

# NIH Policy Manual

## 2300-600-1 - NIH Telework Policy

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Transmittal Notice

1. **Explanation of Material Transmitted:** This chapter provides guidance on and requirements for implementing the NIH Telework Policy, formerly called the NIH Flexible Workplace Program Procedures.
2. **Filing Instructions:**

**Remove:** NIH Manual Chapter 2300-600-1 dated 1/28/98.

**Insert:** NIH Manual Chapter 2300-600-1 dated 10/30/2003.

**Partial Revision 5/18/2004\***

**\*Note: Section C1 (first bullet under paragraph 2) and Section C10 were revised as follows.**

**Section C1** – under the eligibility criteria, the word "permanent" has been deleted, so that all NIH employees are eligible to apply for a telework arrangement.

**Section C10** – the emergency closings section has been changed to reflect a change in the U.S. Office of Personnel Management's dismissal or closure guidance. Since OPM feels that "employees who telework from home or from an alternative workplace are an invaluable resource during a time of emergency," teleworkers are not necessarily dismissed if the main office must close.

### **A. Purpose**

This policy provides implementing guidelines for carrying out the requirements of Section 359 of Public Law 106-346 cited below. These guidelines apply to the establishment of telecommuting programs at NIH consistent with DHHS policy. The intent is to actively promote telecommuting as a legitimate work alternative for supervisors and their employees, optimizing the benefits of telecommuting while assuring continued productivity.

In addition, the purpose of this policy is to promote NIH as an employer of choice; enhance NIH's efforts to employ and accommodate people with disabilities, including employees who have temporary or continuing health problems, or who might otherwise have to retire on disability; reduce office space, parking facilities, and transportation costs, including costs associated with payment of the transit subsidy; enable organizations to remain functional

during emergency shutdown; and improve the recruitment and retention of high-quality employees through enhancements to the employees' quality of life.

## **B. Background**

Advances in telecommunications, the rising costs of office space, growing air pollution, traffic congestion and changing social needs have increased the need for telecommuting arrangements. Telecommuting is a practical solution to these and other business needs, quality of life issues, and work life challenges.

Public Law No. 106-346, Section 359, dated October 23, 2000, as interpreted by the Office of Personnel Management (OPM) in a memorandum dated February 9, 2001, instructs Federal agencies (1) to review existing telecommuting policies to reduce and eliminate barriers that inhibit the use of telecommuting and to increase program participation; (2) to establish eligibility criteria; and (3) that, subject to any applicable agency policies or bargaining obligations and without diminished employee performance, employees who meet the criteria and want to participate must be allowed that opportunity if they are satisfactory performers. The law provides that its requirements must be applied, by 2004, to 100% of the eligible Federal workforce.

## **C. Policy**

This policy applies only to NIH employees, and is not intended to address telework arrangements for contractors. Contractors may telework if permitted by the terms of their contract, but those arrangements must be negotiated separately with the contractors' employer and official (non-Federal) supervisor, in agreement with the NIH supervisor, as applicable.

### **1. Determining Eligibility to Apply**

The supervisor and the employee must both agree to participation in a telework program. Participation is not an entitlement. Approving officials will consider both eligibility guidelines and the needs of the organization in deciding whether to grant a request. Any employee, however, who meets the list of criteria established by this policy, and whose job is suitable for working remotely, is eligible to apply for telework.

Employees who participate in other flexible work arrangements (e.g., Alternative Work Schedules) are eligible to apply for telework, as are supervisors. To be eligible to apply for telework, the employee must:

- Be an NIH employee, either full or part-time (PHS Commissioned Officers are covered under their own policy at [http://dcp.psc.gov/PDF\\_docs/23510.pdf](http://dcp.psc.gov/PDF_docs/23510.pdf));
- Have a satisfactory performance record or, for a new employee, the applicable equivalent;
- Not be on Special Leave Procedures or a Performance Improvement Plan (PIP); and

- Have no documented misconduct personnel action on permanent record within the last three years.

The tasks that will be performed while teleworking must:

- Be portable, i.e., it must be work that the employee can reasonably complete at an alternate site;
- Generate work products that can be measured and/or evaluated for quality;
- Not require close supervision or frequent guidance from a supervisor;
- Not require constant face-to-face interaction with coworkers and/or customers; and
- Rely on information technology and connectivity that is available (or can reasonably be made available) at the alternate site, as applicable, or require no particular technology or connectivity.

If these criteria are met, the employee can apply for a telework arrangement. See Section G Procedures for guidelines on the telework application.

## **2. Determining Eligibility to Participate**

Once the employee has applied to telework, the employee's supervisor and then the approving official (if different) are responsible for reviewing the application to determine whether or not an arrangement would be feasible for the individual and the organization. Factors to be considered by the supervisor and/or approving official include the:

- Portability of work;
- Employee's status (or not) as emergency personnel;
- Employee's past performance;
- Impact of telework on the operations of the office, taking into account the needs of the office, the nature of the work, as well as other employees' telework requests and work schedule arrangements; and
- Costs of implementing a telework program. This may affect the organization's ability to offer telework to a large number of employees simultaneously, but should not be used as the only factor for determining approval.

Different types of telework arrangements (see Medical Telework, Episodic, Ad Hoc/Situational - Section E, Definitions below) will have different thresholds for feasibility, and the full range of options should be considered.

See Section G, Procedures, for guidelines on completing the telework agreement once a telework application has been approved.

## **3. Denying, Terminating, or Changing the Agreement**

A denial of a telework request by an approving official must be based on business-related reasons, documented in writing on the application and agreement form (see

Appendix 1), and made available to the teleworker. The explanation should outline the reasons for the denial and any steps the employee can take to be eligible for reconsideration.

Participation may be terminated or the terms of participation may be changed at any time by either the teleworker or by management. Reasons for terminating or changing an agreement may include the following:

- Change in circumstances of the organization;
- Change in teleworker's position description;
- Negative impact of telework on employee performance;
- Negative impact of telework on work group performance; or
- Change in personal circumstances of teleworker.

Notification of terminating or changing a telework arrangement must be made in writing by the employee or his/her supervisor, signed by both to show that they have read and received the notification, and submitted to the approving official (if different). A copy should be kept on file by the supervisor and the NIH Institute or Center (IC) Telework Coordinator (Appendix 6).

#### **4. Determining Employee's Work Schedule**

The work schedule at the telework site must be documented on the agreement signed by both the approving official and employee. In general, supervisors have the authority (within timekeeping policy) to allow work schedules that meet their office needs. This schedule may be modified or amended as needed with advance notice from the employee or supervisor. Any changes by the employee will require supervisory approval. A work schedule may include alternative work schedules (flexible and compressed).

The employee must be accessible during duty hours to the supervisor and other management officials, co-workers, and customers via telephone, e-mail, facsimile, or other method of communication specified in the agreement. Unplanned periods of unavailability must be reported to the supervisor or his/her designee within a reasonable period of time. "Reasonable" should be defined in advance (i.e., within one hour or within two hours) so that all parties know the exact expectations. The employee must agree to report to the official duty station, even when scheduled to telework, if the need arises. To the best of their ability, supervisors should give reasonable advance notice for these kinds of schedule changes.

All pertinent time and attendance, leave, and pay regulations (including overtime, credit hours, and compensatory time, if applicable) must be observed by the employee and supervisor. All salary (including tax issues), leave, and travel entitlements will be based on the employee's official duty station.

#### **5. Managing Work and Family Issues**

Dependent care arrangements should not change substantially due to telework, although a decrease in commute time may help employees spend more time with family members. Children or dependent adults who are in care situations should remain in those situations, regardless of whether the employee is teleworking. However, an older child (for example, after school) or relatively independent elderly adult may be in the home during telework hours, as long as he/she is capable of pursuing his/her own activities.

If a situation arises where the employee must attend to a dependent at the telework site during scheduled duty hours, the employee shall immediately notify the supervisor and arrange to take leave or reschedule the work hour(s).

## **6. Determining Official Duty Station**

[The OPM Telework Personnel Policies and Procedures](#) document recommends that agencies designate the teleworker's main office as the official duty station for such purposes as special salary rates, locality pay adjustments, and travel. For most employees, the main office is the place the employee "works, or at which the employee's activities are based, as determined by the employing agency"; i.e., "the location of the employee's desk or place where the employee normally performs his/her duties."

NIH ICs should follow this general guidance when determining the official duty station for a teleworker. If, however, an employee works primarily from his/her "home" office, telecenter, or other remote location, and this remote location is outside of the normal commuting area, then it may be appropriate to temporarily or permanently change the official duty station to reflect the remote location as the employee's main office. OPM currently recommends that if the teleworker does not return at least once per week to the main office that his/her duty station be reassigned to the remote office.

However, prior to formally requesting a permanent change in official duty station, Office of Human Resources (OHR) staff must consult with the employee, as well as the supervisor, regarding the implications of such a change. Examples of such implications include, but are not limited to special salary rates, locality pay adjustments, hours of work, travel, and reduction-in-force issues that are affected by duty station determinations. For example, if an employee relocates out of state and the duty station is changed to that home office location, then travel back to the NIH campus would have to be reimbursed.

## **7. Using Employer Property/Technology**

NIH-owned equipment may be loaned by an IC to the employee for telework use if: (1) it is necessary for participation; (2) equipment is available or if the IC determines that funds can be made available to purchase new equipment; and (3) the security of the equipment at the employee's residence can be reasonably assured. Such equipment will be properly documented as loaned equipment, serviced and maintained by the NIH, and is for authorized use by the employee only. For more information on "authorized use,"

see the NIH Manual 2806 on “Limited Authorized Personal Use of NIH Information Technology (IT) Resources.” (See summary at Appendix 4).

ICs may also provide the employee with appropriate work supplies. These supplies are to be used as authorized by the IC and for official business only. They may not be used by other persons, such as household members.

The employee may provide his/her own equipment. He/she is responsible for its service and maintenance unless otherwise determined by the IC. The IC will require that the employee install, regularly use, and update compliant anti-virus software and adhere to NIH IT security policies, guidelines, and procedures as detailed on the NIH IT Security web page.

As required by the employee’s position, computer equipment and software at the telework office must be compatible with those at the official duty station to allow the exchange of electronic files, communication, and other data between sites. Because many of the documents that employees work on or create during work hours are official government records, users should utilize, maintain, and store this information – particularly sensitive information – on NIHnet servers when feasible.

All official government records are subject to both Privacy Act and Freedom of Information Act requests even if housed on a personally-owned computer. This includes any electronic media that is used for transferring or storing files. Further, NIH-owned software that is provided for use to the employee to perform necessary work assignments or other authorized use is subject to copyright laws and shall not be copied onto other systems that are not authorized.

All teleworkers are required to install and update NIH anti-virus software located at <http://www.antivirus.nih.gov> regularly on all end user equipment, whether owned by the government or the user.

All electronic media used for transferring or storing information used for telecommuting (e.g., disk drives, diskettes, internal and external hard drives, and laptop computers), including backup media, removable media, and media containing sensitive information, must be scanned for viruses before use and on a regular basis, as appropriate.

Teleworkers must ensure that data stored on electronic media is permanently deleted and unrecoverable before media is disposed or reused.

All equipment that will be used for telework, whether NIH or employee owned, should be documented. See Appendix 2 for a recommended format.

It is the joint responsibility of the employee and his/her supervisor to maintain communication with each other, as well as with their customers. As required by the position and the frequency of telework, the employee agrees to maintain a telephone line into his/her alternate workstation, as well as furnish the number to the employer so

the employee is accessible during duty hours. Installation of a data and/or telephone line in the employee's residence may be funded by the IC if required by the employee's at-home assignment. Such equipment, if installed, will be used solely for the purpose of conducting authorized business [see legal authority for obtaining government funded telephone (data) lines at [NIH Manual 2810](#)]. Employees are entitled to reimbursement for long-distance calls placed during the execution of their duties.

Reimbursement for calls should be processed through the employee's administrative office using [Standard Form 1034](#). As an alternative, ICs may choose to issue a government long-distance calling card to the employee.

Prior to setting up on-line connections between the employee's telework worksite and NIH systems or services, the employee should be familiar with and agree to comply with the provisions of [NIH Manual 2810](#) on NIH Remote Access Policy, (Appendix 5 provides a summary of this policy) by completing and signing the agreement in the policy. The remote access agreement is located at [http://ocio.nih.gov/nihsecurity/RA\\_User\\_Cert\\_Agreemt.doc](http://ocio.nih.gov/nihsecurity/RA_User_Cert_Agreemt.doc).

The employee must immediately inform his/her supervisor of any equipment failure or malfunction. In the event of a malfunction, the employee may be required to report to the official duty station. The NIH will not be responsible for any other operating costs, home maintenance, or any other incidental costs (e.g., utilities) whatsoever, associated with the use of the employee's residence. Policies and procedures applicable to business-related expenses, such as work-related long distance telephone calls, if applicable, will be discussed and documented in advance (as part of the agreement or as a separate attachment).

The NIH will not be liable for damages to an employee's real or personal property during the course of performance of official duties or while using NIH-owned equipment in the employee's residence, except to the extent the NIH is held liable by administrative claims under the [Federal Tort Claims Act](#), or claims arising under the [Military Personnel and Civilian Employees Claims Act](#). However, in accordance with Federal property regulations, government-owned equipment that is stolen, damaged, or destroyed due to carelessness or negligence on the part of the user is subject to financial liability on the part of the user. For more information on this topic, please see [NIH Manual 26101-25-2-16](#).

Upon termination of the telework arrangement or termination of employment, the employee agrees to promptly deliver all NIH property, files, and supplies to the IC. If the employee's personal computer was used, NIH-provided software shall be deleted.

## **8. Ensuring Safety at the Telework Site**

The employee is required to maintain and use a designated work area at the remote site. For home telework offices, the employee shall maintain the home office work area free of safety hazards and other dangers, and shall use and maintain NIH property, including files and remote access resources, in a safe and appropriate manner (see Telework

Office Evaluation, Appendix 3).

Civil Service employees are covered under the Federal Employee's Compensation Act if injured in the course of actually performing official duties at the official duty station or the telework site. It should be noted that attending to personal comfort needs is not considered to be performing official duties. In addition, the employee shall be wholly liable for injuries to other persons on the employee's premises.

The employee shall immediately report any work-related accident that occurs at the telework site and provide the supervisor with all medical documentation related to the accident. The employee agrees that it may be necessary for management to access the telework site to investigate an injury report.

Use of the telework site for work-related meetings should be prohibited by the supervisor. As an alternative, the use of teleconferencing or videoconferencing with on-site staff to conduct meetings should be explored.

If requested, the employee must permit periodic inspections of the telework site before or after startup by the supervisor during the employee's normal working hours, to ensure proper maintenance of NIH-owned property and telework duty station conformance with safety standards and other specifications in this policy. The employee will be given at least 24 hours advance notice of such inspection.

## **9. Maintaining Confidential Information and Security**

The requirements of the Privacy Act and Standards of Conduct must be adhered to. The employee will not take confidential information to the telework site without the express approval of the supervisor. The employee agrees to take special precautions as designated by the supervisor to ensure that NIH records and information are secure. For example, sensitive documents may be carried in NIH-identified, locked briefcases.

Additional Information Technology systems security guidelines may be viewed at <http://ocio.nih.gov/security/index.html>.

## **10. Handling Emergency Closings**

NIH follows the OPM guidelines for emergency closings (<http://www.opm.gov/oca/compmemo/dismissal.asp>). Specifically, in the event of an emergency dismissal or shutdown, teleworking employees may be required to continue to work at their alternative worksites. This expectation must be spelled out in the telework agreement, so that all parties know their responsibilities in advance.

The employee must contact his/her supervisor or other decision-making manager immediately if work at the telework site cannot continue, whether or not the main office is under emergency dismissal, so that the supervisor can decide if alternative work procedures might be in order. If work at the telework site is impaired or impossible, depending on the circumstances, the employee may be granted administrative leave



(excused absence), asked to perform work that can be accomplished under prevailing conditions, or told to report to the official workplace if it is open and functioning.

Supervisors should also take into account personal hardships that may adversely affect telework during an emergency shutdown. For example, if the employee has school-aged children or other dependents who would be released in case of inclement weather, and the main worksite closes as well, the supervisor may choose not to require that work must proceed at the telework location and may grant administrative leave.

## **11. Compensation for Travel**

If the official duty station and the telework site are different, and the two are within reasonable commuting distance, then travel between the official duty station and the telework site is by nature local. There is no reimbursement for this local travel. If an employee must return to the official duty station on a telework day, mileage is not reimbursed.

However, the time spent traveling does count as work time. If a teleworker is directed to travel to the main office (as defined previously under section C6, Official Duty Station) during his or her regularly scheduled basic tour of duty - for instance, for an unplanned meeting, or an emergency at the duty station - the teleworker's travel hours must be credited as hours of work. If the teleworker is directed to travel back to the main office before or after his or her regularly scheduled basic tour of duty for irregular or occasional overtime work, the employee is entitled to at least two hours of overtime pay under the "call back" rules. (See [5 CFR 550.112\(h\)](#) and [551.401\(e\)](#).)

Other circumstances that bring an employee to the main duty station may arise – for instance, if an important document is left behind and must be retrieved in order for work to proceed. A teleworker must receive approval from his or her supervisor for any trips to the main office on his or her telecommuting day. If the trip is approved and occurs during the teleworker's regularly scheduled basic tour of duty, the employee's travel time is considered hours of work. For this reason, the supervisor must evaluate whether such a trip is necessary before granting approval. The supervisor may want to require the employee to work at the main office for the remainder of the workday. If a teleworker repeatedly fails to plan properly and does not have the necessary resources to work at home, the IC should re-evaluate the employee's continued participation in the telecommuting program.

As stated in section C6, a change of duty station may influence the determination of whether or not travel is reimbursable and must be discussed in advance with the employee, supervisor, and the Human Resources office.

## **12. Using Telework Centers**

Teleworkers may work from telework centers in their local community, rather than from home or another remote work site. The benefit of these centers is that they provide a fully-equipped office setting and often allow employees to significantly reduce their

commuting times.

In order to sign up to use a telework center, prospective users will need to fill out a Telework Facility Reimbursement Sheet (TFRS). Information on this form and how it should be processed can be found on <http://www.telework.gov> under “telework centers.” Payment for telework center use must go through the IC administrative office, not through the NIH Telework Coordinator, since these costs must be offset by the individual ICs.

### **13. Using Office Hoteling**

Most teleworkers will split their time between the remote location and an NIH-based office. However, some may telecommute often and predictably enough that they do not require permanent offices at the worksite. In these cases, ICs should consider hoteling as a means of taking advantage of potential space savings.

Teleworkers who split their time relatively evenly between the remote location and an NIH-based office may share an office and even a computer workstation, phone, etc., as long as their telework schedules are sufficiently regular. This is office-sharing, rather than hoteling. However, with teleworkers who are full-time or close to full-time at the remote location, more radical solutions may be possible. Shared space can be set aside so that they have access to necessary resources (computers, phones, etc.) when they are on-site, but they may not require a permanent office or even desk assignment. A large number of these hoteling teleworkers can share a space, as long as this space is managed effectively.

In making hoteling arrangements, ICs must plan for the following:

- Ensuring that teleworkers in the hoteling arrangements have access to necessary equipment and information, including files (paper and electronic, as needed), phones, voice mail, e-mail, shared and individual calendars. Laptop computers with docking stations at the hoteling site and the telework site may be the easiest solution.
- Ensuring that teleworkers in the hoteling space have adequate privacy to accomplish their duties.
- Coordinating the schedules of hotelers to 1) manage the shared space efficiently, and 2) ensure that supervisors and co-workers are aware of where they are and how they can be contacted.

### **14. Training**

In order for telework to be successful, there must be a clear understanding on the part of the manager, teleworker, and work group of the expectations and requirements pertaining to the arrangement. Additionally, teleworkers must receive the support they need in order to make successful remote access arrangements.

Training responsibilities:

- 1) The NIH Telework Coordinator will provide IC telework coordinators with the tools and training that they need in order to effectively assist employees in their ICs.
- 2) Teleworkers and their supervisors/approving officials must meet to discuss the telework agreement, whether it is accepted or denied.
- 3) Teleworkers should meet with their supervisor(s) and work group to coordinate the details of the telework arrangement; Appendix 7 provides guidelines for the conversations and issues that should be covered.
- 4) Teleworkers and their supervisors must meet with their IC telework coordinator (listed in Appendix 6) discuss the telework agreement (Appendix 1) and all related documentation, including the office evaluation (Appendix 3) and equipment inventory (Appendix 2).
- 5) The information technology professionals in each IC and, as applicable, in CIT, are responsible for providing the information and training necessary for teleworkers to achieve the level of remote access needed to ensure their continuing productivity.
- 6) As necessary, ICs may contact the OHR for additional policy/program training. ICs may also contract with the HHS University for this same training.

## 15. Reporting

All teleworkers and their supervisors agree, by entering into a telework agreement, to the following reporting and evaluation requirements:

- A completed and signed telework agreement, to be renewed at least annually as part of the calendar year performance review cycle. Initial “pilot” periods of several months may be designated at the request of the manager. A copy of this agreement must be given to the IC Telework Coordinator and also kept by the supervisor, whether the agreement is approved or denied by the approving official.
- An annual NIH-wide web-based evaluation to be coordinated by IC telework coordinators and completed by all teleworkers and their supervisors.

## D. References

- Public Law No. 106-346, Section 359, dated October 23, 2000
- HHS Telecommuting Program Policy

## E. Definitions

1. **Alternate Workstation** is the established and documented site from which the employee will work remotely. It is also called the “telework site.”

2. **Approving Official** refers to an official within an IC who has delegated authority to approve (or deny) telework requests (may be someone other than the employee's supervisor).
3. **Ad Hoc/Situational Telework** refers to non-routine, non-regular arrangements. These telework periods have limited durations and occur on an as-needed basis when an assignment is appropriate for telework. They may involve projects or infrequent, sporadic tasks. Special reports or analyses, one-time research projects, etc., are common examples.
4. **Episodic Telework** occurs less frequently than regular telework, but is still relatively regular and routine. These arrangements will involve recurring tasks, but those that do not occur on a weekly basis, often to accommodate on a business cycle. For example, compiling monthly financial statements, semi-annual performance reviews, quarterly progress reports, grants reviews, and other periodic tasks could be accomplished while teleworking. These schedules can generally be planned in advance, e.g. the first two days of the month, two days during the last week of the quarter, etc.
5. **Hoteling** refers to office space that has been designed to support multiple, transient workers who are not present in the office enough to require dedicated individual or shared office space.
6. **Medical Telework** is regular, episodic, or ad hoc/situational telework done on a temporary basis while an employee is recovering from an injury or illness.
7. **Official Duty Station** is the employee's desk or the place where the employee normally performs his or her duties.
8. **Portable Work** is defined as official duties that may be done in more than one location without diminishing the quality or quantity of work completed. Characteristics of portable work may include, but are not limited to:
  - Limited face-to-face communication requirements;
  - Limited need for in-office reference materials or specialized equipment;
  - Computer hardware and connectivity that is available and reliable; and
  - Communications that can be handled by use of voice, fax, voicemail, or email.
9. **Reasonable Accommodation Telework** may be regular, episodic, or ad hoc/situational telework, as appropriate. Employees who wish to ask for telework to accommodate a disability must comply with NIH Manual 2204 and with their IC's procedures. For further information, employees should contact their IC EEO Officer.
10. **Regular Telework** is the traditional arrangement where a regular, consistent number of days (for example, two days per week) are set for performing work at a location other than the employee's official duty station (or, if the duty station is reassigned, at a site other than the original official duty station). Routine tasks are accomplished at the alternate worksite and an established schedule of telework days allows for predictability.
11. **Supervisor** is the immediate supervisor of record for the employee.
12. **Telecenter** is a GSA-operated or approved facility that provides the necessary office space, technology, and support services for teleworkers.

13. **Telework** is a voluntary program that enables employees to perform their duties at a telework office during an agreed-upon portion of the week, according to an agreed-upon schedule.
14. **Telework Coordinators** at the IC level are individuals responsible in each IC for keeping telework records and reports and gathering data to report back as requested by the IC and as required to the NIH Telework Coordinator. At the NIH level, the individual responsible for gathering information from the IC coordinators for reporting to DHHS, OPM, and other entities as necessary; coordinating NIH-wide communications and outreach efforts, and acting as a consultant to the IC coordinators.
15. **Work Schedule** is the actual days of the week and hours of the day that the employee will be performing his/her official duties at the alternate worksite.
16. **Work Supplies** are defined as property the IC provides to an employee to enable him/her to perform his/her official duties. These supplies may include, but are not limited to, computer and related items, printers, pens, pencils, paper, printer cartridges, diskettes, etc.

## **F. Responsibilities**

### **1. IC Directors**

IC Directors are delegated the authority to approve telework arrangements and may redelegate without restriction. Redlegation to first-line supervisors is encouraged, as they are usually in the best position to determine eligibility and assess results.

### **2. Employees**

In requesting telework, the employee agrees to:

- 1) Describe the specific tasks he/she will perform while teleworking and will only telework when approved to do so;
- 2) Follow all Federal, DHHS, OPM, GSA, NIH, and IC policies and procedures, including the Standards of Conduct, while teleworking;
- 3) Meet with IC Telework Coordinator and supervisor to complete necessary documentation and receive basic telework training;
- 4) Participate in an annual telework survey;
- 5) Use economical and cost-effective means of communicating remotely;
- 6) Establish an alternate worksite that is free of disruptions and distractions and conducive to work, as well as meets the physical requirements for office space (see Appendix 3);
- 7) Not engage in any unauthorized activities while on duty status, and will use government-owned equipment for authorized purposes only;

8) Ensure that all necessary and appropriate measures are taken to safeguard sensitive information;

9) Use government-owned equipment for official government purposes only;

10) Remain aware of all telework policies, procedures, and regulations, and be responsible for keeping abreast of new and related policies from DHHS, OPM, GSA, NIH, individual ICs and other organizations;

11) Be flexible if telework days are cancelled or changed due to work needs at the official duty station;

12) Consider a variety of telework arrangements (e.g., work at home, telecenters), and remain accommodating to new office space arrangements at the official duty station (e.g., hoteling, office sharing);

13) Maintain a satisfactory overall performance rating at all times; and

14) Sign the NIH Remote Access User Certification Agreement.

### **3. Approving Officials**

1) Review applications for telework, including any additional supervisor (if different than approving official) comments provided for or against teleworking, and approve/disapprove application in writing;

2) Notify supervisor of decision (if different than approving official);

3) Forward approved and disapproved Telework Application and Agreement forms to assigned IC Telework Coordinator; and

4) Evaluate employee telework agreement yearly.

### **4. Supervisors**

1) Ensure that all telework conditions are met and closely monitor productivity and work quality of teleworkers to ensure that only those whose performance is satisfactory are permitted to continue their telework arrangements;

2) Work with their employees to structure assignments that facilitate teleworking;

3) Interpret the eligibility guidelines as broadly and fairly as possible when evaluating the appropriateness of telework in performing certain tasks;

4) Strive to remove all barriers to telework;

5) Meet with teleworker and IC Telework Coordinator to complete necessary documentation and basic telework training;

- 6) Participate in an annual telework survey;
- 7) Promote training and information sharing related to telework techniques;
- 8) Encourage all staff to be flexible and accommodating during telework transition periods;
- 9) Use all available technology for communication and information sharing as an alternative to meeting in person;
- 10) Maintain an overall awareness of office operations to avoid or address any potential disruptions resulting from the new telework arrangement;
- 11) Ensure that information security procedures are being followed at all times; and
- 12) Review the safety checklist, determine whether on-site inspection is needed, and approve the alternate worksite.

## 5. ICs

- 1) Strive to remove all barriers to telework and ensure that eligibility criteria are implemented fairly and equitably;
- 2) Ensure that all labor relations obligations are met when implementing a telework program;
- 3) Designate a telework coordinator who will be responsible for tracking teleworkers in that IC.

## 6. IC Telework Coordinator

- 1) Work with the NIH Telework Coordinator to provide managers and employees with the tools and techniques they will need for successful telework arrangements (i.e., basic telework training);
- 2) Meet with teleworkers and their supervisors to discuss the telework agreement (Appendix 1) and all related documentation, including the safety checklist (Appendix 3), equipment inventory (Appendix 2), and optional sample pre-work worksheet (Appendix 7);
- 3) Maintain files of current telework agreements (accepted or denied), as well as the data on each person participating in the program as requested by the NIH Telework Coordinator; and
- 4) Maintain data regarding the total permanent full-time equivalent employee population in their IC, total number of people eligible to telework, total number of employees who have applied to the program, and the total number of employees who have been accepted. IC Telework Coordinators will also be responsible for distributing

an annual telework survey within their IC's.

## 7. NIH Telework Coordinator

An NIH Telework Coordinator will be designated by the OHR to:

- 1) Provide IC Telework Coordinators with tools and training they will need to train employees and managers in the ICs;
- 2) Provide a data collection template to IC Telework Coordinators and compile data from these monthly IC reports as well as provide reports to the NIH community and other relevant parties, as requested;
- 3) Act as a resource for NIH employees and IC Telework Coordinators; and
- 4) Manage the content of the NIH telework web site.

## G. Procedures

The employee must complete the Telework Application and Agreement form (Appendix 1) in order to be considered for participation. Upon receipt, the approving official (or supervisor, as appropriate) will review the application and the employee's position to determine eligibility to participate in the NIH Telework Program. Once approved, the application form is also used as the agreement, with all relevant appendices completed. The full form, including appendices, details the entire telework arrangement, including the proposed telework schedule, the home office check sheet, and the equipment inventory. The application should be reviewed by the supervisor and teleworker at least annually. This may be incorporated into the annual performance review cycle for ease of use.

Copies of all Telework Application and Agreement forms, whether or not the application is accepted, should be given to the IC Telework Coordinator and to the supervisor.

Any changes to an existing telework agreement must be documented as well and copies given to the IC Telework Coordinator and the supervisor.

## H. Records Retention and Disposal

All records (e-mail and non-e-mail) pertaining to this chapter must be retained and disposed of under the authority of [NIH Manual 1743](#), "Keeping and Destroying Recrdw", Appendix 1, "NIH Records Control Schedule," Item 1100-M-1, General Administration Files at IC and Lower Levels. Refer to the NIH Chapter for specific disposition instructions.

***NIH e-mail messages (messages***, including attachments, that are created on NIH computer systems or transmitted over NIH networks) that are evidence of the activities of the agency or have informational value are considered Federal records. These records must be maintained in accordance with current NIH Records Management guidelines. Contact your IC Records Officer for additional information.



All e-mail messages are considered Government property, and, if requested for a legitimate Government purpose, must be provided to the requester. Employees' supervisors, NIH staff conducting official reviews or investigations, and the Office of Inspector General may request access to or copies of the e-mail messages. E-mail messages must also be provided to Congressional oversight committees if requested and are subject to Freedom of Information Act requests. Since most e-mail systems have back-up files that are retained for significant periods of time, e-mail messages and attachments are likely to be retrievable from a back-up file after they have been deleted from an individual's computer. The back-up files are subject to the same requests as the original messages.

## **I. Internal Controls**

- 1. The office(s) responsible for coordinating reviews of internal controls related to the chapter:** Employee Benefits/Payroll Liaison Services Team, Workforce Relations Division, OHR.
- 2. Frequency of review:** Every three to five years.
- 3. Method of review:** The HR Center will monitor changes in DHHS and OPM policy related to telework, as well as the feedback provided by the annual surveys, and review the chapter on an as-needed basis based on these factors. In addition, based on the reports provided to the NIH Telework Coordinator from the IC Telework Coordinators and on the annual surveys, the HR Center will monitor whether reasonable progress is being made to expand the program and will take appropriate action as necessary.
- 4. The official to whom reports of each review will be sent:** Director of the Office of Human Resources, and Deputy Director for Management, NIH.

## **Appendix 1: Telework Application and Agreement**

[Word format](#)

[https://oma.od.nih.gov/Lists/DMSFormsList/Attachments/279/NH2835\\_1.pdf](https://oma.od.nih.gov/Lists/DMSFormsList/Attachments/279/NH2835_1.pdf)

## **Appendix 2: Telework Equipment Inventory**

[Word format](#)

[.pdf format](#)

**URLs:**

[http://forms.nih.gov/adobe/personnel/NH2835\\_2.PDF](http://forms.nih.gov/adobe/personnel/NH2835_2.PDF)

[http://forms.nih.gov/msword/personnel/NH2835\\_2.doc](http://forms.nih.gov/msword/personnel/NH2835_2.doc)

## **Appendix 3: Telework Office Evaluation**

[Word format](#)

[.pdf format](#)

URLs:

[https://oma.od.nih.gov/Lists/DMSFormsList/Attachments/281/NIH-2835-3\\_04-10-17.pdf](https://oma.od.nih.gov/Lists/DMSFormsList/Attachments/281/NIH-2835-3_04-10-17.pdf)

[http://forms.nih.gov/msword/personnel/NH2835\\_3.doc](http://forms.nih.gov/msword/personnel/NH2835_3.doc)

#### **Appendix 4: Summary of NIH Manual 2806**

[Summary of NIH Manual 2806](#) - Word format

[Summary of NIH Manual 2806](#) - .pdf format

#### **Appendix 5: Summary of NIH Manual 2810 (previously issued as 26101-26-08)**

[Summary of NIH Manual 2810](#) (previously issued as 26101-26-08) - Word format

[Summary of NIH Manual 2810](#) (previously issued as 26101-26-08) - .pdf format

#### **Appendix 6: IC Telework Coordinators**

[IC Telework Coordinators](#) - .pdf format (revised as of 10/15/15)

#### **Appendix 7: Sample Pre-Telework Worksheet**

[Word format](#)

[.pdf format](#)

URLs:

[http://forms.nih.gov/adobe/personnel/NH2835\\_4.PDF](http://forms.nih.gov/adobe/personnel/NH2835_4.PDF)

[http://forms.nih.gov/msword/personnel/NH2835\\_4.doc](http://forms.nih.gov/msword/personnel/NH2835_4.doc)