U.S. DEPARTMENT OF COMMERCE
TELEWORK PROGRAM

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Approved by: _____ 10/15/14
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I. SCOPE

The provisions of this document apply to all Department of Commerce employees except for those of the U.S. Patent and Trademark Office.

II. PURPOSE

The purpose of this Department of Commerce (Department) "Telework Program" is to provide the Department's policy direction for designing, developing, and implementing telework programs at Department bureaus/operating units. The policy promotes: (1) recruiting and retaining the best possible workforce; (2) continuing operations during emergency conditions; (3) successful management effectiveness by reducing management costs related to employee turnover and absenteeism; (4) reducing real estate and transit costs; and (5) enhancing work/life balance by allowing employees to better manage their work and family obligations.

All Department employees are encouraged to support the telework program enacted by the 111th Congress. The Department recognizes that a well-managed telework program has the potential to lead to such benefits as improved marketability (as a more competitive and inclusive employer); reduced commuting time that can contribute to an improved quality of work/life balance; cost savings in such areas as recruitment and retention of employees; and an improved Continuity of Operations Plan (COOP). In addition to the benefits of reduced commuting time and costs that accrue to employees, and more effective accomplishment of the Department's mission, the Department supports telework as a major element in its efforts to reduce its facility space requirements, thereby reducing its energy consumption, greenhouse gas emissions, surface ozone, rent, and other operating costs.

This policy recognizes and supports the need for improved communication between the employee and his/her management on all aspects of the applicable telework arrangements for the employee and for the organization. In addition, this policy recognizes that the employee and management are equally responsible for contributing to the success of telework.

III. TYPES OF TELEWORK

There are three types of telework: (1) routine telework in which telework occurs as part of an ongoing, regular schedule; (2) situational/ad-hoc telework that is approved on a case-by-case basis, where the hours worked are not part of a previously approved, ongoing, and regular telework schedule; and (3) unscheduled telework in which Federal/Department offices are open but under an announcement of "Unscheduled Telework" by the Office of Personnel Management (OPM) or other appropriate authority.

IV. LABOR-MANAGEMENT RELATIONS

This policy does not modify any telework past practice or collective agreement between the individual bureau/ operating unit and its union(s), nor does it constrain future negotiations between the bureau/ operating unit and its unions over telework.

Specifics of an individual telework agreement that are the subject of a collective bargaining agreement (CBA) may not be modified or terminated in a manner inconsistent with the terms of the CBA. Nothing in this policy shall abrogate or override any CBA in effect on the date this policy is issued.

In bureaus/operating units where a labor organization (union) represents the employees, it is strongly recommended that the exclusive representative(s) have a pre-decisional role in developing and implementing the telework plan and telework agreements. Management is obligated to notify the union, and upon request – negotiate over implementing changes in working conditions as required by law.

V. DEFINITIONS

AD HOC/EPISODIC/TELEWORK (AD HOC) – Approved telework performed on an ad hoc occasional, one-time, or irregular basis. An employee can be approved to telework on an ad hoc/episodic basis (not a regular and recurring schedule), but **must** have successfully completed the appropriate required interactive telework training (e.g., Telework 101 for Employees or an approved bureau-designed program specific to the bureau) via the Commerce Learning Center (CLC) or some other system capable of tracking when each employee has successfully completed the course. An employee must have an individual telework agreement in place before participating.

APPROVING OFFICIAL – Designated by the head of each bureau/office, the official authorized to approve individual telework agreements. In some cases, the approving official and the supervisor may be the same person.

ALTERNATE WORKSITE – The employee's residence or another location other than the employee's traditional worksite that has been approved by the approving official for the performance of the employee's official duties. For purposes of telework, the alternate worksite is considered an official Government worksite.

ELIGIBLE TO TELEWORK – All employees are considered eligible to telework unless: (1) the employee has been officially disciplined for being absent without permission for more than 5 days in any calendar year (5 U.S.C. § 6502(a)(2)(A)) (there are no exceptions); (2) the employee has been officially disciplined for violations of 5 CFR Part 2635 (Standards of Ethical Conduct for Employees of the Executive Branch) for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties (5 U.S.C. § 6502(a)(2)(B)) (there are no exceptions); or (3) the employee's performance does not comply with the terms of the written agreement between the supervisor and the employee (5 U.S.C. § 6502(b)(3)).

ELIGIBLE POSITION – A position is an eligible position unless the official duties require on a daily basis (every workday) the direct handling of secure materials determined to be inappropriate for telework by the head of the bureau/operating unit; *or* the employee performs on-site activities that cannot be handled at an alternate worksite.

ERG MEMBER – Emergency Response Group member. A person assigned responsibility to report to an alternate site either as on call or as a backup, as required, in order to perform agency-essential functions or other continuity-related operations.

ESSENTIAL FUNCTIONS – Functions that enable the Federal Government to provide vital services, exercise civil authority, maintain the safety and well-being of the general populace, and sustain the industrial/economic base in an emergency.

HOTELING – A telework arrangement in which employees are not assigned permanent space in their designated traditional worksite, but share offices and conference space as necessary when working at the traditional worksite. Such space is assigned by reservation, much like a hotel.

MOBILE WORKERS – Employees who, by the nature of their duties, do not have a designated traditional worksite, and typically use their home as their 'home base.' Due to the nature of their work, they **are not** considered telework-ready employees. Note: This is different from 'hoteling' arrangements, in which frequent telework-ready employees use shared space when they are working at their designated traditional worksite.

OFFICIAL DUTY STATION – The location of an employee's position of record where the employee regularly performs his or her duties. If the employee's work involves recurring travel or their work location varies on a recurring basis, the duty station is the location where the work activities of the employee's position of record are based. An employee's official duty station determines the appropriate locality area for pay purposes for General Schedule or equivalent employees.

REGULAR/RECURRING TELEWORK – Telework that is performed on the same day(s) of the week on the employee's regularly scheduled tour of duty.

REMOTE WORKER – The employee is teleworking full-time from an alternate work site. The alternate work site becomes the employee's official duty station for pay purposes.

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

TELEWORK-READY EMPLOYEE – An employee who has completed the required telework training program; has a signed individual telework agreement; and has the required necessities to work their planned period of telework.

TRADITIONAL WORKSITE – The traditional worksite is where the employee would work absent a telework arrangement.

VI. TELEWORK ENHANCEMENT ACT OF 2010

On December 9, 2010, President Barack Obama signed Public Law 111-292, the **Telework Enhancement Act** (Act) of 2010. The general purpose of the Act is to expand participation in

telework. The Act is a key factor in the Federal Government's ability to achieve greater flexibility in managing its workforce through the use of telework. It requires agencies to establish a policy under which eligible employees of the agency may be authorized to telework; to determine the eligibility for all employees of the agency to participate in telework; and to notify all agency employees of their eligibility. The Act outlines three preconditions for participation: the employee (1) is deemed eligible, (2) is trained in telework, and (3) has an approved written telework agreement (written agreement).

In addition, the Act makes a clear distinction between "eligibility" and "participation." To participate in telework, an employee must first be identified as eligible. Any employee is assumed eligible under the Act unless: 1) he/she has been officially disciplined for being absent without permission for more than 5 days in any calendar year. The days do not have to be consecutive, just within the same year. This offense could have occurred at any time during an employee's employment with the Federal Government (see footnote 1 in **Section VIII** for definition of Officially Disciplined); 2) the employee has been officially disciplined for violations of subpart G of the Standards of Ethical Conduct of Employees of the Executive Branch for reviewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties (See 5 U.S.C. §§ 6502(a)(2)(A) and (B)); or 3) the employee's performance does not comply with the terms of the written agreement between management and the employee. (See 5 U.S.C. § 6502(b)(3))

Note: An employee can meet the eligibility criteria in accordance with the Act, but the duties of his/her position may not be conducive or appropriate for teleworking; therefore, they are not eligible to telework based upon the duties of their current position.

VII. POLICY

A. Conformance to terms of written agreement. An employee may not be authorized to telework if the performance of that employee does not comply with the terms of the written agreement between the agency manager and that employee.

B. Eligible Employees May Work at Alternate Work Sites. It is the policy of the Department to allow eligible employees to work at alternate work sites in lieu of their traditional worksite during an agreed upon regular/recurring time of their regular workweek, or on an ad hoc basis, if the employee meets the eligibility criteria in accordance with the Act; the duties of the position are conducive for teleworking; and the employee has an approved individual telework agreement in place. All eligible employees of the Department (except those of the U.S. Patent and Trademark Office) who meet the definition of "employee" as defined in 5 U.S.C. § 2105 are covered by the policy, in accordance with the Act. To implement this policy to the fullest extent possible, the bureaus/operating units **must** establish a Telework Implementation Plan approved by the Department.

C. An Employee's Agreeing to Telework. An employee's decision to telework is voluntary unless telework is a condition of employment (i.e., the employee is designated an "emergency employee") or is required to continue Government operations in times of

emergency (like for COOP). In these instances, an employee may be required to work at home or at another approved alternate worksite.

D. Telework May Not be Used to Care For Elders, Children, or Other Dependents. If the elders, children, or other dependents are able to care for themselves, then their presence at the telework location would not interfere with the employee performing his/her telework.

E. Teleworkers and Non-Teleworkers Shall be Treated the Same for Certain Purposes:
   1. Periodic appraisals of job performance of employees;
   2. Training, rewarding, reassigning, promoting, reducing in grade, retaining, and removing employees;
   3. Work requirements; and
   4. Other acts involving managerial discretion.

F. Levels of Telework. The Department recognizes that some employees will decide not to telework at all, while others will chose to telework only on a limited ad hoc basis, and others will telework to the maximum extent possible. To accommodate employees desiring to telework, the Department offers two levels (Plans) of telework.

   1. Plan A
      a. Ad hoc/unscheduled teleworking no more than 80 hours during a term of 12 months beginning with the initial Plan A agreement.
      b. No prior supervisory approval required for unscheduled telework. Employees performing unscheduled telework under an OPM or other appropriate authority announcement may do so without prior supervisory permission. However, the employee must notify his/her supervisor in accordance with the terms of the written agreement.
      c. Approval for ad hoc telework. The employee must obtain supervisory approval before performing ad hoc telework.
      d. Sufficient work. The employee is responsible for ensuring he/she has sufficient work for the period of his/her teleworking.
      e. Office is closed. The employee is not required to telework when the office is closed for reasons other than Federal law or Executive order.
      f. Upgrading to Plan B. Employee may switch to Plan B at any time prior to reaching the 80-hour limitation, and the individual agreement will reflect the change.
   2. Plan B
      a. Includes employees on a regular/recurring telework schedule.
      b. Employees doing more than 80 hours ad hoc and/or unscheduled telework. This includes employees who desire the option of doing ad hoc and/or unscheduled telework more than 80 hours.
      c. Employee obtains approval before ad hoc telework. The employee must obtain supervisory approval before performing ad hoc telework.
      d. No approval needed for unscheduled telework under OPM or other appropriate authority announcement. However, employees must notify his/her supervisor in

accordance with the terms of the written agreement. Employees may perform unscheduled telework without prior supervisory approval.

e. Sufficient work. The employee is responsible for ensuring that he/she has sufficient work for the period of telework scheduled to be performed.
f. Less than 80 hours of ad hoc/unscheduled telework. Performing less than 80 hours of ad hoc/unscheduled telework does not change the employee's election of Plan B.
g. Offices are closed. The employee must telework when his/her office is closed for reasons other than Federal law or Executive order.

G. Teleworking

1. Written agreements must indicate, in accordance with bureau/operating unit policy and any applicable CBAs, that telework-ready employees on Plan B are required to telework from home or an alternate worksite when their office is closed for other than Federal law/Executive order. Telework-ready employees must follow their written agreements.
2. On a case-by-case basis, the supervisor may excuse a telework-ready employee from duty without charge to paid personal leave or loss of pay during an emergency situation if: (1) the emergency adversely affects the telework site (e.g., disruption of electricity, or network connection problems that prevent telework); or (2) the telework-ready employee's duties are such that he/she cannot continue to work without contact with the regular worksite.
3. If the telework-ready employee faces a personal reason that prevents him/her from working successfully at the telework site, the employee may request the appropriate leave (annual, sick, compensatory, credit hours, compensatory time for travel). The employee also may request to change their alternative work schedule, if applicable.
4. Systems are to be in place to support telework in an emergency, including a communication process to notify COOP personnel, emergency, and non-emergency employees of the activation of the agency's emergency plan, and the agency's operating status during the emergency.
5. Telework-ready employees scheduled to telework during their regular tour of duty on a day when their office is closed (or when other employees are dismissed early) are not entitled to receive overtime pay, credit hours, or compensatory time off in lieu of overtime payment for performing work during their regularly scheduled hours.

H. Performance Standards. Performance standards for telework-ready employees must be the same as performance standards for non-telework-ready employees. Expectations for performance should be clearly addressed in each employee's performance plan, and the performance plan should be reviewed to ensure the standards do not create inequities or inconsistencies between telework-ready and non-telework-ready employees. Like non-telework-ready employees, telework-ready employees are held accountable for the results they produce. Resources for performance management are available from OPM at **www.opm.gov/perform**.

I. Bureau/Operating Unit Telework Implementation Plan. Each bureau/operating unit implementation plan must:

1. Indicate that the length of the written agreement is to be established by the employee and the approving official. The length of the agreement must be contained in the agreement.
2. Encourage supervisors to allow telework-ready employees to participate in regular/recurring telework at least 2 days per pay period.
3. Indicate procedures for notifying each employee of his/her eligibility or ineligibility to telework. All employees are assumed eligible to telework unless they either fall under one of the three statutory bars to telework; or are determined to be precluded from teleworking due to the nature of the position.
4. Advise employees that agreeing to a telework agreement is voluntary unless telework is a condition of employment (COOP or emergency).
5. Require the written agreement to provide that an employee may not be authorized to telework if the performance of that employee does not comply with the terms of the written agreement between the approving official and that employee. This could include the employee failing to follow the sign-in procedures required by employees working in the office.
6. Require the written agreement to stipulate that the employee must be performing at the Fully Successful (or equivalent) level or better to telework.
7. Depending on the specifics of the written agreement, advise telework-ready employees whether they are required to work when their traditional worksite is closed for any reason (e.g., hazardous weather, damage to worksite) even if it is not their normal telework day.
8. Establish a communications process to notify those employees designated as emergency response group (ERG) members or essential personnel for COOP about telework flexibilities.
9. Establish and include a process for approving written arrangements (e.g., application, approval levels, timeline for approval/denial, training requirements, and written agreements).
10. Identify the process for changing or modifying telework arrangements (e.g., schedules or locations).
11. Require the employee to successfully complete the required training prior to approval of his/her written agreement.
12. Bureaus may use **Telework 101 for Employees** and/or **Telework 101 for Managers** as the required training. Bureaus may also develop their own interactive telework training programs. The programs must permit the tracking of all students who take the course by showing when the course was taken, the name of the student, and the date of successful completion. The bureau **must** submit the program to the Office of Human Resources Management (OHRM) for review and prior approval. **The program must be submitted at the time of its development**.
13. Require an employee wishing to telework to sign an individual telework agreement that includes all the mandatory requirements listed in **XIII.A** and any other conditions agreed to by the supervisor and employee. Describe the process for obtaining authorization and the level of authorization required for the expenditure of funds to cover expenses associated with approved telework arrangements.

14. State that telework-ready employees will receive the same treatment and opportunities as non-telework-ready employees (e.g., work assignments, awards and recognition, development opportunities, promotions, etc.).
15. Require that all hours teleworked be recorded each pay period in the appropriate time and attendance system.
16. Include a process for providing orientation and training for new telework-ready employees and their supervisors regarding policy, bureau/operating unit specific programs, and their responsibilities.
17. Specify how to contact the bureau/operating unit telework coordinator.
18. Include language indicating that all employees designated as "emergency" or with COOP responsibility must have an approved individual telework agreement.
19. Include bureau/operating unit information technology (IT) and cybersecurity guidelines, and
20. Establish procedures for administering and evaluating the telework program.

VIII. ELIGIBILITY CRITERIA

Participation in telework is open to all eligible employees without regard to race, color, religion, sex (including pregnancy and gender identity), national origin, political affiliation, sexual orientation, marital status, disability, genetic information, age, membership in an employee organization, retaliation, parental status, military service, or other non-merit factors.

A. Employees Exceptions. Employees who occupy positions for which telework is conducive may telework under this policy as per the Act, unless they fall within the following exceptions:
   1. The employee has been officially disciplined[1] for being absent without permission for more than 5 days in any calendar year.
   2. The employee has been officially disciplined[2] for violations of 5 CFR Part 2635 (Standards of Ethical Conduct for Employees of the Executive Branch) for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.[3]
   3. The performance of the employee does not comply with the terms of the written agreement between the supervisor and that employee.[4] 5 U.S.C. § 6502(b)(3)

B. Precluded Due to Nature of Work of Position. While an employee may be eligible because they meet the above requirements, they may be precluded from teleworking if the official duties of the position require on a daily basis (every workday):
   1. Direct handling of secure materials determined to be inappropriate for telework by the agency head;

[1] Definition of Officially Disciplined – A disciplinary action that results in the placement of a document in an employee's official personnel file (OPF); the bar on telework participation remains in effect as long as the document stays in an employee's OPF. A suspension or termination related to the items mentioned in Public Law 111-292 that results in a document (Standard Form 50) that permanently remains in the OPF would result in permanent prohibition in telework participation.
[2] See above.
[3] There are no exceptions for A1 or A2.
[4] The length of this prohibition is up to the approving official.

2. On-site activity that cannot be handled remotely or at an alternate worksite; or
3. Being a mobile worker (not eligible for telework due to the nature of their work).

IX. ACCOMMODATIONS FOR EMPLOYEES WITH DISABILITIES

It is important to distinguish between ordinary requests to telework and requests from persons with disabilities for reasonable accommodation. Approving officials/supervisors should consult Department Administrative Order (DAO) 215-10, "**Reasonable Accommodation Policy**," and the Disability Program Manager as part of the interactive process established by the Rehabilitation Act, in order to fully understand supervisors' responsibilities under the law.

As governed by Section 501 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 791 et. seq., the Rehabilitation Act and **DAO 215-10**, the determination as to whether an employee may be granted telework as a reasonable accommodation due to a disability should be made through the Reasonable Accommodation Coordinator, the employee's first-line supervisor, and the employee.

X. PROGRAM OVERSIGHT AND RESPONSIBILITIES

Telework refers to a work flexibility arrangement under which an employee performs the duties and responsibilities of his/her position, and other authorized activities, from an approved worksite (e.g., home) other than the employee's traditional worksite. This definition includes what is generally referred to as remote work but does not include any part of work done while on official travel or mobile work.

A. Office of Human Resources Management. OHRM is responsible for oversight of the Department Telework Program and for any reporting requirements to OPM. OHRM will review and monitor the various plans to ensure consistency across the bureaus/operating units with implementing the program.

B. Bureau/Operating Unit. Each bureau/operating unit is responsible for the development, funding, administration (including providing a designated telework coordinator), operation, and the evaluation of its policy and telework implementation plan. The evaluation should be accomplished in collaboration with the exclusive representative. Each bureau/operating unit will develop a telework policy and implementation plan consistent with this Department policy and submit it to OHRM within 90 days after the issuance of the Department policy for review and approval.

C. Supervisors. Supervisors are responsible for the overall management and success of teleworking within their work units, including day-to-day operations. Supervisors are encouraged to endorse regular telework for at least 2 days per pay period when requested by eligible employees. Telework-ready employees and their approving officials are responsible for annually reviewing the written agreement to ensure that it is current. The date of the review must be documented.

D. Telework Managing Officer (TMO). The TMO shall be a senior executive service official of the Department who has direct access to the Secretary of Commerce and has policy and program oversight and implementation of the Department-wide telework program, and serves as an advisor for Department leadership.

E. Telework Program Manager (TPM). The TPM shall be located within OHRM and is a resource for telework coordinators, supervisors, approving officials, and employees. The TPM will hold quarterly telework coordinator meetings with the bureau/operating unit telework coordinators, and is responsible for responding to all Department-level inquiries from bureaus/operating units, and other organizations such as OPM and the Office of Management and Budget (OMB). The TPM will maintain and forward data from all bureaus/operating units to the TMO, including an explanation of whether or not the bureau/operating unit is working satisfactorily towards the requirements detailed in this policy and, if not, what actions are being taken to identify and eliminate barriers to maximizing telework.

F. Telework Coordinators (TC). TCs provide bureau/operating unit policy and procedural program guidance. TCs provide advice and assistance to their respective bureau/ operating unit-level personnel tasked with policy and implementation plan development, including working with senior-level managers in establishing and obtaining bureau/ operating unit telework goals, objectives, and reporting requirements. The TC will, in partnership with the approving official and the exclusive representative, if applicable, establish a procedure for notifying each employee of his/her eligibility or ineligibility to telework, and coordinate a process for approving and tracking telework arrangements. The TC will answer questions and provide guidance to employees and supervisors as well as an orientation for new teleworkers.

The TC will develop and implement a reporting system capturing telework participation, hours teleworked, terminations, and denials. TCs are responsible for providing the following information to the TPM upon request:

1. The degree of participation by employees of each serviced bureau or operating unit during the period covered by the report;
2. The method for gathering telework data in each bureau/operating unit;
3. The reasons for positive or negative variations in telework participation if the total number of employees teleworking is 10 percent higher or lower than in the previous year of the reporting activity;
4. The bureau/operating unit goal for increasing telework participation if applicable;
5. An explanation of whether or not a bureau/operating unit met its established goal(s) for the last reporting period and, if not, what actions are being taken to identify and eliminate barriers;
6. An assessment of the progress made in meeting bureau/operating unit participation rate goal(s) and other goal(s) related to telework (e.g., the impact of telework on recruitment and retention, performance, etc.);
7. A description of best practices, if applicable; and
8. Maintaining a central file of all approved written agreements for the bureau/ operating unit.

XI. MANDATORY TELEWORK TRAINING

A. All approving officials must successfully complete the appropriate Department-approved training program prior to approving a written agreement.
B. All employees who desire to telework must successfully complete the appropriate Department-approved training before approval of their written agreement. Upon successful completion of the course, the employee must print a certificate showing successful completion of the course and provide a copy to his/her approving official.
C. All employees are also required to complete IT Security and Awareness Training on an annual basis.

XII. PREPARING FOR THE INDIVIDUAL TELEWORK AGREEMENT

The following actions are to be taken when establishing a written agreement:

A. The interested employee submits a completed agreement in accordance with his/her bureau/operating unit policies or the terms of an applicable CBA (see Appendix A, "Telework Application and Agreement" for a sample template).
B. The employee and supervisor discuss the proposed agreement and the mode of communication (e.g., phone call, e-mails, etc.) between the supervisor and the employee.

XIII. INDIVIDUAL TELEWORK AGREEMENTS

The written agreement provides the framework for the discussion that needs to take place between the supervisor and the employee before the employee signs the agreement.

A. Mandatory Requirements
   1. Indicate the length of the agreement. Indicate this in the agreement.
   2. Indicate if the employee is electing Plan A or Plan B.
   3. All written agreements must contain a notice clearly informing the employee that if he/she is on Plan B, then he/she is required to telework whenever his/her office is closed, even if it is not the employee's regularly scheduled telework day.
   4. All written agreements must contain notification that when the appropriate authority announces " Unscheduled Leave" or "Unscheduled Telework," telework-ready employees may elect either option by notifying his/her supervisor consistent with the employee's written agreement or the terms of an applicable CBA. Employees are to be reminded that if they elect to perform unexpected telework that they must have a sufficient amount of work to complete their period of telework. If the employee does not have enough work, he/she may either take unscheduled leave for the entire workday or use unscheduled leave to account for hours not worked.
   5. The agreement must provide that an employee may not be authorized to telework if the performance of that employee does not comply with the terms of the written agreement between the supervisor and that employee.
   6. The agreement must set forth the expectations agreed upon by management and the employee so the employee has prior knowledge of these expectations. In rare

circumstances, management may find it necessary to require a non-emergency, telework-ready employee to report for an assignment that requires presence at the worksite (e.g., providing a presentation or performing administrative duties at a pre-scheduled conference). This should not be a last-minute surprise, but a special work circumstance that both the supervisor and employee know about, discuss, and plan in advance as the special work requires.

7. Inform the employee that he/she may, at any time during the term of the individual telework agreement, elect to change from Plan A to Plan B.
8. Days may be specified or flexible due to business necessity or an employee's request. Hours to be worked will be annotated and in accordance with the traditional worksite reporting times.
9. Other: Outline any additional requirements (e.g., technology, specific software, data security, etc.).
10. Clarify any assumptions regarding work locations (e.g., if expected to work from home only) as well as frequency and modes of communication (e.g., e-mail vs. telephone, core hours for contact, speed for returning calls).
11. Be clear if the employee is designated as an "emergency employee" or part of COOP and expected to work during a COOP event such as a national or local emergency, or a COOP exercise. All COOP and ERG members must have a telework agreement on file and be prepared to telework at any time.

B. Modification and Termination

1. Telework is a workplace flexibility (unless it is actually designated as a condition of employment), not a legal right, and does not change the terms and conditions of employment. The operational needs of the bureau/operating unit are paramount and employees who telework do not have an automatic right to continue to telework. In accordance with the Act, an employee may not be authorized to continue teleworking if the performance of that employee does not comply with the terms of the written agreement between the approving official and the employee.
2. Management shall provide sufficient notice, when feasible, before modifying or terminating a written agreement to allow the affected employee to make necessary arrangements. The reason for termination **must** be documented, signed by the approving official, and provided to the affected employee. Consent or acknowledgement via signature by the affected employee is not required for the termination of telework to take effect.
3. The employee may request to modify the current agreement (e.g., change the regular teleworking day) by submitting a new "Telework Application/Agreement and Modification of Telework Agreement" (check "Modification") with only the requested change indicated.

XIV. TERMINATION OF AGREEMENTS AND APPEALS PROCESS

A. Telework Requests and Agreements May be Terminated or Denied by Management. Telework requests and agreements may be terminated or denied by management in accordance with the terms of an applicable collective bargaining agreement and as long as the denial or termination decision is based on operational needs, conduct, or performance in accordance with the law and any applicable CBAs, not personal reasons.

B. The approving official must deny or immediately terminate the agreement, as applicable, if the employee fails to be eligible to telework due to **5 U.S.C. §§ 6502(a)(2) or (b)(3);**

C. Supervisors Must Provide Written Justification. Supervisors must provide written justification to the affected employee to include information about when or if the employee would be eligible to reapply, and if applicable, what actions the employee should take to improve his/her chance of future approval. Supervisors are to provide employees, and maintain copies of, signed written denials or terminations of telework agreements.

D. An employee may terminate his/her written agreement by written notice to the approving official.

E. Administrative Grievance Procedures. Telework-ready employees who are not covered by a negotiated grievance procedure (NGP) must use the administrative grievance procedure in **DAO 202-771**, "Administrative Grievance Procedure," to appeal issues relating to their telework status or other telework matters.

F. Negotiated Grievance Procedures. Employees covered by a NGP that does not specifically exclude this matter must use the applicable NGP.

G. Discrimination. Employees who believe they are the victims of prohibited discrimination may utilize the Equal Employment Opportunity Commission appeal procedures or the negotiated grievance procedure, as appropriate.

XV. ESTABLISHING THE WORK SCHEDULE

Work schedules identify the days and times an employee will work while teleworking. Normally, telework schedules parallel those at the traditional worksite; however, they can differ to meet the needs of the organization and participating employees' needs. Work schedules may also include fixed times during the day for supervisor/employee telephone conversations, which may be helpful to ensure ongoing communication. For additional information on hours of duty, please visit **http://hr.commerce.gov/Practitioners/CompensationAndLeave/DEV01_006627**

XVI. THE OFFICIAL DUTY STATION

A. Official Duty Station. The location of an employee's position of record where the employee regularly performs his or her duties, or if the employee's work involves recurring travel or their work location varies on a recurring basis, the duty station is the location where the work activities of the employee's position of record are based, as determined by their approving official. An employee's official duty station determines the appropriate locality area for pay purposes (5 CFR 531.605).

B. Documentation. The official duty station must be documented on the employee's Notification of Personnel Action (SF-50) or equivalent.

C. Temporary Details. For employees temporarily detailed to a position in a different location without a change in the position of record, the official duty station and associated pay entitlements are not affected. For additional information on official duty stations, please see http://www.opm.gov/oca/pay/html/Official_Duty_Station.asp.

XVII. DETERMINING THE OFFICIAL DUTY STATION

A. Pay During Telework Agreements
   1. When traditional worksite and telework site are within the same locality pay area, the official duty station is the location of the traditional worksite.
   2. When traditional worksite and the telework site are NOT within the same locality pay area:
      a. The official duty station is the location of the traditional worksite as long as the employee physically reports to the traditional work site at least twice each biweekly pay period on a regular and recurring basis.
      b. The official duty station is the telework location (i.e., home or other alternate worksite) if the employee does NOT report at least twice each biweekly pay period on a regular and recurring basis to the traditional worksite.
   3. If a telework employee with a varying work location works at least twice each biweekly pay period on a regular and recurring basis in the same locality pay area in which the traditional worksite is located, the employee **does not** have to report twice each pay period to the official worksite to maintain the locality payment for that area.

Note: Senior Executive Service (SES) employees do not receive locality pay. Therefore, there are no pay implications if the SES employee works the entire 80 hours of the pay period in a different pay locality area than his/her official duty station. That employee would continue to receive the same pay.

B. Pay During Temporary Telework Arrangements
   1. The intent of this exception is to address certain situations where the employee is retaining a residence in the commuting area for the traditional worksite but is temporarily unable to report to the worksite for reasons beyond the employee's control (e.g., on a special assignment or working while recuperating from an operation).
   2. One key consideration is the need to preserve equity between telework-ready and non-telework-ready employees and working in the same areas as the telework location. Also, the temporary exception should generally be used only in cases where: the employee is expected to stop teleworking and return to work at the traditional worksite in the near future, or the employee is expected to continue teleworking but will be able to report in the near future to the traditional worksite at least twice each biweekly pay period on a regular and recurring basis.

XVIII. PAY AND LEAVE

A. Pay. An employee's locality rate of pay is based on the employee's official duty station, and is determined in accordance with 5 CFR 531.604(b). The bureau/operating unit must determine and designate the official duty station for an employee covered by a telework agreement using the criteria above.

B. Premium Pay. The same premium pay rules apply to employees when they telework as when they are working at the traditional worksite.

C. Leave and Work Scheduling Flexibilities. Telework-ready employees are governed by the same procedures as non-telework-ready employees for requesting and obtaining leave approval. See the Department's Web site, Leave Policies, or the terms of an applicable CBA. For additional information on leave administration, please visit **http://www.opm.gov/oca/leave/index.asp**.

For additional information on pay administration, premium pay, and work scheduling, please visit **http://www.opm.gov/oca/pay/HTML/factindx.asp**.

XIX. REPORTING REQUIREMENTS

The bureaus/operating units, via their TC, are required to respond to requests from the TPM for a variety of reporting requirements/initiatives. Below is information that may be requested, although it is not all-inclusive.

- The degree of participation by employees of each bureau/operating unit teleworking during the period covered by the report;
- The method for gathering telework data in each bureau/operating unit;
- The reasons for positive or negative variations in telework participation if the total number of employees teleworking is 10 percent higher or lower than the previous year in the bureau/operating unit;
- The bureau/operating unit goal for increasing telework participation to the extent practicable or necessary;
- An explanation of whether or not a bureau/operating unit met its goals for the last reporting period and, if not, what actions are being taken to identify and eliminate barriers;
- An assessment of the progress made in meeting bureau/operating unit participation-rate goals and other goals related to telework, such as the impact of telework on emergency readiness, energy use, recruitment and retention, performance, productivity, and employee attitudes and opinions regarding telework; and
- Best practices in the bureau/operating unit.

XX. IT SECURITY REQUIREMENTS FOR TELEWORK-READY EMPLOYEES

Telework-ready employees must abide by the IT security requirements conveyed in the Commerce Information Technology Security Program Policy (ITSPP), Commerce Information Technology Requirements (CITRs), Frequently Asked Questions (FAQs), and IT Security Policy

memos. The Telework Agreement signed by the telework-ready employee and his/her supervisor may describe additional security requirements. A complete list of Commerce IT security documentation can be accessed at:
http://home.commerce.gov/CIO/ITSITnew/IT_Security_Program_Documentation.html

Telework-ready employees must also abide by bureau/operating unit-specified IT security requirements. Supervisors are responsible for ensuring that telework-ready employees agree to comply with all existing IT security requirements and to ensure employees are accountable.

XXI. THE PRIVACY ACT OF 1974, SENSITIVE PII AND BII – REQUIREMENTS FOR TELEWORK-READY EMPLOYEES

All telework-ready employees are responsible for ensuring that records subject to the Privacy Act of 1974 or have sensitive Personally Identifiable Information (PII), and Business Identifiable Information (BII) are not disclosed to anyone except those who have been authorized access to such information in order to perform their duties. Bureaus/operating units must ensure that appropriate physical, administrative, and technical safeguards are used to protect the security and confidentiality of such records.

A. Disclosure of Records from an Agency System of Records
   1. Telework-ready employees are responsible for ensuring that their disclosure of a record (information) from any agency system of record complies with the Privacy Act of 1974.
   2. The Privacy Act of 1974 defines a 'system of records' as a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual. Department of Commerce system of record notices (SORNs) are posted at:
      http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=PAI&browsePath=2005&isCollapsed=false&leafLevelBrowse=false&ycord=0.
   3. The Privacy Act of 1974 prohibits the disclosure of a record (information) from an agency system of record that is not identified as a routine use in that system's SORN, does not comply with an exemption identified in the SORN, or does not comply with 1 of the 12 exceptions to the non-disclosure-(to third parties)-without-consent rule.
   4. A Privacy Act incident occurs when an officer or employee of the agency, who by virtue of his/her employment or official position, has possession of or access to agency records that contain individually identifiable information the disclosure of which is prohibited by 5 U.S.C. § 552a (or regulations established thereunder) and discloses the material in any manner to any person or agency not entitled to receive it. Knowing misuse or release of information protected by the Privacy Act of 1974 can subject an employee to fines and/or criminal sanctions.
   5. Telework-ready employees must immediately report a suspected or confirmed Privacy Act incident to his/her bureau/operating unit privacy officer or the Computer Incident Response Team (CIRT) and immediate supervisor.

B. Proper Handling of PII and BII

1. Telework-ready employees are responsible for the safeguarding of PII and BII.
2. Personally identifiable information (PII) is information that can be used to distinguish or trace an individual's identity, such as name, social security number, biometric records, etc., alone, or when combined with other personal or identifying information, which is linked or linkable to a specific individual, such as date and place of birth, mother's maiden name, etc. Sensitive PII, if lost, compromised, or disclosed without authorization, could result in substantial harm, embarrassment, inconvenience, or unfairness to an individual.
3. Types of PII considered sensitive when associated with an individual are: social security number (including truncated form), place of birth, date of birth, mother's maiden name, biometric information, medical information (except brief references to absences from work), personal financial information, credit card or purchase card account numbers, passport numbers, potentially sensitive employment information (e.g., personnel ratings, disciplinary actions, and results of background investigations), criminal history, and any information that may stigmatize or adversely affect an individual. The Department's IT Privacy Policy provides that breaches of sensitive PII are subject to notification/reporting requirements.
4. When deciding whether PII is sensitive or non-sensitive, it is important to consider the type of information, obligations, or expectations regarding the protection of information, risk (probability and consequences) of loss or compromise of information, and context of information. Context is particularly important. The same types of information can be sensitive or non-sensitive depending upon the context. For example, a list of names and phone numbers for the Department softball roster is very different from a list of names and phone numbers for individuals being treated for an infectious disease. It is important to use good judgment when deciding whether PII is sensitive or non-sensitive. When in doubt, treat PII as sensitive.
5. The Department's policy states that if sensitive PII must be electronically transmitted, then it must be protected by secure methodologies such as encryption, Public Key Infrastructure (PKI), or secure socket layers (SSL). Federal Information Processing Standards (FIPS) Publication 140-2, "Security Requirements for Cryptographic Modules" provides the standard to which encryption methodologies must conform. The transmission of sensitive PII, even if it is protected by secure means, must be kept to a minimum. Check with your operating unit's Office of the Chief Information Officer to determine methods or services your OU is using to support the electronic transmission of sensitive PII.
6. In addition to sensitive PII, telework-ready employees must ensure the safeguarding of BII. BII is information that is defined in the Freedom of Information Act (FOIA) as "trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential." Commercial is not confined to records that reveal "basic commercial operations" but includes any records (information) in which the submitter has a "commercial interest" and can include information submitted by a non-profit entity. Terms for BII that must be protected from disclosure include "confidential business information," "confidential commercial information," and "proprietary information."

7. Sensitive PII and BII can be stored on Government systems only and saved, stored, or hosted only on Department-authorized equipment (including contractor-owned equipment or a system that is approved to be used as a Government system). Personally-owned computers may not be used to save, store, or host sensitive PII and BII that is collected or maintained by the Department.
8. Sensitive PII and BII must be sent encrypted as an e-mail attachment and encrypted on mobile computers, media (e.g., CDs, DVDs, USB drives), and devices (e.g., laptops, hard drives). When faxing sensitive PII and BII, an advisory statement about the contents must be included on the cover sheet and the recipient must be notified immediately before and after transmission. Exception: According to the Commerce Acquisition Manual (CAM) 1313.301, cardholders shall not transmit credit card information over a facsimile machine. When mailing sensitive PII and BII, it must be physically secured when in transit. Do not mail or send by courier sensitive PII and BII on CDs, DVDs, hard drives, flash drives, USB drives, floppy disks, or other removable media unless the data is encrypted. Sensitive PII and BII must be sealed in an opaque envelop or container and mailed using First Class or Priority Mail, or a commercial delivery service (e.g., Federal Express or DHL). Appropriate methods must be used to destroy sensitive paper PII and BII (e.g., shredding, using a burn bag) and securely delete sensitive electronic PII and BII (e.g., empty the Windows "recycle bin").
9. Telework-ready employees and supervisors are responsible for complying with all bureau/operating unit guidelines on reporting PII and BII incidents. The OMB Memorandum M-07-16 defines a PII incident as the loss of control, compromise, unauthorized disclosure, unauthorized acquisition, unauthorized access, or any similar term referring to situations where persons other than authorized users, and for an other than authorized purpose, have access or potential access to PII, whether physical or electronic. Telework-ready employees must immediately report a suspected or confirmed PII and BII incident to his/her bureau privacy officer or CIRT and immediate supervisor. Additional information regarding the PII and BII incident reporting process can be found at: **http://home.commerce.gov/CIO/ITSITnew/DOC_Breach_Response_Plan_v2_final.pdf**.

XXII. PRIVACY ACT, SENSITIVE, AND HIGHLY SENSITIVE INFORMATION REQUIREMENTS FOR TELEWORK-READY EMPLOYEES

A. Decisions on the proper use and handling of Sensitive Information will be made by the approving official who permits the employee to work at home or at an alternate worksite. A telework agreement will be signed by the telework-ready employee and his/her approving official that contains the specific data types allowed to be accessed. Information is generally categorized into the following groups: Non-Sensitive Information; Sensitive Information; and Classified National Security Information.

B. The physical security standards for PII and other Sensitive and Administratively Controlled Information must be addressed prior to allowing telework. **Chapter 35 of the OSY Security Manual** provides minimum physical security standards for the office environment that are also applicable during telework. At a minimum, Controlled

Unclassified Information (CUI), including PII, should be afforded protection to prevent unauthorized access to the information.

C. Controlled Unclassified Information (CIU) Registry. The National Archives and Records Administration's (NARA) CUI Office developed the CUI Registry that allows anyone to access the Safeguarding and Dissemination requirements for CUI that must be afforded to information like PII (Privacy) and other unclassified information. The registry may not be all inclusive, as only those categories of unclassified information that have a law, regulation, or government-wide policy governing dissemination and/or safeguarding are provided. Therefore, any Sensitive and Administratively Controlled Information in hard-copy form that does not fall within the parameters of the manual or the registry should be brought to the attention of the Information and Personnel Security Division of OSY.

   Teleworkers and Supervisors should visit http://www.archives.gov/cui/registry/category-list.html prior to allowing hard copy PII and other administratively controlled information outside the workplace for telework purposes.

   Controlled Unclassified Information, Title 13, Title 26, and Title 35, U.S.C. Information, which are legally protected, are covered under the Sensitive Information category.

D. Highly Sensitive Information. This information is subject to the most stringent security and access control rules, such as courier authorization, hand-to-hand transmission, or agency-specific rules not included in the Department telework policy/handbook. Classified information that requires Secret or Top Secret security clearances for protecting national security information is included in this category. Classified information (Confidential, Secret, or Top Secret) may only be transmitted or removed from official worksites by classified networks or authorized official couriers. This type of information may not be used or accessed in any manner by teleworkers.

XXIII. TELEWORK INFORMATION TECHNOLOGY SECURITY POLICY

The Department's Chief Information Officer (CIO) is responsible for issuing and maintaining information technology (IT) and eGov policies and minimum implementation standards, including remote access and safeguarding sensitive information. These policies and minimum implementation standards outline responsibilities of bureau/operating unit CIOs as well as teleworkers to enable an effective working environment for the teleworker and the protection of Department systems from undue risk. Operating unit CIOs, with the support of their IT security officers, are responsible for establishing teleworking IT security procedures specific to their operating unit and providing secure telecommuting resources and operational controls commensurate with the sensitivity of the data processed and with policies and minimum implementation standards provided by the Department's CIO. The Department's policy on remote access is accessible via intranet at
http://home.commerce.gov/CIO/ITSITnew/CITR_008_Remote_Access.pdf

Supervisors are responsible for ensuring that telework-ready employees agree to comply with all existing security policies and procedures, including IT security. Telework-ready employees also

agree that their responsibilities, described in Section 3.3.9 of the Department's "IT Security Policy and Minimum Implementation Standards," remain in effect while on telework status. Other pertinent bureau or operating unit policies on IT security may also exist; supervisors are responsible for ensuring that telework-ready employees agree to follow all applicable policies. The workplace and workstation must be set up to accomplish secure information processing, including the proper storage of Sensitive Information in both electronic and paper form. The telework-ready employee, following bureau/operating unit policies, must minimize security vulnerabilities to the workstation and the Departmental network.

XXIV. TELEWORKING DURING EMERGENCY SITUATIONS

A. Unscheduled Telework. This type of telework allows telework-ready employees to work from home or at an approved alternate location upon notification to their supervisor in accordance with the terms of the written agreement.

B. Federal/Departmental Offices Are Closed. Employees on Plan B **must** telework consistent with their written agreements when Federal/Departmental offices in their local commuting area are closed. Excused absences may be granted on a case-by-case basis for telework-ready employees in the above situation. Also see **Section VII.F.2**

C. Early Dismissal/Delayed Arrival. When an early dismissal/delayed arrival is provided, those who are teleworking from their home are not dismissed from duty for any part of the workday. However, supervisors may grant excused absence on a case-by-case basis, if the employee is unable to continue teleworking.

D. Emergency at the Alternate Worksite. When an emergency affects only the alternate worksite for a major portion of the workday, the employee is expected to report to the traditional worksite, an approved alternate telework site, or request supervisory approval of paid personal leave as applicable (i.e., annual, compensatory time, compensatory time off for travel, credit hours, etc.).

   However, on a case-by-case basis, the supervisor may excuse, without charge to paid personal leave or loss of pay, a telework employee from duty during an emergency if: 1) the emergency adversely affects the telework site; 2) the telework-ready employee is unable to access another alternate telework site; or 3) the telework-ready employee's duties are such that he/she cannot continue to work without contact with the traditional worksite.

XXV. TELEWORK AND THE CONTINUITY OF OPERATIONS PLAN (COOP)

If an employee occupies a position deemed an "emergency employee" or serves as an ERG member (these designations may vary based on the nature of the emergency) for inclement weather or natural or man-made emergencies, he/she may be required to report to work.

If an employee is an ERG member for COOP purposes, management, along with the employee and supervisor, should make advance and/or situational decisions as to whether the employee must physically report for duty or may work from home or an alternate worksite. For example, if

the purpose of the employee reporting for duty at the traditional worksite is to provide policy guidance or to notify specific individuals of emergency requirements, this may be able to be accomplished from home, provided the employee has access to the resources necessary to perform the required services. However, in some cases, the only way to obtain the services of the employee may be through telework from an alternate worksite. For example, if inclement weather or other emergency situation results in a transportation shutdown, but phone lines remain working, the employee may be able to work from home rather than reporting to the traditional worksite or COOP site.

Employees designated as COOP Team Members may be required to telework during emergency closures or other emergencies, including pandemics and for COOP exercises, on any day, even if that day is not a regular telework day or a day with specific approval for situational/episodic telework. Telework-ready employees may also be required to perform duties outside of their usual or customary duties to ensure continuation of agency-essential missions or activities.

In accordance with Public Law 111-292 Section 6504(d)(2) "Continuity of Operations Plans Supersede Telework Policy – During any period that an executive agency is operating under a continuity of operations plan, that plan shall supersede any telework policy."

☐ Application ☐ Modification

APPENDIX A: SAMPLE TELEWORK APPLICATION/AGREEMENT AND MODIFICATION OF TELEWORK AGREEMENT[5]

SECTION I – TO BE COMPLETED BY THE EMPLOYEE

Date of Request:_____ Proposed Start Date:_____
Employee Name:_____ Organization:_____ Telephone:_____
Grade or Pay Band: _____
Supervisor's Name and Title: _____ Telephone:_____
Address, Telephone, and Description of Alternate Worksite: _____
_____

Equipment Needed to Perform Work at Alternate Worksite: _____
_____

Telework Level Requested: ( ) Plan A ( ) Plan B

Type of Telework: ( ) Regularly Scheduled ( ) Ad Hoc ( ) For Continuity of Operations or Emergency Purposes

Termination Date of Agreement _____

Work Schedule Including AWS Day Off (If Applicable):_____

Telework Days at Alternate Worksite:_____

Identification of specific data types allow to be accessed:
_____
_____

_____ I acknowledge that I may not be authorized to telework if my performance does not comply with the terms of the written agreement [individual telework agreement] between management and me.

_____I have requested Plan A. I understand that I am limited to no more than 80 hours of ad hoc/unscheduled telework during a 12 month period beginning with the initial Plan A. I will not be required to telework when my office is closed due to unforeseen circumstances.

_____I have requested Plan B. I understand that I must telework when my office is closed due to unforeseen circumstances, unless otherwise excused by my supervisor. I have the option of performing regular/recurring and/or ad hoc/unscheduled telework for more than 80 hours. Working less than 80 hours of ad hoc/unscheduled telework does not change my election of Plan B.

[5] The written agreement must outline the specific work arrangement that is agreed to. 5 U.S.C. § 6502(b)(2)(A)

_____ I understand that I must perform at the Fully Successful or higher (or equivalent) level in order to telework.

_____ I certify that I have completed an approved interactive telework training program authorized by my bureau, the Telework Safety Checklist, and the Telework Assessment Tool.

_____ I understand that I may not care for children, elders, or other dependents while I am in a duty status and teleworking. In these situations, I must request the appropriate leave from my supervisor or request a change in my Alternative Work Schedule, if applicable.

_____ I understand that I must abide by the IT Security requirements conveyed in the Commerce Information Technology Security Program Policy (ITSPP), Commerce Information Technology Requirements (CITRs), Frequently Asked Questions (FAQs), and IT Security Policy memos.

_____ When unscheduled leave or telework is announced by the appropriate authorities, I understand that the election is mine but I must notify my supervisor. However, in rare situations, I am aware that management may require me (a "non-emergency" employee) to deny my unscheduled leave/telework and require me to report for an assignment that requires my presence and management has discussed this with me in advance of the situation giving rise to unscheduled leave/telework.

Employee's Signature and Date:_____

SECTION II – TO BE COMPLETED BY THE APPROVING OFFICIAL

Approved: ( ) Disapproved: ( ) Reason Not Approved: _____

_____

I certify that the employee is eligible and authorized to telework, that I have reviewed the employee's Safety Checklist as well as the Telework Assessment Tool:_____

Approving Official's Signature and Date: _____

Alternate Worksite Costs – The employee understands that the Government will not be responsible for any operating costs that are associated with the use of the employee's home as an alternate worksite, for example, home maintenance, insurance, or utilities. The employee also understands that any entitlement to reimbursement for authorized expenses incurred while conducting business for the Government, as provided for by statute or regulation, is not relinquished by this agreement.

Liability – The applicant understands that the Government will not be held liable for damages to his/her personal or real property while he/she is working at the approved alternate worksite, except to the extent the Government is held liable under the Military Personnel and Civilian Employees Claims Act and the Federal Tort Claims Act.

Injury Compensation – The applicant understands that he/she is covered under the Federal Employees Compensation Act if injured in the course of actually performing official duties at the alternate worksite. The applicant agrees to notify his/her supervisor immediately of any accident or injury that occurs at the alternate workplace and to complete any required forms. The supervisor agrees to investigate such a report as soon as possible.

Disclosure – The applicant agrees to protect Government records from unauthorized disclosure or damage and will comply with requirements of the Privacy Act of 1974, 5 U.S.C. § 552(a), and those outlined in **Section XXII, PRIVACY ACT, SENSITIVE INFORMATION, AND HIGHLY SENSITIVE INFORMATION – REQUIREMENT FOR TELEWORK-READY EMPLOYEES.**

Performance not in Compliance with terms of Agreement – The employee's failure to comply with the terms of this agreement will result in the termination of this agreement. Failure to comply may also result in disciplinary action against the employee if just cause exists to warrant such action.

APPENDIX B: TELEWORK ASSESSMENT TOOL

The decision to telework should be based on the ability of an employee to work in a setting that may be in his/her home or a Federal facility other than the regular office, without immediate supervision. The following tool is to be used by the supervisor as a basis for discussing the option and appropriateness of telework for a particular employee. Employees are also required to use the assessment tool to help in determining if telework is suitable for their positions.

Please rate yourself or your employee, using the following scale:

5 – Always 4 – Usually 3 – Sometimes 2 – Rarely 1 – Never

1. Employee works without regular monitoring/supervision. ☐
2. Employee is comfortable working alone. ☐
3. Employee independently identified required work products. ☐
4. Employee successfully plans work production schedule. ☐
5. Employee communicates hindrances to successful completion of a task or project in sufficient time to allow for alterations that improve the opportunity for success. ☐
6. Employee is knowledgeable about your organization's procedures/policies. ☐
7. Employee is fully aware of Department information technology security. ☐
8. Employee meets deadlines. ☐
9. If telework will be in the employee's residence, the residence has an appropriate work environment. ☐
10. Employee is willing to provide his/her own equipment if Government-furnished equipment is not available. ☐
11. Employee is computer literate. ☐
12. Employee has successfully completed the appropriate Commerce online teleworking training course. ☐

APPENDIX C: TELEWORK SAFETY CHECKLIST

This checklist is to be completed only if the proposed alternate worksite is in a private residence. This checklist is designed to assess the overall safety of the designated work area of the alternate worksite. Each applicant should read and complete the self-certification safety checklist. Upon completion, the checklist should be signed and dated by the applicant and submitted to the immediate supervisor.

Applicant Name: _____ Date: _____ Telephone: _____

Address, Telephone, and Location of Alternate Worksite: _____

_____

_____

_____

Describe the Designated Work Area:

1. Are stairs with four or more steps equipped with handrails? ( ) Yes ( ) No ( ) N/A
2. Are aisles, doorways, and corners free of obstruction? ( ) Yes ( ) No ( ) N/A
3. Are file/storage cabinets arranged so that open doors/drawers do not create obstacles? ( ) Yes ( ) No ( ) N/A
4. Is the office space neat, clean, and free of combustibles? ( ) Yes ( ) No ( ) N/A
5. Are phone lines, electrical cords, and surge protectors secured under a desk or alongside a baseboard? ( ) Yes ( ) No ( ) N/A
6. Are circuit breakers/hoses in the electrical panel properly labeled? ( ) Yes ( ) No ( ) N/A
7. Is electrical equipment free of recognized hazards that could cause physical harm (e.g., frayed, loose, and/or exposed wires, bare conductors, etc.)? ( ) Yes ( ) No ( ) N/A
8. Does the building electrical system permit grounding of equipment (i.e., have three-prong receptacles)? ( ) Yes ( ) No ( ) N/A
9. Is there a smoke alarm and clear access to a fire extinguisher? ( ) Yes ( ) No ( ) N/A

By signing this document, the applicant certifies that all of the above applicable questions were answered in the affirmative, or, if answered in the negative, that the applicant will take all necessary corrective actions to eliminate any hazard prior to beginning telework.

Applicant's Signature and Date: _____

APPENDIX D: OPTIONAL TELEWORK TERMINATION FORM

The telework option is a privilege and not an employee right. As such, it falls under the supervisor's discretion to determine how work should be accomplished with the organization. Termination of the telework agreement can be either voluntary or involuntary.

This is notification that the telework agreement, which was signed on _____ is no longer in effect and is hereby terminated.

Termination is based on (check one):

Voluntary Withdrawal ☐

Involuntary Withdrawal ☐

If telework is involuntarily terminated, the decision is based on:

Requirements of the current work assignment ☐

Reassignment or change in duties ☐

Failure to maintain employee eligibility standards ☐

Breach in Information Technology Security policies and/or procedures ☐

Other (please specify): ☐

_____

_____

_____

Receipt Acknowledged

Employee's Signature and Date: _____

Supervisor's Signature and Date:_____