



**Court Services and Offender Supervision Agency  
for the District of Columbia**

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**POLICY  
STATEMENT**

**Policy Statement 610.6**

**Policy Area: Human Resources**

**Effective Date: JUN 06 2011**

**Approved:**

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Reviewed on 5/8/17

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May 14, 2017

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**TELEWORK PROGRAM**

**I. COVERAGE**

This Policy Statement applies to all employees and volunteers of the Court Services and Offender Supervision Agency for the District of Columbia (CSOSA) (hereinafter, “the Agency”), excluding the Pretrial Services Agency.

**II. BACKGROUND**

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 teleworking to the maximum extent possible without diminished employee performance.” The Agency therefore established a telework program, which provides for employee flexibility and maintains support for the public safety and crime prevention missions of the Agency and for a continuity of operations. Additionally, Public Law 111-292 (Telework Enhancement Act of 2010) requires Federal agencies to identify employees eligible to telework and requires Federal agencies to allow eligible employees to telework.

**III. POLICY**

It is the policy of the Agency to administer a well-planned, properly administered Telework Program to serve as a recruitment and retention tool, allow participants to strike a balance between work-life and home-life demands, ease commuting problems, and improve employee productivity and morale. The Agency’s Telework Program is managed by the Telework Managing Officer within the Office of Human Resources.

A telework eligible position is one deemed by the Agency as appropriate to perform duties remotely without diminishing employee performance or Agency operations. Positions are determined to be telework-eligible by the appropriate member of the Executive Staff (or designated official), and the listing of telework-eligible positions is maintained by the Telework

Managing Officer. At the discretion of his/her supervisor, an eligible employee in a telework-eligible position may volunteer to enter into a formal telework agreement that allows the employee to work at an approved telework location away from the official worksite. Employees must receive telework training and have a properly approved telework request and telework agreement prior to teleworking. The approved telework site will usually be the employee's residence. Employees with telework agreements providing ad hoc telework schedules must request and receive formal, advance supervisory approval prior to each instance of telework. Supervisors may approve telework only when there is sufficient work for the employee to complete from the telework site.

In general, the Agency will not purchase nor provide equipment or services to enable an employee to telework. Telework employees must safeguard Agency information and limit information printed at the telework site to non-sensitive items only. Agency files may never be stored on an employee's personal computer or storage device.

When the Office of Personnel Management (OPM) determines the operational status of the federal government as "open with unscheduled leave/unscheduled telework," approved teleworkers with regular telework schedules are required to obtain approval to telework if the unscheduled telework status falls on a day that is not their regularly scheduled telework day.

Telework employees deemed by the Agency to be emergency employees must report to the official worksite during an OPM unscheduled leave/unscheduled telework status or receive advance approval to participate in unscheduled telework or take unscheduled leave.

An eligible employee's approved telework agreement can be canceled by either the employee or by Agency management. Additionally, Agency management may temporarily suspend a telework agreement.

#### IV. AUTHORITIES, SUPERSEDURES, REFERENCES, AND ATTACHMENTS

##### A. Authorities

Public Law 111-292 (Telework Enhancement Act of 2010)

Public Law 106-346, Section 359, Dept of Transportation & Related Agencies

5 C.F.R § 610, Hours of Duty

Executive Order 13164, Procedures for Reasonable Accommodation

Rehabilitation Act of 1973

5 C.F.R. § 2635 – Standards of Ethical Conduct for Employees of the Executive Branch

## B. Policy Supersedures

HRD 610.6, Telecommuting Program, dated August 7, 2002

## C. Procedural References

Privacy Act of 1974

CSOSA Continuity of Operations Plan

GAO Report “Human Capital: Key Practices to Increasing Federal Telework,” dated 7/8/04

Office of Personnel Management (OPM) Report “Planning for Pandemic Influenza,” dated May 2009

PS 5803 – Continuity of Operations Policy

PS 610.4 – Alternative Work Schedule Program Policy

HRD 610.2 – Hazardous Weather Policy

PS 2001 – Personal Use of Information Technology Resources

PS 2011 – Network Security Policy

PS 2012 – Remote Access Policy

Procedures for Providing Reasonable Accommodation for Individuals With Disabilities (Chapter 7, Rehabilitation Act of 1973)

Federal Employees’ Compensation Act (FECA)

OPM Checklist – “Telework Policy Evaluation Checklist”

CSOSA Listing of Emergency Employees

Standards of Employee Conduct, August 30, 1999

## D. Attachments

Appendix A. Definitions

Appendix B. Responsibilities

Appendix C. General Procedures

Appendix D. Telework Request Form (OHR-007)

Appendix E. Telework Agreement Form (OHR-008)

Appendix F. Telework Termination Form (OHR-009)

## **Appendix A Definitions**

***Alternate Work Site (Telework Site):*** The alternate work site that the employee teleworks from in the performance of his/her official duty. This is the site that is specifically identified on the Telework Agreement (Appendix E) (OHR Form-008).

***Cancellation of an Employee's Telework Agreement*** – The long-term termination of an employee's telework agreement. The cancellation must be documented on the "Termination of Telework" form (OHR-009) (Appendix F).

***Certification of Time and Attendance*** - Supervisors must certify time and attendance to ensure that all 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 teleworking status. Certification of time and attendance forms shall be conducted consistent with current applicable Federal time and attendance regulations and Agency policy and procedures.

***COOP*** (Continuity of Operations) – A comprehensive CSOSA program to ensure the continued performance of CSOSA's Mission Essential Functions (MEF) and Primary Mission Essential Functions (PMEF) throughout a wide range of emergencies, including localized acts of nature, accidents, and technological or attack-related emergencies.

***Eligible Employee*** – A non-trainee CSOSA employee or volunteer, whose position has been designated by the appropriate Executive Staff member to be eligible for telework and whose current performance as documented on the most recent performance appraisal is fully satisfactory ("Fully Met Expectations" or equivalent) or better, is not in a Performance Improvement Period (PIP) or Action Plan, is not on leave restriction, has not been disciplined within the past 12 months for telework-related abuse, has never been disciplined for pornography-related offenses on a Federal Government computer or while performing official Federal Government duties, and has never been disciplined for being absent without leave (AWOL) for more than five (5) consecutive days in any calendar year. Other criteria are listed in Appendix C.

***Holiday Early Dismissal*** – On occasion, the Agency Director or designee may release employees early (e.g., in relation to certain holidays). In the event that the Director authorizes supervisors to release their employees early – and the employee's supervisor concurs – the employees, regardless of telework status, will be excused from duty early. If the supervisor does not concur, the employee – regardless of telework status – may not take the early dismissal.

***Liability*** – If found to be at fault, the employee will be liable for damage to any Government-supplied property, including equipment at the telework station, in the same way the employee is liable at the official work 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.

***Official Work Site*** – The employee's designated Agency office for such purposes as special salary rates, locality pay adjustments, and travel. The official work site for a full-time (100%) teleworker is the telework location.

***Pandemic*** – A medical epidemic that spreads over an especially wide geographic area.

***Pay, Leave and Overtime*** – Existing rules on pay and leave administration apply to teleworking employees.

***Reasonable Accommodation*** – Any change in the work environment or in the way things are customarily done that would enable a qualified individual with a disability who is personally eligible and is in a telework-eligible position to enjoy equal employment opportunities, including telework.

***Suspension of an Employee's Telework Agreement*** – A short-term, temporary suspension of an employee's telework agreement of more than two (2) telework days for performance or telework-related conduct reasons initiated by either the employee or the supervisor in writing. Supervisors must notify the Telework Managing Officer in advance of any proposed telework suspension of greater than 30 days. Notification to the Telework Managing Officer is not required for telework suspensions of less than 30 days.

***Telework*** – A voluntary work flexibility arrangement under which an employee performs the duties and responsibilities of his/her position, and other authorized activities, from an approved worksite other than the official work site.

***Telework-Eligible Position*** - An Agency position (full-time or part-time; permanent or temporary; or volunteer) that has been approved for telework by the appropriate member of the Executive Staff. It is the presumption that all CSOSA positions are telework-eligible, unless specifically excluded by the appropriate member of the Executive Staff. Executive Staff members are expected to establish a list of telework-ineligible positions in their respective components within 90 days of receiving this Policy Statement and provide an update to the Telework Managing Officer as changes in position eligibility occur. The Telework Managing Officer maintains the list of eligible and ineligible positions. A telework-eligible position may

be eligible for telework at any frequency (i.e., ad hoc, monthly, once per pay period, once per week, etc.) at the discretion of the appropriate member of the Executive Staff.

***Telework Site Safety Self-Certification Inspection*** - The Agency must have reasonable assurances that the teleworking employee's telework site meets acceptable standards of safety and security. Participating employees are required to complete the *Self-Certification Safety Checklist*, which is part of the Telework Agreement. On-site inspections, with reasonable advance notice to the employee, may also be conducted.

***Tour of Duty*** - The teleworking employee's work schedule is established on the Telework Agreement form. The telework tour of duty could differ from the employee's official work site tour of duty. The existing Agency rules on hours of duty apply to all employees – regardless of telework status.

***Workers' Compensation*** – Teleworking employees are covered by the Federal Employees Compensation Act (FECA).

**Appendix B**  
**Responsibilities**

- A. Employee – the employee desiring to telework is responsible for:
1. Following the procedures established in this Policy to request and perform telework;
  2. Requesting changes in the telework schedule as desired by submitting a new request and a new agreement;
  3. Understanding the impact of the Continuity of Operations Plan on telework;
  4. Complying with the requirements as set forth regarding use of IT resources and information security;
  5. Ensuring regular and effective communication with his/her supervisor;
  6. Attending the telework training before beginning the telework schedule;
  7. Certifying to the supervisor the hours teleworked in accordance with the Agency's time and attendance procedures; and
  8. Before departing the office the work day prior to the telework day, forwarding calls from the regular duty station to their telework site, including their Agency cell phone, if applicable.
- B. Supervisor – the supervisory official is responsible for:
1. Processing the employee's request to telework in a timely manner. Supervisors must forward all requests to the respective member of the Executive Staff through the chain of command. Unless so delegated by the applicable member of the Executive Staff, supervisors are not authorized to approve telework requests. Due to OPM reporting requirements, denials of telework requests may not be delegated below the Executive Staff;
  2. Reviewing the employee's responsibilities related to telework with the employee when discussing the Telework Agreement Form;
  3. Reviewing approved Telework Agreements as necessary, to ensure that the Agreements are up-to-date with Agency requirements. In the event that an Agreement needs to be

modified, make the modifications and discuss changes with the affected employee(s). Have employees impacted by the change sign and date the change on the form;

4. Forwarding the approved Telework Request and the Telework Agreement Form to the Telework Managing Officer for record-keeping and reporting;
5. Providing the Telework Managing Officer the relevant information related to the annual Telework data call;
6. Contacting the Telework Managing Officer for any telework related question or concern;
7. Prior to terminating an employee's telework schedule, contacting the Telework Managing Officer to discuss the situation. After this discussion, submit the signed form OHR-009 to the Telework Managing Officer for reporting and record-keeping;
8. Prior to temporarily suspending an employee's telework schedule, contacting the Telework Managing Officer to discuss the situation. If the decision is made to temporarily suspend an employee's telework schedule, send the notification to the employee and to the Telework Managing Officer via email. There is no standard form for a temporary suspension of telework;
9. Ensuring telework hours are accurately tracked and accounted for in the employee's time and attendance records and submissions; and
10. Conducting performance reviews and appraisals irrespective of an employee's telework status.

C. Executive Staff – members of the Executive Staff are responsible for:

1. Determining which positions are ineligible for telework and reporting that information to the Telework Managing Officer;
2. Reviewing employees' requests for telework, approving or disapproving as appropriate and providing a copy of the completed request to the Telework Managing Officer. Employee requests must be approved or disapproved within 21 days of the request, unless extenuating circumstances prevent it. In the event of extenuating circumstances, the Executive should process the request as soon as reasonably possible;
3. Providing assistance to the Telework Managing Officer in the preparation of the annual Telework data call by furnishing the requested information;
4. Maximizing opportunities for eligible employees in telework-eligible positions to telework;

5. Maintaining a listing of emergency employees and distinguishing those emergency employees that may perform their emergency duties via telework from those required to be on-site; and
6. Terminating a teleworking employee's telework agreement if the employee loses eligibility due to reasons stated in Appendix C.

D. Agency Director – the Agency Director is responsible for:

1. Ensuring that an interactive telework training program is provided to:
  - a. Employees (supervisory and non-supervisory) eligible to telework and
  - b. Managers of teleworkers;
2. Ensuring that all employees who volunteer to telework have completed the interactive telework training program before beginning telework;
3. Maximizing the availability of telework in the Agency in compliance with the Telework Enhancement Act of 2010; and
4. Ensuring teleworkers are not treated differently from non-teleworkers for the purposes of:
  - a. Performance appraisals, including awards
  - b. Training, reassignments, promotions, retention, and discipline
  - c. Work requirements
  - d. Reductions in Force (RIF), salaries or benefits (with the exception of the transit subsidy)
  - e. Other acts of managerial discretion.

E. Telework Managing Officer – the Telework Managing Officer is responsible for:

1. Developing, implementing and maintaining the Agency's telework policy;
2. Developing and ensuring that interactive telework training is provided to teleworkers and employees desiring to telework and to supervisors/managers of teleworkers. After the initial training, ensuring that periodic telework training is provided to employees who desire to begin teleworking and to new supervisors/managers of teleworkers;
3. Acting as an advisor and resource to Agency leadership, including the Agency Director, the Executive Staff, managers, and employees;

4. Acting as the CSOSA primary point of contact between the Agency and the Office of Personnel Management (OPM) on telework matters;
  5. Answering all Telework data calls to OPM and other entities as required;
  6. Working with the Executive Staff to maximizing telework opportunities to eligible employees in telework-eligible positions;
  7. Notifying each employee of his/her eligibility to telework once the determination has been made by the Executive Staff, and maintaining the list of telework-eligible and telework-ineligible positions;
  8. Receiving and maintaining official files of all telework requests and agreements;
  9. In the event that a position or employee has been determined to be ineligible for telework, inquiring with the official responsible for that determination the reasons and reporting those reasons to OPM as required;
  10. In the event that an employee's telework schedule is terminated, reviewing the reasons for the termination with the supervisor and retaining the form OHR-009 on-file for reporting and record-keeping; and
  11. Performing other telework-related duties as the Agency Director and/or OHR Associate Director may assign.
- F. The Office of Human Resources Training and Career Development Center (TCDC) – the TCDC is responsible for scheduling telework-related classes periodically and providing all necessary facilities and equipment to conduct the training noted above.
- G. The Office of Information Technology (OIT) is responsible for ensuring that remote access to the Agency network and all appropriate applications is available to facilitate telework and for providing service and assistance to employees as necessary. OIT is also responsible for establishing policy and procedures regarding information security/cybersecurity. The Chief Technology Officer will notify the Agency Director and the OHR Associate Director of the expected duration of any planned or unanticipated network service interruptions.
- H. The COOP Manager – the COOP Manager is responsible for providing instructions within the COOP Plan to ensure continuity of operations in the event that the COOP is implemented, including the use of telework.

**Appendix C**  
**General Procedures**

**A. Eligibility**

1. Not all employees are eligible to telework. Factors including position eligibility and personal eligibility are taken into consideration.
2. Members of the Executive Staff shall designate which positions in their respective components are ineligible for telework. The presumption is that all CSOSA positions are eligible to telework unless specifically determined to be ineligible by the appropriate member of the Executive Staff. The Executive Staff shall forward the listing of ineligible positions to the Telework Managing Officer within 90 days of this Policy and as changes occur in eligibility.
3. Supervisors will define the following for an eligible employee in a telework-eligible position who is requesting to participate in a teleworking arrangement:
  - a fixed work schedule (regardless of whether working at the office or at a telework site);
  - tasks which can reasonably be performed by the employee at the telework site; and
  - methods for the supervisor to transmit and receive assignments from the employee (via phone, e-mail and/or fax)
4. Employees serving in a telework-eligible position may be afforded the opportunity to request to participate in the telework program, unless they are in a Performance Improvement Period (PIP) or Action Plan, or have been rated on the most-recent performance appraisal as less than “Fully Met Expectations” or equivalent, or are under a Leave Restriction. .
5. Employees who have been disciplined for pornography-related offenses are not eligible to telework as long as the OPF contains record of the offense.
6. Employees who have been disciplined for more than five (5) consecutive work days of absent without leave (AWOL) in any calendar year are not eligible to telework as long as the OPF contains a record of the offense.

**B. Guidelines For Position and Employee Suitability For Teleworking:**

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

## 1. Conditions for Successful Telework Arrangements

### The work:

- Must be such that it can be effectively performed at a telework site;
- Must be product- or results-oriented in order for the supervisor to effectively monitor the tasks accomplished; and
- May include research, reading, analysis, writing, computer-related, data processing, and other appropriate 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.

## 2. Unfavorable Conditions for Telework:

### The work:

- Requires the employee to have extensive or regular face-to-face contact with the supervisor, other employees, clients, or the general public;
- Requires access to materials or equipment that cannot be removed from the work site;
- Requires the work to be done from a specific location; or
- Diminishes employee performance or agency operations if not performed at the official worksite.

### The employee:

- Is performing at a level below acceptable standards (“Fully Meets” or “Fully Successful”);
- Is in a trainee capacity or has not reached a level of relative independence;
- Has not demonstrated effective communication skills, dependability, or reliability;
- Has been disciplined for telework-related misconduct within the past 12 months;
- Is on an Action Plan or a PIP or otherwise has performance-related problems;
- Has ever been disciplined for pornography-related offenses while in a duty status; or
- Has ever been disciplined for being AWOL for more than five (5) consecutive work

days in any calendar year.

**C. Telework Application Process:**

1. In order to begin telework, the employee desiring to telework must submit the Telework Request Form (OHR-007) to his/her supervisor. The supervisor recommends approval or disapproval and forwards the form to the applicable member of the Executive Staff for approval/disapproval.
2. If the request is approved, the employee and supervisor must complete the Telework Agreement Form (OHR-008), signing and dating the form as appropriate within 10 business days of notification of approval of the employee's telework request.
3. Upon final review by the Executive Staff member, if an employee's request for telework is denied, the employee may file a grievance under the conflict resolution procedure, the applicable negotiated grievance procedures for bargaining unit employees, or file an EEO complaint if he/she believes that the disapproval was discriminatory in nature.
4. All requests, both approved and denied, will be forwarded to the Office of Human Resources' (OHR) Telework Managing Officer for review. The Telework Managing Officer will recommend changes (if applicable), track approvals and denials for reporting purposes, and conduct overall review to assure consistency throughout the Agency and to ensure compliance with law, regulations and policy.
5. Before the employee can begin teleworking, the employee must attend telework training.
6. In the event that the employee desires to change his/her telework schedule, the employee must submit a new Telework Request Form and a new Telework Agreement as previously discussed.

**D. Telework:**

1. The employee must have a telework site that meets minimum safety standards, is free from interruptions, provides the necessary level of security and protection for Government property, and is conducive to productive work. Additionally, the employee must have the means to telework (functional computer, telephone, active broadband connection, printer, power, and work that can be done via telework).
2. Teleworking 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 the employee is performing official duties.

3. Eligible employees may participate in telework to the maximum extent possible (as determined by the applicable member of the Executive Staff) as long as employee, agency or team performance is not adversely affected.

4. Once a telework agreement is approved and signed, the telework must be performed at the specific telework site listed on the form. If a situation arises in which a teleworking employee desires to telework from a different site, the employee is required to get advanced supervisory approval of the alternate worksite prior to commencing telework at that site. The employee must certify to the supervisor that the alternative telework site meets the safety and security guidelines. Failure to do so will result in a denial of telework from that alternate site.

5. In the event that an employee performs full-time telework (performs official duties via telework 100 percent of the duty time), the salary with locality pay will be based on the telework site, not the official worksite. Benefits (other than transit subsidy), training, travel, performance appraisals, and awards will not be impacted by the employee's telework status.

6. Supervisors have the authority to reschedule their employees' telework days to meet the needs of the Agency. Supervisors are also authorized to temporarily suspend the telework schedules of their employees in the event of staff shortages, declining performance by the employee or other needs. For periods of temporary suspension of employees' telework schedules, refer to the procedures discussed in Appendix B, paragraph B of this Policy Statement.

7. Supervisors may require teleworking employees to return to the office at any point during the telework day – regardless of OPM Operational Status. Supervisors are advised to observe the employee's tour of duty to avoid incurring overtime situations.

8. With at least 48 hours advance notice, the employee's telework site may be inspected to ensure that it meets with the safety and security standards of this policy and accompanying telework agreement form. Except in the event of an emergency, these inspections will normally be conducted by the Office of Information Technology (OIT) staff or by the Telework Managing Officer. 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 teleworking employee.

#### **E. Equipment, Office Supplies and Agency Information:**

1. As a general rule, CSOSA will not purchase, procure or provide equipment or services to enable an employee to telework. Minor office supplies (such as pens, paper, and similar products) reasonably necessary may be provided to the employee. The teleworking employee remains subject to CSOSA's policy on use of the Internet and email on CSOSA's computer equipment and during duty status when using his/her personal equipment.

2. It is a condition of the telework agreement that the employee possess the computer and other equipment required to telework, as well as have a broadband Internet connection. The Agency will not provide office furniture, a telephone or cell phone, a facsimile machine, a scanner, computer components, or other items to enable an employee to telework. If the employee does not possess the necessary computer equipment, a telephone, and a broadband connection, the employee may not telework until he/she obtains the necessary items.

3. 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 meet OIT recommended compatibility standards. CSOSA's data, programs, information, or files must not be placed on employee-owned computer as it is the exclusive property of the U.S. Government.

4. It is up to the immediate supervisor, in consultation with the employee and OIT at the official duty station, to determine what equipment is required in any telework arrangement and how the equipment will be provided.

5. Telework employees must safeguard Agency information from the view of anyone in the employee's home or the telework site. Information printed at the telework site must be limited to non-sensitive items. Agency files may never be stored on an employee's personal computer or storage device and must be accessed from and remain on the CSOSA server only. The Agency information may also be covered by the Privacy Act and, as such, improper disclosure of such information may result in a Privacy Act violation

**F. Hours of Work:**

1. Teleworking requires performing duties at an alternate worksite and is not a reduced work schedule. The employee's tour of duty must be approved by the supervisor, be consistent with the requirements of the position, be specifically stated in the telework agreement, and be in accordance with Agency established work schedules. Supervisors remain responsible for approving work schedules and leave, and for certifying time and attendance.

2. As with non-teleworking employees, teleworking employees are specifically prohibited from working additional hours beyond their authorized tour of duty without advance supervisory approval.
3. If the employee desires to take leave while in a telework status, the employee is required to follow established procedures in requesting leave in advance of the date of intended use, subject to supervisory approval.
4. 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 teleworker is required to depart the office and continue to work through the end of the scheduled tour of duty from the telework site. If an emergency situation occurs at the teleworker's telework site (and not at the official duty station), and the emergency situation prohibits the employee from performing work assignments, the employee is required to report the situation as soon as possible to the supervisor. In this situation, the employee may be directed to report to the official worksite (which is not impacted by the emergency situation). In lieu of reporting to the official worksite in such a situation, an employee may be granted use of annual leave, compensatory time, credit hours or leave without pay or the Agency may authorize an excused absence.
5. In the event that employees at the official duty station are dismissed early in relation to an upcoming holiday, teleworking employees are also dismissed early, subject to supervisory approval. Supervisors may not dismiss only non-teleworkers. If non-teleworkers are dismissed, teleworkers must also be dismissed.
6. With the exception of employees who are performing field work and are approved to finish the remainder of the workday from the telework site and those employees who use a combination of sick leave, annual leave, leave without pay, or compensatory time and telework during the business day, no CSOSA employee shall telework for part of a day. With the exceptions above, CSOSA employees who have training, court duties, or other official functions during a regularly-scheduled telework day must either forego the scheduled telework day or reach agreement with the supervisor to reschedule their telework day. With the exceptions above, employees are specifically prohibited from teleworking the remainder of the day after having performed the duty that required their presence.

**G. Cancellation or Permanent Modification of an Employee's Telework Agreement:**

1. An employee's approved telework agreement can be canceled in writing by either the employee or member of the Executive Staff in the employee's chain of command. Normally two weeks notice will be given, with the change taking effect at the beginning of the next pay

period. A telework agreement may be canceled with less notice in the event of an emergency or immediate need. The Telework Managing Officer must receive written notification of the cancellation.

2. Employees working at a telework site are subject to temporary callback to the primary worksite if it is determined by the supervisor to be necessary. An employee may request leave if subject to temporary callback and unable to report to the official worksite.

3. Telework agreements may be modified by the Agency when necessary in the event of critical work-related changes or similar circumstances, or by mutual agreement. Bargaining Unit Employees will receive written notice of any long-term Agency-mandated modifications within 10 business days of the modification.

4. The Telework Managing Officer in the Office of Human Resources must be provided written notification when a telework agreement is modified or terminated.

5. Teleworking employees and their supervisors are responsible for maintaining the integrity of the telework program. All participants must be mindful that even the appearance of misusing Government time or equipment will be detrimental to the telework program and may be a violation of Federal ethics regulations. If an employee is suspected of abusing the telework agreement, management may temporarily suspend the employee's telework privileges and conduct an investigation. Any substantiated abuse could lead to termination of the employee's telework arrangement for up to one year and disciplinary action, up to and including removal.

6. If a telework agreement is cancelled or modified, an employee may file an EEO complaint if he/she believes the basis for the action was discriminatory or he/she may file a grievance using methods discussed previously.

## **H. Program Evaluation**

The CSOSA Telework Program will be reviewed periodically by the Telework Managing Officer to assess the program's effectiveness. The OPM "Telework Policy Evaluation Checklist" will be used to perform this review. Adjustments in telework policies, operating procedures and program parameters may be made based on the results of the assessment.

## **I. Reasonable Accommodation**

Federal agencies are required to provide reasonable accommodation to qualified individuals with a disability. Telework is one such accommodation that can be granted to a qualified

individual with a disability, so that agencies can make full use of the employee's abilities. An employee who is a qualified individual with a disability and who is not specifically disqualified by PL 111-292 may request telework as a reasonable accommodation. Management may elect to grant the accommodation after examining all relevant documentation.

## **J. Communication**

Effective communication is an important ingredient for organizational success; however, it is of paramount importance that communication regularly flows between the teleworker, supervisor and co-workers. Employees and supervisors are strongly encouraged to establish the level of communication and the frequency of daily communication in the Telework Agreement. It is important to the success of the teleworker and to the supervisor of the teleworker that all expectations and conditions be established in the telework agreement, so the expectations and conditions are clearly understood at the outset. The fact that an employee is teleworking should be an irrelevant factor in conducting the daily business – provided the employee's physical presence in the office is not required (for office coverage, court appearances, on-site training, duty officer assignments, etc.). Regular communication is the key to a successful telework arrangement.

## **K. Training**

1. Prior to commencing telework, all personnel who desire to telework must complete Telework Training.
2. All supervisors of teleworking employees are required to attend the Telework for Managers training.

## **L. Emergency Conditions – Including Weather-Related and COOP**

1. In the event of an emergency (pandemic, weather-related, act of terrorism, natural disaster, etc.), OPM may change the Government Operating Condition to “Open – With Option for Unscheduled Leave or Unscheduled Telework,” “Open – XX Hour Delayed Arrival With Option for Unscheduled Leave or Unscheduled Telework,” or “Federal Offices Closed to the Public.” Refer to the HRD 610.2 “Hazardous Weather Policy” for guidance.
2. Regardless of OPM's Operational Status, designated emergency employees who are required to be on-site must report to their official worksite on-time or have received supervisory approval to take unscheduled leave. Designated emergency workers who have been pre-approved to perform their emergency duties via telework must begin telework at the

time specified in the telework agreement unless they have received supervisory approval to take unscheduled leave. Designated emergency employees who have not received supervisory approval to perform their duties via telework or to take unscheduled leave are required to report to the official worksite on-time, regardless of OPM Operational Status.

3. In both of the OPM Operational Statuses listed above as “Open,” all employees whose telework schedule and agreement includes one day or more of telework per month are required to obtain supervisory approval to telework if the OPM status for unscheduled telework is not on their regularly scheduled telework day(s) or if they are not pre-approved to telework on unscheduled telework days. Teleworkers must telework for the entire tour of duty. Alternatively, the employee can request unscheduled leave. If an employee who teleworks as described above does not take approved, unscheduled leave, but does not telework for the normal tour of duty, that employee may be charged Absent Without Leave (AWOL) and be subject to disciplinary action.

4. If prior to the start of the workday OPM announces that the Federal Government in the Washington, DC metropolitan area is operating under the “Federal Offices Are Closed To The Public,” all emergency employees who have been designated to perform their essential functions via telework and those non-emergency employees whose telework schedule includes one or more days of telework per month are required to telework until the Federal Government returns to normal operational status. Alternatively, the regular teleworker may request leave. If an employee is teleworking during the “Federal Offices are Closed to the Public” status and the telework site experiences a disruption in access to the Agency’s computer systems, the employee is responsible to continue checking availability at 15-minute intervals and notify the supervisor. Employees are required to contact the Information Technology (IT) Help Desk at 202-220-5377 and place a trouble call for outages of 30 minutes or greater. Keeping the trouble call number is in the employee’s best interest in order to provide documentation that may be required.

4. Employees are reminded that during the tour of duty, they are required to perform work of the Agency – even during a weather-related emergency. For example, employees are not permitted to use duty time to shovel snow, clear debris, or other non-work-related tasks. Employees desiring to do so are required to request and be granted leave for the duration of the non-work-related tasks.

5. In the event that the COOP Plan is activated, the COOP Plan will supersede this Policy until the COOP Plan is de-activated and operations are restored to normal conditions.

6. In the event that employees are dismissed prior to the end of the workday due to an emergency at the official work site,, employees whose telework schedule includes one day or

more of telework per month are required to continue work via telework until the end of the normal tour of duty. If dismissed prior to the end of the workday, reasonable time spent traveling between the on-site office and the telework site is considered duty time. Supervisors are not permitted to extend the employee's workday to compensate for the travel time to the telework site.

7. If an emergency affects only the telework site for a major portion of the workday, the Agency can require the teleworking employee 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 – subject to supervisory approval - or the Agency may authorize an excused absence.

8. Employees not on a telework agreement may be granted administrative leave when the OPM status is “Federal Offices are Closed to the Public.”

#### **M. Treatment of Teleworkers vs. Non-Teleworkers**

Public Law 111-292 prohibits treating teleworkers differently than non-teleworkers for the purposes of:

1. Periodic appraisals of job performance of employees;
2. Training, rewarding, reassigning, promoting, reducing in grade, retaining, and removing employees;
3. Work requirements;
4. Reductions in Force (RIF), salaries or benefits (with the exception of the transit subsidy)
5. Other acts of managerial discretion.

#### **N. Relationship Between Alternative Work Schedules and Telework**

Telework and Alternative Work Schedules (AWS) are two separate and distinct programs; however, they both impact the ability of the agency to perform its mission. While teleworkers perform identical work to their non-teleworking peers, office coverage is a major concern for the agency. Employees are not entitled to maximize their participation in both telework and AWS at the expense of office coverage. Supervisors are encouraged to grant employees AWS and telework flexibilities to the extent possible. However, it is at the discretion of management to allow an employee both telework and an AWS schedule, as well as the frequency of telework. At all times the responsibilities and coverage of the office shall take precedence.



**Court Services and Offender Supervision Agency**  
**Policy Statement 610.6**  
**Appendix D - Telework Request Form**

*Part 1 - Employee completes this section.*

<b>Employee Name:</b>	
<b>Date of Request:</b>	
<b>Job Title:</b>	
<b>Grade:</b>	
<b>Component/Office/Team:</b>	

1. Specify the proposed telework agreement including:

//////////	Week 1 of Pay Period	Week 2 of Pay Period
Proposed Telework Days		
Duration of Agreement:		

2. How will your proposed telework agreement sustain or enhance your and your organization's ability to get the job done?

3. What work products will you produce?

4. **Unscheduled Telework**

- The employee must obtain supervisory approval for all OPM status unscheduled telework days.
- The employee is preapproved for all OPM status unscheduled telework days.

**Telework Request Form**

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5. I understand that in the event of an emergency, unless I am a designated emergency employee, that I will be required to telework for my entire tour of duty even if the government is closed to the public. If I am a designated emergency employee, I am required to report to the official worksite unless my supervisor authorizes me to perform my duties via telework. Note: This only applies to employees whose telework schedule is effected at one day per month or more of telework.

(Yes / No) (This is a condition of telework. A response of “No,” will result in a denial of telework for an employee whose telework schedule includes at least one day of telework per month.)

**Employee’s Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Telework Request Form**

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***Part 2 - Supervisor completes this section in evaluating the request.***

**1. Consider the following employee performance elements:**

- The employee has demonstrated self-motivation, independence, and dependability in accomplishing work assignments.
- The employee can work effectively in an isolated environment.
- The employee has good time management skills.
- The employee's overall performance evaluation is "Fully Met" or higher.
- The employee has satisfied satellite work station requirements, including availability of necessary equipment; privacy and lack of personal interruptions; security of sensitive, non-classified data; and confidentiality of Privacy Act-protected information.
- The employee has a history of reliable and responsible performance of duties in the current organization or the one they were most recently employed with;
- The employee does not require close supervision or constant, face-to-face interaction with co-workers to complete his/her assignments;
- The employee has never been disciplined for pornography-related offenses while on-duty;
- The employee has never been disciplined for being AWOL more than 5 days in any calendar year.

**2. Consider the following work characteristics for the employee's position:**

- The employee's position has been designated as "Telework Eligible."
- Specific work activities are portable and can be performed as effectively outside the office.
- Performance can be judged either through quality and timeliness of assignments or quantity of tasks completed or a combination of these factors.
- An essential component of job responsibility consists of reading/processing tasks; e.g., reviewing case files and writing legal briefs.
- Face-to-face contact with other employees, clients and/or offenders is predictable or contact can be managed through telephone or e-mail communication.
- Work planned for telecommuting days is not classified.
- The technology and equipment needed to perform the job off-site is available or can be adjusted for use on the days when the employee is in the primary office. For example, use of photocopier and fax equipment.
- Cyclical work does not present a problem.
- Security and confidentiality of data, including sensitive, non-classified, Privacy Act-protected information, can be adequately assured.

**3. Supervisor's Recommendation:**

[ ] Approved as requested      [ ] Modify and approve      [ ] Denied

Recommended beginning date (if approved): \_\_\_\_\_

**If your recommendation is to modify or decline the request, please explain why (attach sheet):**

**Supervisor's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Telework Request Form**

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***Part 3 – Associate Director’s Decision***

Approved as requested     Modified and approved     Denied

**If the request is modified or declined, please explain why:**

**Associate Director’s Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Beginning Date:** \_\_\_\_\_

*Original: Kept in supervisory files*

*Copy: Telework Managing Officer in the Office of Human Resources*

*Copy: Employee*



**Court Services and Offender Supervision Agency**  
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**Appendix E - Telework Agreement Form**

**Part 1--General Information** (Please type or print clearly)

<b>Employee Name:</b>	
<b>Component / Office / Team:</b>	
<b>Official Duty Location:</b>	
<b>Office Phone:</b>	
<b>Immediate Supervisor's Name:</b>	

**Part 2—CSOSA Telework Agreement**

The following constitutes an agreement on the terms and conditions of the telework agreement between:

<b>Component / Office / Team:</b>	
<b>Employee:</b>	

1. The employee volunteers to telework and to adhere to the applicable guidelines and policies. The Agency concurs with employee participation and agrees to adhere to the applicable guidelines and policies.
2. In an emergency, regardless of OPM Operational Status, all designated emergency employees are required to report to the official worksite unless the supervisor has authorized the emergency employee to perform the duties via telework.
3. The employee whose telework schedule is includes at least one day of telework per month understands that in the event of an emergency that disrupts the agency's operations or OPM announces that unscheduled telework is available, he/she will be required to telework for the entire tour of duty or take unscheduled leave.
4. This employee is preapproved for unscheduled telework under the appropriate OPM status announcement. Yes \_\_\_ No\_\_\_
5. This employee must obtain supervisory approval for unscheduled telework at all times. Yes \_\_\_ No\_\_\_
6. The employee agrees to participate for the period as follows:

<b>Beginning Date:</b>	
<b>Ending Date (if on-going, so state):</b>	

This agreement will be reviewed and may be extended beyond the initial period if agreeable to the agency and employee.

7. The employee's official tour of duty will be:

**On-Site Work Schedule:**

**Telework Schedule:**

**Week 1 of Pay Period**

**Week 1 of Pay Period**

Days:

Day(s):

Hours: From: To:

From (Time): To (Time):

**Week 2 of Pay Period**

**Week 2 of Pay Period**

Days:

Day(s):

Hours: From: To:

From (Time): To (Time):

8. The telework site is located at:

9. The employee will accurately report telework hours worked to his/her timekeeper each pay period.

10. The employee understands that he/she is required to report to the official work site as directed for meetings, conferences, training, etc., including days normally scheduled for teleworking.

11. The employee must obtain supervisory approval before taking leave in accordance with established office procedures. The employee agrees to follow established procedures for requesting and obtaining approval of leave.

12. The employee understands that any additional hours worked (overtime) *must* be ordered or approved, *in advance*, by the supervisor. The employee agrees that failing to obtain proper approval for overtime work may result in her/his removal from teleworking or other appropriate action, as well as denial of overtime compensation.

13. Provided the employee is given at least 48 hours advance notice, the employee agrees to permit inspections, as referenced in Appendix C, paragraph D(7) of the employee's telework site. These inspections will occur during the employee's normal working hours to ensure worksite conformance with safety and security standards as specified in OPM/GSA guidelines.

14. The employee certifies that the telework site has the computer equipment, printer, telephone and internet access required to telework..

## Telework Agreement Form

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15. The employee is covered under the Federal Employees' Compensation Act (FECA) if injured in the course of actually performing official duties at the telework worksite. Any accident or injury occurring at the telework site must be brought to the attention of the supervisor as soon as possible. The employee must also promptly notify OHR/Employee and Relations Office and submit the necessary paperwork.
16. The Government will not be liable for damages to an employee's personal or real property during the course of performance of official duties or while using Government equipment in the employee's residence, except to the extent the Government is held liable by Federal Tort Claims Act claims or claims arising under the Military Personnel and Civilian Employees Claims Act.
17. The Government will not be responsible for operating costs, home maintenance, or any other incidental costs (e.g., utilities) associated with the use of the employee's residence. While teleworking, the employee does not relinquish any entitlement to reimbursement for authorized expenses incurred while conducting business for the Government, as provided for by statute and implementing regulations.
18. The employee will meet periodically with the supervisor at the official worksite to receive assignments and to review completed work as necessary or appropriate.
19. The employee will complete all assigned work according to procedures and timeframes provided by the supervisor and in accordance with the employee's performance plan.
20. The employee's most recent performance rating of record and current level of performance must be "Fully Met" or higher in order to start and maintain a telework schedule (with the exceptions below). For employees who have not been employed by CSOSA long enough to have received a Performance Appraisal, this aspect may be waived at the supervisor's discretion.
21. The employee will apply approved safeguards to protect Government/Agency records from unauthorized disclosure or damage and will comply with the Privacy Act requirements set forth in the Privacy Act of 1974, Pub. L. 93-579, codified at 5 U.S.C. Section 552a.
22. The employee understands that all provisions of the CSOSA Standards of Conduct apply when in a telework status.
23. The employee may terminate participation in telework at any time. Management has the right to remove the employee from a telework agreement if it fails to support organizational needs. Such removal must be accomplished in accordance with established administrative procedures and be documented using Appendix F (Form OHR-009).
24. Failure to comply with these provisions may result in loss of pay, termination of the telework agreement, and/or other appropriate action.

**Employee's signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Supervisor's signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

### ***Part 3—Self-Certification Safety Checklist for Teleworkers***

This checklist is designed to assess the overall safety of your proposed telework site. Please read and complete the self-certification safety checklist. Upon completion, you and your supervisor should sign and date the checklist in the spaces provided.

Location of telework site:

Description of designated work area:

***For each question, circle YES or NO:***

To the best of your knowledge:

1. I have computer, printer, telephone and internet access needed to telework at my telework site. Yes No
2. My computer equipment is compatible with CSOSA's hardware and software enabling me to telework. Yes No
3. Are temperature, noise, ventilation and lighting levels adequate for maintaining your normal level of job performance? YES NO
4. Are all stairs with four or more steps equipped with handrails? YES NO
5. Are all circuit breakers and/or fuses in the electrical panel labeled as to intended service? YES NO
6. Do circuit breakers clearly indicate if they are in the open or closed position? YES NO
7. Is all electrical equipment free of recognized hazards that would cause physical harm (frayed wires, bare conductors, loose wires, flexible wires running through walls, exposed wires, etc.)? YES NO
8. Will the building's electrical system permit the grounding of electrical equipment? YES NO
9. Are phone lines, electrical cords, and extension wires secured under a desk or alongside a baseboard? YES NO
10. Are aisles, doorways, and corners free of obstructions to permit visibility and movement? YES NO
11. Do file cabinets and storage closets have drawers and doors that open into walkways? YES NO
12. Is the office space neat, clean and free of clutter? YES NO
13. Are carpets well-secured to the floor and free of frayed or worn seams? YES NO
14. A lockable drawer or cabinet is available and will be used to protect agency documents? YES NO

*Employee Certification: The statements on this form are true to the best of my knowledge and belief.*

**Employee's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Supervisor's Acknowledgement:** \_\_\_\_\_ **Date:** \_\_\_\_\_

***Part 4--Employee/Supervisor Checklist***

This checklist is designed to ensure that the participant and the immediate supervisor/employee understand telework policies and procedures.

- \_\_\_ 1. The employee has been provided with a schedule for hours/days at the telework site.
- \_\_\_ 2. Employee has read and understands the policies and procedures covering sensitive or Privacy Act protected data.
- \_\_\_ 3. Requirements for an adequate and safe office space and/or area have been discussed, and the employee certifies those requirements are met.
- \_\_\_ 4. Performance expectations have been discussed and are clearly understood.
- \_\_\_ 5. The employee understands that the responsible Associate Director may terminate employee participation at any time, in accordance with the terms of this Policy.
- \_\_\_ 6. The employee understands that the supervisor can order the employee in to the office at any time during the telework day.
- \_\_\_ 7. The employee may terminate voluntary participation in the telework program, effective at the end of the current pay period.

**Employee's signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Supervisor's signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Executive Staff signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

*Original: Supervisory file  
Copy: Telework Managing Officer (OHR)  
Copy: Employee*



**Court Services and Offender Supervision Agency**  
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**Appendix F – Telework Termination Form**

**Termination of Telework**

EMPLOYEE NAME:	
Employee Title:	
Component:	
Team:	
Frequency of Telework Prior To Termination (e.g., number of telework days per pay period)	
Executive Staff Signature (or designee):	

1. I have decided to terminate your telework agreement for the reason(s) stated below.

[State the reason for terminating the employee's telework schedule.]

Copy to:  
Employee's immediate supervisor  
Employee's second level supervisor  
Telework Managing Officer / OHR