

**FEMA MANUAL 123-9-1
TELEWORK
APPROVAL DATE: 1/9/2013**



**DEPARTMENT OF HOMELAND SECURITY
Federal Emergency Management Agency
OFFICE OF THE CHIEF HUMAN CAPITAL OFFICER**

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Date: 1/11/13

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Foreword

This Manual provides guidance and policy direction for the administration, implementation, and oversight of the Federal Emergency Management Agency's (FEMA) Telework Program. FEMA considers telecommuting to be a viable alternative work arrangement in cases where individual, job, and supervisor characteristics are best suited to such an arrangement. Teleworking allows an employee to work at home or other approved alternative work locations during regular working hours. Teleworking is a voluntary work alternative that may be appropriate for some employees and some jobs. It is not an entitlement and in no way changes the terms and conditions of employment with the Agency.

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CHAPTER 1: GENERAL INFORMATION

1-1. Purpose

The purpose of telework is to complete the duties, responsibilities, and other authorized activities (such as online training) of an employee's official position from an alternative worksite, other than at the location an employee normally works. The availability of telework promotes recruitment and retention; helps employees manage commutes and other work/life issues; reduces traffic congestion, fuel consumption and vehicle emissions; reduces real estate costs; and ensures continuity of essential governmental functions in the event of an emergency. This Manual prescribes policy and assigns responsibility for telework. It details position and employee eligibility determinations for teleworking. It also addresses performance management of the teleworker and provides guidance on security considerations for teleworking.

1-2. Applicability and Scope

This Manual applies to all FEMA employees as defined in Title 5 Section 2105 of the United States Code, except those excluded from coverage under Pub. L. No. 111-292, Section 6502, and those employees deemed ineligible by the Agency to participate in the telework program.

1-3. Supersession

This Telework policy supersedes FEMA Manual 3000.3, Program Guidance for FEMA Telework Program, dated July 31, 2000.

1-4. Authorities/ References

- A. P.L. 111-292, "Telework Enhancement Act of 2010," December 9, 2010.
- B. P.L. 106-346, "Making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes," Section 359 and accompanying conference report.
- C. P.L. 105-277, "Making omnibus consolidated and emergency appropriations for the fiscal year ending September 30, 1999, and for other purposes," Title IV, "Domestic Food Programs," Section 630, "Flexiplace Work Telecommuting Programs."
- D. P.L. 104-52, "Making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1996, and for other purposes," Section 620.
- E. U.S. Office of Personnel Management (OPM) Guide to Telework in the Federal Government.
- F. U.S. Office of Personnel Management (OPM) Washington, DC, Area Dismissal and Closure Procedures.
- G. U.S. Office of Personnel Management (OPM) Pandemic Information.
- H. FMR Bulletin 2006-B3: Guidelines for Alternative Workplace Arrangements, March 17, 2006.
- I. FMR Bulletin 2007-B1: Information Technology and Telecommunications Guidelines for Federal Telework and Other Alternative Workplace Arrangement Program, March 2, 2007.
- J. Office of Management and Budget Memorandum, "Protection of Sensitive Agency Information," June 24, 2006.
- K. DHS Continuity of Operations Programs and Continuity of Government Programs, MD 9300.1.
- L. Federal Employees' Compensation Act (FECA), 5 U.S.C., Chapter 8.
- M. The Privacy Act of 1974, 5 U.S.C. § 552a.

- N. Title 5, Code of Federal Regulations (CFR) 531.605, Determining an Employee's Official Worksite.
- O. Office of Management and Budget Memorandum, "Implementing Telework Enhancement Act of 2010 IT Purchasing Requirements".
- P. EEOC Enforcement Guidance, "Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act," No. 915.002 (October 17, 2002).
- Q. EEOC Work at Home/Telework as a Reasonable Accommodation, <http://www.eeoc.gov/facts/telework.html> (Oct. 27, 2005).
- R. DHS MD 250-05 and DHS MD 250-05-001, "Designation of Essential and Exempt Personnel".

1-5. Policy

- A. FEMA promotes telework (also known as flexiplace, telecommuting, or work-from-home) as a workplace flexibility for recruiting top talent; retaining current employees; reducing the cost of office space, absenteeism, and use of workers compensation; and to ensure continuity of essential governmental functions in the event of an emergency.
- B. The FEMA telework program embraces the premise that all positions are presumed suitable for telework, unless the official duties require, on a daily basis, an employee to be physically present at a worksite because the employee's duties cannot be performed remotely or from an alternate worksite, or that the employee's duties require the frequent and direct handling of sensitive materials inappropriate for telework.
- C. All eligible employees will be afforded every opportunity to participate in the telework program. Employees in occupations typically deemed ineligible for telework who are working on rotations or temporary details that include work that is eligible for telework may participate in the telework program. See criteria in Section 2-2, Determining Eligibility, for further discussion of eligibility requirements.
- D. Employees participating in the telework program will be provided with the necessary government equipment and supplies to adequately perform their tasks at an alternate worksite as detailed in Section 3-6, Security and Equipment.
- E. Telework may be executed either 1) on a regular and recurring basis, meaning that the employee teleworks at least one day or more a pay period or 2) on a situational or episodic basis, that occurs on an occasional, non-routine circumstance and/or during COOP/pandemic health crisis, individual employee medical reasons, or other emergency situations.
- F. Telework for more than one day a pay period may be appropriate for attracting potential applicants, retaining current employees, and providing reasonable accommodations for employees in accordance with guidance by Office of Equal Rights (OER), as well as for accommodating employees housed in Federal buildings undergoing renovation projects and for addressing other agency or employee needs.
- G. Unscheduled situational telework is an important component of FEMA's ability to operate in emergencies. Telework should be incorporated into emergency preparedness operations to the broadest extent possible. Unscheduled telework is a way for FEMA and its employees

to maintain productivity and help ensure safety of the Federal workforce and the public. For example, telework will be considered for situational inclement weather as well as emergency situations that involve national security, extended emergencies, or other unique situations (See Section 3-9 Emergency Situations).

- H. As part of FEMA Continuity of Operations Plan (COOP), positions may be designated as Mission Critical. These designations should be an integral part of the COOP planning and emergency occupant plans. As such, each organization should test its preparedness at least annually for an all-staff telework emergency by conducting an exercise where all eligible employees telework for at least one day (See Section 3-10). Designation as Mission Critical means the employee in the position is deemed an Emergency Employee for purposes of Para. 1-6.H.
- I. Telework will be considered when planning for any building renovation in any agency location, especially where workspace sharing (e.g., hoteling) is required.
- J. An approved and up-to-date agreement is required for any teleworking arrangement. The agreement should outline emergency designations when applicable and allow easy implementation for unscheduled telework in emergency or unforeseen situations where teleworking may be appropriate.
- K. Telework training is required for all new teleworkers and their managers before he/she begins a telework arrangement. Employees with telework agreements may also be required to undergo periodic retraining.
- L. Agencies/staff offices must include an appropriate notice in all eligible vacancy announcements when the position is eligible for telework. For example, "The duties of this position can be performed while teleworking" or "This position is eligible for telework and other flexible work arrangements."
- M. Telework may be considered appropriate as an accommodation for employees who meet reasonable accommodation guidelines in alignment with the Office of Equal Rights (OER).
- N. If an employee teleworks full time, supervisors must coordinate with Office of Chief Component Human Capital Officer (OCCHCO) to ensure the employee is aware of any impact to pay or benefits that may result from the arrangement (See Section 3-3, Official Duty Station).
- O. Employee performance for teleworkers and non-teleworkers will be evaluated using the same performance management program and standards that cover workers at traditional office/duty locations. This includes providing all employees the same opportunities and treatment with regards to work assignments, periodic appraisal of job performance, awards, recognition, training and developmental opportunities, promotions, and retention incentives.
- P. Teleworking employees are subject to ensuring that records subject to Privacy Act and sensitive or classified data are not disclosed to anyone except those who are authorized access to such information in order to perform their duties. Individuals may not remove classified data from employees' official work sites to alternate worksite locations.
- Q. Teleworking employees continue to be bound by DHS and FEMA standards of conduct and performance directives and policies while working at the alternate worksite.

- R. Employees rights provided for in the collective bargaining agreement are not affected by participation in the telework program.
- S. Employees can both telework and participate in an Alternate Work Schedule (AWS). However, a program office can restrict the combination of the usage of both programs by an employee if it negatively impacts mission accomplishment.

1-6. Definitions

- A. Alternative Work Schedules (AWS): Work schedules that differ from traditional fixed work schedules (e.g., 8 hours per day, 40 hours per week). There are two categories of AWS: Flexible Work Schedules (FWS) or Compressed Work Schedules (CWS).
- B. Alternate Worksite/Location (AWL): A location where official duties are performed away from the traditional worksite. An alternate worksite may be the employee's residence, a satellite office, or another approved location. For an employee covered by a telework agreement, the alternate worksite may be the employee's official worksite.
- C. Compressed Work Schedule (CWS): A schedule in which the biweekly 80-hour requirement for a full-time employee is fulfilled in less than 10 workdays. For a part-time employee, the biweekly requirement of LESS than 80 hours is completed in less than 10 workdays.
- D. Continuity Facility: Locations other than the primary facility used to carry out essential functions during continuity of operations events. In some cases, an employee's home or other virtual office options may be designated as a continuity facility if determined to have an acceptable risk level for the execution of essential functions continue.
- E. Continuity of Operations Plan (COOP): A plan containing procedures designed to ensure continuity of essential functions at FEMA under all emergency circumstances. Some of the major purposes of a COOP Plan include delineating essential Agency functions, specifying the order of succession of Agency leaders and delegations of authority, and providing for safekeeping of vital records/databases. Under a COOP, employees with and without Telework Agreements may be required to work at an alternate worksite.
- F. Emergency: Includes national and local security situations, extended emergencies, or other unique situations when the Agency is closed or access to an employee's official duty station or other agency facilities is limited.
- G. Emergency Employees: Employees who are assigned to positions required to sustain a facility or function in the event of a localized situation, such as inclement weather, interruption of power, or a dismissal or closure of DHS operations or services. These employees are expected to work even when DHS applies dismissal or closure procedures. The designation of Emergency Employees may vary according to the particular nature of an exigency. Emergency Employees may also be designated Mission Critical in Agency COOP plans. See Para. 1-5.H. FEMA employees have regular and recurring emergency management responsibilities; though not every position requires routine deployment to disaster sites, all positions may be subject to recall based on mission needs.
- H. Emergency Relocation Group (ERG): Staff assigned responsibility to continue essential

functions from an alternate site in the event that their primary operating facilities are threatened or have been incapacitated by an incident.

- I. Executive Level Managers: Associate Administrators, Regional Administrators, Assistant Administrators, and Program Directors and other Office Chiefs.
- J. FEMA Telework Managing Officer: The senior FEMA employee who serves as the Agency's point of contact to provide overall strategic direction on telework issues.
- K. FEMA Telework Program Manager: The Program Manager serves as the Agency point of contact (POC) for Program Office/Regional Telework Coordinators, for senior managers, and for external organizations (e.g., the U.S. Office of Personnel Management, the General Services Administration, and the Department of Homeland Security). He/she provides leadership, guidance and interpretation, data analysis, training, and evaluation of the Agency's telework program and policy.
- L. Flexible Work Schedule (FWS): A schedule in which an employee selects arrival and departure times that are outside business hours of, the FEMA activity to which assigned but within the flexible time band, and includes 8 hours of duty and a 30-minute lunch period each day.
- M. Mission Essential Functions (MEFs): The limited set of department and agency level government functions that must be continued throughout, or resumed rapidly after, a disruption of normal activities.
- N. Primary Mission Essential Functions (PMEFs): Those department and agency Mission Essential Functions, validated by the NCC, which must be performed in order to support the performance of MEFs before, during, and in the aftermath of an emergency. PMEFs need to be continuous or resumed within 12 hours after an event and maintained for up to 30 days or until normal operations can be resumed.
- O. Official Discipline (Formal): An action pertaining to the reprimand, suspension, or removal of an employee which is documented and is present in an employee's electronic Official Personnel File (eOPF).
- P. Official Duty Station: The official worksite is the location of an employee's position of record where the employee regularly performs his/her duties. Certain location-based pay entitlements (such as locality payments, special rate supplements, and non-foreign area cost-of-living allowances) are based on the location of the employee's official worksite associated with the employee's position of record (See Section 3-3, Official Duty Station). If the employee's work involves recurring travel or the employee's work location varies on a recurring basis (sometimes referred to as "mobile work"), the official worksite is the location where the work activities of the employee's position of record are based, as determined by the employing agency, subject to the requirement that the official worksite must be in a locality pay area in which the employee regularly performs work. Examples of mobile work include site audits, site inspections, investigations, property management, and work performed while commuting, traveling between worksites, or on Temporary Duty (TDY).
- Q. Official Home of Record: The employee's residential address that is officially listed in the employee's Official Personnel Folder (OPF).

- R. Personal Identifiable Information (PII): Any information about an individual maintained in an agency system of records, including, but not limited to, financial transactions, medical history, criminal history, employment history, or any other information which can be retrieved using a personal identifier, such as name, Social Security Number, date and place of birth, mother's maiden name, biometric records, and any other personal information which is linked or linkable to an individual.
- S. Portable Work: Work normally performed at an employee's official worksite that can be performed with equal effectiveness at an Alternative Work Location with respect to quality, quantity, timeliness, efficiency, customer service, and other aspects of the Agency's mission accomplishment. This work is part of the employee's regular assignments and does not involve a change in duties or in the way assignments are performed.
- O. Program Office/Regional Telework Coordinators: FEMA employees who, as part of their official duties, serve as points of contact for providing guidance to employees and managers in their respective organizations, collect telework data for reports, and oversee implementation of the Agency's Telework Program in their organizations. In addition, they will ensure compliance of the Telework Program with appropriate DHS directives, FEMA policies, processes, and procedures, and to identify and implement Telework improvements or corrective actions. They work collaboratively with the Agency's Telework Coordinator.
- P. Re-certification of Telework Agreements: Annual review of an employee's Telework Agreement by the employee's supervisor to determine the employee's current eligibility for participating in the Telework Program. The employee's participation in the Telework Program may be amended or disapproved (terminated); otherwise agreements remain in force. Supervisors must document any amendment in writing by completing a new FEMA Form 123-9-0-1, Telework Application and Agreement with the employee.
- Q. Regular Telework (Core): Work that is performed on an established work schedule at an approved AWL on a regular, recurring, and ongoing basis. Telework arrangements may be determined by the Supervisor to be full-time or part-time based on eligible telework duties and portable work needs (full-time arrangements must consider Section 3-3, Official Duty Station). Employees with Regular Telework agreements may also apply for Situational Telework in order to work on specific projects and/or in response to an emergency.
- R. Situational Telework (Episodic): Telework that occurs on an occasional, non-routine basis and/or during COOP/pandemic health crisis or other emergency situations. Supervisors have discretion to establish timeframes for Situational Telework (Episodic) based on work-related factors such as work priority, deadlines, etc. When making an approval for a situational telework agreement for a medical reason, special project, or accommodation request, the agreement must be reviewed and reapproved every 30 days. Telework arrangements may be determined by the Supervisor to be full-time or part-time based on eligible telework duties and portable work needs (full-time arrangements must consider Section 3-3, Official Duty Station). The definition of situational telework includes "unscheduled telework" as defined separately. Situational telework may be used:

1. To allow an employee to perform work on a specific organizational project or a discrete portion of a project;
 2. To permit an employee to perform work at an AWL during inclement weather;
 3. To allow an employee to perform work when his/her official worksite is not accessible (e.g., building damage/emergency, or because of traffic disruption due to street closures, conventions, demonstrations, etc.);
 4. To enable an employee to perform work at an AWL during an agency closure or early dismissal (see Section 3-9, Emergency Situations for further detail); or
 5. For an employee who is recovering from illness or an injury and is temporarily unable to physically report to the traditional office, as supported by documentation from the employee's physician.
- S. Telework: A flexible work arrangement under which employees perform the duties and responsibilities of their positions from an approved worksite other than the location from which the employee would otherwise work.
- T. Telework Application and Agreement: A written agreement of the terms and conditions of the telework arrangement that is completed and signed by the participating employee and the supervisor or designee(s).
- U. Telework-Ready Employee: An employee who meets the eligibility criteria of the Telework Program, has completed the required training, has the appropriate space and equipment and work assignments needed to work at a location other than the official worksite, and has an approved Telework Agreement.
- V. Tour of Duty: The hours of a day (a daily tour of duty) and the days of an administrative workweek (a weekly tour of duty) that constitute an employee's regularly scheduled administrative workweek.
- W. Traditional Worksite: The location (i.e., workplace) where an employee would usually report for work absent a telework agreement.
- X. Unscheduled Telework: A term applied in the context of OPM's Washington, DC, Area Dismissal and Closure Procedures, in reference to telework that occurs on day(s) that a telework approved employee was not scheduled in advance to telework. This is considered a type of situational telework and applies to all FEMA locations.
- Y. Workspace Sharing (Hoteling): An arrangement involving two or more employees sharing one office/cubicle by coordinating the days each employee is on-site at the traditional worksite; or a shared use of non-dedicated workstations by employees (who telework the majority of their time) when they are on-site at the traditional worksite.

1-7 Responsibilities

- A. Chief Component Human Capital Officer (CCHCO) is responsible for:
1. Designating an Agency Telework Managing Officer to administer and oversee the telework program for FEMA; and
 2. Developing Agency specific guidelines on telework necessary to implement DHS policy.

B. Executive-Level Managers are responsible for:

1. Actively promoting telework within their respective organizations, consistent with accomplishing their assigned missions, making every effort to overcome artificial barriers to program implementation and integrating telework into continuity of operations (COOP) activities;
2. Serving as the final deciding authority regarding whether an employee will be allowed to telework if a supervisor's disapproval is appealed by an employee; and
3. Determining which employees are Emergency Employees, in coordination with the FEMA Telework Program Manager.

C. Office of Equal Rights (OER) is responsible for:

1. Providing technical resource information on reasonable accommodation; and
2. Advising on usage of telework as an accommodation.

D. Chief Information Officer in coordination with Chief Acquisition Officer is responsible for:

1. Procuring allowable Information Technology products and services, to include remote access servers, client devices, and internal resources accessible through remote access;
2. Deploying and modernizing IT systems and infrastructure to support agency telework requirements (as applicable to Section 3-6, Security and Equipment); and
3. Ensuring compliance of devices and infrastructure with federal security and privacy requirements.

E. FEMA Telework Managing Officer is responsible for:

1. Developing and evaluating program structure and resources;
2. Providing overall strategic program direction; and
3. Leveraging support for the telework program throughout the agency by collaborating with senior agency officials.

F. FEMA Telework Program Manager is responsible for:

1. Providing overall direction on the implementation of the FEMA telework program in accordance with law, this Instruction, and other applicable DHS policies; and program implementation, and operation of the telework program in accordance with law, this Instruction, and other applicable DHS policies;
2. Ensuring oversight for the Agency Telework program, monitoring, evaluating and providing guidance and training to all Telework Coordinators;
3. Actively promoting telework within the Agency, consistent with accomplishing assigned missions, and making every effort to overcome artificial barriers to program implementation through education and training for leadership and supervisors on telework benefits, performance management in a telework environment, and the value of integrating telework into COOP activities; and
4. Tracking employee participation and providing usage data at the end of each calendar year for submission to the DHS Chief Human Capital Officer or the U.S. Office of Personnel Management (OPM) for Annual Telework Reporting. Additionally a copy will be provided to the FEMA Labor Management Partnership Council.

G. Telework Coordinators are responsible for:

1. Reviewing all submitted Telework forms, agreements, and documents received for completeness and compliance;

2. Interpreting Telework policy application to regional, directorate, or division level;
 3. Maintaining accurate records of program participation at regional, directorate, or division level;
 4. Working with the Telework Program Manager to complete and submit regional, directorate, or division program reporting requirements; and
 5. Ensuring employees are fully trained on telework procedures including IT and data security and safety requirements.
- H. The FEMA Privacy Office is responsible for providing policy guidance and training for employees and managers to ensure that the use of AWL includes proper handling of information protected by the Privacy Act;
- I. The FEMA Office of the Chief Security Officer is responsible for providing policy guidance and training for employees and managers to ensure that the use of AWL does not risk the improper disclosure of sensitive but unclassified (For Official Use Only (FOUO)), or classified information;
- J. FEMA Supervisors are responsible for:
1. Ensuring there is adequate coverage during public business hours to enable operations to continue to be carried out in an efficient and economical manner and that participating and nonparticipating employees are treated equitably;
 2. Making the determination regarding whether requesting employees are eligible for telework;
 3. Determining whether employees' duties include sufficient portable work to permit regular telework for a given number of days per pay period;
 4. In collaboration with OCCHCO, ensure that, as appropriate, position descriptions are updated to reflect which positions are not suitable for telework and the reasons for such determinations;
 5. Approving or disapproving requests for telework (When making an approval for a situational telework agreement for a medical reason, special project, or accommodation request, the agreement must be reviewed and reapproved every 30 days. A request for approval for an employee to telework outside of their normal commuting area or in another geographical area should be handled as a request for change of duty location and not a telework request.);
 6. Justifying, in writing, the basis for the disapproval or termination of telework in the comments portion of the telework request; and communicating clearly to their employees the reasons for the disapproval of employees' telework requests;
 7. Monitoring and reviewing all telework arrangements annually to make sure mission requirements are being met;
 8. Monitoring employee performance and terminating telework arrangements if an employee's performance does not meet or exceed the "proficient," or "achieved expectations" standard, or if the teleworking arrangement fails to meet organizational needs;
 9. Ensuring proper accountability of government equipment assigned to teleworkers;
 10. In the event of lost or stolen equipment, conducting an inquiry into the facts and circumstances, and reporting findings in accordance with FEMA's Personal Property Manual 119-7-1, specifically FEMA Form 119-7-1-1, Report of Survey;
 11. Ensuring that employees comply with laws, policies, and directives to prevent the unauthorized disclosure of information that is confidential, sensitive, classified, or PII;

12. Contacting the Office of Equal Rights for additional guidance before approving an episodic and situational or regular and recurring telework agreement in cases where an employee requests telework as an accommodation for disability; and
13. Engaging and involving Agency Labor Representatives, where applicable, in determining the types of positions and tasks eligible for telework. Engaging and involving Equal Rights representatives where exclusive representation is not applicable in determining the types of positions and tasks eligible for telework.

K. FEMA Employees are responsible for:

1. Completing and signing a telework agreement detailing the location and requirements of the alternate worksite. (If requesting telework at home, designate one area in the home as the official work station for purposes of telework on the Telework Agreement (e.g., First Floor Office) and complete the attached self-certification safety checklist);
2. Maintaining a level of performance that is at the proficient or “achieved expectations” level or higher;
3. Protecting all government-provided equipment and software from loss, theft, or damage (including environmental damage);
4. Ensuring the security of all official, sensitive, and, in particular, for official use only (FOUO) data, and strictly adhering to Agency information and electronic security policies;
5. Agreeing to protect government records from unauthorized disclosure or damage and to comply with the requirements of all information security laws, rules, and regulations, including the Privacy Act of 1974;
6. Immediately notifying his or her supervisor and all appropriate Agency officials, including the Privacy Officer, when a loss, theft, or compromise of personal information or government equipment occurs;
7. Working at the traditional worksite on telework days if necessitated by work requirements, or as directed;
8. Updating his or her application for Transit Subsidy benefits within 10 working days of the approval of a regular telework agreement;
9. Ensuring the designated area in his or her home complies with safety requirements for work-at-home telework;
10. Notifying their supervisor immediately of any accident or injury at the alternate worksite and completing the required documentation;
11. Notifying their supervisor if equipment failure or other technical reasons affect their ability to telework efficiently;
12. Forwarding office telephones to the agency issued equipment; (this requirement will be dependent upon the phone system at the employee’s traditional worksite, as all systems do not have the call forwarding feature);
13. Adhering to the established work schedule and properly accounting for and reporting actual hours worked; and
14. Adhering to the same workday requirements when performing work at the AWL as they would be if they were performing work at the official duty station.

1-8. Reporting Requirement

OCCHCO will collect the appropriate information and report to DHS Chief Human Capital Officer and OPM as directed.

1-9. Forms Prescribed

- A. FEMA Form 123-9-0-1, Telework Application and Agreement Form

B. FEMA Form 123-9-0-2, Employee Self-Certification Safety and Health Checklist

1-10. Questions

Questions concerning Telework should be addressed to the Office of Chief Component Human Capital Officer at (202) 646-3962.

CHAPTER 2: PROCEDURES

2-1. Telework Arrangements

- A. While participation in telework is not an employee entitlement, FEMA assumes that all positions are eligible for telework unless the supervisor can document otherwise that official duties are not suitable for work in a remote or alternate worksite. An employee may participate in the program if the employee meets eligibility requirements as outlined in Section 2-2, Determining Eligibility.
- B. A complete telework documentation package must be submitted to the Telework Coordinator prior to the participation of an employee in the telework program including:
 - 1. A completed and signed FEMA Telework Program Application and Agreement Form, which has been prepared in accordance with this policy and attests to the validity of eligibility and program participation. This is required to document any form of telework arrangement and prior to the beginning of telework. Telework plan should be attached;
 - 2. The FEMA Telework Health and Safety Checklist must be completed and signed;
 - 3. Documentation of completed telework training program as described in Section 2-3, Training; and
 - 4. Completion of any documentation related to applicable telework equipment.
- C. A telework arrangement does not alter the terms and conditions of the appointment as specified on the employee's Notification of Personnel Action, SF-50. However, an employee's official duty station may change if he or she does not regularly commute into the agency office (See Section 3-3, Official Duty Station). The telework arrangement must not affect other conditions of employment (e.g., hours of work) unless otherwise specified in the telework agreement. Employees may be approved both to telework and to work an alternative work schedule.
- D. The telework arrangement may normally be terminated in writing by either management or by the employee with reasonable advance notice, generally fourteen calendar days, but not less than seven calendar days. Reasons for termination of an arrangement may be a decline in performance or productivity, or if the arrangement no longer benefits the organization's needs. Program Offices may establish specific termination provisions, as they deem necessary, for their operations and mission needs. When an arrangement is terminated by management, the supervisor must provide the employee with a brief, written explanation as to why.
- E. The telework agreement shall be for the performance of official duties or related activities (professional development, training) and shall not be treated as an opportunity to conduct personal business.
- F. Teleworkers are responsible for ensuring appropriate arrangements for the care of dependents at home if the home is their official telework duty location. That is, employees may not use telework to personally care for a dependent. However, this does not preclude a teleworker from having a caregiver working in the home providing care to the dependent(s) while he/she teleworks.
- G. Management reserves the right, normally with one day notice, to require employees to return to the official duty location on scheduled telework days, based on operational requirements. Exceptions for a lesser notification may be appropriate in certain unforeseen situations.
- H. Approved telework agreements should be coordinated with the Agency Transit Subsidy Manager. Notify the Agency Transit Subsidy Manager of the number of days the employee will telework so the transit subsidy coordinator can determine if the employee's subsidy should be reduced appropriately.

- I. Employees who telework must be available to their coworkers, supervisor, and customers in the same manner as if they were in their duty location. For example, phone calls and emails must be answered in the same timeframe as if the employee were working in their duty location. This means that phones may normally be forwarded to agency issued equipment. It may also mean that the employee should provide a secondary phone number to be reached at the telework site if possible. Specific communication expectations shall be addressed in the telework agreement, if necessary.
- J. During emergency situations, such as closures of the employee's official duty station, or during heightened periods of disaster work activity,, the agency may require employees with telework agreements to telework on short notice. See Paragraph 3-9.

2-2. Determining Eligibility

- A. Positions eligible for telework are those involving tasks (may be one or more) and work activities that are portable, do not depend on the employee being at the official duty location worksite, are measureable, and are conducive to supervisory oversight at the alternate worksite. Job series and title do not determine eligibility as supervisors and managers are required to encourage all eligible employees the opportunity to Telework.
- B. Tasks and work activities generally suited for telework include, but are not limited to: reading, reviewing, editing, scheduling, planning, writing, and policy development; research; analysis (e.g., investigating, program analysis, policy analysis, and financial analysis); report writing; telephone-intensive tasks (excluding receptionist duties); computer-oriented tasks (e.g., required or developmental training, programming, data entry, word processing, web page design) and data processing. Tasks and work activities not generally suited for telework include, but are not limited to positions that: involve daily handling of classified materials; require the use of specialized equipment; require daily contact with other people; or where a daily physical presence is required per the official duties of the position. FEMA positions that are not typically suited for core telework include: inspectors, fire fighters, warehouse staff, and similar positions. However, these positions may still be suitable for Situational Telework on a case-by-case basis. The premise is that positions are eligible for telework and supervisors must document exceptions.
- C. An employee suitable for telework is one who has demonstrated personal characteristics that are well suited to telework, as determined by the supervisor, including as a minimum:
 - 1. Demonstrated dependability and the ability to handle responsibility;
 - 2. A proven record of high personal motivation, independence, dependability, good time management skills, ability to prioritize work effectively, and ability to work without close supervision;
 - 3. The ability to prioritize work effectively and utilize good time management skills;
 - 4. A proven, or on target for, a minimum current performance rating of at least "proficient," or "achieved expectations" in all performance criteria as designated by the FEMA performance management programs;
 - 5. The employee must not be on leave restriction; and,
 - 6. No adverse personnel actions within any of the following categories:
 - A. A Letter of Reprimand, a suspension without pay, or removal, imposed for absence without leave for more than 5 days in a calendar year or for violations of Subpart G of the Standards of Ethical Conduct of Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties), to the extent that such action remains in the employee's OPF, precludes approval of telework.

- B. Imposition of any other disciplinary or adverse action not included in A., above, within the previous six months precludes approval of telework.
- C. Imposition of any other disciplinary or adverse action not included in A. or B., above, regardless of age of the action, may preclude approval of telework, in the discretion of the supervisor.
- D. An employee may not be approved for telework for one year from the date of commencement of a performance improvement plan (PIP).

2-3. Training

- A. The employee must complete the telework awareness training prior to signing an initial telework agreement and prior to starting to telework. Training is available at:
http://www.telework.gov/tools_and_resources/training/employees/index.aspx
- B. Supervisors must complete telework awareness training in order to approve a telework arrangement. Training is available at:
<http://www.telework.gov/toolsandresources/training/managers/index.aspx>

2-4. Appeals

An employee denied a request to telework may appeal to the appropriate Executive Level Manager. The appeals process must ensure that the employee and management have a fair and equitable opportunity to be heard. Appeal decisions are binding for no more than six months unless circumstances change or are agreed upon by both parties involved in the appeal. It is FEMA policy that whenever possible, individuals be allowed to telework, so the burden in an appeal on why the agency would not allow telework is on the supervisor, not on the employee. With respect to employees covered by a collective bargaining agreement, appeals will be governed by the negotiated grievance procedure. The Telework Coordinator will notify the employee of the appeal decision.

CHAPTER 3: TERMS AND CONDITIONS OF THE TELEWORK PROGRAM

3-1. Changes to Telework Agreement

An employee who teleworks may be required to come into the office on their telework day when management makes a determination their presence is required. At least a one-day notice should be given to the employee, however unforeseen circumstances may require less notice. A teleworker who must report to the official duty station should do so in a reasonable amount of time. Items to take into consideration are traveling distance, mode of transportation, etc. Teleworkers and management should discuss these items. In some cases, there may not be sufficient time for the teleworker to report to the official duty station. Teleworkers who wish to change their scheduled telework day permanently should complete another agreement and obtain the proper approvals. Intermittent changes in a telework agreement do not require a change in the agreement; however teleworkers should make the request at least one day in advance.

3-2. Residential Telework Environment

- A. It is the responsibility of the employee to ensure that all the requirements to do official work at their residence are met in an environment that allows the tasks to be performed safely (See attached FEMA Form 123-9-0-2, Employee Self-Certification Safety and Health Checklist).
- B. The employee must designate an area in the home as their official work area. The area designated must be documented on the telework agreement. The employee should check with their community associations, if one exists, to ensure there is not a restriction on working from home.
- C. Each teleworker must understand that telework is not a substitute for dependent care. A caregiver, however, may be present in the home to take care of a dependent (e.g., infant, non-school age child and/or an elder) while the teleworker is performing their official duties. Children who require no supervision may be present at the alternate worksite. Management may request documentation from the teleworker to substantiate a caregiver is providing on-site or off-site care during the teleworker's scheduled work.
- D. The Government is not responsible for any operating costs in the Residential Telework Environment that are associated with the employee's use of his or her personal residence as an alternate worksite. This includes home maintenance, insurance, or utilities.
- E. The employee agrees to permit access to their home by agency representatives when necessary to ensure proper maintenance of agency-owned equipment. Teleworkers should be given at least one day's advance notice of any such visit. Visits should only be done during regular working hours.

3-3. Official Duty Station

- A. All pay, leave, and travel entitlements must be based on the employee's official duty station. The employee's official duty station for such purposes as special salary rates, locality pay adjustments, and travel is the city or town, county, and state in which the employee normally performs their official duties. Supervisors must consult with OCCHCO if there are any changes that warrant a change in the official duty station.
- B. An employee's official duty station must be documented on the employee's Notification of Personnel Action (Standard Form 50 or equivalent). (See "Duty Station" blocks

38 and 39 of the Standard Form 50 showing the city/county and state in which the official worksite is located.)

- C. An employee's official duty station would not change as long as the employee regularly commutes into the agency office at least twice each biweekly pay period on a regular and recurring basis.
- D. If the employee **does not** regularly commute into the agency office at least twice each biweekly pay period, the official duty station must be changed to the alternate worksite. The official duty station would not generally be changed for employees who telework for medical reasons and/or in emergency situations (i.e. COOP, agency closures, urgent deadlines, etc.) as these types of telework arrangements are not intended as permanent, but on a temporary basis not to exceed six months.
- E. When an employee's official worksite/duty station is reassigned from the traditional worksite to the alternate worksite, the affected employee and his/her supervisor should discuss the implications of the reassignment, to include:
 - 1. Certain location-based pay entitlements (e.g., locality pay, special rate supplements, and non-foreign cost of living allowances, etc.) are based on the location of the employee's official worksite/duty station.
 - 2. Reimbursement for official business travel is based on the location of the employee's official worksite/duty station. For example, when an employee whose alternate worksite is outside the commuting area of the traditional worksite is required to travel to the traditional worksite, the location of the employee's official worksite/duty station will determine whether the employee or the Component pays for the required travel.
 - 3. Generally, the official worksite/duty station is used to identify the competitive area during reduction-in-force determinations.

3-4. Time and Attendance, Work and Performance, and Overtime

- A. Time spent in a telework status must be accounted for and reported in the same manner as if the employee reported for duty at the official duty station. The employee is required to satisfactorily complete all assigned work, consistent with the approach adopted for all other employees in the work group, and according to standards and guidelines in the employee's performance plan.
- B. The employee agrees to follow their normal mission area/agency/staff office procedures regarding the requesting and approval of overtime, credit hours, and leave that are worked while in a telework status.
- C. All approved telework hours are to be reported in the WebTA Time Attendance and System. Employees should code use WebTA transaction code 01- Telework Home <=2 days if equal to or less than two days per work week and transaction code 01-Telework Home >2 days for three or more days per work week.

3-5. Reimbursable Expenses

The FEMA Office of the Chief Financial Officer will set policy for determining any applicable reimbursable expenses for eligible telework employees.

3-6. Security, Supplies, and Equipment

- A. Classified documents (hard copy or electronic) and/or equipment (e.g., diskettes, computers, laptops, removable hard drives, and other media used for processing classified information) **must not** be taken to an employee's alternate worksite. For core telework, FOUO Information may be accessed using employee-owned equipment but may only be saved on government-issued equipment.
- B. All teleworkers are responsible for the security of all official data, and the protection of government-issued equipment/property while carrying out the mission of FEMA. Government-issued equipment must only be used for official duties and only by the teleworker. A FEMA approved remote access solution must be used (such as a virtual private network or Citrix solution). Authorization to telework is contingent upon the availability of equipment and connectivity at the alternate worksite sufficient to permit the employee reliable and secure access to email, telephone, and any other systems necessary to perform the duties of his or her position efficiently and without any detriment to mission accomplishment. The employee is responsible for the installation, repair, and maintenance of their own personal equipment in coordination with CIO guidance.
- C. If needed, the Agency will provide necessary office supplies (paper, pens, compact disc , etc.). Employees should obtain these items from the official duty station supply room or through the regular procedure at their official duty station. The Agency will not reimburse employees for any supplies purchased independently, nor will the Agency provide office furniture except as a reasonable accommodation.
- D. The agency is responsible for obtaining software licenses that are necessary to give the teleworker access on their personal equipment to perform their official duties. When the telework arrangement ends, the teleworker is responsible for removing and returning all government-owned software to the agency Software Manager or agency Chief Information Officer. The responsibilities for configuration management, patch and antivirus management, and other administrative requirements must be defined in this agreement to include the expectations of the teleworker in these matters. The agency is responsible for the maintenance of all Government-issued equipment. The teleworker may be required to bring such equipment into the office for maintenance. The employee must return all Government-issued equipment and material to the agency at the conclusion of the telework arrangement or at the agency's request.
- E. FOUO Information must be transported from the official duty station to the alternate worksite in a secure container (e.g., briefcase with lock). Sensitive But Unclassified Information, including SSI, Privacy Act, and "For Official Use Only" data and non-sensitive, unclassified data must be stored in a secure file cabinet at the alternate worksite. When such information is displayed on a computer screen, it must not be visible to others. Computer privacy screens which block computer screen visibility to others must be used when SSI is displayed on a computer monitor at an alternate worksite. Neither family members nor other individuals are authorized to handle and/or view any government Sensitive But Unclassified Information, including SSI, Privacy Act, and "For Official Use Only" data.

3-7. Worker's Compensation and Other Liabilities

Employees are covered by the Federal Employees Compensation Act at the alternate worksite as long as the injury occurred while performing their official duties and in the designated work area identified on the telework agreement. If an injury occurs, the employee must notify the supervisor immediately, provide details of the accident or injury, and complete Department of Labor Form CA-1, Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation. The government is not liable for damages to the employee's personal or real property while the employee is teleworking, except to the extent the government is held liable under the Federal Tort Claims Act or the Military and Civilian Employees Claims Act.

3-8. Standards of Conduct

The employee acknowledges that he/she continues to be bound by the Standards of Ethical Conduct for Employees of the Executive Branch while teleworking and using government-issued equipment.

3-9. Emergency Telework.

- A. Supervisors and managers shall classify their employees as emergency and non-emergency employees promptly and appropriately, and shall maximize telework readiness among their employees in a manner consistent with this policy.
- B. OPM Announcements. Employees shall monitor, read and comply with OPM announcements unless otherwise directed by the Agency or their supervisors. To the extent that OPM announcements conflict with FEMA and supervisory guidance, employees must follow FEMA and supervisory guidance.
- C. When OPM announces that Federal agencies in the Washington, DC, area are open and that employees have the options of unscheduled leave or unscheduled telework, the following procedures apply:
 - 1. Emergency Employees must report for duty as directed unless they are telework ready and permitted to telework by their supervisors.
 - 2. Non-Emergency Employees shall notify their supervisors in advance if they intend to take unscheduled leave.
 - 3. Non-Emergency Telework Ready Employees. The Agency may direct non-emergency, telework ready employees to perform unscheduled telework. If not directed to telework, they must report to work, take unscheduled leave or request their supervisor's permission to telework.
- D. When OPM announces that Federal agencies in the Washington, DC, area are closed, or when FEMA closes an employee's official duty station, non-emergency employees (including employees on pre-approved paid leave) will be granted excused absence (administrative leave) for the number of hours they were scheduled to work unless they are covered by one of the following categories:
 - 1. Emergency Employees must report for duty as directed unless they are telework ready and permitted to telework by their supervisors.
 - 2. Non-Emergency, Telework Ready Employees who are already scheduled to telework or who are directed to perform unscheduled telework must telework the entire work day. If directed to telework, such employees may request the use of (1) earned annual leave, compensatory time off, credit hours, or sick leave, as

appropriate; (2) leave without pay; (3) their flexible work schedule day off or revision of their work hours under flexible work schedules. On a case-by-case basis, FEMA supervisors may excuse a telework ready employee from duty as outlined in ¶ 3-9 F.

4. The status of employees on Leave Without Pay, official travel, or an alternate work schedule day off is not affected by any such announcement.
- E. COOP Activation. The Agency may require any employee to telework in accordance with an activated COOP plan.
- F. Excusal. Supervisors may excuse telework ready employees from work and grant annual or administrative leave with pay, as appropriate, when an emergency adversely affects the telework site (e.g., disruption of electricity, loss of heat, loss of connectivity, etc.), or if the teleworker faces a personal hardship that prevents him or her from teleworking effectively. Dependent care needs do not ordinarily entitle a teleworker to administrative leave; annual leave will be granted as appropriate.

3-10. Telework and COOP Planning. All organizations must incorporate telework into their continuity plans and procedures by:

- A. Assessing the organization's essential functions to identify which functions the organization can conduct via telework, including evaluating the use of telework for supporting extended continuity operations and use by non-emergency response group (ERG) personnel;
- B. Establishing and maintaining plans and procedures to use telework as a primary or backup continuity strategy for those essential functions and supporting tasks that are telework authorized, based upon the assessment;
- C. Assessing the capability of situational telework agreements for both ERG and non-ERG personnel, to ensure that employees may be authorized to telework during a continuity event;
- D. Establishing situational telework agreements for all employees to determine their eligibility to telework during a continuity activation;
- E. Ensuring that each eligible employee is authorized to telework during a continuity activation by successfully completing the required telework training program (as described in Section 2-3, Training) and completing necessary documentation (as described in Section 2-1, Telework Arrangements, Part B); and
- F. Coordinating with FEMA's designated Telework Managing Officer when developing and integrating the organization's continuity plan.