

## Vehicle Use

2/24/2010

### Government-Owned Vehicles

Government-Owned Vehicles (GOV) are to be used only for official business as defined by the Federal Travel Regulations (301-2.6).

Government vehicles are provided to NRCS employees to assist in carrying out official duties as government employees. Official duties or purpose include those functions that further the mission of NRCS. Official business is to be determined by the State Conservationist.

Current NRCS policy states that spouses or family members may not ride in a government vehicle while it is being used for official business by an employee. Exceptions would include a family member who is officially signed up and acting in an official Earth Team Volunteer capacity. For example, a family member accompanying a NRCS employee to a meeting may ride in a government vehicle only if the family member is officially signed up as an Earth Team Volunteer **and** will be volunteering in an official Earth Team Volunteer capacity at the meeting currently attending. The fact that the family member is driving the government vehicle and chauffeuring the employee to the meeting is not considered as volunteering in an official Earth Team Volunteer capacity. Earth Team Volunteers are considered Federal personnel. Non-Federal individuals should not be transported in U.S. government vehicles unless for official purposes **and** prior written approval has been obtained from the State Conservationist. Transporting of producers around their operations in a government vehicle while conducting official business does not require written approval. Transporting conservation district employees and directors in a government vehicle while conducting official business does not require written approval.

Personal items not related to carrying out of the employee's official duties should not be transported in a Government vehicle. Employees should not use government vehicles to conduct personal business or to run personal errands.

Government vehicles are not to be used for transporting employees between their residence and their official duty station, except in cases of employees engaged in field work, the nature of whose duties make such transportation necessary, and then only when authorized in accordance with Department Regulation 5400-5.

The Department Regulation covers situations where employee's work requires the employee's presence at various locations (4) (d). The policy states, in part, "The field work exception may not be used (1) when the employee's workday begins at his or her official Government duty station, or (2) when the employee normally commutes to a fixed location no matter how far removed from his or her official duty station." Requests for home to work authorization must be completed utilizing Form AD-728. Only the State Conservationist has delegated authority to approve occasional home to work use of a Government-owned vehicle. The following examples are provided to clarify official use of Government vehicles.

Example 1: An employee lives in Conservation City, and their official duty station is Red River. The employee provides assistance to the Conservation City Conservation District one day a week and would like to park the government vehicle at the Conservation City Conservation District Office and use it to commute to Red River. This is not permissible because Red River is the official duty station.

Example 2: An employee lives in Conservation City, and their official duty station is Red River. The employee provides assistance to the Conservation City Conservation District four days a week, reporting to the conservation district to start the work day, and desires to have the government vehicle parked at the Conservation City Conservation District Office. This is permissible if the written request is made through

supervisory channels to the State Conservationist. The employee would be required to drive their privately owned vehicle to the official duty station on the morning they work at the official duty station, and would be expected to report to the official duty station at the start of their official tour of duty.

Example 3: A Technical Service Office employee lives a great distance from their official duty station. The employee is temporarily assigned to an EWP project that is closer to his/her residence than to the official duty station. The employee would have to drive the long distance to the duty station, pick up the government vehicle and drive back towards or beyond his/her residence to perform his/her job and due to the nature of the employee's job he/she can report directly to the temporary duty location to begin the tour of duty. In these situations, if practical, Government vehicles may be temporarily based at a Government facility located near the employee's temporary job site or at the employee's home. Employees that fall in this category should complete an AD-728 through supervisory channels with final approval by the State Conservationist. This approval will be for a period no longer than six months.

Government vehicles are to be parked overnight at the employee's official duty station, unless the employee is in official travel status, or has received specific approval for temporary storage or basing of the vehicle from the State Conservationist. Exceptions to this policy will be rare and must demonstrate a true benefit to the agency.

All requests shall be made through supervisory channels for alternative vehicle basing. Form AD-728 will be used for temporary or occasional storage of a vehicle at a location other than the employee's official duty station. Form AD-728 is for a specific time period not to exceed 15 days (31 U.S.C. 1344).

While in official travel status, employee may use a government vehicle for official purposes, which include transportation:

- a. Between places of official business,
- b. Between places of official business and temporary lodging when public transportation is unavailable or its use is impractical, or
- c. Between places of official business or temporary lodging and restaurants, drugstores, barber shops, places of worship, cleaning establishments, and similar places necessary for sustenance, comfort, or health of the employee to foster the continued efficient performance of Government business.

Employees shall exercise discretion to avoid, whenever possible, any situation which may tend to convey an impression to the public that the Government vehicle is being used for anything other than official purposes.

If an employee is involved in an accident while using a GOV, the employee would be covered during such official travel when performing duties within the scope of his or her employment. The Government is self-insured. When an employee is traveling on official business and performing duties within the scope of his or her employment, liability would not fall on the employee, but upon the Government. Any claim arising from this situation would be handled under Federal Tort Claims Act procedures.

### **Privately-Owned Vehicles**

Under federal travel regulations, an employee may use a personal vehicle at the government advantage rate for official travel if authorized by his or her agency. Usually this is a case where a government owned vehicle is unavailable for use on official travel. The current government advantage rate for reimbursement for use of a personal vehicle is limited to 48.5 cents per mile.

If an agency authorizes travel such as airplane or GOV, and an employee chooses to drive his or her own vehicle, it is considered personal preference and reimbursement is limited to 12.5 cents per mile.

If an employee is involved in an accident while using his or her POV when on official business performing duties within the scope of his or her employment, the Government may be responsible for any tort liability (but not damage to the employee's personal vehicle since the mileage reimbursement by the Government for use of POV includes costs for the employee's insurance to cover such occurrences). If an accident occurs during personal travel after work hours or on the weekend, the employee—not the Government—would be responsible for any tort liability.

### **Commercially-Leased Vehicles**

Travelers can use a commercially leased vehicle at government expense only if the agency determines that use of the rental vehicle is advantageous to the government. The use of a rental vehicle must be requested on the Travel Information Sheet attached to the employee's OK-FNM-1 Meeting Attendance Request and must be accompanied by a written justification of need for a rental vehicle. Use of a rental vehicle must be specifically pre-authorized by the appropriate State Leadership Team member. Travelers should return cars with a full tank to the rental company. A prudent traveler would not expect the government to pay to fill the tank at \$6 a gallon by the car rental company.

Employees should not take/pay the collision damage waiver (CDW) or theft insurance when renting a vehicle for official government business. Employees will not be reimbursed for CDW or theft insurance for travel within CONUS for the following reasons: (1) The Government is a self-insurer. (2) Rental vehicles available under agreement(s) with the Government include full coverage insurance for damages resulting from an accident while performing official travel. Personal accident insurance is considered a personal expense and is not reimbursable.

When an employee is traveling on official business and performing duties within the scope of his or her employment, liability would not fall on the employee, but may fall upon the Government. Any claim arising from this situation would be handled under Federal Tort Claims Act procedures.

When an employee mixes official and personal travel, the situation is more complicated. In these cases, liability arising from claims related to the official travel duties and responsibilities may rest upon the Government. The employee would be responsible for any liability arising from claims related to his or her personal travel.

If the traveler obtains a short-term leased vehicle from a commercial vendor and the traveler is involved in an accident, the Government may be responsible for any tort liability for the claim ONLY if the traveler was on official business performing his or her duties. However, if a traveler uses the commercially-leased vehicle for strictly personal use after-hours or on the weekend, the employee—not the Government—would be responsible for any tort liability for any claim that may arise from an accident with the vehicle. For example, a traveler attending a week long conference rents a car but stays until Sunday. After the employee's temporary duty ends on Friday, the rental car becomes both an expense and responsibility of the employee and not of the Government. The employee would be personally liable for additional costs or accidents occurring on the weekend.

Under Federal Travel Regulations (FTR), it is permissible for an employee to use short-term commercial-leased vehicles for personal use. If an employee does so, however, he or she must deduct any increased costs for the rental from his or her reimbursement claim (extra daily charge, extra mileage charge, etc., if applicable).

To be in compliance with the FTR, NRCS travelers should use the government issued travel card to pay for the rental vehicle when the vehicle is needed to conduct official business. To be in compliance with Department of Agriculture Travel Regulations, NRCS employees should make all

travel arrangements through Fed Traveler. Any additional costs incurred for personal use of a rental vehicle should be charged to the employee's personal credit card.

Because of the potential for personal liability in such rentals, the Office of the Inspector General (OIG) suggests an employee not use a commercially obtained vehicle for mixing official business and personal use. However, if an employee does plan to use such a vehicle for personal use, OIG recommends that the individual obtain additional insurance to cover his or her personal liability in case of an accident. The Government will not reimburse the employee for this insurance cost. Another option could be that the employee return the vehicle rented for official business and obtain another one for personal use.

#### **Use of NRCS Government-Owned Vehicles by Other Agencies**

NRCS has reimbursable agreements in place to allow the use of NRCS government vehicles by RD, FSA, and ITS employees when not scheduled for use by NRCS. All three (3) agencies require documentation when billed.

Please have RD, FSA, and ITS employees document use of NRCS vehicles by completing a trip ticket for each use. NRCS employees should verify that the trip tickets are filled out completely before mailing by the 24th of each month to Jody Townsley, Financial Management, State Office.