



# Operating Procedure

<b>Effective Date</b> November 1, 2018	<b>Number</b> 323.2
<b>Amended</b>	<b>Operating Level</b> Department
<b>Supersedes</b> Operating Procedure 323.2 (8/1/15)	
<b>Authority</b> COV §2.2-120, §2.2-121, §2.2-1173 through 1180 Executive Order 89 (2005), §53.1-10, §53.1-25	
<b>Subject</b> <b>COMMUTING IN A STATE VEHICLE</b>	
<b>ACA/PREA Standards</b> None	
<b>Incarcerated Offender Access</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<b>Office of Primary Responsibility</b> General Services Unit Manager
<b>Public Access</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <b>Attachments</b> Yes <input checked="" type="checkbox"/> #2 No <input type="checkbox"/>	

## I. PURPOSE

This operating procedure provides guidance for the proper use and reporting of Department of Corrections employees operating state vehicles between their residence and their official work station.

## II. COMPLIANCE

This operating procedure applies to all units operated by the Department of Corrections (DOC). Practices and procedures must comply with applicable State and Federal laws and regulations, ACA standards, PREA standards, and DOC directives and operating procedures.

## III. DEFINITIONS

**220 Work Day Year** - The maximum possible number of commuting days in the year; this is derived by subtracting all weekends, all state holidays, two weeks sick leave, and two weeks annual leave from 365 days

**Base Point** - Designated place, office, or building where the employee performs their duties on a routine basis (Central Workplace for teleworkers); multiple base points are not allowed.

**Commuting** - Use of a state-owned or leased passenger-type vehicle by an employee for travel between home or parking location and base point, while not in travel status.

**Office of Fleet Management Services** - The agency authorized by law to purchase passenger-type vehicles from which State agencies lease vehicles as needed on a long-term or short-term (trip) basis

**Official State Business in Relation to Commuting** - When an operator, while driving a State vehicle, makes necessary business stops directly related to the employee's duties in the travel between home and official work station (in either direction)

**Organizational Unit Head** - The person occupying the highest position in a DOC unit, such as a correctional facility, regional office, probation and parole office, Virginia Correctional Enterprises (VCE), Academy for Staff Development, Corrections Construction Unit, Agribusiness Unit, and individual headquarters unit (i.e. Human Resources, Offender Management, Internal Audit)

**Parking Location** - The designated place where an individually assigned state vehicle is to be routinely parked when not in use; the parking location may be the employee's base point or other location as determined by the supervisor.

**State Vehicle** - Any motor vehicle owned by any State agency or leased from the Office of Fleet Management Services or a commercial leasing company by a state agency

**Use** - The purpose for which a vehicle is driven, such as transport of persons in custody, internal investigations, trips to the post office, training, meetings, on-site purposes at the facility, etc.

## IV. PROCEDURE

### A. Individual Assignment and Use of a State Vehicle

1. The purchase, assignment, use, and maintenance of state vehicles are to be determined solely according to whether it will promote safety, efficiency, and economy in state government.

2. The DOC may assign a state vehicle to an individual employee when such assignment is beneficial to the DOC due to the employee's job duties requiring frequent travel or access to specialized equipment to be used at multiple locations.
3. Individual employee assignment of a state vehicle and parking location will be documented and approved on an [Assignment of State Vehicle and Parking Location](#) 323\_F3. The vehicle assignment and parking location must be reviewed at least annually and within 30 days of a change in the employee's work duties.
4. The individual employee to whom a state vehicle is assigned shall be responsible to ensure the maintenance and care of the vehicle is provided in accordance with the [Office of Fleet Management Services Policies and Procedures Manual](#) and Operating Procedure 323.1, *Vehicle Operations and Maintenance*.
5. When it does not interfere with the individual employee's duties, the assigned vehicle should be made available to other DOC employees as needed to conduct DOC business.

#### B. Authorization to Commute in a State Vehicle

1. In accordance with [COV](#) §§2.2-1178, 2.2-1179 and Executive Order 89 (2005), the Director has authorized specific positions as eligible to commute in a state vehicle (see *DOC Authorized Commuter List*, Attachment 1).
2. No other employee will be allowed to use a state vehicle to drive between their base point and their residence or parking location other than while in travel status in accordance with Operating Procedure 240.1, *Travel*.
3. DOC employees who are assigned to be on-call to respond to public safety critical incidents based on a rotating schedule are authorized to commute in a state vehicle under the following conditions.
  - a. "On-call to respond to public safety critical incidents based on a rotating schedule" refers to assignments such as institutional buildings and grounds staff on-call for response to maintenance emergencies and P&P Officers on-call for response to electronic monitoring failures for offenders under community supervision. It does not apply to DOC staff serving as Duty Officers.
  - b. The employee may use a state vehicle and be considered in commute status. If the employee on-call is not required to respond to an emergency and drives the vehicle from home to their worksite, the employee will be required to pay the daily commute fee consistent with OFMS procedures.
  - c. If the employee elects not to use a state vehicle, they may be reimbursed for round trip mileage in their personal vehicle from home to their worksite or other emergency location.
4. Persons under a Court-ordered driving restriction shall not operate a state vehicle licensed for highway use.
  - a. Persons under a Court-ordered driving restriction shall not be reimbursed for mileage in their personal vehicle.
  - b. For purposes of operating state vehicles and mileage reimbursement, Court-ordered driving restriction means such as imposed for conviction of [COV](#) §18.2-266, *Driving motor vehicle, engine, etc., while intoxicated, etc.* or equivalent restrictions imposed by other states.

#### C. Authorized Use of State Vehicle While Commuting

1. Personal use of a state vehicle shall be strictly limited to transportation between base point and home in either direction.
2. Despite reimbursement to the Commonwealth for this limited and specific personal use, no other personal use is authorized.
3. No passengers with or without commuting privileges may ride in the vehicle with the authorized operator while commuting between base point and home.

#### D. Reimbursement to State and Reporting Requirements

1. Costs associated with the use of state vehicles for commuting shall be recovered from employees except for specific employees with designated law enforcement duties. (see *Authorized Commuter List*, Attachment 1)
  2. Any other DOC employee commuting in a state vehicle must reimburse the State through semimonthly payroll deduction for all commuting mileage at a rate established by the Commonwealth.
  3. All employees authorized to commute in a state vehicle must complete and file an approved [Commuting, Payroll Deduction Authorization GS-2 323\\_F2](#) with the DOC General Services Unit (GSU) upon eligibility to commute or change in location. In completing this form:
    - a. An employee commuting on a routine basis may elect to take the maximum number of trips/deduction which would reflect 220 days of commute per year (440 one way trips) and result in a fixed fee and no submission of daily logs.
    - b. An employee who is uncertain of their total number of trips for the year may opt to indicate an estimated number of trips in each direction and turn in daily logs to verify the estimates.
    - c. An authorized employee who does not anticipate any commutes for the year may file a [Commuting, Payroll Deduction Authorization GS-2 323\\_F2](#) indicating zero commutes and if there are subsequent commutes, submit a daily log in the months which they occur.
  4. Individual fee determination will be performed in the GSU upon receipt of a [Commuting, Payroll Deduction Authorization GS-2 323\\_F2](#) from the commuter.
  5. The [Commuting Daily Log - GS-1 323\\_F1](#) must be submitted:
    - a. By an approved employee who proposed an estimated number of trips, for every month, regardless of whether or not a commute was made in that month
    - b. By an employee who proposed zero commuting trips for the year, only in the months in which a commute occurs
    - c. Unless the specific employee is exempt from commuting fees based on designated law enforcement duties (see *DOC Authorized Commuter List*, Attachment 1)
  6. Although the DOC encourages all commuting personnel to maintain a commuting log for IRS purposes, the submission of a commuting log is not required when the operator has submitted a signed *Commuting, Payroll Deduction Authorization* authorizing the maximum fixed deduction for 220 days of commute per year between home and official work station.
  7. All commuting accounts will be closed out at the end of each fiscal year.
    - a. If it is determined that the actual payroll deduction was too much based on actual commuting trips reported on daily logs, the DOC will reimburse the employee for the overage.
    - b. If it is determined that the payroll deduction was too little, the employee will reimburse the DOC via personal check within ten working days of being notified to do so.
    - c. Amounts less than one dollar will not be collected or reimbursed
- E. Determining Base Point, Parking Location, and Travel/Commuting Status
1. For individual DOC employees that are assigned a state vehicle, the Base Point, Parking Location, and Commuting eligibility will be determined by the employee's Unit Head and the employee subject to review by the Unit Head's Supervisor, the DOC Fleet Manager, and audit authorities.
    - a. Such determinations shall be in accordance with the Code of Virginia, the Office of Fleet Management Services Policies and Procedures Manual, the Commonwealth Accounting Policies and Procedures (CAPP) Manual, this operating procedure, and any other relevant procedures.
    - b. All such determinations shall be made to the benefit of the DOC. Employee convenience and preference can be considered only to the extent that it does not add cost to DOC operations.
    - c. These determinations shall be documented on an [Assignment of State Vehicle and Parking Location 323\\_F3](#)
  2. The Base Point is the designated place, office, or building where the employee performs his/her duties

- on a routine basis (Central Workplace for teleworkers); multiple base points are not allowed.
- a. Generally, the Base Point will be the headquarters, regional office, facility, or probation and parole office/sub-office to which the employee is assigned.
  - b. Only employees who work totally from their home and state vehicle may have their home designated as their Base Point.
3. The Parking Location is the designated place where an individually assigned state vehicle is to be routinely parked when not in use
- a. The Parking Location will generally be the same as the Base Point unless the employee is eligible to commute.
  - b. Other Parking Locations may be designated when the alternate location is to the benefit of the DOC. Example: A P&P Officer lives and works primarily in a remote county that is a significant distance from the P&P Office that serves the county; parking the state vehicle in the remote county saves the DOC in staff time and vehicle mileage to provide services to the county.
  - c. Parking Locations should be chosen for the safe and secure storage of the vehicle. Preferred Parking Locations are DOC units, County Courthouses, and police or sheriff's offices. State vehicles shall not be parked on residential streets or highways without approval of the State Fleet Administrator.
  - d. Travel directly between the Parking Location and the Base Point is considered a commute. The state vehicle cannot be used for this purpose unless the employee is approved to commute.
    - i. Stopping at other locations in the trip between the Parking Location and the Base Point to conduct legitimate DOC business constitutes travel and not a commute.
    - ii. Incidental stops not directly related to the employee's work duties may not be planned for the sole purpose of justifying travel between the Parking Location and Base Point.
4. The Director has authorized specific positions as eligible to commute in a state vehicle (see *Authorized Commuter List*, Attachment 1), but determining whether a specific trip is a commute can be complicated.
- a. The following situations do not constitute commuting and thus are not required to be reported by any person driving a state vehicle:
    - i. Living on State Property - An employee who lives on contiguous state property or nearby state property that is less than one-half mile from the employee's official work station
    - ii. Temporary Duty Assignments - An employee who temporarily assumes the duties of a position approved to commute and the employee is not permanently relocated.
    - iii. Travel Status - An employee who plans to leave from their residence and go directly to a DOC facility, office, or business appointment before going to the base point; or, for an employee who returns from a business trip, official visit to another DOC facility, office or business appointment after the close of the business day and goes directly home for the night before reporting the following morning to the base point.
  - b. Travel directly between the Parking Location and the Base Point is considered a commute. The state vehicle cannot be used for this purpose unless the employee is approved to commute and reports the trip as a commute.
5. Rotating Duty
- a. Employees serving on a rotating duty schedule are not eligible to commute in a state vehicle during their duty period if they are not otherwise eligible.
  - b. Employees that are required to make extra trips to the base point outside their work schedule (including adjustments) may be paid mileage for their personal vehicle in accordance with Operating Procedure 240.1, *Travel*.
  - c. Employees who are assigned a state vehicle for their regular duties will not be charged commute fees for such extra trips to the base point.
6. *Examples of Parking Location and Commuting Status Determinations* (see Attachment 2) are provided

as interpretive guidance. Questions on application of this operating procedure should be resolved between the employee and Organizational Unit Head with guidance from the DOC Fleet Manager and Deputy Director of Administration as needed.

F. Reports and Forms

1. All reports and forms must be submitted to the General Services Unit, P. O. Box 26963, Richmond, VA 23261-6963.
2. Assistance can be obtained by calling (804) 887-8095.

V. REFERENCES

Commonwealth Accounting Policies and Procedures (CAPP) Manual

[Office of Fleet Management Services Policies and Procedures Manual](#)

Operating Procedure 240.1, *Travel*

Operating Procedure 323.1, *Vehicle Operations and Maintenance*

VI. FORM CITATIONS

[Commuting Daily Log - GS-1](#) 323\_F1

[Commuting, Payroll Deduction Authorization GS-2](#) 323\_F2

[Assignment of State Vehicle and Parking Location](#) 323\_F3

VII. REVIEW DATE

The office of primary responsibility shall review this operating procedure annually and re-write it no later than three years after the effective date.

*Signature Copy on File*

**9/17/18**

N.H. Scott, Deputy Director for Administration

Date