

MS 632 Telework Program

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Responsible Office: Human Resource Management
New Manual Section

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1.0 Purpose

This Manual Section establishes the Peace Corps Telework policy.

2.0 Authorities

Public Law 106-346, Section 359; Public Law 111-292; 22 U.S.C. 2503.

3.0 Policy

- (a) It is the policy of the Peace Corps to encourage the use of telework and to allow managers, supervisors, and employees the flexibility to establish telework arrangements on a case-by-case basis, consistent with good management practice and the need for accountability.
- (b) The Peace Corps will give serious consideration to each telework arrangement proposed by an employee, but such arrangements are a management option for accomplishing the Peace Corps mission and not an entitlement of employment.
- (c) No employee may be required to enter into a telework agreement.
- (d) This policy applies to all United States direct-hire employees working in the United States, except for employees whose appointments were made with the advice and consent of the United States Senate.

4.0 Definitions

4.1 Alternate Work Station

Alternate work station means the place of work, other than an employee's official duty station, that is authorized under a telework agreement.

4.2 Recurring Telework Agreement

Recurring Telework Agreement is an agreement authorizing an employee to work at an alternate work site on a routine, recurring basis, usually one or more days per pay period.

4.3 Non-recurring Telework Agreement

Non-recurring Telework Agreement is an agreement authorizing an employee to work at an alternate work site for a specified number of days in order to accomplish a specific task that occurs infrequently (e.g., to prepare a report or employee evaluations), usually not more than two or three days. Non-recurring telework agreements of longer duration may be authorized as needed, such as in cases where an employee is unable to report to work due to illness or injury, but is able to work at an alternate work station and otherwise meets the criteria for approving a telework agreement.

4.4 Unscheduled Telework Agreement

Unscheduled Telework Agreement is an agreement authorizing an employee to work at an alternate work site during inclement weather or at other times, as agreed by the employee and supervisor. Recurring and non-recurring telework agreements may also include a provision for unscheduled telework.

4.5 Official duty station

Official duty station is the employee's regular place of work.

4.6 Telework

Telework refers to a work flexibility arrangement under which an employee performs the duties and responsibilities of such employee's position, and other authorized activities, from an approved worksite other than the location from which the employee would otherwise work.

5.0 General Rules

5.1 Eligibility

An employee may not telework if:

- (a) The employee has been officially disciplined for being absent without permission for more than five days in any calendar year;
- (b) The employee has been officially disciplined for violations of subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties;
- (c) The appropriate A Delegate determines that the employee's position, for reasons of handling classified or sensitive materials or other compelling agency need, cannot telework on a recurring or non-recurring basis. The list of positions deemed ineligible under this section will be posted on the Telework Intranet page and updated as needed; or
- (d) The employee is still within the first three months of employment.

5.2 Approval

5.2.1 Responsibility for Approval

A Delegates (as defined in MS 114) have the responsibility for the decision to approve or deny a telework agreement (see Attachment A) with an eligible Peace Corps employee. This responsibility may be delegated to first-line supervisors.

If an agreement proposed by an employee is denied, the supervisor must inform the employee of the reason for the denial and may offer changes to the telework request that might permit approval (e.g., decrease in number of days or modification of specific work to be performed on telework days). To the extent possible, a telework agreement should be reached through a collaborative process between the employee and supervisor. If the supervisor does not offer any changes that might permit approval, the denial must be reviewed by Human Resource Management (M/HRM) to ensure consistency and appropriate consideration of the criteria in 5.2.2.

However, under no circumstances is telework a right or entitlement of employees, and the initiation, denial, or termination of a telework request or agreement is not a basis for a grievance under the Peace Corps Negotiated Agreement with the Employee's Union or the administrative procedures of the Peace Corps.

5.2.2 Criteria for Telework

In considering a telework request, the supervisor must consider whether the following criteria will be satisfied:

- (a) The nature of the work to be performed, the technologies needed to do the work, and the employee's job responsibilities allow for effective or enhanced performance away from the official duty station;
- (b) There is no need for the employee to access classified national security information;
- (c) The product or work proposed to be performed by the employee pursuant to the telework agreement can be readily evaluated;
- (d) Arrangements can be made to minimize or eliminate any negative impact of the employee's absence on office coverage and customer service and on accessibility of the Peace Corps to the teleworker;
- (e) The absence of the teleworker will not impact negatively on the ability of the Peace Corps to accomplish its mission;
- (f) The teleworker's past performance and conduct demonstrate the ability to accomplish work assignments on a timely basis without continuous, direct supervision; and
- (g) For an employee who is unable to report to work due to injury or illness, the employee is able to perform his/her duties at his/her alternate work station and otherwise meet the telework agreement criteria.

5.3 Privacy and Data Security

No telework agreement will be entered into by the Peace Corps or continued if it cannot be implemented in a manner consistent with applicable Peace Corps policies, including policies governing privacy or the security of the IT systems of the Peace Corps, such as the policy on remote access to Peace Corps information systems.

Under no circumstances may classified materials be taken from official Peace Corps offices to be worked with or stored at the alternate work station. Employees must agree to handle Controlled Unclassified Information (CUI), Privacy Act materials (which include any personally identifiable information on employees, Volunteers, or applicants), and materials subject to the Health Insurance Portability and Accountability Act (HIPAA) in both hard copy and electronic formats in the same manner and with the same standards as required at the official Peace Corps office. Employees' supervisors must give prior written approval for the removal and use of any CUI, Privacy Act, or HIPAA information to the alternate work station.

Each office is responsible for determining appropriate security and privacy procedures for their office materials, subject to applicable sections of the Peace Corps Manual or other guidance from Safety and Security, the Privacy Act office, Records Management office, or the Office of the Chief Information Officer.

5.4 Agency Equipment and Supplies

The Peace Corps may, but is not obligated to, make equipment available for the purpose of telework. An employee may volunteer to use personal equipment for telework purposes as long as policies governing privacy and security of the Peace Corps IT systems are followed.

The Peace Corps will make available, upon approval by the employee's supervisor, office supplies reasonably deemed necessary for completion of the work assignment. Supplies may be used only for Peace Corps-related activities.

The employee is obligated to promptly return all unused equipment or supplies once the telework agreement ends, or as stipulated by the office that provided the equipment or supplies.

5.5 Training

The Peace Corps will provide interactive training to all supervisors and employees on telework. Employees must successfully complete the training before entering into a telework agreement. Employees already working under telework agreements as of December 9, 2010, are encouraged, but not required, to complete the training.

5.6 Monitoring

The Peace Corps will ensure that teleworkers and non-teleworkers are treated the same for purposes of:

- (a) periodic appraisals of job performance of employees;
- (b) training, rewarding, reassigning, promoting, reducing in grade, retaining, and removing employees;
- (c) work requirements; and
- (d) other acts involving managerial discretion.

5.7 Safety Certification

An alternate work station, normally an employee's home, requires adequate work space, light, telephone service, power, and temperature control. Employees are responsible for ensuring that their alternate work stations comply with the safety guidelines set out in Attachment B of this policy. Each employee who works at an alternate work station must sign the self-certification form (see Attachment B) that certifies that the alternate work station is safe for the employee and all official documents. Management retains the right to inspect the alternate work station and may deny an employee the opportunity to initiate or continue a telework agreement if the alternate work station is found to be unsafe. Safety inspections will be by appointment only, and will be preceded by a minimum 24-hour notice.

5.8 Pay and Leave

5.8.1 Pay and Overtime

Existing rules for pay administration apply to telework employees, including the existing rules for overtime under Title 5 of the United States Code, and the Fair Labor Standards Act (see MS 625 Premium Pay). Supervisors must ensure that telework employees work overtime only with written approval.

5.8.2 Duty Station

The physical location of the Peace Corps office will generally be designated as the official duty station for purposes of special salary rates and travel, regardless of where the teleworker's alternate work station is located. Only in cases where the employee will permanently reside in another commuting area and will not return to the office at least twice a pay period will the alternate work station be designated as the official duty station for purposes of pay and travel.

5.8.3 Hours of Duty

The existing Peace Corps policies and rules for hours of duty apply to telework employees (see MS 630 Hours of Duty). Supervisors must report time and attendance to ensure that telework employees are paid for work performed and to account for absences from the fixed work schedule.

5.8.4 Leave

Leave requested by a teleworker must be made in the same manner as it would for employees not engaged in telework activities (see MS 635 Absence and Leave).

5.9 Emergency Dismissals

A telework employee may sometimes, but not always, be affected by an emergency requiring the regular office to close.

- (a) If the regular office is closed due to inclement weather or emergency, but the alternate work station is available, Peace Corps shall not excuse a telework employee who was otherwise scheduled to telework that day unless he or she cannot perform work because the regular office is closed.
- (b) When both the regular office and the alternate work station are affected by a wide-spread emergency, e.g., an area-wide electrical power outage, the Peace Corps may grant the telework employee excused absence, as appropriate.
- (c) When an emergency affects only the alternate work station for a major portion of a workday on which an employee was scheduled to telework, the Peace Corps may require the telework employee to report to the official duty station or request leave, as appropriate.
- (d) An employee on an unscheduled telework agreement may be required to telework when the regular office is closed due to inclement weather or emergency, depending on the terms of the agreement.

- (e) When the Office of Personnel Management (or equivalent Federal Executive authority outside the Washington, DC area) lists the government's operating status as "open with option for unscheduled leave or telework", employees with appropriate unscheduled telework agreements on file may telework upon notification to their supervisor.

5.10 Liability

Telework is subject to applicable law and regulations. Any exposure to liability arising out of the employee's actual performance of assigned duties may be covered under the appropriate authorities, which include the Federal Employees Compensation Act (FECA), Military Personnel and Civilian Employees Claims Act of 1964, and the Federal Tort Claims Act.

5.11 Termination of Telework Agreements

5.11.1 Management's Right to Terminate

Telework agreements 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.

5.11.2 Criteria for Termination

Supervisors must terminate a telework agreement whenever:

- (a) The agreement no longer supports the mission of the Peace Corps;
- (b) Performance standards are not being met or the conduct of the employee is determined to be unacceptable;
- (c) Costs of the agreement become impracticable;
- (d) Technology changes require the employee's return to his or her official duty station;
- (e) Reassignments cause changes in work conditions, requiring the teleworker to return to his or her official duty station;
- (f) The employee does not comply with the terms of the telework agreement; or
- (g) The telework agreement is no longer in the best interests of the Peace Corps as determined by management.

5.11.3 Notification of Termination

Management will, to the extent practicable, attempt to provide appropriate advance notice of the termination of an agreement. However, advance notice is not required. Employees may not grieve a decision by management to terminate the telework agreement.

6.0 Responsibilities

6.1 Associate Director for Management

The Associate Director for Management, as the Peace Corps Telework Managing Officer (TMO), is responsible for:

- (a) Managing and implementing the telework policies, as described under this Manual Section;
- (b) Ensuring all teleworkers and their supervisors receive the appropriate training; and
- (c) Maintaining the Peace Corps official record of telework agreements.

6.2 A Delegates and Supervisors

A Delegates and supervisors are responsible for:

- (a) Reaching a decision to approve or deny a proposed telework agreement with an employee in their area of responsibility;
- (b) Working with employees in preparing telework agreements, especially in defining the work to be performed;
- (c) Completing online training for managers in order to better support telework employees;
- (d) Treating both teleworkers and non-teleworkers fairly and consistently;
- (e) Ensuring that telework employees are working as scheduled and are available to co-workers and customers as necessary, by evaluating the work output or other appropriate criteria; and
- (f) Recalling telework employees in the event of an emergency or other exigency, such as an unanticipated work assignment that requires their presence at their official duty stations.

6.3 Employees

Employees are responsible for:

- (a) Filling out the Telework Agreement Form (see Attachment A);
- (b) Certifying that the alternate work station meets safety and security requirements (see Attachment B);
- (c) Completing online training prior to completing the Telework Agreement Form;
- (d) Adhering to the provisions of the telework agreement;
- (e) Remaining available to their supervisors, co-workers, and customers while working at the alternate work station; and
- (f) Returning to the official duty station immediately when recalled for emergencies, unanticipated work assignments, or other exigencies of the Agency's business.

7.0 Effective Date

The effective date is the date of issuance.