# United States International Trade Commission

# Telework Program Handbook

Office of Administration

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**International Trade Commission**
**Telework Program Handbook**

## TABLE OF CONTENTS


| | Page |
|---|---|
| 1. Purpose | 1 |
| 2. Definitions | 1 |
| 3. Responsibilities | 3 |
| 4. Policy | 4 |
| 5. Application and Processing Procedures | 7 |
| 6. Appeals of Denials of Telework Agreements or Requests | 10 |
| 7. Questions | 11 |

# International Trade Commission
# Telework Program Handbook

## 1. PURPOSE

The purpose of the International Trade Commission's (ITC) Telework Program is to promote workplace flexibility, enhance workforce efficiency, and improve employee satisfaction. This handbook articulates the policies and procedures for the ITC Telework Program. The Telework Program Handbook is issued in accordance with USITC Directive 4401.0. The ITC has adopted three forms of telework: episodic, regular, and special circumstances arrangements (SCA). The episodic form of teleworking replaced the project based telecommuting program established in May 2001 (Administrative Announcement FY-01-09).

## 2. DEFINITIONS

A. **Disability**: An applicant/employee must be qualified for the job and have a *disability as defined by law*:

- a physical or mental conditions that substantially limits a major life activity such as walking, talking, seeing, hearing or learning;
- a history of a disability (such as cancer that is in remission);
- if the individual is believed to have a physical or mental impairment that is not transitory (lasting, or expected to last, less than six months) and minor (even if the individual does not have such impairment).

B. **Employee:** An individual employed by the ITC and paid through the Department of the Interior.

C. **Episodic Telework:** An arrangement in which the employee and supervisor agree that the employee is eligible for telework on an episodic or irregular basis. Telework may occur up to four days a week (but typically one to two days) periodically, and would not be expected to occur on a regular weekly basis. The employee must be in the office at least one day per week.

D. **Supervisor:** Normally the supervisor who prepares the performance evaluation for the employee in question. However, some offices have telework approved by the second-line supervisor above the supervisor who prepares the performance evaluation.

E. **Reasonable Accommodation**: Any change in the work environment, or in the way things are customarily done, to help a person with a disability apply for a job, perform the duties of a job, or enjoy the benefits and privileges of employment.

F. **Reasonable Commuting Time:** Up to two hours.

G. **Regular Telework:** An arrangement in which the employee and supervisor agree to a number of days per pay period (up to one day each week) during which the

employee will telework on a regular basis as workload and projects permit. In rare instances a greater frequency of telework days may be allowed, in most cases involving unique positions in which the employee works with a large degree of autonomy (e.g., Administrative Law Judge). The default arrangement will not set fixed days but allow the days to float during the pay period to match the requirements of the employee's projects and the other work requirements of the office. Supervisors may elect to allow fixed day regular telework in their work units. The regular arrangement may be combined with episodic telework agreements, but it is anticipated that most employees who have regular telework agreements would telework one day per week or less during the year.

H. **Special Circumstances Arrangements (SCA):** An SCA is an extended ad hoc telework arrangement that requires approval by Human Resources and the Chairman in addition to supervisory approval (retroactively if needed on a short term emergency basis, such as when an employee is caring for an ill family member). The nature and scope of an SCA are not otherwise limited. An SCA typically consists of a work-at-home agreement combining leave and part-time telework to allow the employee to recover from surgery or serious medical treatment, or to adjust to a new child (birth or adoption), or to care for a family member who is ill or recovering from surgery. SCAs are typically for limited time periods for employees with special needs and are not anticipated to exceed three months in duration. The arrangements benefit employees with short term emergencies without exhausting leave, and benefit the ITC by keeping employees involved in their work, contributing, and retaining their expertise. An SCA encompasses any telework request that is not expected to repeat and is designed to deal with unusual circumstances.

I. **Telework:** An arrangement in which the employee works his or her normal duty hours at an alternate location other than the official duty station (travel and training excepted) approved by the employee's supervisor in his or her telework agreement. The work must be suitable for and easily adapted to a remote location. The work should not require frequent face-to-face consultation, and telework should not disrupt team collaboration or shift workload burden from the teleworker to other team members or supervisory personnel. Telework does not require work at home and may take place at other approved locations; however, the ITC does not fund work at a Telework Center at this time.

J. **Undue Hardship**: The circumstance wherein the provision of reasonable accommodation would be too difficult or too expensive in consideration of the Agency size, financial resources, and mission-critical needs. (The Agency may not refuse to provide an accommodation because it involves some cost. However, it does not have to provide the exact accommodation the applicant/employee wants, especially if more than one situation works. The choice of what to provide is the Agency's decision.

## 3. RESPONSIBLITIES

### A. **Employees** will:

1. Update an episodic agreement, a regular agreement (if applicable), and a Telework Work Site Certification Safety Checklist by July 15 each year and file their updated documents with the Telework Program Coordinator. ***We recommend that all employees have at least an episodic telework agreement, a Citrix account, and an RSA token on file for Continuity of Operations (COOP) purposes***;
2. Complete the online telework training module for employees before teleworking (training may be found on the Intranet under *Work Life*, Telework, Training);
3. Obtain approval at least one business day in advance from their supervisor or acting supervisor before teleworking. *(Note that acting supervisors may only approve telework verbally or by e-mail as the electronic system cannot be programmed to allow for delegation of approval.)* Supervisors will make exceptions to such advance notice requirements for unusual or emergency situations only (including weather related situations);
4. Request episodic or regular telework hours 24 hours in advance through the electronic telework system for each [weekly] instance of telework. Supervisors will make exceptions to such advance notice requirements for unusual or emergency situations only (including weather related situations). *Even if approval for telework was received informally by verbal agreement or email, employees must also file a formal request for telework hours through the electronic system.* ***Request telework hours under SCAs through the electronic telework system for each pay period***;
5. Report to work at their office as usual if they do not receive approval from their supervisor or acting supervisor to telework. Inaction on a telework request by a supervisor or acting supervisor should *not* be interpreted as approval.
6. The agreements require that employees certify that they have a safe and appropriate place to work (usually their home) and that they are available to come into the office within a reasonable commuting time, except under special circumstances authorized by their supervisor. If an employee wants to telework from an alternate worksite, the employee will email their supervisor for approval and wait for an affirmative response that the site is appropriate before teleworking at the site.
7. Ensure that they are able to communicate by phone and e-mail with their office while they are teleworking. Employees should either forward their office phone to their alternate work site phone (using instructions in the ITC phone book) or create a greeting alerting callers that they are teleworking and noting the number where they can be reached. *Communication while teleworking should be no less effective by telephone and e-mail than communication while in the office;* and

8. Ensure that their supervisor, time keeper, and team members know that they are teleworking and how to contact them during each instance of telework.

**B. Supervisors** will:

1. Complete the online telework training module for managers (training may be found on the Intranet under *Work Life*, Telework, Training);
2. Promptly approve or disapprove employees' requests for telework hours using the electronic system;
3. Maintain copies of their employees' telework agreements;
4. Impartially consider issues related to (1) performance appraisals, (2) training, (3) awards, (3) reassignments, (4) promotions, (4) work requirements, (5) corrective actions, or (6) other acts involving managerial discretion, for all employees, whether or not teleworking; and
5. With Office Director approval, recommend SCAs to the Chairman.

**C. The Chairman** will approve or disapprove all SCAs.

**D. The Director of Human Resources** will advise employees who request an SCA and will determine whether the requirements of the Family-Friendly Leave Act and other authorities are met.

**E. The Telework Managing Officer/Director of Administration** will manage the planning, implementation, and evaluation of the Telework Program and will appoint the Telework Program Coordinator to accomplish the day-to-day activities of the program. The Telework Managing Officer will serve as an advisor on telework issues to the Chairman; as the primary point of contact for telework disputes between employees and supervisors; as the agency's primary point of contact on telework matters for employees, Congress, and other agencies (including OPM); and shall be responsible for oversight of reports to OPM concerning the telework program.

**F. The Telework Program Coordinator** will monitor the electronic telework database system, maintain all relevant files, and develop and distribute all appropriate reports, including the annual telework report to OPM. Correspondence may be sent to telework@usitc.gov.

## 4. POLICY

### A. Participation

The Telework Program is established consistent with Federal laws and policies, specifically section 359 of Public Law No. 106-346 (Oct. 23, 2000). The Commission's program is open to all employees, subject to eligibility requirements specified in this handbook. Participation levels and the frequency of telework will undoubtedly vary from office to office and position to position depending on the work performed and competing

requirements for staff time. The key distinctions are the function or assignments to be performed while teleworking and the potentially conflicting needs of the office. Telework should not adversely affect the performance of the employee who is teleworking or his or her coworkers and team members.

Telework may be combined with annual or sick leave. Inclement weather or other emergency situations present good opportunities for telework provided that there is appropriate work for employees to perform at a remote location.

Employees allowed to telework as a reasonable accommodation are subject to eligibility requirements to continue participating in the program. Decisions to cancel the arrangement will be reviewed by the OEEO and OGC to assure that EEO laws and procedures are not violated.

Telework is a management work option, rather than an employee benefit, and does not change the terms and conditions of employment. Employees' participation in the program is subject to management approval and employees must sign an agreement with management for each of the three types of telework. The telework arrangement may be canceled by the employee, his or her supervisor, or a higher-ranking supervisor in the chain of command. *Cancellation may be implemented by e-mail from supervisor to employee, or from employee to supervisor, with a copy to the Telework Program Coordinator.*

### B. Hours of Duty

Telework does not affect hours of duty, schedule, or procedures for requesting leave. Employees must be available during normal hours and must be able to come into the office within a reasonable commuting time, if needed, unless authorized by their supervisor to telework at a work station outside of a reasonable commuting distance. Such authorization will be contained in the identification of the alternate work site in the telework agreement or will be authorized by e-mail from supervisor to employee.

Employees may not use telework duty time for any purpose other than official duties, *including providing dependent care*. Employees may not work outside normal duty hours unless authorized in advance by their supervisor and the Telework Managing Officer/Director of Administration or take extended breaks during the day and "make up for it" later. If an employee needs to work a more flexible schedule, then a request to change work schedule must also be submitted (see USITC Directive 4400.1, Attendance and Leave).

Employees are not authorized to earn paid overtime while working at the telework duty station. However, employees may earn compensatory time or credit hours while teleworking provided they are authorized (in writing) in advance by their supervisor and by the Telework Managing Officer/Director of Administration. Authorization must contain the number of hours and description of work in an e-mail. Supervisors must properly certify time and attendance, including telework time.

## C. Safety and Security

- *Work at home with classified material is forbidden.*
- *Employees will not save sensitive information to the C drives of their home computers.*
- *Emailing files to themselves with sensitive materials is forbidden.*

*Sensitive information is defined as confidential business information (CBI), business proprietary information (BPI), Privileged and any information that contains information in identifiable form (IIF) or personally identifiable information (PII).*

Employees must have a safe and adequate place to work off-site that is free from interruptions and that provides the necessary level of security and protection for data (electronic and hard copy) and government property.

*Employees will apply safeguards to protect Commission and other government information from unauthorized disclosure or damage (e.g., locking such materials in a safe, filing cabinet, or room) in accordance with Commission procedures*, including USITC Directive 1340 and USITC Records Management Program Directive 3150.1, and will comply with the E-Government Act of 2002, Public Law 107-347, and the Privacy Act of 1974. Employees will follow the USITC Safe Computing Requirements (dated November 17, 2008), the ITC Rules of Behavior for Information and Information Systems, and USITC Memoranda CIO-FF-05, Preliminary Guidance for Safeguarding [PII] and [CBI], October 15, 2008. These items may be found on the Intranet under *Security*.

Before the desktop refresh project is completed, employees will be permitted to access ITC files using Citrix, through their home computers, or use encrypted removable media. Employees using their home computers must remember to do the following:

- Deploy adequate firewall and virus protection
- Maintain updates of virus definition files
- Maintain updates and security patches on operating system software
- Maintain updates and security patches on applications (as applicable)
- Maintain security patches for web browsers to limit vulnerability to intrusion, and
- Comply with two-factor authentication technology (RSA tokens) for ITC network access when using Citrix from their home computers.

For teleworkers using wireless home networks, encrypt wireless home networks with a minimum of 802.11i – 256-bit encryption.

You may not e-mail sensitive files to yourself at any time. You must use Citrix to access your shared drive files when dealing with sensitive information, which includes CBI, BPI, Privileged, personally identifiable information (PII) and information in identifiable form (IIF). You may use a thumb drive only if it is encrypted.

Individuals may securely access their USITC e-mail accounts through Outlook Web Access (OWA) at itcmail.usitc.gov.

### D. Disciplinary and Adverse Action

Employees and/or their supervisors will be subject to corrective action for failing to comply with this handbook and making false statements or misrepresentations regarding their participation in the telework program. An employee found to be teleworking *without using the electronic system*, without supervisory approval, or who deliberately fails to properly record their telework time is no different from any other employee who has misrepresented a material fact in connection with any official document, such as time and attendance. See USITC Directive 4504.0, Personnel Disciplinary and Adverse Action, Attachment 1, Table of Offenses and Penalties, Item 8.

## 5. APPLICATION AND PROCESSING PROCEDURES

### A. Application Procedures for Episodic or Regular Telework

An electronic version of the episodic/regular telework agreement (found on the Intranet under *Work Life*, Telework, Instructions, Complete Online Agreement Form and also under *Forms*) will be completed by the employee online and signed by the employee and the supervisor prior to the first occurrence of telework. A copy of the document will be sent to the Telework Program Coordinator.

### B. Threshold Requirements for Participation in the Program

Participation in the Commission's Telework Program is not restricted to classes of employees—all may be eligible, regardless of their job title or position description. In order to participate, employees must execute a written agreement with their supervisor and file the agreement with the Telework Program Coordinator. Employees who are experiencing performance problems, are trainees, or require significant daily supervision are not good candidates for teleworking.

The following factors may be considered by the supervisor in approving employee requests to participate actively in the Telework Program, beyond executing an episodic telework agreement for COOP purposes:

1. Employee performs at the effective or fully successful level or higher;
2. The employee has not received a disciplinary action in the last 12 months;
3. Employee demonstrates care when handling the ITC's information;
4. Employee has access to a computer (with Internet access) and phone while working at the alternate work site;
5. Employee is not a trainee, and requires minimal supervision (even if in an entry level position);
6. Employee has mastered office procedures and does not require on-the-job training;

7. Employee is not required to handle national security classified information on a daily basis;
8. Employee does not need office equipment or an office phone system only available at the ITC to perform daily work;
9. Employee does not need access to specialized software or database applications available only at the ITC to perform daily work; and
10. Employee does not need to interact with others on a face-to-face basis daily.

### C. Regular Telework Agreement

Employees who would like to request a regular telework agreement with their manager may fill out the electronic form on the Intranet. The form will be electronically transmitted to the supervisor for approval and signature before the supervisor returns it to the employee for signature. In the process, the manager will choose approval or denial. Any denial will be accompanied by an explanation from a list of reasons for denial (from the list of discretionary factors for denials below, which applies to both the regular telework agreements and to episodes of telework). The supervisor's decision will be transmitted to the employee electronically, and approvals or denials will be recorded and maintained in the teleworking database.

### D. Procedures for Regular and Episodic Telework

1. The employee requests a specific day or episode of telework through the electronic system *at least 24 hours in advance*. Supervisors will make exceptions to such advance notice requirements for unusual or emergency situations only (including weather related situations)

    a. The employee fills out an electronic request to telework (located on the Intranet under *Fast Tasks*, Telework User);
    b. The request specifies a beginning and ending date;
    c. The request lists the labor cost codes and associated hours. An episodic request will *briefly* describe the nature of the work; and
    d. The request will cc the timekeeper or an office group cc list that includes the timekeeper and supervisors.

2. The supervisor should respond *promptly* to the telework request:

    a. If the request is appropriate, the supervisor will approve the request through the electronic system (located on the Intranet under *Fast Tasks*, Telework, Supervisor); or
    b. If the request is not appropriate, the supervisor will disapprove the request through the electronic system, providing a reason for disapproval from the provided list of discretionary factors.
    c. Absence of approval means denial and the employee should come to the office that day.

## E. List of Discretionary Factors for Denials of Regular Telework Agreements or Telework Requests

The list of possible reasons for denial which applies to either regular telework agreements or *telework episodes* shall include:

**Technical Problems with Request**

1. There is a technical problem with the request that requires resubmission, such as incorrect date, incorrect activity codes (i.e., 3E, 5E, 7A6, 11A, or 12A; or activity codes not matching work described), incorrect hours or work described;
2. Request is pending—more information is required—please discuss with supervisor.

**Performance/Conduct/Security Violation Issues**

3. Adverse employee performance in the past six months;
4. Adverse employee conduct issues in the past twelve months;
5. Problems with inefficient communication while teleworking in the past six months;
6. Employee committed an information security violation within the past twelve months that was documented;

**Office Assignment/Scheduling/Office Management Issues**

7. Office coverage issues;
8. Employee has multiple duties that must be performed in the office that preclude telework regularly each pay period;
9. Employee has duties that must be performed in the office during the time requested;
10. Scheduling requirements, including office, team, or other meetings, likely to occur on an unpredictable basis (and which cannot be teleconferenced without losing effectiveness);
11. Scheduling requirements, including office, team, or other meetings, likely to occur during the time requested (and which cannot be teleconference without losing effectiveness);
12. Untimely request for telework (less than 24 hours notice without extenuating circumstances);
13. Need for equitable distribution of opportunities to telework among the staff;

**Requirement that Work be Performed in the Office**

14. Need for face-to-face communication with employee on a daily basis;
15. Need for face-to-face communication with the employee on requested work or other matters;
16. Employee needs access to classified material or large amounts of data on a daily basis that cannot be moved from the office or accessed remotely;
17. Lack of adequate security at the alternate workplace for Sensitive Information;

18. Lack of equipment or technology necessary for telework at the alternate work site (e.g., a working computer, Internet access, a working phone);.
19. Insufficient volume of work assigned in advance each pay period such that the employee needs to be in the office regularly to receive assignments;
20. Insufficient volume of work included corresponding to hours included in telework request;
21. Employee needs access to office equipment or an office phone system available only at the Commission on a daily basis;
22. Employee needs access to specialized software or database applications available only at the Commission;

**Procedures for SCA requests**

1. The employee and supervisor collaborate to identify the work to be performed and the work schedule, and will consult with the Office Director for approval;
2. The employee and supervisor consult with the Director, Office of Human Resources, prior to preparation of an SCA, to ensure that the circumstances meet the requirements of applicable statutes and regulations;
3. The employee fills out an electronic version of the SCA agreement (found on the Intranet under *Work Life*, Telework, Complete online SCA agreement form); including:
    a. A description of the special circumstances necessitating an SCA;
    b. A specific time period, generally not to exceed three months;
    c. A description of the number of hours of work and the number of hours of leave which will occur each work day; and
    d. A description of the assignments/projects to be accomplished.
4. The SCA is signed by the employee and the supervisor, and is forwarded to the Telework Program Coordinator. The Telework Program Coordinator consults with the Director of Human Resources to ensure that the circumstances meet the requirements of applicable statutes and regulations and forwards the SCA to the Office of the Chairman for approval. The Program Coordinator retains a copy of the approved SCA and returns the original to the supervisor.
5. The SCA may be extended by the same procedures as paragraphs 2-4, i.e., consultation with the Office of Human Resources and approval from the Chairman.
6. *All existing SCAs must be renewed and approved upon a change in Chairmanship.*

## 6. APPEALS OF DENIALS OF TELEWORK AGREEMENTS OR REQUESTS

The appeals process is designed to address the denial of participation in the telework program, either by denying a request for a telework *agreement* or by denying so many requests for telework episodes in succession that the denials rise to the level of practical denial of participation in the program. The appeals process for denials of telework *agreements* (and practical participation) will follow agency policy on filing grievances.

The Telework Managing Officer/Director of Administration is the final agency decision making authority for agency grievance procedure. The following is a list of examples of possible denials of telework requests, together with a notation of whether each example can result in a grievance.

- I submitted a telework request last Friday that was denied listing recent employee performance. *This action is not subject to grievance.*
- I submitted several telework requests during the past two months that were denied citing various reasons, and I also use the telework program frequently compared with others in the office. *These actions are not subject to grievance.*
- I submitted a telework request during a snowstorm that was denied by my supervisor, citing employee needs access to specialized software accessible only at the Commission, although other managers were approving telework during the snowstorm. *This action is not subject to grievance.*
- I submitted 26 requests during 26 consecutive weeks that were denied listing recent employee performance; however, I received a mid-term performance evaluation last week noting no performance problems or areas of improvement. *This pattern of denials rises to the practical level of denial of the agreement. You may begin Step 1 of the grievance process and have an informal conversation with your supervisor.*
- I submitted a request for a regular telework agreement that was denied listing equitable opportunities to telework among the staff. *Denial of regular contracts is subject to grievance. You may begin Step 1 of the grievance process and have an informal conversation with your supervisor.*

## 7. QUESTIONS

If you have any questions or need additional information on the Telework Program, please contact telework@usitc.gov. You may call Connie Speight at 708-3082 or Olympia Hand at 205-3182 in the event that Connie is absent.

Stephen A. McLaughlin
Director, Office of Administration

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OFFICE OF PRIMARY INTEREST: **AD**