ADS Chapter 405

Telework

Full Revision Date: 10/13/2016
Responsible Office: HCTM
File Name: 405_ 101316

Functional Series 400: Human Resources
ADS Chapter 405 – Telework
POC for ADS 405: Moníka Parker, (202) 712-1413, moparker@usaid.gov

This chapter has been revised in its entirety.

Table of Contents

405.1 OVERVIEW 4

405.2 PRIMARY RESPONSIBILITIES 4

405.3 POLICY DIRECTIVES AND REQUIRED PROCEDURES 7

405.3.1 Coverage 7

405.3.2 General Provisions 8

405.3.3 Eligibility and Participation 10
405.3.3.1 Position Eligibility 11
405.3.3.2 Employee Eligibility and Participation 11
405.3.3.3 Ineligibility for Telework 13

405.3.4 Hours of Duty and Premium Pay 14

405.3.5 Worker's Compensation 14

405.3.6 Leave 15

405.3.7 Certification and Control of Time and Attendance 15

405.3.8 Equipment Costs and Office Space 16

405.3.9 Security and Safeguarding of Government Information 17

405.3.10 Agency Continuity of Operations Plan (COOP) 18

405.3.11 Early Departures, Emergency Closures, Delayed Arrivals, and Open with Option for Unscheduled Leave or Unscheduled Telework 18
405.3.11.1 Early Departures 19
405.3.11.2 Emergency Closures 19
405.3.11.3 Delayed Arrivals 20
405.3.11.4 Open with Option for Unscheduled Leave or Unscheduled Telework 20

405.3.12 Procedures for Telework Agreement Approval and Recording 20

405.3.13 Denial or Termination of Regular/Recurring and SituationalTelework Agreements 21

405.3.14 Telework in Special Situations 21
405.3.14.1 Temporary Telework Considerations 22
405.3.14.2 Reasonable Accommodation 23

405.3.15 Remote Telework 23
405.3.15.1 Considerations for Establishing a Remote Telework Agreement . 24
405.3.15.2 Remote Telework Overseas 25
405.3.15.3 Eligibility Requirements for Remote Telework 27
405.3.15.4 Other Requirements and Conditions of Employment for Remote Telework 27
405.3.15.5 Remote Telework Agreement Request 29
405.3.15.6 Termination of a Remote Telework Agreement 30

405.3.16 Records Management 30

405.4 MANDATORY REFERENCES 31

405.4.1 External Mandatory References 31

405.4.2 Internal Mandatory References 32

405.5 ADDITIONAL HELP 32

405.5.1 Optional Forms 32

405.6 DEFINITIONS 32

ADS 405 – Telework

405.1 OVERVIEW
Effective Date: 10/13/2016

This chapter provides the policy directives and required procedures that govern USAID's Telework Program. The Agency implements the program in accordance with the **Telework Enhancement Act of 2010, P.L. 111-292 (the Act)** and subsequent guidance from the Office of Personnel Management (OPM). The Act defines the term "telework" as a "work flexibility arrangement under which an employee performs the duties and responsibilities of such employee's position and other authorized activities, from an approved worksite other than the location from which the employee would otherwise work."

USAID's Telework Program includes: (1) situational (episodic, intermittent, or *ad hoc*), in which telework is approved on a case-by-case basis and the hours worked are not part of a previously approved, ongoing, and regular telework schedule; (2) recurring/regular, in which telework occurs as part of an ongoing, regular/recurring schedule; and (3) long distance or remote telework arrangements, in which employees work most or all of the time from a different geographic area.

This chapter applies to all employees as described in section **405.3.1**. However, there are special considerations pertaining to field Missions, which will need to adapt the directives and required procedures as appropriate to local conditions and in consultation with Chiefs of Mission. The policy enables short-term teleworking from a post of assignment to a Medical Evacuation (MEDEVAC) U.S. location under specific, special circumstances as detailed in section **405.3.14** of this ADS chapter.

405.2 PRIMARY RESPONSIBILITIES
Effective Date: 10/13/2016

a. The **Office of Human Capital and Talent Management (HCTM)** is responsible for providing policy guidance for USAID's Telework Program, coordinating and preparing information and data to comply with OPM's reporting requirements, and evaluating its effectiveness through auditing or other assessment methods.

b. The **Office of Human Capital and Talent Management, Telework Managing Officer (HCTM/TMO)** is a senior official who serves as the primary point of contact for OPM on telework matters and advises senior management on the program. The HCTM/TMO:

1. Develops goals and metrics for the program and assesses the program's progress toward objectives;

2. Approves, in conjunction with Bureau/Independent Office Assistant Administrators and Mission Directors, requests for long distance telework for periods greater than 90 days; and

3. May delegate day-to-day implementation responsibilities such as information transmission and data collection to staff, as appropriate.

c. Telework Coordinators in Bureaus/Independent Offices (B/IOs) are responsible for coordinating and tracking all telework in their B/IO and reporting information to the TMO. The B/IO Telework Coordinators receive core training from the TMO and are the primary point of initial contact with headquarters and field staff.

d. Supervisors are responsible for determining whether or not employees and positions in their units are eligible for telework. This includes:

1. Notifying newly-hired employees of their eligibility for telework (usually within two weeks);

2. Reviewing and approving employee telework agreements and work plans for regular or situational teleworking, usually within 10 workdays of receipt;

3. Reviewing and clearing employee telework agreements for remote and special consideration arrangements. This agreement must contain a budget comparison to ensure that the arrangement is feasible, appropriate, and cost neutral;

4. Evaluating the impact of teleworking on office performance and functionality;

5. Managing telework effectively and taking required teleworking training;

6. Ensuring that their employees receive telework training; and

7. Working with the Assistant Administrator (AA) of the B/IO on remote teleworking requests submitted by employees.

e. Regional and Functional Bureau Assistant Administrators (AAs) and Heads of Independent Offices in USAID/Washington (USAID/W) are responsible for:

1. Managing telework effectively, ensuring that supervisors have outlined performance standards, deliverables, and protocols with their staff and teams;

2. Ensuring consistency of program implementation and usage;

3. Appointing a Telework Coordinator;

4. Approving telework agreements for supervisory staff that report directly to them;

5. Approving, in conjunction with the HCTM/TMO, remote or special consideration telework arrangements that are longer than 90 consecutive calendar days;

6. Making final decisions on employee appeals for denial or termination of telework (see section **405.3.13**); and

7. Completing required telework training.

f. **Mission Directors or Principal Officers** in USAID Missions (or designees—usually the Executive Officer (EXO)) are responsible for the following:

1. Developing and implementing telework programs in compliance with this ADS chapter (adjusted as necessary in accordance with conditions at their Missions), in close consultation with the Chief of Mission (COM), the Regional USAID Assistant Administrator, and HCTM;

2. Managing telework effectively;

3. Appointing a Telework Coordinator;

4. Approving telework agreements recommended by employee supervisors, whether for in-country telework or for temporary telework of 90 days or less in the U.S. to accommodate medevacs or other emergency situations;

5. Ensuring that a Mission Order is prepared containing required procedures for all staff who participate in a Mission telework program;

6. Coordinating telework training for all staff, as feasible; and

7. Notifying the Bureau for Management, Office of Management Services, Overseas Management Division (M/MS/OMD) of the Mission's order on telework, its implementation, and any special conditions to ensure that there is no impact to International Cooperative Administrative Support Services (ICASS).

g. The **Bureau for Management, Chief Information Officer (M/CIO)** is responsible for establishing the Agency's policy regarding handling Sensitive but Unclassified (SBU) information in electronic format (see **ADS 545, Information Systems Security**). In addition, the M/CIO is responsible for providing network connectivity from teleworkers' personal computers (or other computer hardware) to the Agency's email and other electronic databases for use at the alternative workplace.

h. The **Office of Civil Rights and Diversity (OCRD)** is responsible for administering the reasonable accommodation program, including requests from employees for telework as a reasonable accommodation, in a manner consistent with USAID policies and procedures, and all applicable federal laws, regulations, and guidelines (see **ADS 110, Equal Employment Opportunity**).

i. All **Employees** are responsible for obtaining approval to telework and

adhering to established telework policy directives and required procedures. This includes attending required training, complying with office procedures and protocols, and advancing the overall maxim of accomplishing Mission and individual work objectives. Employees are responsible for:

1. Validating what they have accomplished on telework days;

2. Recording their telework days in the Agency's electronic time and attendance system;

3. Updating their telework agreements at least annually or as necessary; and

4. Ensuring they have completed in-person training and have an approved telework agreement in place before teleworking.

405.3 POLICY DIRECTIVES AND REQUIRED PROCEDURES

Effective Date: 10/13/2016

This section establishes the standard policy and required procedures for USAID's Telework Program. These provisions are applicable to telework in USAID/W and in USAID Missions with adaptations to local conditions.

In implementing telework in compliance with the **Act** and OPM guidelines, USAID must:

a. Determine the eligibility of all USAID employees to participate in the telework program and notify employees of their eligibility to telework;

b. Require a written telework agreement for eligible employees between the employee and their supervisor to ensure that telework does not diminish employee or Agency performance;

c. Provide an interactive telework training program that must be completed prior to the employee electronically signing and submitting their telework request; and

d. Promote greater use of telework during emergency situations, including severe weather conditions or other circumstances that disrupt or prevent employees from commuting or reporting to work.

405.3.1 Coverage

Effective Date: 10/13/2016

Civil Service and Foreign Service Employees

The **Act** covers all employees meeting the definition of "employee" as defined in **5 USC 2105,** which applies to all USAID U.S. Government (USG) Civil Service and Foreign Service employees. Although the **Act** does not specifically apply to the Agency's non-direct hire workforce, the Agency is extending coverage as a matter of policy, except with summer interns and summer hires.

USAID Mission (Locally Employed Staff)
Missions must coordinate participation of overseas staff with the Chief of Mission and Regional Bureau AA. Local customs and labor laws must also be considered in determining whether it is appropriate for Foreign Service Nationals and Third Country Nationals (government employee or Personal Services Contractor (PSC)) to participate.

Participating Agency Service Agreements (PASAs)
Employees of participating agencies under any type of interagency agreement (for example, PASAs, 632(b) agreements, etc.) who regularly work in USAID space are covered by this ADS chapter.

U.S. Personal Services Contractors, Cooperative Administrative Support Units, and Institutional Contractors
All U.S. Personal Services Contractors (USPSCs), Cooperative Administrative Support Units (CASUs), fellows, and employees of contractors or recipients who regularly work in USAID space are covered by the terms of their contract or agreement under which they are employed, or the contractor/recipient's own human resources policies and procedures.

405.3.2 General Provisions
Effective Date: 10/13/2016

USAID recognizes that telework can have positive effects on recruitment and retention; employee work/life balance and overall effectiveness; traffic congestion and emissions; and can help ensure continuity of mission-critical Agency functions in the event of national or local emergencies.

While USAID encourages telework participation to the maximum extent possible, without diminished employee performance, telework is an arrangement first and foremost to facilitate the accomplishment of work. It is not an employee right or entitlement and not all employees are eligible to telework in the same way.

Telework is a discretionary tool and may be terminated by management for business reasons, performance, operational needs, or an employee's failure to comply with policy directives and required procedures and protocols. The following standard provisions apply to USAID's Telework Program:

a. Supervisors should implement telework strategically and robustly, taking into account the needs and work of the organization to maximize productivity and performance, rather than only approving participation on a case-by-case basis.

b. B/IO Telework Coordinators must monitor the electronic telework system. The Telework Management Officer (TMO) must provide overall program monitoring.

c. B/IOs may use telework as a recruiting tool and must advertise appropriate vacancies as being telework eligible. For example, "The duties of this position

can be performed while teleworking" or "This position is eligible for telework." Note that vacancy announcements should be clear on existing probationary periods and the criteria for when telework may begin.

d. All employees are encouraged to have a telework agreement in place whether or not they participate in recurring telework. This allows the employee to have the flexibility to telework when there are emergencies such as inclement weather or other unforeseen contingencies that prevent the employee from commuting to his or her official worksite.

e. USAID uses an electronic system to record all telework agreements. The system can be accessed through **https://telework.usaid.gov/TeleworkWeb/**. Telework agreements remain in effect up to one year from the date of signature, although lesser periods may be approved. New telework agreements must be prepared and signed if there is a change in work circumstances and in employee/supervisory relationships.

f. All employees contemplating teleworking (including supervisors and managers at all levels) must complete interactive telework training. The HCTM/TMO provides live training for new employees and for others needing training. The telework training schedule can be found at: **https://telework.usaid.gov/TeleworkWeb/viewResources.action**.

g. Participation in the USAID Telework Program is voluntary. Although use of telework is encouraged, employees cannot be ordered to telework, unless the employee is a member of the B/IO's Continuity of Operations Program (COOP), and an activation of the continuity plan occurs. COOP employees must be prepared to work offsite at any time during an emergency event or a situation that results in a disruption to normal office operations to ensure the continuation of Agency essential business operations (see sections **405.3.10** and **405.3.11**). Eligible employees who wish to "opt out" of telework must indicate this on a telework agreement. Note: These "opt out" employees will not have the option to telework in the event of an emergency or situation where OPM announces "unscheduled telework or unscheduled leave.**"**

h. Supervisors should work with new USAID employees to determine when they are ready for teleworking. In making this determination, supervisors must ensure that the new employees have work assignments that are portable and demonstrate a performance path towards achieving a 'fully successful' mark for Civil Service and a report card grade of 'B' for Foreign Service.

i. An employee's participation in telework may be limited because of the duties encompassed by the position or other aspects of the work environment specific to the job in question (see **405.3.3**). Although many types of positions have portable work requirements, not all positions are conducive to telework. The

tasks and work activities determine if a position is suitable for telework rather than the job series and title of the employee.

j. With the exception of employees on approved remote telework agreements, teleworkers may be called into the office if their presence is required on a telework day. (Note: Supervisors may set mandatory teleconferences with remote teleworkers). Normally, an employee is notified of such a change in advance, but sometimes advance notice is not possible in certain unforeseen circumstances or emergencies. The employee must report to the official worksite when requested, even if that day is normally a telework day for them. This temporary recall does not terminate the telework agreement. Transportation costs to the official worksite on a day usually scheduled for telework will not be reimbursed by the Agency. Travel time to come into the office for unforeseen circumstances or emergencies is considered part of the duty hours for that day. When an employee's travel time and/or performance of official duties result in hours outside the employee's regularly scheduled duty hours, Agency policies and procedures for hours of work, premium pay, and/or leave may apply (see **405.3.4** and **405.3.6**).

k. Supervisors should accommodate requests by employees to change their scheduled telework day(s) or substitute a day for the telework day missed, consistent with work requirements.

l. Telework employees are subject to workplace requirements; for example, random drug testing.

m. Participation in recurring telework may have implications for employees who are receiving a monthly metro transit subsidy as they will be commuting fewer days to the official worksite (see **ADS 515, Transit Benefits (SmartBenefits®) Program)**.

n. Supervisors must provide all employees the same treatment and opportunities as non-teleworking employees with regard to work assignments, periodic feedback of job performance, awards and recognition, training and developmental opportunities, promotions, and retention incentives.

405.3.3 Eligibility and Participation

Effective Date: 10/13/2016

Telework eligibility criteria must be applied impartially and consistently. Decisions regarding an employee's participation in the telework program must not be based upon or involve consideration of union activity, prohibited factors or an employee's race, color, sex, age, disability, religion, national origin, and/or reprisal (participation in a protected activity).

USAID will facilitate remote telework arrangements for employees when such arrangements are beneficial to the Agency's mission in terms of effective or enhanced quality of work, productivity, performance, and customer service. While these arrangements are beneficial to employees in terms of their work/life balance and savings in time and financial costs associated with commuting to and from the office, the mission of the Agency must be the primary consideration in approving these arrangements.

405.3.3.1 Position Eligibility
Effective Date: 10/13/2016

Supervisors and other officials must consider the following factors in determining a position's suitability for telework.

a. The nature of the work to be performed and the employee's job responsibilities. Positions eligible for telework are those that:

- Involve tasks and work activities that are portable,
- Do not depend on the employee always being at the official worksite,
- Are measurable, and
- Are conducive to remote supervision.

b. The product or work accomplished by the employee while teleworking can be evaluated and quantified by the supervisor. Tasks and work activities generally suited for telework include, but are not limited to: reading, reviewing, editing, scheduling, planning, writing, policy development, research, analysis (for example, investigating, program/management analysis, policy analysis, and financial analysis), auditing reports or accounting, preparing employee appraisals, reviewing grants or legal cases, writing decisions or reports, telephone-intensive tasks (for example, setting up a conference, obtaining information, following up on participants in a study), and performing computer-oriented tasks (for example, online required or developmental training, programming, data entry, word processing, Web page design, and data processing).

405.3.3.2 Employee Eligibility and Participation
Effective Date: 10/13/2016

The **Act** requires three preconditions for employee participation in telework. The employee must: (1) be deemed eligible; (2) be trained in telework; and (3) have a current telework agreement with supervisory approval. USAID requires telework agreements to be completed via the **electronic telework participation system**.

Additionally, USAID requires teleworking employees to:

- Agree and adhere to their B/IO's telework protocols and procedures,
- Have a remote access token or other device for teleworking,
- Maintain a "fully successful" (or above) performance appraisal (Civil Service), and
- Maintain a report card rating of "B" or above (Foreign Service).

An employee well suited to telework demonstrates:

- Dependability and the ability to handle responsibility;
- High personal motivation, initiative, good organizational and time management skills, and ability to prioritize work effectively;
- High responsiveness and proactivity; and
- The ability to accomplish work assignments on a timely basis without continuous, direct supervision.

Generally, employees will demonstrate these characteristics after a period of time following entrance on duty. Agency managers and supervisors may determine the appropriate interval when new employees may be eligible for telework. Existing USG employees may not require the minimum months to be eligible.

Participation may be limited to situational telework for those employees whose official duties require the following on a daily basis (every workday):

- Handling sensitive Personally Identifiable Information (PII) or classified national security information (which cannot be transmitted, discussed, or stored at an alternative worksite; or sensitive but unclassified (SBU) materials that cannot be transmitted, discussed or stored at an alternative worksite);
- Undertaking tasks that require the use of specialized on-site equipment;
- Involving frequent face-to-face contact with other individuals (e.g., escorting or receiving guests on a daily basis); and
- Physical presence as per the official duties of the position.

However, even employees with these duties may still have occasional tasks that can be done remotely. The employee can utilize the **Telework Eligibility Exercise Charting Tool**, which facilitates a discussion between the employee and their manager regarding the employee's potential participation in telework and identification of portable tasks that may be accomplished off site. The worksheet assists employees in breaking down their

tasks and activities and explores which of those tasks and activities are best suited for telework.

Missions are encouraged to support suitable telework arrangements whenever possible and when work assignments meet business needs within the limitations of the Chief of Mission (COM). Consultations with Regional Bureau AAs and/or the HCTM TMO should be conducted to assist with minimizing limitations on telework within the Missions.

Note: Employees responsible for training or mentoring others are not eligible to telework on the days needed for training or mentoring. In addition, employees scheduled for Temporary Duty (TDY) or official training must suspend telework arrangements during applicable days. Work during TDY and/or official training does not meet the definition of telework because it normally does not occur at a site that is identified in a telework arrangement.

405.3.3.3 Ineligibility for Telework

Effective Date: 10/13/2016

Section 6502(a)(2)(A)(B) of the **Act** excludes two categories of employees who may not be deemed eligible under any circumstances:

- An employee who “has been officially disciplined for being absent without permission for more than five days in any calendar year”; and

- An employee who “has been officially disciplined for violations of subpart G of the Standards of Ethical Conduct of employees of the Executive Branch for reviewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.”

The term “officially disciplined” means a disciplinary action that results in the placement of a document in the employee’s Official Personnel Folder (OPF). The bar on participation would remain in effect as long as the document stays in the employee’s OPF. A document that permanently remains in the employee’s OPF means that the employee is permanently prohibited from telework participation.

Other factors making employees ineligible to participate in the Telework program include:

- Civil Service employees whose last annual performance rating of record is below “Fully Successful” or who are currently under a Performance Improvement Plan;

- Foreign Service employees who have received a report card rating of less than “B” or have been referred directly to the Performance Standard Board in the past two years;

- Employees whose demonstrated performance or conduct warrants more close supervisory direction than telework may provide;

- Employees who received disciplinary action or adverse action (letter of reprimand or suspension through 30-day suspension or less) within the preceding 12 months; and

- Employees whose absence from the office creates an unmanageable burden for other staff members in the office or interferes with accomplishing the mission.

405.3.4 Hours of Duty and Premium Pay

Effective Date: 10/13/2016

Employees who telework must maintain hours of duty consistent with the Agency's policy on work schedules and hours of duty in USAID/W and in USAID Missions. The administrative work week for USAID Missions varies according to local customs. Management determines the employee's work schedule consistent with the work requirements and operational office needs (see **ADS 479, Hours of Duty**).

Employees must be present at their approved telework worksite during their scheduled hours of duty unless another temporary location has been agreed to by the employee and his or her supervisor. Unless on approved leave, employees working offsite must be readily accessible by telephone and email during USAID official workday hours (8:45 a.m. to 5:30 p.m. for USAID/W) unless other hours are agreed to between the employee and their supervisor. Employees and supervisors in USAID Missions should follow the normal business hours at post unless other hours have been agreed to by the employee, supervisor, and Mission Director.

Participation in telework and alternative work schedules (AWS) are not mutually exclusive. Please note that employees who wish to participate in both AWS and telework must have an approved Work Schedule Request, **AID 400-6** (see **ADS 479**). The supervisor may authorize an employee's participation in either or both programs. As noted, there is no right or entitlement to participate in both programs.

The premium pay provisions in **5 USC 5542** and the **Fair Labor Standards Act (FLSA)** apply to telework employees. Requests for overtime compensation and recording hours worked must be made in the same manner as they would be for employees not engaged in telework activities. Note: Telework employees must not work overtime without advance approval from their supervisors (see **ADS 472, Premium Compensation**).

405.3.5 Worker's Compensation

Effective Date: 10/13/2016

Employees are covered by the **Federal Employees Compensation Act** when injured or suffering from work-related illnesses while conducting official government business at the alternative worksite (home or other approved location). USAID's potential exposure to liability is restricted to the designated alternative worksite. Employees may qualify for payment for continuation of pay or worker's compensation for an on-the-job injury or occupational illness that occurs at the previously agreed upon alternative worksite and work hours (see **ADS 442, The Workers' Compensation Program**).

When injured while working at an alternative site, an employee should follow the same procedures used at the official worksite. The injured employee must notify his or her supervisor immediately and complete the applicable Office of Workers' Compensation Programs (OWCP) forms (see **http://www.dol.gov/owcp/dfec/regs/compliance/forms.htm**).

Employees must address issues of their own personal safety to be effective while teleworking from home or other alternative worksite. Employees are responsible for ensuring that their home or other alternative worksite complies with health and safety requirements. Employees must complete the Telework Safety, Training and Resource Checklist, located on the e-telework agreement, when submitting a telework agreement for approval. Supervisors must not approve telework agreements without reviewing the checklist to ensure compliance.

405.3.6 Leave

Effective Date: 10/13/2016

Leave requests by employees who telework must be made in the same manner as they would be for employees not engaged in telework activities. Employees must request leave in advance in the Agency time and attendance system (see **ADS 480, Leave**).

Similar to when an employee is at his or her official worksite, an employee may adjust his or her work schedule or request leave for a portion of his or her telework day subject to supervisory approval; for example, to attend a medical appointment or deal with a household repair.

405.3.7 Certification and Control of Time and Attendance

Effective Date: 10/13/2016

Supervisors must ensure that teleworking employees are paid for work performed and account for absences from scheduled tours of duty. All telework hours must be recorded each pay period in the electronic time and attendance system, WebTA, as follows:

- 01-Telework-Situational
- 01-Telework-Regular (1-2 days/week)
- 01-Telework-Regular (3-5 days/week).

When applicable and when prior written supervisory approval has been received, the following telework codes must be used:

- 19-Telework-Overtime over 8
- 21-Telework-Overtime over 40
- 32-Telework-Comp Time Earned.

The Government Accountability Office (GAO) requires agencies with employees at alternative worksites to provide reasonable assurance that employees are working when scheduled. This can be accomplished by determining the reasonableness of the work output for the time reported or by logging in and out each day via telephone or email (see **GAO's Guidance for Maintaining Effective Control over Employee Time and Attendance Reporting**).

405.3.8 Equipment Costs and Office Space

Effective Date: 10/13/2016

Management is not obligated to provide any computer equipment (hardware or software) to the employee aside from providing network connectivity to the Agency's email and other databases for use at the alternative worksite. B/IOs may lend laptops within the B/IO to employees for use at home. Please note that under some circumstances, the Agency may be obligated to provide some assistive devices for an employee's use while teleworking as a reasonable accommodation for a disability. These determinations are made on a case-by-case basis as part of the reasonable accommodation approval process (see **405.3.14.2**).

The employee must agree to protect and not misuse or abuse any Agency-owned or government-owned equipment and to use the equipment only for official purposes. The Agency will not be responsible for any other incidental costs (for example, utilities) associated with the use of the employee's residence.

The employee is responsible for repair and maintenance of any personal equipment that they use. The B/IO may agree to provide the employee with necessary office supplies within budgetary constraints.

Employees should designate a specific workspace for use in performance of their duties at their home or other alternative worksite. At a minimum, an employee must be easily accessible to his or her supervisor and must frequently check voicemail and/or email while at the alternative worksite. Employees who telework three or more days per week may be asked to engage in "hoteling" or sharing office space when they are present at the official worksite.

Under **31 USC 1348**, reimbursement of long distance (domestic and international) telephone expenses are allowed if incurred as a result of official duties. The employee's

supervisor must complete and approve **SF-1164, Claim for Reimbursement for Expenditures on Official Business**, with a copy of the telephone charges.

405.3.9 Security and Safeguarding of Government Information

Effective Date: 10/13/2016

Employees are prohibited under any circumstances from taking any classified information from the official worksite to an alternative worksite. In addition, electronic data files with Sensitive but Unclassified (SBU) information that contains Personally Identifiable Information (PII) must not be transferred outside the USAID.gov or State.gov network.

USAID security policies do not change and are enforced at the same rigorous level when employees telework as when they are in the office. Employees must comply with current standards for remote operations from telework sites. Employees who telework need to keep USG property and information safe, secure, and separated from their personal property and information (see **ADS 545**, **ADS 568, National Security Information Program**, and **12 FAM 540**).

Safeguarding of Government Information

In emergencies or other limited circumstances, the removal and use of hard copy SBU information, Privacy Act and other personal information, and For Official Use information at the alternative worksite must be approved by the employee's supervisor. Employees must transport these documents from the official worksite to the alternative worksite in a secure manner.

If an employee is permitted to remove such sensitive documents from the official worksite, then the employee is responsible and accountable for controlling and safeguarding this information at all times while in his or her possession. This information may be accessed from employee-owned equipment utilizing Server Based Computing (SBC) through a remote token but it must not be stored on personal devices or employee-owned equipment. When such information is displayed on a computer screen, it must not be visible to others. The employee is responsible for ensuring that others cannot view the computer screen. Otherwise, employees must use a computer privacy screen that blocks PC screen visibility. Information in hard copy must be kept in a secure file cabinet at the alternative worksite.

Employees must take appropriate administrative, technical, and physical safeguards to ensure the security and confidentiality of records containing PII and to protect against any anticipated threats or hazards to their security or integrity. The loss or misuse of PII can result in substantial harm, fines, embarrassment, and inconvenience to individuals and USAID and may lead to identity theft or other fraudulent use of the information. Failure to safeguard PII can result in disciplinary action, up to and including removal from the Agency.

When employees use their personal devices while teleworking, they are using them at

their own risk. In the event of a classified spillage event, M/CIO is responsible for conducting a forensic review of the employee's personal electronic device, which may result in wiping all data and software stored on personal electronic devices (up to, and including wiping a complete device in cases of classified spillage or destruction of the personal electronic device).

405.3.10 Agency Continuity of Operations Plan (COOP)

Effective Date: 10/13/2016

USAID must have the ability to ensure continuity of essential operations in emergencies if any portion of the Ronald Reagan Building (RRB) and other USAID/W facilities become non-operational. Management has designated certain employees in their organizations as emergency or Mission critical for **Continuity of Operations (COOP)** purposes. The COOP Plan ensures that USAID can continue minimum critical functions in any disaster (whether natural, technological, or manmade) that prohibits occupancy in the RRB and other USAID/W facilities.

Employees designated as Emergency Relocation Group (ERG) members are notified for any COOP activation and deployment. In accordance with **Federal Continuity Directive 1**, all ERG members are required to have a telework agreement in place. This requirement cannot be waived.

In the event of an emergency situation, regardless of weather conditions or any other public announcements of dismissal or suspension of activities, ERG members must report for duty at the location that is pre-designated as the Alternate Operating Facility (AOF) unless otherwise directed. If ERG members cannot report for duty because their personal safety is in jeopardy, they must contact the COOP Coordinator or designated successor, or the COOP Point of Contact (POC) immediately so that alternatives can be considered.

The COOP section of the telework agreement applies to all members of the USAID COOP established for USAID/W. The agreement sets forth the terms, conditions, and responsibilities of key staff members identified as performing Mission critical functions when an emergency closure of the RRB occurs, and a COOP activation occurs. Additional information on the Agency's COOP Plan may be found in **ADS 531, Continuity of Operations (COOP) Program**.

405.3.11 Early Departures, Emergency Closures, Delayed Arrivals, and Open with Option for Unscheduled Leave or Unscheduled Telework

Effective Date: 10/13/2016

Agency Notices issued by the Executive Secretariat provide directions to employees on USAID's operating status in each instance of an early departure, emergency closure, delayed arrival, or the option for unscheduled leave or unscheduled telework. In these and other situations that affect the Agency's operating status, USAID follows OPM's guidelines and any guidance issued by the Bureau for Management, Office of Management Services, Headquarters Management Division (M/MS/HMD).

405.3.11.1 Early Departures
Effective Date: 10/13/2016

Employees who are regularly scheduled to telework on a day when there is an OPM announcement of an early departure are expected to continue working for the entire time of their normally scheduled workday. Employees who are at the official worksite may request unscheduled telework if they wish to leave prior to their scheduled departure time without charge to annual leave if they have an active approved telework agreement and the request for unscheduled telework is approved by their supervisor. If an employee is approved for unscheduled telework, then the employee is required to telework for the time between their actual departure time and their scheduled departure time under the government's early departure announcement.

Teleworkers may be excused from duty on a case-by-case basis when circumstances prevent them from working at home or other alternative worksite at the discretion of their supervisor (see **405.3.11.2**).

405.3.11.2 Emergency Closures
Effective Date: 10/13/2016

Non-emergency employees with a current approved telework agreement (regular/recurring or situational) are considered telework-ready employees. Telework-ready employees are required to telework when OPM announces federal offices are closed. Employees must notify and receive approval from their supervisors of their intent to perform unscheduled telework prior to teleworking; and must be prepared to telework the entire workday, or be approved for unscheduled leave, or a combination of both.

Emergency employees are expected to report for work on time unless otherwise directed by their supervisors.

Supervisors have the discretion to excuse telework employees from duty on a case-by-case basis (for example, due to power outages, infrastructure or connectivity issues, childcare or eldercare issues) when circumstances prevent teleworking employees from working at home or other alternative worksites during an emergency closure when federal offices are closed to the public.

While telework is not a substitute for dependent care, an employee may telework during the time he or she is not caring for a dependent in the event alternate dependent care is not available; and must take accrued annual leave or other paid time off while performing dependent care responsibilities during an emergency closure.

For example, a young child or infant who requires constant care and attention should not be left alone; therefore, the employee's ability to telework would be limited to only the time the employee is not responsible for child care. An older child who requires minimal supervision may be at home with the employee, as long as the child is

independently pursuing his/her own activities and the employee is actively performing their duties.

405.3.11.3 Delayed Arrivals
Effective Date: 10/13/2016

When OPM announces federal agencies are open under a delayed arrival with the option for unscheduled leave or unscheduled telework, non-emergency employees who report to the office will be granted excused absence (administrative leave) for up to the number of hours between their start time and the announced start time, according to OPM's delayed arrival procedures.

Non-emergency employees who notify and obtain approval from their supervisor of their intent to perform unscheduled telework must be prepared to telework at their normal start time and telework for the entire workday, or take unscheduled leave, or a combination of both for the entire workday.

Employees who are regularly scheduled to telework on the day when OPM announces a delayed arrival are required to begin teleworking on time for the entire workday or take unscheduled leave, or a combination of both, with preapproval from their supervisor.

405.3.11.4 Open with Option for Unscheduled Leave or Unscheduled Telework
Effective Date: 10/13/2016

When OPM announces federal agencies are open with the option for unscheduled leave or unscheduled telework, non-emergency employees must notify and obtain approval from their supervisor of their intent to use unscheduled leave or unscheduled telework.

Employees who are regularly scheduled to telework on the day when OPM announces open with the option for unscheduled leave or unscheduled elework or have obtained approval from their supervisor for unscheduled telework are required to begin teleworking on time for the entire workday, or take unscheduled leave, or a combination of both, with preapproval from the supervisor.

405.3.12 Procedures for Telework Agreement Approval and Recording
Effective Date: 10/13/2016

Immediate supervisors are authorized to approve telework agreements (regular/recurring or situational) unless delegated in writing to another B/IO supervisor, Telework Coordinator, or TMO. The Mission Director or designee is responsible for approving the USAID Telework Program for the Mission based on COM guidelines. Direct supervisors are responsible for approving telework agreements in accordance with Telework Program guidelines. Remote telework arrangements require additional approval by the HCTM/TMO and the respective B/IO Assistant Administrator or designee in USAID/W.

The procedures below apply to regular/recurring and situational telework agreements in USAID/W, and may be adapted to local conditions overseas (see **405.2(f)**). Procedures for requesting and approving remote telework arrangements are discussed in section **405.3.15.5**.

a. The employee completes the telework agreement and safety checklist via the USAID Telework Participation System: **https://telework.usaid.gov/TeleworkWeb/**. The supervisor approves or denies the request for participation. Note: If the employee chooses to opt out of teleworking, the employee must check the "I do not wish to telework" box on the telework agreement.

b. For approved situational telework agreements, employees must request and obtain approval from their supervisor to telework prior to teleworking.

c. Employees must annotate their timesheet with the appropriate telework code in the Agency's time and attendance system, WebTA (see **405.3.7** for instructions).

405.3.13 Denial or Termination of Regular/Recurring and SituationalTelework Agreements

Effective Date: 10/13/2016

Regular/recurring and situational telework requests may be denied or terminated based on business reasons. Personal reasons must not be a factor in denying or terminating a telework request/agreement. Valid business considerations include, but are not limited to, employee conduct and/or performance issues, diminished performance or productivity, unmanageable burden on other staff members, no adequate resolution to staff coverage, adversely affected customer satisfaction with service provided, or the arrangement no longer meets the organization's needs.

Supervisors must document their decision to deny or terminate a telework agreement and provide specific reasons on the e-telework agreement. A denial should include information about when the employee might be reconsidered for telework and indicate what actions the employee should take to improve his or her chance of approval. For termination, supervisors must give as much advanced notice as possible, but no fewer than 10 business days.

USG employees may appeal a denial or termination of a telework agreement to the Assistant Administrator of the Bureau or Head of the Independent Office.

USG employees may file a grievance about the denial or termination of a telework agreement through the Agency's negotiated or administrative grievance process.

405.3.14 Telework in Special Situations

Effective Date: 10/13/2016

Telework requests for special situations fall outside of the norm of this policy and are handled on a case-by-case basis. Special situation telework requests must be approved

by the B/IO Head or Mission Director. The arrangements may have an impact on the employee's pay and official worksite determination (see **405.3.15.4**) if the proposed alternate worksite is outside the employee's assigned locality pay area.

The telework request must be documented in an action memo with a detailed description of the proposed arrangement, the tasks and work activities that will be performed, the location of the alternative worksite, and any associated costs to the organization. Management must ensure the employee is made aware of any impact to pay and/or benefits that may result from the remote telework arrangement.

405.3.14.1 Temporary Telework Considerations

Effective Date: 10/13/2016

The circumstances vary under which a temporary telework arrangement may be requested and/or approved. The following are a few examples of situations in which a temporary telework arrangement is appropriate and can be used in conjunction with or as an alternative to annual or sick leave and leave without pay (LWOP). This list is not all inclusive. Special situations are handled on a case-by-case basis.

a. Employee Family and Emergency Situations

U.S.-based employees may request to telework, on a full-time or part-time basis, due to an unforeseen family or personal emergency that arises and requires attention away from the official worksite for a temporary period normally not to exceed 90 days. This will not require a change in duty station.

b. Medical Needs

Employees seeking to telework due to a medical reason must contact OCRD at **ocrdmailbox@usaid.gov** for guidance. In some situations, temporary telework arrangements may be made outside of the reasonable accommodation process.

c. Pregnancy and Return to Work

Pre- and post-natal situations may create a requirement of a medical directive to remain at home. An employee may submit a request to their supervisor to telework full- or part-time on a temporary basis with prior physician written approval and justification.

d. Maternity/Paternity or Emergency Medical Evacuation (MEDEVAC) from USAID Missions

Temporary telework agreements can accommodate maternity/paternity and/or emergency MEDEVAC from USAID Missions to ensure employees continue to contribute to the field Mission objectives. Mission Directors or Principal Officers are responsible for approving any temporary (90 calendar days or less) U.S.-based or MEDEVAC area telework arrangements (see **405.2(f)**). The Mission Director is responsible for approving telework arrangements over 90 day (see **405.2(e)**). The telework agreement should include realistic contributions an employee can make during the maternity/paternity or MEDEVAC, balancing time with responsibilities in the U.S. and at post. As an example, if it is unrealistic to dedicate a 40-hour

workweek, then the employee can combine varying levels of work hours and leave hours to meet personal and Mission requirements.

Employees who arrange for telework from their MEDEVAC location, either working for a post or for a B/IO at USAID/W, must arrange an appropriate telework agreement consistent with post policy. Mission Directors and B/IO Heads are encouraged to support suitable telework arrangements whenever possible.

Note: USAID does not envision a temporary telework arrangement in the U.S. for field-based staff to exceed 90 days. Any request to exceed this time limitation must be submitted to the HCTM Foreign Service Exceptions Committee and must include the need for the extension, the Mission's concurrence, and approval by the B/IO. The change of official work station will be considered and determined at that time and in the future if the return to post is continuously delayed.

405.3.14.2 Reasonable Accommodation
Effective Date: 10/13/2016

Aside from the terms and conditions of telework noted in this ADS chapter, telework may be granted as a reasonable accommodation to enable a qualified employee with a disability to perform the essential functions of the job. OCRD must approve telework arrangements as an accommodation for a disability, in accordance with the provisions of the **Rehabilitation Act of 1973**, the **Americans with Disabilities Act Amendments Act of 2008**, implementing EEOC regulations at **29 CFR 1630**, and **ADS 110**.

For further guidance on the use of telework arrangements as a form of reasonable accommodation, see the **EEOC's Fact Sheet "Work at Home/Telework as a Reasonable Accommodation."**

405.3.15 Remote Telework
Effective Date: 10/13/2016

Remote telework involves either a work arrangement in which the employee resides and works at a location beyond their USAID/W official worksite where they cannot meet the requirement of being in the office at least two days of each biweekly pay period at the USAID/W worksite or a full-time telework arrangement with infrequent visits to the organization's worksite. The remote telework location may be domestic or, in certain limited cases, overseas, and may be full-time or part-time.

Some remote teleworkers will not be physically able to report to the official worksite at least two days each biweekly pay period due to the distance of the remote location. In this case, the remote telework site becomes the official worksite (see **5 CFR 531.605(d)(1)**. As a result, the teleworking employee's official worksite will involve a change of duty station (see **405.3.15.4**).

The B/IOs and/or Mission's HCTM HR Specialist is responsible for preparing the appropriate personnel action to change the employee's official duty station, when applicable.

405.3.15.1 Considerations for Establishing a Remote Telework Agreement

Effective Date: 10/13/2016

The following guidelines are provided to assist managers, supervisors, and employees in considering whether to establish a remote telework arrangement.

1. The first consideration is identifying what the essential functions of the position are and whether they can be accomplished at a remote worksite. Managers should review a list of major job duties and the employee should propose how each will be performed from a remote location, using the **Telework Eligibility Exercise Charting Tool**, as appropriate. Significant work assignments and initiatives in the employee's performance plan over the performance rating cycle must be taken into account, in addition to recurring tasks.

2. Positions that are more oriented toward research, writing, and analysis and that produce tangible results and work products are generally a good fit for teleworking at a remote location. Employees must be able to accomplish work requirements without close on-site supervision or continual interaction with other staff. The feasibility of how the employee will interact from a remote location with his/her supervisor, coworkers, and internal and external contacts from USAID offices, Missions, and external organizations must be considered in determining whether the employee can perform all work requirements effectively. Any requirements for government furnished equipment should be factored into the agreement.

3. In reviewing an employee's proposed request for remote telework, management must identify all costs involved and compare these costs to the usual costs incurred at the regular worksite. The remote telework arrangement must be cost neutral at worst, but preferably it should lower costs.

   Note: The sponsoring Bureau must absorb costs associated with a remote telework situation because additional central funding will not be available.

4. Once the costs have been identified, the B/IO must determine if there is sufficient funding to cover an employee working from a remote alternative worksite. USAID will not approve telework requests that involve payment of costs related to an employee's permanent change of station, travel to a remote telework location, transportation of household effects, and housing or living quarters allowance.

5. USAID supports overseas telework for Agency employees, when practicable, who accompany a USG spouse or domestic partner or military member to a foreign area. In very rare circumstances, USAID may support a Domestic Employee Teleworking Overseas (DETO) independently teleworking overseas only when requirements related to security standards, passports/visas, privileges and immunities, local labor and tax laws, contingency planning, and other issues comply with the Department of State requirements (see **405.3.15.2**).

405.3.15.2 Remote Telework Overseas

Effective Date: 10/13/2016

USAID/W employees teleworking overseas are called Domestic Employees Teleworking Overseas (DETOs). The DETO normally takes place when a USG or U.S. military spouse/partner is deployed overseas and the accompanying USAID-employed staff member travels and can continue the Washington-based work from overseas. USAID adheres to the State Department guidance on Chief of Mission approvals/authorities, allowances/benefits and salary basis for DETOs (see **Department of State Updates Regarding Pay Department of State Updates Regarding Pay and Allowances for DETOS Allowances for DETOS**).

a. Overseas Allowances

Consistent with the Department of State Standardized Regulations, DETOs are ineligible for allowances and differentials, effective November 15, 2015. DETOs are eligible for travel payments in the event that the overseas post is evacuated.

b. Travel

In accordance with **5 USC 5702**, in a case where the official worksite is reassigned to the alternate duty station, trips to the official worksite are considered “official business” and the employee is entitled to travel reimbursement. It is the responsibility of the B/IO to fund and make appropriate arrangements for the remote overseas teleworker if he or she must travel to conduct official business or must return to the official worksite for periodic consultations or training. The physical distance between the official worksite and the telework site, the frequency of such travel, and other required TDY travel from the location of the alternate worksite must all be factored into the potential costs of the telework arrangement.

The compensation package for the sponsoring spouse or domestic partner may provide additional travel benefits like home leave and rest and recuperation (R&R) travel. Such travel would be granted to the employee based on being a dependent or eligible family member. In such a case, the only leave options available for both home leave and R&R are annual leave and leave without pay.

DETOs derive home leave travel and R&R travel benefits from their spouse or domestic partner. Therefore, a DETO occupying a domestic positon may not charge the home leave travel to his or her own home leave account. The only leave options available for both home leave and R&R are annual leave and leave without pay. Teleworking employees must coordinate with their home Bureau to determine which leave option should be used.

c. Office Space and Equipment

If work arrangements involve using office space and equipment at an overseas post, the arrangements, including additional costs, if any, must be established between the host overseas post, the home B/IO, and employee on a case-by-case basis.

These arrangements must be specified in the telework agreement to include official work location (home or post), equipment, funding, phone, fax, copier use, ICASS costs, etc. The B/IO must interface with the Management Officer at the Embassy to arrive at a cost estimate for any potential ICASS costs. If the location is in a country where USAID has a mission, the B/IO should contact the Mission's Executive Officer to liaise with the Embassy's Management Officer.

d. Medical Clearance

DETOs must receive a medical examination and be issued a medical clearance appropriate for a dependent, eligible family member, or domestic partner for the post at which they will be physically residing in accordance with **16 FAM 220**.

e. Chief of Mission (COM) Authority and Employee's Official Status Overseas

DETOs are subject to Chief of Mission (COM) authority, although the employee will not be included in the Mission's staffing pattern or considered part of the post's regular staffing complement. The COM has authority over who is assigned or residing at post, and the COM must be notified and agree to the employee's arrangements prior to his or her arrival at post. USAID requires compliance, in accordance with **15 STATE 18758**.

Normally the DETO will not play any role in policy or administrative issues pertaining to the country or region in which the host office or teleworking post is located but if in unusual circumstances the employee does play such a role, then that will have to be addressed under National Security Decision Directive (NSDD-38) procedures.

Employees who are teleworking overseas and accompanying their Foreign Affairs Agency or U.S. military spouse or domestic partner on an overseas assignment will be included on the spouse's or domestic

partner's permanent change of station (PCS) orders (in accordance with **3 FAM 1610**), which will authorize U.S. Government funded travel, unaccompanied air baggage (UAB), and household effects (HHE) shipments normally provided to an eligible family member (EFM) spouse or domestic partner.

Employees who are teleworking overseas and accompanying their Foreign Affairs Agency or U.S. military spouse or domestic partner will be reported to the host government and will derive all applicable privileges and immunities. Assuming they meet the relevant eligibility criteria, employees may receive benefits normally accorded to EFM spouses or domestic partners, except those provided through family member appointment (FMA). These benefits include access to the Medical and Health Program (**16 FAM**) and evacuation coverage, pouch and mail facilities, R&R, home leave, and emergency visitation travel (EVT).

405.3.15.3 Eligibility Requirements for Remote Telework

Effective Date: 10/13/2016

Section **405.3.3** addresses the basic eligibility requirements for various types of telework.

Foreign Service (FS) career candidates may be considered for remote telework but the time spent overseas teleworking will not be applied toward meeting the 18-month overseas service requirement for receiving tenure. FS career candidates should be cautioned that their appointments are statutorily limited to five years, and extensions are possible in only very limited circumstances (see **ADS 414mad, The Tenure Policy and Process for Foreign Service Career Candidates**). If a FS career candidate fails to complete all of their tenure requirements, they will be separated from the Foreign Service upon expiration of their five-year time limited appointment.

In addition, time overseas teleworking is not creditable toward meeting the number of years required for promotion in the Foreign Service (see **ADS 463.3.4**).

405.3.15.4 Other Requirements and Conditions of Employment for Remote Telework

Effective Date: 10/13/2016

a. Duty Station/Official Worksite

Except for approved temporary telework agreements, such as for temporary medical conditions, remote telework usually involves a change in duty station where the employee is reassigned from his/her official worksite to the telework site (new duty station). An employee's reassignment of official worksite to the alternative worksite location must be documented on a Notification of Personnel Action (**Standard Form (SF) 50**) (see "Duty Station" blocks 38 and 39 of SF-50 showing the city/town, county and state in which the official worksite is located). In such cases, the employee's position (official worksite) remains in USAID/W, but the duty

station will change to reflect the location where the employee is physically working. Guidance on documenting duty station changes on an employee record are found in chapter 23 of **OPM's Guide to Processing Personnel Actions**.

DETO positions remain in USAID/W but the duty location code will change to reflect the location where the employee is physically working. The change of duty station must be documented on the employee's SF-50, Notification of Personnel Action, which is submitted by the B/IO Administrative Management Staff (AMS) Officer and processed by HCTM Human Capital Services Center or HCTM Foreign Service Center HR Specialist.

b. Pay and Holidays

Reassignments from the official worksite to a new duty station can affect pay. An employee whose official worksite is changed for the purpose of telework receives locality pay for the telework duty station, which may be lower than the locality pay for his or her official worksite (previous duty station). Locality pay tables are available at **http://www.opm.gov/oca/11tables/indexGS.asp** (also see OPM's **Fact Sheet: Official Worksite for Location-Based Pay Purposes**).

For DETOs, pay is determined from their respective Foreign Service or Civil Service pay scale. Locality pay is not applicable to Civil Service employees working overseas. As a result, the General Schedule pay scale for Civil Service employees must be used. Foreign Service employees can be paid according to the overseas Foreign Service pay scale including overseas comparability payments (see **ADS 470, Pay Under the Foreign Service**).

DETOs are only entitled to U.S. holidays. They are not entitled to premium pay or compensatory time when working on a local holiday. If workspace is being provided by the host office at an overseas post and it is closed due to a local holiday, the employee must work from another site approved by the supervisor (for example, his or her living quarters) or use annual leave or previously earned compensatory time.

c. Security

Employees are not permitted to telework with classified information at the telework site and must comply with all guidelines for remote operations from alternative work locations (see **405.3.16**). Agency security policies do not change and are enforced at the same rigorous level when employees telework as when they are in the office. Employees who telework from an alternate work location must keep U.S. Government property and information safe, secure, and separated from their personal property and information.

d. Performance

Remote teleworkers must receive required annual performance appraisals from their supervisors in the home B/IO in accordance with applicable regulations in **ADS 461** for Foreign Service employees and **ADS 462** for Civil Service employees. A

telework arrangement must be reviewed by the employee's home B/IO supervisor on a quarterly basis to ensure that it meets the needs of the office and employee.

405.3.15.5 Remote Telework Agreement Request

Effective Date: 10/13/2016

All remote telework requests consist of an action memo supported by a detailed proposal for the arrangement. The employee must draft the proposal in consultation with his or her supervisor. Each proposal must include:

- The proposed effective date of the remote telework arrangement;
- The duration of the remote telework arrangement;
- The location of the proposed alternate worksite and rationale for the request;
- Major assignments and initiatives that will be performed during the telework period;
- How supervision and communications will be carried out;
- The salary, if it would change, and overseas allowances, if applicable;
- The frequency of travel to the official worksite and/or other Missions;
- How office space, equipment, and supplies will be provided;
- The estimated costs of this arrangement which the home B/IO will fund or reimburse (see **ADS 405saa, Telework Eligibility Exercise Charting Tool**);
- Confirmation and agreement from B/IO management that the cost of the telework arrangement can be covered by their current budget allocation for the specified length of time; and
- If overseas, an NSDD-38 or Electronic Country Clearance (eCC) to the COM, as appropriate.

    a. **Less than one year**: Overseas telework arrangement for a period of less than one year must obtain COM approval through the eCC process. Extensions beyond the one year initial arrangement will require an NSDD-38 request.

    b. **One year or more**: Overseas telework arrangements for one year or more require an NSDD-38. NSDD-38 requests must be submitted via the online application at **https://nsdd38.state.gov/**.

The employee must obtain the appropriate Bureau or Mission clearances. Proposals from Missions are routed to the COM and then to the respective B/IO for the B/IO's information. The proposal package (action memo and detailed proposal with supporting information) must be reviewed and approved by the B/IO head and cleared by the Bureau for Management, Office of Management Policy, Budget and Performance, Office of the Director (M/MPBP/OD), the Office of Human Capital and Talent Management, Foreign Service Center or Human Capital Service Center Director (HCTM/FSC or HCTM/HCSC), and the Office of Human Capital and Talent Management Telework Managing Officer (HCTM/TMO), prior to the employee executing a telework arrangement.

If approved, the B/IO management staff must provide the servicing human resources specialist in HCTM/FSC or HCTM/HCSC a **Request for Personnel Action (SF-52)** to change the employee's duty station to the alternate worksite, if required. The employee and supervisor then complete the Telework Agreement, Form **AID 400-8** and the Telework Safety, Training and Resource Checklist, Form **AID 400-7**. If the employee is accompanying a Foreign Service spouse or domestic partner, a copy of his or her travel orders should be submitted with the remote telework request package. In addition, a copy of the employee's most recent performance rating must be attached to the telework request package.

If the alternate worksite for a U.S. based employee is overseas, the home B/IO and employee are responsible for contacting the Chief of Mission to notify him or her regarding the teleworking arrangement and request his or her concurrence to the employment arrangements prior to the employee's arrival at the alternative worksite. The employee must provide the COM concurrence with the remote telework request package and must annotate the concurrence on the e-telework agreement.

405.3.15.6 Termination of a Remote Telework Agreement

Effective Date: 10/13/2016

The employee or the supervisor of the home office may adjust or terminate the telework arrangement at any time if it no longer meets the needs of the office, for a decline in performance or productivity, for non-compliance with the terms of the agreement, or for other issues (see **405.3.13**). The employee must be notified in writing with the specific reason for the termination of the remote telework arrangement. Employees must receive advance notification of 30 days before the effective date of the termination.

An employee may cancel the telework agreement at any time with prior notification of 30 days. An employee may request an adjustment of his or her telework arrangement by providing a written justification for consideration of his or her supervisor.

405.3.16 Records Management

Effective Date: 10/13/2016

Telework employees working from an approved alternate worksite have the same responsibility for managing records generated or recevied as if they are working at their official worksite. Electronic records must be destroyed in accordance with USAID Electronic Records Disposition Schedule approved by the National Archives and Records Administration (NARA) (see **ADS 502, The USAID Records Management Program**).

405.4 MANDATORY REFERENCES

405.4.1 External Mandatory References

Effective Date: 10/13/2016

a. **5 CFR 531.605, Determining an employee's official worksite**

b. **5 USC 2105, Employee**

c. **5 USC 5542, Overtime rates; computation**

d. **5 USC 5702, Per diem; employees traveling on official business**

e. **12 FAM 540, Sensitive But Unclassified Information (SBU)**

f. **29 CFR 1630, Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act**

g. **29 USC 791, Employment of Individuals with Disabilities**

h. **31 USC 1348, Telephone installation and charges**

i. **American with Disabilities Act Amendments Act of 2008**

j. **EEOC's Fact Sheet, Work At Home/Telework as a Reasonable Accommodation**

k. **Federal Continuity Directive 1, Federal Emergency Management Agency (FEMA) Executive Branch National Continuity Program and Requirements**

l. **Federal Employees' Compensation Act**

m. **GAO's Guidance for Maintaining Effective Control over Employee Time and Attendance Reporting**

n. **Rehabilitation Act of 1973 (Pub. L. 93-112)**

o. **Telework Enhancement Act of 2010, Pub. L. 111-292**

p. **The Fair Labor Standards Act (FLSA), as amended**

405.4.2 Internal Mandatory References
Effective Date: 10/13/2016

a. ADS 110, Equal Employment Opportunity

b. ADS 442, Workers' Compensation Program

c. ADS 470, Pay Under the Foreign Service

d. ADS 471, Pay Under the General Schedule

e. ADS 472, Premium Compensation

f. ADS 479, Hours of Duty

g. ADS 480, Leave

h. ADS 502, The USAID Records Management Program

i. ADS 515, Transit Benefits (SmartBenefits®) Program)

j. ADS 531, Continuity of Operations (COOP) Program

k. ADS 545, Information Systems Security

l. ADS 568, National Security Information Program

405.5 ADDITIONAL HELP
Effective Date: 10/13/2016

a. ADS 405saa, Telework Eligibility Exercise Charting Tool

b. OPM Interagency Telework Site

405.5.1 Optional Forms
Effective Date: 10/13/2016

a. Form AID 400-6, Work Schedule Request

b. Form AID 400-39, Telework Tracking Worksheet

405.6 DEFINITIONS
Effective Date: 10/13/2016

See the ADS Glossary for all ADS terms and definitions.

alternative worksite
A designated location, other than the official worksite, where employees perform work assignments such as the employee's home or an official telework center. (**Chapter 405**)

approving official
For non-supervisory staff, the Division Chief or equivalent second level supervisor is the designated official for approving employee e-telework agreements. For supervisory staff, the immediate supervisor is the approving official. (**Chapter 405**)

Continuity of Operations Planning (COOP)
Continuity of Operations Planning (COOP) is an effort to ensure that the capability exists to continue Agency essential functions across a wide range of natural disasters or local or national declared emergencies. (**Chapter 405**)

DETO
Domestic Employee Teleworking Overseas. A Civil Service or Foreign Service Officer accompanying his or her spouse or domestic partner to an overseas post. DETOs are subject to Chief of Mission authority while teleworking overseas. (**Chapter 405**)

disability
For purposes of providing reasonable accommodations, a disability is a physical or mental impairment that substantially limits one or more major life activities of the individual requesting a reasonable accommodation, or having a record of such impairment. (**Chapter 405**)

disciplinary action
Action against an employee in the form of a reprimand, suspension, or separation for cause. (**Chapter 405**)

domestic partner
A person in a domestic partnership with an employee or annuitant of the same sex. (**Chapter 405**)

e-telework agreement
An electronic written agreement, completed and signed by the employee and authorizing management official that outlines the terms and conditions of the telework arrangement. (**Chapter 405**)

eligibility
Characteristics of the job position and the employee that identify suitability for teleworking as determined by the supervisor or other appropriate management official in the employee's chain of command. (**Chapter 405**)

hoteling
A telework arrangement in which employees are not assigned permanent space in their designated official worksite, but share offices and conference space as necessary when

working at the traditional worksite. Such space is assigned by reservation, much like a hotel. (**Chapter 405**)

mission-critical duties
Job position functions that are identified as critical to the performance of the mission. (**Chapter 405**)

official worksite
For purposes of pay and travel, the official worksite is the location of the employee's main reporting office, as long as the employee is regularly scheduled to report physically at least twice each pay period on a regular and recurring basis. Otherwise, the official worksite is the location of the telework site (for example, the location of the employee's home or other alternative worksite). (**Chapter 405**)

reasonable accommodation
A reasonable accommodation is any change in the work environment, or in the way things are customarily done, that enables a qualified applicant or employee with a disability to perform the essential functions of a job. It also means a modification or adjustment that enables an applicant or employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by other similarly situated employees without disabilities. The Agency must make reasonable accommodation to the documented physical or mental limitations of a qualified applicant or employee with a disability unless the Agency demonstrates that the accommodation would impose an undue hardship on the operation of its program (see ADS 110; see also The Rehabilitation Act of 1973, as amended, 29 USC 791 *et seq.; 29 CFR 1630*). (**Chapter 405**)

regular and recurring telework
An approved telework arrangement where eligible employees work at an alternate worksite as part of an ongoing, regular, and recurring schedule, typically on an approved day or days during a bi-weekly pay period. (**Chapter 405**)

situational telework
Telework arrangement that is approved on a case-by-case basis, where the hours worked are not part of a previously approved, ongoing and regular telework schedule (i.e., inclement weather, medical appointment, special work assignments, or to accommodate special circumstances). (**Chapter 405**)

supervisor
An employee that is responsible for the "direction" of subordinates within his/her organization unit and whose supervisory responsibilities meet at least the minimum requirements for coverage under the General Schedule Supervisory Guide. Those directed may be subordinate Federal Civil Service employees; assigned military employees; non-federal workers; unpaid volunteers; student trainees; or others. Supervisors serve as coaches that empower staff to accomplish work. Traditional supervisory duties include evaluating employee performance; selecting or participating

with considerable weight in the selection of subordinate employees; reviewing and approving leave requests; hearing and resolving complaints and grievances; and effecting disciplinary measures. (**Chapter 405**)

telework
A voluntary work arrangement where an employee performs assigned official duties and other authorized activities during any part of regular paid hours at an approved alternative worksite on a regular and recurring or a situational basis. (**Chapter 405**)

telework center
A facility that provides a geographically convenient office setting with workstations and other office facilities and services that are used by employees from more than one organization. (**Chapter 405**)

unscheduled telework
A specific form of situational telework where an employee on an approved telework agreement performs assigned official duties at an approved alternate worksite. (**Chapter 405**)

WebTA
USAID's time and attendance system. (**Chapter 405**)

405_101316