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### U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

#### 1009.2: Home-to-Work Transportation

**Issue Date:** August 26, 2010  
**Effective Date:** August 26, 2010  
**Superseded:** 1009.1 (formerly 1-16.1)  
**Federal Enterprise Architecture Number:** 061-01

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 may be authorized home-to-work (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.
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. **Authorized Employees** are those who comply with the authorities governing the use of Passenger Carriers and generate logs to document official use under this HTW policy.

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- 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 Government 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 the DHS Management Directive 0530.1 titled, "Home-to-Work (HTW) Transportation Controls."
  - 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 designate officials who may authorize individual employees to use HTW transportation in accordance with this Directive, and make certain that appropriate officials comply with any reporting requirements from the ICE Fleet Manager or the ICE Office of Professional Responsibility.
  - 4.3. **Authorizing Officials**, as designated by ICE Headquarters Principal Staff, approve requests for HTW transportation. Authorizing officials maintain records that identify all authorized employees and all logs generated by each authorized employee. Authorizing officials also comply with any reporting requirements as requested by the ICE Fleet Manager or the ICE Office of Professional Responsibility.
  - 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.

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### 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, 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.
  - 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 Passenger Carriers. However, there are duties, responsibilities, and operational considerations classified as fieldwork, which require IRSs 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. **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 ICE Headquarters Principal Staff.
- 5.3. **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 Passenger Carriers for HTW transportation based on the authorities governing this Directive.
- 5.4. **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.

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5.5. The authorizing official will maintain all *Request and Authorization for Home-to-Work Use of Official Vehicles* forms 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.

5.6. The authorized employee maintains an ICE *Home-to-Work Transportation Log* and submits to the authorizing official.

### 6. Authorities/References.<sup>1</sup>

6.1. Department of Homeland Security (DHS) Management Directive (MD) 0530.1, Home-To-Work (HTW) Transportation Controls.

6.2. Secretary Approved HTW Determination Plan.

6.3. 31 U.S.C. § 1344 (Passenger Carrier Use).

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.

7.2. Home-to-Work Transportation Log.

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.



John Morton

Director

U.S. Immigration and Customs Enforcement

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