



U.S. Department of Justice
Federal Bureau of Prisons

PROGRAM STATEMENT

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DATE 3/12/2010

Telework Program (Non-Bargaining Unit Employees)

/s/

Approved: Harley G. Lappin
Director, Federal Bureau of Prisons

1. PURPOSE AND SCOPE.

To provide information regarding the telework program and to specify eligibility criteria and procedures for submitting telework requests.

Telework refers to paid employment performed away from the office for an agreed-upon part of the workweek. Employees may work from home or from an authorized telecenter.

Telework is **not** an employee entitlement, but it is the Bureau's goal to consider any telework request that meets eligibility requirements.

This Program Statement covers non-bargaining unit employees. Bargaining unit employees will be addressed in a future PS.

a. Summary of Changes

Policy Rescinded

P3620.01 Telework Program (Non-Bargaining Unit Employees) (5/6/08)

2. **PROGRAM OBJECTIVE.** The expected result of this program is:
Eligible employees will have the opportunity to participate in the Telework Program.

3. **STANDARDS REFERENCED.** None.

4. **POSITION CONSIDERATIONS.** The supervisor decides whether a position is appropriate for off-site work by examining both the content of the work and the employee's performance.

The nature and work composition of a position do not change when the incumbent is teleworking.

Supervisors monitor their employees' work schedules and determine if adequate onsite personnel coverage will be provided to ensure the department/work unit's effective functioning.

The interests of the office take precedence over the employee's ability to work at an alternative worksite.

a. **Impact on Staff.** An employee's offsite work must not adversely affect the performance of other employee(s) or place burdens on staff remaining in the office. Managers ensure that an equitable workload is maintained and that onsite employees do not have to handle a teleworking employee's work.

b. **Employee Performance.** A decision to allow participation in telework depends on the supervisor's assessment of several performance-related factors, including:

- The employee has shown self-motivation, independence, and dependability in accomplishing work assignments.
- The employee can work effectively without direct supervision and has good time management skills.
- The employee has a history of reliable and responsible performance of his/her current duties.

5. **ELIGIBILITY.** This PS applies to full-time non-bargaining unit employees. Due to the Bureau's mission, security issues, and the critical need for all law enforcement staff to supervise inmates and respond to emergencies, primary law enforcement staff located at correctional facilities are excluded from the telework program. Central and Regional Office staff with primary law enforcement coverage who are located on the grounds of or in correctional facilities are also excluded.

Employees must demonstrate the ability to function independently in all of the duties of their position. They must have no less than a "Successful" performance rating. The following factors may prohibit participation if they occurred within the last two years:

- Documented prior disciplinary action.
- Substantiated leave abuse.
- Substantiated performance issues.

Administrative support and clerical positions would rarely be appropriate for telework. Other positions that do not lend themselves to telework include:

- Those requiring regular "face to face" interaction with co-workers, other employees or agencies, or the public.
- Those having frequent access to material that cannot be removed from the duty location.
- Those involving Top Secret or other classified materials and documents.

- Site-specific occupations (e.g., mailroom staff).
- Trainee and entry-level positions.
- Those assigned work that is not quantifiable or readily monitored for progress and productivity.

6. **SCHEDULING REQUIREMENTS AND RESTRICTIONS.** Employees may participate in only one flexible work option program (telework **or** an alternative work schedule) at a time.

a. **Schedule Limitations:** Employees may be allowed telework as follows:

- Central Office supervisors and managers (including Training Center and Grand Prairie complex staff) - one day per week.
- Regional Office supervisors and managers (including Community Corrections Managers) - up to three days per week.
- Central and Regional Office non-supervisory employees - (including Training Center and Grand Prairie complex staff) up to three days per week.

b. **Coordinating Work Schedules.** Work schedules can parallel those in the office or be structured to meet the needs of both employees and supervisors.

The supervisor and employee establish a fixed schedule of offsite work hours before the employee begins working offsite. The standard work day is 8 hours with an additional 30-minute non-paid lunch break.

Unstructured arrangements where employees work at will are not permitted.

c. **Personal Responsibilities.** While telework arrangements can provide valuable help in managing work/family schedules, employees who work at home **must not** simultaneously provide their own child or elder care. Teleworkers are bound by the DOJ Telework Program Agreement Addendum (see Section 7.a).

d. **Agreement Duration.** Following initial approval, the telework schedule will continue until it is determined by the supervisor or CEO that the schedule has caused an adverse impact on the agency.

7. **REQUESTS AND APPROVALS.** Requests are considered on a case-by-case basis. The local Employee Services (ES) Office coordinates requests and keeps records of approvals/disapprovals. It also must provide the Bureau's Worklife Coordinator with statistics for the annual worklife report.

a. **Requests.** The employee submits a request using the amended Department of Justice (DOJ) Telework Request Form. (See Sallyport/Central Office/Human Resource Management/Personnel and Staff Development/SERS/Worklife.)

Each employee and supervisor reviews the DOJ Telework Program Safety Checklist for

Alternate Work Sites *and* the Telework Agreement Addendum. These are included as attachments to the DOJ Telework Request Form.

b. Review and Approval. The local ES Office will coordinate all requests and maintain records documenting approvals/disapprovals.

Requests approved by the employee's supervisor are sent to the Regional or Assistant Director who approves or disapproves. Approved requests are then sent to the ES Office which will forward them via the Human Resource Management Division (HRMD) telework mailbox (BOP-HRM/Telework) to the Assistant Director, HRMD, who has final approval authority as delegated by the Director. The request, upon signature, is sent back to the local ES Office for tracking. Employees are informed of disapprovals.

* Determinations normally are completed within 30 calendar days from the date the employee signs the request.

c. Notification. When the Assistant Director, HRMD, makes a final determination, the ES Office provides the employee's supervisor with notification of approvals and written notification of disapprovals. Disapprovals may be appealed through agency grievance procedures or the Equal Employment Opportunity (EEO) process.

d. Agreement Termination. The employee may terminate the telework agreement at any time. The supervisor may terminate the agreement if the arrangement negatively affects the department/unit or the employee's performance declines.

There is no automatic right for the employee to participate or continue participation in the program in the event of a change in supervisors.

8. ADMINISTRATIVE MANAGEMENT. The employee's regular office is the official duty station for pay, leave, and travel. Employees observe normal policies when requesting leave while teleworking.

Employees eligible for overtime remain eligible while teleworking, provided advance approval is received to work in excess of normal duty hours.

Employees are bound by agency standards of conduct while teleworking.

Due to an emergency, weather, or traffic-related situation, the work schedule of onsite employees may change as follows:

- The office is closed.
- The office starting time is delayed.
- Onsite employees are dismissed before the normal time.

In these cases, teleworking employees continue to work at their alternative worksite, on their regular telework day(s), during their regular hours.

Teleworkers are covered by the Federal Tort Claims Act or the Federal Employees Compensation Act and qualify for continuation of pay or workers' compensation for on-the-job injury or occupational illness. Employees are responsible for informing their supervisor of an injury as soon as possible.

The Government may inspect the alternative worksite during normal working hours to ensure proper maintenance of Government property and conformance with safety standards. The employee is given at least 24 hours' notice before an inspection. Management may deny or rescind a telework agreement based on safety problems at the alternative site or misuse or abuse of Government equipment.

9. TELECOMMUNICATIONS, EQUIPMENT, AND UTILITIES. Teleworkers are provided with Government telephone credit cards, if appropriate.

Teleworkers use a Government-provided, properly configured desktop PC or laptop to connect remotely to the BOP's and DOJ's systems. The Government may periodically audit the computer's security configuration to ensure conformance with Federal IT security requirements.

On days when the employee is working onsite at the office, he/she may be required to use a Government-provided laptop and docking station in lieu of a regular desktop PC.

Staff authorized to access Social Security Numbers (SSN) and other personally-identifiable information (PII) must secure this information when teleworking. Electronic records containing such information must be transported or transmitted in an encrypted format.

Except for the Government-provided support in this section, the Bureau does not pay additional costs associated with working at home, such as utilities or internet access.

10. EFFECTIVE DATE. Any telework request (new submission, modification, or renewal) submitted after the effective date of this PS shall be in compliance with its requirements. Any pre-existing telework agreement shall be brought into compliance within six months of the effective date of this PS.