

Office of the Mayor
Tulsa, Oklahoma
Executive Order No. 2003-01

TAKE HOME VEHICLE POLICY AND PROCEDURES

Purpose

The policy governs the assignment of take home vehicles consistent with City Ordinances and Internal Revenue Service Regulations.

Section 1. Definitions

The definitions provided in Title 12 Tulsa Revised Ordinances, Section 300 are hereby incorporated in this executive order as follows:

- A. **Vehicle** shall mean every motor vehicle, except motorcycles, carts, and motor-driven cycles, designated for carrying ten (10) passengers or less, and used for transportation of persons.
- B. **Take-Home Vehicle** shall mean any City vehicle which an employee drives home or to any location not associated with their duties with the City, except as approved by the Mayor.
- C. **May** is permissive and not mandatory.
- D. **Shall** is always mandatory and never permissive.

Section 2. Sworn Police and Fire Employees

Use of assigned vehicles, including take home vehicles used by sworn police and fire employees, is established by current departmental policies. These policies shall not be amended without approval of the Mayor.

Section 3. Non sworn Employees

- A. A City vehicle, either assigned or dispatched, may be used to transport approved employees and/or related personnel, only when that transportation is directly related to City business, unless specifically authorized herein. **At no time may a City vehicle be used for personal use**, even though that personal use may not result in additional cost to the City.
- B. City vehicles shall not be used for transportation to an employee's place of residence unless the employee is required by the City to commute in the vehicle for the following two reasons:
 - 1. The department assignment of the vehicle shall be to a position that is responsible for responding to an **emergency situation related to public health or safety and protection of property on a 24 hour basis**. Employees assigned on-call duties on a rotational basis shall take a City vehicle home only upon those days the employee is assigned to on-call duty, or
 - 2. It can be demonstrated in a particular case that the City incurs greater costs by not allowing the vehicle to be driven to the employee's residence.

Exceptions to the above reasons can only be made with Mayoral Approval.

- C. Department directors or their designees are required to authorize in writing use of take home vehicles to the employees' places of residence. The initial authorization must be completed by April 28, 2003. Authorization must be renewed at least annually by January 1st. The authorizations shall be filed with the City Clerk. This provision does not apply to **control employees** (see section 4 A).

Section 4. Compliance with Internal Revenue Service Regulations

Use of a City vehicle to commute between home and work, under U.S. Internal Revenue Service (IRS) regulations, is required to be reported as **auto fringe benefit compensation** unless the vehicle is a qualified nonpersonal-use vehicle. Examples of qualified nonpersonal-use vehicles include clearly marked police and fire vehicles. Unmarked vehicles used by law enforcement officers are also non-personal use vehicles if the officer is authorized to carry a firearm, execute search warrants, and make arrests.

Auto Fringe Benefit Compensation

- A. Fringe benefit compensation for **control employees** shall be determined by using the Automobile Lease Value Rule. Control employees include government employees whose annual salary is equal to or exceeds the Federal Government Executive Level V (annual salary of \$125,400 for 2003) and all elected officials.

Under this rule, tables in IRS Publication 15-B (Employer's Guide to Fringe Benefits) shall be used to determine the annual lease value. The annual lease value, plus the current IRS prescribed rate for City provided fuel, shall be added to the taxable portion of the control employees' as well as elected officials' income. Documentation on control employees' vehicle assignments and City provided fuel shall be submitted to Payroll on a monthly basis. Records shall be maintained for at least seven years for audit purposes.

- B. Fringe benefit compensation for non-control employees shall be determined using the IRS Commuting Rule. Under this rule, each employee commuting in a City provided motorized vehicle shall have \$1.50 added to their wages for each one-way commute. Non-control employees are required to:

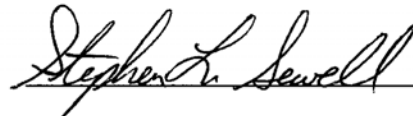
(1.) Keep track of all miles by keeping a log containing date, mileage (beginning and ending), destination, business purpose miles and commuting miles.

(2.) Maintain mileage logs, which shall be approved each pay period by the department head or designee, and shall record the number of one-way commutes that shall be added to time sheets submitted to City Payroll (Mileage logs shall be maintained by departments for at least seven years for audit purposes.)

Section 5. Effective Date

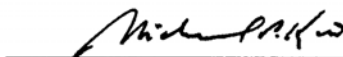
This order shall take effect immediately.

DATED this 24th day of April, 2003.



Bill LaFortune, Mayor **PRO-TEM**

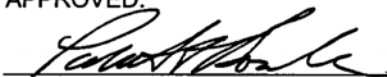
ATTEST:



City Clerk



APPROVED:



Assistant
City Attorney