



U.S. DEPARTMENT OF
TRANSPORTATION

Order

Subject
TELEWORK PROGRAM

**Federal Highway
Administration**

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Par.

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1. **What is the purpose of this Order?** The purpose of this Order is to describe requirements and procedures of the FHWA Telework Program.
2. **Does this Order cancel an existing Federal Highway Administration directive?** Yes. This Order cancels FHWA M3000.1C, Personnel Management Manual (PMM) Part 1, Chapter 12, dated October 8, 2003.

3. **What are the pertinent references with regard to the Telework Program?**
 - a. P.L. 106-346, §359 (Department of Transportation (DOT) and Related Agencies Appropriates Act for Fiscal Year 2001). See <http://www.opm.gov/telework/twlaws.asp>.
 - b. DOT Order 1501.1, Department of Transportation Telework Policy, dated July 30, 2007. See <http://dothr.ost.gov/hrpolicy/Subject/teleworkpolicy.pdf>.
4. What is FHWA policy on telework?
 - a. **FHWA supports telework.** Telework supports the Agency goals of environmental stewardship, congestion reduction, safety, and mobility. It enhances FHWA as an employer of choice by providing employees with greater flexibility to balance work and home life. Telework supports productivity by giving managers and employees a work arrangement option that can be used to increase the amount of productive work time. It is also an effective and efficient way for continuing critical functions when staff cannot travel to a central office due to local or national incidents.
 - b. **All positions are eligible for telework unless designated otherwise by management.** The FHWA has not identified any specific category of positions or employees (e.g., engineers, supervisors, new employees) that are excluded from participating in the FHWA telework program. Supervisors and managers will determine individual eligibility for telework based upon the eligibility criteria in paragraph 7 below.
 - c. **Employee participation is voluntary.** Participation in the program is voluntary, and eligible employees may terminate their participation at any time or may decide not to telework. FHWA management may require employees to telework in extended emergency circumstances in order to support continued operations.
 - d. **Accountability is essential.** Supervisors and eligible teleworkers share responsibility for ensuring that the telework program does not adversely impact the organization's mission or threaten the security of FHWA data, information, or equipment. Supervisors may require employees to provide evidence of completed tasks.
 - e. **Telework is a privilege, not a right.** The fact that an employee is eligible to telework does not guarantee the right to telework. Supervisors have the authority to approve, modify, terminate, or

suspend telework arrangements based on business reasons or employee performance.

- f. **Sensitive information must be protected while teleworking.** Employees and supervisors must ensure that classified information, personally identifiable information, proprietary information and/or other sensitive data are handled and protected in accordance with applicable laws, regulations and policies. Employees who telework are to use the required security protections, such as encryption, for all classified and sensitive information and follow this and/or other Departmental policies as they pertain to the protection of information system resources.

5. **What are the key definitions used in this directive?**

- a. **Telework.** A supervisor approved work arrangement in which an eligible employee performs work at an alternative worksite, such as a residence or telecenter.
- b. **Regular telework.** A form of telework that occurs at least once a month (for all or part of a day). It is best suited for jobs in which the work is easily portable and contacts can be effectively handled while in a telework status. Less frequent telework may occur on an ad hoc/as needed basis; this was formerly referred to as task-based telework.
- c. **Alternative worksite.** A supervisor-approved worksite, other than the official duty station, specifically designated as a place where an employee may work for the purpose of telework.
- d. **Eligible employee.** A satisfactorily performing employee whose position has tasks that can be performed while in a telework status.

6. **Who is responsible for the Telework Program, and what are their responsibilities?**

- a. **Manager responsibilities.** Associate Administrators, the Chief Counsel, the Chief Financial Officer, Directors of Field Services, the Director of Technical Services, the Director of Innovative Program Delivery, Division Administrators, and Federal Lands Highway Division Engineers are responsible for implementing and administering the Telework Program within their organizational units. Their primary roles are to:
 - (1) Implement telework in support of DOT and FHWA telework goals.
 - (2) Promote and encourage employees to telework as a way to acquire experience with working remotely.

b. **Supervisor responsibilities.** It is the responsibility of the supervisor or team leader to administer the day-to-day Telework Program consistent with this directive. Key responsibilities include:

- (1) Support DOT and FHWA telework goals.
- (2) Determine position and employee eligibility.
- (3) Notify employees of telework eligibility.
- (4) Establish telework agreements with eligible employees and renew annually.
- (5) Maintain signed copies of telework agreements and telework eligibility decisions, including information on the basis for denying or terminating an agreement or denying eligibility.
- (6) Set clear communication and work expectations for telework.
- (7) Measure performance/ensure results.
- (8) Evaluate telework arrangements and make adjustments as needed.
- (9) Ensure employees' telework time is reported in the time and attendance system.

c. **Employee responsibilities.** It is responsibility of the teleworker to:

- (1) Be familiar with the FHWA telework requirements, provisions, and resources.
- (2) Satisfactorily complete assigned work and meet supervisory expectations.
- (3) Ensure accessibility to customers, supervisors, and co-workers.
- (4) Provide documentation of work accomplished when requested by the supervisor.
- (5) Ensure a safe and productive telework environment that is free from distractions.
- (6) Notify the supervisor immediately of any accident or injury that occurs at the alternative worksite while performing official duties.

- (7) Not engage in personal activities, such as home repairs or dependent care while in an official duty status at the alternative worksite. Supervisors cannot authorize telework arrangements that involve employees providing care to an individual while in duty status. An employee may telework while dependents are home, if those dependents are independently pursuing their own activities, or are under the supervised care of an individual other than the teleworking employee.
- (8) Return to the official duty location on scheduled telework days when requested by the supervisor.
- (9) Maintain ability to meet employee eligibility criteria in paragraph 7 below.
- (10) Report telework time to the office timekeeper.

d. **FHWA Office of Human Resources.** The Headquarters Office of Human Resources is responsible for Telework Program management and coordination to include:

- (1) Activate employee eligibility in the time and attendance system.
- (2) Fund administration for telecenter arrangements.
- (3) Report on and maintain records of FHWA telework participation.
- (4) Develop FHWA telework policy and guidance.
- (5) Evaluate the effectiveness of the FHWA Telework Program and make recommendations for change.

e. **Unit timekeepers.** These positions are located throughout FHWA. They are responsible for accurately recording telework time in the time and attendance system.

7. **Who is eligible to telework?** Supervisors determine who is eligible to telework by using a three step-process that involves evaluating position eligibility, employee eligibility, and business needs.

a. **Position eligibility criteria.** Positions that meet the following criteria are appropriate for telework:

- (1) Work activities (some or all) are portable.

- (2) Work can be accomplished without daily, in-person supervision.
- (3) Necessary interaction with co-workers, subordinates, supervisors, and customers can be effectively maintained on telework days.
- (4) Adequate technology for off-site work is available, as needed.

b. **Employee eligibility criteria.** In addition to the position criteria described above, supervisors must determine if the employee is eligible. Employees are eligible if they meet the following requirements.

- (1) Maintain a performance rating of at least "Meets or Exceeds Requirements" with no documented need to improve performance.
- (2) Meet Federal and Agency standards of conduct.
- (3) Comply with the terms of the FHWA telework policy.
- (4) Exhibit the competencies and discipline necessary to function effectively in a non-structured environment. For example, employees should be self-starters, results oriented, and display the ability to work independently. Employees who regularly require in-person guidance or the daily structure of an office environment to maintain work discipline are not suitable candidates for telework.

c. **Business need.** The fact that an employee is eligible to telework does not guarantee that his/her request to telework will be approved. Supervisors have the responsibility to suspend, delay, alter, or terminate arrangements, when necessary to meet mission needs. In approving requests, the supervisor takes into account many factors, to include:

- (1) Peak workload periods.
- (2) Staffing shortages and coverage needs.
- (3) The need for developmental oversight of junior staff.
- (4) Ability to meet customer expectations for reliability and service.
- (5) Whether the employee's alternative environment is conducive to effectively performing telework assignments.

- d. **Local incidents and extended emergencies.** Under certain circumstances, FHWA management may determine that it is in the Agency's interest to allow some or all otherwise ineligible employees to telework. These determinations will generally be made at the Division Administrator/equivalent level or higher.
8. **What is the process for reconsideration if telework eligibility is denied?** Employees should make an effort to resolve telework eligibility issues with their supervisor(s) prior to submitting a formal request for reconsideration. Employees may submit an appeal to the Associate Administrator for Administration for reconsideration, with a copy to their supervisory chain, if either they or their position has been determined ineligible for telework. Reconsideration decisions will be issued within 60 calendar days of receipt of a complete package. Formal requests should be addressed to: Associate Administrator for Administration, Federal Highway Administration, 1200 New Jersey Avenue, SE, E66-320, Washington, DC, 20590. The formal request package must include all of the following items:
 - a. The employee's name, email address, and office telephone number.
 - b. The name of the employee's supervisor, email address, and office telephone number.
 - c. The employee's office name and location.
 - d. A copy of the supervisor's determination, including the basis for the denial.
 - e. The employee's rationale in support of reconsideration. The rationale must be based on an assessment of the employee's own job and not on comparison with another position.
 9. **What is the process for terminating a telework agreement?**
 - a. An employee may choose to terminate a telework arrangement at any time by notifying his or her supervisor in writing or through e-mail. If the employee is using a telecenter, he or she must also notify the Office of Human Resources Telework Coordinator of the effective date of the termination, preferably 30 days in advance.
 - b. A supervisor has the authority to cancel a telework agreement at any time by notifying the employee in writing or through e-mail. The notice must include the reasons for terminating the agreement and the effective date of the terminated agreement. Supervisors may terminate or modify an agreement at any time but it is expected that sufficient

notice will be given in cases in which the circumstances may entail a reasonable period of time for the employee to make the adjustment. Specific reasons for a supervisor terminating the agreement may be based on business needs as discussed in paragraph 7c above or on a pattern of employee failing to meet performance expectations, including employee:

- (1) Lack of accessibility.
- (2) Not being attentive to e-mail and phone calls.
- (3) Failing to provide evidence of completed work when requested.
- (4) Not showing expected progress in work completed.
- (5) Not returning to the office upon supervisory request.
- (6) Failing to continue to meet telework eligibility requirements.

c. Supervisors have responsibility to ensure that the FHWA Office of Human Resources is notified of changes in telework eligibility designations.

10. **What kind of work is suitable for telework?** Any work activities agreed upon by the supervisor and employee, including the employee's everyday work, may be performed while teleworking.

11. **What flexibilities do supervisors have in administering the Telework Program?** Supervisors can choose to implement a variety of flexibilities. Examples include:

- a. Allow partial or whole telework days.
- b. Permit telework on short notice with verbal or e-mail approval.
- c. Establish telework schedules based on hours (e.g., employees can use 8 telework hours per pay period).
- d. Approve employees varying their work schedule on a telework day, subject to meeting requirements under alternate work schedules (see Personnel Management Manual, Chapter 8, Section 2).
<http://www.fhwa.dot.gov/legregs/directives/orders/m30001c/p1ch8s2.htm>.
- e. Approve a temporary telework location other than a telecenter or employee residence.

- f. Allow employees to reschedule their telework day on short notice.
- g. Permit arrangements that combine telework with flexible and alternate work schedules (e.g., permit an employee to have a telework day and a Regular Day Off (RDO) in the same week).

12. **What are the security requirements employees must follow when teleworking?**

- a. Each teleworker is responsible for safeguarding official files and equipment as follows:
 - (1) Protect sensitive files being transported from unauthorized viewing and theft.
 - (2) Log-off and secure all connections when work is done or when away from your computer.
 - (3) Protect the privacy and security of all FHWA data and equipment in the same manner as required when working at the office.
 - (4) Obtain supervisory approval prior to transporting sensitive work materials stored on moveable media (e.g., diskettes, CD-Rom, zip disks, USB flash drives).
 - (5) If using your home computer, set your computer Web browser to limit vulnerability to an intrusion and to increase security.
 - (6) If using your home computer, install a hardware or software firewall if you connect to the Internet via a broadband connection (e.g., DSL or a cable-modem).
 - (7) Notify supervisor immediately if sensitive materials are lost, stolen, or otherwise compromised.
- b. Employees should seek further clarification from their servicing Information Technology (IT) specialist or helpdesk service before teleworking if they are not sure how to apply the above guidance.

13. **How is a telework arrangement affected by emergencies and/or hazardous weather?**

- a. **Office closures.** If the Federal Government is closed at the start of a business day, teleworkers who are scheduled to telework in the affected geographic area are expected to complete their normal workday. In the

event the emergency or hazardous weather poses a personal hardship (e.g., lack of electricity, transportation hazards to or from a telework center, etc) that prevents the teleworker from effectively accomplishing his or her duties, the teleworker may request and be approved for excused absence by his/her supervisor.

- (1) If a field office is closed during normal hours because of an emergency or hazardous weather, an email identifying a point of contact, which may include employees teleworking, must be sent to the email groups and individuals identified in the annual guidance "*FHWA Dismissal and Closure Procedures during Hazardous Weather or Emergency Conditions* guidance." (<http://staffnet/opt/benefits/leave/weather.htm>)

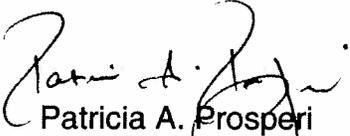
- b. **Delayed arrival/early dismissal.** The ability to conduct work and the nature of the impediments, determines when an employee may be excused from duty. For example, in cases of inclement weather, the teleworker would continue to work unless unable to do so because of disruption of electricity, personal hardship or other factors. In these cases, the supervisor can approve leave or authorize an excused absence.
- c. **Emergency impacting telework site only.** When an emergency affects only the telework site, the supervisor can require the teleworking employee to report to the regular office, approve annual leave or leave without pay, or authorize an excused absence. Employees must notify their supervisors if they know in advance of a situation that will prevent them from working at the telework site.
- d. **Emergency affecting official worksite only.** When an emergency affects only the official worksite leading to delayed arrival, early dismissal, or closure, the teleworking employee is expected to work as scheduled.
- e. **Extended emergencies and national security situations.** For situations that involve closures due to national security, extended emergencies, or other unique situations, the Agency or local leadership will issue specific instructions to all affected employees.

14. **How are telework arrangements affected by alternate work schedules?** There is no limitation on how often eligible employees can telework, regardless of whether they are on a regular, flexible, or compressed (9/5/4 RDO) schedule. These decisions are between the employee and their supervisor, based on the ability to meet the business needs of the office.

15. **Who is responsible for operating costs related to home-based teleworking?** The teleworking employee is responsible for operating costs associated with using a residence as an alternative worksite, including maintenance, insurance, equipment, and utilities. Supervisors should provide Government equipment and other support to employees, such as laptops, long-distance calling cards, and cell phones, as available. Standard supplies, such as paper, pens, and folders are available to teleworkers for use at the alternative worksite in the same way they are at the traditional worksite. The FHWA reimburses teleworking employees for official long distance telephone calls and other authorized expenses that would have occurred had they been working at their duty station.
16. **While teleworking, is an employee subject to the same rules as when in the office?** Employees are subject to the same office rules and practices as applies to, for example, requesting leave, working overtime, adhering to standards of conduct, or submitting claims when injured or suffering from work-related illnesses. In addition, all pay, leave, and travel entitlement is based on the employee's official duty station. As mentioned in paragraph 11 above, supervisors may approve variations in work schedules, as appropriate. The Government is not liable for damages to the employee's personal or real property while the employee is working at the approved alternative worksite, except as provided by the Federal Tort Claims Act or the Military and Civilian Employees Claim Act.
17. **What specific requirements must be met prior to the start of a telework arrangement?** The following requirements must be met under normal working conditions. In the event of an extended emergency, such as a pandemic, FHWA management may waive any or all of the following requirements.
 - a. **Telework agreements and related forms.** The FHWA Telework Agreement must be completed and signed prior to beginning telework. Supervisors will renew agreements annually by March 31 of each year. A permanent change in the work arrangement must be addressed by establishing a new agreement as soon as the change occurs. In addition, home-based teleworkers must complete and sign the *FHWA Safety Guidelines for Home Work Space*. The Telework Agreement and safety guidelines can be accessed at: <http://intra.fhwa.dot.gov/opt/worklife/telecom/telecom.htm>.
 - b. **Training.** Telework training for supervisors and employees is required prior to beginning a telework arrangement. The online training courses can be found at: <https://elms.dot.gov>.
 - c. **Employees using telecenters.** Employees approved for telework at a telecenter must contact the FHWA Telework Coordinator, who will work

with the employee to establish the arrangement with a GSA-approved telecenter, provided there is availability and funds. Employees or supervisors who wish to terminate telecenter arrangements are required to give 30 days notice, unless unable to do so.

18. **Who is responsible for reporting telework participation?** All teleworking employees and their supervisors have a responsibility to ensure telework time is being accurately reported in the time and attendance system. FHWA is required to report on telework participation on a periodic basis. Units are required to cooperate with requests for data and to ensure data submitted are timely, complete, and accurate. Responsibilities are as follows:
- a. Teleworkers report telework time to timekeepers.
 - b. Unit timekeepers record telework time reported and notify the Office of Human Resources Telework Coordinator of new or changed telework eligibility designations.
 - c. Supervisors ensure accurate reporting is taking place and timekeepers are aware of new or changed eligibility designations.
 - d. The Office of Human Resources provides periodic and ad hoc reports.


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