DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

National Institutes of Health
Bethesda, Maryland 20892

DATE: June 13, 2011

TO: OD Staff

FROM: Associate Director for Management, OD

SUBJECT: OD Policy Announcement 2011-07: OD Telework Program

Background: The Federal Government has passed several laws governing telework in the Federal workplace. Most recently, the Telework Enhancement Act of 2010 directed Agencies to provide notices to employees to determine if they are eligible to apply for telework and to provide training for eligible employees and managers. This OD policy highlights several important telework changes, but does not supersede HHS or NIH Telework policies. For more detailed information on the NIH Telework policy, please review NIH Manual Chapter 2300-600-1: http://www1.od.nih.gov/oma/manualchapters/person/2300-600-1/.

Policy Statement: The OD Telework Program enables approved Federal employees to work from a remote location or an approved General Services Administration (GSA) Telework Center (GSA Telework Web site). Participation in the Telework program is voluntary, but it is not an entitlement. Staff requesting telework must have supervisory approval and meet specific eligibility requirements. Prior to approving telework, both, the employee and their supervisors, must complete Telework Training. Approved training is offered through the NIH Training Center, or OPM's telework.gov website. When the Office of Personnel Management (OPM) declares that Government Offices are "Closed to the Public," staff approved for telework and not on leave may telework that day.

Discussion:

Types of telework schedules or arrangements:

- **Regular Telework** - Telework is considered regular when it occurs on a set schedule on a weekly, bi-weekly or monthly basis. This could be 1 to 3 times per week, bi-weekly, 1 to 3 times per month, etc. During Regular Telework routine tasks are accomplished at the alternate worksite on an established schedule.

- **Episodic Telework -** is intermittent in nature, occurring less frequently than regular telework, but is still relatively regular and routine. Work often will involve recurring tasks to accommodate a business cycle, rather than tasks occurring on a weekly basis. Task completion schedules can generally be planned in advance, e.g. the first two days of the month, two days during the last week of the quarter, etc. Episodic telework is useful for staff that need to work on a specific task where minimizing distractions such as those found in the office environment would be beneficial. Examples where episodic telework might be appropriate include developing quarterly budget reports or performing preparatory work for a large, upcoming conference, etc.

- **Ad hoc Telework -** is non-routine, non-regular, unplanned, and unscheduled. Approved ad hoc telework periods have limited durations and occur on an as-needed basis when an assignment is appropriate for telework. They may involve projects or infrequent, sporadic tasks. Special reports or analyses, one-time research projects, etc., are common examples. It is used for those staff that would ordinarily be needed in the office for face to face consultation with stakeholders. The ad hoc teleworker can perform regular assignments from a remote location on an occasional basis and only when it is specifically approved by the manager. Ad hoc telework can also be used if a telework approved staff member is unable to safely get to the office due to road conditions such as heavy snowfall, flooding, downed trees and power lines, etc.

- **Medical Telework -** is regular, episodic, or ad hoc telework performed on a temporary basis and is used for staff who are recovering from an illness or injury, or who are receiving medical treatment, but who can still perform their duties remotely. Medical telework requires the following:

    - Employee must provide acceptable medical certification that supports the request, give the nature of the illness or injury, and the anticipated beginning and ending dates of the incapacitation;

    - Employee must provide the reason why they are incapable of commuting to the official duty station and/or performing their duties at the official duty station for an entire day;

    - Employee must state that they are capable of performing their duties at home, and state any limitations or special needs in order to Telework.

    - Employees must communicate with the supervisor on a daily basis and or weekly basis and provide them with an update on the duties and responsibilities performed;

    - Employee must report to their supervisor if any leave has been used immediately.

- **Reasonable Accommodation Telework -** is regular, episodic, or ad hoc telework granted to an employee to accommodate a disability. Staff requesting reasonable accommodation telework must be able to perform their duties remotely. One example of this could be approving an employee to telework during poor weather conditions where sidewalks may prove treacherous for a disabled individual. For this type of telework, there are a number of resources available to supervisors and employees including the Computer/Electronic Accommodations Program (CAP) which provides assistive technology and services to people with disabilities, Federal managers, supervisors, and IT professionals. Employees who request this type of telework in order to accommodate a disability must comply with NIH Manual 2204: Reasonable Accommodations. Refer to the Office of Equal Opportunity and Diversity Management (OEODM) for further guidance.

Determining Telework Eligibility:

Employees who are full or part-time Federal Civil Service employees, and who meet all of the following criteria are eligible to apply for telework:

- **Position Determination -** Duties may be performed at a telework site if they:
  - Do not involve daily, direct handling of secure materials to include designated classified documents such as Confidential, Secret, Top Secret, etc*;
  - Are portable and do not have to be handled on-site – Portable work is defined as official duties that may be done in more than one location without diminishing the quality or quantity of work completed;
  - Do not require close supervision or frequent guidance from a supervisor;
  - Do not require daily face-to-face interaction with co-workers and/or customers;
  - Rely on information technology and connectivity that is or can reasonably be made available at the telework site, as applicable, or require no particular additional technology or connectivity;
  - Generate work results that can be measured and/or evaluated against a performance plan and/or standard reporting deadlines;
- **Employee Determination -** Employees may be eligible to participate in OD's Telework Program if the:
  - Employee has completed the mandatory telework training*;
  - Employee has not been officially disciplined for being AWOL for more than 5 days in any calendar year period*;

- Employee has a fully successful performance record and is not on a Performance Improvement Plan (PIP);

- Employee is new to the position but has sufficient employment history for supervisor to allow participation in the telework program;

- Employee has not been officially disciplined for violations of the Standards of Ethical Conduct for Employees of the Executive Branch, subpart G on viewing, downloading, or exchanging pornography*;

- Employee does not have an "official disciplinary action" or other action that resulted in placement of a document in the official personnel file on a temporary or permanent basis; or

- Employee works in an office that will have appropriate coverage on the proposed telework days.

**** Mandatory requirement per Public Law No. 111-292, H.R. 1722, The Telework Enhancement Act of 2010***

Note: *Commissioned Corps personnel are not covered by this policy and should refer to the Commissioned Corps guidance on the Use of Alternative Workplaces at: http://dcp.psc.gov/PDF_docs/23510.pdf*

Who May Approve Telework Agreements?

Approval authority has been delegated to OD Office Directors.

Applying to Telework

- The employee will:

  - Complete the online NIH Security Awareness Training

  - Submit a completed NIH Telework Agreement application, Appendix 1, to the first-line supervisor for review and approval.

  - Read and agree to policy governing liability coverage, Appendix 2. Conduct an assessment of the telework site using the Alternative Worksite and Safety Evaluation, Appendix 3.

- The first-line supervisor will:
    - Ensure that the employee has completed mandatory telework training through OPM or NIH;
    - Review the telework application;
    - Discuss any concerns with the employee before approving or disapproving the agreement;
    - Forward the application/agreement to the approving official;
    - Notify the employee verbally or in writing of their approval for telework, or notify the employee in writing that their request for telework has been denied; and
    - Work with the employee to develop a work plan for those days spent on telework.
- The approving official (the Office Director) will:
    - Review the Telework Program application/agreement;
    - Tell the supervisor (if different than approving official) whether the request has been approved or denied;
    - Forward the approved or disapproved telework agreement to the OD Telework Coordinator through the AO; and
    - Evaluate the telework agreement annually (if approved).
- The Administrative Officer (AO) will:
    - Contact the Office of Information Technology (OIT) to set up a VPN account to be used through the employee's existing Internet service provider.

Performance on Telework

While on telework, employees will need to keep track of hours worked as well as tasks worked on or completed during this period. This will assist supervisors in determining if adjustments to the telework arrangement should be made. Employees on telework must be available by phone and e-mail during business hours. Managers and supervisors may use the OD Work Summary form, Appendix 4, for staff to document work completed while teleworking.

Remote Connections for Telework

The Virtual Private Network (VPN) is available to all Teleworkers. Please see the NIH Remote Access Policy at: http://www3.od.nih.gov/oma/manualchapters/management/2810/. The Remote Access Agreement is an electronic form which users will complete upon finishing the online Security Awareness Training, and must be completed by all employees before beginning telework.

Only certain job functions (e.g., accessing NIH systems such as SOFIE) require high-speed connections. If you need a high-speed connection to carry out your duties, you must submit a special request (including all documentation) to your Office Director.

Telework Equipment

Employees are required to use government-issued equipment for telework. Check with your AO for equipment availability. Offices are encouraged to consider obtaining:

- Laptops for office and home use;
  - Personally Owned Equipment (POE) is not acceptable for telework purposes since they cannot be used to connect to the NIH network.
- A limited amount of equipment to be shared by Teleworkers; and
- Surplus equipment from other NIH sources.

OD will not supply fax machines or copiers to Teleworkers.

Reimbursement for Travel While Teleworking

There is no reimbursement for local travel between your regular duty station and your telework site.

Reimbursement for the Use of your Internet Service Provider (ISP) While Teleworking

Reimbursement for use is up to the discretion of your supervisor and will be determined on a case-by-case basis. If you do not have Internet service at the remote location you anticipate working from, you will need to discuss arranging for Internet service with your supervisor. Your supervisor is not required to reimburse for the use of your ISP or to arrange for installation of Internet service at an employee's telework site.

Approval of Duty Station Changes

Approval authority has been delegated to OD Office Directors and the OD Executive Officer.

Dependent Care

Employees must arrange for dependent care (child or elder) while teleworking as you would if you were working in your regular duty station. Teleworkers may not be the primary caretaker on telework days.

Government Operating Status Considerations

When the Federal Government or NIH shuts down (e.g., for an emergency, bad weather, etc.) the NIH follows the OPM guidelines for emergency closings. Please see the OPM Website at: http://www.opm.gov/oca/compmemo/dismissal.pdf

In the event of an emergency dismissal you may be required to continue to work at your alternative worksite based on the telework agreement signed by yourself and your supervisor. If OPM declares Government offices closed to the public, employees on telework agreements should contact their supervisors to determine if they should telework during normal working hours.

Records Retention and Disposal:
All records (e-mail and non-e-mail) pertaining to this policy must be retained and disposed of under the authority of NIH Manual 1743, "Keeping and Destroying Records, Appendix 1, NIH Records Control Schedule" Item 1100-M-1.

Management Controls:
The purpose of this policy is to provide guidance regarding Telework and ensure that it is implemented in accordance with statutory, regulatory, and policy requirements.

- **The Office responsible for reviewing Management Controls:**
  Through this policy, the OD Executive Office is accountable for the method used to ensure that management controls are implemented and working.

- **Frequency of Review**:
  The Executive Office will periodically review Telework records to ensure that they comply with all applicable law and policy.

- **Method of Review**:
  The Executive Office will review and evaluate the OD Telework program.
  Review reports are sent to the Deputy Director, NIH.

For more information about this policy, please contact the OD Executive Office at (301) 594-8231.

/s/

LaVerne Stringfield

Issuing Office: OD Executive Office (301) 594-8231

Attachments:
1) NIH Telework Agreement
2) Liability Coverage for Teleworkers
3) Telework Office Evaluation form
4) Work Summary form
5) Employee Telework Eligibility Notification form
6) Telework Tips for Supervisors

Addressees:
OD Supervisors
OD Managers
OD Staff

References:

31 USC 1348 section 620
http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=104_cong_public_laws&docid=f:publ52.104

Commissioned Corps guidance on the Use of Alternative Workplaces
http://dcp.psc.gov/PDF_docs/23510.pdf

The GSA Telework Website
http://www.gsa.gov/portal/content/105192

NIH Manual Chapter 2204: Reasonable Accommodations
http://oma.od.nih.gov/manualchapters/management/2204/

NIH Manual Chapter 2300-600-1: NIH Telework Policy
http://www1.od.nih.gov/oma/manualchapters/person/2300-600-1/

NIH Manual Chapter 2810: Remote Access Policy
http://www3.od.nih.gov/oma/manualchapters/management/2810/

NIH Training Center
http://telework.od.nih.gov/

OPM Dismissal Policy
http://www.opm.gov/oca/compmemo/dismissal.pdf

NIH Security Awareness Training (and Remote Access Agreement)
http://irtsectraining.nih.gov/publicUser.aspx

Telework.gov Telework Training
http://www.telework.gov/tools_and_resources/training/index.aspx