

ARS □ NIFA □ ERS □ NASS

Bulletin

Title: Employee Eligibility Determination and Notification for Telework

Number: 11-402.5

Date: April 12, 2011

Originating Office: Office of the Deputy Administrator
Administrative and Financial Management
Agricultural Research Service

This Replaces: New

Distribution: All ARS Employees

This Bulletin contains the ARS policy and procedures for determining employee eligibility and notification for telework.

1. Purpose

This bulletin covers the initial phase of an expanded ARS telework program and sets forth the policy and responsibilities for determining employee eligibility and notification of eligibility for Telework. This phase of the new policy must be accomplished by May 1, 2011. The new revised Policy and Procedure (P&P) 402.5 is being prepared and will be published on or about June 1, 2011. All other provisions of the current P&P 402.5 dated November 13, 2008, remain in place until the new policy is issued. As noted earlier, determining eligibility and notifying employees of their designation is just the first step. Many other logistical activities must be accomplished before employees begin to telework. Examples of the logistical activities to be addressed in the revised P&P include:

- Supervisor/Employee Telework Training Requirement
- New or updated telework agreements in place
 - Core
 - Situational
- Information technology infrastructure and equipment are available to support telework

Telework is consistent with sound business practices and has been shown to increase productivity, promote a spirit of innovation, and boost employee morale. The telework program will make ARS more competitive in the market for highly qualified employees by providing them greater flexibility to manage their work responsibilities and personal pursuits while reducing the stress of commuting. Also, ARS seeks to be a responsible employer by recognizing telework as one of a number of initiatives employers may take to reduce the demand on the region's transportation network, traffic congestion, and air pollution.

2 Policy

2.1 The ARS Telework Program begins with 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 and cannot be performed remotely or from an alternative worksite. There is also a performance component as described below. Telework is not an entitlement; however, all eligible employees (including supervisors and managers) will be afforded the opportunity to participate in the telework program if participation will not diminish the employee's performance or the Agency's operations and mission.

2.2 Determining eligibility for telework is two-fold: type of work tasks performed and employee suitability.

2.2.1 The types of work tasks performed are explained below:

- Positions eligible for telework are those involving tasks (may be one or more) and work activities that may be done remotely, do not depend on the employee being at the official duty location worksite, and are conducive to supervisory oversight and monitoring at the alternative worksite. Job series and title do not determine eligibility.

- Tasks and work activities generally suited for telework include, but are not limited to: reading, reviewing, editing, scheduling, planning, writing, policy development; researching regulations or other type of information (e.g., literature searches); analysis (e.g., investigating, program analysis, policy analysis, and financial analysis); report writing; telephone-intensive tasks (excluding receptionist duties); computer-oriented tasks (e.g., 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: those that involve daily handling of classified materials; require daily contact with other persons; where the use of specialized equipment is required or where a daily physical presence is required at the official duty station.
- Students and other employees on short-term temporary appointments (e.g., 90 days or less), are still considered employees for purposes of determining position eligibility and employee suitability. While the basic premise is that all positions are eligible for telework, it is acknowledged that it is generally impractical to consider student positions eligible for telework as most student positions require the appointees to be on-site to gain meaningful work experience. In addition, the short-term nature of these appointments provides no basis for supervisors to determine their suitability from a performance standpoint as described in 2.2.2, below. Therefore, student positions filled on a short-term basis may generally be deemed ineligible for telework. This provision is not to be construed as a general exclusion of student positions. Where appropriate, student positions may still be determined to be eligible for telework.

2.2.2 Employee suitability includes the following:

- An employee is considered to be suitable for telework if the following four conditions are met:
 - (a) Employee has an existing or expected minimum performance rating of “Fully Successful” or higher.
 - (b) Employee has no misconduct, disciplinary (such as letter of caution, letter of reprimand through 14-day suspension or less) or adverse action or leave restriction occurring within the preceding 12 months.
 - (c) Employee has never been disciplined for viewing, downloading, or exchanging pornography, including child pornography, from a government computer or while performing official Federal Government duties.
 - (d) Employee has never been officially disciplined for being absent without permission (AWOL) for 5 days or more in any calendar year.

NOTE: Employees that have been disciplined for either 2.2.2 (c) or (d) above may never telework per the Telework Enhancement Act of 2010.

Both conditions in 2.2.1 and 2.2.2 above must be met for an employee to be eligible for telework; see Appendix A for a decision tool. Ineligibility determinations based on employee suitability that are upheld after appeal, will be re-evaluated in 6 months.

NOTE: The eligibility determination does not dictate the type of telework agreement an employee may have; i.e., core vs. situational. The type of telework agreement will be determined between the supervisor and employee when the agreement is established.

3 Responsibilities

3.1 Eligibility Approving Official:

- By April 22:
 - Review the duties of each assigned employees and apply the criteria outlined in 2.2 above. See Appendix A for a decision tool to assist in making the eligibility determination.
 - If an employee is found to be ineligible for Telework based on the criteria, prepare a narrative that explains the reasons for ineligibility.
 - Provide a summary of eligible and ineligible employees (with the narrative explaining ineligibility) to the Area or Headquarters Telework Coordinator, as applicable.
- By April 29, notify employees of their eligibility determination, including the reason for those employees who are determined to be ineligible using the template shown in Appendix B.

3.2 Employees:

- If determined eligible to telework, those employees interested in teleworking, should initiate the development of a new telework agreement with their supervisor. NOTE: The Agency Telework Agreement form will be provided in a separate issuance.
- If determined ineligible, employees may submit an appeal to the next level above the Approving Official (the Appeal Official as noted on the notification), within 15 days of receipt of the notification.

3.3 Appeal Official:

- Review the appeal request in the context of the eligibility determination policy.
- Ensure consistent and uniform application of telework eligibility determination criteria to all employees.
- Ensure due process for employees who appeal telework ineligibility.
- Provide a decision on the appeal within 10 business days of receipt.

4 Delegation

- 4.1 Eligibility Approving Officials: HQ Offices/Staff Directors
Deputy Administrators, Office of National Programs
Deputy Area Directors
AFM Division Directors (may be re-delegated)
- 4.2 Appeal Officials (as applicable): Associate Administrators
Associate Area Directors
Associate Deputy Administrator, AFM
AFM Division Directors (if not Eligibility Approving Officials)

5 Authorities

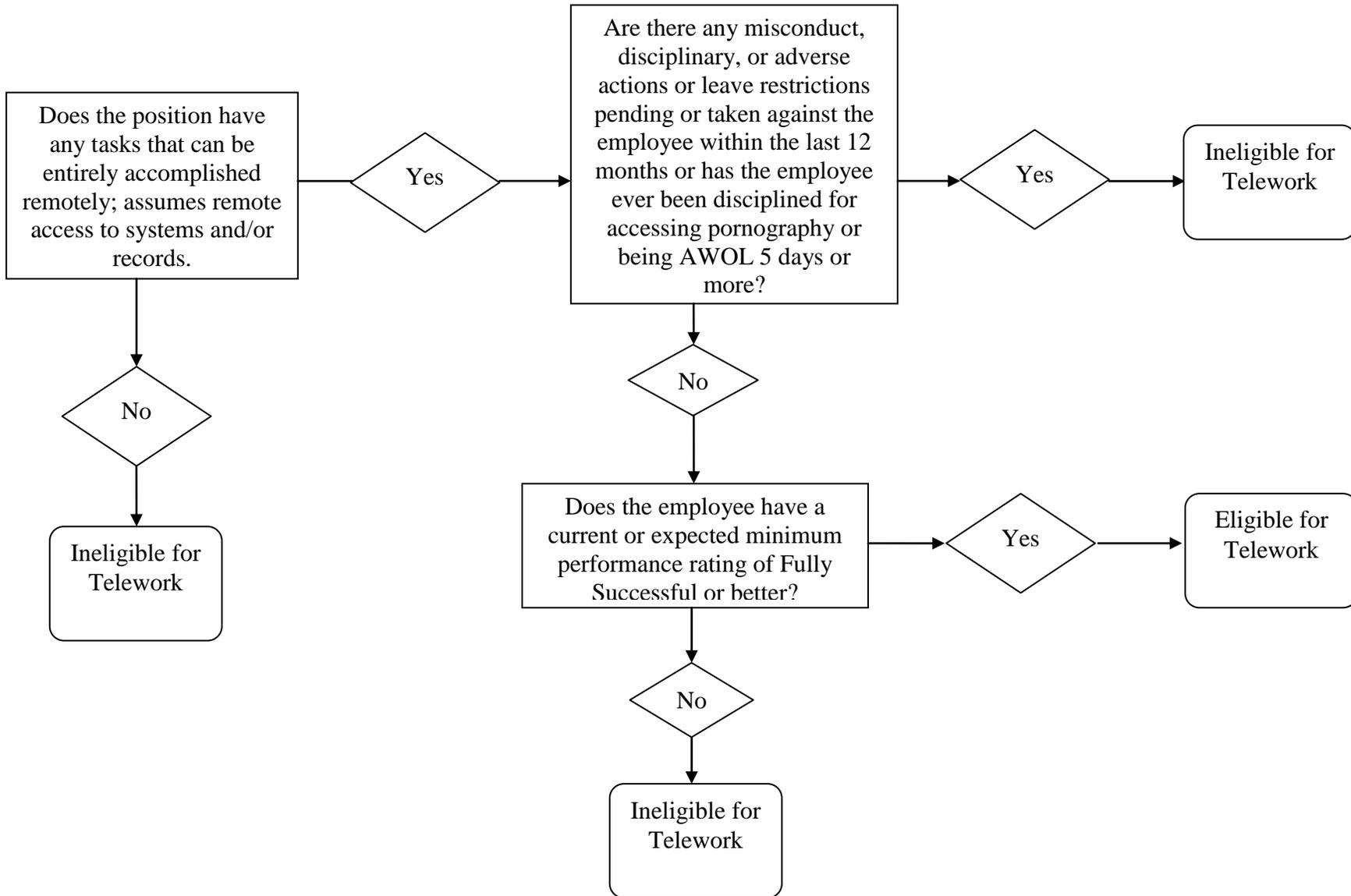
5.13 H.R. 1722, Telework Enhancement Act of 2010, dated December 9, 2010.

Departmental Regulation 4080-811-002, USDA Telework Program, dated 1/25/11.

/s/

JAMES H. BRADLEY
Deputy Administrator
Administrative and Financial Management

DETERMINING ELIGIBILITY FOR TELEWORK
DECISION TREE



Notification Template

<Agency Letterhead>

SUBJECT: Notification of Eligibility for Telework

TO: (Employee Name)

FROM: (Eligibility Approving Official's Name)

In accordance with ARS Bulletin 11-402.5, Employee Eligibility Determination and Notification for Telework, the following communicates your eligibility for telework.

A. Position Eligibility

___ 1. Your position is eligible for telework because it involves duties that may be done remotely, do not depend on being at the official duty station worksite, and are conducive to supervisory oversight and monitoring at an alternative worksite.

___ 2. Your position is not eligible for telework because:

- ___ a. Duties require your physical presence at the worksite on a daily basis.
- ___ b. Duties require your presence at the worksite for daily contact with the public or other people.
- ___ c. Duties require daily use of specialized equipment located at the worksite.
- ___ d. Duties require daily handling of classified materials.
- ___ e. Other (Please specify): _____

B. Employee Suitability

___ 1. You are suitable for telework, because your anticipated or actual level of performance is Fully Successful or better; you have had no disciplinary or adverse action or leave restriction within the past 12 months nor are you currently subject to potential adverse action.

___ 2. You are not suitable for telework because:

- ___ a. Your most recent performance rating or observed level of performance is less than Fully Successful.
- ___ b. You were subject to a disciplinary or adverse action or leave restriction within the past 12 months (including letters of caution/warning, letters of reprimand, suspension, downgrade, or proposed removal).
- ___ c. You are currently subject to potential disciplinary or adverse action or leave restriction.
- ___ d. You have been officially disciplined for viewing, downloading, or exchanging pornography, including child pornography, from a government computer or while performing official Federal Government duties.
- ___ e. You have been officially disciplined for being absent without permission (AWOL) for 5 days or more in any calendar year.

C. Apply for Telework

If you have been determined eligible for telework, as indicated above, and you wish to telework, please complete the Agency Telework Agreement form and submit it to: _____ .

D. Appeals

If your position is ineligible or you have been determined unsuitable for telework, you may within 15 business days from the date of this notice, appeal that decision to: _____, by providing your reasons in space provided below. You will receive a decision within 10 business days of the Appeal Official's receipt of your appeal.

Reason for Appeal: (add additional pages as needed)