

**U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT**  
**ICE Policy System**

<b>DISTRIBUTION:</b>	<b>ICE</b>
<b>DIRECTIVE NO.:</b>	<b>1-16.1</b>
<b>ISSUE DATE:</b>	<b>February 26, 2008</b>
<b>EFFECTIVE DATE:</b>	<b>February 28, 2008</b>
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<b>SUPERSEDES:</b>	<b>1-16.0</b>

**DIRECTIVE TITLE: HOME-TO-WORK TRANSPORTATION**

1. **PURPOSE and SCOPE.** This Directive establishes U.S. Immigration and Customs Enforcement (ICE) policy and sets forth responsibilities and reporting requirements concerning official use of Government passenger carriers, including motor vehicles, between an employee's residence and place of employment. This transportation is referred to as "home-to-work" (HTW) in this Directive. This term also includes work-to-home transportation.
  - 2.1. This Directive applies to all components with respect to the provision of home-to-work transportation to employees in normal duty (non-travel) status. This Directive does not apply to the use of a Government passenger carrier in conformance with Title 41 Code of Federal Regulations (CFR) Chapter 301 (Federal Travel Regulation), or the Joint Federal Travel Regulation for official travel to perform temporary duty assignments outside the employee's commuting area and away from a designated or regular place of employment.
2. **AUTHORITIES/REFERENCES.** The following Acts, Regulations, and Standards govern this Directive<sup>1</sup>:
  - 2.1. Department of Homeland Security (DHS) Management Directive (MD) 0530.1, Home-To-Work (HTW) Transportation Controls.
  - 2.2. Secretary Approved HTW Determination Plan.
  - 2.3. 31 U.S.C. § 1344 (Passenger Carrier Use).
  - 2.4. 41 CFR Part 102-5.
  - 2.5. 26 U.S.C. § 61 (Gross income defined); 5 U.S.C. 2105 (Employee).
  - 2.6. 26 U.S.C. § 132 (f) (Certain fringe benefits).
  - 2.7. 26 CFR 1.61-21; 26 CFR 1.132-5; 26 CFR 1.132-6; and 26 CFR 1-132-9.

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<sup>1</sup> Supplemental guidance regarding general fleet management responsibilities may be implemented after issuance of this directive.

3. **SUPERSEDED/CANCELLED POLICY/SUMMARY OF CHANGES.** This Directive supersedes previous issuances and previously recognized processes of ICE policy on this matter.
4. **BACKGROUND.** This document provides requirements for implementing this Directive within ICE and considers the law enforcement responsibilities of ICE's employees, officers, and agents. This Directive is effective as long as the Secretary authorizes HTW transportation for ICE staff.
5. **DEFINITIONS.**
  - 5.1. **Government Passenger Carrier** (hereafter "Passenger Carrier") is a passenger motor vehicle, aircraft, boat, ship, or other similar means of transportation that is owned or leased (including non-temporary duty rentals) by the Government, or has come into the possession of the Government by other means.
  - 5.2. **ICE Headquarters Principal Staff** are senior Headquarters officials who include the following: Assistant Secretary; Deputy Assistant Secretary for Operations; Deputy Assistant Secretary for Management; Chief of Staff; Director, Public Affairs; Director, Office of Professional Responsibility; Chief Financial Officer; Director, Office of Policy; Principal Legal Advisor; Director, Congressional Relations; Director, Equal Employment Opportunity; Chief Information Officer; Chief Human Capital Officer; Director, Office of Training and Development; Director, Office of Investigations; Director, Office of Intelligence; Director, Office of Detention and Removal Operations; and Director, Federal Protective Service; and Director, Office of International Affairs.
  - 5.3. **Employee** includes employees as defined by 5 U.S.C. § 2105 and members of the uniformed services.
  - 5.4. **ICE Fleet Manager** is the Headquarters official who manages ICE's fleet of Government passenger carriers.
  - 5.5. **Place of employment or work** includes any place within the accepted commuting area where an employee performs his/her official duties. In addition to the regular worksite, other locations, such as sites of meetings or conferences, are included.
  - 5.6. **Compelling operational considerations** means those circumstances where home-to-work transportation is essential to the conduct of official business or would substantially increase DHS' efficiency and economy. Requests for home-to-work transportation that fall within this category are not considered regular or recurring. As such, home-to-work transportation determinations approved under this category will be held to a minimum and closely scrutinized.
  - 5.7. **Employee's home (also known as residence)** means the temporary or permanent domicile of the employee.

5.8. **Home-to-Work (HTW) Transportation** means transportation in a Government passenger carrier between residence and place of employment.

6. **POLICY.**

6.1. The following categories of ICE employees can be considered for authorization to use Government vehicles between an employee's residence and various locations when this transportation is essential for the safe and efficient performance of intelligence, counterintelligence, protective services, or law enforcement duties.

- 1) **Position Classification – GS-1811 – Criminal Investigators.** Investigators must be available to respond to various locations on a 24-hour basis to perform their duties. In addition, they must be able to respond with any necessary equipment.
- 2) **Position Classification – GS-1801 – General Inspection, Investigation, and Compliance Series.** These agents and officers conduct significant activities nationwide dedicated to the enforcement of immigration and customs law and federal protection.
- 3) **Position Classification – GS-0132 – Intelligence Research/Operations Specialist.** Intelligence Research Specialists (IRSs) and Intelligence Officers (IOs) are generally not authorized regular and recurring HTW use of Government vehicles. However, there are duties, responsibilities, and operational considerations classified as fieldwork, which require IRSs and IOs to use Government vehicles for HTW transportation. Managers or supervisors authorize HTW transportation based on employee duties, responsibilities, and operational considerations. Authorization is limited to a time period necessary to accomplish the specific need.
- 4) **Position Classification – GS-0080 – Security Officer.** Security Officers are not generally authorized regular and recurring HTW use of Government vehicles. However, there are duties, responsibilities, and operational considerations classified as fieldwork, which require security officers to use Government vehicles for HTW transportation. Managers or supervisors authorize HTW transportation based on employee duties, responsibilities, and operational considerations. Authorization is limited to a time period necessary to accomplish the specific need.
- 5) **Position Classification – GS-0083- Police Officer.** Police Officers are generally not authorized regular and recurring HTW use of Government vehicles. However, there are duties, responsibilities, and operational considerations classified as fieldwork, which require police officers to use Government vehicles for HTW transportation. Managers or supervisors authorize HTW transportation based on employee duties, responsibilities, and operational considerations. Authorization is limited to a time period necessary to accomplish the specific need.
- 6) **Other Considerations.** Employees in other position classifications may be authorized HTW use of a Government vehicle where fieldwork is performed on an

intermittent basis or when emergency circumstances warrant such authorization. HTW can be authorized only on those days when fieldwork is actually performed and assignment of a HTW vehicle is determined to be in the best interest of the Government. The assignment of an ICE employee to fieldwork does not, in and of itself, authorize the employee to use daily HTW transportation.

- 6.2. **Reporting Requirements.** ICE Headquarters Principal Staff must ensure their respective appropriate officials provide the ICE Fleet Manager with essential information relating to the ICE Fleet Manager's responsibilities of efficiently managing ICE's passenger carrier fleet. Specifically, Principal Staff must ensure their respective designated officials comply with any reporting requirements as requested by the ICE Fleet Manager or the ICE Office of Professional Responsibility.

## 7. RESPONSIBILITIES.

- 7.1. **Assistant Secretary** identifies employee position classifications that may qualify for home-to-work transportation and submits requests for determinations and renewals according to the DHS Management Directive entitled Home-to-Work Transportation Controls.
- 7.2. **ICE Headquarters Principal Staff** ensure authorizing officials comply with the provisions of this policy and provide optimum protection against misuse and abuse of Government vehicles. They also identify officials who may authorize individual employees to use home-to-work transportation in accordance with this Directive.
- 7.3. **Authorizing Officials**, as determined by Principal Staff, approve requests for HTW transportation. Where authorizations have been issued, authorizing officials maintain records that identify the authorized employee and all logs generated by each authorized employee. Authorizing officials also regularly furnish, through their respective leadership, appropriate HTW documentation items to the ICE Fleet Manager.
- 7.4. **Authorized Employees** comply with the authorities governing the use of government vehicles and generate logs to document official use under this HTW policy.

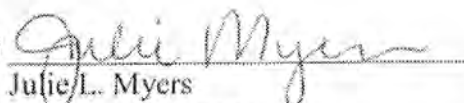
## 8. PROCEDURES.

- 8.1. **Requesting Home-to-Work Transportation.** Requests for HTW transportation must be submitted in writing, using a completed *Request and Authorization for Home-to-Work Use of Official Vehicles* form, to an authorizing official designated in writing by an ICE Headquarters Principal.
- 8.2. **Authorizing Home-to-Work Transportation.** A written request for HTW transportation must be reviewed by the authorizing official to determine if sufficient grounds exist to authorize the employee use of a Government vehicle for HTW transportation based on the authorities governing this Directive.



- 8.3. **Timetable for and Duration of Authorizations.** Fieldwork requests must not exceed the authorized period of the HTW Determination Plan signed by the Secretary. In addition, requests for renewal must be submitted to the authorizing official prior to the expiration of the requests.
- 8.4. The authorizing official will maintain approved *Request and Authorization for Home-to-Work Use of Official Vehicles* forms for as long as the approval is in effect. When the approval time has expired, or the employment with ICE ends, the forms will be sent to the ICE Fleet Manager.
- 8.5. The ICE *Home-to-Work Transportation Log* is maintained by the authorized employee and submitted to the authorizing official, who promptly provides this information to the ICE Fleet Manager as necessary.
9. **ATTACHMENTS.**
- 9.1. Request and Authorization for Home-to-Work Use of Official Vehicles.
- 9.2. Home-to-Work Transportation Log.
10. **NO PRIVATE RIGHT STATEMENT.** This Directive is an internal policy statement of ICE. It is not intended to, and does not create any rights, privileges, or benefits, substantive or procedural, enforceable by any party against the United States; its departments, agencies, or other entities; its officers or employees; or any other person.

Approved



Julie L. Myers

Assistant Secretary

U.S. Immigration and Customs Enforcement