

Exceptions to the Policy on Transportation between Domicile and Place of Employment

1. This paper reiterates policy regarding the use of DOD/Government motor vehicles based on applicable legal and regulatory requirements. As a general rule, DOD/Government motor vehicles shall be used for official purposes only. Except as specifically provided therein, 31 U.S.C. 1344 prohibits the use of an official vehicle for transport from an individual's domicile to place of employment. This is commonly known as domicile-to-duty (D-T-D).

2. Certain exceptions are provided by 31 U.S.C. 1344 including: individuals occupying specific positions; when highly unusual circumstances make D-T-D necessary; and for persons involved in field work; persons involved in intelligence/counterintelligence, protective services, and/or criminal law enforcement duties under certain circumstances. Each of these situations is summarized below. D-T-D transportation for any of these individuals is considered an employer-provided fringe benefit and taxable income under current Law and Regulations (26 U.S.C. 61 and 132). In considering D-T-D the comfort and convenience of an official shall not be considered justification for approval and D-T-D transportation shall only be authorized within the usual commuting area for the locale of the official's place of employment.

a. Individuals filling specific positions. D-T-D transportation is authorized on an exception basis for individuals filling specific positions. For the Military Departments, these positions are listed in DODD 4500.36-R, Management, Acquisition and Use of Motor Vehicles, March 1994, Appendix 1. A person in an "acting" capacity in any of these positions is not authorized domicile-to-duty transportation.

b. Highly unusual circumstances. Under 31 U.S.C. 1344, the Secretary of Defense and Secretaries of the Military Departments may authorize, in writing, on a non delegable basis, D-T-D transportation for other personnel: under conditions that are considered essential in response to highly unusual circumstances that present a clear and present danger, and public or private transportation cannot be used; emergency circumstances exist; other compelling operational considerations make such transportation essential to the conduct of business; it is considered essential for the safe and effective performance of intelligence, counterintelligence, protective services and criminal law enforcement duties.

c. Field Work:

(1) D-T-D transportation may be granted to employees whose jobs require their presence at various locations that are a significant distance from their place of employment or at a remote site that is accessible only by Government provided transportation. This authorization does not apply to anyone whose workday begins at an official duty station, or to anyone who normally commutes to a fixed location, however distant from the official duty station.

(2) The designation of a work site as a "field office" does not, of itself, permit the use of a Government vehicle for D-T-D transportation.

(3) Positions authorized for fieldwork will be approved, in writing, on a nondelegable basis by the Secretary of the Army, and this authority may not be delegated. Once granted, such determinations may cover periods of up to two years from the date of approval and must be recertified biannually.

(4) Examples of “field work” include:

(a) Medical officers performing outpatient medical services away from a hospital.

(b) Military recruiters who proceed directly from their domiciles to conduct official recruiting matters, when it is determined to be infeasible or impractical for the recruiter to first proceed to an office location where the government vehicle is normally garaged.

(c) Quality assurance representatives, auditors, subsistence procurement agents, and inspectors who perform field work involving itinerant travel.

(5) The field work determination should contain sufficient information such as the position, title, number of employees and general justification that includes description of duties to satisfy an audit if necessary.

(6) The assignment of an individual to such a position does not, of itself, entitle that individual to receive daily D-T-D transportation. When authorized, such transportation should be provided only on days when the individual actually performs field work.

d. Intelligence/law enforcement work. Agencies involved in intelligence/counterintelligence, protective services, and/or criminal law enforcement duties may submit request for D-T-D transportation when it is deemed essential for the safe and efficient performance of those missions. Approval authority for Army is the Secretary of the Army. This authority may not be delegated. Once granted, such authorizations must be re-certified biannually.

e. Authorization. The Secretary of the Army may authorize an initial period of 15 consecutive days D-T-D transportation. Should the circumstances continue, the Secretary of the Army may approve a subsequent determination of not more than 90 additional consecutive days. If at the end of the subsequent determination, and the circumstances continue to exist, the Secretary of the Army may authorize an additional extension of 90 consecutive days. This process may continue as long as required by the circumstances. In such cases, by name lists will be provided to Congress. All request to commence or continue D-T-D transportation will be submitted in writing through HQ, USACE, ATTN: CELD-T to HQDA, ATTN: DALO-STP, 500 Army Pentagon, Washington, DC 20310-0500.

3. Special provisions for personnel in TDY status. AR 58-1, Management, Acquisition and Use of Motor Vehicles, 28 January 2000, par 4-3.e, addresses personnel in TDY status. Commanders who have personnel on TDY orders authorized to travel by government owned/or controlled vehicles to/from temporary duty location may authorize overnight retention of a Government vehicle at their residence under certain circumstances. Overnight retention and next day departure from an individual’s residence may be authorized where it has been determined that it is more cost

effective to the Government to provide an employee a vehicle from home to work. The basic consideration will be that the employee would have to travel a long distance to pick up the vehicle and then turn around and drive back in the same direction to proceed to the temporary duty site (See 25 Comp Gen. 844 (1946); Op.Comp. Gen B-210555.18(1987). ER56-2-1, Surface Transportation, Administrative Vehicles Management – Civil Works, 15 January 1999 will be amended to incorporate this guidance.

4. In accordance with 10 U.S.C. 2637, the Secretary of Defense has given overseas Unified Combat Commanders authority to provide transportation in areas outside the United States, including D-T-D transportation, where it is determined by the Unified Combat Commander that public or private transportation is unsafe or unavailable (e.g., terrorist activity, strikes, natural disasters). The initial transportation authorization will not exceed 90 days. If the conditions for the transportation authorization persist, the Unified Commander may extend the authorization for vehicle use for an additional specific time period not to exceed 90 days per authorization. All approvals and the reason for such authorization shall be in writing. The approving commander shall ensure that records are maintained on the transportation provided under this authority.