

U.S. CENSUS BUREAU TELEWORK POLICY



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1. INTRODUCTION

1.1. Scope and Purpose

The Telework Program has been established for Census Bureau employees, consistent with the Department of Commerce (DOC) Telework Program Policy. The purpose of this document is to provide guidance for implementing, expanding, and improving this program. This program does not include contractors.

The purpose of the Census Bureau Telework Program is to ensure compliance with the Telework Enhancement Act of 2010 and the Department's Telework Policy by eventually enabling all eligible employees to apply for approval to participate in the program, and to provide and maintain continuous operations of the Census Bureau's services regardless of duty location. (Employee eligibility is defined in Section 3.) In achieving this goal, managers and employees are encouraged to seek creative solutions when considering telework assignments that will ensure continuity of operations, reduce operational costs, and improve the overall work-life balance for our employees.

Critical to the Census Bureau's goal of expanding the Telework Program in a meaningful way is the implementation of technology and policies that allow computer access inside the firewall. The Virtual Desktop Infrastructure (VDI) makes it possible for employees working remotely to access data, tools, and programs residing on their office computers that are essential to their daily work, as well as certain title-restricted data (Title 5, Title 13, Title 15, Title 26, and Personally Identifiable Information).

VDI has made telework more accessible to a larger number of employees and supports an increase in the number of telework days that may be worked each pay period.

This revised policy (1) applies to all parts of the Census Bureau, not just Headquarters and (2) incorporates the revised DOC Telework Policy (2014), the 2014 Office of Personnel Management's (OPM) Washington, DC Area Dismissal and Closure Procedures, and the June 23, 2014 Presidential Memorandum – "Enhancing Workplace Flexibilities and Work-Life Program."

This revised Telework Policy is being established in June 2015 to supersede all previous telework policies, including past practices, in place throughout the Census Bureau.

1.2. 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, or occasional 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 or Department offices are open but under an announcement of "Unscheduled Telework" by the OPM or other appropriate authority.

1.3. Benefits

A successful Telework Program is innovative and cost-effective, and benefits the Census Bureau, its employees, and the communities in which they work and live. For the Census Bureau, telework provides increased productivity, reduced absenteeism, greater employee retention, and expanded recruitment opportunities. It also provides for the continued operation of services during periods of emergency conditions, reduced costs for real estate and facility maintenance, and an enhanced public image.

Telework provides greater job satisfaction for employees by providing flexibility in managing one's time and activities. It improves morale by reducing stress in balancing work and home obligations, and by saving both time and money in costly, daily commutes.

For the community, telework promotes a cleaner environment, decreased traffic congestion, decreased pollution and energy consumption, and increased economic vitality.

1.4. Definitions

AD HOC or 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 or episodic basis (not a regular and recurring schedule), but must have successfully completed the appropriate required interactive telework training program (e.g., Telework 101 for Employees or an approved Bureau-designed program specific to the Bureau) via the Commerce Learning Center or some other system capable of tracking when each employee has successfully completed the course. An employee must have an approved individual telework agreement in place before participating.

APPROVING OFFICIAL – The official (division chief or equivalent - i.e., regional director, associate director, or above) authorized to approve individual telework agreements. In some cases, the approving official and the supervisor may be the same person.

ALTERNATE WORKPLACE – 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 five days in any calendar year (5 U.S.C. § 6502(a)(2)(A)) (without 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)) (without exceptions).

ELIGIBLE POSITION – A position is an eligible position unless 1) 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 Census Bureau, *or* 2) the employee performs on-site activities that cannot be handled at an alternate worksite.

CONTINUITY OF OPERATIONS (COOP) EMERGENCY EMPLOYEE – A COOP employee (Government) is assigned responsibility to report to an alternate site, as required, to

perform the Bureau's Mission Essential Functions or other COOP related operations. This category of emergency employees includes the Emergency Relocation Group and Emergency Command Team. The Census Bureau often refers to COOP Emergency Employees as CEEs.

EMERGENCY EMPLOYEE – An employee who occupies a designated “emergency” position that must have an individual telework agreement. These employees are expected to report to (or remain at) their worksite in dismissal or closure situations unless otherwise directed, and may be called upon to assist in providing essential services. If an emergency event occurs during duty hours, these employees are expected to remain on site, as the situation dictates, until properly relieved or provided additional instructions. The Census Bureau often refers to Emergency Employees as “Essential Employees” to avoid confusion with COOP.

ESSENTIAL FUNCTION – 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 or economic base in an emergency.

EXIGENT CONDITIONS – Conditions that exist that are determined to be inherently unsafe or such that normal work activities will be disrupted substantially for four or more hours and alternative arrangements for work to continue are deemed necessary.

HOME-BASED WORK – A work arrangement under which employees are approved to work full time from their homes, whereby the home is the official duty station. Home-based workers are considered remote workers, and are deemed teleworkers as defined by the OPM and under the terms of this policy because their homes are recognized as their duty station.

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 homes as their “home base,” for example, field representatives. Due to the nature of their work, they **are not** considered eligible to apply for telework. 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 his or 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 Approving Official. An employee’s official duty station determines the appropriate locality area for pay purposes for General Schedule or equivalent employees (5 CFR 531.605).

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.

REGULAR OR 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 paid, flexible work arrangement under which employees perform the duties and responsibilities of their positions, and other authorized activities, from an alternate worksite, not the traditional worksite.

TELEWORK AGREEMENT – The Telework Agreement is the written agreement which provides the framework, expectations, terms, conditions, and responsibilities by which an employee (who has met the requirements to apply for telework) completes, agrees to with management, and submits to the deciding official for approval or denial.

TELEWORK-READY EMPLOYEE – An employee who has completed the required telework training program, has a signed individual telework (either regular or recurring, or ad hoc) agreement, and has the required necessities to work the scheduled telework.

TITLE-RESTRICTED DATA – Information collected or available under any law or regulation that restricts access for confidentiality reasons, including Titles 5, 13, 15, 26, 42, and 44.

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

UNSCHEDULED TELEWORK – Authorized under an announcement by the Office of Personnel Management (OPM) or other appropriate authority. Telework that was not scheduled in advance; except in rare situations, does not require supervisor’s approval.

2. TELEWORK ENHANCEMENT ACT OF 2010

On December 9, 2010, President Barack Obama signed Public Law 111-292, the Telework Enhancement Act of 2010 (the Act). 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 apply to 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.

3. ELIGIBILITY AND PARTICIPATION

The Act makes a clear distinction between “eligibility” and “participation.”

3.1. Eligibility

An employee is eligible to telework unless one or more of the following exceptions apply:

- A. The employee has been officially disciplined¹ for being absent without permission for more than 5 days in any calendar year.

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

- B. The employee has been officially disciplined² 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.
- C. The employee is a mobile worker.

3.2. Participation

Under 5 U.S.C. § 6502(b), the following are the requirements for participation:

- A written agreement that is entered into between an agency manager and an employee authorized to telework, that outlines the specific work arrangement that is agreed 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 agency manager and that employee.
- Except in emergency situations as determined by the head of an agency, employees of the agency whose official duties require on a daily basis (every work day) the direct handling of secure materials determined to be inappropriate for telework by the agency head; or on-site activity that cannot be handled remotely or at an alternate worksite may not participate in telework.
- Direct facility maintenance.
- Facility and employee security.

Participation in the Telework Program is voluntary except for Emergency (“Essential”) and COOP employees. The Act stipulates in Section 6504(d)(2) that “During any period that an executive agency is operating under a continuity of operations plan, that plan shall supersede any telework policy.”

Participation in the program can be terminated voluntarily or involuntarily. An employee may choose to terminate a telework agreement any time after the arrangement starts. A supervisor must terminate an employee’s telework agreement if the employee has violated 5 U.S.C. §§ 6502(a)(2)(A), (B), or 6502(b)(3). A supervisor may terminate an employee’s telework agreement for other reasons in accordance with the Telework Policy. 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.

Teleworkers and non-teleworkers shall be treated the same for:

- Periodic appraisals of job performance of employees.

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.

- Training, rewarding, reassigning, promoting, reducing in grade, retaining, and removing employees.
- Work requirements.
- Other acts involving managerial discretion.

3.3. Program Participation

While all eligible employees are encouraged to apply to participate in the Telework Program, eligibility does not equate to automatic approval to participate. Telework is not an employee's right. Employees wishing to telework must obtain approval from their approving officials before beginning to telework.

Participation in the Telework Program is subject to the following conditions:

- A. The employee must successfully complete all required training, including telework training and data stewardship training;
- B. The employee must submit a telework agreement in CHRIS. (In the event that the employee does not have access to CHRIS, a written telework agreement must be completed, signed, and submitted by the employee with all requirements met.) The employee must have a written agreement with his or her supervisor that outlines the specific telework arrangement;
- C. The employee's previous rating of record is Fully Successful (or equivalent) or better;
- D. The employee has the required necessities to telework for his/her planned period of telework.
- E. The supervisor should complete and discuss with the employee Appendix B, "Telework Assessment Tool," to determine the employee's suitability for telework.
- F. The employee must certify that the alternative workplace is safe by completing the Telework Safety Checklist;
- G. The employee and supervisor must collaborate to ensure that all appropriate technology tools and resources are accessible from the telework site(s), and that working from the telework site does not diminish office operations;
- H. The employee must work for a sufficient time to become familiar and comfortable with the assigned work, division expectations, bureau and departmental requirements, and Census Bureau culture. A period of 60 to 120 calendar days of continuous Census Bureau employment is considered a reasonable guideline; however, this period may be extended or shortened, by the employee's supervisor, based on the employee's progress review or performance rating in conjunction with the assessment of the employee's ability to:
 - Perform without close supervision.
 - Prioritize work effectively.
 - Manage time appropriately.
- I. The employee's performance must comply with the terms of the written agreement between the supervisor and the employee (5 U.S.C. § 6502(b)(3)).

3.4. Levels of Telework

Some employees will decide 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. To accommodate both categories of employees, the Census Bureau offers two levels (plans) of telework, in accordance with the DOC policy.

Plan A

- Ad hoc and/or unscheduled teleworking no more than 80 hours during a term of 12 months beginning with the initial Plan A agreement.
- 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, employees must notify their supervisors in accordance with the terms of the written agreement.
- Approval for ad hoc telework. The employee must obtain supervisory approval before performing ad hoc telework.
- Sufficient work. Employees are responsible for ensuring they have sufficient work for the period of telework.
- Office is closed. The employee is not required to telework when the office is closed for reasons other than Federal law or Executive Order.
- 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.

Plan B

- Includes employees on a regular/recurring telework schedule and/or
- Employees doing more than 80 hours ad hoc and/or unscheduled telework. This includes employees who desire the option of doing ad hoc or unscheduled telework (or both) more than 80 hours.
- Approval for ad hoc telework. The employee must obtain supervisory approval before performing ad hoc telework.
- No approval needed for unscheduled telework under OPM or other appropriate authority announcement. However, employees must notify their supervisors in accordance with the terms of the written agreement. Employees may perform unscheduled telework without prior supervisory approval.
- Sufficient work. Employees are responsible for ensuring that they have sufficient work for the period of telework scheduled.

- Fewer than 80 hours of ad hoc or unscheduled telework. Performing fewer than 80 hours of ad hoc or unscheduled telework does not change the employee's election of Plan B.
- Offices are closed. Employees must telework when their offices are closed for reasons other than Federal law or Executive Order.

3.5. Official Duties

Teleworker agrees not to conduct personal business while in an official duty status at the alternate workplace (e.g., making home repairs).

3.6. Child or Elder Care

Telework is not a substitute for childcare. Telework may not be used to care for elders, children, or other dependents while in an official duty status. 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 performance of the employee's telework duties.

- When **Federal offices are closed**, an employee who is required to telework may request periods of personal leave during the workday (thus removing themselves from a duty status) to care for an elder, a child or a dependent.
- When **Federal offices are closed or in an unscheduled telework status**, the employee may, with supervisory notification, extend his or her workday, starting no earlier than 6:00 a.m., and extending beyond the 6:30 p.m. work day as long as it is by choice of the employee. **An employee who voluntarily extends the workday beyond 6:30 p.m. is not entitled to night differential, premium pay, or compensatory time.** For positions that require working during designated time frames during the day to provide support to customers in other time zones, this flexibility may be limited by management.

3.7. Teleworking

- Written agreements must indicate, in accordance with Census Bureau policy and any applicable collective bargaining agreements, that telework-ready employees on Plan B are required to telework from home or an alternate worksite when their office is closed for reasons other than Federal law or executive order. Telework-ready employees must follow their written agreements.
- 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), (2) the telework-ready employee's duties are such that the employee cannot continue to work without contact with the regular worksite.
- If the telework-ready employee faces a personal reason that prevents him or her from working successfully at the telework site, the employee may request the appropriate leave (annual, sick, compensatory, credit hours, compensatory time for travel) or may voluntarily make up time after 6:30 p.m. with supervisory notification. The employee may also switch to an alternate work schedule day off or use "flexing" consistent with the employee's alternate work schedule, if any.
- Systems are to be in place to support telework in an emergency, including a communication process to notify COOP employees and Emergency ("Essential")

employees of the activation of the agency's emergency plan, and the agency's operating status during the emergency.

- 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.

3.8. 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.

3.9. Factors to Consider

The employee and supervisor should work together to determine if telework is appropriate. The supervisor can use the information contained in the "Telework Assessment Tool" (Appendix B) to frame the discussion with the employee as part of the employee's submission of the telework agreement. Use of the Telework Assessment Tool does not preclude the employee from submitting an application. The factors that should be considered are listed below. Ultimately, the final decision rests with management in consultation with the Telework Coordinator.

- Is the office staff level sufficient to prevent a hardship when one or more employees may be working at the alternative workplace for an entire day? This does not mean that employees cannot telework, but it does mean that telework schedules must be coordinated to ensure continued office operations.
- Has the employee had sufficient time to become familiar and comfortable with the assigned work, division expectations, bureau and departmental requirements and Census Bureau culture? A period of 60 to 120 calendar days of continuous Census Bureau employment is a reasonable guideline. The potential teleworker's supervisor has the discretion to reduce or extend the waiting period based on the potential teleworker's individual circumstances. For instance, if an employee is returning from previous employment with Census Bureau and performing the same job function, this should be considered in assessing an employee's readiness to telework.
- Has the employee successfully completed all data stewardship-related training prior to requesting telework?
- Are the employee's performance and conduct acceptable? The supervisor should consider current performance, conduct, and attendance in determining whether the employee is eligible to participate in the Telework Program. For example, employees who have been told that they are exhibiting performance problems may not be suitable for telework. Also, a past record of discipline or leave abuse may not automatically disqualify someone from participation, but can be considered to determine whether an employee's conduct may make

that employee unsuitable for telework. Employees may be disqualified from teleworking due to their conduct, particularly when employees have been disciplined for leave violations and have been placed on a leave restriction.

- Is the employee capable of performing without close supervision? Telework may not be suitable for an employee who requires on-the-job training.
- Has the employee certified that the alternate workplace located in his or her home is safe by completing the Telework Program Safety Checklist? (See Appendix A.)
- Do the employee and manager have the ability, the equipment, and tools to communicate effectively with one another? Timely communication and responsiveness are critical to telework.

3.10. 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 or supervisors should consult Department Administrative Order (DAO) 215-10, Reasonable Accommodation Policy, the Collective Bargaining Agreement, and the Disability and Inclusions Office 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. The reasonable accommodation shall not be approved if it violates the provisions of the Telework Enhancement Act.

3.11. Notice of Eligibility

Information regarding the Telework Policy will be provided to new employees during orientation.

4. TELEWORK TRAINING

Comprehensive training is key to effective implementation of the Telework Program. Training focuses on how to manage and work at the alternate work site, including helping participants better understand the details of how the program will function and addressing specific issues, such as strategies for effective teleworking, compatible work projects, performance management, effective communication, and work plans. Training is available on an ongoing basis (see the **Commerce Learning Center, or CLC**). The Census Bureau will provide extensive training for teleworking employees and their supervisors.

IT Security training is mandatory for employees who wish to participate in the program. A supervisor or manager who has an employee approved to telework must successfully complete

the Census Bureau telework training prior to approving the employee's telework agreement, regardless of whether the employee intends to telework.

The employee who submits a telework agreement for review and decision must first submit to his or her supervisor a certificate of completion of the required Census Bureau telework training in the CLC. The supervisor must confirm that all required training has been completed by the employee prior to approval of a telework agreement and prior to the start of work at alternate worksite. Required training includes Census Bureau IT Security and relevant Title and Privacy Act data protection training.

5. THE PRIVACY ACT OF 1974, SENSITIVE PERSONALLY IDENTIFIABLE INFORMATION (PII), AND BUSINESS IDENTIFIABLE INFORMATION (BII) – REQUIREMENTS FOR TELEWORK-READY EMPLOYEES

All telework-ready employees are responsible for ensuring that records subject to the Privacy Act of 1974, sensitive PII, and BII are not disclosed to anyone except those who have been authorized access to such information in order to perform their duties. The Census Bureau must ensure that appropriate physical, administrative, and technical safeguards are used to protect the security and confidentiality of such records.

5.1. Disclosure of Records From an Agency System of Records

- 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.
- 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>
- 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.
- A Privacy Act incident occurs when an officer or employee of the agency, who by virtue of his or 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 or criminal sanctions, or both.
- Telework-ready employees must immediately report a suspected or confirmed Privacy Act incident to the Census Bureau's Privacy Officer or Computer Incident Response Team, and to their immediate supervisors.

5.2. Proper Handling of PII and BII

- Telework-ready employees are responsible for the safeguarding of PII and BII.
- 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.
- 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 and reporting requirements.
- 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's 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.
- 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, or secure sockets layer. Federal Information Processing Standards 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. Employees should check with the Census Bureau's Office of the Chief Information Officer to determine methods or services the Census Bureau is using to support the electronic transmission of sensitive PII.
- 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 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."
- 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.

- Sensitive PII and BII must be sent encrypted as an email 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 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. Sensitive PII and BII on CDs, DVDs, hard drives, flash drives, USB drives, floppy disks, or other removable media must not be mailed or sent by courier 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).
- Telework-ready employees and supervisors are responsible for complying with all Census Bureau guidelines on reporting PII and BII incidents. 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 the Census Bureau Privacy Officer or CIRT and their immediate supervisors. 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

6. PRIVACY ACT AND SENSITIVE INFORMATION REQUIREMENTS FOR TELEWORK-READY EMPLOYEES

- A. Decisions on the proper use and handling of sensitive information will be made by the individual supervisors who permit employees to work at home or at an alternative worksite. A telework agreement will be signed by telework-ready employees and their supervisors that contains the specific data types allowed to be accessed. Information is generally classified into the following groups: Non-Sensitive Information, Sensitive Information, and 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 (OSY) 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 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. **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.

7. CENSUS BUREAU CONFIDENTIAL DATA

7.1. Remote Access

Remote access to Census Bureau confidential and title-restricted data, except for persons teleworking from an approved alternate workplace using VDI, is prohibited via remote connection or any other means, unless specifically permitted for this purpose by the Chief Information Officer (CIO) approved policy, procedures and technology (see Section 7.2). No Title-restricted data may be transmitted or removed from the office to a teleworker's home, unrestricted website or FTP site. The employee must sign a separate VDI Telework Pledge form that will include rules, procedures, and restrictions governing the type of data access.

7.2. CIO-Approved Technology for Teleworking

The CIO will specify through the IT Security Policy, appropriate and approved technology and procedures for accessing information technology resources while teleworking remotely. Technical and security solutions for this purpose will evolve and teleworkers should anticipate changes from time to time. Currently, personally owned equipment is the only mechanism by which a teleworker can access IT resources remotely and using VDI, teleworkers can access their desktops, in the same manner as when they are in the office.

Teleworker access is available to systems and data that employees normally access when at work including PII, Title 13, Title 26 data, on personally owned equipment using VDI, technology and a RSA SecurID token for two-factor authentication.

7.3. Telework Without Remote Access

An employee whose job includes working with Census Bureau confidential data may be able to telework. However, there will be some limitations on the types of work an employee can do at the alternate workplace or when an employee might be allowed to telework, if the employee does not have access to the VDI, as addressed in Section 7.2. For example, if an employee is developing software that will execute on Census Bureau confidential information, the employee can write the logic while at the alternate workplace and can test it using “dummy” information (i.e., made-up data in the same format as the real data). The employee would not be able to execute the software on the Census Bureau confidential data or review the results until he or she returns to the official duty station. Title-restricted data may not be removed or transmitted from the Census Bureau for use in testing while teleworking or at any other time. Access to title-restricted data must be through the VDI environment only. Similarly, if the employee is writing a report that uses sensitive information, the employee could write the sections of the report that do not actually contain the sensitive data while at the alternate workplace but would have to write the remaining sections that contain sensitive data when at the official duty station.

Managers and employees are encouraged to seek creative solutions when considering work assignments. However, caution must be exercised to ensure that unnecessary or “busy” work is not assigned merely to allow telework.

8. INDIVIDUAL TELEWORK AGREEMENTS

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

8.1. Mandatory Requirements

- Indicate the length of the agreement within the written agreement.
- The telework agreement must indicate if the employee is electing Plan A or Plan B.
- All telework agreements must contain a notice clearly informing employees that if they are on Plan B, then they are required to telework whenever the office is closed, even if it is not their regularly scheduled telework day, except where provided by Sections 3.7 and 19.2.2 of the Telework Policy.
- All telework agreements must contain notification that when the appropriate authority announces “Unscheduled Leave” or “Unscheduled Telework,” telework-ready employees may elect either option by notifying their supervisors consistent with the employee’s telework agreement or the terms of an applicable collective bargaining agreement. Employees are to be reminded that, if they elect to perform unexpected telework, they must have a sufficient amount of work to complete the workday at home. If employees do not have enough work, they must either take unscheduled leave for the entire workday

or use a combination of unscheduled leave and unscheduled telework to account for hours not worked.

- 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. This may range from a temporary discontinuance to involuntary termination.
- 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.
- Inform employees that they may, at any time during the term of the individual telework agreement, elect to change from Plan A to Plan B.
- 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.
- Requirements: Outline any additional requirements (e.g., technology, specific software, data security, etc.).
- Clarify any assumptions, for example, regarding work locations (e.g., if expected to work only from home) and frequency and modes of communication (e.g., email vs. telephone, core hours for contact, speed for returning calls).
- If the employee is designated as an Emergency ("Essential") 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 employees and Emergency ("Essential") employees must have a telework agreement on file and be prepared to telework at any time.

8.2. Modification and Termination

- 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 Census Bureau are paramount. 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. This may range from a temporary discontinuance to involuntary termination.
- Management shall provide sufficient notice, when feasible, before modifying or terminating a telework 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.

- The employee may request to modify the current agreement (e.g., change the regular teleworking day). To do so, the employee should follow the procedure in the CHRIS Telework tab: <https://chris.hrd.census.gov/PageHolder.asp>.

9. HOW TO APPLY FOR TELEWORK

9.1. Application Procedure

Prior to submitting the electronic telework agreement, the employee must have successfully completed all the required training. The employee must discuss the telework agreement with his or her supervisor to ensure that the employee is eligible and has all of the information needed to complete the agreement.

An employee who is interested in participating in the Telework Program must apply online, currently through the CHRIS system (hereafter referred to as “online system”) located on the Human Resources Division website. All mandatory electronic forms associated with the submission process can be accessed, completed, and submitted through the online system. An employee who does not have access to the CHRIS system should contact the Telework Coordinator to arrange completion of a paper version of the telework agreement.

The Census Bureau telework pledge form shall be signed manually by the employee and the supervisor and submitted to the deciding official along with the electronic version of the telework agreement. The telework pledge form should be retained within the division or branch files.

9.1.1. Telework Agreement

The employee is responsible for completing the telework agreement (see Appendix A). The employee must then submit the agreement electronically through the online system. The approving official must review the entire agreement (to include telework safety checklist and telework checklist) and reach a decision to approve or disapprove the application.

9.1.2. Telework Safety Checklist

If the employee will telework from an office in his or her home, the employee must complete the safety checklist, which is part of the telework agreement. The employee should respond only to those questions that are applicable to the designated work area within the home. The employee must submit the safety checklist electronically as part of the complete agreement to the approving official to document review and acceptance of the responses.

9.1.3. Telework Checklist

The employee is responsible for completing the telework safety checklist, which is part of the telework agreement (see Appendix A), and submitting it electronically to the approving official as part of the complete agreement. The approving official is responsible for reviewing the

checklist for completeness. If the employee has responded “nonapplicable” to any of the items, the approving official and employee must discuss the item to assure that this response is appropriate.

After completing and submitting the mandatory forms, the online system will automatically generate an email to the employee’s first line supervisor. This email will inform the supervisor that the employee has submitted the required telework documents and permit the supervisor to review the completed forms.

The supervisor will have two workdays to review the documents and provide a recommendation for approval or disapproval to the approving official. After this time, the online system will automatically deliver all of the electronic forms to the approving official for final disposition.

The Approving official is expected to review the completed agreement and accompanying forms and consult with the Telework Coordinator, as appropriate, to make a decision regarding the agreement for telework.

Upon the approving official’s approval or disapproval, the online system will generate an email to the applicant advising of the decision and permitting access to the application.

9.2. Agreement Approval Process

Managers and supervisors are encouraged to allow telework where possible. However, realizing that telework is not appropriate for everyone, managers may disapprove requests based on work needs and after careful review and consideration of the factors listed in Sections 3.1 to 3.9.

Prior to the commencement of any type of telework arrangement, a first-level supervisor must ensure that a telework agreement has been completed and approved. The employee must have a written agreement that also specifies if the employee is required to telework during some emergencies. The first-level supervisor should also ensure that both the supervisor and the eligible employee, prior to teleworking, have read the Census Bureau’s policies regarding telework and have completed the required online training courses.

The first-level supervisor must ensure that he or she knows and understands the content of the telework agreement, and must take steps to resolve questions concerning protected data with other managers in the division and the Telework Coordinator, if necessary. The first-level supervisor must evaluate an employee’s request for telework participation in a fair and equitable manner and make a recommendation to the approving official as to whether the request should be approved or denied.

The approving official, after taking into consideration the recommendation of the first-level supervisor, will approve or deny the employee’s agreement to telework. Employees reporting directly to the division chief, regional director, or the equivalent level or above require only that person’s approval of the agreement. For an employee at or above the division chief level who is submitting a telework agreement, approval authority is delegated to the employee’s first-level supervisor.

The entire approval process should be completed within 10 workdays.

9.3. When to Update a Telework Agreement

During the performance year, certain events might cause a change to the employee's position, such as a move to another branch or division. When such changes happen, and to ensure that the employee's telework agreement remains accurate and up to date, the employee is required to revise or voluntarily terminate the prior agreement, and to resubmit it. Instructions are located in the employee's individual telework tab within CHRIS, and can also be accessed at the HRD Telework site (<https://collab.ecm.census.gov/div/hrd/intranet/employeerelations/Pages/When-to-Update-your-Telework-Application.aspx>).

Telework agreements must be reviewed and renewed yearly.

10. PERFORMANCE AND CONDUCT

10.1. Performance Evaluation

Performance elements and standards will not differ between the teleworker and other employees. To aid this process, the supervisor may need to communicate more frequently and comprehensively with the teleworker and focus more on how the supervisor will be evaluating the results of the teleworker's work. It is imperative that both the employee and the supervisor exercise good communication skills under the telework arrangement, work together to obtain a common understanding of expectations and desired results, and set reasonable and measurable objectives for work to be accomplished. To facilitate this, the manager and the employee may wish to use tools common to all employees, not just teleworkers, such as status reports, progress reviews or milestones – methods that have proven effective in measuring and evaluating performance.

10.2. Conduct

The employee is bound by U.S. Office of Government Ethics' Standard of Ethical Conduct for Employees of the Executive Branch (5 CFR Part 2635) while working at the alternative workplace. An employee who violates the rules of conduct may be subject to termination from the Telework Program or to disciplinary action, or both, including removal from Federal service.

11. THE WORKPLACE

11.1. Alternate Workplace

As defined in Section 1.4, the alternate workplace will be an employee's primary home, normally without Government-furnished computer equipment. If the need to change the alternate workplace arises, the employee must resubmit the telework agreement (with the updated telework safety checklist) to the approving official for approval prior to teleworking.

11.2. Official Duty Station

The official duty station is 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 the 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 employee's manager or supervisor. An employee's official duty station determines the appropriate locality area for pay purposes (Title 5, CFR 531.605). For those employees teleworking 100% of the time (remote workers), the duty station will be the employee's residence.

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

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.

11.2.1. Determining the Official Duty Station

A. Pay During Telework Agreements

- If the traditional worksite and the telework site are within the same locality pay area, the official duty station is the location of the traditional worksite.
- If the traditional worksite and the telework site are NOT within the same locality pay area:
 - 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.
 - The official duty station is the telework location (i.e., home or other alternative worksite) if the employee does NOT report at least twice each biweekly pay period on a regular and recurring basis to the traditional worksite.
- 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 in the pay period in a different pay locality area than the official duty station. That employee would continue to receive the same pay.

B. Pay During Temporary Telework Arrangements

- In certain temporary situations, the Census Bureau 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 from 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).

- One key consideration is the need to preserve equity between telework-ready and non-telework-ready employees working in the same areas as the telework location. Also, 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.

11.3. Characteristics of a Home Office

There may be special requirements driven by an employee's particular work assignments, but in general, an appropriate office for home-based telework should:

- Consist of a specific room, or part of one, defined in advance; be accessible by telephone; provide privacy and reasonable security for any Government-owned property, documents, supplies or other resources; taking all necessary precautions to safeguard Census Bureau and Federal Government data from inadvertent, incidental or malicious viewing or copying of Census Bureau data.
- Comply with applicable local building codes.
- Provide a hazard-free, safe working environment.

11.4. Reimbursement of Expenses

The employee is responsible for the basic costs of providing a functional home office. This includes telephone service in or near the designated alternate workplace, electricity, home insurance premiums, routine cleaning and upkeep, and the like.

Employees that telework may need to make outgoing calls to their customers. Supervisors are encouraged to require their teleworkers to sign up in advance for the remote call services feature to facilitate a smooth transition and continuation of calls being routed from the teleworker's office line to their alternate workplace phone. Use of the remote call services feature will permit employees to make business-related calls to their customers without incurring reimbursable costs to the agency. Information regarding the remote call services features can be found at the Telecommunications Office webpage or at the named link on the Human Resources Division Telework Webpage. The employee not using the remote call services feature may be reimbursed in the normal fashion for business calls from a personal telephone (Claim for Reimbursement for Expenditures on Official Business, SF-1164), when such calls are required to complete a work assignment.

12. TELEWORK SCHEDULE

An employee on flexible, alternate, or compressed work schedule may telework; however, pursuant to work needs and office coverage, limitations on telework days may apply. Work requirements should be the primary factor in determining the frequency of telework for an

employee. Under typical circumstances and with sufficient work, a teleworker may work at the designated alternative workplace up to four days per pay period. Supervisors should approve the maximum of four days per pay period unless there is a sound business reason not to approve it. The agency maximum of four days applies only to telework days of Plan A and Plan B; it does not include days of unscheduled telework or telework during a Federal office closure when announced by the OPM or other jurisdictional authorities. As newer technology permitting remote access behind the firewall is developed, rolled out, and evaluated as successful and safe, the expectation is that telework frequency per pay period may be expanded.

Under special circumstances associated with or affecting work requirements, a teleworker may request a temporary increase in telework frequency beyond four days per pay period, consistent with work requirements, deadlines, and other factors. Such requests require the support and timely approval of the teleworker's division chief. Employees that need to extend their telework days beyond the agency maximum for medical reasons should contact the Human Resources Division's Employee Relations Branch to seek assistance.

According to the workload, employees will develop, with their supervisors, a work schedule identifying the days and times that employees will work at the designated alternate workplace, in accordance with existing policies. When developing and approving work schedules, supervisors must consider the needs of the entire unit and balance days out of the office appropriately among the staff, in order to ensure adequate coverage. Once a telework schedule is determined, the employee should adhere to it as it is not the intent of the schedule to be modified from week to week. Supervisors should make every effort to include the teleworker in staff meetings (via a pre-arranged conference call in number) and help to facilitate better communication for the teleworker to participate. Assistance with conference call etiquette can be found on the Telework website under the link "Conducting Meetings involving the Teleworker." In rare instances, a supervisor may require an employee to report to the official duty station on a telework day, if the needs of the office so require. An employee is required to be available to the supervisor during the established telework work schedule. This requirement includes being able to receive calls from the office and customers, as appropriate.

With prior supervisory approval and subject to work requirements, employees may switch their telework days within the same pay period. Employees may change their telework days in the same pay period if they cannot telework on their regularly scheduled days. Supervisors are encouraged to approve employees' requests whenever possible to foster positive participation in the program. However, if a supervisor is not able to grant the employee's request, the supervisor must provide the employee with a written justification for the denial.

12.1. Off-Site Requests for Leave, Etc.

Leave requests while teleworking may be made and processed according to established leave policies without regard to an employee's telework status.

12.2. Overtime

For an employee on flexible, alternate, or compressed work schedules, overtime refers to all hours officially authorized to work in excess of the established work schedule. For an employee on a flextime work schedule, overtime refers to all hours officially authorized to work in excess of eight hours per day or 40 hours per week. For a full-time employee on a compressed work

schedule, overtime work consists of all hours of work in excess of the established compressed work schedule.

To minimize the possibility of an employee working unauthorized overtime hours, it is the responsibility of the supervisor to regulate and control the use of overtime and to establish tours of duty and clear expectations concerning work to be performed at the alternate workplace. An employee may not work overtime on a specific project or assignment, unless the supervisor has given explicit approval to do so (for example, by completing Form CD-81, Authorization for Paid Overtime and/or Holiday Work, and for Compensatory Overtime), in advance. The employee is responsible for requesting, in advance, approval to work in excess of his or her normal hours of duty. The supervisor must approve schedules in advance. By signing the telework agreement, the employee agrees not to work or expect to be compensated for unauthorized overtime, compensatory time, or credit hours consistent with policies while in the official duty station.

Equity in overtime is afforded to teleworkers and non-teleworkers according to established overtime policies and shall not be granted or denied on the basis of an employee's telework status.

12.3. Time and Attendance

Employees who deviate from their normal work hours will do so in accordance with established schedule policies without regard to employees' telework status. All telework hours must be recorded each pay period in the electronic time and attendance system WebTA.

It is very important for each teleworker to record all hours teleworked in the automated timekeeping system to ensure that the Census Bureau is accurately tracking and reporting telework to the Department of Commerce, OPM, Congress, and for purposes of measuring progress toward annual Census Bureau telework targeted goals. If an employee does not report telework hours regularly, after being reminded to do so, the Census Bureau may terminate the employee's telework agreement.

12.4. Reporting to an Official Duty Station From an Alternate Site

In cases where an employee who has already started the telework day at the alternate site must report to work (e.g. to attend an emergency meeting), the employee generally will not be charged personal leave for the commute into the official duty station. The employee, upon arrival at the official duty station, should continue to perform his or her duties at the official duty station for the remainder of the workday and will not be permitted to return to the alternate site. Where possible, every attempt should be made to minimize these interruptions, for example utilizing teleconferencing or videoconferencing when available. Supervisors should not permit an employee (who has begun to telework from the alternate approved worksite) to report to the official duty station without prior supervisory approval. Permitting the employee to do so may create a possible workers' compensation dilemma for the agency.

13. CHANGES TO APPLICABLE LAWS, RULES, REGULATIONS, CENSUS BUREAU POLICIES, AND CONTRACT LANGUAGE

The Census Bureau Telework Program does not change any laws, regulations, Census Bureau policies, applicable rules, or contract language in the current collective bargaining agreement(s). Current policies and procedures, such as work schedules, hours of duty, leave and others, continue to apply to teleworkers and non-teleworkers without change. Future changes to applicable laws, regulations, policies, rules, or contract language may be subject to appropriate negotiated procedures.

14. EQUIPMENT AND SUPPLIES

14.1. Personally Owned Equipment

As mentioned in previous sections, the CIO will specify through IT Security Policy, appropriate and approved technology and procedures for accessing information technology resources while teleworking remotely. Personally owned equipment will likely continue to be the primary technology approved for telework at home or at an approved alternate worksite and is sure to evolve beyond the typical personal computer and will include mobile devices and tablets using cellular, Wi-Fi and other broadband connectivity.

14.2. Government-Furnished Equipment (GFE)

GFE (such as PCs, laptops, tablets, etc.) may be assigned solely for telework in extenuating circumstances but this approval will be a rare exception and not the rule. Employees in a work-at-home arrangement should consult their divisions regarding GFE. In other cases, GFE that has been approved and provided to the employee for other work-related purposes requiring secure, remote access can also be used for telework. An employee possessing GFE may generally also use it for telework as long as it complies with CIO policy and with supervisory approval. This provision also permits the use of Government-provided mobile devices such as smartphones for telework as long as the remote access technology is CIO-approved for those devices.

14.3. Publicly Shared and Accessible Equipment

Workstations such as are available in public libraries, schools, airport kiosks, restaurants, coffee shops, and hotel business centers will not be approved and must not be used for telework.

14.4. Care of Equipment and Supplies

An employee is responsible for the proper use, care, and protection of any Census Bureau-issued resources.

The employee should refer to the Acceptable Use Policy for Information Technology Systems in the Census Bureau's Policies and Procedures Manual, for information on personal responsibility when accessing information technology resources. The Census Bureau employee working at an alternate site, including his or her home, must adhere to the same rules and laws regarding sensitive and Census Bureau confidential data that apply at the official duty station. An employee engaging in any unauthorized access to the Census Bureau network or in the improper use of restricted information or sensitive, Census Bureau confidential data at the home

workstation (including personal computers) will be subject to the applicable administrative and criminal penalties pursuant to the law and departmental policies.

14.5. Protection of Government Property

The employee is responsible for protecting all agency records, documents, and supplies used at any alternate workplace from unauthorized disclosure, damage, or use for other than official purposes.

According to the current IT Security Policy, the employee is authorized to carry electronic files between work and an alternate site only if files are encrypted and stored on a Census Bureau approved device.

No title-restricted data can be printed, taken, or sent from the office to (or from) a teleworker's home, or unrestricted FTP site.

14.6. Disposition of Census Bureau Documents and Records

The disposition of agency documents and records used at the alternate workplace remains subject to applicable policies and procedures.

15. SAFETY

When the proposed alternative worksite is an employee's private residence, the employee should ensure that his or her home complies with safety requirements. Employees applying for telework must complete the self-certification telework safety checklist (see Appendix A) as part of the application process. An application may be disapproved on the basis of safety reasons only in the absence of a completed telework safety checklist.

15.1. Liability

The agency will not be held liable for damages to an employee's personal or real property while the employee is working at the approved alternative worksite, except to the extent that the Government is held liable under the Military Personnel and Civilian Employees Claims Act and the Federal Tort Claims Act.

15.2. Injuries or Accidents

Employees performing their duties through an approved telework arrangement are covered under the Federal Employees Compensation Act if the employees are injured in the course of actually performing official duties at the alternative worksite. Employees must notify their supervisors immediately of any such accidents or injuries that occur at the alternative worksite, and must complete any required forms. Supervisors must investigate all reports as soon as possible following notification.

Employees should also report any accidents or injuries to the local Health Unit immediately upon returning to the official workplace. If an employee is unable to return to the official duty station, that employee must call the Health Unit to report any accident or injury. The Health Unit will provide all necessary accident or injury forms for completion by the employee and supervisor.

16. DISPUTES

Any dispute related to the Census Bureau's Telework Program should be dealt with informally, whenever possible. Mediation is available through the Census Bureau's Alternative Dispute Resolution (ADR) Program. A bargaining unit employee may raise a dispute under the negotiated grievance procedure by contacting the appropriate Union office. An employee not covered by the negotiated grievance procedure may use the administrative grievance procedure prescribed in the DOC Administrative Order 202-771.

The ADR is available at any point during any complaint process if both parties agree to participate. For more information about the ADR Program, contact the ADR Coordinator at DIR.ADR.Coordinator@census.gov or 1-800-872-6096.

17. TELEWORK AGREEMENT DENIALS AND TERMINATIONS

Once a telework agreement has been submitted, an employee may withdraw or request to terminate the telework agreement at any time unless he or she is a COOP or Emergency ("Essential") employee who is required to maintain a telework agreement. The supervisor may deny a submission of a telework agreement, or may terminate a telework agreement with appropriate justification.

17.1. Telework Agreement Denials

A recommendation by the supervisor to the approving official to disapprove the telework agreement must be based on telework provisions and business needs. The final decision on the telework agreement should be issued electronically to the employee within ten workdays of its submission. NOTE: The decision will contain the reason for the disapproval, and must be maintained by the supervisor. If there are concerns or questions regarding the reason for disapproval, the approving official should consult the Telework Coordinator either by email or phone. The supervisor should discuss with the employee anything the employee can do to improve the likelihood of being approved to telework at a later date, and indicate the earliest re-application date.

17.2. Telework Terminations

Employees may voluntarily terminate participation in the Telework Program without prejudice, unless they are COOP or Emergency ("Essential") personnel. Employees are expected to give sufficient notice (at least seven days) so that arrangements can be made to accommodate their return to a regular work schedule.

A supervisor may involuntarily terminate an employee's telework arrangement according to the section below.

17.3. Reasons for Involuntary Termination

The involuntary termination of the telework agreement must occur in the electronic system using the telework involuntary termination process (Appendix C). The supervisor or the approving official should consult the Telework Coordinator if the reason for involuntary termination does not fall in the list below. The supervisor or the approving official must include the reason the

agreement is being terminated. Below are a number of reasons (which may not be all-inclusive) a supervisor can involuntarily terminate a telework agreement.

- A. The employee is placed on a leave restriction.
- B. The employee is placed on a Performance Improvement Plan.
- C. The employee continues to show a pattern of failing to adhere to the requirements specified in the individual telework agreement, after the supervisor has discussed the issue with the teleworker.
- D. The employee violates confidentiality rules and laws.
- E. The employee has demonstrated an established pattern of inability to work effectively from an alternate worksite without diminished performance. Diminished performance includes reduced work production, non-responsiveness to telephone calls, or non-availability.
- F. The employee fails to correct identified safety problems related to the home based or other approved alternate worksite.
- G. Conditions have changed so that the employee's work can be done **only** at the employee's regular workplace.
- H. The employee is officially disciplined for being absent without leave for more than five days in any calendar year (this involuntary termination is permanent).
- I. The employee is officially disciplined for violation of the Office of Government Ethics' Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR Part 2635) for viewing, downloading, or exchanging pornography on a Government computer or while performing official Government duties (this involuntary termination is permanent).
- J. The Census Bureau's inability to support costs of telework, due to budgetary concerns.
- K. Violation of the Office of Government Ethic's Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR Part 2635) while at the approved alternate worksite.
- L. Failure to report telework hours regularly on the employee's timesheet.

17.4. Termination Process

When terminating an agreement, the supervisor will complete the Telework Involuntary Termination Form through the online system (see **Appendix C**). Copies of the form will be forwarded automatically to the Telework Program Coordinator, the teleworker and his or her supervisor. It should be noted that the supervisor's submission of the form does not constitute agreement on behalf of the teleworker with the termination or the rationale set forth on the form.

17.5. Applying After Termination

After a termination for cause, the employee will be eligible to reapply to the program after a period of 90 days unless the employee has permanently lost eligibility to participate. This period will be utilized by the employee's supervisor to assess the employee's work assignments, improved performance or conduct, and the employee's ability to adhere to the terms of the telework agreement. The supervisor will work with the employee to address the areas of concern.

18. PROGRAM-LEVEL EVALUATION

Consistent with the Telework Enhancement Act of 2010 (P.L. 111-292), 5 USC 6506, and the U.S. Department of Commerce Telework Program (October 2014), the Census Bureau is required to answer OPM and Commerce Department calls for data on telework. The Census Bureau is required to develop and implement a reporting system that captures telework participation, hours teleworked, terminations, and disapprovals. Reports providing the information listed below must be provided to the Department's Telework Program Manager (TPM) when requested by the TPM.

18.1. Degree of Participation

The degree of participation of employees in teleworking during the period covered by the OPM report, including:

- A. The total number of employees in the agency.
- B. The number and percent of employees in the agency who are eligible to telework.
- C. The number and percent of employees in the agency who are teleworking
 - 3 or more days per pay period
 - 1 or 2 days per pay period
 - Once per month
 - On an occasional, episodic or short-term basis.

18.2. Additional Information to be Provided to the TPM

- A. Description of the method for gathering telework data
- B. The reasons for positive or negative variation if the total number of employees teleworking is 10 percent higher or lower than the previous year
- C. The Census Bureau's goal for increasing participation to the extent practicable or necessary
- D. An explanation of whether or not the Census Bureau met its established goals for the last reporting period and, if not, what actions are being taken to identify and eliminate barriers
- E. An assessment of the progress made in meeting Census Bureau participation rate goals during the reporting period
- F. A description of best practices

In addition, the Census Bureau will also track the number and percent of eligible employees who have approved applications.

The Census Bureau will respond to other requests from the Chief Human Capital Officer and Telework Managing Officer of the Department of Commerce, the Department's Telework Program Manager, and the OPM. The Census Bureau may authorize studies to address these and other areas of concern.

These reports will be shared with the Labor Management Council.

19. TELEWORK DURING EMERGENCY SITUATIONS

Emergencies can disrupt Government activities at the level of an individual bureau, an operating unit or a building alone, for a regional area, or for the Nation as a whole. Although a variety of circumstances may affect individual situations, the principles governing administrative leave, dismissals, and closings for employees inside the Washington, DC Capital Beltway are covered by the provisions of OPM's publication "Washington, DC Area Dismissal and Closure Procedures." The appropriate Federal Executive Board or Regional Authority will make decisions for other geographical areas.

19.1. Emergencies Limited to One or More Census Bureau Facilities

In the event of an emergency at a Census Bureau facility where the building (or a portion thereof) is deprived of electricity, network connectivity, adequate lighting or temperature controls or other similar factors (for example, a water main break), the division chief or equivalent can approve telework for employees who have an approved telework agreement.

19.1.1. Types of Facility Emergencies

Telework for exigent conditions also can be approved for telework-ready employees in specific short-term emergency situations that affect employees' ability to conduct work in the Census Bureau facility. These very unusual situations could include but are not necessarily limited to the following:

- Uncontrolled gas leak in the vicinity of the building that prevents entry to the facility.
- Local police action that prevents entry to the facility.
- Terrorist activity or imminent threat of terrorist action that is not tied to a national or regional COOP situation.

19.1.2. Threshold

This authorization for telework due to exigent conditions applies only to those occasional, infrequent situations where operations or conditions at the Headquarters or other Census Bureau facilities are substantially disrupted or are determined to be inherently unsafe.

Conditions must exist such that normal work activities will be disrupted substantially for four or more hours and alternative arrangements for work to continue are deemed necessary. Under these circumstances, the division chief or equivalent has the authority to approve alternative arrangements for continued work, for all authorized employees. Telework may be approved for telework-ready employees.

19.1.3. Requirements

An employee must apply for the Telework Program, complete the online telework training, have an approved telework agreement, and sign the telework pledge in order to be authorized to telework for both normal and emergency situations.

All COOP and Emergency ("Essential") employees must have a telework agreement on file and be prepared to telework at any time. Depending on the emergency, they may or may not be required to come to the regular duty location or to telework. An employee designated as a "COOP Emergency Employee" who does not intend to voluntarily participate in the Telework

Program does not have to select Plan A or B, but will generally telework when a COOP-related event occurs. If the COOP Emergency Employee chooses to voluntarily participate in the Telework Program, that employee may choose either Plan A or Plan B. If Plan A is selected, that employee will generally not be required to telework in a non-COOP emergency unless the employee has teleworked beyond the 80 hours in a 12-month period. Hours teleworked in a COOP emergency will not count toward the 80 hours.

Employees who are Emergency (“Essential”) employees must have an approved telework agreement that, at a minimum, designates them as Emergency “Essential” employees who will telework as needed under Plan B, as they are required to telework in the case of an OPM announcement of “Federal Offices are Closed.” Emergency “Essential” employees may also voluntarily participate in the Telework Program by selecting, under Plan B, either the regular/recurring or situational/ad hoc schedule.

During an announcement of “Federal Offices are Closed,” Essential Employees designated for the purpose of completing work related to Economic Indicators who are not voluntarily participating in the Telework Program under Plan B, may not be required to telework if it is not a high-production time. The supervisor will determine if these employees are required to telework.

19.1.4. Options

Except for those who are designated COOP or Emergency (“Essential”), employees have the right to request to telework under these circumstances, or accept other available alternative work arrangements within the building, at another acceptable location, or be placed on administrative leave.

19.2. Emergencies Affecting the Census Bureau and Other Federal Agencies That Are Not Defined as COOP Emergencies

OPM makes decisions regarding unscheduled telework when Government offices are open and there is early dismissal or delayed arrival to and from Federal offices in the Washington D.C. metropolitan area. Those decisions are announced on OPM’s website and in the public media. Announcements in other geographic areas are determined by their respective regional and local authorities.

When such an announcement is made, the following will apply:

19.2.1. Unscheduled Telework

It is Government policy that unscheduled telework is authorized to the maximum extent possible to continue work operations during periods of inclement weather or other emergencies without compromising the safety of employees and the general public. This type of telework is permitted when authorized by OPM or some other appropriate authority. Unscheduled telework allows telework-ready employees to work from home or at an approved alternate location upon notification to their supervisors in accordance with the office policies or the terms of an applicable collective bargaining agreement.

Special attention should be paid to those employees who will telework only on an occasional, situational basis during events or circumstances that disrupt or prevent commuting or reporting

to work at the conventional office. It is important to emphasize that the key to successful use of telework for these purposes is an effective routine Telework Program. Snow emergencies, for example, may be rare events, but to operate as intended, telework must be a regular and recurring activity for eligible, approved teleworkers.³

OPM has incorporated the unscheduled telework option into various operating statuses.

19.2.2. Federal or Departmental Offices Are Closed

When OPM or other authority announces the Federal Government is operating under a **Federal Offices are Closed** status, employees on Plan B **must** telework consistent with their telework agreements when Federal or 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.

Telework may not be used to care for elders, children, or other dependents while in an official duty status. 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's performance of telework duties.

- When **Federal offices are closed**, a teleworker may request periods of personal leave during the work day (thus removing themselves from a duty status) to care for an elder, child or dependent; or
- When **Federal offices are closed**, the employee may notify the supervisor that the employee is voluntarily extending the work day at the earliest at 6:00 a.m. to beyond the 6:30 p.m. work day (without receiving pay premium night differential), as long as it was by employee request. **An employee who voluntarily requests and is approved to extend the work day beyond 6:30 p.m. (or as defined in the collective bargaining agreement) is not entitled to night differential.**

Excused absences can be granted on a case-by-case basis for employees who were scheduled to telework when OPM or other authority announces Federal offices are closed for various situations (e.g., electricity, infrastructure, connectivity).

However, on a case-by-case basis, the manager or 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 alternative telework site, (3) the telework-ready employee's duties are such that the employee cannot continue to work without contact with the traditional worksite..

19.2.3. Early Dismissal or Delayed Arrival

When emergencies such as fires, chemical spills, disruptions of power or water, or interruptions of public transportation impact the regular worksite and cause an early dismissal or delayed arrival of employees, those who are teleworking at an alternative worksite are not dismissed

³ United States Office of Personnel Management, December 2013. "Washington, DC, Area Dismissal and Closure Procedures," introductory letter and page 2

from duty for any part of the work day and do not receive any premium pay for continuing to work their normal schedule. However, managers or supervisors may grant excused absence on a case-by-case basis, if the employee is unable to continue teleworking because the alternative worksite is also impacted (e.g., disruption of electricity or network connection problems that prevent telework) by the emergency.

When an early dismissal or delayed arrival is provided due to inclement weather causing hazardous or potentially hazardous road conditions to allow employees to arrive or return home safely, those who are teleworking from their alternative worksite are not dismissed from duty for any part of the workday unless they cannot continue to successfully work without contact with the regular office.

The supervisor or manager may grant excused time on a case-by-case basis, if the employee's duties are such that he or she cannot continue to successfully work at the alternative worksite without contact with the regular office.

The procedure described in Figure 1 applies when an emergency condition forces the early dismissal of the Census Bureau or any specific areas of the Census Bureau, and employees are excused time as a result.

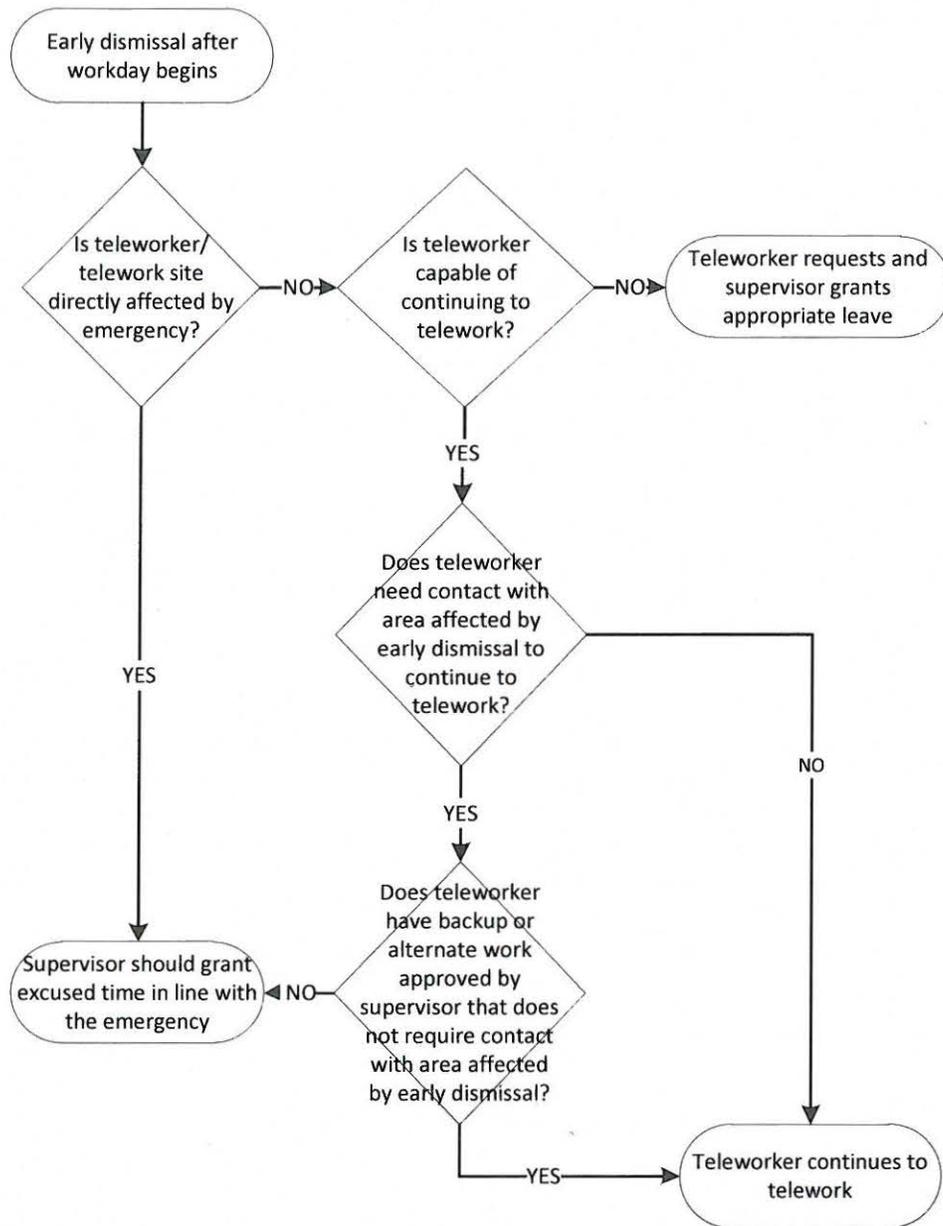


Figure 1 – Procedure for Early Dismissal After Workday Begins

When the Census Bureau announces an early dismissal of employees for non-emergency conditions, such as on the day prior to a Federal holiday, all employees will be excused, regardless of telework status.

The procedure described in Figure 2 applies when Federal offices are closed.

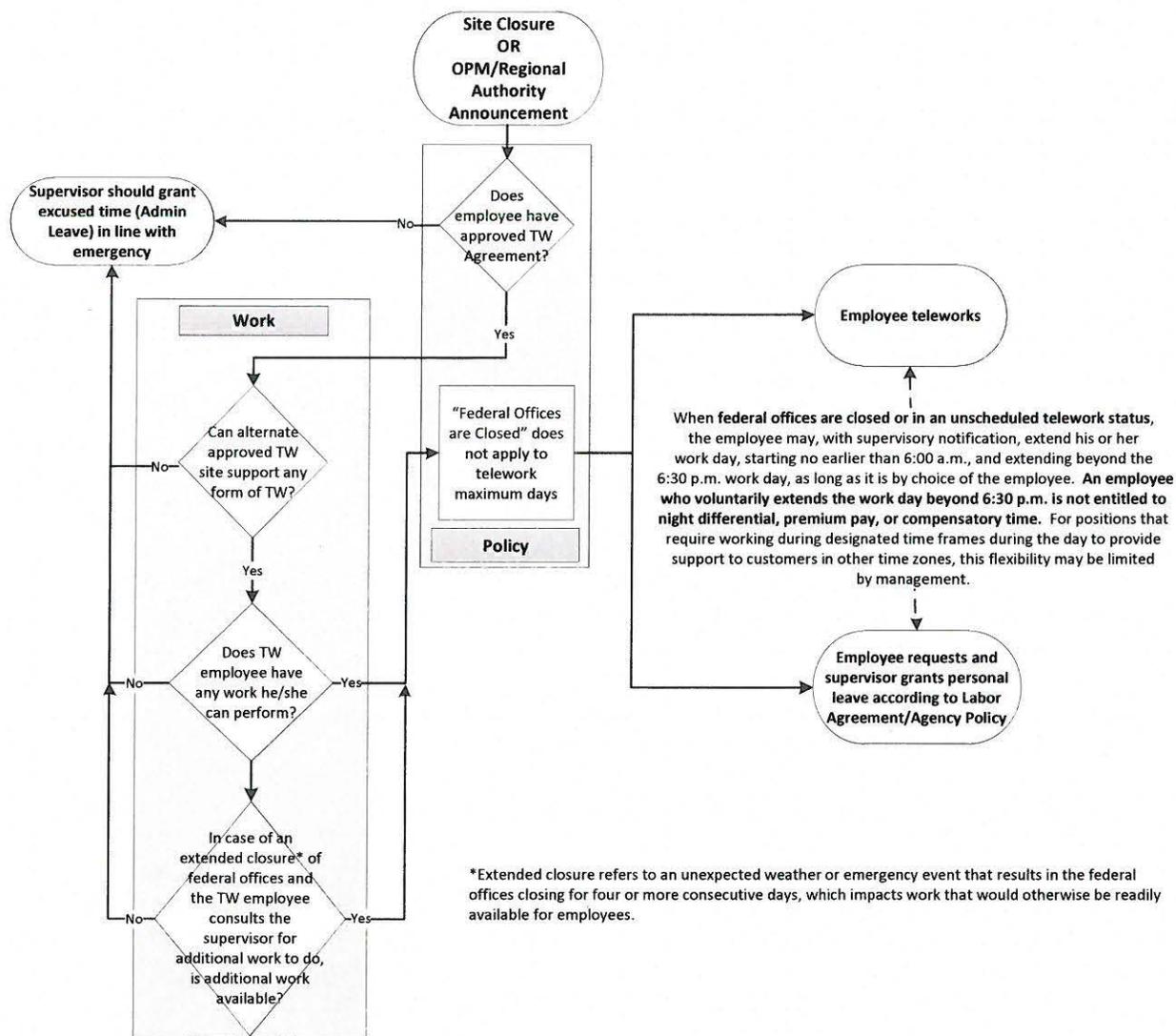


Figure 2 – Procedure for Closure of Federal Offices

19.2.4. Emergency at the Alternative Workplace

When an emergency affects only the alternative worksite, teleworkers will immediately notify their supervisors and seek guidance. If the emergency affects the alternative worksite and impacts the employee’s ability to perform official duties for what could be a major portion of the workday, the employee, with concurrence of the supervisor, is expected to report to the regular office or approved alternative telework site. Alternatively, the employee may request supervisory approval of paid personal leave as applicable (i.e., annual, compensatory time, compensatory time off for travel, leave without pay, credit hours, etc.). Supervisors may approve administrative leave, if applicable.

On a case-by-case basis, the Census Bureau may excuse a telework employee from duty during an emergency, without charge to personal leave or loss of pay, if:

- The emergency adversely affects (e.g., disruption of electricity or network connection problems that prevent telework) the telework site
- The teleworker is unable to access the alternative telework site
- The teleworker's duties are such that he or she cannot continue to work without contact with the regular worksite.

19.3. Telework and Continuity of Operations Emergencies

COOP emergencies are large-scale national security or regional emergencies that require concerted action to maintain critical Government operations. Examples of some potential COOP situations include credible threats of terrorist strikes, biological or chemical threats, and pandemic illnesses (such as bird flu) that require a large-scale quarantine of the local population for two or more weeks.

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."

COOP employees may be required to telework during COOP emergency closures or other emergencies, including pandemics for COOP purposes, on any day when the agency is closed by an emergency even if that day is not a regular telework day or a day with specific approval for situational or episodic telework. Teleworkers may also be required to perform duties outside of their usual or customary duties to ensure continuation of agency-essential mission or activities.

All COOP employees must have a telework agreement on file and be prepared to telework at any time. Depending on the emergency, they may or may not be required to come to the regular duty location or to telework. An employee designated as a "COOP Emergency Employee" who does not intend to voluntarily participate in the Telework Program does not have to select Plan A or B, but will generally telework when a COOP-related event occurs. If the COOP Emergency Employee chooses to voluntarily participate in the Telework Program, that employee may choose either Plan A or Plan B. If Plan A is selected, that employee will not be required to telework in a non-COOP emergency unless the employee has teleworked beyond the 80 hours in a 12-month period. Hours teleworked in a COOP emergency will not count toward the 80 hours.

Designated Emergency ("Essential") employees, who are required to work during closures for inclement weather, will be required to check Plan B and are required to telework in the case of an OPM announcement of "Federal Offices are Closed."

During an announcement of "Federal Offices are Closed," Essential Employees designated for the purpose of completing work related to Economic Indicators who are not voluntarily participating in the Telework Program under Plan B, may not be required to telework if it is not a high-production time. The supervisor will determine if these employees are required to telework.

COOP employees and Emergency ("Essential") employees have a responsibility to be familiar with the Census Bureau's emergency plans (continuity plan, pandemic plan, etc.) and the unscheduled telework policy. All telework hours must be recorded each pay period in the automated timekeeping system.

COOP employees, along with their supervisors or managers, are responsible for maintaining a current telework agreement that clearly states whether the teleworker is expected to work in case of a COOP event such as a national or local emergency, during an emergency event involving inclement weather, or during another situation that may result in a disruption to normal office operations.

Advance or situational decisions should be made as to whether the employee must physically report for duty or can work from home or an alternate worksite. For example, if the purpose of the employee reporting for duty at the office is to provide policy guidance or to notify specific individuals of emergency requirements, this may 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 an inclement weather or other emergency situation results in a shutdown of transportation, but phone lines remain working, the employee may have to work from home, rather than reporting to the regular office or COOP site.

APPENDIX A: TELEWORK AGREEMENT

Applicant

Applicant : Application
Application

U.S. DEPARTMENT OF COMMERCE		APPENDIX A
CENSUS BUREAU		
Applicant's Name:	Sandra Rice	
Telephone:	301.763.3333	
Job Title:	IT SPECIALIST	
Series:	2200	
Grade:	12	
Division:	ASD	
I request to telework from:	Home - Primary Address	
Supervisor's Name:	Bell, Edmond R - (HRD)	
Approving Official's Name:	Hobbs, Joseph F	
Voluntary Participation:	The applicant voluntarily agrees to work at the Census Bureau approved alternate workplace indicated above and to follow all applicable policies and procedures. Some emergency personnel may be required to telework during emergencies. The applicant recognizes that the telework arrangement is a privilege, not a right. It is an additional method the Census Bureau may approve to accomplish work.	
Length of Agreement:	--	
Primary Workplace Address:		
Description of Work to be Performed at the Workplace:		
Emergency Personnel Required to Work:	<input type="checkbox"/> Essential Employee *Must apply to Plan B. <input type="checkbox"/> COOP Emergency Employee *An employee designated as a "COOP Emergency Employee" who does not intend to voluntarily participate in the Telework Program does not have to select Plan A or B, but will generally telework when a COOP-related event occurs. If the COOP Emergency Employee chooses to voluntarily participate in the Telework Program, that employee may choose either Plan A or Plan B. If Plan A is selected, that employee will generally not be required to telework in a non-COOP emergency unless the employee has teleworked beyond the 80 hours in a 12 month period. Hours teleworked in a COOP emergency will <u>not</u> count toward the 80 hours.	
Type of Plan:	<input type="checkbox"/> Situational/Ad hoc/unscheduled telework *Employees who have selected Plan A may upgrade at any time to Plan B.	
Plan A:		
Situational/Ad		

Telework Policy

<p>hoc/unscheduled telework up to 80 hours. Not required to telework if Federal Offices are closed.</p>	
<p>Plan B:</p> <p>Routine/Recurring or Situational/Ad-hoc telework schedule beyond 80 hours. If selected, you are required to telework on a day when Federal Offices are closed.</p>	<p>Week 1 Please select the day(s) of the week M <input type="checkbox"/> T <input type="checkbox"/> W <input type="checkbox"/> TH <input type="checkbox"/> F <input type="checkbox"/></p> <p>Week 2 Please select the day(s) of the week M <input type="checkbox"/> T <input type="checkbox"/> W <input type="checkbox"/> TH <input type="checkbox"/> F <input type="checkbox"/></p> <p>Work At Home Teleworker: <input type="checkbox"/> Telework 5 days/week Situational/Ad-hoc Teleworker: <input type="checkbox"/> Situational/Ad-hoc Teleworker Essential Employee: <input type="checkbox"/> Telework as needed</p>
<p>Salary and Benefits:</p>	<p>The supervisor and applicant understand that a telework arrangement does not change the basis for determining the applicant's salary, benefits or entitlements.</p>
<p>Official Duties:</p>	<p>The applicant agrees not to conduct personal business while in an official duty status at the alternate workplace (e.g., caring for dependents or making home repairs.)</p>
<p>Performance Standard:</p>	<p>I understand I must maintain my performance at Fully Successful (Level 3). If not, my telework privileges may be suspended or cancelled until my performance reaches the required level.</p>
<p>Time and Attendance:</p>	<p>The employee agrees to report the time and attendance (biweekly) for hours worked at the conventional office and to code the hours worked at the alternate workplace as telework.</p>
<p>Leave:</p>	<p>The applicant agrees to follow established office procedures for requesting and obtaining approval for leave.</p>
<p>Overtime:</p>	<p>The applicant agrees to work overtime only when requested and approved by the supervisor in advance and understands that claimed overtime work without such approval may result in termination of the telework privilege.</p>
<p>Alternate Workplace Costs or Retention Work Plan Arrangement:</p>	<p>All costs associated with the alternate workplace are borne by the teleworker. Employees in a full-time Work at Home (WAH) agreement through the Field Realignment will not be responsible for costs related to the set up of their alternate workplace. Other employees in a voluntary WAH agreement or Retention Work Plan (RWP) arrangement may bear set up and maintenance costs for their alternate workplace. Employees in a WAH or RWP agreement should consult their Division regarding government furnished equipment. The Census Bureau will provide a government calling card, as needed, to be used for all work-related long distance business calls.</p>
<p>Equipment / Supplies:</p>	<p>The applicant is responsible for the proper use, care and protection of any government-issued resources. The Census Bureau will not normally provide government-furnished computer equipment to a home site, nor will support be provided for an employee's personal computer or home equipment. The teleworker assumes all risk for any personally owned equipment and software used for telework. Accordingly, the Census Bureau will not be responsible for any damages, service or maintenance to an employee's personal computer or home equipment outside the limits of government liability.</p>
<p>Security:</p>	<p>The applicant agrees to follow all existing security policies and procedures. Title-Restricted data may not be accessed or used from the alternate workplace until new technology approved by the Chief Information Officer is made available to the teleworker and the teleworker signs the WDI Telework Pledge form.</p>
<p>Liability:</p>	<p>The applicant understands that the government will not be liable for damages to his/her personal or real property while he/she is working at the approved alternate workplace, except to the extent the government is held liable under the Military Personnel and</p>

Telework Policy

	Civilian Employees Claims Act and the Federal Tort Claims Act.
Work Area:	An applicant working at home agrees to provide a designated work area adequate for performance of official duties and meet the safety requirements as stated in the Checklist.
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 workplace. The applicant agrees to notify his/her supervisor and the Health Unit immediately of any accident or injury that occurs at the alternate workplace while performing official duties and to complete any required forms.
Work Assignments/ Performances:	The applicant understands that he/she is covered under the Census Bureau's performance appraisal system and will be held to the performance elements and standards outlined in his/her current performance plan. The applicant agrees to exercise good communication skills and work cooperatively with the supervisor to obtain a common understanding of expectations and desired results.
Disclosure:	The applicant agrees to protect government records from unauthorized disclosure or damage and to comply with requirements of the Privacy Act of 1974; 5 U.S.C. 552(a); Title 13, 5 U.S.C., Sections 9 and 214; Title 10, 5 U.S.C. Section 1905; and Title 26, 5 U.S.C., Sections 7213, 7213A and 7431.
Standards of Conduct:	The applicant agrees that he or she is bound by the Office of Government Ethics standards of conduct for employees of the Executive Branch while working at the alternate worksite.
Termination:	The Census Bureau or the teleworker may terminate the telework arrangement unless the teleworker is an emergency worker who is required to maintain a Telework Agreement. Termination must be documented on the Telework Termination Agreement.
Certification:	<p>By signing this agreement, the application certifies that he/she has read the following documents and agrees to follow the policies and procedures outlined in them, as well as all other policies and procedures at the Census Bureau:</p> <ul style="list-style-type: none"> ● Mandatory Telework Training ● Mandatory Managing Performance Training (for supervisors and managers) ● Telework Agreement (this document includes Telework Safety Checklist and Telework Checklist) ● Census Bureau Internet Policy ● Census Bureau Telework Policy ● Census Bureau Rules of Behavior for Information Technology Systems ● VDI Policy (as Chief Information Officer authorized technology becomes available) <p>The applicant further certifies that he/she has read, understands and agrees to comply with Census Bureau policies mandating that NO Title-Restricted data may be removed or transmitted from Census Bureau offices. Title-Restricted data shall only be accessed through VDI or after the Chief Information Officer has approved the new technology and made it available to the teleworker and the teleworker has taken any required training and agreed to and signed the VDI Telework Pledge.</p> <p>The applicant understands that engaging in any unauthorized access to the Census Bureau network or improper use of restricted information or sensitive Census confidential data at a telecenter or home work station (including personal computing devices) will subject him/her to applicable administrative and criminal penalties pursuant to law and Departmental policies.</p>
TELEWORK SAFETY CHECKLIST	This checklist is designed to assess the overall safety of the designated work area of the teleworker's primary home and/or secondary address (if applicable). Each applicant should read and complete the self-certification safety checklist.

Telework Policy

Describe the designated work area(s):	
Are all stairs with four or more steps equipped with handrails?	<input type="checkbox"/>
Are all circuit breakers and/or fuses in the electrical panel labeled as to intended service?	<input type="checkbox"/>
Is all electrical equipment free of recognized hazards that would cause physical harm (frayed wires, bare conductors, loose wires, flexible wires running through the walls, exposed wires fixed to the ceiling)?	<input type="checkbox"/>
Will the building's electrical system permit the grounding of electrical equipment?	<input type="checkbox"/>
Are aisles, doorways, and corners free of obstructions to permit visibility and movement?	<input type="checkbox"/>
Are file cabinets and storage closets arranged so drawers and doors do not open into walkways?	<input type="checkbox"/>
Are the chair casters (wheels) secure and the rungs and legs of the chair sturdy?	<input type="checkbox"/>
Are the phone lines, electrical cords, and extension wires secured under a desk or alongside a baseboard?	<input type="checkbox"/>
Is the office space neat, clean, and free of excessive amounts of combustibles?	<input type="checkbox"/>
Are floor surfaces clean, dry, and level?	<input type="checkbox"/>
Are carpets well-secured to the floor and free of frayed or worn seams?	<input type="checkbox"/>
Is there sufficient light for reading?	<input type="checkbox"/>
I certify that the checklist above applies to both the primary and secondary address (if applicable).	<input type="checkbox"/>
TELEWORK CHECKLIST	The following checklist is designed to ensure that the applicant is properly oriented to the policies and procedures of the program. Signify the completion of each activity by answering "Yes" in the space provided. In order for this application to be processed you must be able to truthfully answer yes to all five questions.
Applicant has printed and signed the Census Bureau Telework pledge. Pledge must be signed by your supervisor and must be delivered to your	<input type="checkbox"/>  Telework Pledge)

Telework Policy

approving official.	
Applicant has read, understands, and agrees to comply with Census Bureau policies and procedures covering Title-Restricted data.	
Applicant clearly understands his or her Performance expectations, which have been discussed with him or her.	
Census Bureau policies and procedures covering work schedules and hours of duty, overtime/premium pay, leave procedures, time and attendance, and emergency conditions are made available to employees for review via all employee broadcast messages, labor agreement and/or the Census Bureau intranet.	
Applicant understands that he or she may terminate participation at any time consistent with the Census Bureau Telework Policy.	
If I am on Plan B or am an Emergency Personnel, I understand that I must telework, unless otherwise excused by my supervisor, when Federal government offices in my local commuting area or my Department of Commerce work location are closed due to weather or other emergency situations. During an announcement of "Federal Offices are Closed", Essential Employees designated for the purpose of completing work related to Economic Indicators <u>who are not voluntarily participating in the Telework program under Plan B</u> , may not be required to telework if it is not a high production time. The supervisor will determine if these employees are required to telework. Administrative leave may be granted in rare situations (e.g., no electricity, or network connection failure problems that prevent telework). Refer to Section 19 in the Telework Policy and refer to the flow chart for site closure or OPM/Regional Authority Announcements.	
I understand that it is my responsibility to have sufficient work available to complete my entire telework shift. If I do not, I must request appropriate leave. In rare situations, I may	

<p>request administrative leave that is at my supervisor's discretion.</p>	
<p>I understand that telework may not be used as a substitute for dependent care and I am not permitted to telework while in duty status if I must take care of dependents. In these situations, I may request the appropriate leave from my supervisor or seek other flexibilities offered in the Telework Policy. Refer to Section 3.6 Child or Elder Care in the Telework Policy and refer to the flow chart for site closure or OPM/Regional Authority Announcement.</p>	
<p>I certify that I am aware that when the Office of Personnel Management announces "Unscheduled Leave" or "Unscheduled Telework", telework ready employees may elect either option by notifying his/her supervisor of his/her intent to exercise either option. Exercising the option of "Unscheduled Telework" does not require prior supervisory approval. Managers are to permit unscheduled telework when requested but may, in rare circumstances, find it necessary for a non-emergency telework-ready employee to report to the office for an assignment that requires presence at the worksite (e.g., providing a presentation, performing administrative duties at a pre-scheduled conference, etc.).</p>	
<p>I certify that I am aware that I may not be authorized to telework if my performance does not comply with the terms of this telework agreement. *Employee must click "Yes" to advance.</p>	
<p>I certify that I have completed U.S. Census Telework Training.</p>	
<p>By pressing the "I Agree" button, the applicant certifies that all of the above information is true to the best of their knowledge and that all 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 (as revealed by a negative response) before (s)he begins to telecommute.</p>	
<p>I Agree Save As Draft</p>	

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 or her home, or at 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 may also 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 or 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 the organization’s procedures and policies.
- 7. Employee is fully aware of Census Bureau 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 or her own equipment if Government-furnished equipment is not available.
- 11. Employee is computer literate.
- 12. Employee has successfully completed the Census Bureau’s online teleworking training course.

APPENDIX C: TELEWORK INVOLUNTARY TERMINATION PROCESS

TELEWORK Census Telework System

Home | My Profile | My Calendar | My Requests | My Approvals | My Dashboard

Supervisor: Involuntary Termination

Pending Approval | Approved Applicants | Back

Application Approved 3/14/2017	-Appendix C	Telework Involuntary Termination Process
Applicant's Name:		Joe Tompkins
Telephone:		3017633333
Job Title:		IT SPECIALIST
(Involuntary termination decision was based on (mark all that apply):)		
<input type="checkbox"/> Employee is placed on a leave restriction:		
<input type="checkbox"/> Employee is placed on Performance Improvement Plan (PIP):		
<input type="checkbox"/> Employee continues to show a pattern of failing to adhere to the requirements specified in the individual telework agreement, after the supervisor has discussed the issue with the teleworker:		
<input type="checkbox"/> Employee violates confidentiality rules and laws:		
<input type="checkbox"/> Employee has demonstrated an established pattern of inability to work effectively from an alternate worksite without diminished performance. Diminished performance includes reduced work production, non-responsiveness to telephone calls, or non-availability:		
<input type="checkbox"/> Employee fails to correct identified safety problems related to the home based or other approved alternate worksite:		
<input type="checkbox"/> Conditions have changed so that the employee's work can be done only at the employee's regular workplace (the official duty station):		
<input type="checkbox"/> Employee is officially disciplined for being AWOL for more than five days in any calendar year (this involuntary termination is permanent):		
<input type="checkbox"/> Employee is officially disciplined for violation of the Office of Government Ethics Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR Part 2635) for viewing, downloading, or exchanging pornography on a government computer or while performing official government duties (this involuntary termination is permanent):		
<input type="checkbox"/> Census Bureau's inability to support costs of telework, due to budgetary concerns:		
<input type="checkbox"/> Violation of the Office of Government Ethics Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR Part 2635) while at the approved alternate worksite:		
<input type="checkbox"/> Failure to report telework hours regularly on the employee's timesheet:		
<input type="checkbox"/> Other - Be Specific:		
		Submit Request