

**Forest Service Manual  
National Headquarters - Washington Office  
Washington, DC**

**Forest Service Manual 6100 – Personnel Management  
Chapter 6160 - Attendance, Leave, and Telework**

**Amendment:** 6100-2020-3

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**Approved by:** Tina Terrell, Associate Deputy Chief, NFS

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**Digest:** Following is an explanation of the changes throughout the directive by section.

**6161.04g:** Changes caption from “Regional Foresters, Station Directors, Area Director, and Institute Director” to “Regional Foresters, Station Directors, Area Director, Institute Director, National Technology & Development Program Director, and Geospatial Technology & Applications Center Director” and revises direction to include the National Technology & Development Program Director and Geospatial Technology & Applications Center Director.

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### **6160.3 – Policy**

It is Forest Service policy to require line officers and unit Managers to:

1. Schedule or adjust hours of duty, including approving requests for alternative work schedules, to ensure efficiency of operation and to meet the needs of employees.
2. Not require employees to work overtime once an employee has reached the maximum limitation on premium pay, unless it is not possible to avoid the overtime work because of strong necessity or emergency.
3. Schedule travel during regular work hours unless it is impossible to do so.
4. Limit hours of duty to not more than 12 hours per day except in emergencies or when extenuating circumstances warrant, with supervisory approval.
5. Approve all annual leave and leave-without-pay requests if the work program of the unit permits such absence.
6. Not require involuntary use of annual leave, sick leave, or leave without pay unless the employee is physically or mentally unfit for duty.
7. Grant leave to employees with temporary disabling conditions, including for maternity reasons, in accordance with applicable regulations.
8. Provide employees with medical conditions, including pregnancy, with the opportunity to work as long as they are not incapacitated and to make a reasonable effort to adjust working conditions when necessary.
9. Carry out a temporary annual leave transfer program to provide income protection to employees through the transfer of annual leave for a personal emergency or family hardship.

### **6161 – Telework**

This section provides service-wide direction for implementing the Agency's telework program.

#### **6161.01 – Authority**

Department Regulation (DR) 4080-811-002 dated January 25, 2011, sets forth the policy and responsibilities for managing the telework program. Use this regulation in conjunction with the following authorities:

1. DM 3525-003, Chapter 5, Part 3 – Telework and Remote Access Security. This Departmental Manual establishes policy for all USDA agencies to review the security issues for telework positions in their organizations. Also, agencies will establish appropriate remote access which is obtained through secure firewalls/gateways and ensure that robust authentication is used. All policy exception requests are to be submitted to the OCIO for Cyber Security.

2. DM 3550-002, Chapter 10, Part 2 – Sensitive But Unclassified Info Protection. This Department Manual establishes policy for all USDA agencies to identify and provide adequate security protection for Sensitive but Unclassified (SBU)/Sensitive Security Information (SSI). SBU/SSI information must be encrypted in accordance with Cyber Security and National Institute of Standards and Technology (NIST).
3. DR 3440-002, Control and Protection of Sensitive Security Information. This Department Regulation establishes procedures for identifying unclassified but sensitive information and safeguarding it against unauthorized use or disclosure.
4. FSM 6230 – Records Creation, Maintenance, and Disposition. This Agency Manual establishes the records management responsibilities for all Forest Service employees and incorporates applicable Federal laws and regulations, including those issued by USDA.
5. FSH 6209.11 – Records Management. This Agency Handbook sets forth the policies and procedures to be followed by Forest Service employees regarding the creation, maintenance, and disposal of record and non-record information (regardless of media).
6. OPM Guide to Processing Personnel Actions, Chapter 23. This Guide provides direction on recording and changing duty stations for teleworkers who telework on a long term, regular, and recurring basis.
7. Public Law Number 111- 292, Telework Enhancement Act of 2010. This Act specifies roles, responsibilities, and expectations for all Federal executive agencies with regard to telework policies; employee eligibility and participation; program implementation; and reporting. The Act also established baseline expectations for the Federal telework program.

#### **6161.02 – Objectives**

1. To maintain and improve the efficiency of the Agency in meeting the Forest Service mission.
2. To reduce traffic congestion.
3. To reduce the Agency’s carbon footprint.

#### **6161.03 – Policy**

1. The Forest Service shall implement the telework program by following DR 4080-811-002 dated January 25, 2011, in order to maintain and improve the efficiency of the agency by:
  - a. Improving employee morale and the quality of life of its employees.
  - b. Reducing traffic congestion.

2. Telework should be mutually agreeable to both management and the employee. Management shall not require an employee to work at home or a telework worksite without the employee's consent, except for those employees who are designated as emergency/mission critical.

#### **6161.04 – Responsibility**

##### **6161.04a – Washington Office, Deputy Chief for Business Operations**

The Washington Office, Deputy Chief for Business Operations, has overall responsibility for implementation, management, and evaluation of the Forest Service Telework Program.

##### **6161.04b – Washington Office, Director of Acquisition Management**

The Washington Office, Director of Acquisition Management, is responsible for providing general guidance concerning office space management and utilization of Government property.

##### **6161.04c – Washington Office, Chief Information Officer**

The Washington Office, Chief Information Officer (CIO), is responsible for determining technical hardware, software, and network requirements to support telework employees, and for providing support for set-up and maintenance of requisite government-owned or furnished hardware, software, and telecommunications.

The Washington Office, CIO, will evaluate excess equipment (computers, laptops, printers, fax machines) to determine its adequacy to meet information technology (IT) and telework requirements, and will make such government-owned equipment available for telework prior to being reported as excess. Criteria to evaluate the equipment include whether the equipment has reached the end of its useful service life, cost to provide support (including warranty), security, and performance.

##### **6161.04d – Albuquerque Service Center - Human Resources Management, Director**

The Albuquerque Service Center-Human Resource Management (ASC-HRM), Director, is responsible for appointing National and Unit Telework Coordinators.

##### **6161.04e – National Telework Program Coordinator**

The National Telework Program Coordinator within ASC-HRM is responsible for providing general guidance and advice to Managers, Supervisors, and employees concerning policy and procedures for participation and implementation of the Forest Service Telework Program.

#### **6161.04f – Unit Telework Coordinators**

Unit telework coordinators, generally associated with the appropriate Human Resources (HR) Service Team, are responsible for providing advice to employees, Supervisors, and Managers regarding telework, and maintaining records regarding each employee/position that is designated as ineligible for telework.

#### **6161.04g – Regional Foresters, Station Directors, Area Director, Institute Director, National Technology & Development Program Director, and Geospatial Technology & Applications Center Director**

Regional Foresters, Station Directors, Area Director, Institute Director, National Technology & Development Program Director, and Geospatial Technology & Applications Center Director have overall responsibility for implementation, management, and evaluation of the Forest Service Telework Program in their units.

#### **6161.04h – Managers and First-Line Supervisors**

It is the responsibility of all Managers and first-line Supervisors to:

1. Complete mandatory telework training for Supervisors of teleworkers.
2. For each employee who reports to them, notify the employee, in writing, whether their position is eligible or ineligible for telework.
3. Receive and approve, approve with modification, or disapprove a proposed or revised telework agreement submitted by the employee.
4. Assign appropriate work to be performed at the alternate worksite and verify that the teleworker has the information and equipment necessary to perform the work.
5. Ensure that the employee has been informed that work-related documents (hardcopy and electronic, record and non-record) must be secured and maintained within the remote worksite in accordance with Forest Service policy regarding document security and record management policies and procedures.
6. Provide at least a 2-week notice prior to terminating an employee's telework agreement, unless there are extenuating circumstances.

#### **6161.04i – Employee**

It is the responsibility of the employee to:

1. Complete the electronic USDA Telework Agreement form AD-3018 prior to teleworking.
2. Comply with the telework agreement, meeting performance expectations, and when the telework site is the employee's home, meeting safety requirements.

3. Maintain proper security of Forest Service equipment, materials, and information; and provide the same level of support to customers, coworkers, and Supervisor as if working at their duty location.
4. Complete and pass the mandatory telework training.
5. Comply with all laws, rules, regulations, and policies normally applicable in the workplace, including those related to reporting accidents and injuries, changes to work schedules, and approval of leave.
6. Notify their Supervisor if they intend to terminate their telework agreement.

#### **6161.05 – Definitions**

Core telework. Telework that occurs on a regular and recurring basis, at least 1 day per pay period.

Emergency employee. An employee who is telework eligible and required to continue operations from their telework worksite during emergency situations when the Agency/staff office work location is normally closed. This includes, but is not limited to a health pandemic, inclement weather, power outages, and/or situations associated with national security. An emergency/mission critical teleworker under this definition may or may not be identified as an essential employee as a condition of employment.

Non-record materials. Federally owned informational materials that do not meet the statutory definition of records (44 U.S.C. 3301) or that have been excluded from coverage by the definition. Excluded materials are extra copies of documents kept only for reference, stocks of publications and processed documents, and library or museum materials intended solely for reference or exhibit. This may include:

1. Reading file copies of correspondence.
2. Tickler, follow-up, or suspense copies of correspondence.
3. Identical duplicate copies of all documents maintained in the same file.
4. Extra copies of printed or processed materials, official copies of which have been retained for record purposes.
5. Superseded manuals and other directives maintained outside the office that is responsible for retaining them.
6. Materials documenting such peripheral activities of agencies as employee welfare activities and charitable fund drives.
7. Routing slips.
8. Working papers.



9. Drafts of reports and correspondence.
10. Transmittal sheets.
11. Blank forms.
12. Transcribed stenographic materials.
13. Processed or published materials that are received from other activities or offices and that require no action and are not required for any kind of documentation (the originating office or activity is required to maintain record copies).
14. Catalogs, trade journals, and other publications or papers that are received from government agencies, commercial forms, or private institutions and that require no action and are not part of a case upon which action is taken.
15. Correspondence and other records of short-term value that, after action has been completed, have neither evidentiary nor informational value, such as requests for publications and communications on hotel reservations.
16. Reproduction materials, such as stencils, hectograph matters, and offset plates.

Records. Title 44, United States Code, section 3301 defines “records” as:

**All books, papers, maps, photographs, machine-readable materials, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the U. S. Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data in them. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference and stocks of publications and of processed documents are not included.**

Situational/Ad hoc Telework. Telework that occurs as needed and the schedule may not be regular and recurring. This type of telework may be used for the same situations as core, but more frequently is used to complete special projects or meet extraordinary deadlines.

Telework. The performance of official duties at an alternative work site such as, home, telecenter, or other satellite work location.

### 6161.1 – Eligibility

1. While participation in telework is not an employee entitlement, Forest Service assumes that all positions are eligible for telework unless the Supervisor can document otherwise, according to official duties, not being suitable for work in a remote or telework worksite.
2. Positions eligible for telework are those that include tasks (may be one or more) and work activities that are portable, do not depend on the employee being at the official duty location worksite, are measurable, and are conducive to supervisory oversight at the telework worksite. Job series and title do not determine eligibility as Supervisors and Managers are required to recognize the opportunity for all eligible employees to telework. It is possible that only a portion of a position can be performed while teleworking. This should not preclude that portion of the position from being considered for telework.
3. Tasks and work activities generally suited for telework include, but are not limited to: reading; reviewing; editing; scheduling; planning; writing; policy development; research; analysis (for example, investigating, program analysis, policy analysis, and financial analysis); report writing; telephone-intensive tasks (excluding receptionist duties); computer-oriented tasks (for example, required or developmental training, programming, data entry, word processing, Web page design); and data processing.
4. Tasks and work activities not generally suited for telework include, but are not limited to: positions that involve daily handling of classified materials or where the use of specialized equipment is required; or positions that require daily contact with other people or where a daily physical presence is required per the official duties of the position. Forest Service positions that are not typically suited for core telework include: summer seasonal, residential Job Civilian Conservation Corps (JCCC), wage grade, firefighters, warehouse staff, and similar positions. However, these positions may still be suitable for ad hoc or situational telework for some tasks, such as paperwork completion or mandatory training. Again, the premise is that positions are eligible for telework and Supervisors shall document why a particular position is not eligible for telework.
5. An employee may participate in the program if the employee meets eligibility requirements including, as a minimum:
  - a. A proven record of high personal motivation, independence, dependability, good time management skills, ability to prioritize work effectively, and does not require close supervision.
  - b. A proven or expected minimum performance rating of "fully successful" or equivalent.

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- c. No disciplinary action or adverse action for being absent without permission for more than 5 days in any calendar year; or for violations of subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.
- 6. Employees who have had disciplinary or adverse action taken against them within the past 12 months will be considered for telework on a case-by-case basis. Such employees may be permitted to telework with approval of their Supervisor. Generally, employees who have received letters of reprimand will be permitted to telework, unless the misconduct identified in the letter is indicative that the employee will not be able to telework effectively.
- 7. Employees will be notified of their position and individual eligibility to telework (see 6161.1, ex. 01). A copy of the notice will be provided to the Unit Telework Coordinator.

**6161.1 - Exhibit 01**

**Telework Notification Template**

**SUBJECT:** Eligibility and Official Notification for participation in USDA's Telework Program.

**FROM:** [Supervisor's Full Name and Title]

**TO:** [Employee's Full Name]

**CC:** [Unit Telework Coordinator]

In accordance with Forest Service Manual 6160, Attendance, Leave, and Telework, the purpose of this memorandum is to provide you with a notification and determination of your [eligibility/ineligibility] to participate in the Forest Service's Telework Program. To ensure a consistent, objective eligibility determination procedure, your [eligibility/ineligibility] has been determined based on the following Forest Service policy criteria:

**I. Position Eligibility**

\_\_\_ 1. Your position is eligible for core telework because it involves duties that may be performed remotely, do not depend on being at the official duty station worksite, and are conducive to supervisory oversight and monitoring at an alternative worksite.

\_\_\_ 2. Your position is not eligible for core telework because:

\_\_\_ a. Duties require your physical presence at the worksite on a daily basis.

\_\_\_ b. Duties require your daily presence at the worksite for contact with the public or co-workers.

\_\_\_ c. Duties require daily use of specialized equipment located only at the traditional worksite.

\_\_\_ d. Duties require daily handling of classified materials.

\_\_\_ e. Other (Please specify): \_\_\_\_\_

\_\_\_ 3. Your position is eligible for situational or ad hoc telework because there are duties (such as paperwork completion or mandatory training) that can be performed from a telework location occasionally (for example, special projects, severe weather, personal situation at home, and so forth).

**6161.1 - Exhibit 01--Continued**

**II. Employee Suitability**

\_\_\_ 1. You are suitable for telework, because your anticipated and/or actual level of performance is “Fully Successful” or better; you have had no disciplinary or adverse action within the past 12 months nor are you currently subject to potential adverse action.

\_\_\_ 2. You are suitable for telework, although you have had disciplinary action within the last 12 months, because I have made a determination to permit you to telework. (NOTE: See FSM 6161.1(6) for Supervisor authority to allow exceptions.)

\_\_\_ 3. You are not suitable for telework because:

- \_\_\_ a. Your current or expected minimum performance rating is not at least "Fully Successful" or equivalent.
- \_\_\_ b. You have had disciplinary or adverse action taken within the past 12 months.
- \_\_\_ c. You have been officially disciplined for viewing, downloading, or exchanging pornography, including child pornography, from a government computer or while performing official Federal Government duties.
- \_\_\_ d. You have been officially disciplined for being absent without permission (AWOL) for 5 days or more in any calendar year.

**III. Apply for Telework**

If you are eligible for telework, as indicated above, and you wish to telework, please complete form AD-3018, USDA Telework Agreement for submission.

## **6161.2 – Procedure**

### **6161.21 – Employee Request**

Employees who wish to telework on a core or situational/ad hoc basis should complete the telework training (see sec. 6161.81) and submit a completed electronic USDA Telework Agreement form AD-3018 to their first-line Supervisor.

### **6161.22 – Reply from Supervisor**

The first-line Supervisor shall review the employee's request and respond within 10 days. A response may be approval, disapproval, or proposed modification. If the Supervisor modifies or disapproves the proposed agreement, a written explanation shall be provided to the employee. Once the Supervisor approves the USDA Telework Agreement, it will be forwarded electronically to the telework coordinator. However, the USDA Telework Agreement does not need to wait for a response from the coordinator to be implemented. If the request is ultimately denied, the Supervisor will forward the denial and associated rationale to the appropriate unit telework coordinator.

### **6161.23 – Review by Telework Coordinator**

The telework coordinator shall review agreements for compliance with policy and maintain a file of all agreements.

### **6161.24 – Disputes**

For units where collective bargaining agreements exist, the established grievance procedures must be employed to resolve disputes resulting from the interpretation or implementation of requirements related to the telework program. For employees not covered by a negotiated grievance procedure, the administrative grievance procedure applies. It is Forest Service policy that whenever possible, individuals be allowed to telework, so the burden in a dispute on why the agency would not allow telework is on the Supervisor, not on the employee.

## **6161.3 – Provision of Equipment, Services, and Supplies**

### **6161.31 – Government-Furnished Equipment and Services**

Government-owned equipment may be placed in employee homes or at other telework worksites, but the Government retains ownership and control of hardware, software, and data. Government-furnished services may also be provided to employee homes or at other telework worksites. Such equipment is to be used consistent with the Forest Service Appropriate Use of Information Technology Resources policy (FSM 6683.15) and may only be used by the teleworker. Its repair and maintenance are the responsibility of the agency.

1. Computers (laptops/approved tablets) to access the Forest Service Network. Per current policy, access to the Forest Service network must be solely through a government-owned computer. When a computer is needed for telework, the employee shall generally use the same laptop at both office and telework locations. If the employee is not presently assigned a laptop computer, the employee's staff area is responsible to pay for the equipment upgrade following current procedures unless another technology solution is available and acceptable to the employee and the Government. As employee computers come due for replacement, the Agency will purchase laptops for employees who need them to telework, subject to budget constraints; unless another technology solution is available and acceptable to the employee and the Government.
2. Printers/scanners/fax machines. As approved by the Supervisor on a case-by-case basis; the Government may provide government-owned monitor, printer, scanner, or FAX machines. The employee's staff area is responsible to pay for these peripherals including associated maintenance, repair, replacement, supplies, and software.
3. Network access. As approved on a case-by-case basis; the Government may provide a government internet connection (DSL/cable) to be used with Forest Service two-factor authentication through a Virtual Private Network (VPN). The employee's staff area is responsible to pay for the internet connection and service.
4. Voice communications. As approved by the Supervisor on a case-by-case basis; the Government may provide telephone service as necessary. If the employee is required to conduct business by telephone while teleworking, the Agency will provide any necessary equipment or services adequate for the employee to conduct business without increased personal expense. To the extent permitted by law, agencies may pay for the installation of telephone lines in private residences. Public Law 104-52 allows agencies to use funds to install telephone lines and necessary equipment, and to pay monthly charges in any private residence or private apartment of an employee who has been authorized to work at home. The employee's staff area is responsible to evaluate cost-effective solutions and pay for appropriate employee-specific government-provided service (cell phone, smart phone, calling card, dedicated landline, VoIP, and so forth). The Forest Service is unable to provide automatic forwarding of phone calls to telework locations.
5. Technical support. Existing Computer Help Desk (CHD) services are available to diagnose and correct problems with government-provided computers, cell phones (including smart phones), and calling cards. CHD remote guidance can be provided to assist employees in connecting/installing government (staff area) provided peripherals. However, in some instances the employee may be required to bring the equipment into a Forest Service office for technical support.

The employee must return all Government-issued equipment and material to the Agency at the conclusion of the telework arrangement or at the Agency's request.

### **6161.32 – Non-Government Furnished Equipment and Services**

If an employee does not meet the provisions in 6161.33(a) or (b), the Forest Service may elect to provide the necessary equipment/services at the telework worksite. The decision on whether to provide equipment/services or not should be based on the cost, availability of alternative technologies, the ability of the employee to effectively telework without the equipment/services, and/or cost savings related to the teleworking. If not provided by the Agency, the employee may provide personally owned or procured equipment/services and pay for or share the cost of using the telework worksite.

1. Computers (laptops/approved tablets) to access the Forest Service Network. Per current policy (FSM 6683.15, para. 6), access to the Forest Service network must be made solely through a government-owned computer. Personally owned computers are not allowed.
2. Printers/scanners/fax machines. Personally owned printers, scanners, and fax machines may be used for teleworking from employee residences.
3. Network access. Employees may use personally procured internet connection services (DSL/cable) to access the agency systems through the Forest Service VPN.
4. Voice communications. Employees may use their personal phone services for telework. Where personal lines are relied on, the employee shall ensure availability of personal phone lines during telework times.
5. Technical support. Existing Computer Help Desk (CHD) services are available to provide remote guidance (level 1) to assist employees in connecting/installing personal peripherals but no higher level technical support can be provided by the CIO, and the Government cannot be held liable for any damage to equipment resulting from installation or use of such peripherals. Vendor technical support for employee provided equipment or services depend on service agreements and are the responsibility of the employee.

### **6161.33 – Provision of Equipment for Particular Groups of Teleworkers**

1. Employees required to telework. Employees who are required to telework, as a part of an emergency or Continuity of Operations Plan (COOP), shall be provided with the necessary government equipment to adequately perform their tasks at a telework worksite during an emergency or COOP event.
2. Employees granted reasonable accommodations. Employees who telework as a reasonable accommodation for a disability, via a Telework Agreement, shall be provided with the necessary government equipment to adequately perform their tasks at a telework worksite, if provision of such equipment does not create an undue hardship for the Agency (see FSM 1761).



3. Bargaining units. Policies and procedures for determining who may be provided equipment and what equipment will be provided, in accordance with CIO technical guidance, may be negotiated by the Local union official and unit manager.

#### **6161.4 – Telework Agreement**

1. A signed agreement is required for any form of telework and prior to the beginning of telework (form AD-3018).

2. The agreement may be modified by the employee or management, as needs or circumstances change.

3. Teleworkers who wish to change their scheduled telework day permanently should complete another agreement and obtain the proper approvals. Intermittent changes in a telework agreement do not require a change in the agreement; however, teleworkers should make the request at least 1 day in advance.

4. A minimum of 30 calendar days of participation should be allowed to provide the employee and Supervisor a reasonable period of time to determine the impact of the new telework arrangement.

5. The telework arrangement may normally be terminated by either management or by the employee with a minimum of 2 weeks advance written notification of termination of the telework relationship, except in emergency situations. Reasons for termination of an arrangement may be a decline in performance or productivity, or if the arrangement no longer benefits the organization's needs. When an arrangement is terminated by management, the Supervisor shall provide the employee with a brief, written explanation as to why. A 2-week notice is normally required to allow the employee to make arrangements to commute to the work site on days that were previously worked at an alternate location. Agreements may be terminated in less than 2 weeks when appropriate.

6. Electronic equipment and telecommunications services needed by the teleworker and provided by the Forest Service or the employee must be documented on the employee's USDA Telework Agreement form AD-3018.

#### **6161.5 – Terms and Conditions of Telework**

Teleworkers should be considered equally with non-teleworkers in selection for assignments, performance expectations, or other employment-related matters. A telework arrangement does not alter the terms and conditions of the appointment as specified on the employee's Notification of Personnel Action, SF-50.

#### **6161.51 – Pay, Leave, Work Schedules, and Performance**

1. Teleworking should not adversely affect the performance of the employee who is teleworking or the employee's coworkers.

2. The employee is required to satisfactorily complete all assigned work, consistent with the approach adopted for all other employees in the work group, and according to standards and guidelines in the employee's performance plan.
3. The Supervisor has the right to meet with employees to give assignments and to review work as necessary at either the official duty station or a mutually agreed upon site.
4. Employees who telework should make arrangements with their Supervisor regarding expectations for communications and customer service while the employee is teleworking. For example, they should discuss whether phone calls and emails must be answered in the same timeframe as if the employee were working in their duty location, and how this may be accomplished (that is, phone calls forwarded to telework location, provision of cell phone, and so forth). In addition, the Supervisor and employee should reach an agreement about how co-workers should communicate with the teleworker during their telework days.
5. Teleworkers and their Supervisors should communicate regarding when they are absent from the telework location to perform official business (for example, meetings, site visits).
6. The employee shall follow their work unit's procedures regarding the requesting and approval of overtime, credit hours, and leave that are worked while in a telework status.
7. The requirements in the Fair Labor Standards Act (FLSA) and in Title 5 of the United States Code (5 U.S.C.) governing overtime apply to telecommuting arrangements. Overtime work means work in excess of 8 hours in a day or in excess of 40 hours in an administrative workweek that is ordered and approved in advance by the Supervisor. It is the responsibility of the Supervisor to regulate and control the use of overtime. Employees are responsible for requesting, in advance, approval to work overtime.
8. The same rules apply for night differentials and for Sunday and holiday pay whether work is accomplished at the conventional or alternate worksite. Official work schedules determine the entitlement to premium pay.

#### **6161.53 – Official Duty Station**

1. A teleworker's official duty station remains unchanged as long as they come into the office at least twice each biweekly pay period on a regular and recurring basis. If the employee does not report in at least twice per pay period and is not on a short-term, temporary agreement of 6 months or less, the official duty station must be changed to the location of the telework worksite and pay is set accordingly.
2. The agency should not change a teleworker's official duty station in short-term situations (6 months or less). This also applies to employees who telework for medical reasons and those required to telework during emergency situations.

#### **6161.54 – Travel and Callback to Duty Station**

1. The travel provisions that apply to employees working at an official duty station also apply to teleworkers.
2. If an employee's telework work site has been determined as the official duty station, and is outside of the local commuting area, entitlements to travel allowances and official time for travel will be based on the telework work site.
3. Management reserves the right, normally with a 1-day notice, to require employees to return to the official duty location on scheduled telework days, based on operational requirements. Exceptions for a lesser notification may be appropriate in certain unforeseen situations.
4. A teleworker who is directed to travel to another worksite (for example, official duty station) during their regularly scheduled basic tour of duty should have the travel hours credited as hours of work.
5. An employee who is called back to their official duty station outside of their regular work day is compensated beginning from the time they report to their duty station or start to perform work. Such employee will be compensated a minimum of 2 hours; however, the 2-hour minimum does not apply if the work is performed at the employee's residence.

#### **6161.55 – Duty Station and Telework Site Closure**

Telework agreements should be established for all employees who may wish to participate in unscheduled telework during an unscheduled telework day or delayed opening due to severe weather or other emergency. These agreements shall indicate whether the employee will be required to telework as an emergency or mission critical employee.

##### **6161.55a – Duty Station Closure**

1. Employees who telework from their residence and were regularly scheduled to telework on the day when the office is closed for a partial or full day should work a full day, unless their residence is affected by the emergency. If the teleworker has no work to perform because the duty station is closed, the teleworker will be granted administrative leave similar to employees who were not teleworking on the day or at the times of the closure.
2. Employees who were not scheduled to telework on the day of an office closure are not required to telework, unless they are identified as an emergency or mission critical employee and can perform their duties from their telework location.

#### **6161.55b – Duty Station is Open Under an Unscheduled Leave or Telework Situation**

Employees who were scheduled to telework on the day of the announcement should begin work on time or request unscheduled leave. Employees who were not scheduled to telework, but who wish to telework instead of taking leave, should notify their Supervisor of their intent and may perform unscheduled telework as defined in the employee's individual telework agreement.

#### **6161.55c – Emergency or Interruption at Telework Location**

Employees who are scheduled to telework on a day when a short-term emergency outside of the employee's control (for example, power, phone, internet or VPN outage, damage to telework location, closure of telework site, including severe weather) affects the telework location should contact their Supervisor and may be granted excused absence during the emergency. When an employee knows in advance of a situation that would preclude working at a telework worksite, either extra hours in the office or appropriate leave must be scheduled.

#### **6161.56 – Fire and Other Emergency Response**

Authorization to telecommute does not relieve the employee of the responsibility to respond to emergency situations nor does it relieve Supervisors from their responsibility to contact telecommuters for emergency assignments for which they are qualified. An agreed upon contact procedure should be included in USDA Telework Agreement form AD-3018 when applicable.

#### **6161.57 – Office Space at Duty Station**

Employees working under an approved USDA Telework Agreement form AD-3018 may be required to give up their individually assigned workspace in their official duty station. For bargaining unit employees, this change in working conditions is subject to local negotiations.

#### **6161.58 – Worker's Compensation and Other Liabilities**

1. Employees are covered by the Federal Employees Compensation Act at the telework worksite as long as the injury occurred while performing their official duties and in the designated work area identified on the telework agreement. If an injury occurs, the employee shall notify the Supervisor immediately, provide details of the accident or injury, and complete Department of Labor Form CA-1, Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation.
2. The Government is not liable for damages to the employee's personal or real property while the employee is teleworking, except to the extent the Government is held liable by the Federal Tort Claims Act or the Military and Civilian Employees Claims Act.

## **6161.6 – Telework at the Employee's Residence**

### **6161.61 – Official Work Area**

1. The employee shall designate an area in the home as their official work area. The area designated must be documented on the telework agreement.
2. The employee is responsible for ensuring that work at their residence is performed in a safe environment and following appropriate safety policies.
3. The employee agrees to permit access to their home by Agency representatives, as needed. These visits by an Agency representative may be necessary to repair or maintain government-issued equipment, and/or to ensure compliance with the terms of the telework agreement. Teleworkers should be given advanced notice of at least 1 day. Visits should only be done during normal working hours.

### **6161.62 – Community and Tax Considerations**

1. The employee should check with their community associations, if one exists, to ensure there is not a restriction on working from home. The Government is not responsible for any operating costs that are associated with the employee's use of their personal residence as a telework worksite. This includes home maintenance, insurance, or utilities.
2. Generally, an employee who uses a portion of their home for work does not qualify for any Federal income tax deductions. However, employees should consult their tax advisors or the Internal Revenue Service for information on tax laws and interpretations that address their specific circumstances.

### **6161.63 – Dependent Care**

1. Although teleworking will give some employees more time for their family responsibilities, they may not use duty time for providing dependent care or for any purpose other than official duties.
2. Teleworkers are responsible for ensuring appropriate arrangements for the care of dependents at home if the home is the telework location. That is, employees may not use telework to personally care for a dependent. However, this does not preclude a teleworker, while teleworking, from having a caregiver working in the home providing care to the dependent(s). Children who require no supervision may be present at the telework worksite.
3. Infants and newly-placed adoptions: Employees who are caring for a child within the first year of birth or placement of a child may make arrangements to work at home without a caregiver, as long as duty time is not used to care for the child. Time used to care for the child may be accounted for by using appropriate leave or flexing hours.

## **6161.7 – Security**

A Telework Security/Information Technology (IT) Checklist must be used by agency IT staff to establish a secure working environment regardless of the type of telework arrangement.

### **6161.71 – Government Furnished Equipment**

1. Employees who access the Forest Service network must do so using the Forest Service-approved two-factor authentication remote access solution using VPN.
2. The teleworking employee shall utilize at the telework location (for example, home) the same IT physical security and best practices as used in their Forest Service office, such as controlling access to the equipment, use, reuse, and sharing of storage media (USB flash drives, CDs, and so forth).

### **6161.72 – Non-Government Furnished Equipment**

The Forest Service does not have the capability to allow access to the Forest Service network from non-government owned equipment. There is a USDA waiver process available (DM 3525-003, Chapter 5, Part 3) for an employee to request use of their personal computer and equipment for telework on non-sensitive and unclassified data.

### **6161.73 – Classified Information**

Classified documents (hard copy or electronic) and/or equipment must not be taken to an employee's telework worksite.

### **6161.74 – Government Information, Including Official Agency Records**

1. Manage all information (record and non-record) according to direction found in FSM 6230 – Records Creation, Maintenance, and Disposition; and FSH 6209.11 – Records Management.
2. Sensitive but Unclassified Information, including Sensitive Security Information, Privacy Act and "For Official Use Only" data may only be saved on government-issued equipment. All teleworkers are responsible for the security of all official data, and the protection of government-issued equipment/property while carrying out the Forest Service mission.
3. Sensitive but Unclassified Information, including Sensitive Security Information (SSI), Privacy Act and "For Official Use Only" data, and non-sensitive unclassified data must be transported from the official duty station to the telework worksite in a secure container (for example, briefcase with lock, encrypted electronic storage device, and so forth).

4. Sensitive but Unclassified Information, including SSI, Privacy Act, and "For Official Use Only" data and non-sensitive, unclassified data must be stored in a secure file cabinet at the telework worksite. When such information is displayed on a computer screen, it must not be visible to others. Computer privacy screens which block computer screen visibility to others must be used when SSI is displayed on a computer monitor at a telework worksite.
5. Sensitive or Personally Identifiable Information (PII) data should not be downloaded or stored on privately owned computer equipment. Generally teleworkers who must work with sensitive or PII data should be issued a government-owned computer or utilize encrypted storage media when they telework.
6. Neither family members nor other individuals are authorized to handle and/or view any Government Sensitive but Unclassified Information, including SSI, Privacy Act, and "For Official Use Only" data.
7. All Government-owned information (hardcopy and electronic, record and non-record) stored in Agency or personally owned equipment (including, but not limited to, file cabinets, laptops, PCs, and external electronic storage devices) is subject to the Freedom of Information and Privacy Acts, as well as litigation hold and discovery orders.
8. Upon transfer or discontinuation of Agency service, the employee shall ensure the transfer of the official record copy of all information to the appropriate Forest Service office. All non-record copies of official Agency records must be destroyed using approved methods (see FSH 6209.11), unless authorization is granted for personal retention according to mandated procedures (see USDA DR 3099-001, Records Management Policy for Departing Employees, Contractors, Volunteers, and Political Appointees).

## **6161.8 – Administration**

### **6161.81 – Training**

1. Prior to an employee signing a telework agreement and prior to starting to telework, the employee shall complete telework awareness training. Training must be taken and/or recorded in AgLearn.
2. Prior to a Supervisor approving a telework arrangement and prior to a subordinate starting to telework, the Supervisor must complete telework awareness training. Training must be taken and/or recorded in AgLearn.

### **6161.82 – Labor Management Relations**

1. Changes in work schedule, tours of duty, and working conditions have implications relative to existing collective bargaining agreements of which Managers and employees need to be aware as they discuss and finalize telework agreements. These negotiated agreements must be followed when bargaining unit employees are involved.

2. FSM 6161 contains items that have been negotiated between the Forest Service and NFFE-FSC. It is not to be altered or supplemented below the national level by units covered by NFFE, except as provided in this Directive and the Master Agreement between the Parties. National level changes must not be made without notice and bargaining between the Parties.

3. For units represented by other labor organizations that have been granted exclusive representation status under the Federal Labor-Management Relations Statute, the implementation of the Telework directive and these instructions is contingent upon the completion of appropriate labor relations obligations.

### **6161.83 – Notifications and Reports**

1. Agency/staff office directors will notify employees regarding whether their position is eligible to telework or not at least annually, and the topic addressed during on boarding (bringing new employees into the workforce) activities and recurring Supervisor training. A copy of this notification will be provided to the appropriate telework coordinator.

2. ASC-HRM staffing shall include an appropriate notice in all eligible vacancy announcements when the position is eligible for telework. For example, "The duties of this position can be performed while teleworking" or "This position is eligible for telework and other flexible work arrangements."

3. Quarterly, Washington Office deputy chiefs and directors, regional foresters, station directors, the Area Director, and the Institute Director shall provide information regarding teleworking for the unit to the Director, ASC-HRM.