

STATE OF VERMONT
DEPARTMENT OF PUBLIC SAFETY

Policy Title:	Assigned and Commuter Use Vehicles	Scope:	Department Wide
Section:	Expense & Travel	Original Issue Date:	07/01/2016
Policy #:	A-ER-002	Revision Date:	11/01/2017

I. Purpose

The purpose of this document is to establish written policy and procedures in connection with the eligibility for, assignment, and use of Department of Public Safety-owned vehicles (DPS-owned vehicles) by non-sworn Department of Public Safety (DPS) employees. This policy supplements Administrative Bulletin 2.3.

II. Definitions

- **Assigned Vehicle:** A DPS-owned vehicle, marked or unmarked, that is assigned to a Non-Sworn DPS employee.
- **Commuter Use Vehicle:** a DPS-owned vehicle, marked or unmarked, that is used by a Non-Sworn Employee in excess of 12 times per year.
- **Qualified nonpersonal use vehicle:** A "qualified non-personal use vehicle" is a vehicle whose use is defined by IRS Publication 15-B (see list in Attachment II of Bulletin 2.3 Appendix A). A qualified nonpersonal use vehicle includes vehicles:
 - Clearly marked, through painted insignia or words, police, fire and public safety vehicles;
 - Unmarked vehicles used by law enforcement officers if the use is officially authorized.
- **Non-Sworn Employee:** Any employee who is not a sworn law enforcement officer within the Vermont State Police (VSP).
- **Non-Sworn Position:** Those positions within DPS filled by a Non-Sworn Employee and which may be eligible for assignment of an Assigned Vehicle or use of a Commuter Use Vehicle.
- **Eligible Positions:** Those Non-Sworn Positions approved by the Commissioner for the use of an Assigned Vehicle or Commuter Use Vehicle. Being designated an eligible position does not automatically entitle the Non-Sworn Employee filling that position to an Assigned Vehicle or the use of Commuter Use Vehicle.
- **Reporting Period:** November 1 through October 31.

III. Reference

- Internal Revenue Service (IRS) Publication 15-B Employer's Tax Guide to Fringe Benefits
- 3 VSA § 217(a) Authority of the Commissioner of the Department of Buildings & General Services
- Agency of Administration Bulletin 2.3 State Vehicle Policy
- Bulletin 2.3 Appendix A – Taxable Fringe Benefit – Personal Use of State Vehicles

IV. Procedures, Approvals and Standards

- A. **General and Delegation.** The assignment and use of a DPS-owned vehicle is discretionary, intended to facilitate the official business of DPS and to ensure that official travel is performed safely and at the lowest cost to the state. There is no right or entitlement to either the assignment or use of DPS-owned vehicle. An employee assigned a DPS-owned vehicle and/or an employee taking a DPS-owned vehicle home in excess of 12 times per year (one way) requires written approval of the Commissioner of Public Safety and the Secretary of Administration, or his/her designee. *Bulletin 2.3 Section 6-C.* With the exception of DPS-owned vehicles assigned to Division Directors or Deputies, the Commissioner has delegated this approval authority to the DPS Division Directors, who are responsible for ensuring Secretary of Administration approval is sought and obtained as set forth in this policy. The Division Directors are responsible for determining which employees fall within this policy and that the policy is implemented and complied with.
- B. **Taxable Fringe Benefit.** A Non-Sworn Employee's use of a DPS-owned vehicle either by assignment or authorization to bring a DPS-owned vehicle home in excess of 12 times (one-way) constitutes a taxable fringe

benefit unless the vehicle is a “qualified non-personal use vehicle.” Federal law requires employers, including the State of Vermont, to report all taxable fringe benefits to the IRS and the employee. The IRS states that an employee’s personal use of an employer-provided vehicle is taxable income to the employee as a non-cash fringe benefit. The IRS considers commuting in a State vehicle to be personal use, even when the commuting is authorized, directed or required by the employer.

C. **Eligible Positions.** The Commissioner of Public Safety has identified the below Non-Sworn Positions as eligible for an Assigned Vehicle or use of a Commuter Use Vehicle:

- DPS Deputy Commissioner;
- Director of Fire Safety, Fire Investigator, Fire Marshals and Inspectors, Fire Service Training Coordinators, Chief of Training/Fire Academy;
- Chief of Radio Communications & Radio Chief, Radio Technicians;
- Search and Rescue (SAR) Coordinator;
- Chief HazMat Response Team, Deputy Chief HazMat Response Team and Regional Manager;
- Emergency Response Coordinator Urban Search and Rescue (USAR);
- VEM Director, VEM Watch Officer, VEM Regional Coordinators;
- Forensic Lab Electronics Technician and Forensic Chemist

D. **Approval Process**

- a. All Assigned Vehicles must be justified and approved in writing by the Division Director or the Commissioner.
- b. All Assigned Vehicles approved by the Division Director or the Commissioner must be approved by the Secretary of Administration or his/her designee.
- c. The supervisor of the employee who is requesting a Commuter Use Vehicle must complete the BGS “Employee Request to Take State Vehicle Home” Form.
- d. The completed form must be routed to the Division Director and Commissioner’s Office for approval.
- e. If the Division Director and Commissioner approve, the completed form will be sent to Office of the Secretary of Administration for approval.
- f. The *approved* form must be forwarded to dps.expenses@vermont.gov prior to Fleet Services issuing a vehicle to the employee.

E. **User Responsibility.** All users of DPS-owned vehicles shall:

- a. Obey all Federal laws and State of Vermont laws, including but not limited all motor vehicle laws and all laws related to motor vehicle operation.
- b. Annually sign and submit the BGS employee acknowledgement form (PUSV3 *EE Release Personal Use Of State Vehicles Department Reporting of Taxable Employee Fringe Benefits*) provided by Public Safety’s Expense Coordinator (send emails to dps.timesheets@vermont.gov).
- c. Maintain a lease value rule (PUSV2) or commuting rule (PUSV1) mileage logs for each month of the Reporting Period.
- d. Submit annually on or before November 15 to his/her Division Director and to the Public Safety Expense Coordinator (dps.expenses@vermont.gov) a fully completed and signed “Personal Use of State Vehicles – Lease Value Rule” form setting forth a log of personal (to include commuting) miles and business miles driven for the preceding Reporting Period. **Failure to submit annual mileage logs by the deadline will result in all miles driven during the year are considered taxable personal use by the Agency of Administration.**
- e. Follow vehicle maintenance procedures as outlined by VSP Fleet Services
- f. Follow vehicle use procedures as outlined in this policy

F. **Vehicle Use Rules**

- a. The DPS-owned vehicle shall only be operated by department staff.
- b. The DPS-owned vehicle use with passengers who are not on official State business requires prior approval from the Commissioner’s Office.
- c. Department staff operating such assigned vehicles will carry state-issued identification at all times.
- d. The mobile radio will be on and the volume set so as to permit the monitoring of radio traffic.

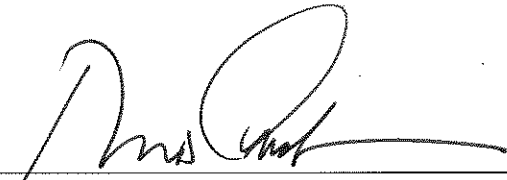
- e. Employees are not authorized to use their mobile phones or other devices while driving except when using a hands-free device.
- f. Recreation trips and off duty trips with a Commuter Use Vehicle are prohibited. Recreation trips with an Assigned Vehicle are prohibited and off duty use of Assigned Vehicle shall be kept to a minimum and shall not be outside the geographic confines of Vermont absent specific written approval of the Commissioner's Office.
- g. The vehicle shall not be used for towing and no load shall be carried on the vehicle other than as routine assigned duties are specified for certain vehicles.
- h. When on leave for a period longer than five days, department staff may, subject to the operating needs of the Department, be required to leave the vehicle at their duty station.

G. **Annual Vehicle Report.** Vehicle information required to be annually reported to the Department of Building and General Services Fleet Management division (reference Bulletin 2.3 Section 8-A) will be completed by VSP Fleet Services by the September 1.

H. Failure to comply with any provision or requirement of may result in rescission of the approval to use a DPS-owned vehicle and disciplinary action.

SIGNATURE:

11/1/17
Date



Commissioner or Deputy Commissioner
Department of Public Safety