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Policies and Procedures

Title: The REE Telework Program

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Distribution: All REE Employees

This document contains the REE policy and procedures for administering REE telework programs. This includes determining and communicating eligibility, establishing telework agreements, and outlining the responsibilities of supervisors and/or approving officials. This issuance incorporates guidance in Departmental Regulation 4080-811-002 dated 1/25/2011.

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1. Purpose

This issuance lays out the telework policy, authorities, responsibilities, and procedures for managing Telework Programs within the Research, Education, and Economics (REE) Mission Area. The REE Mission Area comprises the Agricultural Research Service (ARS), Economic Research Service (ERS), National Agricultural Statistics Service (NASS), and the National Institute of Food and Agriculture (NIFA). This issuance applies to all REE employees meeting the definition of “employee” in Section 2105 of Title 5 of the United States Code.

The fundamental purpose of telework is to provide an additional management tool to facilitate the accomplishment of work. Telework is consistent with sound business practices and can be instrumental in implementing strategies to:

- increase productivity;
- recruit top talent;
- open job opportunities to people with disabilities and accommodate employees who become disabled or who experience temporary medical conditions;
- retain current employees;
- reduce the cost of office space, absenteeism, and workers’ compensation;
- enable employees to better manage work and personal or family responsibilities;
- enhance ability to continue business operations in times of emergency; and
- reduce demand on the region’s transportation network, traffic congestion, and air pollution.

Telework programs allow employees who meet specified eligibility criteria, as outlined in this P&P, the opportunity to perform their official duties at an alternative worksite. This location can be the employee’s home, a satellite office, or other acceptable alternative worksite that would typically be closer to the employee’s home.

This document is intended to provide the foundation for a unified, consistent approach to managing telework in the REE agencies. REE Agency Administrators may develop supplemental implementation policies applicable within component organizations (ARS, ERS, NASS, or NIFA) as long as they do not institutionalize unreasonable barriers to telework. However, any supplemental policies below the REE Agency level will not be authorized unless approved by an REE Agency Administrator.

Managers in organizations within the REE agencies will use this policy as the basis for making decisions about telework for their employees based on considerations of the nature of the work, the needs of the work unit, and the employee’s suitability to telework.

2. Background

This P&P has been updated to incorporate the requirements of the Telework Enhancement Act of December 9, 2010 and guidance contained in Departmental Regulation 4080-811-002, issued January 25, 2011. It supersedes P&P 402.5 dated November 13, 2008.

3. Policy

It is REE policy to define employees' telework eligibility broadly and to allow employees to participate in the telework program to the maximum extent possible consistent with effective and efficient accomplishment of agency missions. *Participation in the telework program is neither an employee entitlement, nor a requirement.*

To participate in telework, employees must receive written notification that they are eligible for telework, complete required training, and have an approved written telework agreement in place. However, participation in the telework program is not an employee entitlement. The following policies establish the REE policy framework for the Telework Program.

3.1 Eligibility for Telework

In order for an employee to be eligible to telework, the duties of the position must be able to be done remotely, and the employee must be determined to be suitable for telework.

The REE Telework Program begins with the premise that all positions are presumed eligible for telework, unless the official duties require, on a daily basis, an employee to be physically present at a worksite and/or because none of the duties can be performed remotely or from an alternative worksite.

All REE employees must be notified in writing of their telework eligibility status within 90 days of entering on duty or being placed in a new position.

Employees determined to be ineligible to telework may still be eligible to participate in other workplace flexibilities, such as alternative work schedules.

Eligibility determination criteria and notification procedures are defined in Section 7.1.

3.2 Telework Training Requirements

Telework training for managers is required for all supervisors and managers who will be supervising teleworkers and must be completed prior to signing or approving telework agreements. Telework training for employees is required for all eligible employees who wish to telework, including supervisors who have already taken the telework training for managers. Employee telework training must be completed prior to signing a telework agreement to participate in telework.

All employees must also complete the annual training requirement for Information Security Awareness and Rules of Behavior training to participate in telework.

3.3 Telework Agreements and Participation in Telework

Approved written telework agreements are required for all teleworkers prior to beginning to telework. Under no circumstances should supervisors allow employees to work from an alternate location unless there is an approved agreement on file.

All telework-eligible employees must communicate a decision in writing about their wish to participate in the program or not. Employees who wish to participate must complete a written telework agreement and submit it through their immediate supervisor for approval. Agencies may not compel an employee to telework, even if the employee is eligible. Therefore, employees who decide they do not wish to participate in the program must communicate their intent to opt out of participation in writing (See Section 7.3.1, Initiating a Telework Agreement). A decision to opt out is not irrevocable. An employee who later decides they wish to participate should complete a telework agreement in accordance with this P&P.

Employees who are eligible and who wish to telework may participate voluntarily in the program on either a **core** or **situational** basis subject to supervisory approval (See Section 6 for definitions.). Participation in telework must not have any demonstrably negative effects on the accomplishment of the agency's mission and should not be a burden to management, co-workers, or customers.

While participation is voluntary, it is neither an employee entitlement, nor a requirement. However, it is REE policy that all eligible employees (including supervisors and managers) will be afforded every opportunity to participate in the telework program when there are no demonstrably negative effects on mission accomplishment or work operations.

Telework is official duty time and must be used for the performance of official duties or related activities, such as authorized professional development or training. OPM regulations specifically prohibit use of official duty time for child or elder care, care of a sick spouse, and other activities accomplished on personal time. Annual or sick leave or other approved absence must be used in these instances.

Employees who participate in the telework program will be treated the same as non-teleworkers. This includes providing all employees the same opportunities and treatment with regard to work assignments, performance management, awards and recognition, and other decisions subject to management discretion.

3.3.1 CORE TELEWORK

Consistent with fostering the broadest participation possible in the Telework Program, REE agencies are encouraged to authorize maximum discretion to recommend or approve a request to telework on a regular and recurring basis (i.e., core agreements) ranging from one day per pay period up to full-time (i.e., 80 hours per pay period). However, while some organizations may have work that is eligible for full-time telework and employees who are suitable for a full-time telework arrangement, it is not expected to be the norm. For Office of Personnel Management (OPM) reporting purposes, a full-time telework arrangement is also called **remote work**. There may be pay implications associated with full-time telework when the alternative work site is located in a different geographic pay locality.

Day limitations on the maximum number of days allowable per week for core telework apply as indicated in Table 1 below in the REE agencies. Managers and employees must follow local agency guidance when implementing core telework agreements. When reviewing a core telework agreement request, managers should consider the nature of the work to be performed,

the employee's suitability as a teleworker, the potential impact on co-workers, availability of appropriate equipment and secure access technologies, fairness and consistency of telework arrangements within organizations, and other issues that impact the accomplishment of work.

Employees approved for core telework are also covered for requests to telework on a situational or unscheduled telework basis outside of their scheduled telework day(s). Requests to telework additional days on a situational basis beyond the core arrangement may be approved at the supervisor's discretion.

Table 1 – REE Agency Day Limitations for Core Telework

<p>ARS: Full discretion to approve core telework arrangements up to the full-time maximum consistent with effective and efficient accomplishment of the agency mission.</p> <p>ERS: Not to exceed two days per week for employees who were eligible for telework under the previous policy. A one-year pilot program, beginning October 3, 2011 will be conducted to allow employees in positions not previously eligible for telework, such as managers, supervisors and administrative support staff to telework one day per week.</p> <p>NASS: Not to exceed two days per week for full-time employees and 1 day per week for part-time employees</p> <p>NIFA: Not to exceed one day per week for all eligible employees.</p>
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3.3.2 SITUATIONAL/UNSCHEDULED TELEWORK

Situational telework is telework that does not occur on a routine, regular, or recurring basis. Where core telework is not appropriate for eligible employees, management may still consider a situational telework arrangement. Situational telework arrangements allow employees to accomplish work that requires short periods of concentrated, focused time to complete specific assignments or short-term projects. Situational telework also facilitates the agency's ability to continue business operations in times of inclement weather, earthquakes, national security emergencies, and other unique situations. In emergency circumstances, situational telework is often referred to as **unscheduled** telework. Employees on situational telework agreements must request and receive approval for each instance of situational telework.

All REE managers have discretion to approve any amount of situational/unscheduled telework that is justified by the proposed work to be accomplished and/or emergency circumstances that will not unduly disrupt co-workers, customers, or accomplishment of the organizational mission.

When OPM or other recognized authority has declared that a federal facility is closed to the public or has authorized late arrival or early dismissal, REE teleworkers will generally be subject to the same policies as non-teleworkers.

Telework eligible employees designated as emergency essential **must** report to work or use unscheduled telework, or request appropriate leave or other paid or unpaid absence.

Telework eligible employees who are *not* designated as emergency essential **may** report to work, use unscheduled telework, or request appropriate leave or other paid or unpaid absence.

Managers may require employees who are not designated as emergency essential to telework:

- when this happens on an employee's regularly scheduled core telework day; or
- when a teleworker (core or situational) has prior approval to work situational or unscheduled telework.

Unscheduled leave procedures are described more fully in Section 7.4.6 of this P&P.

3.3.3 REASONABLE ACCOMMODATION

Telework may be used to provide a reasonable accommodation to a qualified individual with a disability. Employees seeking telework as a reasonable accommodation must follow procedures outlined in P&P 122.2, Reasonable Accommodation Procedures.

3.3.3.1 Telework Agreements for Short-term Medical Situations

Employees may occasionally experience a serious medical condition, such as a period of post-surgical recovery that does not meet the criteria for a reasonable accommodation. In such instances, a temporary telework agreement for medical purposes may be appropriate. Based on medical documentation from the attending physician, a medical agreement may be approved as either core or situational, depending on the nature of the condition and the manager's ability to balance the needs of the employee and effective and efficient accomplishment of the mission. These agreements are intended to provide relief for short-term, temporary medical situations, generally of 3 months duration or less. Telework agreements for medical reasons may be requested by employees who do not have a telework agreement in place or who wish to modify the conditions of their agreement to accommodate a temporary medical need. These agreements are not subject to the day limitations on core or situational telework specified in Tables 1 and 2 above. However, these agreements must still achieve the fundamental principle of telework, which is to facilitate the accomplishment of work.

3.4 Equipment Provision for Teleworking

If an employee is *not* required by his/her agency to telework in emergency situations or otherwise to utilize an alternative worksite, then telework is voluntary. In this case, the agency may decide whether, based on budget constraints and management discretion, to provide the necessary equipment for use at the alternative worksite. Managers may also provide a telephone calling card for employees who must make long distance calls in the course of performing their official duties. If providing government equipment is not feasible, the employee must provide his/her own personal equipment and/or services and pay for the cost of using the alternative worksite. Personally owned peripheral devices such as monitors, keyboards, mouse or printers may be used. However, employees may not print documents containing Personally Identifiable Information (PII) or other sensitive information. The employee will be responsible for printer supplies such as paper, toner and ink cartridges.

Telework-eligible employees who are designated as emergency essential and have an approved telework agreement in place may be required to telework in the event of an emergency situation. The agency will provide the necessary government equipment to these employees to adequately perform their tasks at an alternative worksite.

When available, excess government property such as computers, laptops, printers, or office furniture) will be reserved to support agency telework programs prior to being reported as excess.

The agency **will not** incur additional costs of teleworking beyond what management may authorize as noted above in this section. This includes items such as the installation cost for telephone land lines or the monthly service fees associated with them or with cellular telephones, Internet Service Provider costs, insurance, home maintenance, increased utility costs, supplies, or damages to personal property while teleworking. These and other related costs are the teleworker's responsibility.

3.5 Information Security and Use of Information Technology Resources

Employees are bound by Agency standards of conduct. All REE employees must agree to protect all Agency records and documents from unauthorized disclosure and damage. REE employees must comply with all requirements of applicable USDA and REE agency information technology security and information protection policies, as well as the requirements of the Privacy Act.

Employees must not add unauthorized software to Government Furnished Equipment (GFE), nor may they use GFE for non-work related activities. For data security reasons storage devices such as read/writeable CDs, external hard drives and USB thumb drives may not be used to store PII or sensitive information.

Consistent with guidance found in REE P&P 253.4, Use of Information Technology Resources, dated December 7, 2011, USDA, REE will take corrective action and/or enforce the use of penalties against any user who violates any USDA, REE, or Federal system security policy. Disciplinary actions could include the following actions, up to and including termination:

- Written reprimands,
- Temporary suspension from duty,
- Reassignment or demotion,
- Suspension of system privileges,
- Possible criminal prosecution.

3.6 Annual Telework Program Evaluation

REE Agencies must conduct an annual assessment of their telework programs using the information outlined in Appendix E of DR 4080-811-002 of January 25, 2011.

3.7 Appeals

The appeals process must ensure that the employee and management have a fair and equitable opportunity to be heard. It is REE policy that whenever possible, eligible employees be allowed to telework. Therefore, the burden of proof is on the supervisor to support a denial of telework.

Employees may appeal the following denials of telework:

- A written decision of ineligibility on the basis of the duties of the position;
- A written decision of ineligibility based on the employee's suitability for telework;
- Denial of a telework agreement, when an employee has been notified that he/she is eligible to telework;
- Frequent and/or consistent denials of individual requests to telework without valid business reasons when an employee has a telework agreement in place; and
- Management termination of a telework agreement.

The following situations are not considered to constitute a denial of telework, and therefore, may not be appealed:

- A management decision about the type of telework agreement considered to be appropriate (i.e., core or situational);
- Denial of a single, specific request to telework on a given date for valid business reasons.

Appeal decisions are binding for no more than six months from the effective date of the decision unless circumstances change or other provisions are agreed upon by both parties involved in the appeal.

4. Responsibilities

4.1 Agency Heads

- Designate a REE Telework Program Coordinator to manage the program interface for all REE agencies with both external sources and internal USDA offices.
- Designate one or more individuals to serve as Organizational Telework Program Coordinators to provide guidance internally and serve as the liaison with the REE Telework Program Coordinator.
- Ensure that agency telework programs are administered in accordance with all applicable public law, regulations, and policies.
- Direct incorporation of telework into Continuity of Operations Planning (COOP) and Occupant Emergency Plans (OEP) as an alternative to relocating employees to continue providing customer service and carrying out mission responsibilities.
- Provide for an appeals process whereby an employee who is denied a telework agreement or whose agreement is canceled by management, may appeal those actions.

- Direct reporting of required information to OPM, the Department, and other agencies as applicable.
- Ensure labor organizations are notified, and include bargaining units in discussions, as appropriate, with regard to the establishment of and any changes to telework programs affecting conditions of employment for bargaining unit employees.
- Provide for the incorporation of information about the availability of telework and related policies into agency training, such as new employee orientation and supervisory training programs and ensure every agency employee is provided information on telework policies and opportunities, including authorization criteria and application procedures.
- Establish a system for receiving feedback from agency employees on telework policy.

4.2 Supervisors/Approving Officials

- Determine telework eligibility and notify employees in writing of their initial eligibility, any changes to eligibility, and provide annual eligibility update notices (See section 7.1.7, Telework Eligibility Approving Officials).
- Complete the required telework training for managers if you will be supervising teleworkers and/or approving eligibility determinations or telework agreements.
- Review initial requests to telework and make a decision to approve, modify, or deny proposed agreements.
- Review telework agreements in place at least annually for effectiveness and efficiency.
- Ensure consistent and fair administration of the telework policy and procedures in their areas of responsibility.
- Provide supportable justification in writing for denying or terminating a telework agreement for an eligible employee.
- Establish and communicate clear expectations for teleworkers with regard to communications, performance, and any other aspects necessary for the efficient and effective accomplishment of work while teleworking.
- Treat teleworkers and non-teleworkers the same for purposes of assigning and managing work, evaluating performance, granting awards, and other acts involving management discretion.
- Coordinate with Organizational Telework Coordinators to communicate eligibility status decisions, including changes to eligibility status, and decisions on telework agreements and agreement terminations. Use of electronic copies of telework program documents is encouraged.

- Resolve telework appeals as required through either the Administrative Grievance Procedure or applicable bargaining unit procedure.

4.3. Employees

- Complete, update as necessary, and sign a telework agreement (or intent to opt out voluntarily) and provide any other required support documentation, such as an appropriate accountable property form, or medical documentation when requesting a telework agreement for medical purposes. Employees should be prepared to define for their supervisors the types of duties they may perform at an alternative worksite.
- Provide the same levels of professional service and accessibility to supervisors, co-workers, and customers while teleworking as when working at the official duty site.
- Obtain and ensure continuous telephone service (cellular or land line) and Internet service or ensure other means to access electronic mail while teleworking (required for employees with approved core telework agreements).
- Provide appropriate notification techniques at the official duty station when teleworking, such as placing a sign at the official duty station work space to notify co-workers or drop-in visitors that the employee is teleworking and how he/she may be reached.
- Comply with the telework agreement, meet performance expectations and, when the telework site is the employee's home, maintain a safe workspace.
- Maintain proper protection and security of all REE equipment, materials, and information, particularly Personally Identifiable Information (PII) and/or other sensitive information.
- Complete the required telework training for employees and the annual information security and PII awareness training course.
- Document official time in a telework status within their Time and Attendance systems.
- Return all loaned equipment to the official duty station at the conclusion of the period of the telework agreement, when the employee leaves his/her position, or separates from the agency.

4.4. REE Telework Program Coordinator

- Serve as liaison to the Departmental Telework Program Coordinator and assist in promoting the telework program and communicating Departmental and REE goals
- Provide guidance and clarification to all Organizational Telework Coordinators and REE employees, as needed, regarding the information in this P&P.
- Develop and/or amend information in this P&P as necessary.

- Promote the telework program by providing information to all REE employees regarding resources, training, and/or orientation materials about telework and conduct orientation seminars and/or formal training as requested.
- Assist approving officials and supervisors with implementation of the telework program within their units.
- Assist in coordinating the evaluation of medical documentation as necessary for substantiating telework agreements for medical/disability purposes and obtain the assistance of the USDA Medical Advisor, when necessary.
- Provide additional guidance and approvals of exceptions and special temporary circumstances that do not meet the general rules outlined in this P&P.
- Establish and maintain a system for maintenance of telework documentation for all telework program participants.
- Provide REE reports as required by Departmental organizations, OPM, or other organizations.

4.5. Organizational Telework Coordinators

- Review each telework agreement for compliance with this P&P and completeness, including verification that required employee training has been completed, before recording required data for reporting purposes and filing agreements. Telework Record Keepers must contact supervisors in cases where an agreement is either not in compliance and/or incomplete to correct the situation.
- Maintain telework eligibility and agreements data for all employees in the assigned area and keep records of all eligibility decisions, agreements, disapprovals of agreements, agreement termination notices, and eligibility or agreement recertification e-mails/forms.
- Report required telework data to the REE Telework Program Coordinator.
- Address questions regarding the program by approving officials, supervisors, and employees who are interested in executing an agreement.
- Assist in promoting the telework program, communicating training opportunities, and providing other telework information.
- Consult with and/or direct inquiries to the REE Telework Program Coordinator when needed, for additional guidance.

4.6 Agency Chief Information Officers

- Provide information technology security policy and guidance to REE managers and employees involved in telework programs; develop checklist tools to assist agencies in

establishing and maintaining secure telework and remote access environments;

- Create and implement access control policy, to include technical guidance for telework and other remote access requirements and processes.
- Review IT budgets to ensure telework and remote access provisioning in system security plans for agency General Support Systems; and
- Conduct periodic reviews of agency telework and remote access arrangements to ensure compliance with Departmental and REE policies.

5. Authorities

- Presidential Memorandum, “Expanding Family-Friendly Work Arrangements in the Executive Branch” July 11, 1994
- Presidential Memorandum, "Implementing Federal Family Friendly Work Arrangements," June 21, 1996
- Presidential Directive, National Security Presidential Directive 51/Homeland Security Presidential Directive 20, National Continuity, May 9, 2007
- Public Law Number 104-52, Treasury, Postal Service, and General Government Appropriations Act of 1996
- Public Law Number 106-346, Section 359, Department of Transportation Appropriations Act of 2001
- Public Law 111-292, Telework Enhancement Act of 2010, December 2010
- U.S. Code, Title 5, Section 2105, Employee
- OPM Guide to Processing Personnel Actions, Chapter 23, Change in Duty Station
- OPM Memorandum to Executive Heads of Agencies, subject: Establishing Telecommuting Policy dated February 9, 2001
- OPM Memorandum to Executive Heads of Agencies, subject: Washington, D.C., Area Dismissal or Closure Procedures dated December 4, 2003
- DR 3440-002, Control and Protection of “Sensitive Security Information” dated January 30, 2003

- DM 3525-003, Chapter 5, Part 3 - Telework and Remote Access Security dated February 17, 2005
- DM 3550-002, Chapter 10, Part 2 - Sensitive But Unclassified Information Protection dated February 17, 2005
- Federal Continuity Directive 1, Federal Executive Branch National Continuity Program and Requirements, dated February 2008
- DR 4080-811-002, USDA Telework Program, January 25, 2011

For advice and guidance about the REE Telework Program, please contact your Organizational Telework Coordinator or the REE Telework Coordinator. Additional general information about telework may also be found at the following websites listed in Table 1.

Table 2 – Additional Telework Resources

<p>www.afm.ars.usda.gov/hrd/worklife - source of information about REE telework contacts, policy and other guidance specifically applicable to REE Mission Area Agencies</p> <p>www.telework.gov - a joint General Services Administration (GSA)/OPM site containing guidance and other general information about telework in the Federal government</p> <p>www.opm.gov/employment_and_benefits/worklife - OPM site containing information about federal work/life programs, including telework</p> <p>www.teleworkexchange.com – a joint public/private partnership site providing telework news, best practices, calculators, telework research and blogs, webinars, and other sources of information about telework</p> <p>www.eeoc.gov/facts/telework.html - Equal Employment Opportunity Commission site containing information about Work at Home/Telework as a reasonable accommodation</p>

6. Definitions

ALTERNATIVE WORK SITE. A location other than the official duty station where an employee performs his/her official duties.

CORE. Telework that occurs on a *routine, regular, and recurring basis* away from an employee's official duty station.

EMERGENCY SITUATION. A national security situation, extended emergencies, inclement weather, or other unique situations when an Agency/Mission Area/Staff Office/Area/Location or other work site is closed to the public.

EMERGENCY TELEWORKER. An employee who is telework eligible and required to continue operations from his or her alternative worksite during emergency situations when the agency/staff office work location is closed. This includes, but is not limited to a health pandemic, inclement weather, power outages, and/or situations associated with national security. An emergency teleworker under this definition may or may not also be identified as an essential employee as a condition of employment. Teleworkers under this definition must be identified as such in the telework agreement *to the maximum extent possible*.

HOTELING. Shared office space in an agency location designed for use on a drop-in basis by teleworkers. The space is equipped with standard office technology including phones, computers, fax machines, printers, copiers, e-mail, Internet access, etc. Employees either reserve space in advance or drop in to use a cubicle as needed.

MOBILE WORK. Work characterized by routine and regular travel to conduct work in customer or other worksites as opposed to a single authorized alternative worksite. Examples include site audits, site inspections, investigations, property management, and work performed while commuting, traveling between worksites, or on Temporary Duty (TDY). Mobile work is not considered to be telework.

OFFICIAL DUTY STATION. The city, town, county, and state in which the employee normally works. For most employees, this will be the location where the employee reports daily, and where most activities are performed. The local commuting area is based on the official duty station of your position of record and is generally considered as a single area for employment purposes. It includes a population center and surrounding localities where people live and routinely commute to their job.

OPT OUT. A telework-eligible employee's voluntary decision not to participate in the telework program.

ORGANIZATIONAL TELEWORK COORDINATOR. An individual designated by a management official to provide advice, guidance, telework tracking, reporting, and related telework services for one or more organizational units, such as an Area Office, Research Center or Location, etc.

PERSONALLY IDENTIFIABLE INFORMATION (PII). As specified in OMB M-06-19, PII is any information about an individual maintained by an Agency, including, but not limited to, education, financial transactions, medical history, criminal or employment history and information that can be used to distinguish or trace an individual's identity, such as name, Social Security Number, date and place of birth, mother's maiden name, biometric records, including any other personal information that is linked or linkable to an individual.

REE TELEWORK PROGRAM COORDINATOR. An individual designated by the ARS Administrator or his/her delegate to manage the program interface for all REE agencies with

both external sources and internal USDA offices.

REMOTE WORK. A work arrangement in which the employee resides and works at a location beyond the local commuting area of the employing organization's worksite, and/or a full-time telework arrangement.

SITUATIONAL. Telework that occurs as needed and is not regular and recurring. This type of telework may be used for the same situations as core, but more frequently is used to complete special projects, meet extraordinary deadlines, or continue business operations during emergencies.

UNSCHEDULED TELEWORK. A type of situational telework that is typically used to allow employees on approved telework agreements, regardless of agreement type, to work from alternative work sites during periods of inclement weather, emergency situations, or for encouraging productivity during other short-term agency needs.

TELEWORK AT OTHER / SATELLITE LOCATIONS. Although most teleworkers in REE telework from their residence, there are instances where employees will telework from a private industry virtual office, an office located at a University, or similar alternative location. Teleworkers at such locations may or may not be engaged in Remote Work (see definition above). In such cases, when applicable, negotiated agreements and/or contracts including associated fees would be coordinated by the employee, their immediate supervisor, and their Approving Official.

TELEWORK. A work arrangement that allows an employee to perform work, during any part of regular, paid hours, at an approved alternative worksite (e.g., home or other location). This includes Remote Work, but does not include any part of work done while on official travel or Mobile Work.

TELEWORK AGREEMENT. A written agreement that outlines the terms and conditions of the telework arrangement between the teleworker and his/her agency. All teleworkers, regardless of type, must have a completed agreement signed by the employee, the supervisor, and/or the approving official prior to teleworking.

7. Procedures

7.1 Determining Telework Eligibility and Notifying Employees of Eligibility

Determining eligibility for telework is a two-part process of looking at the type of work tasks performed and the employee's suitability for telework. Immediate supervisors will make a recommendation for eligibility, which will be approved by the designated eligibility approving official based on the following considerations of position eligibility and employee suitability. Where supervisors have been delegated approval authority for eligibility, they will simply notify employees of their eligibility in writing, and send a copy of the notice to the Organizational Telework Coordinator. Use of electronic copies is encouraged.

Telework eligibility must be determined and the employee notified in writing of his/her status to telework within 90 days of being newly appointed to a position in one of the REE agencies,

and/or when there is a change in an employee's position due to transfer in from another agency, reassignment to another position, detail, change to lower grade, position change, or promotion to a new position (excluding career ladder promotions).

When there is a change in supervisor, the new supervisor should review current staff eligibility determinations, but new eligibility notifications are required only if there has been a change in eligibility status.

If an employee's eligibility status changes due to officially documented changes in performance or official disciplinary action, a new notice must be provided. It is recommended that supervisors do at least an annual check for changes to their employees' eligibility status. Only changes to an employee's eligibility require a new eligibility notice.

Supervisors must review employee eligibility annually and provide written notification of their employees' telework eligibility status at the time annual performance appraisals are issued.

Approval of eligibility determinations is delegated as shown in Section 7.1.6.

7.1.1 POSITION ELIGIBILITY

Job series and title alone do not determine eligibility. In general, positions eligible for telework are those that:

- involve one or more tasks and work activities that may be done remotely;
- do not depend on the employee being at the official duty location worksite all day, every day; and
- are conducive to supervisory oversight and monitoring at the alternative worksite.

Tasks and work activities generally suited for telework include, but are not limited to:

- reading, reviewing, editing, scheduling, planning, writing, developing policy, searching and analyzing regulations or other types of information (e.g., literature searches);
- analysis (e.g., investigations, program, policy, financial or other types of data analyses);
- report writing;
- telephone-intensive tasks (excluding receptionist duties);
- computer-oriented tasks (e.g., programming, data entry, word processing, web page design), and data processing.
- Computer-based training or other approved professional development activities;

Tasks and work activities not generally suited for telework include, but are not limited to those that:

- involve daily handling of classified materials;
- require daily face-to-face contact with other persons;
- require the use of specialized equipment; or
- require daily physical presence at the official duty station.

Students and other employees on short-term temporary appointments (e.g., 90 days or less), are considered employees for purposes of determining position eligibility and employee suitability. While the basic premise is that all positions are eligible for telework, it is acknowledged that it is

generally impractical to consider student positions eligible for telework as most student positions require the appointees to be on-site to gain meaningful work experience. In addition, the short-term nature of these appointments provides no basis for supervisors to determine their suitability from a performance standpoint as described in 7.1.2 (1), below. Therefore, student positions filled on a short-term basis may generally be deemed ineligible for telework. This provision is not to be construed as a general exclusion of student positions. Where appropriate, employees in temporary student and/or other temporary positions may still be determined to be eligible for telework.

Supervisors should take the broadest view possible when determining whether a position is eligible for telework. Although a position may not be suitable for core telework arrangements, it may still be suitable for situational telework. Employees who are not eligible in their positions of record may become eligible for telework when detailed to a different set of duties. Positions will be presumed eligible, unless there is a demonstrable negative effect on mission accomplishment, effective management, co-workers, and/or customers.

7.1.2 EMPLOYEE SUITABILITY

An employee is considered to be suitable for telework if the following four conditions are met:

- (1) Employee has an existing or expected minimum performance rating of “Fully Successful” or higher.
- (2) Employee has no misconduct, disciplinary (such as letter of caution, letter of reprimand through 14-day suspension or less) or adverse action or leave restriction occurring within the preceding 12 months.
- (3) Employee has never been disciplined for viewing, downloading, or exchanging pornography, including child pornography, from a government computer or while performing official Federal Government duties.
- (4) Employee has never been officially disciplined for being absent without permission (AWOL) for 5 days or more in any calendar year.

NOTE: Employees who have been disciplined for either 7.1.2 (3) or (4) above may never participate in telework per the Telework Enhancement Act of December 9, 2010.

Conditions outlined in both 7.1.1 and 7.1.2 above must be met for an employee to be eligible for telework; see Appendix 1 for a decision tool.

7.1.3 ELIGIBILITY WAITING PERIOD AFTER ENTRANCE ON DUTY

Managers should consider a 90-day waiting period before considering employees who are new to the agency or to a particular position to be eligible for telework. This waiting period facilitates the employee’s successful transition by allowing him/her to become oriented to agency policies and procedures, the work of the position, and to co-workers. REE managers may modify or eliminate this period for valid business reasons, such as the work environment, nature of the

position, level of the employee's experience, prior experience in the agency, and/or other considerations of the job or work operations.

7.1.4 ELIGIBILITY AND PARTICIPATION IN TELEWORK

The eligibility determination does not dictate the type of telework agreement an employee may have, i.e., core or situational. The type of telework agreement will be determined between the supervisor and employee when an agreement is established. Employees should be prepared to provide examples of the type of work they expect to be able to accomplish while teleworking. The final eligibility determination and the level of participation in the Telework Program are management decisions.

7.1.5 NOTIFYING EMPLOYEES OF THEIR TELEWORK ELIGIBILITY STATUS

Supervisors are required to ensure that employees receive written telework eligibility notification...

- on initial determination of employee eligibility for telework;
- whenever a change occurs in an employee's eligibility for telework; and
- annually after the initial determination.

After an initial eligibility determination is made, changes in telework eligibility may occur at any time during the year. Changes in eligibility status require new written notifications within 30 calendar days of the change. Eligibility changes may be based on substantive changes in the job or work operations. Alternatively, changes may occur related to the employee's suitability, including when an employee is placed on a Performance Improvement Plan (PIP), successfully completes a PIP, or when official disciplinary actions are taken. Supervisors are also required to review eligibility determinations and provide written notification of eligibility annually at the time performance appraisals are issued. This is frequently when eligibility changes may occur.

The template in Appendix 2 may be used to send the notification. Use of electronic notices is encouraged. For example, notices informing employees they are eligible for telework may be sent by electronic mail to multiple employees at the same time, provided the addressees' names are masked. Ineligibility notices must only be addressed to an individual recipient since they contain sensitive information. Courtesy copies of all eligibility notices must also be sent to the Organizational Telework Coordinator to facilitate ongoing reporting requirements. This template may be modified, but must contain at a minimum:

- The employee's eligibility status (eligible or ineligible),
- If ineligible, the reason(s) for ineligibility,
- If eligible, brief instructions for how to apply for a telework agreement,
- A statement about the employee's right to appeal a decision of ineligibility.

Telework eligibility determination and notification will also be addressed during onboarding activities (i.e., bringing new employees into the workforce) and recurring supervisor training to ensure employees and supervisors understand what is expected.

7.1.6 TELEWORK ELIGIBILITY APPROVING OFFICIALS

Managers in REE agencies may approve telework eligibility as follows:

ARS

HQ/AFM: Administrator, Associate Administrator, Deputy Administrator, Associate Deputy Administrator, Office/Staff/Division Directors (may be redelegated to second level supervisors)

- **Business Service Centers (BSCs):** (for BSC staff and staff of serviced field offices):
BSC Directors and Deputy Directors (may be redelegated to second level supervisors of BSC staff for BSC employees)

National Agricultural Library: Director, Deputy Director, Associate Director, Division Chiefs
Business Service Centers (for Business Service Center staff and staff of assigned field offices):
Business Service Center Directors (may be redelegated to second level supervisors)

Area Offices: Area Directors, Associate Area Directors, Assistant Area Directors, Deputy Area Director

ERS

Administrator, Deputy Administrator, and Division Directors

NASS

Immediate Supervisors

NIFA

Director, Deputy Directors, Assistant Directors, Center Director, Division Directors, and Staff Directors

7.2 Fulfilling Mandatory Telework Training Requirements

7.2.1 TELEWORK TRAINING

Each required telework course is taken only once; there is no annual telework training requirement.

All supervisors of teleworkers must complete the course *Telework 101 for Managers* prior to approving or allowing teleworkers under their supervision to begin teleworking. It is available in AgLearn, and may be accessed by browsing the AgLearn catalog using the search term “telework.” Several training options will be returned. Click on the *Telework 101 for Managers* course and launch the content.

All teleworkers, including supervisors who also wish to telework, must complete the course *Telework 101 for Employees* prior to beginning telework or to being placed on a new agreement. It is available in AgLearn, and may be accessed by browsing the AgLearn catalog using the search term “telework.” Several training options will be returned. Click on the *Telework 101 for Employees* course and launch the content.

From time to time, the Department may offer telework courses meeting this basic training requirement for supervisors and/or employees. In addition, employees transferring from other federal agencies may already have met the training requirement in their previous agencies. Appropriate documentation, such as a certificate of completion, will be deemed to have satisfied

the applicable training requirement(s). If appropriate proof of completion is not available, employees will need to re-take the applicable course(s) before participating in telework or approving telework eligibility or agreements.

7.2.2 ANNUAL INFORMATION SECURITY AWARENESS AND PERSONALLY IDENTIFIABLE INFORMATION TRAINING REQUIREMENT

All employees and supervisors must have satisfied the most recent annual training requirement for Information Security Awareness and Personally Identifiable Information in order to be approved to telework. Employees will receive annual electronic notification about the due date for this training, and the module will appear as a required training item in employees' AgLearn learning plans. Telework agreements for employees who have not completed the annual training may be suspended or terminated.

7.3 Establishing and Maintaining Telework Agreements

All employees who are eligible to telework must complete either a telework agreement or written notice of their intent to opt out of participation within 10 business days of the date of their eligibility notification. Eligible employees are strongly encouraged to consider requesting a situational agreement, rather than opting out of participation, in order to facilitate continuity of operations in emergency situations, such as pandemics or emergency closures. It is strongly encouraged that telework-eligible employees who are designated as "emergency essential" have at least an approved situational agreement in place.

7.3.1 INITIATING A TELEWORK AGREEMENT

ARS employees who wish to telework must complete the REE-45, "Telework Agreement," while ERS, NASS and NIFA employees must complete the AD-3018, "USDA Telework Agreement" and submit it to their supervisors. The Telework Agreement forms have been developed to establish clear expectations between the supervisor and employee. It is recommended that employees and supervisors jointly develop the agreement to work out key issues and expectations prior to completing the form. The REE-45 is available as a screen-fillable form in eForms. The AD-3018 may be accessed at http://www.ocio.usda.gov/forms/ocio_forms.html.

Supervisors will determine the type (core or situational) and level (number of days, if core) of telework that is appropriate. For ARS supervisors and employees completing the REE-45, arrangements or conditions not explicitly covered in the body of the agreement must be specified by the supervisor or employee in Section D, "Signatures." Examples of additional arrangements or conditions might include establishing communication response expectations (means, time frames, etc.) or communicating supervisory expectations for the circumstances under which non-emergency essential employees will be expected to telework.

Agreements must be approved in accordance with procedures identified below in Section 7.3.2. Under no circumstances should supervisors allow employees to work from an alternate location unless there is an approved telework agreement on file.

Telework-eligible employees may voluntarily opt out of participation in the telework. Intent to opt out must be communicated officially in accordance with the instructions provided in Table 4 below:

Table 3 – Officially Indicating Intent to Opt Out of Participation in Telework

ARS. Complete the form REE-45, Telework Agreement, through Section A item #10. Sign in Section D, and submit to the immediate supervisor. Supervisors will sign and provide a copy to the appropriate telework coordinator (See the REE Telework website for a list of current telework coordinators, <http://www.afm.ars.usda.gov/hrd/worklife/flex-workplace.htm>).

ERS. Complete section IV of the USDA Eligibility Notification Template, available from the ERS Telework Coordinator, and submit to the immediate supervisor with a copy to the ERS Telework Coordinator.

NASS. Complete Section C of the NASS template “Notification of Eligibility for Telework” and return it to the supervisor. This template is available from the NASS Telework Coordinator. The NASS Telework Coordinator will also receive a copy of this notice.

NIFA. Employees must send an email to their supervisor and to the NIFA Telework Coordinator indicating their intention to opt out of participation in the telework program.

7.3.2 APPROVAL OF TELEWORK AGREEMENTS

Agreements must be signed by the employee, immediate supervisor, and designated Approving Official before the employee may begin teleworking. Generally, a decision will be made on agreements and communicated to the employee within 10 business days of submission to the immediate supervisor. Approving officials who deny or approve a supervisory recommendation of denial of a telework agreement to an employee who has been notified that he/she is eligible to telework must provide a valid business rationale in writing for the decision to the employee. Approving officials will use the template provided in Appendix 3 to document official disapprovals of telework agreements, and provide a copy to the Organizational Telework Coordinator. Use of electronic copies is encouraged.

Signatures on approved agreements also indicate that all parties have read, understood and will abide by the applicable Terms and Conditions. ARS Telework Agreement Terms and Conditions may be found at <http://www.afm.ars.usda.gov/hrd/worklife/telework/terms.htm>. NASS Terms and Conditions are documented in a separate form, which is also signed separately from the AD-3018, “USDA Telework Agreement.” Terms and Conditions for ERS and NIFA are included in the AD-3018, “USDA Telework Agreement” and in Appendix A of DR-4080-811-002, USDA Telework Program, dated January 25, 2011.

The following positions have been delegated approval authority for telework agreements. Where delegation of authority below these positions is permitted, the organization should clearly communicate who has delegated authority to approve telework agreements to the Organizational Telework Coordinator(s).

ARS:

HQ/AFM/BSCs: Administrator, Associate Administrator, Deputy Administrator, Associate Deputy Administrator, Office/Staff/Division Directors, BSC Directors and Deputy Directors (may be redelegated to second level supervisors)

National Agricultural Library: Director, Deputy Director, Associate Director, Division Chiefs

Area and Field Offices: Area Directors, Associate Area Directors, Assistant Area Directors, Center, Institute, or Laboratory Directors (may be redelegated to Research Leaders).

ERS: Division Directors

NASS: Immediate supervisors

NIFA: Director, Deputy Directors, Assistant Directors, Center Directors, Division Directors, and Staff Directors

Supervisors must forward copies of approved telework agreements to the Organizational Telework Coordinator(s) or their designee. Use of electronic copies is encouraged.

7.3.3 MODIFICATIONS TO AGREEMENTS

Significant modifications to an existing agreement that would affect telework reporting requirements must be made by completing a new telework agreement on the appropriate form (REE-45 or AD-3018). Significant changes might include changes to the type of agreement (core or situational), the number of days under a core agreement, or changes to alternative work site address. The modified agreement will be developed and routed for approval as indicated above. Organizational Telework Coordinators or their designees will receive copies of approved modified agreements and record the modified information accordingly.

Minor changes may be done by making pen-and-ink changes to the agreement and having the change(s) initialed and dated by the supervisor and employee. Minor changes might include changes to:

- basic employee information,
- the completion date for training, or
- the scheduled days of the week (as distinct from the number of days) under a core agreement.

There is no requirement to send copies of minor changes to Organizational Telework Coordinators.

When in doubt about whether the proposed modification requires a new agreement, contact your Organizational Telework Coordinator.

7.3.4 TELEWORK AGREEMENTS FOR MEDICAL PURPOSES

Telework agreements for medical purposes differ from a standard core or situational agreement in that the day limitations specified in Tables 1 and 2 of Sections 3.3.1, Core Telework and 3.3.2, Situational/Unscheduled Telework respectively do not apply. Managers may also consider temporarily adapting tasks of a job to be more conducive to telework to provide temporary relief to the employee experiencing a temporary medical situation. Telework agreements for medical purposes are intended to be temporary in nature, generally less than 3 months in duration.

An employee who wishes to request a telework agreement for medical purposes should complete the appropriate telework agreement form as for regular telework arrangements and route for the appropriate approvals. In addition, the employee must submit medical documentation from the attending physician documenting the nature of the medical condition, the medical prognosis, anticipated duration of the condition, the number of hours each day or week the employee can work, and state that the performance or assigned duties will not adversely affect the employee's health or medical conditions. Appendix 5 contains a template that supervisors may use to request medical documentation from employees who have not submitted the required documentation with their request for a medical agreement. Employees may streamline the request process by using the attachment to this template to request the required documentation from their physicians prior to submitting a medical agreement request, eliminating the need for the supervisor to send the memorandum.

If the employee has an existing agreement in place, the telework agreement for medical purposes will be considered a modified agreement and will replace the existing agreement. The employee will indicate on the form that this is a medical agreement and whether they wish to telework on a core or situational basis. If the employee wishes to work on a core basis, he/she must also indicate the number of days per pay period. Employees may not work more than the number of hours per day or week indicated by the attending physician, if applicable.

When the medical agreement is no longer needed, the employee must complete a modified agreement if he/she wishes to continue to telework. Follow procedures defined above in section 7.3.3, "Modifications to Agreements."

If the condition exceeds the original anticipated duration (generally not longer than 3 months), employees will be required to produce new medical documentation. Supervisors will determine whether continuing the Medical Agreement is warranted. When a medical condition results in a longer-term or permanent condition that qualifies the employee as an individual with a disability, the employee may be advised to seek a reasonable accommodation under those procedures. In cases where a medical telework arrangement is no longer advantageous to the agency, an employee may be advised to seek alternative reasonable accommodations or apply for disability retirement. Consultation with the REE Work/Life Program Manager, the Employee Relations Branch, the REE Disability Program Manager, and in some cases, USDA's Medical Officer, may be advisable.

Recipients of the Leave Transfer Program must notify their timekeeper of any hours worked in the pay period to avoid erroneous use of donated leave.

Supervisors will maintain the original agreement together with any medical documentation submitted to support the request and provide a copy of only the agreement to the Organizational Telework Coordinator. Organizational Telework Coordinators will record the telework agreement information in the same manner as for other core and situational agreements.

7.3.5 TELEWORK AGREEMENTS AND REASONABLE ACCOMMODATION

Telework may be used to provide a reasonable accommodation to a qualified individual with a disability. These requests differ from medical agreements in that there are requirements to be considered a “qualified individual with a disability,” and they generally last longer than 3 months or are permanent arrangements. Requests for telework agreements as a reasonable accommodation should be made by the employee to the supervisor using the REE-172, Request for a Reasonable Accommodation, which may be found on e-Forms. For additional information about reasonable accommodation requests, please see P&P 122.2, “Reasonable Accommodation Procedures.”

If telework is determined to be a reasonable accommodation, the employee and supervisor will jointly develop a telework agreement using the REE-45 or AD-3018, Telework Agreement form and route for approval as required. As with telework agreements for medical purposes above, medical documentation should be provided and specify any limitations. The Organizational Telework Coordinator will file the final approved agreement together with the REE-172. Consultation with the REE Disability Program Manager, the REE Work/Life Program Manager, and in some cases, USDA’s Medical Officer, may be advisable.

7.3.6 PERIODIC REVIEW OF AGREEMENTS

Supervisors are required to review telework agreements at least annually to ensure the arrangement has not changed substantively and that it is still effective. It is recommended that annual reviews occur at the same time as annual performance appraisal review.

Telework agreement reviews may also be conducted at any time during the year. In particular, supervisors who gain new employees through internal (USDA) placement actions, such as change to lower grade, promotion, reassignment, realignment, or position change, should review any telework agreements that were in place in the employee’s previous work unit as soon as practicable after the employee begins working for them. If the employee remains eligible for telework in the new position, the supervisor may simply countersign and date the existing agreement if there are no changes. If the new supervisor requires changes, or the employee wishes to request changes, a new agreement must be completed and routed for approval.

At a minimum annual agreement reviews and reviews due to changes in supervisor must be documented in writing. A template has been provided in Appendix 4 to document the telework agreement reviews and outcomes. This template may be used to communicate reviews and their outcomes in memorandum, electronic mail, or other appropriate written format with a courtesy copy provided to the Organizational Telework Coordinator. Use of electronic communication and copies is preferred.

7.4 Participating in Telework

7.4.1 SUPERVISORY CONTROLS

Supervisors will treat teleworkers and non-teleworkers the same in all decisions involving management discretion, such as distribution of work assignments, periodic appraisal of performance, awards and recognition, and other management discretionary decisions.

Performance plans should clearly communicate performance expectations, regardless of whether or not the employee participates in the Telework Program. Performance plans do not require modification, unless factors relating to the nature of the position, supervision, or work environment are affected.

Telework should not adversely affect the ability of the supervisor to direct and review the work of participating teleworkers. Supervisors are accountable for all work performed by employees under their supervision. Therefore, managers may use appropriate work tracking and communication tools, provided they are implemented for all employees under their supervision regardless of whether they telework.

Management retains the right to require an employee to report to the official duty station on days the employee would normally telework, usually with 24 hours advance notice, when face-to-face presence is required. Exceptions for a lesser notification may be appropriate in certain unforeseen situations. While employees are not entitled to a substitute telework day in these cases, all reasonable requests will be considered.

7.4.2 APPOINTMENTS

A telework arrangement does not alter the terms and conditions of the appointment as specified on the employee's SF-50, Notification of Personnel Action.

7.4.3 OFFICIAL DUTY STATION AND PAY

An employee's official duty station will normally be the same as that of the employing organization's location. A teleworker's official duty station would remain unchanged as long as he/she comes into the official duty site at least twice each biweekly pay period on a regular and recurring basis. If the employee does not report in at least twice per pay period and is not on a short-term, temporary agreement of 6 months or less, the official duty station must be changed to the location of the alternative worksite and pay will be set accordingly. The immediate supervisor must complete an SF-52, Request for Personnel Action requesting a "change in duty station," route for appropriate approvals, and submit it for processing. All pay, leave, and travel entitlements must be based on the employee's official duty station as documented on the SF-50, Notification of Personnel Action. An employee who teleworks full-time at his/her residence is considered by OPM to be engaged in **remote work**.

7.4.4 WORK SCHEDULES AND TIME AND ATTENDANCE

The telework arrangement will not affect hours of work, unless otherwise specified in the telework agreement. For example, supervisors may approve an earlier start time on telework days for employees who telework on a core agreement.

The work schedule, not the work site, governs when leave must be taken. Absences during official duty time must be accounted for with appropriate forms of approved leave or other forms of time off (e.g., credit time, compensatory time, leave without pay, etc.). Approved work schedules are officially recorded in the Time and Attendance system. Leave procedures will remain the same for teleworkers as for non-teleworkers.

Employees will follow established office procedures to obtain approvals to work credit time, compensatory time, or overtime. Supervisors should take care to communicate work rules and monitor work activity to minimize “suffered or permitted” overtime work by employees who are nonexempt under the provisions of the Fair Labor Standards Act. Supervisors may terminate the telework agreement for employees who habitually work in excess of the hours approved by the supervisor.

Employees who telework may also participate in other workplace flexibility programs, such as alternative work schedules, to the extent that participation does not negatively affect mission accomplishment, customer service, or co-workers.

Employees will report their time teleworked as directed in the time and attendance system. In Web TA, employees report scheduled telework worked under a core arrangement as “Regular Time – Telework.” Employees report situational or unscheduled telework as “Telework – Other.” “Telework-Other” will also be used by teleworkers under a core arrangement who telework on a day other than their approved telework day(s). Other time and attendance systems may have different telework reporting methods. Follow your local guidance for documenting time teleworked. Supervisors must determine the reasonableness of the work output for the time spent when reviewing time and attendance reports.

7.4.5 USE OF SITUATIONAL TELEWORK

Employees on approved core or situational telework agreements may request to telework on an ad hoc/situational basis. For employees on core telework agreements, such requests would be for telework outside of their approved core days.

Supervisors will approve individual requests for situational telework based on considerations of the proposed duration of the assignment, the potential impact on co-workers, mission accomplishment, and customer service, and/or other business considerations. Expectations with regard to communication and accessibility should be clearly established for each instance of situational telework.

7.4.6 UNSCHEDULED TELEWORK AND EMERGENCY SITUATIONS

REE agencies will follow OPM’s *Washington, DC Area Dismissal and Closure Procedures* to the extent feasible and practicable. These procedures are available as a downloadable PDF file at OPM’s Federal Operating Status website listed below.

Unscheduled telework may be used when OPM or other recognized authority declares the status of the government to be “Open with Option for Unscheduled Leave/Unscheduled Telework.” Employees on approved core or situational telework agreements who wish to exercise the unscheduled telework option must...

- have work available to do,
- the equipment or other means to do the work, and
- be accessible to their supervisors, customers, and co-workers during unscheduled telework as required by the supervisor.

In addition, as with the unscheduled leave option, employees must notify their supervisors that they intend to use the unscheduled telework option to cover all or a portion of their official duty time. Employees on approved agreements who cannot or do not wish to telework for all or part of the official duty day, e.g., because of power outages or the need to care for dependents who are at home, must either report to work or request and use appropriate leave or other paid or unpaid time off. Employees may check the operating status of their locations by monitoring local television or radio media or by visiting the following websites, circumstances permitting:

USDA Operating Status: <http://www.dm.usda.gov/beprepared/>

Federal Operating Status
for the Washington, DC Area: http://www.opm.gov/Operating_Status_Schedules/

Federal Operating Status
Outside the Washington, DC Area: <http://www.feb.gov/>

When OPM or other recognized authority declares a situation as appropriate for unscheduled leave or telework, the following procedures apply. Emergency situations may also affect a single agency or building, which may result in implementation of similar provisions by appropriate authority at the agency level.

Telework-eligible employees who are designated as “emergency essential” and who have an approved telework agreement in place **must**:

- inform their supervisors of their intent to use unscheduled telework, if they have work available to do and the means to do it,
- report to the office, or
- request appropriate leave or other paid/unpaid time off.

Non-emergency employees who have telework agreements in place **may**:

- inform their supervisors of their intent to use unscheduled telework, if they have the work available to do and the means to do it,
- report to the office, or
- request appropriate leave or other paid/unpaid time off.

In the event a facility is closed by OPM or other appropriate authority, supervisors may approve administrative leave in accordance with applicable procedures for both non-emergency teleworkers and non-teleworkers when it is authorized. However, to facilitate continuity of business operations, telework eligible, non-emergency employees are highly encouraged to telework. “Emergency essential” employees who are eligible for telework and have approved agreements in place must follow the procedures outlined above.

Supervisors and employees are encouraged to plan for anticipated emergencies, such as inclement weather, to the maximum extent possible to ensure employees have work available to do while teleworking and the means to do it. All employees on situational agreements should practice telework periodically to ensure they know how to do so when the need arises. For example, does the employee know how to...

- transfer the office telephone to a telephone to be used while teleworking (where this service is available)?
- access network, files, and/or systems remotely?
- communicate with supervisor, co-workers, and clients while teleworking?

Preparation and practice are critical to being an effective teleworker.

7.4.7 DEPENDENT CARE WHILE TELEWORKING

OPM regulations specifically prohibit approving telework agreements and use of official duty time for child care, dependent care, or for any purpose other than official duties (e.g., to care for a sick child, spouse, or parent). Teleworkers are responsible for ensuring appropriate arrangements for the care of dependents when the home is the telework location. That is, employees may not use telework to personally care for a dependent. However, this does not preclude a teleworker from having a caregiver working in the home providing care to the dependent(s) while he/she teleworks. Management may request documentation from the teleworker to substantiate a caregiver is providing on-site or off-site care during the teleworker's scheduled or unscheduled telework time.

7.4.8 COORDINATION WITH TRANSIT SUBSIDY PROGRAM

Employees are responsible to coordinate their transit subsidy benefits with the Transit Subsidy Program Manager to ensure the transit subsidy is reduced appropriately. Employees on core telework agreements must notify the Transit Subsidy Manager of the number of days they will telework. Employees on situational telework agreements must coordinate with the Transit Subsidy Program Manager for each pay period during which they telework.

7.4.9 ACCESSIBILITY WHILE TELEWORKING

Teleworkers on core agreements must be available to their supervisor, co-workers, and customers in the same manner as they are when working at their official location. For example, phone calls and emails must be answered in the same timeframe as if the employee were working in the duty location. This means that phones must normally be forwarded to the telework location, if that service is available, or that other means are in place to communicate with the supervisor, co-workers, and customers. It may also mean that the employee should provide an alternate phone number to be reached at the telework site if possible. Supervisors should clearly communicate accessibility expectations for teleworkers on situational agreements for each instance of approved telework.

7.4.10 ALTERNATIVE WORK SITE AND SAFETY

If the alternative work site is the employee's residence, then employees must maintain the site in a safe manner. Managers or their designees may inspect the alternative work site, normally with at least 24 hours notice to the employee, to ensure work site safety.

7.4.11 WORKERS' COMPENSATION

Teleworkers are covered under the Federal Employee's Compensation Act if injured while performing official duties at the alternative worksite as described in the telework agreement. Any accident or injury occurring at the alternative worksite must be brought to the attention of the supervisor immediately. For additional information and guidance, please contact the Workers' Compensation Staff on 301-504-1487.

7.4.12 TERMINATION OF TELEWORK AGREEMENTS

The telework arrangement may normally be terminated by either management or the employee. A minimum of two weeks advance written notification of termination of the telework relationship is required when the agreement is being terminated by management, except in emergency situations. This notice period allows the employee to make arrangements to commute to the work site on days that were previously worked at an alternate location. The most common reasons for termination of an arrangement will generally be because of:

- A decline in performance or productivity documented in writing and communicated to the employee; or
- A change in an employee's eligibility based on official disciplinary or conduct actions taken.

When an arrangement is terminated by management, the supervisor (or other management official) must provide the employee with a brief, written explanation as to why the agreement is being terminated. The template, "REE Telework Agreement Review Certification," provided in Appendix 4 may be used to communicate management termination of a telework agreement. A copy of the official notice of termination of an agreement must be provided to the Organizational Telework Coordinator. Use of electronic copies is encouraged.

When an agreement has been terminated by management, the employee may appeal the termination. The employee may also reapply for a new telework agreement six months from the effective date of the termination, assuming the reason for termination was not for one of the two reasons that represent permanent barriers to participation in telework (See Section 7.1.2).

Employees who decide to terminate an agreement for whatever reason(s) must inform their supervisor in writing of their decision. The supervisor will send a copy of the employee's written notice to the Organizational Telework Coordinator.

7.5 Relationship of the REE Telework Program with Other Programs or Policies

This section briefly describes the relationship of the REE Telework Program to other programs or policies.

7.5.1 POSITION CLASSIFICATION

There is no need to modify position descriptions for teleworkers. The work has not changed, just the location at which the work is performed.

7.5.2 RECRUITMENT

Telework may enhance an agency's competitiveness for attracting and retaining talent. Therefore, all vacancy announcements must include an appropriate notice when the position is

eligible for telework. For example, “The duties of this position can be performed while teleworking” or “This position is eligible for Telework and other flexible work arrangements.”

7.5.3 RECORDS MANAGEMENT

In accordance with General Record Schedule 1, Section 42a, an employee’s telework agreement must be kept for 1 year after the end of the employee’s participation in the program.

7.5.4 CONTINUITY OF OPERATIONS PLANS (COOP)

Telework must be incorporated into emergency preparedness operations to the broadest extent possible. As part of an agency’s COOP, teleworkers may be designated as “emergency essential.” These designations should be an integral part of the COOP planning and emergency occupant plans. Each organization must test their preparedness at least annually for an all-staff telework emergency by conducting an exercise where all telework-eligible employees with approved agreements in place telework for at least one day.

7.5.5 BUILDING RENOVATIONS

Telework, especially hoteling, will be considered when planning for any building renovation in any agency location.

7.6 Appeals Procedures

For employees covered by a collective bargaining agreement, appeals will be governed by the negotiated grievance procedure, unless telework is specifically excluded from that procedure by a specific collective bargaining agreement. If the topic is specifically excluded, then bargaining unit employees covered by an agreement may use the REE Administrative Grievance System, REE P&P 463.2 dated June 4, 2001.

For non-bargaining unit employees, the REE Administrative Grievance System must be used to decide telework appeals.

Appeal decisions are binding for no more than six months from the date of the decision. Employees may submit a new appeal six months from the date the Appeals Official signs the appeal decision.

7.7 Equipment Issuance and Accountability

Equipment requirements must be addressed in the initial meeting between the employee and his/her immediate supervisor. Government Furnished Equipment (GFE), such as PCs and laptops, may be provided to telework employees when available. USDA has approved use of non-GFE PCs/laptops only where employees are accessing USDA networks using an approved technology or where use of such technology is waived (see Appendix 6). Where such an approved technology is available, or where its use is waived, non-GFE may be approved for use in REE. If an employee is required by the Agency to telework GFE will be provided.

The REE Agencies are not responsible for the repair or troubleshooting of personally-owned equipment. Maintenance and repair of non-GFE equipment is solely the employee’s responsibility. GFE must be returned to the official duty station for repair or possible replacement.

Government equipment issued or loaned for the purpose of telework (computers, laptops, telecommunications devices, etc.) must be accounted for using the REE-1, "Receipt for Loaned Property," or the AD-107, "Report of Disposition of Property." The AD-873, Property Pass, is to be used only for security purposes when taking equipment to and from the work site, not for general transfer of property.

7.8 Information Technology Security and Data Protection

It is the employee's responsibility to make sure that all anti-virus and firewall software is kept up-to-date on any equipment used for telework.

Teleworkers must conform to USDA software standards, including legal use of licensed software products. Under most circumstances, employees will be provided a licensed copy of standard office software on their government-furnished computers based on USDA Licensing Agreements.

Teleworkers must complete Computer Security Awareness and PII Training and understand their responsibilities for properly safeguarding Government information. It should be understood that during duty hours, while performing official functions on a personal computer, there is neither expectation of, nor Right of Privacy. The performance of inappropriate activities such as viewing inappropriate Web sites, pornography, or violating copyright law during work hours and while connected to USDA's networks can result in seizure of government-furnished computers and disciplinary action against the employee.

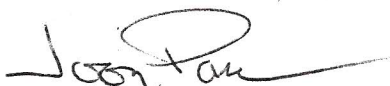
Teleworkers are responsible for maintaining the security of the equipment, software, work products, and information, whether teleworking from home or any other alternative work site. This includes using passwords on computers and guarding PII or other sensitive information, either on the computer or in hard copy, from being seen or obtained by others.

8. Telework Program Evaluation

At the end of each fiscal year, the REE Telework Program Coordinator will conduct an evaluation of the telework program to determine attainment of official Agency and/or REE goals for that fiscal year and in accordance with the criteria contained in Appendix E of DR 4080-811-002, dated January 25, 2011. A summary report will be produced for consideration by REE leadership in planning for the direction of program or policy changes and/or development of new goals.

Signature for approval:

Date of approval:



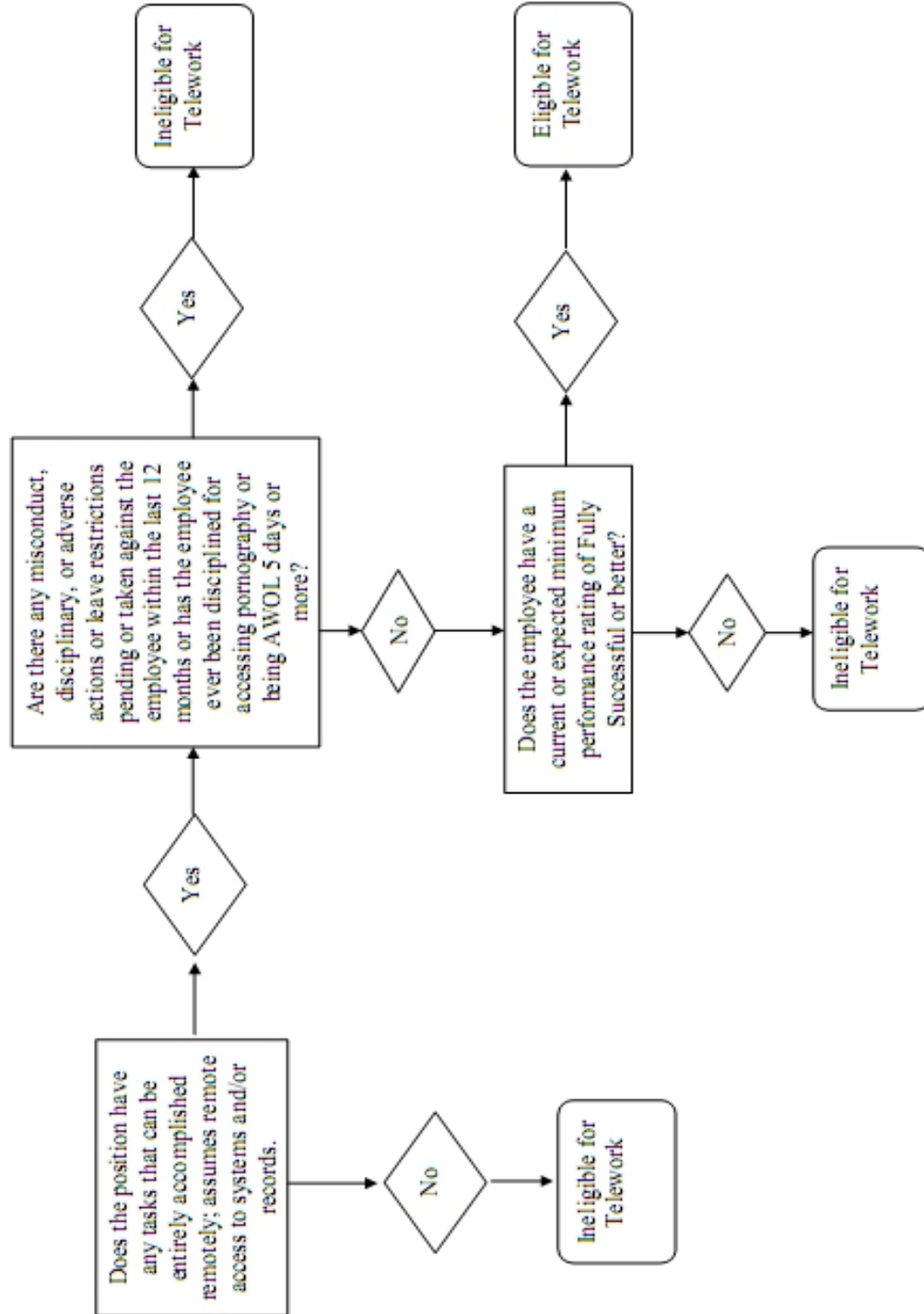
28 MAR 12

Joon Park
Director, Human Resources Division

Appendix 1 – Decision Tree for Determining Eligibility for Telework

Appendix 1

DETERMINING ELIGIBILITY FOR TELEWORK DECISION TREE



Appendix 2 – Eligibility Notification Template

SUBJECT: Notification of Eligibility for Telework

TO: (Employee Name)

FROM: (Eligibility Approving Official's Name)

In accordance with REE P&P 402.5, "The REE Telework Program," this communication notifies you of your eligibility to telework and is issued for the following reason:

- Initial notification of telework eligibility in your current position (or detail)
- A change in your telework eligibility status from eligible to ineligible
- A change in your telework eligibility status from ineligible to eligible
- Annual review of your telework eligibility in your current position (or detail)

Position Eligibility

- a. Your position is eligible for telework because it involves duties that may be done remotely, do not depend on being at the official duty station worksite, and are conducive to supervisory oversight and monitoring at an alternative worksite.
- b. Your position is not eligible for telework because:
 - i. Duties require your physical presence at the worksite on a daily basis.
 - ii. Duties require your presence at the worksite for daily contact with the public or other people.
 - iii. Duties require daily use of specialized equipment located at the worksite.
 - iv. Duties require daily handling of classified materials.
 - v. Other (Please specify): _____

Employee Suitability

- a. You are suitable for telework, because your anticipated or actual level of performance is Fully Successful or better; you have had no disciplinary or adverse action or leave restriction within the past 12 months, and you are not currently subject to potential adverse action.
- b. You are not suitable for telework because:
 - i. Your most recent performance rating or observed level of performance is less than Fully Successful.
 - ii. You were subject to a disciplinary or adverse action or leave restriction within the past 12 months (including letters of caution/warning, letters of reprimand, suspension, downgrade, or proposed removal).

- ___ iii. You are currently subject to potential disciplinary or adverse action or leave restriction.
- ___ iv. You have been officially disciplined for viewing, downloading, or exchanging pornography, including child pornography, from a government computer or while performing official Federal Government duties.
- ___ v. You have been officially disciplined for being absent without permission (AWOL) for 5 days or more in any calendar year.

Apply for Telework or Opt Out

If you have been determined eligible for telework, as indicated above, you must either submit a telework agreement requesting a core or situational agreement or submit your intent in writing that you wish to opt out of participation within 10 business days of the date the eligibility notice was issued. See REE P&P 402.5, "REE Telework Program," for specific agreement and opt out procedures.

Appeals

If you have been determined to be ineligible for telework, you may appeal the decision. Bargaining unit employees must use the applicable negotiated grievance procedure, and non-bargaining unit employees must use the REE Administrative Grievance System as described in REE P&P 463.2.

cc:

Immediate Supervisor (if not the Eligibility Approving Official)
Organizational Telework Coordinator or designee

Appendix 3 – Disapproval of Telework Agreement Template

DATE:

FROM:

TO:

SUBJECT: Disapproval of Request for Telework Agreement

The attached telework agreement has been disapproved for the following reason(s).

___ You are not eligible to participate in the telework program (attach a copy of Eligibility Notice).

___ You were originally eligible for telework, but your eligibility status has changed (attach a copy of Eligibility Notice).

___ You are eligible for telework, but the telework agreement has been disapproved for the following reason(s) (*Specify business rationale for disapproval of the telework agreement if the employee is otherwise eligible.*):

Approving Official's Signature

Date

Typed Name and Title of Approving Official

cc:
Organizational Telework Coordinator or designee

Appendix 4 – Telework Agreement Review Certification Template

DATE

FROM: Supervisor

TO: Employee

SUBJECT: Telework Agreement Review

Based on review and/or discussion of your current telework agreement, the following decision was made.

___ The Agreement is working well, and will continue with no changes at this time.

___ The modifications to the agreement that you requested have been approved. (*Attach approved modified agreement*)

___ I requested modification(s) be made to the existing agreement, including (***Briefly summarize the changes requested and reason(s) for the modification(s). Attach approved modified agreement, if already done. If not, instruct the employee to submit a modified agreement for approval.***)

___ This agreement will be terminated effective _____ for the following reason(s):
___ You have become ineligible for telework based on ___ performance or ___ conduct issues.
___ There has been a negative impact on the mission or work operations (*Explain briefly.*)
___ Other reason(s) (Explain the business rationale for terminating the agreement.)

Additional Comments:

Supervisor’s Signature

Date

Supervisor’s Typed Name and Title

REE Agency, Unit/Division/Location and/or Branch

cc: Organizational Telework Coordinator

Appendix 5 - Medical Documentation Request Template

[AGENCY LETTERHEAD]

DATE:

SUBJECT: Medical Documentation Request

TO: Employee's Name

FROM: Supervisor's Name

USDA makes every effort to help employees balance work and life events. Where a medical condition exists which might have on-the-job implications, it is important for management to understand the details of the situation. In order to make a determination on your request to telework as relief for a temporary medical condition, medical documentation is required. Please provide the attached request form and copy of your official position description to your physician to complete, and return the completed and signed form to me.

Once satisfactory documentation has been received, a decision on your request for a medical telework agreement will be made within no more than 10 business days.

If you have any questions, please contact **(NAME)** at **(PHONE)** or **(EMAIL ADDRESS)**.
Thank you.

Attachment

TO: The Attending Physician

SUBJECT: Request for Medical Documentation

The following medical documentation is requested for **(EMPLOYEE NAME)** to assist the supervisor in making a decision about a request to telework (work at home) as relief for a temporary medical condition. A copy of the employee's official position description is provided as a description of the essential duties of the job.

1. Please provide a brief explanation of the nature of the medical condition.

 2. What is the medical prognosis?

 3. What is the anticipated duration of the condition?

 4. Are there any medical limitations on the type of work that may be performed and/or on the number of hours the employee may work?

 5. Will performance of any of the assigned duties adversely affect the employee's health or medical condition?

___ No
___ Yes (Please explain.):

 6. Additional medical document ___ is / ___ is not attached. (Please list attachments.)

 7. Is there any additional information you feel is needed to support a decision on the employee's request for telework as an appropriate relief for his/her medical condition?
-

Physician's Signature

Date

Printed Name of Physician



JAN 25 2012

United States
Department of
Agriculture


Office of the Chief
Information Officer

1400 Independence
Avenue SW

Washington, DC
20250

To: Departmental Management, Office of Human Resources
Agency Human Resource Officers
Agency Telework Coordinators
Agency Information Systems Security Program Managers

Through: Agency Chief Information Officers

From: Christopher L. Smith 
Chief Information Officer

Subject: Remote Access and USDA Telework

This memorandum reiterates the requirements for remote access to USDA networks and establishes the parameters for the use of non-government furnished equipment (non-GFE) to access USDA networks and information. Remote access to USDA networks requires multi-factor authentication and an Office of Chief Information Officer (OCIO)-approved access solution. The USDA enterprise Access Control/Network Admission Control solution (commonly referred to as AC/NAC) is the preferred access solution. The Department also has approved a virtual desktop solution (currently, Citrix).

To ensure a cohesive strategy for meeting the increased telework and mobile workforce demands, OCIO is establishing an inventory of remote access solutions and is requesting that agencies identify, in writing, their solutions. Solutions other than the enterprise AC/NAC or Citrix must be approved in writing by the Agriculture Security Operations Center (ASOC). These solutions must meet the specific criteria contained in the attachment to this memorandum. If an agency's remote access solution does not meet these requirements, a request for a waiver that identifies mitigating controls for all unmet requirements must be submitted. The identification of the remote access solution and waiver request, if required, should be submitted to ASOC by March 31, 2012.

Teleworkers are allowed to use non-GFE only via the virtual desktop solution (currently, Citrix) with multi-factor authentication. Further, all teleworkers must maintain a signed copy of the USDA Telework Rules of Behavior that has been authorized, verified, and signed by the employee's supervisor.

Additional guidance on USDA enterprise Access Control/Network Admission Control solution will be provided.

USDA is an equal opportunity provider and employer.