

Procedure for Processing Requests to Use a Personally-Owned Vehicle as an Exception to the Travel Policy

On January 1, 2012, the Commonwealth Travel Policy, MD 230.10 was revised to require employees to use the least expensive form of ground travel: agency pool vehicle, temporary (commonwealth) fleet vehicle, rental or personally-owned vehicle. The policy provides an exception to allow use of a personally-owned vehicle as an accommodation for a disability, even if it is not the least expensive method. Employees with an approved exception will be reimbursed at the standard U.S. General Services Administration (GSA) rate in effect on the date(s) of travel.

On January 17, 2012, an interim procedure was implemented to allow time for employees to request, and Disability Services Coordinators (DSC) to process requests related to medical conditions. Under the interim procedure, the Office of Budget, Bureau of Comptroller Payroll Operations (BCPO) will approve requests for employees that have not been processed through their agency's DSC, until February 24, 2012. Requests submitted after February 24th will only be approved if an exception has been granted.

The procedure for processing requests to use a personally-owned vehicle is different depending upon whether the request is based on: a) business related reasons; b) business related reasons and medical condition; or c) medical condition alone.

Multi-step process: As with all accommodation requests, the agency must: 1. Conduct a threshold analysis to determine whether the medical condition qualifies as a disability; 2. If the medical condition qualifies as a disability, all accommodation options must be considered; 3. If there is no effective accommodation other than use of a personally-owned vehicle, the agency must first attempt to identify and obtain a comparable vehicle from the agency and/or commonwealth vehicle fleet; 4. If no suitable fleet vehicle is identified or available, the exception can be granted. The detailed procedure is set forth below.

Feel free to contact OA, EEO Division with questions regarding this procedure.

PA Office of Administration
Bureau of Workforce Planning, Development and Equal Employment Opportunity
Equal Employment Opportunity Division
Room 222 Finance Building | Harrisburg, PA 17120
Phone: (717) 783-1130

Requests based on business related reasons

Requests based on business related reasons (“unanticipated travel on short notice”, “change in travel itinerary”, “logistical considerations”, etc.) are handled by the supervisor pursuant to M 230.1 Commonwealth Travel Procedures Manual

Requests based on business related reasons and medical conditions

1. Supervisor and DSC consult to confirm the basis for the request.
2. Supervisor conducts review to determine whether request should be approved based on business related reasons.
3. If approval is based on business related reasons, the notification should include explicit language that use of the personal vehicle is not an accommodation for a disability.
4. If the request is denied it is immediately transferred to the DSC for standard disability accommodation analysis as set forth below.

Requests based on medical condition:

Requests based on medical conditions are analyzed by the agency DSC as a standard disability accommodation request.

1. DSC determines whether the medical condition qualifies as a disability.
2. If the medical condition qualifies as disability, the DSC determines the appropriate means to provide an effective and reasonable accommodation.
3. As with any other accommodation requests, all options should be considered. Accommodation options may include one or more of the items on the attached “Accommodation Options” list, a different accommodation or use of personally-owned vehicle.
4. In cases where the employee’s personally-owned vehicle is equipped with assistive devices or technology tailored to the employee’s disability, it is unlikely that a fleet vehicle will accommodate the employee’s needs. In such cases, use of a personally-owned vehicle will likely be the most effective accommodation.
5. If it is determined that the personally-owned vehicle is the only effective means of meeting the employee’s needs, before approving use of the personally-owned vehicle the DSC should obtain the relevant information pertaining to the personal vehicle’s specifications and amenities (measurements, lumbar support, adjustable seats, etc.) that make it an effective accommodation for the individual. Information on specific vehicle specifications can be obtained from the DGS, Vehicle Management, Chief Of Operations (currently Randy Tomlinson).
6. The DSC must consult with the agency Automotive Liaison to determine if an agency fleet vehicle or rental vehicle (whichever is appropriate) with comparable specifications and amenities is available.

7. If an appropriate vehicle is not available from the agency's fleet, either the Automotive Liaison or the DSC must contact DGS, Vehicle Management, Chief Of Operations (currently Randy Tomlinson) to determine if there is a commonwealth fleet vehicle with comparable specifications and amenities.
8. If no comparable agency or fleet vehicle is available, the DSC will approve the request to use the personally-owned vehicle.
9. Notification to BCPO: The agency DSC should provide notification to BCPO Assistant Director (currently Steve Burns) regarding the approval so he will authorize the reimbursement at the appropriate GSA rate. This notification should not include medical information. A template notification is included below.
10. Notification to employee: The DSC will provide the employee with written notification of the disposition of the request.
 - a. If approved, the notification should advise the employee that: a) The accommodation will be reviewed periodically to determine that the accommodation is still necessary; b) The employee must immediately notify the agency of any change in circumstances which render the accommodation unnecessary.
 - b. If denied, the notification shall apprise the employee of the right to file a written request for reconsideration with the agency designated individual, within 20 days of notification of the denial.

Templates for items (a.) and (b.) are included below.

Accommodation Options - This list is not all inclusive. Following analysis of the medical condition and the demands of the specific job, other accommodations not included in this list may be warranted.

- lumbar support cushions
- swivel seat cushions
- cart for moving supplies
- extra travel time to accommodate need for frequent stops
- fleet vehicle with front-to-back adjustable seats
- assistance to load/unload supplies
- travel by train instead of car
- travel with other employees going to the same location

Notes

In some cases where requests are based on a medical condition, temporary approval may be warranted pending review of the request. If further information is needed, the communication should request submission of the information by a specific date. In such cases, the notification should include the statement "This temporary approval does not indicate and should not be interpreted to indicate that the Commonwealth regards you as having a disability as defined in the Americans with Disabilities Act." Notification of the temporary approval should be provided to BCPO.

In cases where the request is denied (based on a determination that the medical condition does not qualify as a disability), employees may make subsequent requests based on a worsening of the same medical condition or a different medical condition. Such requests should receive the standard disability accommodation analysis.

Depending on the medical condition in some cases, time parameters for reevaluation of the request should be included in the approval notice to the employee.

Requests based on height or size alone, are not to be processed as disability accommodations. Such requests should be processed based on business related reasons or safety concerns.

Denial of a request to use a personally-owned vehicle based on a medical condition, does not preclude approval of a subsequent request for a different trip, due to business related reasons.

As with other accommodations, it may be appropriate to grant a request to use a personally owned vehicle while a reconsideration or appeal is under review.

Email Templates

Approval of request to use personally-owned vehicle

Communication to employee

Date: INSERT DATE

TO: INSERT EMPLOYEE NAME AND TITLE

From: INSERT DSC NAME AND TITLE

Re: Approval of request to use personally-owned vehicle
INSERT EMPLOYEE NAME, REIMBURSEMENT TRIP #

In accordance with MD 205.25, Disability-Related Employment Policy, this serves as notification that your request to use your personally-owned vehicle for Commonwealth related business travel as an accommodation for your disability, is granted.

Please retain this memorandum for your records and attach a copy to your travel expense report. Should your circumstances change so that this accommodation is no longer necessary to enable you to perform the essential functions of your position, you should immediately notify this office. This accommodation will be reviewed periodically to determine whether it is needed for you to perform the essential functions of your job.

Communication to Office Of Budget, Comptroller Operations

Date: INSERT DATE

To: Steve Burns, Assistant Director
Office of Budget, Bureau of Commonwealth Payroll Operations

From: INSERT DSC NAME AND TITLE

Re: Approval of request to use personally-owned vehicle
EMPLOYEE NAME, REIMBURSEMENT TRIP #

This serves as documentation that in accordance with MD 205.25, Disability-Related Employment Policy, I have reviewed and approved INSERT EMPLOYEE'S NAME request to use his/her personally-owned vehicle as an accommodation due to his/her disability, for Commonwealth related business travel. Please retain a copy of this approval for all future travel expense reimbursements. If you have any questions or require additional information, please contact me at INSERT DSC TELEPHONE NUMBER.

Denial of request to use personally-owned vehicle

Communication to employee

Date: INSERT DATE

To: INSERT EMPLOYEE NAME AND TITLE

From: INSERT DSC NAME AND TITLE

Re: Denial of request to use personally-owned vehicle
INSERT EMPLOYEE NAME, REIMBURSEMENT TRIP #

In accordance with MD 205.25, Disability-Related Employment Policy, this serves as notification that your request to use your personally-owned vehicle for Commonwealth related business travel as an accommodation for your disability, is denied.

IF APPROPRIATE INSERT INFORMATION ON ACCOMMODATIONS PROVIDED OTHER THAN THE USE OF PERSONALLY-OWNED VEHICLE

If you are not satisfied with this decision, you may request reconsideration by submitting a written request to (INSERT INDIVIDUAL RESPONSIBLE FOR PROCESSING RECONSIDERATION REQUESTS) within 20 days of this notification.