multiplying the actual distance traveled times the approved GSA rate for the date(s) traveled.
3. In certain circumstances, employees must reduce the amount requested for POV reimbursement by costs typically incurred commuting to/from their permanent duty station. For example, when an employee uses their POV to travel from their residence to a location other than his or her permanent duty station to attend all-day training or a meeting, that employee may be reimbursed all necessary and allowable travel costs incurred that day, minus their usual commuting expenses (e.g., usual mileage, parking, tolls or mass transit costs).
  - a. If the employee pays a fixed monthly amount for a carpool, vanpool, or parking then that portion of their usual commuting expense need not be deducted as there is no employee savings of usual commuting expense resulting from the travel.
4. The following expenses are not reimbursable: parking tickets, traffic tickets, charges for repairs, fuels, cleaning, insurance, depreciation, vehicle replacements, or towing.
5. Employees should use their Government Travel Card to purchase fuel for an authorized POV while on TDY Travel status. The Government Travel Card may not be used to purchase fuel for a POV while performing Local Travel.
6. To obtain reimbursement for TDY travel mileage, employees must complete and sign a Travel Voucher as provided in PS 5203 (TDY Travel).
7. To obtain reimbursement for local travel mileage, employees must complete and sign a "Local Reimbursement Form" (SF 1164) available on CSOSA's Intranet. The SF 1164 documents specific, actual mileage and other allowable and reimbursable expenses incurred while using the POV for official travel, such as parking fees and/or tolls. Employees must use lower-cost, street or self-service parking versus valet, when appropriate. Copies of receipts are required for reimbursement of parking and tolls; receipts are not required for POV mileage reimbursement.

When applicable, the SF 1164 reimbursement claim must either show the amount deducted for normal commuting expenses or the transit subsidy, or must state that the employee is claiming only those expenses incurred in addition to their usual commuting expenses.

8. The SF 1164 form or Travel Voucher must be approved and signed by the employee's immediate supervisor or their designee. The supervisor must review and approve the reimbursement request to confirm, to the best of his/her knowledge, that the employee:
  - a. Actually traveled and performed official Agency business on the dates attested;
  - b. Adjusted the reimbursement request to reflect normal commuting costs; and
  - c. Expenses claimed appear reasonable and substantiated.
9. Employees must submit the supervisor-approved SF 1164, Request for Use of Privately-Owned Vehicle form and receipts (if applicable) electronically to OFM for reimbursement within thirty (30) calendar days after returning to work status after incurring POV expenses. Properly approved TDY Travel Vouchers and receipts (if applicable) must be submitted electronically to OFM within five (5) business days after returning to work status after incurring POV expenses while on TDY travel.
10. The Agency will reimburse employees for proper expenses within 30 calendar days after the employee submits a proper reimbursement request to OFM in accordance with Federal law, rule, or regulation. A late payment fee, in addition to the amount due the employee, must be paid for any proper reimbursement request not reimbursed within 30 calendar days after submission to OFM. OFM must inform employees within seven (7) business days after receipt if a reimbursement request is not proper.
11. Employees who knowingly and willfully attempt to defraud the Government through improper POV reimbursement requests may face criminal prosecution under 18 U.S.C. § 287 (False, fictitious or fraudulent claims) and 18 U.S.C. § 1001 (False claims and statements). Improper reimbursement requests include:
  - a. Falsifying or concealing information relevant to the reimbursement claim;
  - b. Make materially false or fraudulent representations; or
  - c. Making or using any known false document.

#### D. Vehicle Insurance

1. Employees are advised that their personal automobile insurance is the primary mechanism for monetary restitution for damages arising from automobile accidents. Employees are advised to read and understand their automobile insurance policies and determine whether there are any restrictions that prevent the occasional use of their vehicle for conducting business on behalf of the Agency.

2. Pursuant to PS 1104. Employee Claims for Damages to or Loss of Personal Property Incident to Service, the Agency may reimburse employees for the insurance deductible in case of vehicle damage, but will not provide reimbursement for any increase in insurance premiums or other incidental expenses. In the event that it is determined that the employee was not on official business or the damage was not incident to service, the Agency will not be responsible for any damage-related costs.
3. Employees must properly safeguard all belongings (personal and government-owned) in their POV.

#### E. Passengers

To reduce the risk of liability, it is strongly recommended that only those persons who are conducting official Agency business be permitted to ride as passengers in POVs being used for Agency business.

#### F. Use of POV for Personal Business

Employees may not perform personal tasks or errands while using a POV for Agency business even if the locations are on the direct route required to perform official business unless the employee is on pre-approved leave for the period they will be performing personal tasks. However, it is within the scope of official Agency business to stop to use a restroom or obtain fuel or other immediate service needs of the vehicle. In addition, employees may use their POV to stop for a meal if the location of the meal site is within an efficient route (e.g., traffic, construction) of the locations of the official Agency business and stopping for a meal at that time would be considered appropriate and reasonable.

#### G. Accident Procedures

1. Any employee who has an accident in a POV while on official Agency business must:
  - Immediately notify the police and employee's supervisor to report the accident;
  - Notify your insurance company;
  - Do not admit fault or liability to the other party or to a police officer, if present.
  - Be courteous and answer questions from authorized law enforcement officers to the extent necessary for reporting purposes;
  - Call the OGC immediately or as soon as possible following the accident;
  - Collect all pertinent information about the other party for your records: name, address, telephone number, driver's license number, license plate number, insurance information and the police report number;
  - Complete a CSOSA Privately-Owned Vehicle Accident Report (Appendix C) within one business day of the accident and return such report to his/her supervisor. The report shall be used in the event the employee submits a claim for property damage or loss, or the other party submits a claim for damage or injury against the Agency. If the driver is

- medically unable to provide information to complete the report, the supervisor will complete it with available information and submit it timely, and
- Obtain a copy of the police report when it becomes available.
2. Supervisors must sign and forward the original CSOSA Privately Owned Vehicle Accident Report to the OGC and maintain a copy for the employee's file.
  3. In the event the employee submits a claim for damages or injury, the employee must submit a copy of the CSOSA Privately Owned Vehicle Accident Report and the police report to OFM. If an employee is injured while operating a POV to conduct Agency business, he or she may file a claim with the Office of Workers Compensation Programs. The immediate supervisor must assist the employee with the injury claim. Guidance is available from the Office of Human Resources.



**Court Services and Offender Supervision Agency  
for the District of Columbia**

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**APPENDIX B**

**REQUEST TO USE PRIVATELY-OWNED  
VEHICLE FOR OFFICIAL BUSINESS**

Name: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Purpose: Conducting official agency business relating to defendant or offender supervision including but not limited to: field visits; home and job verifications; and transporting defendants or offenders.

Other Purpose,

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Passengers (if any): \_\_\_\_\_

I hereby certify that I will be using my privately-owned vehicle for official government business strictly for the above-stated purpose(s). I further certify that I have read the Agency's policy on the use of privately-owned vehicles. I understand that I will be liable for any injury or loss resulting from activities which are outside the scope of my employment.

SIGNATURE: \_\_\_\_\_  
Employee

APPROVED: \_\_\_\_\_  
Supervisor



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**APPENDIX C  
CSOSA  
Privately-Owned Vehicles  
VEHICLE ACCIDENT REPORT**

Name: \_\_\_\_\_

Date of Accident: \_\_\_\_\_ Time of Accident: \_\_\_\_\_

Location of Accident: \_\_\_\_\_

Purpose of Travel: \_\_\_\_\_

Passengers in POV: \_\_\_\_\_

Provide the following information:

	Employee Driver:	Driver of Other Vehicle:
Insurance Policy #	_____	_____
Driver's License # & State	_____	_____
<u>Other Information</u>	_____	_____

Facts and Circumstances of Accident:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Citations issued to Employee: \_\_\_\_\_ Policy Report# \_\_\_\_\_

Citations issued to Other Driver(s): \_\_\_\_\_

I hereby certify that the foregoing statement is true and accurate.

SIGNATURE: \_\_\_\_\_  
Employee Date

RECEIVED BY: \_\_\_\_\_  
Supervisor Date

