

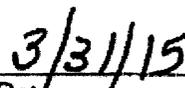
**U.S. Department of Commerce
OFFICE OF THE CHIEF FINANCIAL OFFICER AND
ASSISTANT SECRETARY FOR ADMINISTRATION
(CFO/ASA)**



**Telework Implementation Plan
March 2015**



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Date

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I. SCOPE

All employees of Chief Financial Officer and Assistant Secretary for Administration (CFO/ASA) Operating Units, that is, the CFO/ASA Immediate Office, Office of Acquisition Management, Office of Facilities and Environmental Quality, Office of Budget, Office of Civil Rights, Office of Financial Management, Office of Human Resources Management, Office of Privacy and Open Government, Office of Program Evaluation and Risk Management, Office of Security, and Office of Small and Disadvantaged Business Utilization, who meet the definition of “employee” as defined in Title 5, United States Code (U.S.C.) § 2105 are covered by this plan, in accordance with the Telework Enhancement Act of 2010.

All participation in telework arrangements is voluntary, except for those employees designated as “emergency,” and those employees who are part of the Continuity of Operations Plan (COOP), or otherwise required to telework as a condition of employment.

II. BACKGROUND

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 alternate worksite (e.g., home) other than the location of the employee’s designated Federal workplace. This definition includes what is generally referred to as remote work but does not include work done while on official travel or mobile work.

The 2015 CFO/ASA Telework Implementation Plan is consistent with the Telework Enhancement Act (Act) of 2010 (Public Law 111-292, October 9, 2010); the Department of Commerce (Department) Telework Policy (October 2014); and the Office of Personnel Management’s (OPM) policies contained in their guide, “Telework in the Federal Government” and the “Washington, DC Area Dismissal and Closure Procedures” (December 2014).

The purpose of this Telework Implementation Plan is to promote: (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 transit costs; and (5) enhancing work/life balance by allowing employees to better manage their work and family obligations.

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, and more effective accomplishment of CFO/ASA Operating Units’ (OU) mission, this policy supports telework as a major element in CFO/ASA efforts to reduce its facility space requirements, thereby reducing its energy consumption, greenhouse gas emissions, surface ozone, rent, and other operating costs.

This plan recognizes and supports the need for improved communications between the employee and his/her management on all aspects of the applicable telework arrangements for the employee

and for the individual OUs. In addition, this plan 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:

A. Regular/Recurring – Telework that occurs as part of an ongoing, regular schedule. Once the schedule is established, the employee may not change the assigned telework days(s) without prior approval of the approving official;

B. Ad Hoc/Episodic – Telework on an irregular basis, chosen by the employee, which must be approved in advance by the approving official. The hours worked are not part of a previously approved, ongoing, and regular telework schedule; and

C. Unscheduled Telework – Federal/Department offices are open but under an announcement of “Unscheduled Telework” by OPM or other appropriate authority. Unscheduled telework does not need prior supervisory approval; however, employees must notify his/her supervisor in accordance with the terms of the individual telework agreement.

NOTE: Employees are responsible for ensuring they have adequate work to perform during all period of telework.

IV. 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 comply with all telework requirements before participating.

APPROVING OFFICIAL – The official authorized by the head of the OU to approve individual telework agreements. The approving official and the supervisor can 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.

CONTINUITY OF OPERATIONS PROGRAM (COOP) – Initiative that ensures that Federal Government departments and agencies are able to continue operation of their essential functions under a broad range of circumstances including all-hazard emergencies as well as natural, man-made, and technological threats and national security emergencies.

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 Title 5, Code of Federal Regulations (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)).¹

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 OU, or the employee performs on-site activities that cannot be handled at an alternate worksite.

EMERGENCY RELOCATION GROUP (ERG) MEMBER – A person assigned responsibility to report either, as on call, or as a backup, to an alternate site, as required, in order to perform agency-essential functions or other COOP-related operations.

EMERGENCY EMPLOYEE – An employee who has been designated as an emergency employee by his/her office. Such employees occupy a designated “emergency” position. They are required to report to (or remain at) their worksite, or perform work from home or an alternate worksite in dismissal or closure situations unless otherwise directed. They are required to have completed “Telework 101 – Employee” via the Commerce Learning Center (CLC); and have an approved individual telework agreement.

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.

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.

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 his/her 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 the

¹ Length of ineligibility to telework is determined by approving official.

manager/supervisor. 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 during the employee's regularly scheduled tour of duty.

REMOTE WORKER – The employee is teleworking full-time from an alternate worksite. The alternate worksite 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 his/her position, and other authorized activities, from an approved alternate worksite.

TELEWORK-READY EMPLOYEE – An employee who has completed “Telework 101 – Employee” via the CLC; has a signed individual telework agreement; and has the required necessities to telework for his/her planned period of telework.

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

UNSCHEDULED TELEWORK –Federal/Department offices are open but OPM or other appropriate authority has made an announcement that permits telework-ready employees to telework on a day that they are not scheduled to telework and telework rather than come into the office.

V. POLICY

- A. Employee Performance and Telework – 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 OU supervisor/manager (supervisor) and the employee.
- B. Working at an Alternative Work Site – Eligible employees may work at approved 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. The duties of the position must be conducive for teleworking, and the employee must have an approved individual telework agreement in place.
- C. Telework is Voluntary – 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 (i.e. COOP). In these instances, an employee may be required to work at home or at another approved alternate worksite.
- D. Required Training – Eligible employees must successfully complete “Telework 101 – Employee” via the CLC before they can request the opportunity to telework. The approving official(s) for individual telework agreements must have completed “Telework 101– Manager” via CLC before he/she can approve an individual telework agreement. In addition, supervisors who are not approving officials, but have employees teleworking,

are required to complete “Telework 101 – Manager” via CLC before supervising a telework-ready employee.

- E. **Unscheduled Telework Announcement** – When OPM announces “Unscheduled Telework,” and it is not the employee’s regularly scheduled telework day, the telework-ready employee (employee) may choose to perform unscheduled telework. The employee’s decision is not subject to prior approval by the supervisor; however, the employee is responsible for ensuring he/she has adequate work to perform for the period of telework. Employees must notify their supervisor in accordance with the terms of the individual telework agreement.

In rare circumstances, a supervisor 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). These special work circumstances should be discussed in advance so the employee is aware of them.

- F. **Maximum Telework Days** – Supervisors are encouraged to endorse regular/recurring 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. There is no maximum on the number of days per week that an employee may perform unscheduled telework under an announcement by OPM or other appropriate authority.
- G. **Hours of Duty** – Employees who telework are expected to work the same hours that they work in the regular office, to include the ability to vary their starting and ending times in accordance with their OU’s work schedule policy. Work schedules and hours of duty may be changed with the approving official’s approval and in accordance with established procedures.
- H. **Telework and Alternative Work Schedules** – Employees may be approved for telework and an alternative work schedule simultaneously.
- I. **Supervisors’ Right to Cancel Agreement** – Telework is not an employee’s right or entitlement; supervisors have the right to cancel an employee’s regular/recurring telework day, or agreement based on the needs of the OU.
- J. **“In lieu of” Telework Day** – Employees who are prevented from working a regular/recurring telework day for any reason are not entitled to an “in lieu of” telework day. However, supervisors have the authority to approve an ad hoc telework day(s).
- K. **Telework and Dependent Care** – Telework may not be used as a substitute for dependent care (i.e., elders, children, or other dependents); employees may not care for a dependent while in a duty status and teleworking. 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.

L. Teleworkers and Non-teleworkers Shall be Treated the Same for the following 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.

M. Recording Telework Hours – All telework hours in a pay period must be recorded per instructions in the time and attendance system.

N. Two Levels (Plans) of Voluntary Telework – The CFO/ASA recognizes that some employees will opt not to telework at all, while others will choose to telework only on a limited ad-hoc basis, and others will telework to the maximum extent possible. The CFO/ASA offers the following two voluntary levels (Plans) of telework:

NOTE: an employee designated as “emergency “or COOP must have an individual telework agreement for his/her COOP or emergency responsibilities. If he/she also desires to perform ad hoc, unscheduled, and/or regular/recurring telework, he/she needs to also select Plan A or Plan B.

1. Plan A (for ad hoc/unscheduled telework):

- a. Telework-ready employees limited to a maximum of 80 hours of ad hoc/unscheduled telework during the term of the individual telework agreement.
- b. The employee must obtain supervisory approval before performing ad hoc/unscheduled telework (unless it is under an unscheduled telework announcement from OPM).
- c. The employee may perform unscheduled telework under an OPM announcement without prior supervisory permission.² However, he/she must first notify his/her supervisor in accordance with the terms of his/her individual telework (written) agreement.

² In rare circumstances, management may deny unscheduled telework when OPM announces “unscheduled telework” when it is 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 situation should be discussed with the telework-ready employee prior to the OPM announcement if possible.

- d. The employee is responsible for ensuring that he/she has sufficient work for the entire period of teleworking (including pre-approved ad hoc, and unscheduled telework under OPM announcement), or will be required to take a form of personal paid leave.
 - e. The employee may switch to Plan B at any time prior to reaching the 80-hour limitation. The individual agreement must reflect the change.
 - f. The employee is not required to telework when the office is closed for reasons other than Federal law or Executive order.
2. Plan B (for regular/recurring telework, or ad hoc/unscheduled over 80 hours, or a combination of regular/ad hoc):
- a. Telework-ready employees on a regular/recurring telework schedule, and/or employees who want the option of performing more than 80 hours of ad hoc and/or unscheduled telework during the term of the agreement, or who telework more than 80 hours during the term of the agreement.
 - b. The employee must obtain supervisory approval before performing ad hoc/unscheduled telework.
 - c. The employee may perform unscheduled telework under an OPM announcement without prior supervisory permission (see footnote 2 above). However, he/she must first notify his/her supervisor in accordance with the terms of his/her individual telework (written) agreement.
 - d. The employee is responsible for ensuring that he/she has sufficient work for the entire period of teleworking (including regular/recurring, pre-approved ad hoc, and unscheduled telework under OPM announcement), or will be required to take a form of personal paid leave.
 - e. Employees on Plan B may not switch to Plan A for the term of the individual telework agreement.
 - f. The employee must telework when his/her office is closed for reasons other than Federal law or Executive Order, or must take a form of personal paid leave (e.g., annual, credit, compensatory), or request a change in his/her Alternative Work Schedule, unless otherwise excused from his/her supervisor. (See section V.P. *Excused from Teleworking*)

O. COOP or Emergency Teleworking

- 1. 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 OU's emergency plan, and its operating status during the emergency.

2. COOP and emergency employees required to telework during their regular tour of duty on a day when their office is closed for reasons other than Federal law or Executive order (or when other employees are dismissed early due to a weather event or other type of emergency) 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 of duty.
3. All employees designated as an "emergency" or COOP employee must have an approved individual telework agreement. The agreement is required so the employee may telework during an emergency or COOP exercise/event. It does not in and of itself permit voluntary teleworking (e.g., Plan A or Plan B).

P. Excused from Teleworking

1. 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.
2. If the telework-ready employee faces a personal reason that prevents him/her from working successfully at the telework site, the employee may request from his/her supervisor the appropriate leave (annual, sick, compensatory, credit hours, compensatory time for travel). The employee may also request to change his/her alternative work schedule day off, or other work schedule flexibility, if applicable.

Q. 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. Equivalent to 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.

VI. 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 (5 U.S.C. § 6502(a)(2)).

A. **Ineligible Employees:** CFO/ASA employees who meet any of the following exceptions are ineligible to telework.

1. The employee has been officially disciplined for being absent without leave (AWOL) for more than 5 days in any calendar year.
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. (There is no authority to waive provisions of A.1. or A.2.)
3. The performance of the employee does not comply with the terms of the written agreement between the supervisor and that employee (5 U.S.C. § 6502(b)(3)).

B. **Precluded Due to Nature of Work of Position.** While an employee may be eligible because they are not excluded based on the above, 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 OU head; or
2. On-site activity that cannot be handled remotely or at an alternate worksite.

VII. ACCOMMODATIONS FOR EMPLOYEES WITH DISABILITIES

It is important to distinguish between ordinary types of telework as described in this CFO/ASA Telework Implementation Plan and requests from persons with disabilities for telework as a reasonable accommodation due to a medical condition. Approving officials/supervisors should consult Department Administrative Order (DAO) 215-10, "Reasonable Accommodation for Employees or Applicants with Disabilities," and the Disability Program Manager in order to fully understand supervisors' responsibilities under the law. As governed by Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 791 et. seq., 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 as part of the interactive process established by the Rehabilitation Act. Telework as a reasonable accommodation is separate and apart from this telework plan.

VIII. 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. The Office of the CFO/ASA must:

1. Ensure that all OUs within the CFO/ASA have a designated telework coordinator (TC).
2. Ensure that CFO/ASA employees receive information about technology (IT) and cybersecurity guidelines, as appropriate.
3. Ensure that CFO/ASA OUs adhere to the telework policy.

B. Supervisors. Supervisors are responsible for:

1. The overall management and success of teleworking within their offices, including day-to-day operations;
2. Tracking the number of ad hoc hours teleworked by employee son Plan A to ensure compliance of the 80-hour limitation; and
3. Annually reviewing the individual telework agreement to ensure that it is current. The date of the review must be documented on the agreement by the supervisor and the employee.

C. Telework Coordinators

1. In consultation with the Department's Telework Program Manager (TPM):
 - a. Provide CFO/ASA policy and procedural program guidance to OU management and telework-ready employees.
 - b. Work with designated OU individuals in establishing and obtaining OU telework goals and objectives.
2. Ensure that every employee who is interested in telework and his/her supervisor has a copy of the "Telework Assessment Tool" (Appendix B).
3. Maintain a central file of all approved individual telework agreements for the employees in the OU as well as a record of all written denials or terminations.
4. Answer telework-related questions and providing guidance to employees within the OU.

5. Partner with the approving official, establish a procedure for notifying each employee of a change in his/her eligibility or ineligibility to telework, and coordinate a process for approving and tracking telework arrangements.
6. Develop and implement a reporting system capturing telework participation, hours teleworked, terminations, and denials.
7. Provide the following information to the TPM upon request:
 - a. The degree of participation by employees within the OU during the period covered by the report;
 - b. The method for gathering telework data for the OU;
 - c. 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;
 - d. The OU's goal for increasing telework participation if applicable;
 - e. An explanation of whether or not the OU met its established goal(s) for the last reporting period and, if not, what actions are being taken to identify and eliminate barriers;
 - f. An assessment of the progress made in meeting the OU's participation rate goal(s) and other goal(s) related to telework (e.g., the impact of telework on recruitment and retention, performance, etc.); and
 - g. A description of best practices, if applicable.

IX. MANDATORY TELEWORK TRAINING

- A. **Approving Officials.** All approving officials must successfully complete the required Telework 101 for Managers course via the Commerce Learning Center (CLC) and print a certificate of training completion prior to approving a written agreement.
- B. **Employees Who Want to Telework.** All employees who desire to telework must successfully complete the required Telework 101 for Employees course via the CLC before submission of their request to telework. Upon successful completion of the course, the employee must print a certificate of training completion and provide a copy to his/her approving official. Training is not required for renewal of a written agreement.
- C. **IT Security and Awareness Training.** All employees are also required to complete IT Security and Awareness Training on an annual basis.

X. PREPARING FOR THE INDIVIDUAL TELEWORK AGREEMENT

The following actions are to be taken when establishing an individual telework agreement:

- A. Each employee will have an opportunity, prior to meeting with the designated management official, to review and complete the “Telework Assessment Tool” (Appendix B) as a preliminary self-determination of whether teleworking is appropriate for him/her.
- B. The appropriate management official(s) should review the “Telework Assessment Tool” and complete its questions based on observations of the employee’s work habits. This should provide the official(s) with an indication of the employee’s ability to telework.
- C. The employee completes the “CFO/ASA Telework Application/Agreement and Modification of Telework Agreement” (See Appendix A) and submits it to his/her supervisor along with the certificate showing successful completion of Telework 101 for Employees.
- D. The employee and supervisor discuss the expectations in the proposed telework agreement, including the performance levels required of the employee within 10 days of receipt of the telework agreement.
- E. If the supervisor is not the approving official, the supervisor will forward the agreement to the approving official with his/her recommendation(s).
- F. A final decision by the approving official must be made within 30 days of receipt of the telework application packet (Appendix A, B, C, and training certificate).
- G. A copy of the complete approved application packet (Appendix A, B, and C), including the training completion certificate, must be provided to: (a) employee for his/her records; and (b) TC for review, tracking, and recordkeeping purposes.

XI. TELEWORK AGREEMENTS

- A. Length of Telework Agreements
 - 1. The length of the written agreement is established by the employee and the approving official. The expiration date of the agreement is to be included in the written agreement.
 - 2. An employee may not telework if they do not have a current telework agreement in place.
 - 3. In accordance with 5 U.S.C. § 6502(b)(3), an employee is not 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.

B. Agreement Modification and Termination. The operational needs of the CFO/ASA are paramount; employees who telework do not have an automatic right to continue to do so.

1. Modification

- a. An employee may request to modify the current agreement (e.g., change the regular/recurring teleworking day) by submitting a new “CFO/ASA Telework Application/Agreement and Modification of Telework Agreement” (check “Modification”) with only the requested changes indicated.
- b. The supervisor and employee shall discuss the employee’s requested modifications within 5 working days.
- c. If the supervisor is not the approving official, the supervisor will forward the request to the approving official with his/her recommendation(s) within 5 working days.
- d. The approving official will issue a written decision within 5 working days.
- e. If management is proposing to modify an employee’s existing agreement, he/she will provide the employee with a minimum of 5 working days advance notice in order for the employee to submit his/her response to the approving official.
- f. The approving official will issue a final decision within 5 working days.

2. Termination

- a. An employee may terminate his/her written agreement by providing the approving official with written notice of a decision to terminate his/her written agreement.
- b. The approving official must deny or 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. If management is proposing to terminate the agreement, it shall provide 10 working days advance written notice before terminating the agreement to allow the affected employee to make necessary arrangements.
- d. The approving official must provide documentation for the termination to the affected employee. Consent or acknowledgement via signature by the affected employee is not required for the termination of telework to take effect.
- e. Management may terminate or deny telework requests as long as the denial or termination decision is based on operational needs, conduct, or performance in accordance with the law.

- C. Appeals. The deciding official will issue a written decision on an employee's request to telework within 10 working days of the request being received by the deciding official. If the deciding official disapproves the request, he/she must provide written justification to the employee indicating 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. Deciding officials are to provide employees copies of signed written denials or terminations of telework agreements.
- D. Administrative Grievance Procedure. CFO/ASA employees must use the procedures in DAO 202-771, "Administrative Grievance Procedure" to appeal issues relating to their request to telework, modification to an existing telework agreement, and terminations of telework agreements.
- E. Negotiated Grievance Procedure (NGP). Employees in a bargaining unit that does not specifically exclude the matter of telework from the scope of the NGP must use that procedure to appeal issues relating to a request to telework, modify an existing telework agreement, and terminate a telework agreement.
- F. Discrimination. Employees who believe they are the victims of prohibited discrimination must use the procedures in DAO 215-9, "Filing Discrimination Complaints," to appeal the alleged discrimination.

XII. WORK SCHEDULES

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 (with manager/supervisor approval) to meet the needs of the organization and/or participating employees' needs. Employees on a flexible work schedule maintain the same work schedule flexibilities when teleworking as when they are at the traditional worksite. Work schedules may also include fixed times during the day for manager/supervisor and 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.

XIII. THE OFFICIAL DUTY STATION

- A. 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 his/her 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 his/her approving official. An employee's official duty station determines the appropriate locality area for pay purposes (5 CFR 531.605).
- B. The official duty station must be documented on the employee's Notification of Personnel Action (SF-50) or equivalent.

- C. 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.

XIV. DETERMINING THE OFFICIAL DUTY STATION

A. Pay During Telework

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 the 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 in a different pay locality area than his/her official duty station. The employee would continue to receive the same pay.

B. Pay During Temporary Telework Arrangements

1. In certain temporary situations, the approving official may designate the location of the traditional worksite as the official duty station of an employee who teleworks on a regular basis in a different locality pay area as the traditional worksite even though the employee is not able to report at least twice each biweekly pay period on a regular and recurring basis to the traditional worksite. 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. The temporary exception should generally be used only in cases where: (1) the employee is expected to stop teleworking and return to

work at the traditional worksite in the near future, or (2) 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.

XV. PAY AND LEAVE

- A. 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 OU must determine and designate the official duty station for an employee covered by a telework agreement using the criteria above.
- B. The same premium pay rules apply to employees when they telework as when they are working at the traditional worksite.
- C. Telework-ready employees are governed by the same procedures as non-telework-ready employees for requesting and obtaining leave approval.

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

See the Department's website at 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>.

XVI. IT SECURITY REQUIREMENTS FOR TELEWORK-READY EMPLOYEES

Telework-ready employees must adhere to 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 adhere to any OU-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 held accountable.

XVII. GOVERNMENT FURNISHED EQUIPMENT (GFE)

Under Department policy, CFO/ASA OUs are allowed but not required to furnish equipment in support of telework, including computers and other electronic tools. CFO/ASA OUs have limited resources to support telework and will review requests for supporting equipment on a case-by-case basis. The OUs will not provide phone lines, Internet access, or monthly payments for either on behalf of employees. However, when an alternate worksite for telework requires

long distance phone calls to the employee's conventional office, the OU may issue a calling card to charge work-related long distance phone calls.

When employees use Government-issued laptop computers supported by docking stations, the laptops may be transported from the worksite to an alternate location. The DOC IT Help Desk is the point of contact for teleworking employees with regard to connections into the centralized system via network cards or remote access tools.

Teleworkers who need access to their OU's centralized IT system must be able to access the system remotely. OUs will provide remote access via a "virtual desktop infrastructure" (VDI). Access to all applications and data is provided through the VDI solution, which supports workplace flexibility by allowing users to access systems on computers other than GFE.

XVIII. 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. CFO/ASA OUs 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 the Department's Chief Privacy Officer, the Department's Chief Information Officer (CIO) or the OCIO Help Desk, 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 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 the Department's CIO to determine methods or services used 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 OU.
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. 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., FedEx 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 CFO/ASA guidelines on reporting PII and BII incidents. The Office of Management and Budget (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 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.

XIX. 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 Office of 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 (CUI) Registry. The National Archives and Records Administration's (NARA) CUI Office developed the CUI Registry, which 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 the Department's Office of Security.

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.

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

- D. Classified National Security Information. 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. 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.

XX. 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 teleworkers to enable an effective working environment for the teleworker and the protection of Department systems from undue risk. OUs, with the support of their IT security officers, are responsible for establishing teleworking IT security procedures specific to their office 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 OU policies on IT security may also exist; supervisors are responsible for ensuring that telework-ready employees agree to follow all applicable CFO/ASA IT 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 IT policies, must minimize security vulnerabilities to the workstation and the Departmental network.

Requests to telework in a foreign country/locale must be approved by OHRM and OSY in order to ensure that the Department's information is adequately protected. Upon approval by OHRM/OSY, the request must be approved by the U.S. Chief of Mission for that country/locale.

XXI. 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. **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 due to reasons other than Federal law or Executive order. Excused absences may be granted on a case-by-case basis for telework-ready employees in the above situation. (Also see Section V.P. *Excused from Teleworking*)
- C. **Early Dismissal/Delayed Arrival.** When an early dismissal/delayed arrival is provided, those who are teleworking from their home are required to work their normal work schedule and are not excused 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. (Also see Section V.P. *Excused from 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 (e.g., 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.

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

If an employee is 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 ad hoc/episodic telework. Telework-ready COOP 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 5 U.S.C. § 6504(d)(2), "During any period that an executive agency is operating under a continuity of operations plan, that plan shall supersede any telework policy."

XXIII. RECORDS MANAGEMENT

Teleworkers must maintain official records and files at home worksites in the same manner they do when working at their conventional worksite. Records maintained by employees who telework are subject to the Freedom of Information Act (FOIA), the Privacy Act, and any other pertinent records retention requirements. Supervisors of teleworking employees are responsible for ensuring that the files and records used by those employees are subject to search for documents responsive to FOIA and Privacy Act requests. Once projects/assignments are completed, associated files should be returned to the conventional worksite.

XXIV. TELEWORK PROGRAM EVALUATION

Annually, the TC will conduct an assessment of the telework program on a Fiscal Year (FY) basis and provide a report to the CFO/ASA by November 30 following each FY. The report will include information on the number of and percentage of teleworking employees in each CFO/ASA OU and an overall assessment on how well the CFO/ASA is meeting any established telework goals. The report will also identify specific challenges with expanding telework within the CFO/ASA and recommend strategies for addressing challenges.

**APPENDIX A: CFO/ASA TELEWORK APPLICATION/AGREEMENT AND MODIFICATION
OF TELEWORK AGREEMENT**

New Application Modification

Section I – To be completed by the Employee

Date of Request: _____ **Proposed Start Date:** _____ **Expiration Date:** _____

Employee Name: _____ **Grade or Pay Band:** _____

Office: _____ **Telephone:** _____

Supervisor's Name and Title: _____ **Telephone:** _____

Alternate Worksite Home Other

Address: _____ **Telephone:** _____

<u>Voluntary Telework Level Requested:</u> <input type="checkbox"/> Plan A (for ad hoc/unscheduled telework) <input type="checkbox"/> Plan B <u>Mandatory Telework Required:</u> <input type="checkbox"/> COOP or Emergency Designation	<u>Type of Telework:</u> <input type="checkbox"/> Regularly Scheduled <input type="checkbox"/> Ad Hoc/Unscheduled <input type="checkbox"/> Medical/Reasonable Accommodations
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Work Schedule (time/days) Including AWS Day Off (If Applicable): _____

Telework Days at Alternate Worksite: _____

Equipment Needed to Perform Work at Alternate Worksite: _____

Specific data types access allowed: () Non-Sensitive () Sensitive

Description of work to be performed at alternate worksite (attach separate sheet if needed), include frequency and modes of communication (e.g., email vs. telephone, core hours for contact, speed for returning calls, etc.) _____

The employee certifies and agrees with the following statements and to abide by all of the requirements of the CFO/ASA Telework Policy and procedures:

- I acknowledge that I may not be authorized to telework if my performance does not comply with the terms of the individual written telework agreement between management and me.
- I am required to perform the duties and responsibilities of my position.

- I have requested Plan A. I understand that I am limited to no more than 80 hours of ad hoc and unscheduled telework under an OPM announcement during the term of this agreement. I will not be required to telework when my office is closed for reasons other than Federal law or Executive order.
- I have requested Plan B. I understand that I must telework when my office is closed for reasons other than Federal law or Executive Order, or take a form of personal paid leave (e.g., annual, credit, compensatory), or request a change in my Alternative Work Schedule, 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. I may not switch to Plan A for the term of the individual agreement.
- I understand that it is my responsibility to ensure that I have sufficient work for the entire period of teleworking, and that I will be required to take a form of personal leave for all hours not worked.
- 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 *Telework 101 for Employees* via the Commerce Learning Center (CLC), the Telework Safety Checklist, and the Telework Assessment Tool. Training completion date: _____.
- 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 may request the appropriate personal paid 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 CFO/ASA Information Technology Security Programs and Policies, and DOC IT security requirements.
- When unscheduled leave or telework is announced by the Office of Personnel Management or other appropriate authority, I understand that the election is mine but I must notify my supervisor in accordance with the established policy of the office. However, in rare situations, my supervisor may deny my unscheduled leave/telework and require me (a "non-emergency" employee) to report for an assignment that requires my presence at the worksite.
- I certify that I will correctly and accurately report all time teleworked in the appropriate T&A system.

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.
- I have completed *Telework 101 for Managers* via CLC on _____.

Approving Official's Signature and Date: _____

Please provide original application, along with Appendix B-CFO/ASA Telework Assessment Tool, Appendix C-CFO/ASA Telework Worksite Safety Checklist, and a copy of the telework training completion certificate to the Operating Unit's Telework Coordinator. Complete packet will be returned to supervisor once reviewed for completeness.

Telework Program Coordinator

I certify I have reviewed this application and all sections are complete, properly signed and all required forms are attached (Appendices A, B, C and training completion certificate).

Name and Signature: _____ Date: _____

TERMS AND CONDITIONS

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. However, when an alternate worksite for telework requires long distance phone calls to the employee's conventional office, the OU may issue a calling card to charge work-related long distance phone calls. 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 XIX, Privacy Act, Sensitive Information, and Highly Sensitive Information – Requirement for Telework-Ready Employees.

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

Term – The term of the annual agreement shall expire on December 31, unless canceled or terminated earlier by either the employee or the employer; or renewed by agreement of the employee and the employer.

Maintenance of Records – The supervisor is responsible for maintaining all forms and records associated with this agreement. The CFO/ASA's Telework Coordinator, after reviewing complete application packet for completeness, will keep a copy for tracking and reporting purposes. A supervisor will provide a copy of the agreement to the employee for his/her reference.

APPENDIX B: TELEWORK ASSESSMENT TOOL

Employee's Name _____

The decision to telework is 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. YES NO
12. Employee has successfully completed the appropriate Commerce online teleworking training course. YES NO

APPENDIX C: TELEWORK WORKSITE 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: _____ Office Telephone: _____

Alternate Worksite: Home Other

Address: _____ Telephone: _____

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 from 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 Name, Signature, and Date: _____

Supervisor's Name, Signature, and Date: _____