

POINT PAPER

AMCCC-G

12 May 2000

SUBJECT: Transportation Issues

PURPOSE: To provide information concerning the legal and ethical aspects of some common transportation issues.

FACTS:

1. Government-owned and -leased Nontactical Vehicles (NTVs).

a. NTVs may be used only for official purposes. Unauthorized use includes:

(1) Transportation to private social functions;

(2) Transportation for unofficial office activities or functions, such as coffee funds and office luncheons;

(3) Transportation of dependents or visitors without an accompanying official (even with the accompanying official, there must be an official purpose for their transportation);

(4) Transportation between home and work, including any part of the route between home and work.

b. The permissible operating distance (POD) of NTVs is 100 miles one way from installation or activity, subject to Commander's determination otherwise to meet the needs of the command.

c. NTVs may be used to travel to military or commercial terminals for emergencies or security, or if other means of transportation are not available or cannot meet mission requirements. In the NCR, DoD policy is that public and commercial transportation to commercial terminals (*e.g.*, Reagan National Airport, Dulles, BWI, and Union Station) is adequate for all but emergency situations, security requirements, and other unusual circumstances. NTVs may be used for travel to Andrews AFB and Davison AAF.

d. Government transportation to official after-hours functions may be approved, but only where the employee is attending in his or her official capacity; the transportation must begin and end at the duty station.

e. If there is an official purpose, an employee's spouse may accompany the sponsor to an event in an NTV if space is available and no additional costs (*e.g.*, may not use larger than

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normal vehicle to accommodate spouse). Such transportation must begin and end at the duty station.

f. Use of NTVs on TDY is limited to transportation between temporary lodging and places of official business and, when public transportation is impractical, travel to eating establishments, drugstores, place of worship, barber shop, cleaners, and similar places required for sustenance, comfort or health. May *not* use NTV for travel to entertainment or recreational facilities (*e.g.*, movie theaters, sightseeing, or to visit relatives).

g. A vehicle rented by an employee while on TDY, subject to Government reimbursement, is not a GOV. The employee may use it for other than official business and sustenance, comfort and health purposes. However, the employee may not claim the additional costs incurred by this additional use (*e.g.*, gas).

2. Commercial air travel.

a. Government policy is to travel coach, and to plan trips so that coach can be used.

b. First-class air travel requires Secretary of the Army (SECARMY) approval and must meet one of the following criteria:

(1) No other reasonably available accommodations exist within 24 hours of proposed departure or arrival time.

(2) The traveler is so handicapped or otherwise physically impaired that other accommodations cannot be used (must be substantiated by competent medical authority).

(3) Exceptional security requirements.

c. Premium-class (less than first-class) (if there are only two classes of travel on the aircraft, the higher class is deemed to be “first-class”) travel is permitted as follows:

(1) Regularly scheduled flights along the required route provide only premium-class seats.

(2) No space is available in coach and travel is so urgent it cannot be postponed.

(3) Necessary to accommodate a disability or other physical impairment (substantiated in writing by competent medical authority).

(4) Travel on a foreign flag carrier has been approved and the sanitation or health standards in coach are inadequate.

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(5) Overall savings to the Government result by avoiding additional subsistence costs, overtime, or lost productive time incurred while waiting for available coach seats.

(6) When travel costs are paid by a non-Federal source and properly accepted under statutory authority (*see* paragraph 4, below). Note that first-class air travel may not be accepted from a non-Federal source unless first-class travel is approved by the Secretary of the Army under one of the three exceptions in paragraph 2.b., above.

(7) When the scheduled flight time for OCONUS travel is in excess of 14 hours, including stopovers between flights. No rest stops are permitted during the travel or at the destination; the employee is expected to begin work upon arrival (after checking in hotel and freshening up, if necessary). This authority is not to be used when coach travel can be scheduled to allow for authorized rest stops en route or at the destination. Premium-class, less than first-class, will not be authorized for the return trip just because it is more than 14 hours.

(8) Security concerns or exceptional circumstances make such travel essential to the successful performance of the mission.

d. In all cases, the traveler, or the senior member of the traveling party will sign a written request for the premium-class travel that includes a justification for such travel, a comparison of the costs of coach and premium class travel, and alternative travel plans that were considered (including an earlier departure that allows for a rest period). The normal travel-approving authority approves the request for premium-class (less than first-class) travel. Requests for first-class travel are submitted to SECARMY.

e. Frequent flyer miles (FFMs) earned on official travel may not be used to upgrade to first-class air travel unless the travel meets one of the criteria in paragraph 1.b., above, with SECARMY approval.

f. FFMs earned on official travel may not be used to upgrade to premium-class (less than first-class) travel unless:

(1) Premium-class (less than first-class) is authorized in accordance with paragraph 1.c., above;

(2) The FFMs may be used only for upgrades (e.g., the airline only permits their use for upgrades; or there are not enough FFMs to reduce the cost of a current trip, and they will expire before they can be used for a ticket).

g. First-class air travel is permitted in the following circumstances without SECARMY approval:

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(1) You use your own resources, including personal frequent flyer miles, to upgrade to first class;

(2) You accept an on-the-spot upgrade that is **not** being offered because of your grade or position (for example, you arrive late and the aircraft is full except for a first-class seat which you are offered);

(3) You use a coupon that you received because you are a member of an airline “club” by virtue of the number of miles that you have flown with the airline, even if some or all were flown on TDY. However, this must be a “no cost” upgrade, meaning that you did not “cash in” official mileage points to gain membership to the club, or exchange official points for the coupon.

h. If a military member is authorized to travel in premium-class, SECARMY policy requires the member to **not** travel in uniform.

3. Accompanied spouse travel.

a. Spouses may accompany their sponsors at Government expense as an exception to policy only if:

(1) There is an unquestionably official function in which the spouse is to actually participate (more than attendance) in an official capacity; or

(2) Such travel is deemed in the national interest as desirable because of diplomatic or public relations benefit to the country (representatives of a foreign government must attend).

b. Approval for accompanied spouse travel:

(1) The Director of the Army Staff must approve all official travel for spouses by commercial air, except

(2) Four-star general officers (and the USARPAC 3-star commander) may approve the travel of their spouses by MILAIR.

4. Gifts of travel and related expenses.

a. Gifts of travel and related expenses may be accepted for official travel of employees to “meetings or similar events” (not mission travel) if:

(1) The travel approval authority, after a conflict of interest analysis, determines that the acceptance of such gift will not impugn the integrity of Army operations or programs;

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(2) The travel approval authority gives prior written approval;

(3) The ethics official concurs;

(4) The employee is in an official travel status (not leave, excused absence or permissive TDY).

b. In addition:

(1) The gift does not have to include all the expenses of the trip;

(2) The gift may include only the free attendance at the event (but, the employee must be in an official travel status);

(3) Payment-in-kind is preferred;

(4) Cash payment to the employee is prohibited;

(5) Checks must be payable to U.S. Army (reimburse travel account);

(6) If value of gifts exceeds \$250, employee must submit a report and certification through Ethics Counselor to Army Standards of Conduct Office for transmittal to Office of Government Ethics where the report is available for public inspection.

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