



**NUMBER:** Directive 1080.2  
**SUBJECT:** Telework Program  
**DIRECTIVE OWNER:** Office of Human Resources Management (EXRM)  
**EFFECTIVE DATE:** June 13, 2023

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1. **PURPOSE.** This directive provides policy for the telework program at the U.S. Consumer Product Safety Commission (CPSC).
2. **AUTHORITY.**
  - a. Public Law (P.L.) No. 111-292, Telework Enhancement Act of 2010, dated November 18, 2010.
  - b. P.L. No. 106-346, §359, dated October 23, 2000; P.L. No. 105-277, Omnibus Appropriation Action, Title IV, §630, dated October 21, 1998.
  - c. The Guide to Telework in the Federal Government, Office of Personnel Management (OPM), dated November 2021.
  - d. OPM Government-Wide Dismissal and Closure Procedures dated December 2022.
  - e. 5 CFR part 630, subpart P, Weather and Safety Leave.
  - f. CPSC Continuity of Operations (COOP) Plan dated January 26, 2023.
3. **SCOPE.** This order applies to all employees who are eligible to participate under the conditions set forth in this policy. Participation by employees in the Agency's telework program is voluntary. The Agency telework program provides maximum access to telework and flexibility, without diminished performance. Employees will be allowed to participate to the extent described in this policy, so long as they meet the requirements, and do not demonstrate diminished performance. The telework program is intended to improve employee performance and engagement and support mission productivity and efficiency. Telework serves as a critical workplace flexibility that enables CPSC to meet mission-critical needs, including for emergency-preparedness, while helping employees balance work-life responsibilities and aiding in recruitment and retention.

#### 4. DEFINITIONS.

- a. *Ad hoc Telework*: Telework on an occasional, non-routine, irregular basis.
- b. *Administrative Closing*: The closing of federal offices when hazardous weather or other emergency situations dictate that offices should be closed for a portion of a workday or the entire workday.
- c. *Agency Worksite*. The Federal agency location where work activities are based, generally considered the location of the employee's assigned organization. The term *regular worksite* is also used to describe agency worksite.
- d. *Alternative Worksite*: An employee's approved telework site where individuals perform official duties, other than the agency worksite.
- e. *Continuity of Operations Program (COOP)*: An effort to ensure CPSC can continue to perform mission-essential functions in the event of an emergency, including, but not limited to, localized acts of nature, accidents, and technological or cyber-related attacks.
- f. *Emergency/Inclement Weather Telework*: Ad hoc telework during emergency/weather situations determined by OPM, acceptable regional authorities, or as an integral part of CPSC's COOP. Employees must be telework-ready and obtain approval from their supervisor.
- g. *Official Worksite*: The duty station (city, county, and state) in which an employee's position is located (normally agency worksite) and where they regularly perform work.
- h. *Regular, Recurring Telework*: Telework on a scheduled, ongoing basis that reflects a specific work schedule that identifies the specific day(s) and the time that the employee is approved to work at an alternative worksite.
- i. *Remote Work*: A work arrangement, under a written remote work agreement, in which the employee is scheduled to perform their work at an alternate worksite and is not expected to perform work at an agency worksite on a regular, recurring basis. This definition applies to most of CPSC's Field and Import investigator positions.
- j. *Telework*: A flexible work arrangement in which an employee, under a written telework agreement, is scheduled to perform the duties and responsibilities of the employee's position at an approved worksite other than their official worksite.
- k. *Telework Agreement*: An approved written agreement required for all telework arrangements which outlines the terms and conditions under which the employee may perform work at an alternative worksite.

- l.** *Telework-Ready:* An approved telework program participant who: (a) possesses the appropriate equipment at the alternate worksite, and (b) has sufficient work that can be performed at the alternative worksite for all (or a portion of) the employee's regularly scheduled tour of duty.
- m.** *Unscheduled or Situational Telework:* The option for a telework-ready employee to ad hoc telework on a case-by-case basis, with supervisory approval, outside of an approved, ongoing telework schedule.

**5. RESPONSIBILITIES.**

- a.** *Deputy Executive Director for Operations Support.* The Deputy Executive Director for Operations Support is responsible for establishing the CPSC Telework Program, coordinating the Telework Review Board (TRB), and evaluating the program annually to determine effectiveness.
- b.** *Director, Office of Human Resources Management (EXRM).* The Director of EXRM is responsible for:

  - 1) Serving as the Telework Managing Officer (TMO);
  - 2) Administering and coordinating the Telework Program and designating the CPSC Telework Coordinator;
  - 3) Developing and overseeing the implementation of CPSC's policy on telework;
  - 4) Advising agency leadership;
  - 5) Ensuring that annual telework reports are submitted to OPM;
  - 6) Using information and data on telework to support the strategic management of human capital;
  - 7) Setting agency-wide goals and criteria for telework participation;
  - 8) Serving as a resource for agency employees and managers; and
  - 9) Serving as the Agency's primary point of contact for OPM on telework matters.
- c.** *Telework Review Board (TRB).* The TRB is responsible for the final approval or disapproval for eligibility of positions, requests for exceptions to the criteria, and position eligibility reconsideration/review requests. A minimum of three individuals must convene to approve/disapprove a request. The TRB will consist of the following individuals or their designees: the Executive Director or a Deputy Executive Director; the Telework Managing Officer or the Telework Coordinator; the Assistant/Associate Executive Director or Office Director (AED/OD) of the requesting office; and as appropriate, on a case-by-case basis, the following individuals may participate in the TRB: Chief Information Officer;

Director of Facilities Services, Chief Financial Officer or Director, Director of Office of Equal Employment Opportunity, Diversity & Inclusion, the General Counsel or Assistant General Counsel for General Law.

- d. *Agency Telework Coordinator.* The Telework Coordinator is responsible for:
- 1) Providing training, advice, and policy guidance to supervisors, managers, and employees on the telework program, documentation, and records;
  - 2) Conducting technical review of telework agreements and related forms for completeness, and contacting the employee or supervisor to discuss any issues;
  - 3) Maintaining telework records;
  - 4) Recommending agency telework goals and policy decisions;
  - 5) Analyzing telework data and preparing telework reports;
  - 6) Providing evaluation materials to participating employees; and
  - 7) Updating data systems to reflect position and employee telework status.
- e. *Supervisors and Managers.* Supervisors and managers are responsible for:
- 1) Identifying and recommending to their AED/OD telework eligibility decisions, based on established criteria;
  - 2) Approving and forwarding employee telework packages to the employee's the employee's second-level manager for concurrence/non-concurrence. If the request is denied the supervisor must provide the reasons for the denial and submit a copy of the denial to the Telework Coordinator;
  - 3) Reviewing, signing, and submitting employee telework agreements to EXRM at least every two (2) years;
  - 4) Reviewing telework eligibility designation when taking any personnel action;
  - 5) Completing supervisory telework training prescribed by the Agency within 14 days of appointment to a supervisory position and as assigned;
  - 6) Discussing the Telework Agreement with the employee before the Agreement is signed;

- 7) Working to resolve any challenges to satisfying the terms of the Agreement that may occur;
- 8) Clearly defining and communicating work assignments and expectations to all employees; and providing regular and frequent review of the work of employees to ensure they meet performance requirements;
- 9) On a case-by-case basis, making decisions regarding changes, such as: determining whether to allow an employee to change their regular telework day within a pay period, determining whether telework can be continued if technical issues arise, whether the employee is required to report physically to the agency worksite for any reason, among other possible changes;
- 10) Approving or disapproving individual requests for situational telework days, including emergency/inclement weather telework;
- 11) Setting work schedules, in accordance with agency policy and any applicable negotiated bargaining agreements, to ensure that an employee's time and attendance can be properly certified, has the telework indicator, and appropriately managing employee's work hours, credit hours, overtime, or compensatory time while the employee is teleworking. Including ensuring the telework employee is sufficiently engaged in office meetings and activities (for example, staff meetings, office and agency functions, onsite training opportunities);
- 12) Investigating any report of an employment-related incident sustained by the employee at the alternative worksite;
- 13) Initiating the termination of the telework arrangement when the employee's performance declines below the Fully Successful level or is diminished due to telework, or when the employee fails to meet the terms of the agreement, or the overall effectiveness of the mission of the office is affected adversely;
- 14) Understanding the CPSC's emergency plans and management's role in executing the plan and communicating expectations to employees under these plans; and
- 15) Treating teleworkers similarly to non-teleworkers for appraisal, promotion, training, and work requirements.

**f.** *Assistant/Associate Executive Director (AED)/Office Director (OD).*  
AED/ODs are responsible for:

- 1) Providing a second-level review of any newly created positions and position designation change requests for telework eligibility;

- 2) Ensuring implementation of the program to the fullest extent possible, without adverse impact on employee or organizational performance;
- 3) Evaluating the impact of the program on the efficiency and effectiveness of work operations within their organizations, and providing input directly to the Telework Managing Officer;
- 4) Working with supervisors to remove any managerial, logistical, or organizational barriers to the successful implementation and maintenance of the program; and
- 5) Determining the need to suspend the program temporarily when operational exigencies require employees to report to their official worksite (Union notification is required).

**g. Employees.** Participating employees are responsible for:

- 1) Completing and adhering to all the provisions of all required telework forms within the Telework Application System (*Telework Agreement, Terms and Conditions, Home Office Safety Checklist, and CPSC Telework Equipment & Acceptable Use Service Level Agreement*);
- 2) Submitting a new telework agreement with informational changes or a Telework Agreement Amendment form, as needed (*e.g.*, change of address, position, telework day) as well as renewing the Telework Agreement every 2 years;
- 3) Adhering to all telework personnel policies and procedures;
- 4) Repairing and maintaining any personally owned equipment used at the alternative worksite;
- 5) Ensuring that their homes comply with the *Home Office Safety Checklist*;
- 6) Ensuring that a proper work environment is maintained at the alternative worksite. Making sure dependent care arrangements do not interfere with work performance at the alternative worksite;
- 7) Completing the required telework program training;
- 8) Being familiar with CPSC's emergency plans (COOP, Pandemic, Weather, etc.);
- 9) Adhering to hours of work policies, in accordance with the Telework Agreement and established Agency policies;
- 10) Complying with OPM regulations and Agency policies for requesting approval of leave and unscheduled telework; and

- 11) Complying with all government laws and regulations and Agency policies while teleworking.

## 6. PROCEDURE.

a. **Position Eligibility.** The decision for position eligibility will be based on CPSC operational needs and recommended by the supervisor, reviewed by the Associate or Assistant Executive Director/Office Director, and approved by the TRB. Positions may be designated as eligible for the following types of telework: (1) Regular, Recurring, (2) All types of situational/ad hoc, or (3) Ad hoc for Emergency/Inclement Weather only. Positions eligible for regular, recurring telework are also eligible for ad hoc telework. All types of eligibility include ad hoc for emergency/inclement weather telework. Decisions on whether a position will be deemed telework-eligible and the approved number of telework days per pay period will be based upon a determination using the following criteria:

- 1) Work activities are portable, can be performed effectively at an alternative worksite, and do not diminish employee performance or agency operations;
- 2) Activities at the alternate worksite are conducive to supervisory oversight; job assignments are comprised of tasks that are easily quantifiable or primarily project-oriented so that productivity can be measured by results, rather than direct observation; performance measures can be judged through the quality and timeliness of delivery of the work product, or through the quantity of completed work products, or a combination of these factors;
- 3) In-person contact with management, other employees and customers/stakeholders is not required during telework periods;
- 4) Communication with other employees and customers can be managed effectively through telephone, email, Webex, video conference, or other electronic means;
- 5) Physical absence of the teleworker will not burden other employees. Such burdens include, but are not limited to, shifting the work load to non-teleworking employees;
- 6) The technology needed to perform the job off-site is available. (Requirements will vary, depending on the nature of the work and the equipment needed to perform the work, based on the needs of the organization and supervisory requirements. At a minimum, all employees must have access to the CPSC network and all necessary CPSC applications; must be able to communicate by telephone and e-mail with the supervisor, other employees, and necessary contacts during the telework day, and have access to high-speed Internet.);

- 7) Cyclical work does not present an issue that would prevent regular, recurring telework;
- 8) Data security and confidentiality would not be compromised and sensitive, Privacy Act information can be adequately secured and protected in the same manner as if the work were performed at the official worksite;
- 9) Access to necessary reference materials is available through electronic means; and
- 10) Health and safety concerns can be adequately addressed.

**b.** Examples of why a position may *NOT* be suitable for telework:

- 1) The employee needs to have daily in-person contact with the supervisor, other employees, customers, or the public.
- 2) The employee is required to handle directly, on a daily basis, secure materials that potentially can cause a breach if transmitted over the Internet or taken out of the office.
- 3) The Agency is unable to provide any special facilities or equipment that are deemed necessary to perform the job; or it would be impractical for the Agency to provide the same level of privacy protection at the alternative worksite as the agency provides at the official worksite.
- 4) The employee is not able to access the technology needed to perform the job offsite.

**c. **Employee Eligibility.**** Participation in telework is voluntary. Employees wishing to participate are not entitled to telework and must meet the following requirements to participate:

- 1) Current employees' most recent annual Rating of Record must be at least at the Fully Successful level. New employees must be evaluated as performing at an acceptable level of competence (equivalent to at least fully successful) prior to beginning regular, recurring telework.
- 2) The employee is not on an Opportunity Period Plan. If an employee served and successfully completed an Opportunity Period Plan, the performance level must be sustained at the Fully Successful level for at least 90 days following the opportunity period.
- 3) The employee must not have been the subject of a disciplinary action for a minimum of 3 months or an adverse action for a minimum of 6



months prior to the date an employee submits a request for telework to a supervisor. Based on the nexus and the specific facts and circumstances of the misconduct, the deciding official may determine the timeframe for telework ineligibility, but the total length of ineligibility should not exceed 2 years.

- 4) Two categories of employees shall not be eligible to telework under any circumstances: an employee who has been officially disciplined for being absent without permission for more than 5 days in any calendar year, and an employee who has been officially disciplined for violations of subpart G of the Standards of Ethical Conduct of Employees of the Executive Branch for reviewing, downloading, or exchanging pornography, including child pornography, on a federal government computer, or while performing official federal government duties.
- 5) The employee must have adequate workspace, and access to high-speed Internet service and utilities at the alternate worksite suitable for performing work.
- 6) New employees in a telework eligible position may be eligible for ad hoc telework upon employment with supervisory approval. New employees must take telework training and have an approved telework package to begin telework. In addition, a new employee must have sufficient independent work available to perform at an alternative worksite and must have completed necessary training for independent work. Based on these criteria, supervisors may limit telework for new employees for a longer period, including: the type of telework, number of days allowed to telework, and frequency, among other limitations. After the employee has a performance plan in place for at least 90 days and is performing at least at the fully successful level, the employee may be eligible for regular, recurring telework.

**d. Types of telework.**

- 1) **Ad hoc telework.** This is telework performed on an occasional, situational basis. Positions designated as ad hoc only have occasional work suitable for telework, but not on a regular, recurring basis. The basis for ad hoc telework might include: personal appointments, special projects, new employee prior to approval of a plan for regular, recurring telework (if approved by supervisor), recovering from minor illness but able to perform work, and weather or emergency purposes.
  - a. **Ad hoc for Emergency/Inclement Weather telework.** This is a type of ad hoc telework that is performed during emergency/weather situations, as determined by OPM, acceptable regional authorities, or as part of CPSC's COOP. Employees must be telework-ready and obtain approval from their supervisor when *unscheduled telework* is announced. When a *closed* status is announced, all

telework approved employees must telework or take appropriate leave. When federal offices are closed due to Emergency/Inclement Weather, regular, recurring telework program participants will be required to change a regularly scheduled telework day to meet their agency worksite weekly requirement (if possible, based on the workday the emergency occurs).

- 2) **Regular, recurring telework.** This is telework performed on a routine, regular, and recurring basis that reflects an approved work schedule that identifies the specific day(s) and times that the employee will work at the agency worksite and the alternative worksite. The employee's work schedule must provide for reporting to the agency worksite at least once per week.
  - 3) **Short-term telework for medical.** Employees may be granted approval to telework up to full-time for 6 months or less for specified reasons related to a medical condition, including, but not limited to: recuperation from surgery, illness, pregnancy, or in connection with the birth or adoption of a child (other than to provide care for the child, i.e., time saved commuting can be spent with child and the flexibility of being closer to home may enable caregivers to take less time off for activities like doctor's visits, etc.). A supervisor may approve this type of telework with the concurrence of the appropriate AED/OD and EXRM. Employees seeking approval for such telework must provide medical or other appropriate documentation that indicates the employee is physically able to work from the alternate worksite. Short term telework does not involve a change to the employee's regular worksite. Requests to telework as a reasonable accommodation for a qualified individual with a disability are handled under CPSC's Reasonable Accommodation policy.
- e. **Participation.** Agencies are required to notify employees of their eligibility to telework. Participation in telework is voluntary but once an employee enters a telework agreement, there may be times that the employee will be obligated to work from home beyond the employee's normal telework schedule. Employees who are in an eligible position and meet the requirements may request to telework. All CPSC employees and supervisors are required to complete telework training prior to starting telework and as assigned. Employees are not authorized to telework until the telework package is signed by their supervisor and second level manager and reviewed by the Telework Coordinator. In addition to training, the employee must:
- 1) Have a written telework agreement in place that specifies the terms and conditions of program participation, performance expectations, and a work schedule for each day, which ensures that the agreed-upon telework arrangement does not have a negative impact on the

work of the office or other employees in the office. The telework agreement template is located in and must be submitted through the Telework Application System.

- 2) Complete, submit, and obtain approvals on a telework package in the Telework Application System including: *Home Office Safety Checklist, Telework Agreement, Terms and Conditions.*
- 3) Be able to provide an appropriate alternative worksite location that:
  - Has adequate space, utilities, and safety features that meet the requirements of the *Home Office Safety Checklist*;
  - Other than a laptop computer provided by the agency, has all necessary equipment that enables the employee to perform a full range of functions of their position including high-speed Internet access sufficient to access mail, Webex, softphone, web-based applications, and other applications that are as productive as working on-site; and
  - Has the ability to make and receive phone calls.
- 4) The Telework Coordinator will conduct a technical review of the telework package and send a notification to the employee and the supervisor that includes the telework start date. The Telework Coordinator will update the employee's telework status in the personnel system and provide guidance on the proper coding of telework in the time and attendance system.

**f. Termination or Modification of Telework Agreements; Denial of a Telework Request.**

- 1) Employees are required to renew telework agreements every 2 years. Agreement must also be reviewed when certain elements of their job change. Those elements include: promotion, reassignment, reclassification, transition to a new role, a change in telework type, or change in supervisor. In addition, the telework agreement should be updated when the telework location changes (e.g., moving to a different personal residence). Employees with agreements that require updating are not authorized to telework. A change in a telework type, work schedule, telework days, or tour of duty that will last more than 30 days requires submission of a *CPSC Telework Agreement Amendment*. The amendment form should be completed by the employee, approved by the supervisor, concurred by the second level manager, and submitted to the Telework Coordinator for technical review as soon as feasible, but prior to the start of any new telework arrangement. A permanent change to the alternate worksite will require an employee to submit a new *Telework Agreement* and *Home Office Safety Checklist*. The employee should submit forms at least 14 calendar days before any change or expiration.

- 2) Either the supervisor or the employee may terminate a telework agreement. If the supervisor determines that the telework arrangement must be terminated, he/she must provide written notice to the employee and the Telework Coordinator, which must include the date of the notice and the reasons for termination. If the employee terminates their telework agreement, he/she must provide written notice to their supervisor and the Telework Coordinator, which must include the date of termination and the reasons. If an employee voluntarily terminates the agreement, the employee must wait a minimum of 3 months to initiate a new request to telework. If the supervisor terminates an agreement, the waiting period to initiate a new telework request will be determined by the facts and circumstances but may not exceed 1 year. If an employee no longer meets the eligibility criteria, the agreement is terminated immediately, and an employee may request telework when the eligibility criteria are met.
  
- 3) An employee's participation in telework shall not diminish the employee's performance, or adversely affect the performance of other employees, or impact mission accomplishment. If the employee's level of performance declines or falls below the Fully Successful level while participating in telework, the decline in performance may be considered a condition for terminating telework. The following circumstances may also be a basis for the termination of, or reduction in, telework:
  - (a) The employee is placed on leave restriction (the employee may request participation after the leave restriction has been lifted.);
  - (b) The employee fails to adhere to the requirements specified in the telework agreement, including compliant work space and technology requirements (such as using camera and staying fully engaged in meetings);
  - (c) The employee has demonstrated an inability to adhere to the provisions of the telework agreement, including, but not limited to: lack of work production, non-responsiveness to telephone calls or emails, and generally not being available while teleworking;
  - (d) If working at the alternative worksite has placed an undue burden on the agency, supervisor, or other office staff;
  - (e) The employee's alternative worksite no longer meets the prescribed requirements;
  - (f) The employee is reassigned or detailed to a new position that is not eligible for telework; or

- (g) There is a change in business processes, such that the employee's existing telework schedule negatively impacts the operations of the organization.
- 4) At the request of the employee, telework agreements that are modified, suspended, or terminated, or a telework agreement that is denied, may be submitted to the TRB for further review, to ensure that the action taken was based on agency policy, procedures, and mission-related criteria. The employee must request the TRB review within 15 calendar days of receipt of the decision. The request for review must be in writing, along with the supervisor's justification for any action taken, and a description of any circumstances that the employee believes are relevant to the request for reconsideration. Bargaining unit employees may request Union assistance to prepare the written package for the TRB. Official time will be granted to a Union official for such activity. The written package should be submitted to the Telework Coordinator, who will review and forward it to the Telework Managing Officer (TMO). The TMO will provide the TRB decision in writing to the employee within 15 calendar days of receipt of the request. The TRB will provide the final agency decision on the matter. All decisions related to telework requests, eligibility, modifications, suspensions, or terminations, are not grievable under the negotiated or administrative grievance procedure.
- g. Flexibility in Telework.** An employee's work schedule outlined in their telework agreement must meet the minimum onsite requirement for full work days each week based on their position as well as the onsite collaboration days required by their organization. Unless an employee is on leave, in an offsite training course or on official travel for an entire work week, the employee should adjust their work schedule to meet the minimum onsite work requirement. Please see below for an explanation of some of the potential flexibilities available to meet employee and agency mission needs.
- 1) An employee approved to telework must be available to work at the agency worksite when a supervisor makes the determination that the employee's presence is required. When possible, the supervisor will provide the employee with advance notice. Supervisors must balance operational needs with employee schedules. Holidays, changes to CWS days off, vacation time, outside training, loss of connectivity, hardware issues, among other issues, may impact the needs of the office and require employee presence at the agency worksite.
  - 2) An employee may occasionally request to change their normally scheduled telework day(s) in a particular week or biweekly pay period. In determining whether to grant such a request, supervisors should consider office presence, other employee work schedules, and the workload of those in the office, among other issues. The requests must be submitted as soon as feasible and approved in

advance by the supervisor. A supervisor has sole discretion to grant or deny the request as long as the employee meets the minimum requirements for work at the agency worksite. Employees may be required to change their regularly scheduled telework day at the direction of their supervisor, due to leave requests, training events and for inclement weather or other emergencies.

- 3) If an employee's agency worksite day falls on a federal holiday or CWS day off, the employee must substitute another day to fulfill their normally scheduled days at the agency worksite or meet the agency worksite minimum days onsite.
- 4) With supervisory approval, a participating telework employee may, on an ad hoc basis, leave the worksite early and complete their workday at their approved alternate worksite for a specified need. In this occasional case, the employee may meet the onsite requirement by working onsite for multiple days per week, splitting a workday between onsite work and telework. An employee must, however, be onsite for at least 4 hours each of those days. Commute time to and from the office is not considered worktime and cannot be counted towards an employee's workday. Employees must make-up the commute time by extending their workday (if not on a fixed compressed work schedule) or take leave for the commute time.
- 5) In the instances where an employee is unable to work onsite due to a minor illness but is able to telework (with supervisory approval), employees should plan to switch their agency worksite day if they have a short-term issue that allows them to report later that week/pay period. Employees may also request leave but if in a work status that pay period, they must adjust their agency worksite days to meet the minimum onsite days that week, or during the pay period if approved by their supervisor.
- 6) When a teleworker is required to work at the agency worksite on a regularly scheduled telework workday (for example, to attend an agency worksite meeting), they should remain/be in the office for the entire workday, except the rare occasion when the employee obtains supervisory approval for a specific need to telework for a partial day. Unless an employee is notified to report to the agency worksite during a workday, commute time to and from the agency worksite is not counted towards the daily work hours. The commute time must be made-up (at the agency worksite or alternative site) or leave taken for the time spent commuting.
- 7) While teleworking, if required to return to the agency worksite on short notice, the teleworker must report to the agency worksite within a reasonable amount of time (normally 2 hours or less). Items to take into consideration include traveling distance and mode of transportation. Teleworkers and supervisors must discuss this scenario in advance to determine whether there is sufficient time for

the employee to report to the official worksite. Commute time to and from the agency worksite in this case is considered work time.

- 8) Ad hoc requests to telework on an as-needed basis must be made as soon as feasible from the employee to the supervisor. In determining whether to grant such a request, supervisors should consider office presence, other employees' work schedules, workload of those in the office, and other relevant operational impact concerns.
- 9) For a temporary (less than 30 calendar days) requested change to the alternative worksite (within the local commuting area, generally within 50 miles of duty station), the employee must request and be granted approval in writing from their supervisor in advance. For changes that exceed 30 days, employees must submit a new telework agreement and other documents relevant to the type of change (e.g., address change, telework days, and work schedule).
- 10) For a temporary (less than 14 calendar days) requested change to the alternate worksite (outside the local commuting area), the employee must request and be granted approval in writing from their supervisor in advance. These requests should be limited in quantity and duration as they limit the employees' onsite availability and the agency's flexibility to call in the employee.
- 11) Employees may request an exception to the position criteria, employee criteria, or other policy exception to the TRB who will approve or disapprove requests. The TRB is the final agency decision on these requests.

#### **h. Emergency Planning/COOP/Weather Emergencies**

- 1) Employees who are teleworkers and are designated "Emergency Relocation Group" members for COOP purposes may be allowed to work from the alternative worksite during an emergency closure in lieu of reporting to the agency worksite. Any such requirement will be included in the employee's telework agreement.
- 2) Generally, employees who are telework participants will be ineligible for weather and safety leave because they are not usually prevented from performing work at the alternative worksite due to a weather or other safety-related emergency. Program participants are required to telework when OPM announces an operating status of "Federal Offices are Closed" or when CPSC announces closure or early dismissal due to a safety-related emergency. Employees are required to complete their normal workday or take approved leave for any period during which work is not performed. Regular, recurring teleworkers may be required to switch a regularly scheduled telework day. To the extent that an employee is unable to telework because of failure to make necessary preparations for reasonably anticipated conditions, CPSC will not provide weather and safety leave, and the

employee would need to use other appropriate paid leave, paid time off, or leave without pay. If, for any reason beyond the control of the employee, he or she cannot telework (such as a power failure or natural disaster), the agency may grant weather and safety leave, consistent with government regulations and Agency Leave policy. This should be a rare, unusual circumstance.

- 3) Employees must be an approved teleworker to participate when an 'unscheduled telework' option is included in the operating status announced by OPM. Additionally, the employee must have sufficient work to perform remotely and obtain approval from their supervisor if they were scheduled to report to the agency worksite. Employees approved to use "unscheduled telework" on their normally scheduled agency worksite day may need to switch a normally scheduled telework day in that week and/or pay period to meet the agency worksite minimum. Employees are not required to telework under this status; they may request leave or work at the agency worksite.
- 4) Once an employee enters a telework agreement, there may be times that the employee will be obligated to work from home beyond the employee's normal telework schedule including under the agency's COOP and other emergency situations.
- 5) When a closure is announced, employees may telework even when a young child or other person requiring the presence of the employee as a caregiver is present in the home. Employees may telework provided that they take appropriate leave for any time spent providing dependent care during work hours. An employee may use annual leave or other available leave but may not use weather and safety leave for these purposes.

**i. Pay, Benefits, and Leave**

- 1) Telework is not meant as a substitute for dependent care. Employees may not telework with the intent of or purpose of meeting dependent care responsibilities while performing official duties. Teleworkers are expected to arrange for dependent care just as they would if they were working at the agency worksite. Employees may not engage in dependent care activities while performing official duties. If a situation arises where a teleworker must attend to a dependent at the alternative worksite during scheduled duty hours, the teleworker shall immediately notify the supervisor and arrange to take leave or adjust their work schedule in accordance with agency policies. Please refer to Section 6.h.(5) regarding dependent care during an emergency.
- 2) Employees who telework and non-teleworkers will be treated similarly for purposes of appraisal, promotion, and all other pay, benefits, and work requirements.
- 3) Agency policies on tour of duty, work schedules, and leave apply to all employees participating in telework. The supervisor approves the



employee's work schedule, including the days and times that the employee will work at the agency worksite and at the alternative worksite. The approval will be consistent with the requirements of the specific organization, provisions of existing Agency policies, regulations, and government-wide policy.

- 4) Proper monitoring and certification of employee work time are critical to the success of the telework program. Employees and supervisors must ensure that the correct Telework Indicator codes (as defined in the time and attendance guide) are used when recording time and attendance. Failure to document telework properly in the time and attendance system may be grounds for terminating telework.
- 5) Employees who telework during their regular tour of duty on a day when CPSC is closed (or when other employees are dismissed early) are NOT entitled to receive overtime pay, credit hours, or compensatory time off for performing work during their regularly scheduled, non-overtime hours. The existing overtime rules and FLSA regulations governing overtime also apply to employees working under a telework arrangement. No work at the alternate worksite is to be performed outside of the established work hours without prior approval from a supervisor.
- 6) Telework employees are covered by the Federal Employees Compensation Act (FECA) for continuation of pay or workers compensation for on-the-job injury or occupational illness while performing official duties at the alternate worksite. An employee must notify his/her supervisor immediately if an injury or accident occurs during work hours at the alternate worksite.
- 7) All pay, leave, and travel entitlements will be based on the employee's official duty station. In certain temporary situations, such as an extended office closure or when an evacuation order has been issued, a teleworker may be precluded from entering an agency worksite. In this case, the agency worksite remains the official duty station during this period because the employee is expected to return as soon as the event is concluded.

**j. Alternative Work Site/Equipment**

- 1) The alternative worksite must be in the local commuting area (normally within 50 miles) and the locality pay defined area of the agency worksite.
- 2) Employees participating in telework must have a designated work space or work station at their approved alternative worksite. Requirements will vary, depending on the nature of the work and the equipment needed to perform the work, based on the needs of the organization and supervisory requirements. At a minimum, all employees must meet the requirements outlined in *Workstation Design and Inspection Guidelines*, have access to the CPSC network

and all necessary CPSC applications, be able to communicate via telephone and e-mail with the supervisor, other employees, and necessary contacts during the telework day, and have high-speed Internet access. The Agency does not reimburse utility costs associated with the alternative worksite.

- 3) Government-owned or government-acquired property, including computers, software, and other telecommunications equipment, may be used by an employee at their alternative worksite provided the property is used exclusively for official business. Employees must comply with all Agency policies related to IT assets.
- 4) Employees and supervisors must identify the appropriate reference sources, general office supplies and other materials necessary to work at the alternative worksite and ensure they have access to those materials.
- 5) For purposes of program compliance, management may inspect the employee's home worksite, as long as the employee is given a minimum of 48 hours' advance notice. Management may conduct the inspection of the employee's worksite during the employee's normal working hours to ensure proper maintenance and operation of government-owned property, and/or to ensure compliance with the *Home Office Safety Checklist*. A bargaining unit employee may request a Union representative to accompany management on a home worksite visit.
- 6) Telework employees must comply with organizational security procedures and ensure that adequate security measures are in place to protect any government-furnished equipment from being damaged, stolen, or accessed by unauthorized individuals.
- 7) Teleworking employees must ensure that records subject to the Privacy Act of 1974 and other sensitive data are not disclosed or exposed to anyone, except those who possess authority to access such information to perform their duties. Access to sensitive materials must be consistent with regulations on Production or Disclosure of Information or Materials (Privacy Act of 1974, 5 U.S.C. § 552a, 16 C.F.R. § 1014, and the Freedom of Information Act, 5 U.S.C. § 552, 16 C.F.R. § 1015).

**k. Training**

- 1) All participating employees and supervisors are required to take an initial Basic Telework course and a Telework Application System course before participating in the program and when renewing their telework agreement every 2 years (participant and supervisory course). Additional courses may be required. New supervisors will be required to complete supervisory telework training within 14 days of appointment. Proof of training should be documented in the CPSC

Talent Management System. Failure to maintain current training may result in the suspension or termination of a telework agreement.

- 2) EXRM will maintain a resource site for employees and supervisors on the Telework Program on the Agency's SharePoint site, including: policy, guidance, FAQs, scenarios, OPM best practices/guidelines, and other information. Informational newsletters and emails will be provided on specific topics, as necessary. How-to guides and technology requirements will be made available for all employees on the Telework Resource SharePoint page for technology tools or in a similar location. The Office of Information and Technology Services (EXIT) will continue to improve availability and provide training for teleworkers on tools available for remote communications, including: conducting virtual meetings, teleconferencing, tools for your phone, and other resources.

**I. Recordkeeping**

- 1) Telework agreements and supporting documents for current employees will be maintained in the Telework Application System. Other telework documentation (position eligibility, denials, exception requests, amendment forms, etc.) will be maintained by EXRM, in accordance with OPM's Guide to Personnel Recordkeeping.
- 2) Records for separated employees will be maintained and destroyed in accordance with OPM's Guide to Personnel Recordkeeping.

**m. Assessment and Reporting**

- 1) The agency's annual reporting to OPM requires a telework program review and assessment. The Telework Coordinator will prepare an assessment evaluating the program and make recommendations to update, address technology issues, or identify other barriers, as required by external reporting. Data from the Federal Employee Viewpoint Survey (FEVS), personnel data system, new employee data, and exit interviews should be used to determine progress in meeting agency goals and to measure program success. This assessment will be submitted to the TMO and the Deputy Executive Director for Operations Support.
- 2) EXRM will prepare, and the TMO will submit, all requests for agency telework reporting, including the Annual Telework Report and any requests from the Chief Human Capital Officers (CHCO) Council.

**7. CANCELLATION.** This Directive cancels and supersedes Directive D713 and Implementing Procedures IP713, *Telework Program* (Sept. 30, 2019).

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Alexander Hoehn-Saric  
Chair

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Date