

**U.S. DEPARTMENT OF AGRICULTURE  
WASHINGTON, D.C. 20250**

<b>DEPARTMENTAL REGULATION</b>		<b>Number:</b> 4080-811-002
<b>SUBJECT:</b> USDA Telework Program	<b>DATE:</b> January 25, 2011	
	<b>OPI:</b> USDA Office of Human Resources Management	

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**1. PURPOSE**

This regulation sets forth the authority, policy, and responsibilities for managing the telework program within the United States Department of Agriculture (USDA). Effective use of telework is expected to result in savings to USDA in terms of space, utilities, and employee retention.

## 2. REFERENCES

- a. Presidential Memorandum, "Expanding Family-Friendly Work Arrangements in the Executive Branch," July 11, 1994.
- b. Presidential Memorandum, "Implementing Federal Family Friendly Work Arrangements," June 21, 1996
- c. Presidential Directive, National Security Presidential Directive 51/Homeland Security Presidential Directive 20, National Continuity, dated May 9, 2007
- d. Public Law Number 104-52, Treasury, Postal Service, and General Government Appropriations Act of 1996.
- e. Public Law Number 106-346, Section 359, Department of Transportation Appropriations Act of 2001.
- f. OPM Guide to Processing Personnel Actions, Chapter 23.
- g. OPM Memorandum to Executive Heads of Agencies, subject: Establishing Telecommuting Policy, dated February 9, 2001.
- h. OPM Memorandum to Executive Heads of Agencies, subject: Washington, D.C., Area Dismissal or Closure Procedures, dated December 4, 2003.
- i. DR 3440-002, Control and Protection of "Sensitive Security Information", dated January 30, 2003.
- j. DM 3525-003, Chapter 5, Part 3 - Telework and Remote Access Security, dated February 17, 2005.
- k. DM 3550-002, Chapter 10, Part 2 - Sensitive But Unclassified Information Protection, dated February 17, 2005.
- l. Federal Continuity Directive 1, Federal Executive Branch National Continuity Program and Requirements, dated February 2008
- m. H.R. 1722, Telework Enhancement Act of 2010, December 2010.

**NOTE:** The references in this directive reflect the current guidance as of the writing of this policy. Agencies must employ the most current guidance available.

## 3. SPECIAL INSTRUCTIONS

This regulation supersedes Departmental Regulation 4080-811-02, Teleworking Program dated June 2, 2005.

#### 4. POLICY

- a. USDA promotes telework (also known as flexiplace, telecommuting, or work-from-home) as a workplace flexibility for recruiting top talent; retaining current employees; reducing the cost of office space, absenteeism, and use of workers compensation. The purpose of telework is fundamentally to complete the duties, responsibilities and other authorized activities (such as online training) of an employee's official position from an alternative worksite other than at the location an employee normally works. Telework also enables employees to better manage work and personal or family responsibilities while reducing traffic congestion, fuel consumption and dangerous vehicular emissions that can ultimately help improve the air quality.
- b. The USDA telework program begins with the premise that all positions are presumed suitable for telework, unless the official duties require, on a daily basis, an employee to be physically present at a worksite (such as food inspectors, commodity graders, fire fighters and warehouse staff) and cannot be performed remotely or from an alternative worksite. However, when employees in occupations typically deemed ineligible for telework are working on rotations or temporary details that include work that is eligible for telework, those employees may participate in the telework program. All eligible employees (including supervisors and managers) will be afforded every opportunity to participate in the telework program. See eligibility criteria in paragraph 8b.
- c. Employees who are required to telework will be provided with the necessary government equipment to adequately perform their tasks at an alternative worksite.
- d. If an employee is not required by their agency to telework or otherwise utilizes an alternative worksite, the agency may decide, based on budget constraints and management discretion, to provide the necessary equipment/services at the alternative worksite. If providing such is not feasible, the employee must provide their own personal equipment and pay for or share the cost of using the alternative worksite.
- e. Telework on a regular and recurring basis means that the employee teleworks at least one day a pay period. Telework for more than one day a pay period may be appropriate for attracting potential applicants, retaining current employees, and providing reasonable accommodations for employees, as well as for accommodating employees housed in Federal buildings undergoing renovation projects and for addressing other agency or employee needs.
- f. Unscheduled telework is an important component of USDA's ability to operate in emergencies. Telework should be incorporated into emergency preparedness operations to the broadest extent possible. Unscheduled telework is a way for USDA and its employees to maintain productivity and help ensure safety of the Federal workforce and

the public. For example, telework will be considered for situational, episodic, inclement weather and short term as well as emergency situations that involve national security, extended emergencies or other unique situations. In conjunction with Washington D.C. Area Dismissal and Closure Procedures, employees who wish to telework during an unscheduled leave/delayed arrival or Federal office closure, may do so with approval from their immediate supervisor or manager, provided a valid telework agreement is approved. In instances where unscheduled telework is appropriate and an agreement is not already in place, employees and supervisors must finalize an agreement within 24-hours of approval. During an early departure authorization, teleworking employees may depart prior to the scheduled daily departure time, without charge to annual leave, as long as the employee makes up the time later in that day. When Federal offices are closed to the public, two types of telework employees may be required to work:

- (1) Any teleworking employee whose regularly scheduled telework day occurs on the day of a closure;
  - (2) Any ad-hoc teleworking employee who has approval to work unscheduled telework on a day of a closure.
- g. Telework employees who are required to work when OPM announces Federal offices are closed to the public are granted 2 hours of excused absence. Telework employees may also request to take appropriate leave (including unscheduled leave) or other earned time off, switch their AWS day off, or be granted additional periods of excused absence.
  - h. As part of an organization's (mission area/agency/staff office) Continuity of Operations Plan (COOP), teleworkers may be designated as either "emergency essential" or "mission critical" employees. These designations should be an integral part the COOP planning and emergency occupant plans. As such, each organization must test their preparedness at least annually, for an all-staff telework emergency by conducting an exercise where all eligible employees telework for at least one day.
  - i. Telework, especially hoteling in a shared telework center environment, will be considered when planning for any building renovation in any agency location.
  - j. Excess government property (computers, laptops, printers, fax machines) will be earmarked for telework programs prior to being reported as excess.
  - k. A telework agreement is required for any teleworker. The agreement should outline emergency designations when applicable and allow easy implementation for unscheduled telework in emergency or unforeseen situations where teleworking may be appropriate.
  - l. Telework training is required for all new teleworkers and their managers, unless they have successfully completed the telework training program within one year of entering into a new telework agreement.
  - m. Agencies/staff offices must include an appropriate notice in all eligible vacancy announcements 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."

- n. Telework may be considered appropriate as an accommodation for employees who meet reasonable accommodation guidelines.
- o. If an employee teleworks full time, supervisors must ensure the employee is aware of any impact to pay or benefits that may result from the arrangement.
- p. Employee performance for teleworkers and non-teleworkers will be evaluated using the same performance management program and standards that cover workers at traditional office/duty locations. This includes providing all employees the same opportunities and treatment with regards to work assignments, periodic appraisal of job performance, awards, recognition, training and developmental opportunities, promotions and retention incentives.
- q. Agencies/staff offices must conduct an annual assessment of their telework program using the information reported in Appendix E.

## 5. DEFINITIONS

- a. Alternative Work Site. A location other than the official duty station where an employee performs their official duties. The local commuting area is based on the 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.
- b. Emergency/Mission Critical 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 normally closed. This includes, but is not limited to a health pandemic, inclement weather, power outages, and/or situations associated with national security. An emergency/mission critical teleworker under this definition may or may not be also identified as an essential employee as a condition of employment. **Teleworkers under this definition must be identified as such in the telework agreement.**
- c. Emergency Situation. A national security situation, extended emergencies, inclement weather, or other unique situations when an agency/mission area/staff office work location is closed to the public.
- d. 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.

- e. 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.

A teleworker's official duty station would remain unchanged as long as he/she comes into the office 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 is set accordingly. This regulation is consistent with current law, regulations, and guidance from the Office of Personnel Management (OPM).

The official worksite for employees covered by a telework agreement who are not otherwise schedule to report to a regular worksite on a recurring basis is the location of the telework site.

**EXCEPTIONS:** The agency should not change a teleworker's official duty station in short term situations (6 months or less). This also applies to employees who telework for medical reasons and those required to telework during emergency situations.

- f. Situational Telework. Telework that occurs as needed and the schedule may not be 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 or meet extraordinary deadlines.
- g. Telecenter. A facility equipped with computers, printers, phones, fax, and copy machines. Some telecenters are owned and operated by the General Services Administration (GSA), USDA, and/or state, local, or county governments or private sector organizations for use by teleworkers. There are normally fees associated with the use of a telecenter. GSA telecenters require payments to be made annually by using the Telecommuting Facility Reimbursement Information Sheet.
- h. Telework. The performance of official duties at an alternative work site (i.e., home, telecenter, or other satellite work location). Regular and recurring telework, "core telework", that occurs on a regular and recurring basis, at least one day per pay period. Core telework may be used as a recruitment incentive for attracting potential applicants, retaining current employees, and for providing reasonable accommodations for disabled employees.
- i. 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. (See Appendices A and B).
- j. Teleworker. An employee who performs his/her official duties at an alternative work location (i.e., home, telecenter, or other satellite work location).

- k. Unscheduled Telework: Ad-hoc or situational telework arrangements that can be used on a temporary basis for allowing telework-ready employees to work from alternative work sites during periods of inclement weather, emergency situations, or for encouraging productivity during other short-term agency or employee needs.

## 6. ABBREVIATIONS

COOP	Continuity of Operations Plan
DM	Departmental Manual
DR	Departmental Regulation
FCIP	Federal Career Internship Program
GOE	Government Owned Equipment
GSA	General Services Administration
OEP	Occupant Emergency Plan
OHRM	Office of Human Resources Management
OPM	Office of Personnel Management
PII	Personally Identifiable Information
PMF	Presidential Management Fellows
SBU	Sensitive But Classified
SSI	Sensitive Security Information
TMO	Telework Managing Officer
USDA	United States Department of Agriculture

## 7. RESPONSIBILITIES

- a. The Director, Office of Human Resources Management (OHRM), will plan, develop, and appoint a Telework Managing Officer (TMO) to implement policies, programs, and systems to manage telework programs.
- b. The TMO will:
  - (1) Advise the Secretary of Agriculture, mission areas/agency heads, and staff office directors in the development and implementation of policies, programs, and oversight of the USDA telework program, develop and interpret USDA policies and standards for telework programs, and serve as the Department's point of contact on all telework matters. The Deputy Director, OHRM is designated as the USDA TMO.
  - (2) Provide agency officials with technical assistance and consultative services for complex telework issues.
  - (3) Ensure every USDA employee is provided information on telework policies and opportunities including authorization criteria and application procedures.
  - (4) Report teleworking statistics and consolidated telework data from all Telework Program Coordinators as required.

- c. The Director, Departmental Management, Office of Operations will:
  - (1) Whenever appropriate, incorporate telework and/or hoteling into headquarters complex renovations project plans and space assignments as alternatives to reducing the cost of securing additional space through leasing and/or renting during the temporary renovation and the cost of moving employees to other locations.
  - (2) Encourage the use of telework and/or hoteling in the assignment of office space to mission areas, agencies, and staff offices.
- d. The Director, Office of Procurement and Property Management will ensure mission areas/agencies/staff offices earmark surplus computers, laptops, printers, and fax equipment for telework arrangements prior to being identified as surplus.
- e. The Director of the Office of Homeland Security and Emergency Coordination will:
  - (1) Incorporate telework into the headquarters' COOP and OEP as another alternative for relocating employees to continue providing customer service and carrying out the Department's mission during an emergency situation.
  - (2) Ensure mission areas/agencies/staff offices address telework in their internal COOP and OEP.
- f. The Mission Areas/Agency Heads/Staff Office Directors will:
  - (1) Designate a Telework Program Coordinator to manage the program with both external sources and internal USDA offices.
  - (2) Administer a telework program in accordance with applicable public law, guidelines, and this regulation. The program shall:
    - (a) Ensure all assigned employees are notified of their eligibility to telework and require new or updated telework agreement forms from all eligible employees within 90 days of the publication of this policy, or arrival of a new employee on duty.
    - (b) Provide written explanation to those employees ineligible to participate in the USDA telework program; the approval authority will be responsible for reporting the numbers and reasons for ineligibility to the Telework Program Coordinator, as required.
    - (c) Establish supervisory and employee responsibilities and require written agreements documenting telework arrangements, even for those employees who do not participate in core telework but who are eligible to participate in situational or unscheduled telework as appropriate (see Appendix A).
    - (d) Produce telework agreements that, at a minimum, include all of the items outlined in the telework agreement template in Appendix A.
    - (e) Address security controls through the completion of a Telework Security/IT Checklist as identified under DR3440-002, "Control and Protection of Sensitive Security Information" and Appendix C.



- (f) Identify teleworkers who are designated as emergency employees and/or mission critical emergency employees and ensure these designations are identified in the telework agreement.
  - (g) Develop and implement guidance that permits a telework employee to be excused from duty during an emergency if the emergency adversely affects the telework site (e.g., disruption of electricity, loss of heat), and to the extent that the teleworker cannot continue due to loss of contact with the regular work site.
  - (h) Develop effective methods for notifying eligible employees that they are eligible to telework on an ongoing basis, as well as an annual notification and recertification process.
- (3) Ensure telework is identified in the COOP as an alternative to relocating employees to continue providing customer service and mission responsibilities.
  - (4) Ensure eligible teleworkers and managers have completed and passed annual information security awareness training prior to implementing a telework agreement.
  - (5) Provide government-furnished equipment to eligible teleworkers who are required to work at an alternative work site, unless a waiver has been obtained under DR 3440-002.
  - (6) Earmark excess computers, laptops, printers, and fax equipment for telework programs prior to reporting the property as excess.
  - (7) Provide for an appeals process whereby an employee who is denied telework or whose agreement is canceled by management, may appeal those actions as identified in paragraph 8d of this regulation.
  - (8) Report the information in Appendix E to the USDA TMO and the Director, OHRM.
  - (9) Maintain documentation for all telework program participants. In accordance with General Record Schedule I, Section 42a, an employee's telework agreement must be kept for 1 year after the end of the employee's participation in the program.
  - (10) Notify labor organizations and discuss with bargaining units, as appropriate, the establishment of and any changes to telework programs affecting conditions of employment for bargaining unit employees.
  - (11) Incorporate the availability of telework and related policies into agency new employee orientation and other training programs and ensure every agency employee is provided information on telework policies and opportunities including authorization criteria and application procedures.
  - (12) Establish a system for receiving feedback from agency employees on telework policy.
  - (13) Notify employees regarding eligibility to telework at least annually and the topic addressed during onboarding activities and recurring supervisor training.

- (14) Ensure Telework Program Coordinators report approved telework agreements and coordinate with the Agency Transit Subsidy Manager. Notify the Transit Subsidy Manager of the number of days the employee will telework so the transit subsidy can be reduced appropriately.
  - (15) Ensure that employees and their supervisors/managers are accurately coding official time spent in telework status in their Time and Attendance systems.
- g. The Associate Chief Information Officer for Cyber and Privacy Policy and Oversight will:
- (1) Assist agencies and staff offices in the secure implementation of telework and remote access arrangements;
  - (2) Provide information technology security policy and guidance to OHCM and other activities involved in telework programs; develop checklist tools to assist agencies in security telework and remote access environments;
  - (3) Create and implement access control policy, to include technical guidance for telework and other remote access requirements and processes.
  - (4) Review telework and remote access provisioning in system security plans for agency General Support Systems and security budgets for sufficiency; and
  - (5) Conduct periodic reviews of agency telework and remote access arrangements to ensure they comply with this policy.
- h. Employees are responsible for:
- (1) Complying with the telework agreement, meeting performance expectations and, when the telework site is the employee's home, meeting safety requirements.
  - (2) Maintaining proper security of USDA materials and providing the same level of support to customers, coworkers and their supervisor as if they were working at their duty location.
  - (3) Completing and passing the mandatory annual telework awareness training course and annual information security awareness training course.
  - (4) Documenting their official time in a telework status within their Time and Attendance systems.

## 8. PROCEDURES

### a. Telework Arrangements

- (1) While participation in telework is not an employee entitlement, USDA assumes that all positions are eligible for telework unless the supervisor can document otherwise according to official duties not being suitable for work in a remote or alternative worksite. An employee may participate in the program if the employee meets eligibility requirements as outlined in paragraph 8b.

- (2) A signed agreement is required for any form of telework and prior to the beginning of telework.
- (3) A Telework Security/IT Checklist (Appendix C) must be used by agency Information Technology staff to establish a secure working environment regardless of the type of telework arrangement.
- (4) A telework arrangement does not alter the terms and conditions of the appointment as specified on the employee's Notification of Personnel Action, SF-50. However, an employee's official duty station may change if he or she does not regularly commute into the agency office. (See definition of official duty station in 4e above.) All pay, leave, and travel entitlements must be based on the employee's official duty station. The telework arrangement must not affect other conditions of employment (e.g., hours of work) unless otherwise specified in the telework agreement. Employees may be approved both to telework and to work an alternative work schedule.
- (5) The telework arrangement may normally be terminated by either management or by the employee with a minimum of two weeks advance written notification of termination of the telework relationship, except in emergency situations. Reasons for termination of an arrangement may be a decline in performance or productivity, or if the arrangement no longer benefits the organization's needs. Mission areas/agencies/staff offices may establish specific termination provisions, as they deem necessary, for their operations. When an arrangement is terminated by management, the supervisor must provide the employee with a brief, written explanation as to why. Two weeks notice is normally required to allow the employee to make arrangements to commute to the work site on days that were previously worked at an alternate location. Agreements may be terminated in less than two weeks when appropriate.
- (6) The telework arrangement shall be for the performance of official duties or related activities (professional development, training) and shall not be treated as an opportunity to conduct personal business.
- (7) Teleworkers are responsible for ensuring appropriate arrangements for the care of dependents at home if 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 work.
- (8) Management reserves the right, normally with one day notice, to require employees to return to the official duty location on scheduled telework days, based on operational requirements. Exceptions for a lesser notification may be appropriate in certain unforeseen situations.
- (9) Approved telework agreements should be coordinated with the Agency Transit Subsidy Manager. Notify the Agency Transit Subsidy Manager of the number of days the employee will telework so the transit subsidy can be reduced appropriately.

- (10) Employees who telework must be available to their coworkers, supervisor, and customers in the same manner as if they were in their duty location. For example, phone calls and emails must be answered in the same timeframe as if the employee were working in their duty location. This means that phones must normally be forwarded to the telework location. It may also mean that the employee should provide a secondary phone number to be reached at the telework site if possible.

b. Determining Eligibility

- (1) Positions eligible for telework are those involving tasks (may be one or more) and work activities that are portable, do not depend on the employee being at the official duty location worksite, are measureable and are conducive to supervisory oversight at the alternative worksite. Job series and title do not determine eligibility as supervisors and managers are required to encourage all eligible employees the opportunity to Telework.
- (2) Tasks and work activities generally suited for telework include, but are not limited to: reading, reviewing, editing, scheduling, planning, writing, policy development; research; analysis (e.g., investigating, program analysis, policy analysis, and financial analysis); report writing; telephone-intensive tasks (excluding receptionist duties); computer-oriented tasks (e.g., required or developmental training, programming, data entry, word processing, web page design) and data processing. Tasks and work activities not generally suited for telework include, but are not limited to: positions that involve daily handling of classified materials or where the use of specialized equipment is required; require daily contact with other people or where a daily physical presence is required per the official duties of the position. USDA positions that are not typically suited for core telework include: food inspectors, commodity graders, fire fighters; warehouse staff and similar positions. However, these positions may still be suitable for Ad/Hoc or Situational Telework on a case by case basis. Remember - the premise is that positions are eligible for telework and supervisors must document exceptions.
- (3) An employee suitable for telework is one whom has demonstrated personal characteristics that are well suited to telework, as determined by the supervisor, including as a minimum:
  - (a) Demonstrated dependability and the ability to handle responsibility.
  - (b) A proven record of high personal motivation, independence, dependability, good time management skills, ability to prioritize work effectively and does not require close supervision.
  - (c) The ability to prioritize work effectively and utilize good time management skills.
  - (d) A proven or expected minimum performance rating of "fully successful" or equivalent.
  - (e) No disciplinary action (letter or reprimand through 14-day suspension or less) or adverse action within the preceding 12 months.

c. Training

- (1) Prior to an employee signing a telework agreement and prior to starting to telework, the employee must complete telework awareness training. Training is available at: [http://www.telework.gov/tools\\_and\\_resources/training/employees/index.aspx](http://www.telework.gov/tools_and_resources/training/employees/index.aspx)
- (2) Prior to a supervisor approving a telework arrangement and prior to a subordinate starting to telework, the supervisor must complete telework awareness training. Training is available at: [http://www.telework.gov/tools\\_and\\_resources/training/managers/index.aspx](http://www.telework.gov/tools_and_resources/training/managers/index.aspx)

d. Appeals

The appeals process must ensure that the employee and management have a fair and equitable opportunity to be heard. Appeal decisions are binding for no more than six months unless circumstances change or are agreed upon by both parties involved in the appeal. It is USDA policy that whenever possible, individuals be allowed to telework, so the burden in an appeal on why the agency would not allow telework is on the supervisor, not on the employee.

e. Notification

Agency/staff office directors will notify employees regarding eligibility to telework at least annually and the topic addressed during onboarding (bringing new employees into the workforce) activities and recurring supervisor training.

## 9. INQUIRIES

Direct all inquiries to the Office of Human Resources Management, Room 302W Whitten Building, 1400 Independence Ave, Washington, D.C. 20250, (202) 720-3585

-END-

## **Appendix A**

### **Terms and Conditions of the Telework Program**

#### **CHANGES TO THE TELEWORK AGREEMENT**

An employee who teleworks may be required to come into the office on their telework day when management makes a determination their presence is required. At least a one-day notice should be given to the employee, however unforeseen circumstances may require management to make the request sooner.

A teleworker who must report to the official duty station should do so in a reasonable amount of time. Items to take into consideration are traveling distance, mode of transportation, etc. Teleworkers and management should discuss these items. In some cases, there may not be sufficient time for the teleworker to report to the official duty station.

Teleworkers who wish to change their scheduled telework day permanently should complete another agreement and obtain the proper approvals. Intermittent changes in a telework agreement don't require a change in the agreement; however teleworkers should make the request at least one day in advance.

#### **RESIDENTIAL TELEWORK**

It is the responsibility of the employee to ensure that all the requirements to do official work at their residence are met in an environment that allows the tasks to be performed safely. The employee agrees to permit access to their home by agency representatives, as needed. These visits by an agency representative may be necessary to repair or maintain government-issued equipment, and/or to ensure compliance with the terms of the telework agreement. Teleworkers should be given advanced notice of at least one day. Visits should only be done during normal working hours.

The employee must designate an area in the home as their official work area. The area designated must be documented on the telework agreement. The government's potential exposure to a liability in the event of an injury is restricted to this designated area.

Each teleworker must understand that telework is not a substitute for dependent care. A caregiver, however, may be present in the home to take care of a dependent (e.g., infant, non-school age child and/or an elder) while the teleworker is performing their official duties. Children who require no supervision may be present at the alternative worksite.

The employee should check with their community associations, if one exists, to ensure there is not a restriction on working from home.

The Government is not responsible for any operating costs that are associated with the employee's use of his or her personal residence as an alternative worksite. This includes home maintenance, insurance, or utilities.

### **OFFICIAL DUTY STATION**

The employee's official duty station for such purposes as special salary rates, locality pay adjustments, and travel is the city or town, county, and state in which the employee normally performs their official duties. For most employees, this will be the official duty station as documented on the SF-50, Notification of Personnel Action.

An employee's official duty station would not change as long as the employee regularly commutes into the agency office at least twice each biweekly pay period on a regular and recurring basis to that regular worksite. If the employee **does not** regularly commute into the agency office at least twice each biweekly pay period, the official duty station must be changed to the alternative worksite.

The official worksite for employees covered by a telework agreement who are not otherwise schedule to report to a regular worksite on a recurring basis is the location of the telework site.

Exception: The official duty station should not be changed for employees who telework for medical reasons and/or in emergency situations (i.e. COOP, urgent deadlines, etc). These types of telework arrangements are not intended as permanent, but on a temporary basis not to exceed 6 months.

### **TIME AND ATTENDANCE, WORK PERFORMANCE AND OVERTIME**

Time spent in a telework status must be accounted for and reported in the same manner as if the employee reported for duty at the official duty station.

The employee is required to satisfactorily complete all assigned work, consistent with the approach adopted for all other employees in the work group, and according to standards and guidelines in the employee's performance plan.

The employee agrees to follow their normal mission area/agency/staff office procedures regarding the requesting and approval of overtime, credit hours and leave that are worked while in a telework status.

### **REIMBURSEABLE EXPENSES** (customized by each agency/staff office)

*NOTE: Agencies/staff offices must include information in this section about what telework expenses are reimbursable.*

## SECURITY AND EQUIPMENT

Classified documents (hard copy or electronic) and/or equipment **must not** be taken to an employee's alternative worksite. For core telework, Sensitive But Unclassified Information, including Sensitive Security Information, Privacy Act and "For Official Use Only" data may be accessed using employee-owned equipment but **may only be saved on government-issued equipment**. All teleworkers are responsible for the security of all official data, and the protection of government-issued equipment/property while carrying out the mission of USDA. Government-issued equipment must only be used for official duties and only by the teleworker.

When a waiver has been obtained in accordance with DM3525-003, Chapter 5, Part 3 - Telework and Remote Access Security, the teleworker may use his/her personal computer and equipment for telework on non-sensitive, unclassified data. A USDA approved remote access solution must be used (such as a virtual private network or Citrix solution). The employee is responsible for the installation, repair, and maintenance of their equipment.

The agency is responsible for obtaining software licenses that are necessary to give the teleworker access on their personal equipment to perform their official duties. When the telework arrangement ends, the teleworker is responsible for removing and returning all government-owned software to the agency Software Manager or agency Chief Information Officer. The responsibilities for configuration management, patch and antivirus management and other administrative requirements must be defined in this agreement to include the expectations of the teleworker in these matters.

The agency is responsible for the maintenance of all Government-issued equipment. The teleworker may be required to bring such equipment into the office for maintenance. The employee must return all Government-issued equipment and material to the agency at the conclusion of telework arrangement or at the agency's request.

## SAFEKEEPING OF GOVERNMENT MATERIAL/DOCUMENTS/EQUIPMENT

Sensitive But Unclassified Information, including Sensitive Security Information (SSI), Privacy Act and "For Official Use Only" data, and non-sensitive unclassified data must be transported from the official duty station to the alternative worksite in a secure container (e.g., briefcase with lock).

Sensitive But Unclassified Information, including SSI, Privacy Act, and "For Official Use Only" data and non-sensitive, unclassified data must be stored in a secure file cabinet at the alternative worksite. When such information is displayed on a computer screen, it must not be visible to others. Computer privacy screens which block computer screen visibility to others must be used when SSI is displayed on a computer monitor at an alternative worksite.



Neither family members nor other individuals are authorized to handle and/or view any government Sensitive But Unclassified Information, including SSI, Privacy Act, and "For Official Use Only" data.

### **WORKER'S COMPENSATION AND OTHER LIABILITIES**

Employees are covered by the Federal Employees Compensation Act at the alternative worksite as long as the injury occurred while performing their official duties and in the designated work area identified on the telework agreement. If an injury occurs, the employee must notify the supervisor immediately, provide details of the accident or injury, and complete Department of Labor Form CA-1, Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation.

The government is not liable for damages to the employee's personal or real property while the employee is teleworking, except to the extent the government is held liable by the Federal Tort Claims Act or the Military and Civilian Employees Claims Act.

### **STANDARDS OF CONDUCT**

The employee acknowledges that he/she continues to be bound by the Standards of Ethical Conduct for Employees of the Executive Branch while teleworking and using government-issued equipment.

### **AGENCY CLOSURE**

Employees who telework on the day of an emergency agency closure may be required to continue working from their alternative worksite. In addition, teleworkers may be designated as either emergency and/or mission critical employees. Teleworkers under this definition are expected to remain in contact with their agency during agency closures and may also be called to telework during emergencies dealing with national security, power outages, and/or other unique situations. These designations can be an integral part of an agency's COOP effort and must be included in the telework agreement.

The employee agrees to follow the agency's policy regarding excused absences for emergency situations affecting the telework site.

The employee will follow their mission area/agency/staff office policy to be excused from duty during an emergency if any of the following occurs: the emergency adversely affects the telework site (e.g., disruption of electricity, loss of heat, etc.), the teleworker faces a personal hardship that prevents him or her from working successfully at the telework site, or if the teleworker's duties are such that he or she cannot continue due to loss of contact with the regular worksite.

## **MILEAGE SAVINGS**

During annual reporting requirements, the employee will provide an estimate of the approximate number of miles saved each week, and/or month from their residence to their official duty station as a result of the telework arrangement. Mileage savings can be computed for those traveling by car and/or via mass transportation. (e.g., bus, train, van pool, ferry)

## **COMPUTER SECURITY TRAINING**

Prior to teleworking, all employees must complete the appropriate Computer Security Training outlined in DM-3525-003, Chapter 5, Part 3 dated February 17, 2005. Training announcements will generally be sent electronically and/or posted on AgLearn. Subsequent sessions will be required annually.

## **TRAVEL AND TELEWORK**

The travel provisions that apply to employees working at an official duty station also apply to teleworkers. A teleworker who is directed to travel to another worksite (e.g., official duty station) during his or her regularly scheduled basic tour of duty would have the travel hours credited as hours of work. Similarly, as for all employees, teleworkers who are required to travel back to the official duty location after their regularly scheduled telework basic tour of duty to perform irregular or occasional overtime work, are entitled to at least 2 hours of overtime pay or compensatory time off (5 CFR 550.112 (h) and 551.401 (e)).

If an employee's alternative work site has been determined as the official duty station, and is outside of the local commuting area, entitlements to travel allowances and official time for travel will be based on the alternative work site.

## **TAX BENEFITS**

Generally, an employee who uses a portion of his or her home for work does not qualify for any Federal income tax deductions. However, employees should consult their tax advisors or the Internal Revenue Service for information on tax laws and interpretations that address their specific circumstances.

**TERMINATION OF THE TELEWORK AGREEMENT**

Either the employee or the supervisor can terminate the telework agreement. Management shall terminate the telework agreement should the employee's performance not meet the minimum standards, or the arrangement fails to meet the needs of the agency.

**I have read, discussed, and agree with the terms and conditions of the telework program.**

\_\_\_\_\_  
**Employee's Signature**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Supervisor's Signature**

\_\_\_\_\_  
**Date**

## Appendix B

### USDA Telework Agreement

U.S. DEPARTMENT OF AGRICULTURE <Agency/Mission Area/Staff Office Title here>	<b>USDA Telework Agreement</b>
The following constitutes a Telework agreement between the United States Department of Agriculture (USDA), and _____.  <i>(Employee Name: First, Last, Middle Initial)</i>	
Agency: _____ Organization/Division: _____  Position Title: _____ Grade: _ _ Pay Plan: _____ Series: _ _  Work Schedule: <input type="checkbox"/> Standard <input type="checkbox"/> 5-4-9 <input type="checkbox"/> 4-10 <input type="checkbox"/> Maxiflex <input type="checkbox"/> Other _____  Type of Appointment: <input type="checkbox"/> Full-Time <input type="checkbox"/> Part-Time <input type="checkbox"/> Temporary/Student Employment  Indicate whether the employee occupies the following designation(s) during unique situations and predetermined conditions when emergencies dictate: <input type="checkbox"/> Emergency Essential <input type="checkbox"/> Mission Critical  Indicate whether employee is currently a Supervisor: <input type="checkbox"/> Yes <input type="checkbox"/> No  Indicate the following: <input type="checkbox"/> New Agreement <input type="checkbox"/> Change in Existing Agreement  Employee will participate on the following basis: <input type="checkbox"/> Core Telework (Regular/Recurring) <input type="checkbox"/> Situational/Ad hoc <input type="checkbox"/> Medical Reasons (per Reasonable Accommodation)  This Telework agreement is eligible for Unscheduled/Situational Telework <input type="checkbox"/> Yes <input type="checkbox"/> No  Primary Telework location: <input type="checkbox"/> Residence <input type="checkbox"/> Satellite Office <input type="checkbox"/> Telework Center  (Provide primary Telework location physical address) _____  Telework Schedule: <input type="checkbox"/> Monday <input type="checkbox"/> Tuesday <input type="checkbox"/> Wednesday <input type="checkbox"/> Thursday <input type="checkbox"/> Friday <input type="checkbox"/> Weekly <input type="checkbox"/> Bi-Weekly <input type="checkbox"/> Monthly <input type="checkbox"/> N/A (Situational/Ad hoc only)  Schedule at traditional office: <input type="checkbox"/> Monday <input type="checkbox"/> Tuesday <input type="checkbox"/> Wednesday <input type="checkbox"/> Thursday <input type="checkbox"/> Friday <input type="checkbox"/> Weekly <input type="checkbox"/> Bi-Weekly  Employee has taken Telework Training: <input type="checkbox"/> Yes <input type="checkbox"/> No  Estimated Total Number of Commuting Miles Saved Each Year: _____	
<b>Note:</b> This Telework agreement should correspond with the employee's transit subsidy benefits. It is the employee's responsibility to re-certify any transit subsidy authorizations in alignment with this Telework agreement.	

## USDA Telework Agreement

1. Employee volunteers to participate in the program and to adhere to the applicable guidelines and policies. Agency concurs with employee participation and agrees to adhere to the applicable guidelines and policies.

2. Employee understands that USDA may require participating employees to work from their telework site during periods of Unscheduled Telework authorization due to area closures, dismissals, unforeseen emergencies or other reasons as authorized by the supervisor. If Unscheduled Telework is authorized during times when a Federal facility is closed to the public, Teleworkers are required to work from their Telework site, or request Unscheduled Leave if unable to do so.

3. Employee agrees to participate in the program beginning \_\_\_\_\_.

*(Beginning date)*

4. Employee's official tour of duty must include a 30-minute uncompensated lunch.

5. Employee's official duty stations is \_\_\_\_\_ for purposes such as pay, special salary rate,

*(City, State)*

locality pay, travel, etc. The location at which the employee is designated to work (i.e., alternate work location) while not at the official duty station is: \_\_\_\_\_.

6. Has employee been issued Government equipment?  Yes  No

If yes, indicate the type of equipment (check as appropriate):

Computer  Software  Modem  Printer  Other:

*Government – Owned Equipment (GOE), refers to agency owned equipment which is issued specifically for telework purposes – this does not include equipment such as laptops that a telework employee uses at the official duty station and alternate work locations.*

7. Employee understands requirements for an adequate and safe office space and that these requirements must be met.

8. Employee's Time and Attendance (T/A) for all official duty time spent in a Teleworking status will be recorded using the proper Telework time code.

9. Employee agrees to participate in surveys and data calls relative to the USDA Telework Program, as requested.

10. Employee agrees to follow policy for requesting and obtaining supervisory approval of leave.

11. Employee will utilize Government equipment for official business only and in accordance with applicable laws, regulations, policies, etc., as well as safeguard said equipment. Employee

is responsible for servicing and maintaining employee-owned equipment.

12. Employee agrees to, with a minimum of 24 hours advance notice, periodic home inspections of the alternate work location by the Government at periodic intervals during the employee's normal working hours to ensure proper maintenance of Government-owned property and worksite conformance with safety standards and other specifications in these guidelines.

13. Employee is covered under the Federal Employee's Compensation Act in the course of performing official duties at the alternate work location or official duty station. Any accident or injury which occurs at the alternate work location must be brought immediately to the attention of the supervisor.

14. Employee's most recent performance rating must be at least equivalent to "fully successful" (e.g., 'pass').

15. Employee understands that telework is not a substitute for dependent care (child care or elder care) and that appropriate arrangements must be made to accommodate children and adults who cannot care for themselves, while performing official duties in a residential office.

16. Employee will apply approved safeguards to protect Government records from unauthorized disclosure or damage and will comply with the provisions set forth in the Privacy Act of 1974, Public Act of 1974, Public Law 93-579, codified at Title 5, U.S.C., Section 55a.

17. Telework agreements should be reviewed and discussed between the employee and supervisor on an annual basis.

Employee's Signature	Date Signed
Supervisor's Signature	Date Signed
Program Coordinator's Signature	Date Signed

Please return this form to:  
<Agency/Mission Area/Staff Office information here>

Attention: Telework Program Coordinator

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## SECURITY CHECKLIST

### Information Sensitivity

Has the employee been trained to recognize and handle sensitive but unclassified/sensitive security information (SBU/SSI) in a telework environment?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Has a locked file cabinet been identified/provided to secure SBU/SSI files, records, papers or electronic media?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<i>If SBU/SSI. Note: Employee Owned Equipment cannot be used.</i>	
Have you taken Telework Training?	<input type="checkbox"/> Yes <input type="checkbox"/> No
A review of the job duties and responsibilities has been completed.	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, review completed – No issues related to level of sensitivity were noted from the review.	<input type="checkbox"/> Yes <input type="checkbox"/> No

### WorkStation Configuration

Employee has been issued the following equipment specifically for the purpose of Telework: <ul style="list-style-type: none"> <li><input type="checkbox"/> Computer</li> <li><input type="checkbox"/> Software</li> <li><input type="checkbox"/> Modem</li> <li><input type="checkbox"/> Printer</li> <li><input type="checkbox"/> Other</li> <li><input type="checkbox"/> N/A</li> </ul>	<b>Telework Connection Requirements</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Telephone/modem line</li> <li><input type="checkbox"/> Direct Internet</li> <li><input type="checkbox"/> Not applicable</li> </ul>
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## **Information Technology Guidelines for Teleworkers**

### **USE OF WIRELESS AND WIFI CONNECTIONS:**

Wireless and WiFi networking is becoming commonplace in airports, cafes, and even some work environments. Users should follow these guidelines when using wireless or WiFi connections:

- Disable your wireless or WiFi card when not in use.
- Disable your wireless or WiFi card when connected to a wired network.
- Keep your anti-virus software updated
- Employ the use of a host-based firewall (Windows-based firewall at a minimum if no other firewall functionality can be employed.)
- All connections to a USDA network and all government communications considered sensitive but unclassified should be encrypted according to standards established by the
- National Institute of Standards and Technology.

### **CLASSIFIED COMMUNICATIONS**

An approval request must be submitted to:

- a. The Agency or Staff Office Information Systems Security Project Manager (ISSPM)
- b. The Agency or Staff Office Chief Information Officer (CIO)
- c. The Associate Chief Information Officer of Telecommunications Services and Operations (ACIO/TSO), Office of the Chief Information Officer (OCIO)

Approvals should be routed to each of the above designated points-of-contact (POC) using the attached form found in Appendix D.

Requestors and approval authorities are responsible for meeting all Federal guidelines for the proper access and control of classified information. Policies on personnel clearances and document classification are available from the USDA Office of Homeland Security and Emergency Coordination. Policies on the transmission of classified communications are available from the Office of the Chief Information Officer, Telecommunications Services and Operations, Telecommunications Management Division.



## ACCESS TO E-MAIL SERVICES

Accessing your work e-mail from either Government-issued equipment or privately-owned equipment is an acceptable practice as long as these guidelines are followed:

- Do not download or store sensitive or PII<sup>1</sup> data attachments to your privately owned computer equipment.
- Use an encrypted session while accessing USDA e-mail. (Use of a Virtual Private Network (VPN)<sup>2</sup> connection or TSL<sup>3</sup>-based government web mail interface is acceptable.)
- Ensure that anti-virus software is employed on the government or privately owned equipment.

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<sup>1</sup> **Personally identifiable information (PII)** means any information that could identify an individual, either directly or indirectly, including without limitation the individual's name; address; government identification number; phone number or e-mail address; passwords; or health, financial or employment information.

<sup>2</sup> **A virtual private network (VPN)** is a private communications network often used by companies or organizations, to communicate confidentially over a public network. VPN traffic can be carried over a public networking infrastructure (e.g. the Internet) on top of standard protocols, or over a service provider's private network with a defined Service Level Agreement (SLA) between the VPN customer and the VPN service provider. A VPN can send data e.g. voice, data or video, or a combination of these media, across secured and encrypted private channels between two points.

<sup>3</sup> **Transport Layer Security (TLS)** and its predecessor, **Secure Sockets Layer (SSL)**, are cryptographic protocols which provide secure communications on the Internet for such things as web browsing, e-mail, Internet faxing, instant messaging and other data transfers. There are slight differences between SSL 3.0 and TLS 1.0, but the protocol remains substantially the same. The term "TLS" as used here applies to both protocols unless clarified by context.

## Appendix D

### Routing Slip for the Approval of Remote Transmission of Classified Communications

1. Type of Approval	Check any that apply						
	Simultaneous	Sequential	New	Revised			
2. Level of classification	Check highest level anticipated						
	Secret	Top Secret	SCI				
3. Originator	Name of Author		Phone #	Email			Date
4. Approval Deadline	Date						
5. Originating Organization		Name	Phone #	Email	Date		Initials
					In	Out	
	a) Author						
	b) Chief Information Officer (CIO)						
c) ISSPM							
6. Other Approvals		Name	Phone #	Email	Concur		Non-concur with comments attached
					No comment	With Comments	
	a) ACIO, OCIO – TSO						
b) Chief, DA, PDSD							
7. Final Approval	Signature			Title Agency Chief Information Officer			Date

## Appendix E

### AGENCY/STAFF OFFICE REPORTING REQUIREMENTS

#### **REQUIRED DATA FOR CORE/REGULAR OR RECURRING TELEWORK:**

1. Report the following information (cumulative information) to the TMO and Director, OHRM by the deadlines below, as follows:
  - For 1 October through 31 December: NLT 15 January
  - For 1 January through 31 March: NLT 15 April
  - For 1 April through 30 June: NLT 15 July
  - For 1 July through 30 Sep: NLT 15 October
2. Include the name and phone number of the person that can answer questions about the report.
3. The Agency Director of Human Resources or the staff office head must sign the report.

#### Report data must include the following criteria:

Total number of employees in mission area/agency/staff office.

- a. Fulltime Permanent
- b. Part Time Permanent
- c. Fulltime Temporary or Term
- d. Part Time Temporary or Term
- e. Students (interns but not PMF or FCIP)

Total *number* of employees identified as eligible to telework.

- a. Fulltime Permanent
- b. Part Time Permanent
- c. Fulltime Temporary or Term
- d. Part Time Temporary or Term
- e. Students (interns but not PMF or FCIP)

The *percentage* of employees identified as eligible to telework.

- a. Fulltime Permanent
- b. Part Time Permanent
- c. Fulltime Temporary or Term
- d. Part Time Temporary or Term
- e. Students (interns but not PMF or FCIP)

How the information in the report was gathered. Be specific about the process and the tools you used.

Total number and percentage of eligible employees who applied, and who were disapproved for telework. Provide the following explanations per category below, as certified by the approval authority:

- Employee ineligible due to the nature of the work they perform
- Employee ineligible due to performance or conduct issues that prevent authorizing a Telework arrangement
- Employee voluntarily declined telework arrangement

Total number of agreements terminated and the reason for termination.

Percentage of increases or decreases in teleworkers since the last report.

#### Category 1

The *number* of employees who telework three or more days per pay period

- a. Fulltime Permanent
- b. Part Time Permanent
- c. Fulltime Temporary or Term
- d. Part Time Temporary or Term
- e. Students (interns but not PMF or FCIP)

The *percentage* of employees who telework three or more days per pay period.

- a. Fulltime Permanent
- b. Part Time Permanent
- c. Fulltime Temporary or Term
- d. Part Time Temporary or Term
- e. Students (interns but not PMF or FCIP)

#### Category 2

The *number* of employees who telework one or two days per pay period

- a. Fulltime Permanent
- b. Part Time Permanent
- c. Fulltime Temporary or Term
- d. Part Time Temporary or Term
- e. Students (interns but not PMF or FCIP)

The *percentage* of employees who telework one or two days per pay period.

- a. Fulltime Permanent
- b. Part Time Permanent
- c. Fulltime Temporary or Term
- d. Part Time Temporary or Term
- e. Students (interns but not PMF or FCIP)

Category 3

The *number* of employees who telework on an occasional, episodic or short-term basis (less than one day per week).

- a. Fulltime Permanent
- b. Part Time Permanent
- c. Fulltime Temporary or Term
- d. Part Time Temporary or Term
- e. Students (interns but not PMF or FCIP)

The *percentage* of employees who telework on an occasional, episodic or short-term basis (less than one day per week).

- a. Fulltime Permanent
- b. Part Time Permanent
- c. Fulltime Temporary or Term
- d. Part Time Temporary or Term
- e. Students (interns but not PMF or FCIP)

For each employee, estimated number of miles saved each week or month from their residence to their official duty station as a result of the telework arrangement. Mileage can be computed for those traveling by car or via mass transportation (car pool, bus, train, ferry, etc.). To report this information, use a spreadsheet as follows:

Last Name	First Name	Total Miles Saved Year to Date	Type of Travel Avoided

The following information is required only in the report due on October 15th and must address the entire, prior, fiscal year's information.

If the total number of teleworkers (in all categories) is 10% lower or greater than the prior year, explain why.

In each of the three categories, what are the goals for increasing participation in the new fiscal year?

Explain whether or not goals for the prior fiscal year were met and if not, what actions are being taken in the new fiscal year to identify and eliminate barriers to maximizing participation.

A brief narrative assessment for each of the following areas explaining how telework has affected: emergency readiness, energy use, performance, productivity and employee attitudes and opinions regarding telework.

A description of any best practice.

Summary of statistical data pertaining to eligible employees approved and disapproved with respect to race, sex, national origin, and disability status.

Analysis of the statistical data in (e) to determine if eligible employees are being treated fairly and equitably in authorizing telework arrangements and to identify solutions for correcting any issues.

A summary of employee feedback on the agency's telework policy.

**REQUIRED UNSCHEDULED TELEWORK DATA:**

A consolidated report is required to be submitted to the USDA TMO or designee, within five business days for any and all instances where OPM authorizes Unscheduled Telework as a result of the following three conditions:

- OPEN—WITH OPTION FOR UNSCHEDULED LEAVE OR UNSCHEDULED TELEWORK;
- OPEN—XX HOUR DELAYED ARRIVAL WITH OPTION FOR UNSCHEDULED LEAVE OR UNSCHEDULED TELEWORK or
- FEDERAL OFFICES ARE CLOSED TO THE PUBLIC

Reports should include the following details and be submitted using the template found at the following web link:

<http://www.chcoc.gov/Transmittals/TransmittalDetails.aspx?TransmittalID=3268>

<b>EMPLOYEE CATEGORIES</b>	<b>Total employees in the Washington, DC area</b>	<b>Total # of employees that reported to work</b>	<b>Total # of employees with a telework agreement</b>	<b>Total # of employees that teleworked</b>	<b>Total # employees taking leave</b>
All employees					
Emergency workers					
Non-emergency workers					
SES, Executive Level and Supervisors / Managers					
GS 14 and 15					
All others					