

For: State and County Offices

Telework Eligibility and Certification of Telework Status

Approved by: Acting Administrator



1 Overview

A Background

According to **DR 4080-811-002**, USDA Telework Program, dated January 4, 2018, each year USDA agencies are to ensure that all employees have been notified of or are aware of their eligibility or ineligibility to participate in telework.

On October 4, 2019, FPAC mission area employees were notified by e-mail of their eligibility and opportunity to participate in the USDA Telework Program.

B Purpose

The purpose of this notice is to provide employees with additional information and guidance on the telework instructions contained in the October 2, 2019, memo. **DR 4080-811-002** sets forth the authority, policies, and responsibilities for managing telework within USDA.

C Contact

For questions about this notice contact Amy Webbink, DAFO Personnel, Policy and Operations Division, by either of the following:

- e-mail to amy.webbink@usda.gov
- telephone at 406-587-6883.

Disposal Date	Distribution
October 1, 2020	State Offices; State Offices relay to County Offices

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2 Eligibility for Telework

A General Provisions

All employees covered by a Collective Bargaining Agreement (CBA) should refer to the applicable telework provisions in the respective CBA. **This notice does not affect what has been negotiated by employees under a CBA.**

Each employee who is not covered by a CBA was instructed to choose one of the four following categories when completing the automated telework agreement:

1. Core or Regular/Recurring means regularly scheduled telework that requires employees to work in the office for four days per week. Any FSA employee who is on a compressed work schedule (5/4-9) may only have one day of telework per pay period.
2. Situational/Non-scheduled/Ad hoc means telework that is authorized: (1) In response to specific duty status announcements issued by the Office of Personnel Management or other authorized USDA officials for use during periods of inclement weather or other emergency situations; or (2) With **prior supervisory approval**, to maintain productivity during short-term situations or for employees who work four days per week, 10 hours per day (4-10 schedule).
3. Opt Out means a telework-eligible employee who voluntarily declines to participate in the USDA Telework Program.
4. Ineligible means an employee who normally performs work at a conventional worksite that is not portable or cannot be performed at an alternate worksite with equal effectiveness with respect to quality, quantity, timeliness, customer service, and other aspects of mission accomplishment.

B Senior Executive Service (SES), Supervisory, and Public-Facing Field-Level Positions

FSA SES, supervisory, and all public-facing field-level positions are generally eligible for situational/non-scheduled/ad hoc telework but are not eligible for core or regular/recurring telework. This means that:

- non-supervisory State Office employees are generally eligible for telework and may elect core telework, ad hoc telework, or to opt out
- supervisory State Office employees and all FSA County Office Service Center employees (including all County and GS employees) are generally eligible for telework but may only elect ad hoc telework or to opt out.

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2 Eligibility for Telework (Continued)

C Exceptions to Telework Eligibility

According to **DR 4080-811-002**, employees may be identified as ineligible for telework based on the following criteria:

- Performance. An employee is ineligible for telework if they are placed on a Demonstration Opportunity (DO) or have received a less than fully successful performance rating within the past 12 months. The employee may remain ineligible for up to 12 months from the date of the documented performance rating or start of the DO, at the discretion of the employee's supervisor.
- Conduct. An employee is ineligible for telework due to conduct issues resulting in official, formal disciplinary action, as filed in the employee's Official Personnel Folder as a matter of personnel record and may remain ineligible for up to 12 months from the date that the discipline was effectuated.

Note: An employee is permanently ineligible for telework if they have been formally disciplined for any of the following:

- Violations of Subpart G of the Standards for Ethical Conduct for 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.
- Being absent without approved leave and charged with AWOL for 5 or more days in any calendar year.

If an FSA employee is ineligible for telework according to these criteria, the provisions of **DR 4080-811-002** shall be adhered to and the October 4, 2019, e-mail to FPAC employees does **not** confer telework eligibility.

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3 Telework Status

A Certification of Telework Status

All FSA employees were to certify their telework status in the new Online Telework Management System no later than **November 4, 2019**. This system has replaced the previous FSA Telework Management System and USDA Telework Agreement (AD-3018). To access the new Telework Management System:

- visit <https://myfpac.usda.gov>
- CLICK “MYFPAC SERVICES”
- CLICK “Our Departments” and choose “Human Resources” from the drop-down menu
- CLICK the link to the ECC Portal
- scroll through the radio buttons for “Telework” – this will bring you to a new screen
- complete and submit the agreement.

B Training

The following training videos are available to assist supervisors and employees when filling out the form:

- Telework Supervisor Instructional Video at <https://www.youtube.com/watch?v=NQt770eIRTM&feature=youtu.be>
- Telework Employee Instructional Video at <https://www.youtube.com/watch?v=T8UokBUL2IM&feature=youtu.be-Telework>.

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3 Telework Status (Continued)

B Training (Continued)

The required telework training referenced in the form is AgLearn course “Telework for Government Employees”. Employees should first enroll in this course through AgLearn so that course completion is properly recorded.

Exception: This training is not required for employees who opt out of or who are ineligible for telework. Supervisors are not required to take this training if neither they nor their subordinate employees are requesting telework.

C Employee Action

When filling out the form, employees must identify their Continuity of Operations Plan (COOP) status. State and County Office employees should mark “N/A” unless otherwise instructed by DAFO or their State Office.

In order to submit a telework agreement, the system requires an employee to respond “yes” that a locked cabinet has been provided and that they have been trained to recognize and handle controlled unclassified information in a telework environment. A locked cabinet is not required to have an approved telework agreement but is required to properly store sensitive security information. If a locked cabinet has not been provided, some work may thus not be portable or suitable for telework. Employees must properly protect and secure government furnished equipment and sensitive information in compliance with USDA guidance. An employee may check “yes” to both of these items on the telework form if they understand their responsibilities and if they have reviewed **DR 4080-811-002** and **DR 3440-002**, Control and Protection of Sensitive Security Information, January 30, 2003.

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4 Reminders of Telework Policy

A Number of Days of Telework

Employees are reminded of the requirement that they must work in the office for four days per week. An employee who is on a compressed work schedule (5/4-9) may only have one day of telework per pay period.

Exception: Employees may telework more than one day per week if:

- the employee's office location is closed due to weather or another emergency; or
- the employee has an approved Reasonable Accommodation plan allowing for additional telework.

Note: CBA's may allow for additional telework days.

B Work Must be Portable

Only work that is portable, and that an employee may perform at an alternate work site with equal effectiveness, may be approved for telework.

C Unscheduled and Emergency Telework

In the event that an emergency operating status is declared due to weather conditions, **DR 4080-811-002** sets forth expectations with respect to telework including, but not limited to, the following:

- Employees who have a regularly scheduled telework day will be expected to telework or take unscheduled appropriate leave.
- Employees who have situational/unscheduled telework agreements in which they agree to telework in instances of closure due to weather must telework in accordance with the terms of their agreement.

D Recording Telework in WebTA

Employees should code time teleworking as 01-Reg Time-Telework in WebTA.

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5 Action

A State Office Action

State Offices will ensure that County Offices:

- are immediately informed of the contents of this notice
- direct telework questions to the National Office according to subparagraph 1 C.

B County Office Action

County Offices will:

- be apprised of the contents of this notice.
- direct telework questions to their State Office.