

# NIH Policy Manual

## 1470 - Commuter Subsidy Programs Policy

**Issuing Office:** OD/OM/ORS/PES/DATS **Phone:** [\(301\) 402-8981](tel:3014028981)

**Approving Official(s):** DDM

**Release Date:** 6/30/2015 ?

Transmittal Notice

- 1. Explanation of Material Transmitted:** This new chapter describes the program and systems for all subsidized National Institutes of Health (NIH) Commuter Subsidy Programs, to include the NIH Transshare and Bicycle Subsidy Programs which are administered by the [Division of Amenities and Transportation Services](#) (DATS), Office of Program and Employee Services (PES), Office of Research Services (ORS), Office of Management (OM), Office of the Director (OD). This policy will also clarify alternative transportation terms such as Vanpools, Rideshare and Carpools and incorporates several substantive changes and a new organizational structure for the Parking and Transportation Programs administered by DATS. These policies are for NIH personnel, which includes qualified federal employees, summer students, fellows, and volunteers. Contractors, tenants, and guests working for the NIH are not authorized to participate in the Commuter Subsidy Programs, but may participate in the NIH Rideshare Program.
- 2. Filing Instructions:**

**Remove:** None.

**Insert:** NIH Manual Chapter 1470, dated 06/30/15.

**PLEASE NOTE:** For information on:

- Content of this chapter, contact the issuing office listed above.
- NIH Manual System, contact the Office of Management Assessment, OM on 301-496-4606, or enter this URL:  
<http://oma.od.nih.gov/public/MS/manualchapters/Pages/default.aspx>

### A. Purpose

This chapter provides the policy of the NIH Commuter Subsidy Programs. These programs include the NIH Transshare and Bicycle Subsidy Programs, as well as the NIH Rideshare Program. The policy will cover the requirements for participation by eligible employees to receive subsidies for the purpose of commuting to and from the NIH facilities, as required by

[Executive Order \(EO\) 13150](#), Federal Workforce Transportation. The NIH Transhare Subsidy Program (also known as the Mass Transit benefit) applies to employees in the National Capital Region (NCR) and expanded areas to include the Bayview Campus, Baltimore, MD. The Bicycle Subsidy Program will be provided to eligible employees within the following duty locations: NCR; Bayview Campus, Baltimore, MD; Rocky Mountain Laboratories, Hamilton, MT; and National Institute of Environmental Health Sciences (NIEHS), Research Triangle Park, Durham, NC. The NIH Rideshare Program is a non-subsidy alternative transportation service provided to all employees regardless of duty location, to establish and form carpools and vanpools. These programs are administered by the OD, OM, ORS, PES, DATS. The Commuter Subsidy Programs consist of two programs that provide eligible employees a subsidy (Transhare and Bicycle).

## **B. Background**

The NIH Transhare Subsidy Program is a transportation incentive program mandated by Executive Order for all eligible NIH employees. The Program has expanded extensively over the last several years to include a wide variety of alternative transportation modes such as vanpools, Metrorail, MARC & VRE Trains, local busses and bicycles. On April 21, 2000, EO 13150 was signed requiring federal agencies within the NCR to provide commuting subsidies to all qualified federal employees who elect to commute using mass transportation and qualified vanpools. EO 13150 mandates agencies to provide transportation subsidy benefits in accordance with [Title 26, U.S.C., § 132\(f\)](#).

[Executive Order 13693, Planning for Federal Sustainability in the Next Decade](#), signed in 2015, requires federal agencies to consider developing policies to promote sustainable commuting and work-related travel practices for Federal employees, including rewarding use of carpooling and public transportation. As part of these strategies, DATS provides employees with robust programs that promote alternative transportation options in lieu of single occupied vehicle commuting.

On May 1, 2011, NIH started a Bicycle Subsidy Program to encourage this form of transportation to benefit employee's health, to improve air quality and the environment, and to reduce traffic congestion and conserve energy. Bicyclists have access to numerous bicycle racks, lockers, and shower facilities throughout the campus. The program is regulated by Internal Revenue Code, [Title 26, U.S.C., § 132\(f\)](#) and is available to all qualified employees.

## **C. Policy**

1. The NIH strongly encourages all qualified employees to actively participate in carpooling, vanpooling, and commuting by bicycle or mass transportation. Information on these programs, is available through DATS by calling (301) 402-RIDE (7433) or by visiting the Employee Transportation Services Office (ETSO), also known as the [NIH Parking Office](#). Additional information and procedures are also available on the [DATS Transportation Website](#).
2. The NIH Transhare and Bicycle Subsidy Programs are open to qualified federal employees of the NIH, and in accordance with special legislative authority. Other

hiring mechanisms (for example, summer students, fellows, and volunteers) may receive commuting subsidies; however, NIH reserves the right to reduce, limit, or eliminate the benefits for these individuals. Contractors, Tenants and Guests working at any NIH office are not authorized to participate in the Commuter Subsidy Program. Please see the matrix below for eligibility of programs by NIH Employee Directory (NED) organizational status.

NED Organizational Status	Program /Service				
	TransShare	Bicycle	Rideshare	Vanpool	Carpool
Employee <sup>1</sup>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fellow <sup>1</sup>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Volunteer <sup>1</sup>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Contractor			<input type="checkbox"/>	<input type="checkbox"/> <sup>2</sup>	<input type="checkbox"/> <sup>3</sup>
Guest			<input type="checkbox"/>	<input type="checkbox"/> <sup>2</sup>	<input type="checkbox"/>

Note<sup>1</sup> Summer Students would be eligible for a program/service based on their organizational status.

Note<sup>2</sup> May ride/commute in a vanpool, but not eligible to receive an NIH Commuter Subsidy.

Note<sup>3</sup> To be eligible to receive an on-campus Parking permit, must have a worksite in NED that is “MD-BC” and be approved for parking by their Administrative Officer in NED.

3. Parking privileges (i.e., general permits, hangers, access cards, etc.) at on-, or off-campus facilities must be surrendered or forfeited while participating in NIH Commuter Subsidy Programs. A Transshare participant may request a total of six (6) temporary parking passes per quarter and a Bicycle participant may request a total of twelve (12) parking passes per quarter to utilize for the unanticipated need to drive. These temporary passes do not accumulate or roll over from the end of a calendar quarter. Any participant receiving subsidies that is found to be driving or parking at an NIH facility, outside of these restrictions, may have their benefits suspended, terminated, or revoked.
4. According to [Title 26, U.S.C., § 132\(f\)](#), participants are not eligible to receive multiple subsidies at the same time (e.g. Bicycle and Transshare). Federal employees who are registered with another federal transit subsidy program may not participate in the NIH Transshare or Bicycle Subsidy Program.
5. Participants may elect to withdraw from a subsidy program at any time. Participants are not eligible to re-enroll in the same month they elected to withdraw from a program (e.g. member withdraws on October 10, will not be eligible to re-enroll in any subsidy program until November 1).
6. NIH Commuter Subsidy Program funds may ONLY be used for daily commuting to and from the worksite, as designated in the [NIH Employee Directory \(NED\)](#) and their

home address. The subsidy is not authorized to offset, defer or cover parking expenses at any location. The subsidy is also not permitted to be used for, or to offset commuting associated with training, work related travel, or temporary reassignments, other than what the employee is entitled to, based on their eligible commute. Refer to the [NIH Manual Chapter 1500, Travel Policies and Procedures, Chapter 6, Local Travel](#) for more information.

7. Participation in an NIH Commuter Subsidy Program is contingent upon adherence to all established rules, policies and procedures. Program participants who violate these rules, policies and procedures will be subject to suspension from the program, administrative action and/or criminal prosecution, as appropriate. These punitive actions will be initiated by the ETSO.
8. The ETSO has the authority to invoke the following penalties due to violations of this policy: suspension of up to six (6) months from the NIH Commuter Subsidy Program and removal from the program. Violators are also subject to potential criminal prosecution under [U.S. Code, Title 18, § 1001](#), including a fine and imprisonment for up to five (5) years; a civil penalty action providing for administrative recoveries of up to \$5,000 per violation; and/or agency disciplinary actions up to and including dismissal.
9. All subsidies provided by the NIH are intended for the sole use of the commuting participant receiving the subsidy. Benefits cannot be accumulated or transferred. Subsidies are provided for a participant's commute during the time period they are active members of a program. The Commuting Subsidy Program Manager has the authority to issue benefit reimbursements, but only in the form of fare media. Retroactive reimbursements cannot exceed the declared monthly cost to include the current benefit.
10. The ETSO will conduct audits and reviews on commuting subsidy participant accounts. These actions will be performed on participant's declared commuting costs during enrollment and randomly while a program member. These audits and reviews will be conducted using the appropriate mass transit agency trip planner from the participant's home address to their worksite. The trip planner will be used to determine the most direct and cost effective transportation mode for the authorized subsidy amount. A subsidy participant may choose to use an unapproved transportation mode for their commute, but will only be subsidized for the approved mode and/or amount. If an audit or review determines a participant is not using his/her full subsidy amount the [ETSO](#) reserves the right to adjust subsidy amounts based on usage. Please see [Section G. Procedures, 10. Audits and Reviews](#) of this chapter for more information.
11. Subsidy participants must respond within ten (10) business days to all correspondence from the [ETSO](#) regarding questions about audits, benefits amounts, or rules and policy of the program, or they may be suspended or terminated from the program.
12. The ETSO reserves the right to adjust, suspend, or terminate subsidies without notification, as outlined in [Section G. Procedures, 10. Audits and Reviews](#) of this policy and is not responsible for lost benefits as a direct result of these modifications.
13. The DATS is not responsible for any commuting costs incurred as the result of cards that have been lost, stolen, broken, or not properly registered etc. by a program member during their participation.

14. Subsidy participants are responsible for adhering to all rules and regulations stated within this policy, and procedures listed on the [DATS Transportation websites](#).

## D. References

1. [Executive Order 12191, dated February 1, 1980](#)
2. [Executive Order 13150, dated April 21, 2000](#)
3. [Executive Order 13693, dated March 19, 2015](#)
4. [Title 5, U.S.C., § 2105](#)
5. [Title 5, U.S.C., § 7905](#)
6. [Title 26, U.S.C., § 132\(f\)](#)
7. [Title 18, U.S.C., § 1001](#)
8. [Federal Employees Clean Air Incentives Act of 1993, P.L. 103-172](#)
9. [Transportation Equity Act for the 21st Century \(1998\), P.L. 105-178](#)
10. [OPM Decision Letter S001842, dated August 11, 1998](#)
11. [NIH Manual Chapter 1411 – Bicycle, Bicycle Racks and Lockers](#)
12. [NIH Manual Chapter 1500 – Travel Policies and Procedures](#)
13. [NIH Manual Chapter 1743 – Keeping & Destroying Records](#)
14. [NIH Manual Chapter 2204 – Reasonable Accommodations](#)

## E. Definitions

1. **Ad Hoc/Situational Telework** – Refers to non-routine, non-regular telework assignments. These telework periods have limited durations and occur on an as-needed basis when an assignment is appropriate for telework. This may involve projects or infrequent, sporadic tasks. Special reports or analyses, one-time research projects, etc., are common examples. See [NIH Manual Chapter 2300-600-1](#) for more information.
2. **Mass Transit Agency Trip Planner** – An online tool used by commuters and the ETSO to confirm employee mass transit commutes from their home to their worksite. Each transit agency operates their own trip planner, but the majority of commutes will be found at Washington Metropolitan Area Transportation Authority ([WMATA Trip Planner](#)).
3. **National Capital Region (NCR)** – For the purpose of this policy, the NCR is identified in EO 13150 as follows: The District of Columbia; Montgomery, Prince George's, and Frederick Counties in Maryland; Arlington, Fairfax, Loudon, and Prince William Counties in Virginia; and all cities now or hereafter existing in Maryland or Virginia within the geographic area bounded by the outer boundaries of the combined area of said counties.
4. **NIH Transhare Subsidy Program** – A monthly NIH mass transit allowance for eligible employees to commute using mass transit as defined by [Title 26, U.S.C., § 132\(f\)](#). The amount of the subsidy provided to an employee, is the lesser of an employee's actual commuting expenses or the limit established by statute and adjusted annually by the Internal Revenue Service (See [G. Procedures, 7. NIH Transhare Program](#) for an example).

5. **NIH Bicycle Subsidy Program** – A monthly allowance for eligible employees who commute by bicycle in accordance with [Title 26, U.S.C., § 132\(f\)](#).
6. **Eligible Employee** – A person who is eligible to receive an NIH commuter subsidy from the NIH. The status of this person will be verified in NED and must be one of the following organizational statuses: Employee, Fellow, or Volunteer. Summer students would be considered eligible for a commuter subsidy, if their organizational status was equal to one of the aforementioned titles. Part-time employees would be eligible to receive a subsidy. Note: Contractors and Guests are not eligible for an NIH subsidy. Please see [Title 5, U.S.C. § 2105](#) for a definition of Employees. See [C. Policy 2.](#), for a matrix of those eligible.
7. **NIH Rideshare Program** – A ridematching system that assists NIH employees, contractors, etc., to find or establish carpools and vanpools for commuting purposes. This service is not to be confused with the NIH Transhare Program, which provides eligible employees with a subsidy for their commuting expenses. The Rideshare Program can be accessed through the [Commuter and Parking Services \(CAPS\)](#) website.
8. **Vanpool** – A “commuter highway vehicle” as defined by the [Title 26, U.S.C., § 132\(f\)](#). The IRS terms this a mass transportation vehicle, and as such, eligible employees using this method of commute would be permitted to receive and use a subsidy. Non-eligible employees may use this method, but would have to fund commute at their own expense. The vehicle must include six (6) passengers and a driver and where 80% of the mileage use is dedicated to commuting, during which the vehicle must be at least 50% occupied.
9. **Carpool** – An informal arrangement between two or more persons to commute to and from a home location and their workplace. This form of commuting typically uses individual’s vehicles and is not eligible for reimbursement through a mass transit subsidy program. May be eligible for an on-campus Carpool parking permit. Please see [NIH Manual Chapter 1410, Parking Policy](#).
10. **Employee Transportation Service Office (ETSO)** – Also known as the NIH Parking Office; handles all subsidy programs available to NIH employees and commuters. This office also assists employees and commuters with finding and using alternative transportation options.
11. **Commuter and Parking Service (CAPS)** – A web-based application used by the ETSO to administer the following programs: NIH Transhare, Bicycle Subsidy, Vanpool, Rideshare and Parking permits. The CAPS also has online features to allow customers to externally enroll, update and terminate their membership in the various programs.
12. **Fare cards (SmarTrip® card)** – A plastic, rechargeable card used to pay Metrorail and local bus system fares. It is embedded with a computer chip that tracks the value of the card.
13. **SmartBenefits®** – A web-based program that allows NIH to assign subsidy benefits directly to employees’ SmarTrip® cards.

## F. Responsibilities

### 1. Division of Amenities and Transportation Services:

DATS is responsible for the management and operation of NIH Commuting Subsidy



Programs, NIH Rideshare Program and other alternative transportation commuting options. This includes validating employee eligibilities, verifying commuting costs, performing audits, etc. By accomplishing these and other tasks within this policy, DATS will ensure NIH compliance with various OMB guidance, federal law and executive orders. DATS will utilize NED to assist in confirming employee information and other data.

**2. Employees, Contractors, Fellows, Volunteers:**

All persons receiving a commuting subsidy are responsible for adhering to the policy referenced above. Employees and staff who do not conform to this policy may be subject to administrative action.

**3. IC Administrative Officers/Executive Officers:**

Administrative & Executive Officers are responsible for ensuring employee NED records are kept up to date and accurate. This includes, but is not limited to; active status, organizational types, home addresses, worksites, etc.

## G. Procedures

The following items outline steps and procedures that are common to both subsidy programs, (Transhare and Bicycle) unless otherwise noted.

1. Applying for NIH Commuter Subsidy Programs.

Eligible employees (See [C. Policy 2.](#)) will be permitted to apply for subsidy programs in person at the [ETSO](#), or by submitting an online application through the [CAPS system](#). Please refer to the [DATS Transportation website](#) for full instructions for each program.

2. Subsidy Distribution

Subsidy distribution for each program is outlined on the [DATS Transportation website](#). These procedures are updated based on any changes to regulations, federal policy, vendor and method.

3. Renewals

Subsidy programs require participants to recertify (also referred to as “renewal”) annually. In order to renew, eligible employees will have to recertify their commuting information and understanding of the policy and prohibited activities. This can be accomplished either online through the [CAPS system](#) or in person at the [ETSO \(NIH Parking Office\)](#). For additional guidance visit the [DATS Transportation website](#) and search for your subsidy program

Renewals will be staggered throughout the year for all subsidy programs according to customer’s last name (see table below). Participants will be permitted to renew at any point during their renewal month. **NOTE: Failure to renew by the last business day of a renewal month will result in automatic termination from the program. The sole responsibility for renewing participation in a subsidy program is with the participant.** DATS will send courtesy reminders to each participant that have an

updated e-mail address in the NIH NED system.

#### Renewals for Subsidy Programs

FIRST LETTER OF LAST NAME	RENEWAL MONTH
A - B - C	JANUARY
D - E - F - G	MARCH
H - I - J - K - L	MAY
M - N - O - P	JULY
Q - R - S	SEPTEMBER
T - U - V - W - X - Y - Z	NOVEMBER

#### 4. Withdrawal/Removal

NIH Commuter Subsidy Program participants may elect to withdraw from the program at any time by either requesting a termination action through the [CAPS system](#) or in person at the [ETSO](#). Once removed from a NIH Subsidy Program, the customer may request parking privileges on- or off-campus, but cannot re-enroll in a subsidy program until the following month. For additional guidance visit the [DATS Transportation website](#) and search for your subsidy program

#### 5. Subsidy Adjustments (Modifications)

Participants must maintain accurate commuter information in their subsidy account. This information includes, but is not limited to, the following: home address change, mode of mass transit change, change in commuting costs, worksite location change, etc. Changes in commuting days would need to be adjusted if the change would carry over from month to month (e.g., a participant was working eight (8) hour days/five (5) days a week, now works ten (10) hour days/four (4) days a week due to Alternate Work Schedule (AWS) enrollment). Ad hoc telework assignments and short-term leave do not necessitate a change to the subsidy program account unless these arrangements are consistent from month to month. Failure to maintain accurate commuting costs may result in suspension, adjustment, or termination of benefits.

To adjust declared commuting costs participants may either request changes by logging in to the [CAPS system](#) or by visiting the [ETSO](#). For additional guidance, go to the [DATS Transportation Website](#) and search for your subsidy program.

Adjustments/modifications to commuter information in subsidy programs may also be made during annual recertification/renewals.

#### 6. Temporary Parking Permits

Temporary permits for on-campus employees can be obtained either online through the [CAPS system](#) or from the [ETSO](#).

#### 7. NIH Transshare Program (Mass Transit Subsidy)



The NIH Transhare Program provides subsidies to participants for the use of mass transportation as defined by [Title 26, U.S.C., § 132\(f\)](#). Please see the [Transhare website](#) for a full and updated list of commuting options in the local area for Transhare participants. Members are not eligible to receive parking benefits or subsidies from the Bicycle Subsidy Program if participating in Transhare, except as noted in Section [C. Policy 3](#).

a. Fare cards (SmarTrip<sup>®</sup>/Transit Cards)

The DATS strongly encourages all participants to provide their own registered [SmarTrip<sup>®</sup> card](#). This will reduce the lag time associated with providing transit benefits. If necessary, DATS will provide one SmarTrip<sup>®</sup> card to participants while a member of the NIH Transhare program, however, no replacement cards will be issued by the Parking Office. If the participant obtains a replacement card, the participant must provide the new card number to the NIH Parking Office by updating their commuting information online through the [CAPS system](#). Additional information and assistance can be found at the [Transhare webpage](#). The NIH is not responsible for lost benefits accrued while waiting for commuting benefits to be transferred to a new/replacement card.

Subsidy participants that wish to purchase a SmarTrip<sup>®</sup> card can find current locations and procedures from WMATA at the [SmarTrip<sup>®</sup> website](#).

b. Approved subsidy amounts

The ETSO will use each participant's verified home and work address, as well as the number of declared commuting days to compute their approved subsidy amount. The principal tool the ETSO will use for determining commuting costs in the NCR is the WMATA's Trip Planner. After the ETSO determines a one-way commuting cost, the declared commuting days will be used to determine the monthly approved commuting cost. The amount each participant will receive on their Smartrip<sup>®</sup> card will be the lower value of either the participant's approved subsidy amount or the maximum transportation fringe benefit (as defined by [Title 26, U.S.C., § 132\(f\)](#)). For example; the ETSO determines a participant's one way commute is \$4.05 during rush hour. The participant works on average 5 days per week, about 20 per month. Then their approved monthly subsidy amount would be \$162 per month. The IRS tax code maximum limit for a mass transportation fringe benefit is \$130. Therefore, this participant would receive a subsidy amount of \$130 per month.

c. Vanpools

In order for vanpool participants to be eligible to receive a subsidy from the NIH, vanpools must meet the following requirements:

1. All vanpools must meet the definitions as described in [Title 26, U.S.C., § 132\(f\)](#) and be registered with a local transit authority (e.g. [WMATA Vanpool & Transit Services Operators](#)), as applicable.

2. Upon establishment, during annual renewals, or if a change in vanpool provider occurs, vanpool coordinators must provide the ETSO the most current lease (cost agreement or contract) between the vanpool coordinator and the vanpool provider. This document will contain the following information: Vanpool business name, address, phone number, contact representative for the vanpool provider, and monthly cost estimate.
3. Vanpools that use a parking space provided by the employer as defined in [Title 26, U.S.C., § 132\(f\)](#) must designate one person in the vanpool to receive a parking benefit for the vanpool. Anyone who receives a parking benefit, by definition is ineligible to receive a commuting subsidy benefit.
4. A vanpool participant must occupy a seat in the vanpool at least 51% of eligible work days.
5. The vanpool coordinator must provide the ETSO a published price list and vanpool operating cost from the vanpool provider, which is applicable to all riders (federal employees and non-federal). These cost lists will include all necessary fees (tolls, gas, etc.). Updated price lists will be provided to the ETSO as prices are changed or modified.
6. If a vanpool provider is unable to meet either the requirements set forth in this policy, or in [DOT-OST-2013-0213](#), DATS will not contribute NIH subsidies to that company.
7. Benefits received from NIH for vanpools cannot be accumulated by the vanpool provider or vanpool coordinator. Benefits are intended for use in the month they are received. Benefits received over the monthly cost for the operation of the van, must be returned to either NIH or the US Treasury through [www.pay.gov](http://www.pay.gov).

## 8. NIH Bicycle Subsidy Program

Eligible employees must forfeit their parking and Transshare privileges in order to participate in the NIH Bicycle Subsidy Program. The subsidy is provided in accordance with [Title 26, U.S.C., § 132\(f\)](#). Please see the [Bicycle Subsidy webpage](#) for more information. Members are not eligible to receive parking benefits or subsidies from the Transshare Program if participating in the Bicycle Subsidy Program, except as noted in Section [C. Policy 3](#).

## 9. Audits and Reviews

All programs have controls established in the software to limit fraud, waste and abuse. In addition to controls built into the software, the ETSO will conduct reviews of all enrollment applications. The ETSO will randomly review and audit existing participant accounts.

### a. Administrative Controls

The NIH uses the CAPS system to administer and record the NIH subsidy programs. The system interfaces with the NIH Enterprise Directory (NED) to

accurately assess program eligibility for participants. Input and updates to NED are strictly controlled by Administrative Officers (AO). In order to be considered eligible for a subsidy program, an employee must meet the following conditions:

1. Be an eligible employee with the US Government whose workplace is on the NIH campus or other NIH leased facilities. Contractors are not eligible for benefits.
2. Summer Students designated as employees, fellows, or volunteers are eligible for a Commuter Subsidy as outlined in this policy.
3. Have an active status in NED.
4. May not be receiving benefits from another program under [Title 26, U.S.C., § 132\(f\)](#).
5. Have a home address entered into NED by the participant's AO.

b. Return of unused Subsidies (Applies only to the NIH Transshare Program)

The ETSO will use a system that will allow NIH to recover unused subsidy funds from program participants. This recovery of funds will also ensure any unused subsidies given to employees are not accumulated, prohibiting the employee from selling unused subsidies on a secondary market.

The ETSO will terminate participants from the program who have not accessed their benefits in the most recent and consecutive three (3) month period. Participants who have not consistently utilized their full benefits may have their benefits adjusted. This adjustment will reflect the average of the last four (4) months of actual usage. The ETSO will notify the participants of the adjustment. If it is suspected that a participant might be driving in violation of the program based on underutilization of benefits, the participant will be required to provide documentation in order to avoid suspension or termination from the program.

c. Annual Recertification

Participants must annually recertify their commuting costs and their understanding of the policies, procedures, and rules of the NIH Subsidy programs. This affirms their understanding of their acknowledged declaration to adhere to all laws and rules of the program under [Title 18, U. S. C. § 1001](#).

Renewals may be done in person at the ETSO, or online through the [CAPS System](#). If a participant fails to renew within their recertification/renewal month, they will automatically be removed from the program and their benefits suspended. There is no waiting period for reapplying to participate in one of the Commuter Subsidy Programs.

## H. Confidentiality of Documents and Release of Information

The Computer and Parking Service (CAPS) Program is subject to the Privacy Act of 1974, as amended (5 U.S.C. Section 552a). Information stored within this record system must be maintained in accordance with the NIH Privacy Act Systems of Record Notice (SORN) 09-25-0167, National Institutes of Health (NIH) TRANSHARE Program, HHS/NIH/OD linked here: <https://oma.od.nih.gov/forms/Privacy%20Documents/PAfiles/0167.htm>.

The SORN will be republished in 2015 and renamed 09-25-0167, National Institutes of Health (NIH) Commuter and Parking Service Program, HHS/NIH/OD.

## I. Records Retention and Disposal

All records pertaining to this chapter must be retained and disposed of under the authority of [NIH Manual 1743](#), "Keeping and Destroying Records," Appendix 1, "NIH Records Control Schedules" (as amended). These records must be maintained in accordance with current NIH Records Management and Federal guidelines. Contact your [IC Records Liaison](#) or the NIH Records Officer for additional information.

## J. Internal Controls

### 1. Office Responsible for Reviewing Internal Controls Relative to this Chapter

**(Issuing Office):** The DATS, ORS is responsible for the method used to ensure that internal controls are implemented and working.

2. **Frequency of Review:** Due to the automated nature of the CAPS system, reviews are ongoing because controls are built into the daily operation of the system. The system controls will be reviewed every two (2) years and adjustments will be made to the CAPS system as mission and needs dictate.

3. **Method of Review:** The DATS will maintain oversight and ensure effective implementation and compliance with this policy. The DATS will monitor the program using a number of resources, including, but not limited to, information received from NIH employees, and information contained in the CAPS system. Administrative reports containing commuter subsidy numbers and other basic information will be tabulated throughout the year or upon request, and DATS will review and make changes to this chapter as necessary.

a. Audits of Customer Accounts. DATS will conduct Audits and Reviews of customer's accounts in accordance with [Section G. Procedures, 10. Audits and Reviews](#) of this chapter.

4. **Review reports are sent to:** The Associate Director for Program and Employee Services, ORS. Reports will indicate if controls are in place and working well. Issues of special concern will be brought to the immediate attention of the Director, ORS and raised to the Deputy Director for Management, NIH if required.