

**Fringe Benefits****Vehicle Use-Uniforms-Cell Phones**

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Vehicle Use. Certain County employees may be assigned a vehicle that is driven home. Such personal use, if allowed, may be a taxable benefit. The taxable value of the personal use of a county vehicle will be determined by using one of the methods outlined below, as authorized by the Internal Revenue Service (IRS). Every employee authorized to use a county vehicle for commuting must sign the appropriate Certification form (Attachment A or B), which must also be signed by the responsible Elected Official or Department Head, and a County Commissioner.

QUALIFIED NON-PERSONAL USE VEHICLE. An employee's use of this type of vehicle is a working condition fringe benefit and is excludable from the taxable wages of an employee. Examples of this type of vehicle include a clearly marked police vehicle and, under limited circumstances, an unmarked police vehicle.

COMMUTING VALUE RULE. Under this rule, the taxable value of the county-provided vehicle is \$1.50 per one-way commute. The employee may not drive the county vehicle from work to lunch and then back to work under this rule. The employee must be required to commute in the vehicle for a valid non-compensatory business reason.

Uniforms. Clothing items purchased by the County for use by employees are not a taxable fringe benefit if they are: (1) part of a recognizable uniform required by the department; (2) clearly display the county logo or a department name. Ordinary wear clothing may not be purchased with County funds.

Cell Phones. Employees who require a cell phone in order to perform their duties as expected will be issued a county cell phone or will receive a monthly cell phone stipend. Non-exempt employees eligible for overtime compensation will not receive a county cell phone or stipend unless the need is expressly stated in their job description.

The Elected Official or Supervisor will determine if an employee needs a cell phone for one of the following reasons: (1) Must remain in contact on a 24/7 basis; (2) GPS units on phone provide required data; or (3) Duties require frequent absences from the office.

Employees will be eligible for a data plan only if necessary for one of the following reasons: (1) GPS units on phone provide required data; (2) Job responsibilities require frequent access to email, internet, calendar, etc. while away from the office; or (3) Court Supervisor or designated employee must be able to communicate with Judges via text and email on a 24/7 basis.

The County's annual budget must include an approved list of all positions eligible to receive a county cell phone or cell phone stipend, and the yearly stipend amount. County cell phones and cell phone stipends will not be considered a taxable benefit.

Employees issued a county cell phone become responsible for the phone, which is not insured by the county. If a county cell phone is lost or damaged, it will be replaced at the employee's expense. Employee use of a county cell phone may be restricted to a specified number of minutes and/or text messages.

All information on county phones is subject to the public records law. This means that employees have no right to privacy when using a county phone.

Employees receiving a data plan stipend in order to use their personal phones to send or receive county emails must understand that all such emails become a matter of public record.

Certification of Use of a County Vehicle for Commuting as a Non-Taxable Fringe Benefit

I, _____, Sheriff of Teton County, do hereby certify that _____ is a full time law enforcement officer, is authorized to carry firearms, is authorized to execute search warrants, is authorized to make arrests, will regularly carry firearms, except when it is impossible to do so because of undercover work, and is always "on call" to respond to emergency situations involving the public.

I have assigned a:

- clearly marked vehicle
- unmarked law enforcement vehicle

to the above-named officer and am requiring use of that vehicle for commuting from work to home and from home to work. I am prohibiting use of the vehicle outside the assigned jurisdiction, except for commuting, or for use incidental to law enforcement.

By signature below, the individuals understand that this Certification makes the use of a clearly-marked police vehicle, or an unmarked law enforcement vehicle, a non-taxable fringe benefit for the employee; that this nontaxable fringe benefit may be reviewed by the IRS, or others, at any time; that documentation must exist to support the certifications above; that changes in job duties may affect this certification; that errors in the treatment of non-taxable fringe benefits to an employee can result in back taxes, penalties and interest to the county and/or the employee; that willful failure to comply with IRS regulations can result in personal liability to the individuals having knowledge of the IRS regulations and having knowledge of the job duties. Documentation can be, but is not limited to: job description, timesheets that document the employee is full time law enforcement, and timesheets that document the employee is regularly called out to respond to someplace other than the regular work site to assist in emergency situations involving the public.

Employee: _____

Date: _____

Sheriff: _____

Date: _____

Commissioner: _____

Date: _____

Certification of Use of a County Vehicle for Commuting as a Taxable Fringe Benefit

I, _____, Teton County _____, do hereby certify that _____ is required to commute from work to home and from home to work in a Teton County (County) owned vehicle for the business purpose of:

_____ .

Any other personal use of this vehicle is strictly prohibited, except minimal personal use such as a personal errand that is between work and the employee's home. The named employee above will be taxed for the personal use of the County vehicle under the IRS commuting value rule at the rate of \$1.50 per one way commute; and will owe the County the employee's share of FICA and Medicare on the personal vehicle use.

By signing below, the individuals understand that this Certification makes the personal use of a County vehicle when commuting to work from home and from home to work a taxable fringe benefit to the employee; that any other personal use of the county vehicle is prohibited; that the personal use of the County vehicle will be added to the employee's taxable income each pay period; that the employee must pay the employee's share of the FICA and Medicare; that the County has elected to not withhold any federal or state income tax from the value of the personal use of the County vehicle provided to the employee; that a change of job duties may affect this certification; that documentation must exist to support the certifications above; that errors in the treatment of fringe benefits to an employee can result in back taxes, penalties and interest to the County and/or the employee; that willful failure to comply with IRS regulations can result in personal liability to the individuals having knowledge of the IRS regulations and having knowledge of the job duties; that this taxable fringe benefit may be reviewed by the IRS, or others, at any time. Documentation can be, but is not limited to: job description, timesheets that document the employee is full time, and timesheets that document the vehicle is needed by the employee to accomplish the business purpose stated above.

Employee: _____ Date: _____

Supervisor: _____ Date: _____

Commissioner: _____ Date: _____