



UNITED STATES DEPARTMENT OF COMMERCE
The Inspector General
Washington, D.C. 20230

SEP 15 2003

MEMORANDUM FOR: All OIG employees
FROM: Johnnie Frazier
SUBJECT: OIG Telework Program

I am pleased to announce my approval of the OIG Telework Program and have attached the finalized directive that outlines its policies and procedures. I ask each of you to carefully review the directive so that you understand the program's opportunities and requirements, your responsibilities in participating, and the sequence of events that must occur if we are to take full advantage of the productivity benefits that teleworking envisions for you individually and for the office as a whole.

The key feature of our program is that it offers telework on an "episodic" basis—which means, if your supervisor determines that your work on a particular assignment would be optimized if performed from home, he/she may permit such an arrangement for a specified duration. Bear in mind that not all work and not all staff positions lend themselves to telework, but every request will be fully and fairly considered in terms of the extent to which it will enhance the overall efficiency and quality of employee output and OIG operations and products. All employees are required to undergo telework training before participating in the program, and we will roll out our training module within the next few weeks.

We have worked very hard to craft a program that incorporates the best telework practices of the Department and our fellow federal agencies, while remaining consistent with Commerce policy and federal law and complementing the needs of the office and staff. We look forward to implementing telework and reaping the benefits it promises for all.

Attachment



Form OIG-1(a) (Rev 9-03) United States Department of Commerce Office of Inspector General Washington, DC 20230 MANUAL	Number: 4703	Effective Date: September 15, 2003	Distribution: All employees	
	Chapter	Human Resources Management		
	Section	Attendance and Leave		
	Subsection	Telework Program		

I. PURPOSE AND AUTHORITIES

- A. **Purpose.** This directive establishes the OIG Telework Program and prescribes policy, procedures, and staff responsibilities for administering the program in accordance with federal law and regulations. This program is offered in an effort to achieve public policy goals and satisfy organizational needs such as maintain or increase productivity; reduce absenteeism; and recruit and maintain a diverse and capable workforce.
- B. **Authorities.** The OIG Telework Program is established pursuant to Section 359 of the 2001 Department of Transportation appropriations measure, enacted as Public Law 106-346 in October 2000; and the Department of Commerce Telework Program policy (http://ohrm.os.doc.gov/Programs/DEV01_000078.htm), issued on January 16, 2003. P.L. 106-346 establishes basic eligibility criteria for telework and requires federal agencies to establish policies allowing eligible employees to telework to the maximum extent possible without diminishing employee performance. The Department of Commerce Telework Program policy authorizes eligible employees to work at an alternative work site away from their primary work site/official duty station for a portion of their regular workweek. It also requires each departmental operating unit to establish its own telework implementation plan.

This directive constitutes OIG's telework implementation plan.

II. POLICY

- A. **Time Frames.** It is the policy of OIG to offer alternative work schedules and workplace options to its eligible employees, including the opportunity to telework on an episodic basis, to the extent practicable. OIG telework agreements can cover extended periods up to, but not more than, 1 year. However, each telework episode—whether for a few hours or multiple days—must be separately approved.
- B. **Eligibility.** An employee and supervisor should work together to determine whether telework is appropriate; however, the approving official makes the final decision as to eligibility. The eligibility assessment considers, among other things, the staff member's tenure, position, performance, conduct, attendance, work habits, and, most important, office needs and coverage. While some positions involve duties that can be performed at an alternative work site on an episodic basis, no position was determined to be suitable for performance at an alternative work site on a regularly scheduled basis, absent extenuating

circumstances. The immediate supervisor must certify, and the approving authority must concur, that an employee has sufficient duties or work activities that can be successfully performed at an alternative work site. The specific eligibility criteria are enumerated in form OIG-HR-1b, Supervisor's Checklist for Evaluating Employee Telework Applications.

- C. **Participation.** Employee participation in telework is neither a requirement nor an entitlement and does not change the terms and conditions of one's employment. Management will not direct or coerce employees to telework. Conversely, once an employee is allowed to telework, he/she does not have an automatic right to continue to do so. Telework arrangements may be modified, adjusted, or terminated at any time deemed necessary by management or when requested by an employee. OIG management has the right, and may at any time end an employee's telework agreement. This might occur, for example, if the employee's performance declines, the employee has not complied with the terms and conditions of his/her telework agreement, the arrangement no longer meets the organization's needs, or the employee no longer meets the basic eligibility requirements. When necessary, managers may require an employee scheduled for telework on a particular day to, instead, be in attendance at his/her primary work site.
- D. **Telework Application and Agreement.** The terms and conditions of telework arrangements must be documented on form OIG-HR-1a, Telework Application and Agreement. A copy of approved agreements must be filed with the Human Resources Management Division and the employee's timekeeper. The agreement must be renewed at least annually. A separate agreement for each period of telework is not necessary; however, advance, written supervisory approval for each episode is required (see paragraph II.G, Approving/Denying Requests for Individual Episodes of Telework).
- E. **Evaluating the Telework Application.** First-line supervisors will evaluate an employee's application for telework to determine whether the employee and the duties to be performed at the alternative work site meet the basic eligibility requirements set forth in P.L. 106-346 and the Department of Commerce Telework Program policy. In evaluating the completed form, the supervisor will consult with the employee, review all relevant documents supporting the application/agreement, and examine relevant information from additional sources, as appropriate. Supervisors will document their determinations regarding eligibility by completing and signing form OIG-HR-1b, Supervisor's Checklist for Evaluating Employee Telework Applications.
- F. **Approving/Denying the Application.** Based on the results of the evaluation process, the first-line supervisor recommends either approving or denying the application and signs the bottom of form OIG-HR-1a, Telework Application and Agreement. If denial is recommended, the supervisor indicates his/her reasons and returns the form to the employee. If recommended for approval, the application is forwarded to the approving official for his/her review. If the official approves the application, he/she signs it and returns the form to the first-line supervisor for filing and copies are provided to the Human Resources Division, the employee's timekeeper, and the employee.
- G. **Approving/Denying Requests for Individual Episodes of Telework.** Employees whose telework applications are approved must subsequently obtain advance written approval for each specific instance of teleworking they request by completing form OIG-HR-1d,

Telework Episode Approval, and submitting it to their first-line supervisor. If the supervisor approves the request, he/she signs and dates the bottom of the form, and provides copies to the employee and the employee's timekeeper.

- H. **Telework Training.** Before teleworking can commence, both supervisors and participating employees must attend telework training. The training is intended to provide a common understanding of the requirements of the Department of Commerce's Telework Program and the OIG telework implementation plan, apprise participating staff of their respective telework roles and responsibilities relative to teleworking, and provide supervisors with instructions for determining whether an employee and his/her position and duties are appropriate for telework.
- I. **Official Duty Station.** An OIG employee's official duty station is his/her designated primary work site. (See definition in the Appendix.)
- J. **Alternative Work Site.** The alternative work site for a teleworking OIG employee is generally his/her home. (See definition in the Appendix.) The employee agrees to provide a designated work area within the home that is adequate for performance of official duties.
- **Costs:** The employee agrees to work at this site with the understanding that the federal government is not responsible for any operating costs associated with the use of the employee's home as an alternative work site (for example, home maintenance, insurance, and utilities). However, any entitlement to reimbursement, provided by statute or regulation, for an authorized expense incurred while conducting business for the government is not relinquished by this agreement.
 - **Liability:** The employee understands that the government will not be held liable for damages to his/her personal or real property while he/she is working at an approved alternative work site, except to the extent the government is held liable under the Military Personnel and Civilian Employees Claims Act and the Federal Tort Claims Act.
 - **Work Environment:** The employee is expected—during the entire period scheduled for teleworking—to perform his/her duties and responsibilities at the alternative work site at a proficiency level equal to or greater than that required at the primary work site. Therefore, it is critical that the alternative work site be free from distractions and the employee be free from obligations that would impair his/her ability to provide the same time and level of attention to the work product as when at the primary work site. While in official duty status at the alternative work site, the employee agrees to refrain from engaging in other activities—for example, childcare, eldercare, or care of other dependant individuals, or conducting personal business such as home repair, family bookkeeping, and so forth.
 - **Safety:** Employees are responsible for ensuring the overall safety of the work area at their alternative work site. Employees must complete, sign, and submit form OIG-HR 1c, Telework Safety Checklist, with their telework application.
 - **Inspection:** The employee agrees to permit official federal personnel to conduct

scheduled inspections of the alternative work site during the employee's normal working hours to ensure proper maintenance of government-owned property and conformance with relevant federal safety standards.

- **Injury Compensation:** The employee is covered under the Federal Employees Compensation Act if injured in the course of performing official duties at the alternative work site. The employee agrees to notify his/her supervisor immediately of any accident or injury that occurs at the alternative work site and to complete any required forms. OIG management will ensure that the report is investigated as soon as possible.

K. **Conduct and Ethics.** Employees who telework are bound by the Department of Commerce standards of conduct and ethics contained in Department Administrative Order (DAO) 202-735-A (<http://www.osec.doc.gov/omo/daos/202-735a.htm>), while working at their alternative work site. Failure to comply with these standards may result in termination or modification of the telework agreement and/or disciplinary action for misconduct.

L. **Work Assignments/Performance.** The employee agrees to complete all assigned work according to guidelines and standards determined by his/her supervisor. The employee and supervisor agree to work cooperatively to obtain a common understanding of expectations and desired results, and set reasonable and measurable objectives for work to be accomplished. If required by the supervisor, the employee agrees to provide regular reports to help assess his/her performance. Employees should understand that a decline in performance may be grounds for terminating or modifying the telework arrangement.

M. **Evaluating Employee Performance.** While monitoring a teleworking employee's performance from the duty station location may necessitate greater use of electronic communications by the supervisor, the general criteria, standards, and techniques for evaluating an employee's performance will be the same as those used when the employee is working at the primary office. Reviewing the work product's status periodically and discussing its progress are still management techniques available to supervisors. Managers should ensure that while they work at the alternative site, they are expected to maintain productivity levels at least equal to those attained at the primary office site, otherwise the telework agreement may be modified or terminated immediately.

N. **Communication.** Employees should be able to easily communicate with their supervisors, coworkers, and other relevant persons by telephone, fax, and/or electronic mail while they are on duty at their alternative work site. Employees should work with their supervisors to determine how they will be reached during the day and how often they should check their duty station and/or home telephone for voice mail and faxes, as well as their computer for electronic mail. Employees approved for telework may, as appropriate, be given government telephone calling cards to use when making official long-distance phone calls. If a government card is not provided, the employee will be reimbursed for documented business-related long-distance telephone calls.

O. **Equipment, Software, and Supplies.**

- **Employee-Owned Equipment:** Employees may use their own personal telephones,

computers, and other equipment to perform official work while at their alternative work site; however, the employee—not OIG—is responsible for the installation, maintenance, repair, and replacement of all personally owned equipment.

- **Government-Owned Equipment:** Employees provided government-owned equipment agree to protect the equipment and use it only for official purposes. The agency, in turn, agrees to service and maintain all government-owned equipment issued to the employee, provide the employee with all necessary office supplies.
- **Access to the Network:** Employees may access the OIG network and related information sources from their alternative work site only in compliance with the procedures set forth in paragraph II.P, Information Security.
- **Work-Related Supplies:** The agency will provide the employee with all necessary office supplies.

P. **Information Security.** To maximize the security of the information and systems under their control, OIG teleworkers are responsible for adhering to OIG’s IT security policies and procedures as well as the Department’s Information Technology Security Program Policy, Security Policy and Minimum Implementation Standards, and all applicable policies contained in the Department’s Information Technology Management Handbook. (Departmental IT policies are available at http://www.osc.doc.gov/cio/cio_it_policy_page.htm.) The employee further agrees to protect government records from unauthorized disclosure or damage and to comply with requirements of Title 13 and the Privacy Act of 1974, 5 USC 552(a).

- **Access to OIG Network and Applications:** With supervisory approval, employees may be granted access to the OIG network and related information resources from their alternative work sites, provided they comply with relevant Department of Commerce and OIG policies and minimum standards for remote access security. The terms and conditions of an employee’s remote access privileges shall be documented on the Department’s HCHBNet Remote Access User Security Agreement. This agreement will be signed by the employee, his/her supervisor, and the Office of Security (OS) information systems security officer, who will retain a copy of the signed agreement.
- **Safeguarding Information:** All work-related documents created at alternative work sites are the property of OIG. Employees who telework should discuss and reach agreement with their supervisors on what materials and information may be transported to or accessed from an alternative work site as well as the proper handling of those materials, and must follow all Department of Commerce and OIG security policies and procedures with regard to these items. Title 13 and Privacy Act data and other sensitive or classified data may not be accessed from or used at the alternative workplace.

Q. **Time, Attendance, and Leave.** Employees who telework have the same flexibilities and limitations in setting their work schedules at their alternative work site as at their primary site; that is, they must adhere to the requirements of OIG’s Alternative Work Schedules Program, with the exception of recording arrival and departure times.

In lieu of recording times on the OIG attendance log, teleworking employees will need to notify their supervisors of arrival and departure times by telephone, electronic mail, fax, or another agreed-upon method. When completing their biweekly timesheets, they will record hours worked at their alternative site in the form's telework section.

The policies and procedures that govern leave, dismissals, closings, and overtime apply to employees at both their primary and alternative work sites. A teleworking employee's failure to document time, attendance, and leave as established in the telework agreement can result in termination of the agreement.

- R. **Termination of Telework Agreement:** The employee's failure to comply with the terms of this directive may result in termination from the telework program and/or disciplinary action, if just cause exists to warrant such action. In addition, for cause or convenience, OIG may cancel or terminate the telework arrangement and instruct the employee to resume working at his/her primary duty station. The employee may also voluntarily withdraw from the program. Terminations of telework agreements must be documented on form OIG-HR-1e, Telework Termination Form.

III. **RESPONSIBILITIES**

- A. **Employees and Supervisors.** The ultimate success of OIG's telework program will depend on (1) each supervisor's ability to clearly define and communicate the specific tasks and expectations for his/her employees and to measure performance by results, (2) the integrity of participating employees in complying with this directive and their telework agreements, (3) the employee's ability to meet performance expectations while teleworking, and (4) the willingness of employees and supervisors to successfully work together to resolve any problems that may arise.
- B. **Approving Individual Episodes of Telework.** For each proposed telework occurrence, once the telework agreement is in place, employees must complete form OIG-HR-1d, Telework Episode Approval, and submit it to their first-line supervisor. On the form, supervisors will record their decision regarding the specific episode requested.
- C. **OIG Telework Approving Officials.** The Inspector General, Deputy Inspector General, Assistant Inspectors General (AIGs), Regional Inspectors General for Auditing (RIGAs), and Counsel to the IG are the OIG officials responsible for approving or disapproving telework applications and documenting the basis for their decisions. (See paragraph II.E, Evaluating the Telework Application.)
- D. **Office of Compliance and Administration (OCAD).** OCAD is responsible for administering this directive consistent with the Department's telework program and for conducting periodic evaluations of the program to determine whether it is operating effectively. The following OCAD organizational units have specific responsibilities related to administration of this program:
- **Human Resources Management Division:** HR is responsible for (1) monitoring and providing advice and assistance to supervisors and employees in

implementing the policies and procedures contained in this directive, (2) maintaining data on the number of employees eligible to participate and actually participating in telework, (3) maintaining copies of signed telework agreements and telework termination forms, (4) advising the AIG for Administration on the need for changes to the program, (5) conducting and/or arranging for periodic telework training sessions for supervisors and employees, and (6) ensuring this directive is updated as necessary.

- **Information Technology Management Division, through the OIG IT Customer Support Center:** ITCSC is responsible for providing government-owned equipment and software to employees who have supervisory approval to receive such equipment for their official use at their alternative work sites.

E. **Supervisors.** Supervisors are responsible for providing overall management of the telework program within their organizational units, including ensuring that the program is administered fairly and equitably in accordance with federal and departmental equal opportunity guidelines. Supervisors are also responsible for reviewing the telework applications of their employees and either deciding on the applications (if they are approving officials) or recommending the approval or disapproval of applications to the appropriate approving officials. In addition, supervisors are responsible for assessing the effects of OIG's telework program and offering suggestions for its improvement, revamping, or termination.

IV. **PROCEDURES**

- A. **Initial Applications and Forms.** An employee who wishes to participate in the telework program should prepare forms OIG-HR-1a, Telework Application and Agreement, and OIG-HR-1c, Telework Safety Checklist, and submit them to his/her first-line supervisor for review. If telework is being requested to accommodate a disability, the employee should prepare the application in accordance with [DAO 215-10, Reasonable Accommodation for Disabilities in Employment](#). If the employee will have remote access privileges, the terms and conditions of those privileges must be documented on the HCBNet Remote Access User Security Agreement. This agreement must be signed by the employee, his/her immediate supervisor, and the OS information security officer, who must retain a copy of the signed agreement.
- B. **Reviewing Applications and Associated Forms.** First-line supervisors must review each telework application, consult with the employee, examine information from other relevant sources, as appropriate, and sign the application, indicating either their decision (if the first-line supervisor is the approving official) or their recommendation to approve or disapprove the application. Recommendations must be passed on to the second-line supervisor who will indicate concurrence or nonconcurrence and—if they are a telework approving official—approve or disapprove the application. When the second-line supervisor is not the approving official, the application and attendant forms will be forwarded to the third-line supervisor for a final decision.

The approving official must sign the application/agreement and indicate approval or disapproval and the reason(s) for his/her decision. A copy of the signed document must be provided to the Human Resources Management Division and the employee's timekeeper.

- C. **Prerequisites for Telework.** Before beginning telework, an employee approved for telework and his/her immediate supervisor must have attended OIG-provided or approved telework training, read this directive and the Department's telework program policy, and have a clear understanding of the employee's responsibilities under a telework arrangement.
- D. **Approving Individual Episodes of Telework.** Employees must obtain approval for each specific instance of teleworking they request by completing form OIG-HR-1d, Telework Episode Approval, and submitting it to their first-line supervisor for review. The supervisor evaluates the request, approves or denies it, signs and dates the bottom of the form, and provides copies to the Human Resources Division, the employee, and the employee's timekeeper.
- E. **Terminating the Telework Agreement.** Either the employee or the supervisor can terminate the telework agreement. The decision to terminate and its basis must be documented on form OIG-HR-1e, Telework Termination Form. If termination is voluntary, the form need be signed only by the employee. If termination is initiated by the supervisor, he/she must sign the form, and the employee must sign to acknowledge receipt of the termination notice. A copy of the signed form must be provided to the Human Resources Management Division and the employee's timekeeper.

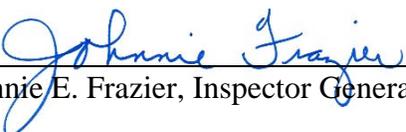
V. RELATIONSHIP TO OTHER DIRECTIVES

Except for recording arrival and departure times, employees who telework will adhere to the policies and procedures of the OIG Alternative Work Schedules Program.

VII. FORMS

The documents mentioned in this directive are listed below:

- OIG-HR-1a, Telework Application and Agreement
- OIG-HR-1b, Supervisor's Checklist for Evaluating Employee Telework Applications
- OIG-HR-1c, Telework Safety Checklist
- OIG-HR-1d, Telework Episode Approval Form
- OIG-HR-1e, Telework Termination Form
- Department of Commerce HCHBNet Remote Access User Security Agreement

	9-15-03
Johnnie E. Frazier, Inspector General	Date

APPENDIX: DEFINITIONS

(For more information, visit <http://www.opm.gov/oca/aws/html/define.htm> and http://www.opm.gov/oca/PAY/HTML/Official_Duty_Station.asp)

Telework. Paid employment performed away from the primary office, either at home or at an alternative office site, for all or a portion of the workweek. Telework is also known as telecommuting, flexi place, and work-at-home.

Approving Official. A management official authorized to approve telework agreements. OIG approving officials are the Inspector General, Deputy Inspector General, Assistant Inspectors General, Regional Inspectors General, and Counsel to the Inspector General.

Regularly Scheduled Telework. An arrangement by which an employee performs official, assigned work at an alternative work site for some portion of the workweek or pay period on a continuing basis for an approved period of time.

Episodic Telework. Not Regularly Scheduled Telework; rather, an arrangement by which an employee performs official, assigned work at an alternative work site on a one-time-only, special, or irregular basis. Episodic telework is also known as intermittent telework.

Telework Agreement. A formal, documented agreement between an employee and his/her supervisor that defines the terms and conditions of the employee's telework arrangement.

Portable Work. Work that can be performed as effectively at an alternative work site as at the primary work site.

Alternative Work Site. The alternative work site for OIG employees is generally their home.

Primary Office Site. For most employees, this will be the location of his/her regular work site—that is, the place where the employee's activities are based, the location of the employee's desk or work station, or the place where the employee normally performs his/her duties.

Official Duty Station. The location documented on the most recent notification of personnel action (e.g., SF-50) as the place where an employee regularly works (that is, where his/her activities are based, desk or work station is located, or duties are normally performed).