

	U.S. DEPARTMENT OF THE INTERIOR OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT DIRECTIVES SYSTEM	Subject Code: PER-23
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		Date: <i>12-8-11</i>
Subject: OSM Telework Policy		
Approval: Joseph G. Pizarchik		<i>Joseph G. Pizarchik</i> Title: Director

1. **Purpose.** This Directive establishes the Office of Surface Mining Reclamation and Enforcement (OSM) policy for both core and situational telework. OSM supports Public Law 106-346 (FY 2001 Department of Transportation and Related Agencies Appropriations Act) Section 359, which promotes a policy under which eligible employees of the agency may participate in telecommuting to the maximum extent possible without diminished employee performance or mission accomplishment.
2. **Summary of Changes.** This policy supersedes policy memoranda dated January 11, 2011, signed by Joseph G. Pizarchik, OSM Director.
3. **Definitions.**
 - a. **Alternate Worksite.** A worksite other than the employee's "official duty station", such as employee's residence, a telework center, or a facility established by state, local, or county governments or private sector organizations for use by teleworkers, including National Guard Bureau Distance Learning Centers. The alternate worksite must be approved by the employee's supervisor.
 - b. **Core Telework.** An approved telework schedule where an eligible employee regularly works at an approved alternative worksite. Core telework may be on a part-time or full-time schedule, as approved by management.
 - c. **DOI Telework Handbook.** The handbook contains templates, guidance, sample authorization forms, detailed cross references with legislative mandates, and departmental management requirements.
 - d. **Eligible Employee.** Employees who do not fall under one of the ineligibility categories, specifically: (1) having been officially disciplined for being absent without permission for more than five days in any calendar year; or (2) having been officially disciplined for violations of subpart G of the Standard of Ethical Conduct of Employees of the Executive Branch for reviewing, downloading, or exchanging pornography, including child pornography on a Federal computer or while performing Federal Government duties.
 - e. **Emergency Employees.** Employees who are officially designated by OSM as

emergency employees. Such employees may be expected to report for work, and remain at work, despite any emergency dismissal/closure announcements to the contrary (such as unscheduled leave policy, early dismissal, adjusted home departure, and Department closings).

f. Federal Records. Federal records created or received during the course of official OSM business while at a telework site must be maintained, stored, and preserved in accordance with the requirements of the Federal Records Act, the Freedom of Information Act, the Privacy Act, the Federal Information Security Management Act of 2002, OSM office records management policy and OSM office Records Retention Schedule.

g. Hoteling. Hoteling refers to “shared” workstations used by employees who are working temporarily or part time in a specific place and/or on a specific project or who work in an environment where employees have flexible hours.

h. Information Technology (IT) Security. The combination of physical, administrative, and technical measures applied to protect individual privacy and OSM’s information technology assets from loss, destruction, misuse, alteration, unauthorized disclosure, or access.

i. Mission Critical Emergency Employees. Employees who are expected to remain in contact with their agencies at all times during any closure situation and may be called to work during national emergencies, extended emergencies or other unique situations.

j. Official Duty Station. The city/town, county, and state where an employee regularly works, as determined by the employee’s Bureau/Office and documented on his/her most recent Notification of Personnel Action (e.g., Standard Form-50).

k.. Participation. Telework is not an employee entitlement and participation in telework must be approved by the employee’s supervisor and is subject to change.

l. Situational Telework. An approved telework schedule wherein an eligible employee works on an irregular basis away from the official duty station. This type of telework is ad-hoc in nature and can be used when an employee is working on a special project, weather conditions are unfavorable, when an employee has a medical problem, or requires reasonable accommodation temporarily. By its nature, situational telework is established on a part-time basis only.

m. Teleworker. An employee who works at an alternative workplace, either on a recurring schedule or on an irregular or temporary basis.

n. Telework Agreement. Required for every type of telework arrangement, this written agreement between an employee and their first-level supervisor outlines the terms and conditions under which the employee may work at an approved alternative worksite.

o. Telework Center. A telework center or an office near the employee’s home, in space owned or leased by one or more agencies have flexible hours.

4. Policy.

a. Scope. The OSM Telework Program supports the Telework Enhancement Act of 2010 with providing eligible employees the opportunity to participate in teleworking in an alternate workplace when doing so is consistent with OSM's mission. Telework, as defined by OPM, is a work arrangement in which an employee regularly performs officially assigned duties at home or at other work sites geographically convenient to the residence of the employee. This Directive applies to all OSM employees, except those excluded by law or Executive Order from coverage under P.L. 106-346, Section 359 and those employees deemed ineligible by the agency to participate in the telework program. All teleworkers must complete a telework agreement signed by both the employee and first-level supervisor. The objectives of the telework program are to:

- (1) improve quality of life for employees;
- (2) enhance the recruitment and retention of employees;
- (3) employ and accommodate individuals with disabilities, including employees who have temporary or continuing health conditions or who may otherwise have to retire on disability;
- (4) reduce traffic congestion and preserve the environment;
- (5) support Continuity of Operations plans, and
- (6) reduce Federal operating costs associated with office space and transportation.

b. Adoption of DOI Handbook. It is OSM's policy that the DOI Telework Handbook (370 DM 226) be used as the guidance for OSM's telework program including the following OSM specific policies to the DOI Telework Handbook outlined below:

- (1) General:
 - (a) OSM new hires will be required to wait a minimum of 90 days prior to beginning a telework agreement, unless the position requires otherwise;
 - (b) OSM will encourage the creation of unassigned workstations (Hoteling) at Headquarters, Regional, and/or Field Office locations to accommodate traveling Teleworkers;
 - (c) no additional expenditures will be made for locking file cabinets, however, exceptions will be considered on a case-by-case basis;
 - (d) teleworkers must comply with OSM's policies for use of telephones & IT Security guidelines as presented in the "IT Security Policy Handbook & Standards";
 - (e) identification of employee's participation in teleworking using Departmental and OSM criteria (Appendix A) is the responsibility of the supervisor;

(f) supervisors must provide the Telework Coordinator with a PDF copy of all telework agreements, denials, and terminations;

(g) if applicable, the supervisor is responsible for the completion of the OSM Telework Termination Form (Appendix B).

(2) Services and Equipment

(a) OSM will furnish a Government owned laptop for use by full-time core teleworkers. Exceptions will be considered on a case-by-case basis;

(b) OSM employees will not be allowed to use personally owned equipment as provided in the OSM IT Handbook. OSM's policy on use of personally owned equipment will be revised, as appropriate, if the Department revises its IT policy.

(c) OSM will purchase all required equipment and supplies necessary to support full-time core teleworkers, including normal Help Desk Services;

(d) the appropriate IT office will configure new IT equipment, and full-time core teleworkers will be responsible for the normal installation of the equipment at their new duty station;

(e) the OSM National Helpdesk will be available to all teleworkers;

(f) requirements for specialized equipment needs will be considered on a case-by-case basis;

(g) part-time core/situational teleworkers will utilize the equipment and supplies from their current duty station;

(h) OSM will not reimburse part-time core/situational teleworkers for internet service;

(i) part-time core/situational teleworkers will receive a calling card to cover long distance calls;

(j) teleworkers are responsible for the transfer of computers, printers, external back up devices, and other data processing equipment from the office to the home residence and back;

(k) based on the requirements of the position for full-time core teleworkers, supervisors will determine the need for a cell phone;

(l) based on the requirements of the position for full-time core teleworkers, supervisors will determine the need for the purchase of internet service.

(3) Travel

(a) if a full-time teleworker chooses to live outside the commuting area of their office, OSM will reimburse travel up to the cost that would be incurred if the employee were traveling from within the commuting area of their office.

(4) Ethics

(a) employees who telework continue to be held to standards of ethical behavior representative of a public servant. These ethical standards are found in the Standards of Conduct for Employees of the Executive Branch at 5 C.F.R. Part 2635 and Employees Responsibility and Conduct at 5 C.F.R. Part 735 and the Ethics Guide for DOI Employees, January 2010.

c. Exception. The Director or designee reserves the right to amend the requirements described in this policy in the event of a natural disaster or during an emergency when it has been determined that the mission critical work can and must continue at an alternative worksite.

5. **Responsibilities.**

a. The Director is responsible for establishing the OSM Telework Program.

b. The Assistant Director for Finance and Administration will appoint an OSM Telework Coordinator, and oversee OSM's Telework Program.

c. The OSM Telework Coordinator shall:

(1) implement OSM's telework policy in accordance with DOI telework policy;

(2) prepare consolidated reports on participation rates in the OSM's Telework Program and submit to the Department;

(3) provide information and guidance to supervisors, managers, and employees on the OSM Telework program;

(4) serve as liaison with Departmental officials and officials from other Federal agencies; and

(5) maintain all OSM telework forms received from supervisors.

d. The OSM Office of Occupational Health and Safety Officer shall:

(1) provide written guidance on how to avoid alternative worksite

injuries; and

(2) oversee, either personally or through a designee, any necessary inspections of approved alternative worksites.

e. Supervisors will:

(1) complete the required training located in DOI Learn if managing teleworkers;

(2) ensure that an eligible employee completes telework training on DOI Learn prior to teleworking;

(3) reduce barriers that inhibit the use of the telework flexibility by learning to adjust methods of leading to ensure the continued success of telework;

(4) evaluate and approve employee requests for telework participation in a fair and equitable manner ensuring that restrictions or denials are based on sound business- or mission-related criteria and satisfactory employee performance;

(5) ensure that a telework agreement and safety checklist is in place prior to an employee starting any type of telework arrangement, and review periodically, but no less than annually;

(6) set work schedules in advance to ensure that an employee's time and attendance can be properly certified and to preclude any liability for premium or overtime pay;

(7) ensure office timekeepers track and document appropriate telework code and verify approved telework arrangements prior to validating time in Quicktime for teleworkers;

(8) approve leave requests or other absence from the employee's alternative worksite. All leave approval requirements will remain unchanged;

(9) ensure that applicable policies and procedures are followed under a telework agreement with regard to removal of and accountability for government property, records, and documents, overtime approval, leave approval, alternative work schedules, etc.;

(10) establish communication requirements and methods to ensure the employee is kept informed of relevant information, performance expectations, and progress; aware of any requirements to be available for contact by the supervisor, co-workers, customers, etc.; available to attend staff or "all hands" meeting on days and at times when the majority of employees are present at the regular worksite; and/or for conference call connection for employees at an alternative worksite;

(11) take appropriate action such as terminating the arrangement when the employees performance declines or he/she fails to meet the terms of the agreement or the overall interest of the office is affected adversely for business reasons (e.g., increased costs, vacancies, change in office priorities or workload, or long-term leave of other employees in the office that cause office coverage and customer service issues) (See Appendix B);

(12) confirm the need for accessibility of records/reference materials; ensure that procedures are established for safeguarding records according to the requirements of OSM and the National Archives and Records Administration schedules; and ensure return of materials used or created at the alternative worksite;

(13) ensure compliance with all office policies including OSM Information Technology and Information Security policies and procedures that may not permit official records to be removed from the official duty station;

(14) ensure files, records, and reference material used at the alternative worksite are properly safeguarded, returned to or incorporated in the official organizational unit's files as appropriate, to include adherence to the provisions of records management policy, the Privacy Act, Freedom of Information Act (FOIA), and Federal Records Act;

(15) ensure the employee understands when an office is reducing costs by giving up space and cannot accommodate the employee in the future on a non-core telework schedule.

(16) treat teleworkers and non-teleworkers the same in terms of performance ratings, awards, etc, as required by law.

f. Employees must:

(1) present all required telework forms in the DOI Telework Handbook and OSM Directive to obtain approval to participate in the program;

(2) prior to teleworking, complete required telework training as directed in the DOI Telework handbook, and adhere to teleworking personnel policy and procedures;

(3) ensure that the alternative worksite complies with the inspection guidance and the safety checklist in accordance with Federal Occupational Safety and Health Administration (OSHA) standards. Perform an assessment of the home work environment and answer the required questions on the self-certification safety checklist;

(4) ensure that a proper work environment is maintained at the alternative worksite, i.e., family responsibilities do not interfere with telework. Ensure personal disruptions such as non-business telephone calls and visitors are kept to a minimum;

(5) work with their first-level supervisor if modifications to the telework agreement are necessary; and notify their supervisor of problems or obstacles to accomplishing their work;

(6) comply with the Office of Personnel Management regulations, Departmental and OSM policies, or negotiated contract, for requesting approval of leave; obtaining advance approval for working overtime, compensatory time, or credit hours; and leave procedures for emergency situations, etc. Report to the supervisor when he or she must be away from telework site during duty hours and request appropriate leave;

(7) request to end participation in the telework program, if necessary, without cause. The same office or space allocation before beginning a full-time core telework program should not be expected;

(8) ensure that records taken to telework sites or all records created or received at telework sites comply with the "Records Management Requirements" section in the DOI Telework Handbook;

(9) report immediately to their supervisor any job-related incident that results in or has the potential to cause injury, illness, or property damage, and complete any required forms;

(10) ensure communication methods, protocols, and procedures are in place to meet requirements to keep supervisor informed of relevant information and work status; be available for contact by the supervisor, co-workers, customers, and to attend staff or "all hands" meeting on days and at times when the majority of employees are present at the regular worksite and/or for conference calls at an alternative worksite;

(11) ensure all approved telework instances are properly recorded in Quicktime.

6. **Procedures.** Procedures are specified in the "DOI Telework Handbook (370 DM 226). <http://www.doi.gov/hrm/guidance/curronly.htm>

7. **Reporting Requirements.** Reports and forms are specified in the "DOI Telework Handbook" and maintained by the OSM Telework Coordinator. Quarterly reports of OSM's Telework program must be prepared and submitted to OPM through the department.

8. **Effect on Other Documents.** None

9. **References.** The following laws, regulations, orders, policies, directives, and guidance govern this directive:

- a. Public Law 106-346, section 359.
- b. Public Law 105-277, Sections 411 and 630.
- c. 40 U.S.C. 587 (c)(2)
- d. DOI Departmental Manual 370, Part 226
- e. Personnel Bulletin NO.11-01
- f. Public Law 111-292

10. **Effective Date.** Upon issuance.
11. **Distribution.** By electronic format.
12. **Appendices.** Appendix A: OSM Telework Criteria Checklist
Appendix B: OSM Telework Termination Form

Contact: Human Resources Division at 202-208-2965.