

CALIFORNIA HIGHWAY PATROL

GENERAL ORDER 22.4

REVISED JANUARY 2019

**CONDITIONS OF EMPLOYMENT FOR
EMPLOYEES ASSIGNED TO RESIDENT POST**

1. POLICY. The purpose of this General Order is to establish new policy and procedures relating to Conditions of Employment for employees assigned to Resident Posts and who occupy state-owned housing. This General Order defines the Department's policy and resolves the assigned Resident Post employee fringe benefit tax liability.

2. GENERAL. The California Highway Patrol maintains 33 Resident Posts throughout the state. The Death Valley and Mountain Pass Resident Posts provide state-owned housing as a condition of employment. State-owned housing is provided at these Resident Posts due to their remote location and the need for emergency response 24 hours a day. Only a limited number of state-owned housing is available at these Resident Posts, and assignment to available state-owned housing will be determined by the Area commander. Employees who reside at the Resident Posts are subject to on call status.

3. PROCEDURES. Employees assigned to Resident Posts that provide state-owned housing are subject to the policy and procedures below.
 - a. Occupancy of Resident Posts in State-Owned Housing.
 - (1) Employees that reside in state-owned housing shall pay rent through payroll deduction. The rental amount for state-owned housing will comply with California Code of Regulations (CCR), Sections 599.642 and 599.645. Facilities Section will review and determine the applicable amount annually using the Fair Market Validation process.
 - (2) A "condition of employment" means that the employee is required to accept housing in order to properly perform duties of the job. It is not sufficient that an employee is compelled by the employer to live on the premises. The employee must be required to do so, as the onsite housing is indispensable to the proper discharge of assigned duties. An employer must demonstrate and

document the need for an employee to live on the premises to satisfy the condition of employment.

(3) Resident Post employees who accept the conditions of employment and reside at the post are subject to regular working hours and are subject to either standby or on-call status in order to respond to emergencies in their remote patrol areas. Standby should be used when it is absolutely critical that an employee be available to respond to a call, and on-call should be used when it is not necessarily critical that an employee be available and there are other methods for addressing a call in the event a particular employee is unavailable to respond. Accordingly, either status is essential to the safety and protection of life for the State of California and its citizens.

(a) The Resident Post assignments listed are considered "condition of employment" assignments, and are subject to the CCR rates. Onsite, state-owned housing provided at Mountain Pass and Death Valley Resident Posts is for the sole benefit of the State of California.

b. Documents Required for State-Owned Housing Residency.

(1) Human Resources Section (HRS), Personnel Transactions Unit (PTU), shall be notified when there is a change in occupancy of Resident Post assignments. The commander shall submit a memorandum to reach HRS, PTU, no later than the fifth of the month of assignment. The memorandum shall indicate the name of the Resident Post, name of the employee, employee's I.D. number, effective date of assignment, and the amount of rent to be deducted from the employee's warrant. The specific rent amount to be deducted is determined by the CCR (refer to paragraph 3.a.[1]).

(2) The employee shall execute a written lease agreement by completing a CHP 105, Resident Post Lease Agreement (Month-to-Month), with their command to be in place no later than the fifth of the month of assignment. The CHP 105 shall be signed by the Area commander and employee assigned to the Resident Post with the following distribution: original to Fiscal Management Section, one copy to Facilities Section (to the attention of the assigned Facilities Section analyst for the Division), and one copy for employee's Area personnel file.

(3) The monthly rent shall be deducted from the employee's regular payroll check by completing a STD. 650, Miscellaneous Deduction Change Report. The Area commander shall ensure that the employee who will reside in the housing completes the required forms for the payroll deduction of rent.

(4) Such monthly rent shall be reviewed annually by the assigned Facilities Section analyst for possible rent adjustments in accordance with the CCR.

(5) Facilities Section will notify Area command, Division, and Office of Employee Relations of rental adjustments each year, if applicable.

(6) Said monthly rents shall not be considered a “fringe benefit” and is considered nontaxable (excluded from gross income) pursuant to Internal Revenue Code 199-1(b).

OFFICE OF THE COMMISSIONER

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