

**Functional Series 400: Personnel
ADS Chapter 405 - TELECOMMUTING**

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405.1 Authority

1. Presidential Memorandum, July 11, 1994
2. Presidential Memorandum, June 21, 1996
3. Vice Presidential Memorandum, March 7, 1997
4. J. Brian Atwood Action Memorandum, November 24, 1997
5. Fair Labor Standards Act
6. Federal Employees' Compensation Act, as amended

405.2 Objective

The Agency will facilitate off-site work arrangements for employees assigned to USAID/W when such arrangements are beneficial to the Agency in terms of enhanced quality or work, productivity, timeliness of performance, and/or customer service. Such arrangements are voluntary in nature and may be terminated at the discretion of management. While certain benefits accrue to the telecommuting employee (i.e., savings in time and financial costs associated with commuting to and from the office), telecommuting is not intended to provide a substitute for child or elder care or other personal responsibilities.

405.3 Responsibility

1. The Office of Human Resources (M/HR) is responsible for:
 - a. Establishing the Agency's Telecommuting policies;
 - b. Providing training for participants and Agency supervisors;
 - c. Responding to telecommuting-related inquires;
 - d. Conducting periodic evaluations of the Agency's Telecommuting program; and
 - e. Processing the resulting claim for coverage under the Workers' Compensation Program, in the event of injury of a telecommuter at the alternative workplace during duty hours.
2. USAID/W Employees:

USAID/W Employees interested in proposing to enter into a Telecommuting arrangement are responsible for reviewing the provisions of the Agency's Telecommuting Agreement Form (**See Mandatory**

Reference, [USAID TELECOMMUTING AGREEMENT, Form AID 400-8 \(12/97\)](#)) and requesting to enter into a formal agreement with the appropriate supervisor and/or management official.

3. Supervisors:

Supervisors are responsible for reviewing and approving proposed non-recurring Telecommuting arrangements not to exceed two days in duration.

4. Management Officials at the levels indicated in the Administrator's Action Memorandum (**See [405.1](#)**) and as indicated in E405.5.1b are responsible for reviewing and approving proposed Telecommuting arrangements of a continuing nature, e.g., one day per week for a period up to ninety days (**See [E405.5.1b](#)**).

5. The Office of Information Resources Management (M/IRM) is responsible for establishing the Agency's policy regarding the handling of Sensitive But Unclassified (SBU) information in electronic format (**See Mandatory References, [ADS 545](#) and [12 FAM 540](#)**).

6. The Office of Information Resources Management, Telecommunication/Computer Operations Division (M/IRM/TCO) is responsible for providing limited support to Telecommuters in terms of connectivity from personal computers to the Agency's E-mail and other electronic databases.

405.4 Definitions (See [ADS GLOSSARY](#))

ALTERNATIVE WORKPLACE
FIRST LINE SUPERVISOR
MANAGEMENT OFFICIAL
TELECOMMUTER
TELECOMMUTING AGREEMENT
TELECOMMUTING CENTER
SELF-CERTIFICATION

405.5 POLICY

The statements contained within the .5 section of this ADS chapter are the official Agency policies and corresponding essential procedures.

405.5.1 TELECOMMUTING ARRANGEMENT

A USAID Employee assigned to USAID/W whose performance demonstrates the ability to accomplish work assignments on a timely basis

without continuous, direct supervision may propose on a voluntary basis to work away from the official USAID office.

The alternative workplace is typically the employee's home; however, other alternative workplace arrangements are possible. The Agency provides no computer equipment, i.e., hardware, nor software aside from that associated with connectivity to the Agency's E-mail and other databases for use at the alternative workplace. Employee responsibilities to protect SBU and classified national security information are unchanged (**See Mandatory References, [ADS 545](#) and [12 FAM 540](#)**).

Telecommuting arrangements must include at minimum an agreement between the employee and management regarding where the alternative workplace shall be, the dates and times during which the Telecommuter will be working at the alternative workplace, and the work to be accomplished.

E405.5.1 Telecommuting Arrangement - N/A

405.5.1a NON-RECURRING TELECOMMUTING ARRANGEMENTS

Non-recurring Telecommuting arrangements are for two consecutive days or less; are non-recurring in nature; and are typically proposed in order to accomplish a specific task that occurs infrequently (e.g., to prepare a report or employee evaluations).

E405.5.1a Non-Recurring Telecommuting Arrangements

For a non-recurring Telecommuting arrangement, the employee is not required to complete either the Agency's Telecommuting Agreement form (**[Form AID 400-8 \(12/97\)](#)**) or Agency's Self-Certification Safety Checklist for Home-based Telecommuters (**[Form AID 400-7 \(12/97\)](#)**). Such Telecommuting arrangements may be approved by the employee's first line supervisor. At minimum, the employee and the supervisor must have a clear understanding and agreement as to where the alternative workplace shall be, what the day(s) and hours of duty shall be, and what work shall be performed during the time spent telecommuting. In addition, the supervisor must be able to contact the telecommuter during work hours for emergency locator purposes.

405.5.1b CONTINUING TELECOMMUTING ARRANGEMENTS

Continuing Telecommuting arrangements entail work performed in the employee's home on a routine, recurring basis, one or two days per week (during the trial program not more than one day per week) for a period of up to ninety days.

E405.5.1b Continuing Telecommuting Arrangements

For a continuing Telecommuting arrangement the employee must complete both the Agency's Telecommuting Agreement form ([Form AID 400-8 \(12/97\)](#)) and also the Agency's Self-Certification Safety Checklist for Home-based Telecommuters ([Form AID 400-7 \(12/97\)](#))(See **Mandatory Reference, [USAID TELECOMMUTING AGREEMENT, AID 400-8 \(12/97\)](#) and [USAID Self-Certification Safety Checklist for Home-based Telecommuters AID 400-7 \(12/97\)](#)**). Such arrangements may be approved by the following management officials as indicated in the Implementation of Family Friendly Work Arrangements Action Memorandum of November 24, 1997:

- 1) Deputy Assistant Administrators (DAAs) in all regional and functional Bureaus;
- 2) Deputy Office Directors in all Offices of the Bureau for Management (M Bureau); and
- 3) Directors of Independent Offices reporting directly to the Administrator.

During the pilot period the approval authority shall not be delegated downward from these levels. The completed Telecommuting Agreement and Self-Certification Safety Checklist are retained by the supervisor or management official approving the Telecommuting arrangement for one year from the date of termination or expiration of the agreement.

405.5.2 FACTORS TO CONSIDER IN APPROVING A TELECOMMUTING ARRANGEMENT

Factors that suggest the feasibility of a telecommuting agreement are:

- a) The nature of the work to be performed and the employee's job responsibilities allow for effective or enhanced performance away from the official USAID office;
- b) There is no need for the employee to access classified national security information (which cannot be transmitted, handled, discussed, or stored at an alternate work site);
- c) The product or work accomplished by the employee while telecommuting can be evaluated;
- d) Arrangements are made to minimize or eliminate any negative

impact of the employee's absence on Office coverage, customer service, and accessibility of the telecommuter;

e) The absence of the telecommuter will not impact negatively on the ability of the organization to accomplish its mission; and

f) The employee's performance demonstrates the ability to accomplish work assignments on a timely basis without continuous, direct supervision.

Factors that preclude approval of a Telecommuting Arrangement are:

a) The nature of the employee's job responsibilities or the employee's demonstrated performance require close supervision;

b) The nature of the employee's job responsibilities require daily access to classified national security information; and

c) The employee has a current or recent history of leave abuse, i.e., leave abuse within the past year.

E405.5.2 Factors to Consider in Approving a Telecommuting Arrangement

Implicit in the higher level of approval required for Continuing Telecommuting arrangements is the understanding that the factors listed in the preceding policy section must be considered in approving or disapproving any Telecommuting arrangements. Employees wishing to propose telecommuting arrangements shall consider these factors and be prepared to discuss the impact of their proposed Telecommuting arrangement with their first line supervisor in terms of the criteria contained in both 405.5.2a and 405.5.2b (**See [405.5.2a](#) and [405.5.2b](#)**).

405.5.3 OFFICIAL DUTY STATION

The telecommuter's main office shall be designated as the official duty station for purposes of special salary rates and travel, regardless of where the alternative workplace is located.

E405.5.3 Official Duty Station - N/A

405.5.4 HOURS OF DUTY

The existing rules on hours of duty apply to telecommuting employees. Management determines the employee's work schedule consistent with the requirements of the work group. Management shall not approve alternative work schedules for telecommuting employees. (**See [ADS 479](#)**)

E405.5.4 Hours of Duty - N/A

405.5.5 LEAVE

Leave requested by a telecommuter shall be made in the same manner as it would for employees not engaged in telecommuting activities (**See [ADS 480, 481, and 482](#)**).

E405.5.5 Leave - N/A

405.5.6 CERTIFICATION AND CONTROL OF TIME AND ATTENDANCE

Supervisors must report time and attendance to ensure that telecommuting employees are paid for work performed and to account for absences from scheduled tours of duty are accounted for. The General Accounting Office (GAO) requires agencies with employees working at remote sites to provide reasonable assurance that the employees are working when scheduled, for example, by determining the reasonableness of the work output for the time spent or by having the supervisor make occasional telephone calls or visits during the employee's scheduled work time (**See Mandatory Reference, [Title 6 GAO's Policy and Procedures Manual for the Guidance to Federal Agencies \(Timekeeping\)](#)**).

E405.5.6 Certification and Control of Time and Attendance

The certification and control of Time and Attendance is governed by the policies and essential procedures in ADS 479, 480, 481 and 482 and also Title 6 of GAO's Policy and Procedures Manual (**See [ADS 479, 480, 481, 482](#) and also [Title 6 GAO's Policy and Procedures Manual for the Guidance to Federal Agencies \(Timekeeping\)](#)**).

Timekeepers must:

- a. Maintain the proper time and attendance data for each assigned employee;
- b. Ensure that employees initial the draft Time and Attendance Report and/or complete other time and attendance documents as to hours worked, leave taken, and any overtime or compensatory time earned or used during a pay period in accordance with office procedures and established timeframes;
- c. Process and sign the Final Time and Attendance Report at the end of the pay period; and

d. Maintain all supporting documents including approved Applications for Leave ([Form SF-71](#)), approved overtime requests, and approved work schedule requests.

E405.5.6a Telecommuter Supervision by Management

Management shall retain the right to utilize a structured approach to time and attendance (e.g., use of sign-in sheets or E-mail), particularly in response to problems suggesting leave abuse.

405.5.7 GROUP DISMISSAL

A telecommuting employee shall sometimes, but not always, be affected by an emergency requiring the regular office to close. For example, on a "snow closing day," USAID shall not excuse a telecommuting employee unless the telecommuter cannot perform work because the regular office is closed. When both the regular office and the alternative workplace are affected by a wide-spread emergency, the Agency shall grant the telecommuting employee excused absence as appropriate. When an emergency affects only the alternative worksite for a major portion of the workday, the Agency shall require the telecommuting employee to report to the official USAID office, approve annual leave or leave-without-pay (LWOP).

E405.5.7 Group Dismissal - N/A

405.5.8 PAY

Existing rules on pay administration apply to telecommuting employees (See [ADS 470, HB 26, Chapter 2](#); and [ADS 471, HB 26, Chapter 3](#)).

E405.5.8 Pay - N/A

405.5.9 OVERTIME

The existing rules on overtime under Title 5, United States Code, and the Fair Labor Standards Act (FLSA) apply to telecommuting employees (See Mandatory References, 5 USC sec. 5542 and the FLSA). Supervisors shall make sure that telecommuting employees work overtime only with advance approval (See [ADS 472, HB 26, Chapter 8](#)).

E405.5.9 Overtime - N/A

405.5.10 SECURITY

Under no circumstances may classified materials be taken from official

USAID offices to be worked with or stored at the alternative workplace. Employee agrees to control Sensitive But Unclassified (SBU) materials in both hard copy and electronic formats to the same extent as is required at the official USAID office. The employee's supervisors approve of the removal and use of SBU information at the alternate workplace. The Agency provides no computer equipment (i.e., neither hardware nor software, aside from that associated with connectivity to the Agency's E-mail and other databases) for use at the alternative workplace.

E405.5.10 Security

Employees, supervisors, and management officials shall adhere to the provisions pertaining to Sensitive But Unclassified (SBU) materials as stipulated in the USAID policy:

- a) ADS 568, National Security Information and Counterintelligence Security Program; and
- b) ADS 545, Automated Information Systems Security.

The provisions of 12 FAM 540 on Sensitive But Unclassified Information also are applicable. **(See Mandatory References, [ADS 568](#), [ADS 545](#), and [12 FAM 540](#))**

405.5.11 WORKERS' COMPENSATION

Telecommuting employees are covered by the Federal Employees Compensation Act (FECA) and may qualify for payment for on-the-job injury or occupational illness that occurs at the previously agreed upon alternative workplace and during the previously agreed upon work hours **(See [ADS 442](#))**.

E405.5.11 Workers' Compensation - N/A

405.5.12 TERMINATION OF THE TELECOMMUTING ARRANGEMENT

Telecommuting arrangements are approved at the discretion of management, are not a right or entitlement, and may be canceled at any time by management or the employee irrespective of the terms agreed to in the Telecommuting agreement, if one has been executed **(See [E405.5.1a](#) and [E405.5.1b](#))**.

E405.5.12 Termination of the Telecommuting Arrangement - N/A

405.6 Supplementary References

1. [Summary of the USAID Family Friendly Needs Assessment Survey](#)
2. [Telecommuting Frequently Asked Questions](#)

405.7

Mandatory References

1. [ADS 545, Automated Information Systems Security](#)
2. [ADS 568, National Security Information and Counterintelligence Security Program](#)
3. [12 FAM 540, Sensitive But Unclassified Information](#)
4. [Title 6 GAO's Policy and Procedures Manual for the Guidance to Federal Agencies \(Timekeeping\)](#)
5. [5 USC sec. 5542 \(Overtime\)](#)
6. [ADS 442 Workers' Compensation](#)
7. [ADS 470 FS Pay, HB 26, Chapter 2](#)
8. [ADS 471 CS Pay, HB 26, Chapter 3](#)
9. [ADS 472 Premium Compensation, HB 26, Chapter 8](#)
10. [ADS 479 Hours of Duty](#)
11. [ADS 480 Leave](#)
12. [ADS 481 Family Medical Leave](#)
13. [ADS 482 Voluntary Leave Transfer](#)