



DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY FIRES CENTER OF EXCELLENCE AND FORT SILL
FORT SILL, OKLAHOMA 73503

REPLY TO
ATTENTION OF

ATZR-J

4 May 2012

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Nontactical Vehicle (NTV) Official Use Guidelines, CG Policy Memo 12-15

1. References.

- a. Title 31, US Code, Section 1344.
- b. Article 92, Uniform Code of Military Justice (UCMJ), Failure to Obey a Lawful Order or Regulation.
- c. Article 121, UCMJ, Wrongful Appropriation of Government Vehicles.
- d. DoD 4500.36-R, Management, Acquisition, and Use of Motor Vehicles, 16 March 2007.
- e. AR 58-1, Management, Acquisition, and Use of Motor Vehicles, 10 August 2004.
- f. Secretary of the Army Memorandum, 26 March 2003, subject: Policy for Travel for the Department of the Army with Supplement Guidance for Army Personnel Located in the National Capital Region.

2. Purpose. This policy sets NTV official use guidelines for Army-owned, General Services Administration (GSA)-owned, or commercially-leased NTV by military or civilian personnel assigned to Fort Sill.

3. Applicability. This policy establishes responsibility for all units, activities, and staff elements receiving NTV support from the installation. An NTV is one that is owned or commercially leased by the Department of Defense (DoD) or provided for DoD use by GSA.

4. Policy. Nontactical vehicles are for use in completing DoD missions (i.e., functions, activities, or operations).

- a. Army-owned or leased NTVs are for official use only. The DoD policy is to resolve questions on official use in favor of strict compliance with law and regulations. Because such situation is fact-specific, NTV users are encouraged to consult with the representatives of the Office of the Staff Judge Advocate (OSJA).

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b. Determination of official use takes into account all factors, including whether the use is essential for successful completion of the DoD function, activity, action, or operation, and whether the use is consistent with the purpose for which the vehicle was acquired.

c. In accordance with the Secretary of the Army policy, the following uses of NTVs are prohibited:

(1) Personal errands or side trips for unofficial purposes by military personnel, civilian employees, or their Family members.

(2) Transporting a spouse or visitors without an accompanying DoD sponsor on official business.

(3) Transportation to an official ceremony such as change of command, parade, promotion, retirement, unit activation/deactivation, field demonstration, funeral, or other similar events in a personal (as opposed to official) capacity.

(a) Examples of personal capacity include personal friendship, family ties, or prior professional relationship with the honoree or the unit. Under this analysis, it is not permissible to use government transportation to attend a farewell luncheon or similar event.

(b) In limited circumstances, the first supervisor who is a commissioned military officer or civilian above GS/GM-11 in the chain of command or supervision of the DoD employee concerned can approve transportation for general attendance at events of significant public interest after the request has been reviewed by senior public affairs officials and legal advisors. When such travel is approved, it will be by mass transportation rather than individual vehicles.

(4) Transportation to private social functions. Transportation to official after-hours functions (e.g., official meetings, presentations, or speeches requires prior approval from the traveler's supervisor as an exception to policy. The first supervisor who is a commissioned military officer or a civilian above GS/GM-11 in the chain of command or supervision of the DoD employee concerned should seek legal guidance before granting an exception to policy. In addition, travel must begin and end at the normal place of duty.

d. Other specific statutory, DoD, and Department of the Army guidance on official use are as follow:

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(1) Transportation may not be provided solely by virtue of one's rank, position, prestige, or personal convenience.

(2) Domicile to work transportation violates federal law, except as specifically provided for by law or personally approved by the Secretary of the Army (designated position, and by-name designations). Travel to an official function, other than for temporary duty (TDY) travel, that begins or ends at the traveler's home is considered domicile to work transportation.

(3) The general rule is that spouses or other Family members will not accompany government employees on official business at government expense. The spouse of a government employee may travel in a NTV when—

(a) Accompanying an official traveler to an official event when there is space available in the vehicle and the government incurs no additional cost (i.e., official passengers are not bumped and a larger vehicle is not used to make room for the spouse).

(b) Required for reasons of security.

(4) A spouse may travel at government expense in the spouse's own right when—

(a) Supporting an official volunteer program and use of an NTV is part of the volunteer job description (such as a registered volunteer with a family support group or Army Community Service, when the volunteer job description includes the use of an NTV).

(b) Conferring the DoD officials on DoD matters and performing a direct service to the DoD (e.g., speaking at the Senior Officer Training Program). Orders may be issued by the sponsoring command after consultation with the servicing OSJA.

(5) Transportation may be approved for group activities such as installation athletic team events, Family, Morale, Welfare, and Recreation (FMWR) activities, and chaplain's programs when the first supervisor who is a commissioned military officer or a civilian above GS/GM-11 in the chain of command or supervision of the DoD employee concerned determines that failure to provide transportation would have an adverse effect on morale.

e. Temporary Duty/Temporary Change of Station (TCS) Vehicle Use.

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(1) Temporary Duty status does not necessarily justify NTV travel. Use of NTV is predicated on need, distance, and other conditions, including availability of public transportation.

(a) When NTV use is authorized at the TDY site, the NTV may be used for transportation between TDY lodging and the duty site.

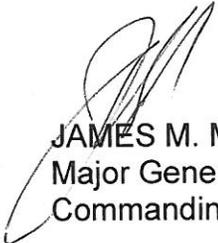
(b) Transportation to entertainment or recreational facilities is prohibited, but if public transportation is impractical, the NTV may be used to travel to local restaurants, places of worship, drugstores, barber shops, laundries, physical training facilities, and similar places for health and comfort.

(2) Vehicles rented by government employees, when the employees pays the rental company directly and is later reimbursed under TDY orders, are not considered government vehicles for purpose of official use restrictions. Reimbursement is limited to costs associated with official use of a vehicle. Any costs for off-duty, unofficial use are the employee's personal expense (for example, gas, mileage, and insurance). Vehicles rented under a government contract, for which the employee neither pays nor claims reimbursement, are government vehicles and are restricted to official use policies.

(3) Personnel on TCS orders are authorized official travel consistent with the rules for TDY travel outlined in paragraph 4e.

5. This CG Policy Memorandum supersedes CG Policy Memorandum, ATZR-J, 26 August 2009, subject: Nontactical Vehicle (NTV) Official Use Guidelines CG Policy Memo 09-11.

6. Point of contact is the Office of the Staff Judge Advocate, Administrative Law Section, Taylor Hall, 442-2703/2685.



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