

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

1009.2: Home-to-Work Transportation

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- 1. Purpose/Background.** 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.

This Directive applies to all ICE Program Offices with respect to the provision of HTW 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 (C.F.R.) 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. Policy.** ICE employees in certain designated positions can be considered for authorization to use Government Passenger Carriers between an employee's residence and various locations when this transportation is essential for the safe and efficient performance of intelligence, counterintelligence, or law enforcement duties. ICE employees not in these designated positions may be authorized HTW use of a Passenger Carrier where fieldwork is performed on an intermittent basis or when emergency circumstances warrant such authorization. Under these circumstances, 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.
- 3. Definitions.**
 - 3.1. Compelling operational considerations** means those circumstances where HTW transportation is essential to the conduct of official business or would substantially increase the Department of Homeland Security's (DHS) efficiency and economy. Requests for HTW transportation that fall within this category are not considered regular or recurring. As such, HTW transportation determinations approved under this category will be held to a minimum and closely scrutinized.

- 3.2. **Employee** includes employees as defined by 5 U.S.C. § 2105 and members of the uniformed services.
- 3.3. **Employee's home (also known as residence)** means the temporary or permanent domicile of the employee.
- 3.4. **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.
- 3.5. **Home-to-Work (HTW) Transportation** means transportation in a Passenger Carrier between residence and place of employment.
- 3.6. **ICE Headquarters Principal Staff** are senior Headquarters officials who include the following: Director, Deputy Director, Chief of Staff, Executive Associate Directors, and Program Office Heads (Assistant Directors, Officers, or equivalent positions) who report directly to the Director, Deputy Director, Chief of Staff, or the Executive Associate Director for Management and Administration.
- 3.7. **ICE Fleet Manager** is the Headquarters official who manages ICE's fleet of Passenger Carriers.
- 3.8. **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.
4. **Responsibilities.**
 - 4.1. **The Director** identifies employee position classifications that may qualify for HTW transportation and submits requests for determinations and renewals according to DHS Management Directive 112-05, titled, "Home-to-Work (HTW) Transportation Programs," dated December 17, 2008, or as updated.
 - 4.2. **ICE Headquarters Principal Staff** ensure that Authorizing Officials comply with the provisions of this policy and provide optimum protection against misuse and abuse of Passenger Carriers. They are responsible for designating officials who may authorize individual employees to use HTW transportation in accordance with this Directive.
 - 4.3. **Authorizing Officials**, as designated by ICE Headquarters Principal Staff, approve requests for HTW transportation. Where authorizations have been issued, Authorizing Officials maintain records that identify the authorized employee and the logs generated by each authorized employee. Authorizing Officials also regularly furnish, through their respective leadership, appropriate HTW documentation items to the ICE Fleet Manager.

- 4.4. **The ICE Chief Financial Officer (CFO)** will audit approvals for HTW on a fiscal year (FY) basis and report the results to the Executive Associate Director (EAD) for Management and Administration.
- 4.5. **Authorized Employees** comply with the authorities governing the use of Passenger Carriers and generate logs to document official use under this HTW policy.
5. **Requirements/Procedures.**
- 5.1. The following categories of ICE employees can be considered for authorization to use Passenger Carriers between an employee's residence and various locations when this transportation is essential for the safe and efficient performance of intelligence, counterintelligence, 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. Authorization is valid for an indefinite period of time.
 - 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.
 - 3) **Position Classification – GS-0132 – Intelligence Research/Operations Specialist.** Intelligence Research Specialists (IRs) and Intelligence Officers (IOs) are generally not authorized regular and recurring HTW use of Passenger Carriers. However, there are duties, responsibilities, and operational considerations classified as fieldwork, which require IRs and IOs to use Passenger Carriers 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 Passenger Carriers. However, there are duties, responsibilities, and operational considerations classified as fieldwork, which require security officers to use Passenger Carriers 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.
- 5.2. **Employees in Other Position Classifications.** ICE employees in position classifications not listed in Section 5.1 may be authorized HTW use of a Passenger Carrier where fieldwork is performed on an intermittent basis or when emergency circumstances warrant such authorization. Under these circumstances, 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.

- 5.3. **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.
- 5.4. **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* (ICE Form 333), to an Authorizing Official designated in writing by ICE Headquarters Principal Staff.
- 5.5. **Authorizing Home-to-Work Transportation.** A written request for HTW transportation (ICE Form 333) must be reviewed by the Authorizing Official to determine if sufficient grounds exist to authorize the employee use of Passenger Carriers for HTW transportation based on the authorities governing this Directive.
- 5.6. **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.
- 5.7. The Authorizing Official will maintain all *Request and Authorization for Home-to-Work Use of Official Vehicles* (ICE Forms 333) and forward a copy of all requests and approvals to the ICE CFO for an Annual Audit. For those forms that have been approved, the Authorizing Official will maintain the forms for as long as they are in effect. When the approval time has expired, or the authorized employee's employment with ICE ends, the Authorizing Official sends the approved forms to the ICE Fleet Manager.
- 5.8. The ICE Home-to-Work Transportation Log (ICE Form 177) is maintained by the authorized employee and submitted to the Authorizing Official, who promptly provides this information to the ICE Fleet Manager as necessary.
6. **Authorities/References.¹**
 - 6.1. Department of Homeland Security (DHS) Management Directive (MD) 0530.1, Home-To-Work (HTW) Transportation Programs, dated December 17, 2008, or as updated.
 - 6.2. Secretary Approved HTW Determination Plan.
 - 6.3. 31 U.S.C. § 1344 (Passenger Carrier Use).

¹ Supplemental guidance regarding general fleet management responsibilities may be implemented after issuance of this Directive.

- 6.4. 41 C.F.R. Part 102-5.
- 6.5. 26 U.S.C. § 61 (Gross income defined); 5 U.S.C. 2105 (Employee).
- 6.6. 26 U.S.C. § 132 (f) (Certain fringe benefits).
- 6.7. 26 C.F.R. 1.61-21; 26 C.F.R. 1.132-5; 26 C.F.R. 1.132-6; and 26 C.F.R. 1-132-9.
- 7. **Attachments.**
 - 7.1. Request and Authorization for Home-to-Work Use of Official Vehicles (ICE Form 333).
 - 7.2. Home-to-Work Transportation Log (ICE Form 177).
- 8. **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; contractors; or any other person.



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