Court Services and Offender Supervision Agency
for the District of Columbia
Office of the Director
Office of Human Resources

HUMAN RESOURCES DIRECTIVE 610.6

SUBJECT: Telecommuting Program

EFFECTIVE DATE: August 7, 2002

APPROVED: Paul A. Quander, Jr., Director

I. INTRODUCTION: Section 359 of Public Law 106-346, October 23, 2000, mandates that "Each executive agency shall establish a policy under which eligible employees of the agency may participate in telecommuting to the maximum extent possible without diminished employee performance." The Court Services and Offender Supervision Agency (CSOSA) is therefore establishing a telecommuting program, which will provide for employee flexibility, and maintain support for the public safety and crime prevention mission of the Agency.

II. PURPOSE: The dual purpose of this Directive is to: 1) establish policy, guidelines and specific procedures for the administration of and participation in the CSOSA Telecommuting Program and 2) comply with the requirements set forth in Section 359 of Public Law 106-346. This Directive applies to CSOSA components, excluding the Pretrial Services Agency.

III. POLICY: CSOSA's policy is to administer innovative, sound human resources programs that will assist CSOSA in maintaining a productive and quality workforce. A well planned, properly administered Telecommuting Program will serve as a recruitment and retention tool, allow participants to strike a balance between work and home life demands, ease commuting problems, and improve employee productivity and morale. Telecommuting is not an employee entitlement; nor may an employee be *required* to telecommute.

On a case-by-case basis and upon formal approval in advance by the supervisor, an eligible employee in a designated position may work a segment of his/her official duty hours away from the official/traditional worksite. The alternate worksite will usually be the employee's residence, but may be an approved satellite office (e.g., "telecommuting center").

IV. TERMS:

A. ***Telecommuting*** – Working in an environment outside of the traditional worksite; e.g., an employee's home or satellite office.

B. ***Official Duty Station*** – The employee's designated agency office is the official duty station for such purposes as special salary rates, locality pay adjustments, and travel.

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C. ***Eligible Employee*** – A non-trainee CSOSA employee whose current performance is fully satisfactory ("Fully Met") or better, is not on a Performance Improvement Plan (PIP), is not on leave restriction and has not been disciplined within the past two years for leave or attendance issues.

D. ***Designated Position*** – An agency position (full-time or part-time; permanent or temporary) that has been approved by the appropriate Associate Director (or equivalent). Associate Directors are expected to establish the list of designated positions in their offices within ten days of receiving this Directive, and periodically update it as necessary.

E. ***Tour of Duty*** – The established basic hours of work including a 30-minute meal period. The daily tour of duty is either 8 ½ hours for a regular or flexible schedule or 9½ hours for a compressed work schedule. The existing Agency rules on hours of duty apply to telecommuting employees. Employees shall have the option to choose a flex-time work schedule in accordance with OPM regulations, Agency policies and procedures.

F. ***Pay and Leave and Overtime –*** Existing rules on pay and leave administration apply to telecommuting employees. Leave must be requested in advance and approved by the supervisor. The existing rules on overtime under Title 5, United States Code, and the Fair Labor Standards Act (FLSA), apply to telecommuting employees. All overtime work *must* be formally requested in advance and approved by the supervisor.

G. ***Certification of Time and Attendance*** – The General Accounting Office (GAO) requires agencies with employees working at remote sites to provide reasonable assurance that the employees are working when scheduled. Supervisors must certify time and attendance to ensure that telecommuting employees are paid for work performed and that absences from scheduled tours of duty are accounted for. Employees must personally certify the hours worked in a telecommuting status. CSOSA and employees shall conduct the certification of time and attendance forms on a basis consistent with current applicable federal time and attendance regulations and Agency policy and procedures.

H. ***Home Safety Inspections*** – The Agency must have reasonable assurances that the telecommuting employee's alternative worksite meets acceptable standards. The worksite is that area designated by the telecommuting employee that typically includes a computer, printer, fax, and other office equipment. Participating employees are required to complete the *Self-certification Safety Checklist* (included in Attachment B). On-site inspections, with reasonable advance notice to the employee, may also be conducted. Except in the event of an emergency, these inspections will normally be conducted by Office of Information Technology (IT) and/or Facilities staff. Neither they nor any other CSOSA employee shall be allowed to conduct an on-site review of any area not designated as the worksite by the telecommuting employee.

I. ***Workers' Compensation*** – Telecommuting employees are covered by the Federal Employees' Compensation Act (FECA) and may qualify for payment for on-the-job injury or occupational illness under FECA regulations.

J. ***Group Dismissal*** – A telecommuting employee may sometimes be affected by an emergency and may be excused from work. For example, on a "snow closing day", the agency may excuse a telecommuting employee if he or she cannot perform work because the regular office is closed and/or the alternative worksite is affected by the emergency. When an emergency affects only the alternative worksite for a major portion of the workday, the agency can require the telecommuting employee to report to the regular office. An employee may request leave and select to use annual leave, compensatory time, credit hours or leave without pay or the Agency may authorize an excused absence.

K. ***Liability*** – If found to be at fault, the employee will be liable for damage to any government-supplied property, including equipment at the alternate workstation, in the same way the employee is liable at the official duty station. CSOSA will not be liable for damages to an employee's personal or real property during the course of the performance of official duties or while CSOSA equipment is in use at the employee's residence, except to the extent CSOSA is held liable by the Federal Tort Claims Act, or the Military Personnel and Civilian Employees Claims Act.

V. TELECOMMUTING REQUEST PROCEDURES:

A. Supervisors will define the following for an employee in a designated position requesting to participate in a telecommuting arrangement:

- a fixed work schedule which includes hours to be worked at the alternate worksite and hours to be worked at the official office site. A fixed work schedule may be a compressed work schedule, standard tour, flexi-tours, and flexi-time consistent with the standard Agency work band (7:00 a.m. – 6:00 p.m.) in accordance with OPM regulations, Agency policies and procedures.
- tasks which can reasonably be performed by the employee at the alternate worksite;
- methods for the supervisor to transmit and receive assignments from the employee (via phone, e-mail and/or fax);
- a process to account for certification of time and attendance; and
- any equipment or other services needed at the home worksite.

B. Employees will be afforded the opportunity to request to participate in the telework program unless they have been disciplined for time and attendance problems or issues within the past two years. The employee must submit the request for a telecommuting arrangement to the employee's first line supervisor. The supervisor recommends in writing either approval (with or without modification) or disapproval along with the reasons for the determination. A recommendation for disapproval is forwarded to the Associate Director or equivalent for a final determination. If approval is recommended (with or without modification), the supervisor, in conjunction with the requesting employee, will prepare the necessary documents to effect the telecommuting arrangement and forward them with the request to the Associate Director or equivalent for final approval and signature.

C. Upon final review by the Associate Director or Office Head, if an employee's request for telework is denied, the employee may file a grievance under the conflict resolution procedure, or when implemented, the negotiated grievance procedure for bargaining unit employees or an EEO complaint if they believe that the disapproval was discriminatory in accordance with EEO regulations.

D. All requests, both approved and disapproved, will be forwarded to the Office of Human Resources (OHR) for tracking, program reporting purposes, and overall review to assure consistency throughout the Agency. OHR is responsible for reviewing the requests for consistency and adherence to policies, recommending changes, and maintaining Agency telecommuting records and statistics.

VI. GUIDELINES FOR POSITION AND EMPLOYEE SUITABILITY FOR TELECOMMUTING:

Both the nature of the work and the employment history of the requesting employee must be considered when assessing a telecommuting request.

A. Conditions for Successful Telecommuting Arrangements

The work:

- must be such that it can be effectively performed at an alternate work site;
- must be product or results oriented in order for the supervisor to effectively monitor the work accomplished; and
- may include research, reading, analysis, writing, and/or processing tasks.

The employee:

- must demonstrate the ability to work independently (minimal supervision required);
- must demonstrate performance that fully meets or exceeds expectations;
- must be able to communicate effectively in writing, by phone, and via e-mail;
- must demonstrate self-motivation, dependability, and reliability; and
- must demonstrate effective time management skills.

B. Unfavorable Conditions for Successful Telecommuting:

The work:

- requires the employee to have extensive or regular face-to-face contact with the supervisor, other employees, clients, or the general public on requested telecommuting work days; or
- requires access to materials or equipment that cannot be removed from the work site.

The employee:

- is performing at a level that does not fully meet expectations, or
- is in a trainee capacity or has not reached a level of relative independence, or
- has not demonstrated effective communications skills, dependability, or reliability, or
- has been disciplined for time and attendance problems or issues within the past two years.

VII. TELECOMMUTING AGREEMENT:

A. Upon approval of the Telecommuting Request, the employee must submit a completed and signed Telecommuting Agreement Form (including Part 3 – Self-certification Safety Checklist and Part 4 - Employee/Supervisor Checklist) to the appropriate supervisor.

B. The Telecommuting Agreement form covers such items as: the voluntary nature of the arrangement; hours and days of duty for each work site; responsibilities for timekeeping; procedures for requesting leave, overtime, and compensatory time; performance requirements; and proper use and safeguards of government property and records. Both the employee and the supervisor must sign and date the document.

VIII. ALTERNATIVE WORKSITE:

A. The employee must have an alternate worksite that meets minimum safety standards (Self-certification Safety Checklist), is free from interruptions, provides the necessary level of security and protection for Government property, and is conducive to productive work.

B. Telecommuting is not a substitute for dependent care. Employees must not use duty time for any purpose other than official CSOSA duties. Alternate arrangements must be made for someone other than the employee to care for dependents while performing official duties.

C. Eligible employees may participate in telecommuting to the maximum extent possible as long as employee or team performance is not adversely affected. However, employees participating in telecommuting must maintain a presence at their Official Duty Station as required by the supervisor. Associate Directors may limit the number of telecommuting days to as few as two per pay period, or authorize up to the entire pay period. The supervisor is responsible for ensuring that this presence is sufficient for the employee's benefit (e.g., professional development; interaction with peers) as well as for the organization's needs.

IX. EQUIPMENT AND SUPPLIES:

A. If available and in the best interest of the Agency to do so, the Agency may furnish equipment for home use so that an employee may telework. Decisions regarding equipment will be made on a case-by-case basis. It is not mandatory that the Agency provide equipment for telework arrangements. To the extent required by the telework schedule, office supplies reasonably necessary will be provided to the employee (e.g., paper, print cartridges,

computer disks, etc.). While government-owned computers and telecommunications equipment may be located in an employee's home, the Agency retains ownership of and control of the equipment, including the hardware, software, and data. Such equipment is for *official use only.* The telecommuting employee remains subject to CSOSA's policy on use of the Internet and email on CSOSA's computer equipment and during duty status only when using the employee's personal equipment. Employees are expected to exercise a reasonable standard of care over the equipment. Repair and maintenance is the responsibility of CSOSA.

B. Employee-provided equipment is the sole responsibility of the employee, which includes the responsibility for maintenance and software purchase and upgrades. Employee-owned equipment must be certified by the Office of Information Technology (IT) as meeting applicable standards of compatibility and capacity. Employees are reminded that CSOSA data, programs, information, or files placed on employee-owned equipment remain the exclusive property of the U.S. Government.

C. It is up to the immediate supervisor, in consultation with the employee and IT at the official duty station, to determine what equipment is required in any telecommuting arrangement and how the equipment will be provided. Options include use of excess equipment, use of portable equipment such as laptop computers to use for both the primary and alternate worksite, and/or use of employee's personal equipment.

X. HOURS OF WORK DURING TELECOMMUTING:

A. Telecommuting is working at an *alternative worksite*, not a reduced work schedule. The telecommuting employee's tour of duty must be approved by the supervisor, be consistent with the requirements of the position, and in accordance with Agency established work schedules. Normally, work will be performed within the Agency Work Band (7:00 a.m. to 6:00 p.m.). Supervisors remain responsible for approving work schedules and leave, and for certifying time and attendance.

B. Telecommuting employees are specifically not permitted to work additional hours beyond their authorized tour of duty without advance supervisory approval.

C. Leave (annual, sick, LWOP) must be requested and approved in advance by the supervisor.

D. In the event that employees at the official worksite are dismissed early or if the Agency closes due to inclement weather or an emergency situation, the telecommuter is normally excused as well, unless directed by the supervisor to complete a particular project or the remaining tour of duty. If an emergency situation occurs at the telecommuter's alternate worksite and it prohibits the employee from performing work assignments, the employee is required to report the situation as soon as possible to the supervisor. The employee will be directed to report to the official worksite. An employee may request leave and select to use annual leave, compensatory time, credit hours or leave without pay or the Agency may authorize an excused absence.

XI. CANCELLATION OR MODIFICATION OF TELECOMMUTING AGREEMENT:

A. An approved telecommuting arrangement can be canceled by either the employee or management. Normally, two weeks notice will be given, with the change taking effect at the beginning of the next pay period. A telecommuting arrangement may be canceled with less notice in the event of an emergency or immediate need, to the extent possible, three (3) business days notice will be provided.

B. In addition, employees working at an alternate worksite are subject to temporary callback to the primary worksite if it is determined by the supervisor to be necessary. Pursuant to Section IV, J, Group Dismissal, an employee may request leave if subject to temporary callback and unable to report to the primary worksite.

C. Telecommuting agreements may be modified by the Agency when necessary in the event of critical work-related changes or similar circumstances, or by mutual agreement.

D. The Office of Human Resources must be provided written notification when a telecommuting agreement is modified or terminated. The OHR will provide written notification to the Union when a telecommuting agreement is modified or terminated by the Agency for a bargaining unit employee. The notice must include the reason for the change or termination.

E. Telecommuting employees and their supervisors are responsible for maintaining the integrity of the program. All participants must be mindful that even the appearance of misusing government time or equipment will be detrimental to the telecommuting program and may be a violation of federal ethics regulations. If an employee is suspected of abusing the telecommuting arrangement, management will conduct an investigation. Any substantiated abuse could lead to disciplinary action, up to and including removal, and/or termination of the telecommuting agreement.

F. If a telework arrangement is cancelled or modified, an employee may file an EEO complaint if they believe the basis for the action was discriminatory or they may file a grievance.

XII. PROGRAM EVALUATION:

The CSOSA Telecommuting Program will be reviewed on a periodic basis to assess the program's effectiveness. Adjustments in telecommuting policies, operating procedures and program parameters will be made based on the results of the assessment efforts. Any future changes to this policy, operating procedures, and program parameters affecting bargaining unit employees will be subject to notice to the Union for impact and implementation negotiations between CSOSA and the Union.

XIII. CANCELLATIONS:

This Directive cancels any previous regulations, memoranda, or informal arrangements and the previous implementation of HR Directive 610.5, dated 5/25/2001, for bargaining unit employees regarding telecommuting.

ATTACHMENTS:

A. Telecommuting Request Form
B. Telecommuting Agreement Form
C. Telecommuting Work Hours Certification Form
D. Telecommuting Program Evaluation Form