

ARTICLE 18 TELEWORK

Section 18.01 - General. The Office of Personnel Management and the Department define telework as "work arrangements in which an employee regularly performs official assigned duties at home or other work site geographically convenient to the residence of the employee." Telework is simply a way of getting work done from a different location.

In accordance with § 359 of Public Law 106-346, Handbook 625.1 dated May 2010 is the Telework Policy for the Department of Housing and Urban Development. Under these provisions the Department encourages the implementation of telework to the maximum extent possible. No individual office or program area is authorized to establish a telework policy or modify or amend Handbook 625.1 dated May 2010 without the written approval of the Chief Human Capital Officer and/or the fulfillment of bargaining obligations with I IUD AFGE Council 222. The provisions of hoteling and hot desking are not being implemented at this time. When they become available, management agrees to negotiate as appropriate the applicable provisions.

The Department recognizes the potential benefits of voluntary telework to both employees and the Agency. Under normal circumstances, a manager may not require an employee to work from home. However, a manager may require an employee to work at an alternative worksite.

Section 18.02 - Eligibility.

- (1) With the exception of summer or seasonal employees, all employees in positions with duties that are conducive to telework are eligible to telework.
- (2) **if** the employee is considered "eligible" by HUD policy or this agreement, denial and termination decisions must be based on business needs or performance, not arbitrary or capricious reasons. When provisions of the Departmental policy are inconsistent with or contradict this Article, the Article will prevail.

Section 18.03 - Roles and Responsibilities.

- (1) The approving official shall:
 - (a) Approve, modify, or disapprove the employee's participation in the program in writing, within 10 business days upon receipt of a completed application, unless extenuating circumstances exist. The written notice shall provide the reason(s) for modification or disapproval.
 - (b) Within 2 business days, supervisors will notify employees of an incomplete application, unless extenuating circumstances exist.
 - (c) Submit a copy of the approved signed Telework Application to the Program Office Telework Coordinator. The list is available on the HUD website.

- (d) Notify the Union when the agreement is terminated, suspended or modified by the Supervisor for one pay period or more.
- (2) The employee shall:
 - (a) Submit applications for telework to their immediate supervisor or the supervisor's designee.
 - (b) Teleworkers will be treated the same as non-teleworking employees in the telework reporting requirements. There will be no sign in or out.
 - (c) Employees may use the call forwarding feature of their office telephone while on telework provided the feature can be initiated or cancelled from the alternative worksite.

Section 18.04 - Application Requirements and Process.

- (1) Employees on a five (5) day per week schedule may telework up to three (3) days per week. Employees on compressed work schedules may telework up to two (2) days per week during a compressed week.
- (2) Once an agreement is approved, employees may begin teleworking upon mutual agreement between the employee and their immediate supervisor.
- (3) Employees who are denied telework or the request is modified by the supervisor may select either the appeal process in HUD Handbook 625.1, Telework Policy, -or- the grievance procedures outlined in Article 51 of this Agreement.
- (4) Telework agreements are not required to be renewed once they have been approved. They remain in place until either party decides to modify or terminate the agreement. The telework agreement in place at the time of the implementation of this agreement will remain in effect unless the employee is no longer eligible for telework. If the employee requests a change based on the provisions of this supplement, a new agreement will be prepared. The self-certification safety checklist and **IT** approval Form are not required to be resubmitted unless there are substantial changes in the teleworking situation.
- (5) Employees may apply for telework at any time.
- (6) Employees who chose not to participate in the program will not be penalized.
- (7) Modifications to the telework agreement do not require a new Rules of Behavior for Remote Access User Agreement (HUD-22018); Telework Self-Certification Safety Checklist (HUD-25229) or IDT/HQOTC concurrence.

- (8) Communication levels and the methods of communication between employees and supervisors are expected to remain the same whether an employee is working in the office or teleworking. The communication requirements of the manager will be discussed with employee and identified in the telework application and agreement. Teleworkers will provide a telephone number where they may be reached by the supervisor and or, other management officials.
- (9) Management agrees not to disseminate or require an employee to publish personal information such as home or cell phone numbers.
- (10) Management agrees that the remote work site is not a governmental facility and that employees have the freedom to safeguard, insure and maintain the privacy of their home work place.

Section 18.05 - Same Day Recall (SDR). A SDR is when the supervisor requires an employee to return to the official worksite while teleworking.

- (1) A recall shall only be initiated due to extreme operational exigencies requiring same day attention. Recalling an employee should be a last resort effort and a rare occurrence.
- (2) Commute time back to the office of a recall is always considered part of the tour of duty.

Section 18.06 - Modification of Telework Agreements.

- (1) Supervisors must give reasonable advance notice for permanent or long term modifications to telework agreements and, under normal circumstances no less than one full pay period. The modification must be in writing and provide the reason(s) for the modification.
- (2) Handbook 625.1 Section 5-3-1 (a) of the HUD May 2010 Telework Policy is no longer applicable.
- (3) A permanent modification to a telework agreement requires a new agreement.

Section 18.07 - Termination of Telework Agreements.

- (1) Supervisors may terminate telework for business or performance related reasons. Employee's morale and quality of work life shall be considered in any decision to terminate an agreement.
- (2) Employees will be given written notification of termination of their telework agreement a minimum of one full pay period before the effective date, unless emergency conditions exist. The termination must be in writing and provide the reason(s) for the termination.

- (3) By mutual agreement of the supervisor and the employee, an employee may discuss the termination notice with their supervisors and have a union representative attend and participate in this discussion.
- (4) Supervisors are strongly encouraged to consider warnings, modifications, and temporary suspensions of telework before terminating an agreement.
- (5) If an employee is terminated from telework, the employee may reapply at any time.

Section 18.08 - Hours of Duty. Employee's teleworking may participate in and are subject to the provisions of Article 16 of this Agreement.

Section 18.09 - Leave. Employees working from an alternative worksite other than their home shall be covered under the same leave provisions as employees at the official work site,

Section 18.10 - Work Schedules.

- (1) Telework is not a "work schedule" it is a program allowing employees to work at an alternative work location/worksite.
- (2) In accordance with the Office of Personnel Management guidance, teleworking employees continue to be eligible for all Alternative Work Schedules. However, employees choosing a flex-time schedule will inform their supervisors at least one day in advance of the time they will start work on their telework days, unless extenuating circumstances exist. In the absence of advance notice from the employee, it is understood that the employee will begin work at the time designated on the telework agreement.
- (3) Management is responsible to ensure that the mission and operational requirements of the Department care carried out effectively and efficiently.

Section 18.11 - Overtime, Compensatory Time and Credit Hours. Employees participating in any telework agreement are eligible to work credit hours, overtime and/or compensatory time on both scheduled and unscheduled telework days in accordance with the applicable provision of Article 16 of this Agreement and the Telework Policy.

Section 18.12 - Equipment used while on telework.

- (1) If an employee participating in telework has a loss or damage to equipment and does not have personal equipment available, the employee may be able to continue to work at home once the supervisor is notified and determines that work can be done without the use of a computer or internet access. HUD will make all reasonable efforts to provide replacement equipment as soon as possible, and will not purposely avoid replacing equipment to limit telework by any employee with an approved agreement.
- (2) Employees will not be required to purchase or obtain any equipment that is not required by the policy to telework. (e.g. fax machine, copier, scanner).

- (3) The Union may make requests to the Agency Head or Designee in accordance with 41 CFR 102-36.30 in order to obtain equipment for bargaining unit employees that is no longer needed for its original purpose.
- (4) In order to support telework to the maximum extent possible, HUD will endeavor to provide laptops to all teleworkers. However, there is nothing that precludes employees from using their own equipment.
- (5) Management agrees that the Department will provide supplies e.g., paper, pens, staples, and/or CD's to teleworkers that are routinely provided to employees in the office.
- (6) Employees may use HUD equipment and software programs while teleworking subject to the HUD Policy/Guidance on "Limited Personal Use" of government office equipment including information technology.
- (7) Employees without an internet connection may be eligible to participate in the telework program as long as the work to be performed at an alternative site would not require HUD internet services.

Section 18.13 - Training. A telework frequently asked questions document will be established and updated on the HUD website, which complies with this Article and the Departmental policy. Within 90 days of the effective date of this Agreement, the parties shall prepare and present telework contract interpretation training to all employees. The training will also jointly create the frequently asked questions that will be updated and maintained by management.

Section 18.14 - Union Representatives. Union representatives that are authorized official time may use official time while teleworking subject to the same approval and recording procedures.

Section 18.15 - Reasonable Accommodation. Work at home approved as a reasonable accommodation under the provisions of Article 45 is governed by reasonable accommodation provisions not necessarily the provision of the telework policy or this agreement.