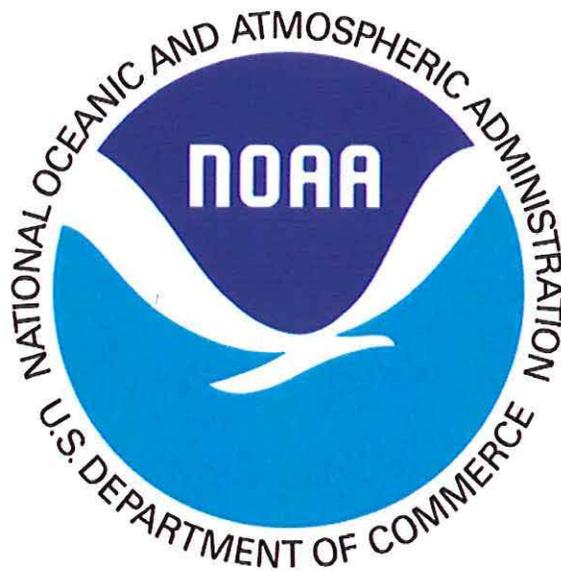


U.S. DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION



Telework Implementation Plan
(for Non-Bargaining Unit Employees)

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Approved by:

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National Oceanic and Atmospheric Administration (NOAA) Telework Implementation Plan

I. INTRODUCTION

Telework is a flexible work arrangement under which an employee performs the duties and responsibilities of his/her position and other authorized activities from an approved alternate worksite other than the employee's designated traditional Federal workplace.

The NOAA Telework Implementation Plan is consistent with the provisions of the [Telework Enhancement Act](#) (Act) of 2010 (Public Law 111-292, October 9, 2010), the [Department of Commerce Telework Policy \(October 2014\)](#), and the Office of Personnel Management's (OPM) policies contained in their [Guide to Telework in the Federal Government](#) and [Washington, DC Area Dismissal and Closure Procedures](#) (December 2014).

The law and policies are intended to promote:

- recruiting and retaining the best possible workforce;
- continuing operations during emergency conditions;
- management effectiveness; and
- enhancing work-life balance by allowing employees to better manage their work and personal obligations.

Telework is a workplace flexibility management option to facilitate the timely and effective accomplishment of the work of the office. An employee's decision to elect to telework is entirely voluntary (unless the employee is designated an "emergency" employee or is designated as a member of the Continuation of Operations Plan, COOP).

Although participation in the Telework Program is voluntary and subject to the discretion of the supervisor, participation is encouraged at a rate of at least 2 days per pay period for employees that choose and are approved to telework.

II. REFERENCES

- [Telework Enhancement Act of 2010, Public Law 111-292, December 9, 2010](#)
- [U.S. Office of Personnel Management \(OPM\) Guide to Telework in the Federal Government \(2010\)](#)
- [OPM, Washington, DC, Area Dismissal and Closure Procedures \(December 2014\)](#)
- [Department of Commerce, Teleworking Policy, October 2014](#)

III. DEFINITIONS

Ad Hoc Telework – Telework performed on an irregular basis, chosen by the employee, to address a specific need of the employee. Ad hoc telework must be requested and approved by the supervisor in advance.

Alternate Worksite – The employee’s residence or a location other than the traditional worksite which, has been approved by the manager/supervisor for the performance of the employee’s official duties. For purposes of telework, the alternate worksite is considered an official Government worksite.

Approving Official – The director (or her/his designee(s)) of the employee’s office. For example, the director could designate the employee’s supervisor as the approving official.

Eligible Employee – All employees are considered eligible to telework unless 1.) the employee has been officially disciplined for being absent without permission for more than five (5) days in any calendar year (there are no exceptions); *or* 2.) the employee has been officially disciplined for violations of 5 CFR Part 2635 (Standards of Ethical Conduct for Employees of the Executive Branch) for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties (there are no exceptions).

Eligible Participation – A position is an eligible position unless the official duties require on a daily basis (every workday) the direct handling of secure materials determined to be inappropriate for telework by the head of the bureau/operating unit; the employee performs on-site activities that cannot be performed at an alternate worksite; or the employee’s performance does not comply with the terms of the written agreement between the approving official and the employee¹.

Emergency Response Group (ERG) Member – A person assigned responsibility to report to, be on call, or serve as backup to an alternate site, as required, performing agency-essential functions or other continuity-related operations.

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

Hoteling – 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.

Official Duty Station – Location of an employee’s position of record where the employee regularly performs his or her duties. If the employee’s work involves recurring travel or their work location varies on a recurring basis, the duty station is the location where the work activities of the employee’s position of record are based, as determined by the manager/supervisor. An employee’s official duty station determines the appropriate locality area for pay purposes for General Schedule or equivalent employees.

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

¹ Length of this exclusion is at the office director’s discretion.

Regular/Recurring Telework – Telework that is performed on the same day(s) of the week on the employee’s regularly scheduled tour of duty.

Remote Worker – The employee is teleworking full-time from an alternate work site. The alternate work site becomes the employee’s official duty station for pay purposes.

Telework – Telework, known as “telecommuting,” refers to a paid, flexible work arrangement under which an employee performs the duties and responsibilities of his/her position, and other authorized activities, from an alternate worksite, not the traditional worksite.

Telework-Ready Employee – An employee who has completed [Telework 101 for Employees](#) via the Commerce Learning Center (CLC); has a signed individual telework agreement; and has the required necessities to telework for their entire work schedule.

Traditional Worksite – The traditional worksite is where the employee would work absent a telework arrangement.

IV. TELEWORK STRATEGIES

- A. **Agreeing to Telework.** An employee’s decision to telework is voluntary unless telework is a condition of employment (i.e., the employee is designated an “emergency employee”) or is required to continue Government operations in times of emergency (COOP). In these instances, an employee may be required to work at home, or at another approved alternate worksite.
- B. **Types of Telework.** It is the policy of the National Oceanic and Atmospheric Administration (NOAA) to allow eligible employees to work at alternate work sites away from their official duty stations, consistent with the needs of their office, during their regular tour of duty. There are three (3) types of telework:
 1. **Regular/Recurring Telework** occurs as part of a preapproved ongoing, regular schedule. Once the schedule is established, the employee may not change the assigned telework day(s) without prior approval of the approving official. An employee may combine teleworking with an alternative work schedule with the prior approval of the approving official;
 2. **Unscheduled Telework** occurs under an announcement by the Office of Personnel Management (OPM) or other appropriate authority (but the employee’s office is open). When OPM makes an announcement of “Unscheduled Telework” and it is not the employee’s regularly scheduled telework day, the employee may choose to perform unscheduled telework. The employee’s decision is not subject to prior approval by the supervisor. However, the employee must notify his/her supervisor in accordance with the applicable policy of the office. 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; and

3. **Ad Hoc Telework** occurs on an irregular basis, chosen by the employee, to address a specific need of the employee. Ad hoc telework must be requested and approved by the supervisor in advance.

C. **Telework May Not be used as a Substitute for Dependent Care.** If elders, children, or other dependents are able to care for themselves, and their self-care is not prohibited by local or state law(s), then their presence at the telework location would not interfere with the employee performing telework.

D. **Teleworkers and Non-Teleworkers Shall be Treated the Same for Certain Purposes:**

1. Periodic appraisals of job performance of employees;
2. Training, rewarding, reassigning, promoting, reduction in grade, retaining, and removing employees;
3. Work requirements; and
4. Other acts involving managerial discretion.

E. **Training Requirements.** It is the policy of NOAA that all eligible employees must successfully complete [Telework 101 for Employees](#) via the Commerce Learning Center (CLC) before they can request to telework. The approving official for individual telework agreements is the applicable office director, or designee, and he/she must have completed [Telework 101 for Managers](#) via CLC before they can approve any individual telework agreements.

F. **Maximum Amount of Teleworking.** The maximum number of days an employee (including part-time employees) may telework during a pay period is left to the discretion of the approving official or designee (i.e., employee's supervisor). This includes regular/recurring telework and ad hoc telework.

V. ELIGIBILITY CRITERIA

A. **Employee Eligibility.** This document covers all NOAA civilian non-bargaining unit employees. 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. Unless sited as one of the exceptions identified below and in the Title 5 reference. [5 U.S.C. § 6502\(a\)\(2\)](#).

1. **Employee Exceptions.** NOAA employees who meet any of the following exceptions are ineligible to telework:

- a. The employee has been officially disciplined for being absent without leave (AWOL) for more than five (5) days in any calendar year; or
- b. The employee has been officially disciplined¹ 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 duties².

2. **All NOAA employees are initially considered eligible to telework.** If an employee is determined to be ineligible to work due to 5 U.S.C. § 6502(a)(2), the employee will receive a written determination from the office director or designee (i.e., employee's supervisor) within 10 working days of the employee's request to telework.

B. Precluded Due to Nature of Work of Position. If the official duties of the employee's position require the employee to perform direct handling of secure materials determined to be inappropriate for telework by the agency head; on-site activity that cannot be handled remotely or at an alternate worksite, or the employee is a mobile worker (not eligible due to the nature of work) then the employees' position is not eligible for telework.

VI. ACCOMMODATIONS FOR EMPLOYEES WITH DISABILITIES

It is important to distinguish between ordinary requests to telework and requests from persons with disabilities for reasonable accommodation. Approving officials/supervisors should consult Department Administrative Order (DAO) 215-10, "Reasonable Accommodation Policy," and the Disability Program Manager as part of the interactive process established by the Rehabilitation Act, in order to fully understand supervisors' responsibilities under the law. As governed by Section 501 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 791 et. seq., the Rehabilitation Act and DAO 215-10, the determination as to whether an employee may be granted telework as a reasonable accommodation due to a disability should be made through the Reasonable Accommodation Coordinator, the employee's first-line supervisor, and the employee.

¹ Definition of Officially Disciplined – A disciplinary action that results in the placement of a document in an employee's official personnel file (OPF); the bar on telework participation remains in effect as long as the document stays in an employee's OPF. A suspension or termination related to the items mentioned in Public Law 111-292 that results in a document (Standard Form 50) that permanently remains in the OPF would result in permanent prohibition in telework participation

² No authority to waive provisions "a" or "b."

VII. OPTIONAL TELEWORK PLANS

NOAA recognizes that some employees will opt not to telework at all, others will choose to telework only on a limited ad hoc basis, and others will telework to the maximum extent possible. NOAA offers two levels (Plans) of telework.

A. Plan A

1. Ad hoc and/or unscheduled teleworking cannot exceed more than 80 hours during a fiscal year.
2. Employees performing unscheduled telework under an OPM or other appropriate authority announcement may do so without prior supervisory permission. However, the employee **must** notify his/her supervisor in accordance with the terms of the written telework agreement.
3. The employee **must** obtain supervisory approval before performing ad hoc telework.
4. The employee is responsible for ensuring that he/she has sufficient work for the period of telework scheduled to be performed.
5. The employee is not required to telework when the office is **closed** for reasons other than Federal law (i.e., Federal Holiday) or Executive order.
6. The employee may switch to Plan B at any time prior to reaching the 80-hour limitation, and the individual telework agreement is modified to reflect the change.

B. Plan B

1. Includes employees on a regular/recurring telework schedule.
2. Employees who desire the option of doing more than 80 hours ad hoc and/or unscheduled telework during the fiscal year.
3. Employee must obtain supervisory approval before performing ad hoc telework. No supervisory approval is needed for unscheduled telework under OPM or other appropriate authority announcement. However, employees must notify their supervisor in accordance with the terms of the written telework agreement.
4. The employee is responsible for ensuring that he/she has sufficient work for the period of telework scheduled to be performed.
5. Performing less than 80 hours of ad hoc or unscheduled telework does not change the employee's election of Plan B.

6. The employee must telework when his/her office is closed for reasons other than Federal law (i.e., Federal Holiday) or Executive order.
7. Employees on Plan B may not change to Plan A during the term of the individual telework agreement.

VIII. TELEWORKING CONDITIONS

As conditions for teleworking, all of the following must be readily available:

- A. Systems are to be in place to support telework in an emergency, including a communication process to notify COOP personnel, emergency, and non-emergency employees of the activation of the agency's emergency plan, and the agency's operating status during the emergency.
- B. 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.
- C. All time teleworked in a pay period will be recorded per instructions in the appropriate time and attendance system.
- D. All employees designated as "emergency" or with COOP responsibility must have an approved individual telework agreement.

IX. EXCUSED FROM TELEWORKING

- A. The supervisor, on a case-by-case basis, may excuse a telework-ready employee from duty without charge to paid personal leave or loss of pay during an emergency situation if: (1) the emergency adversely affects the telework site (e.g., disruption of electricity, or network connection problems that prevent telework); or (2) the telework-ready employee's duties are such that he/she cannot continue to work without contact with the regular worksite during emergency situation.
- B. If the telework-ready employee faces a personal hardship that prevents him/her from working successfully at the telework site, the employee may request the appropriate leave (annual, sick, compensatory, credit hours, compensatory time for travel). The employee may also switch to an alternative work schedule day off, or use "flexing" consistent with the employee's alternative work schedule, if any.

X. 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; and NOAA's performance management resources portal at https://secure.wfm.noaa.gov/noaa_only/perfmgmt/index.html.

XI. ROLES AND RESPONSIBILITIES

A. NOAA/WFMO Telework Program Manager (TPM)

1. WFMO TPM will develop, review and update the NOAA telework implementation plan.
2. WFMO TPM will maintain a list of the primary telework coordinators (TCs) for each line and staff office.
3. WFMO TPM establishes procedures for evaluating the telework program.
4. WFMO TPM provides telework reports, with input from line/staff office TCs, as required by the Department of Commerce.
5. WFMO TPM will provide advice and assistance to line and staff office TC's on the NOAA implementation plan including working with senior-level managers in establishing and obtaining office telework goals, objectives, and reporting requirements.
6. WFMO TPM is responsible for answering telework related questions and providing guidance to the NOAA line/staff office TC's.
7. WFMO TPM will develop and conduct telework training to approving officials, managers, supervisors and the line/staff office TC's.
8. WFMO TPM will develop a catalog of best practices and lessons learned.
9. WFMO TPM will develop and maintain an online telework portal of information.

B. Approving Officials. Approving officials are responsible for the overall management and success of teleworking within their offices, including day-to-day operations. Telework-ready employees and their approving officials or designee (i.e., employee's supervisor) are responsible for reviewing the individual telework agreement annually to ensure that it is current. The date of the review must be documented on the telework agreement by both parties.

C. NOAA Line/Staff Office Telework Coordinators (TCs)

1. In consultation with the WFMO TPM, the TCs will:

- a. Conduct training sessions for their assigned line/staff office to supplement the orientation training provided to all new employees. The training session will provide orientation and training for telework-ready employees and their supervisors regarding the implementation plan and their responsibilities; and
 - b. Provide NOAA procedural program guidance to management and telework-ready employees.
2. Maintain a central file of all approved individual telework agreements for the personnel in their line/staff office as well as a record of all written denials or terminations;
 3. Answer telework related questions and provide guidance to the employees within their line/staff offices;
 4. Develop and implement a reporting system capturing telework participation, hours teleworked (from the WebTA system), terminations, and denials; and
 5. Provide the following information to the TPM upon request:
 - a. The degree of participation by employees of each line/staff office during the period covered by the report;
 - b. The method for gathering telework data in each line/staff office;
 - c. The reasons for positive or negative variations in telework participation if the total number of employees teleworking is 10 percent higher or lower than in the previous year of the reporting activity;
 - d. The office's goal for increasing telework participation if applicable;
 - e. An explanation of whether or not the office met its established goal(s) for the last reporting period and, if not, what actions are being taken to identify and eliminate barriers;
 - f. An assessment of the progress made in meeting the office's participation rate goal(s) and other goal(s) related to telework, e.g., the impact of telework on recruitment and retention, performance, etc.; and
 - g. A description of best practices, if applicable.

XII. PREPARING FOR THE INDIVIDUAL TELEWORK AGREEMENT

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

- A. The employee completes the “Telework Application/Agreement and Modification of Telework Agreement” (See **Appendix A**) and submits it to his/her supervisor along with the certificate showing successful completion of **Telework 101 for Employees via the Commerce Learning Center (CLC)**.
- B. The employee and supervisor discuss the expectations in the proposed telework agreement, including the performance levels required of the employee.
- C. If the supervisor is not the approving official, the supervisor will forward the telework agreement to the approving official with his/her recommendations.

XIII. TELEWORK AGREEMENTS

A. Length of Telework Agreements

- 1. Individual telework agreements cover the period from October 1 through September 30 of the current fiscal year. All telework agreements expire at the end of the fiscal year.
- 2. An employee may **not** telework if they do not have a current approved telework agreement in place.
- 3. In accordance with **5 U.S.C. § 6502(b)(3)**, an employee is not authorized to continue teleworking if the performance of that employee does not comply with the terms of the written telework agreement between the approving official and the employee.

B. Modification and Termination of Telework Agreement. The operational needs of NOAA are paramount and employees who telework do not have an automatic right to continue to telework.

1. Modification

- a. An employee may request to modify the current telework agreement (e.g., change the regular teleworking day) by submitting a new “Telework Application/Agreement and Modification of Telework Agreement” (check “Modification”) with only the requested changes indicated;
- b. The supervisor and employee shall discuss the employee’s requested modifications within five (5) working days of submission;
- c. If the supervisor is not the approving official, the supervisor will forward the request to the approving official with his/her recommendations within five (5) working days;
- d. The approving official will issue a written decision within five (5) working days;

- e. If management is proposing to modify an employee's existing telework agreement, it will provide the employee with five (5) working days advance notice in order for the employee to submit his/her response to the approving official; and
- f. The approving official will issue a final decision within seven (7) working days.

2. Termination.

- a. An employee may terminate his/her written telework agreement by providing the approving official with written notice of a decision to terminate his/her written telework agreement;
- b. If management is proposing to terminate the telework agreement, he/she shall provide 10 working days advance written notice before terminating the telework agreement to allow the affected employee to make necessary arrangements;
- c. The approving official must provide documentation for the termination to the affected employee. Consent or acknowledgement via signature by the affected employee is not required for the termination of telework to take effect;
- d. The approving official must deny or immediately terminate the individual telework agreement, as applicable, if the employee fails to be eligible to telework due to 5 U.S.C. §§ 6502(a)(2) or (b)(3); and
- e. Management may terminate or deny telework requests as long as the denial or termination decision is based on operational needs, conduct, or performance in accordance with the law.

C. Appeals. The official making the final decision on appeals will issue a written decision on an employee's appeal of the denial of their request to telework within 10 working days of the request being received by the deciding official. If the deciding official disapproves the request, he/she must provide written justification to the employee indicating when or if the employee would be eligible to reapply, and if applicable, what actions the employee should take to improve his/her chance of future approval. Deciding officials are to provide employees copies of signed written denials or terminations of telework agreements.

D. Administrative Grievance Procedure. NOAA employees must use the procedures in the DAO 202-771, "Administrative Grievance Procedure" to appeal issues relating to their request to telework, modification to an existing telework agreement, and terminations of telework agreements.

E. Discrimination. Employees who believe they are the victims of prohibited discrimination must use the procedures in DAO 215-9, "Filing Discrimination Complaints," to appeal the alleged discrimination.

XIV. ESTABLISHING THE WORK SCHEDULE

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

http://hr.commerce.gov/Practitioners/CompensationAndLeave/DEV01_006627.

XV. DETERMINING THE OFFICIAL DUTY STATION (5 CFR 531.605)

A. Pay during Telework Agreements.

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

B. Pay during Temporary Telework Arrangements.

1. In certain temporary situations, NOAA 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 even though the employee is not able to report at least twice each biweekly pay period on a regular and recurring basis to the traditional worksite. The intent of this exception is to address certain situations where the employee is retaining a residence in the commuting area for the traditional worksite but is temporarily unable to report to the worksite for reasons beyond the employee's control (e.g., on a special assignment or working while recuperating from an operation);

2. One key consideration is the need to preserve equity between telework-ready and non-telework ready employees and 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.

XVI. PAY AND LEAVE

- A. **Pay.** An employee's locality rate of pay is based on the employee's official duty station, and is determined in accordance with 5 CFR 531.604. The line/staff office must determine and designate the official duty station for an employee covered by a telework agreement using the criteria above.
- B. **Premium Pay.** The same premium pay rules apply to employees when they telework as when they are working at the traditional worksite.
- C. **Leave and Work Scheduling Flexibilities.** Telework-ready employees are governed by the same procedures as non-telework-ready employees for requesting and obtaining leave approval.

See the Department's Web site, [Leave Policies](#), or the terms of an applicable Collective Bargaining Agreement (CBA). For additional information on leave administration, please visit: <http://www.opm.gov/oca/leave/index.asp>.

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

XVII. REPORTING REQUIREMENTS

The line/staff offices, via their Telework Coordinator, are required to respond to requests from the WFMO Telework Program Manager for a variety of reporting requirements/initiatives. Below is information that may be requested, although it is not all-inclusive.

1. The degree of participation by employees of each line/staff office teleworking during the period covered by the report;
2. The method for gathering telework data in each line/staff office;
3. The reasons for positive or negative variations in telework participation if the total number of employees' teleworking is 10 percent higher or lower than the previous year in the line/staff office;

4. The line/staff office goal for increasing telework participation to the extent practicable or necessary;
5. An explanation of whether or not a line/staff office met its goals for the last reporting period and, if not, what actions are being taken to identify and eliminate barriers;
6. An assessment of the progress made in meeting line/staff office participation-rate goals and other goals related to telework, such as the impact of telework on emergency readiness, energy use, recruitment and retention, performance, productivity, and employee attitudes and opinions regarding telework; and
7. Best practices in the line/staff office.

XVIII. IT SECURITY REQUIREMENTS FOR TELEWORK-READY EMPLOYEES

Telework-ready employees must abide by the IT security requirements conveyed in the [DOC Information Technology Security Program Policy \(ITSP\), Commerce Information Technology Requirements \(CITRs\), Frequently Asked Questions \(FAQs\) and IT Security Policy memos](#). A complete list of DOC IT security documentation can be accessed at: <https://connection.commerce.gov/collection/it-security-policy-and-fisma-reporting-program>

In addition to the requirements above, telework-ready employees must abide by the IT security requirements conveyed in the [NOAA Information Technology Security Policy \(ITSP\), NOAA's Computer Incident Response Team Requirements \(N-CITR\), and IT Security Policies](#). The Telework Agreement signed by the telework-ready employee and his/her supervisor may describe additional security requirements. A complete list of NOAA IT security documentation can be accessed at: <https://www.csp.noaa.gov/policies>.

Supervisors are responsible for ensuring that telework-ready employees agree to comply with all existing IT security requirements and to ensure employees are held accountable to them.

XIX. 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 Personally Identifiable Information (PII), and Business Identifiable Information (BII) are not disclosed to anyone except those who have been authorized access to such information in order to perform their duties. Bureaus/operating units must ensure that appropriate physical, administrative, and technical safeguards are used to protect the security and confidentiality of such records.

A. Disclosure of Records from an Agency System of Records.

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

B. Proper Handling of PII and BII.

1. Telework-ready employees are responsible for the safeguarding of PII and BII.
2. Personally identifiable information (PII) is information that can be used to distinguish or trace an individual's identity, such as name, social security number, biometric records, etc., alone, or when combined with other personal or identifying information, which is linked or linkable to a specific individual, such as date and place of birth, mother's maiden name, etc. Sensitive PII, if lost, compromised, or disclosed without authorization, could result in substantial harm, embarrassment, inconvenience, or unfairness to an individual.
3. Types of PII considered sensitive when associated with an individual are: social security number (including truncated form), place of birth, date of birth, mother's maiden name, biometric information, medical information (except brief references to absences from work), personal financial information, credit card or purchase card

account numbers, passport numbers, potentially sensitive employment information (e.g., performance ratings, disciplinary actions, and results of background investigations), criminal history, and any information that may stigmatize or adversely affect an individual. The Department IT Privacy Policy provides that breaches of sensitive PII are subject to notification/reporting requirements.

4. When deciding whether PII is sensitive or non-sensitive, it is important to consider the type of information, obligations, or expectations regarding the protection of information, risk (probability and consequences) of loss or compromise of information, and context of information. Context is particularly important. The same types of information can be sensitive or non-sensitive depending upon the context. For example, a list of names and phone numbers for the Department softball roster is very different from a list of names and phone numbers for individuals being treated for an infectious disease. It is important to use good judgment when deciding whether PII is sensitive or non-sensitive. When in doubt, treat PII as sensitive.
5. The Department's policy states that if sensitive PII must be electronically transmitted, then it must be protected by secure methodologies such as encryption, Public Key Infrastructure (PKI), or secure sockets layer (SSL). Federal Information Processing Standards (FIPS) Publication 140-2, "Security Requirements for Cryptographic Modules" provides the standard to which encryption methodologies must conform. The transmission of sensitive PII, even if it is protected by secure means, must be kept to a minimum. Check with your operating unit's (OUs) Office of the Chief Information Officer to determine methods or services your OU is using to support the electronic transmission of sensitive PII.
6. In addition to sensitive PII, telework-ready employees must ensure the safeguarding of BII. BII is information that is defined in the Freedom of Information Act (FOIA) as "trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential." Commercial information is not confined to records that reveal "basic commercial operations" but includes any records [information] in which the submitter has a "commercial interest" and can include information submitted by a non-profit entity. Terms for BII that must be protected from disclosure include "confidential business information," "confidential commercial information," and "proprietary information."
7. Sensitive PII and BII can be stored on Government systems only and saved, stored, or hosted only on Department-authorized equipment (including contractor-owned equipment or a system that is approved to be used as a Government system). Personally-owned computers may not be used to save, store, or host sensitive PII and BII that is collected or maintained by the Department.
8. Sensitive PII and BII must be sent encrypted as an e-mail attachment and encrypted on mobile computers, media (e.g., CDs, DVDs, USB drives), and devices (e.g., laptops, hard drives). When faxing sensitive PII and BII, an advisory statement about the contents must be included on the cover sheet and the recipient must be notified

immediately before and after transmission. When mailing sensitive PII and BII, it must be physically secured when in transit. Do not mail or send by courier sensitive PII and BII on CDs, DVDs, hard drives, flash drives, USB drives, floppy disks, or other removable media unless the data is encrypted. Sensitive PII and BII must be sealed in an opaque envelope or container and mailed using First Class or Priority Mail, or a commercial delivery service (e.g., FedEx or DHL). Appropriate methods must be used to destroy sensitive paper PII and BII (e.g., shredding and/or using a burn bag) and securely delete sensitive electronic PII and BII (e.g., empty the Windows “recycle bin”).

9. Telework-ready employees and supervisors are responsible for complying with all bureau/operating unit guidelines on reporting PII and BII incidents. The OMB Memorandum M-07-16 defines a PII incident as the loss of control, compromise, unauthorized disclosure, unauthorized acquisition, unauthorized access, or any similar term referring to situations where persons other than authorized users, and for an other than authorized purpose, have access or potential access to PII, whether physical or electronic. Telework-ready employees must immediately report a suspected or confirmed PII and BII incident to his/her bureau privacy officer or CIRT and immediate supervisor. Additional information regarding the PII and BII incident reporting process can be found at:
http://home.commerce.gov/CIO/ITSITnew/DOC_Breach_Response_Plan_v2_final.pdf.

XX. SENSITIVE AND HIGHLY SENSITIVE INFORMATION REQUIREMENTS FOR TELEWORK-READY EMPLOYEES

- A. Decisions on the proper use and handling of Sensitive Information will be made by the approving official who permits the employee to work at home or at an alternate worksite. A telework agreement will be signed by the telework-ready employee and his/her approving official that contains the specific data types allowed to be accessed. Information is generally categorized into the following groups: Non-Sensitive Information; Sensitive Information; and Classified National Security Information.
- B. The physical security standards for PII and other Sensitive and Administratively Controlled Information must be addressed prior to allowing telework. [Chapter 35 of the OSY Security Manual](#) provides minimum physical security standards for the office environment that are also applicable during telework. At a minimum, Controlled Unclassified Information (CUI), including PII, should be afforded protection to prevent unauthorized access to the information.
- C. **Controlled Unclassified Information (CUI) Registry.** The National Archives and Records Administration's (NARA) CUI Office developed the CUI Registry that allows anyone to access the Safeguarding and Dissemination requirements for CUI that must be afforded to information like PII (Privacy) and other unclassified information. The registry may not be all inclusive, as only those categories of unclassified information that have a law, regulation, or government-wide policy

governing dissemination and/or safeguarding are provided. Therefore, any Sensitive and Administratively Controlled Information in hard-copy form that does not fall within the parameters of the manual or the registry should be brought to the attention of the Information and Personnel Security Division of OSY.

Teleworkers and Supervisors should visit the following link <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. **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.

XXI. TELEWORK INFORMATION TECHNOLOGY SECURITY POLICY

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

http://home.commerce.gov/CIO/ITSITnew/CITR_008_Remote_Access.pdf

Managers/supervisors are responsible for ensuring that telework-ready employees agree to comply with all existing security policies and procedures, including IT security. Telework-ready employees also agree that their responsibilities, described in Section 3.3.9 of the Department's "IT Security Policy and Minimum Implementation Standards," remain in effect while on telework status. Other pertinent bureau or operating unit policies on IT security may also exist; managers/supervisors are responsible for ensuring that telework-ready employees agree to follow all applicable policies.

The workplace and workstation must be set up to accomplish secure information processing, including the proper storage of Sensitive Information in both electronic and paper form. The telework-ready employee, following bureau/operating unit policies, must minimize security vulnerabilities to the workstation and the Departmental network.

XXII. TELEWORKING DURING EMERGENCY SITUATIONS/INCLEMENT WEATHER

- A. **Unscheduled Telework.** This type of telework option is ad hoc and allows telework-ready employees to work from home or at an approved alternate location upon notification to their supervisor in accordance with the office policies.
- B. **Federal/Departmental Offices Are Closed.** Employees on Plan B must telework consistent with their telework agreements when Federal/Departmental offices in their local commuting area are closed. Excused absences may be granted on a case-by-case basis for telework-ready employees in the above situations that may include but are not limited to: power outages, damaged/un-inhabitable domains or against state/local laws.
- C. **Early Dismissal/Delayed Arrival.** When an early dismissal/delayed arrival is announced or provided, those who are teleworking from their home are not dismissed from duty for any part of the workday. However, managers/supervisors may grant excused absence on a case-by-case basis, if the employee is unable to continue teleworking.
- D. **Emergency at the Alternative Worksite.** When an emergency affects only the alternative worksite for a major portion of the workday, the employee is expected to report to the traditional worksite, an approved alternative telework site, or request supervisory approval of applicable paid personal leave (i.e., annual, compensatory time, compensatory time off for travel, credit hours, etc.).

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

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

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

If an employee is an ERG member for COOP purposes, management, along with the employee and supervisor, should make advance and/or situational decisions as to whether the employee must physically report for duty or may work from home or an alternative worksite. For example, if the purpose of the employee reporting for duty at the traditional worksite is to provide policy guidance or to notify specific individuals of emergency requirements, this may be able to be accomplished from home, provided the employee has access to the resources necessary to perform the required services. However, in some cases, the only way to obtain the services of the employee may be through telework from an alternative worksite. For example, if inclement weather or other emergency situation results in a transportation shutdown, but phone lines remain working, the employee may be able to work from home rather than reporting to the traditional worksite or COOP site.

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

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

Application

Modification

APPENDIX A: SAMPLE TELEWORK APPLICATION/AGREEMENT AND MODIFICATION OF TELEWORK AGREEMENT

Section I – To be completed by the Employee

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

Employee Name: _____ **Organization:** _____

Telephone: _____

Grade or Pay Band: _____

Supervisor's Name and Title: _____

Telephone: _____

Address, Telephone, and Description of Alternate Worksite: _____

Equipment Needed to Perform Work at Alternate Worksite: _____

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

Expiration Date of Agreement: _____.

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

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

Telework Days at Alternate Worksite: _____

Identification of specific data types allowed being accessed

_____ I have requested Plan A. I understand that I am limited to no more than 80 hours of ad hoc and/or unscheduled telework during the term of the individual telework agreement. I will not be required to telework when my office is closed due to unforeseen circumstances.

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

election of Plan B. I may not change to Plan A during the term of the individual telework agreement.

_____ I certify that I have completed Telework 101- Employee via the CLC, the Telework Safety Checklist, and the Telework Assessment Tool.

_____ I understand that I may not care for children, elders, or other dependents while I am in a duty status and teleworking. I am not permitted to telework during time I am taking care of dependents. In these situations, I may request the appropriate leave from my supervisor.

_____ I understand that I must abide by the IT security requirements conveyed in the [DOC Information Technology Security Program Policy \(ITSP\)](#), [Commerce Information Technology Requirements \(CITRs\)](#), [Frequently Asked Questions \(FAQs\)](#) and [IT Security Policy memos](#). A complete list of DOC IT security documentation can be accessed at: <https://connection.commerce.gov/collection/it-security-policy-and-fisma-reporting-program>

_____ I understand that I must abide by the IT security requirements conveyed in the [NOAA Information Technology Security Policy \(ITSP\)](#), [NOAA's Computer Incident Response Team Requirements \(N-CITR\)](#), and [IT Security Policies](#). A complete list of NOAA IT security documentation can be accessed at: <https://www.csp.noaa.gov/policies>.

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

Employee's Signature _____ **Date:** _____

Section II – To be Completed by the Approving Official

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

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

Approving Official's Signature _____ **Date:** _____

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

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

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

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

Compliance with This Agreement – The employee’s failure to comply with the terms of this telework agreement may result in the termination of this telework agreement and the telework arrangement. Failure to comply also may result in disciplinary action against the employee if just cause exists to warrant such action.

Employee’s Signature _____ **Date:** _____

Approving Official’s Signature _____ **Date:** _____

APPENDIX B: TELEWORK ASSESSMENT TOOL

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

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

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

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

Approving Official’s Signature _____ **Date:** _____

APPENDIX C: TELEWORK SAFETY CHECKLIST

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

Applicant Name: _____ Date: _____ Telephone: _____

Address, Telephone, and Location of Alternate Worksite: _____

Describe the Designated Work Area:

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

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

Applicant's Signature _____ **Date:** _____

APPENDIX D: OPTIONAL TELEWORK TERMINATION FORM

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

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

Termination is based on (check one):

Voluntary Withdrawal

Involuntary Withdrawal

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

Requirements of the current work assignment

Reassignment or change in duties

Failure to maintain employee eligibility standards

Breach in Information Technology Security policies and/or procedures

Other (please specify):

Receipt Acknowledged

Employee’s Signature: _____ **Date:** _____

Approving Official’s Signature: _____ **Date:** _____