

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

TELEWORK PLAN

1. PURPOSE

This Telework Plan applies to Chambers Staff, Pro Se and Death Penalty Law Clerks, Court Reporters and Clerk's Office employees of the United States District Court, Middle District of Pennsylvania. This Plan further complies with the policies and recommendations as set forth by the Judicial Conference of the United States Courts, the Administrative Office of the U.S. Courts (AO), [*Guide to Judiciary Policy, Volume 12 \(Human Resources\), Chapter 10 \(Telework\)*](#) and the requirements for teleworking as an employee of the United States District Court, Middle District of Pennsylvania.

Telework is not an employee entitlement. It is an employee privilege. Authorization for all telework arrangements rests upon the employee's direct supervisor and is subject to continuous management approval and monitoring.

Teleworkers must not use work time for any purpose other than official duties and must not adversely affect the work performance of others in the department. Furthermore, participation in the telework program does not change the terms and conditions of employment, the amount of time an employee is expected to work, core work hours or job responsibilities.

2. CATEGORIES OF AUTHORIZED TELEWORK

- a. Ad hoc telework during emergencies only (e.g., COOP events, inclement weather, or similar situations) as required by local policy, or by appointing officer (executive or judge) or delegated manager or supervisor.
- b. Ad hoc telework (including intermittent or temporary full-time telework) based on work requirements and situational circumstances such as medical recuperation periods, as approved by the appointing officer (executive or judge) or delegated manager or supervisor. Supporting documentation may be required.
- c. Regular and recurring telework, at the discretion of the employee's direct supervisor, and based on work requirements and situational circumstances.
- d. Full-time telework when the employee is not required to report to the employing Court at least twice each biweekly pay period on a regular and recurring basis.

NOTE: For full-time telework, the official duty station is the telework site.

3. REQUIREMENTS

- a. Telework is permitted only at management's discretion.
- b. Employee participation in telework is generally voluntary, although the Court may require eligible employees to telework, as needed, during a COOP event (inclement weather or similar situations).
- c. Before beginning to telework (or as soon as possible during or following a COOP event, inclement weather, or other similar situation), an employee must complete a Telework Agreement and the Telework Agreement must be approved as soon as possible.

Note: Although Telework Agreements should normally be executed in advance of an emergency, if an employee is verbally approved to telework during a COOP event, inclement weather, or other similar situation and a Telework Agreement has not been prepared in advance, the Telework Agreement must be completed and approved as soon as possible.

- d. The use of telework does not change the terms and conditions of employment.
- e. Telework will give some employees more flexibility to meet family responsibilities; however, it is not a substitute for dependent care (e.g., child or elder). Employees may not use duty time for purposes other than official duties.
- f. Telework is subject to continuous management approval and monitoring.

4. ELIGIBILITY

To be eligible for telework, a supervisor (e.g., Chief Judge, Judge, Court Unit Executive, Manager/Supervisor) will determine whether an employee has the appropriate personal characteristics for telework, and whether that employee occupies a position that is suitable for telework. **See:** [Guide, Vol 12, § 1020.25.10.](#)

The following criteria shall be utilized in determining positions and employees' suitability for teleworking.

- a. The employee who is best suited for telework include those who:
 - i. occupy a position which has tasks that are portable and can be performed at an alternate work location.
 - ii. possess the ability to be a conscientious self-starter who can work independently and successfully with minimal visual supervision.
 - iii. consistently are organized and focused on priorities and submits a satisfactory work product in a timely manner.

- iv. have a position with mandated interaction with co-workers and/or the public, the supervisor/manager must outline how the employee can meet the requirements for necessary types of office contact required by the job.
 - v. possess a high level of skill and knowledge of the job requirements.
 - vi. are computer literate and have a designated space at the off-site location which meets the requirements of the Telework Plan; and
 - vii. have a position with quantifiable tasks and can be monitored. Quantity and quality of work should be measurable as it would be in the physical Court location.
- b. All requests for participation in the telework program will be reviewed based on the eligibility requirements and approved on an individual basis.
 - c. Employees not suited for telework include those with poor performance, disciplinary and/or attendance issues.

5. TRAVEL AND RELOCATION

- a. Travel is not authorized when an ad hoc or recurring teleworker commutes between his/her home and the official duty station.
- b. For a full-time teleworker, the Telework Agreement should specify that when travel to and from the Court is required, travel reimbursement is authorized at the discretion of the supervisor.
- c. Relocation expenses are not authorized when the official duty station changes as a result of the initiation, modification, or termination of a full-time Telework Agreement.

6. TELEWORK SCHEDULE

Supervisors and employees should coordinate telework days to ensure that the needs of the Court are met, and the office has adequate coverage.

The telework schedule will be agreed upon between the employee and his/her supervisor as noted on the Telework Agreement. Any changes to the employee's work schedule must be agreed to and approved by the employee's supervisor in advance. Employees do not have authority to change their work arrangement without prior approval from their supervisor. If a change to the work arrangement is permanent, an amendment to the telework work schedule must be completed.

7. COMMUNICATION

While teleworking, employees must be accessible to communicate with their supervisor and coworkers during the agreed upon work schedule. Employees are required to have their work phones forwarded to either their cell phones or

house phones and to retrieve and respond to office messages (e.g., telephone calls, e-mails, etc.) during core work hours. Teleworkers are required to check voicemail and e-mail frequently, as these are the main forms of communication teleworkers have with their supervisor and coworkers. Teleworkers must be available by telephone during core work hours for teleconferences as requested by their supervisor and notify their supervisor if they leave their telework location for any reason other than their lunch period. It is imperative that teleworkers maintain close contact with the main office.

8. PERFORMANCE

The supervisor will continue to evaluate employee performance for work completed at the official duty station as well as work completed at the teleworker's alternate work site.

The supervisor will continue to issue regular performance evaluations in compliance with the personnel policies and procedures of this Court.

Teleworkers will perform only official duties and shall not conduct personal business while on work status at the alternate work site. Teleworkers shall adhere to the requirements set forth in the Telework Agreement, Policies and Procedures of the Court, and the Code of Conduct for Judicial Employees as established for all Court employees.

Teleworkers may be asked to periodically conduct a review of the teleworking arrangement with their supervisor to assist in the assessment of the continued suitability of the job functions to teleworking. Such reviews will assist in determining modifications, enhancements, and expansion of the telework program.

9. TIME, ATTENDANCE AND PAY

The teleworking employee and his/her supervisor will agree upon a work schedule including an appropriate lunch break as if the work will be performed at the physical Court location. A change to work hours requires written supervisory approval. An amended telework work schedule form must be completed to reflect permanent changes in scheduled work hours. These reviews should be conducted at least annually during the employee's performance appraisal meeting.

Teleworking employees are required to request their telework hours, whether ad hoc or regular and recurring or full-time, in the HRMIS Leave Tracking Program on a weekly basis. In addition, the employee's timesheet must include all hours teleworked by an employee.

Should a courthouse close for an emergency, the teleworking employee is not excused from work unless the Court closure affects the ability of the employee to work remotely.

Employees who are required to telework during their regular tour of duty when the Court is closed to the public during a COOP event, inclement weather, or other similar situation, are not entitled to receive compensatory time or “in lieu of” time off for performing work during their regularly scheduled hours.

Locality pay and COLAs are based on an employee’s official duty station. For employees who telework full-time, the official duty station is the telework site.

Otherwise, the official duty station is the physical Court location designated as the place at which the supervisor expects the employee to perform most duties.

10. SAFE WORK ENVIRONMENT

Consistent with the Occupational Safety & Health Act, employees participating in telework must have a safe and adequate place to work off-site that is free from undue interruptions, hazards and other dangers to employees and equipment, and provides the necessary level of security and protection for government property and confidentiality of data. A telework request may not be approved if the alternate work site is not conducive to a safe, secure, and productive work environment.

11. GOVERNMENT-OWNED EQUIPMENT AND SUPPLIES

This Plan authorizes the following government-owned equipment to be placed at an approved telework site, at the discretion of the supervisor:

- a) personal computer/laptop, monitor and docking station
- b) cell phone and/or tablet
- c) printer and/or scanner
- d) supplies (e.g., paper, pens, toner/ink)

Government-owned equipment placed at an alternate work site is for official use only. The government retains ownership and control of hardware, software, and data. The repair and maintenance are the responsibility of the Court. Employees can be held personally responsible for loss or damage to government property. For guidelines on responsibility for maintenance and liability for government-owned equipment, **see:** [Guide, Vol 12, § 1020.60](#).

Government-owned equipment placed in employees’ homes or at alternate work sites is subject to the appropriate-use policy. **See:** [Guide, Vol 15, § 525 \(Personal Use of Government-Owned Office Equipment and Resources\)](#).

12. EMPLOYEE-OWNED EQUIPMENT

Under this Telework Plan, employees may be permitted, with management approval during temporary and extraordinary circumstances, to use their own equipment for telework purposes, e.g., personal computer/laptop and monitor, land line telephone or cell phone and service, printer, internet connectivity service (cable) service and electricity.

- a) Employees who are permitted to use employee-owned equipment for telework are responsible for the repair and maintenance of personal equipment.
- b) Employees who use their own personal computers for telework must maintain the necessary level of security. The personal computers must also have locally approved configurations. The configurations should be updated and tested periodically in accordance with local information technology security requirements. **See:** [Guide, Vol 15, § 330.60.60](#).

Note: Security risks increase when multiple users have access to an employee's personal computer that is used for teleworking.

- c) The government will not be liable for damages to employees' personal or real property or for property damage or personal injury to another individual during the course of performance of official duties or while using government equipment in employees' residences. Exceptions include the extent to which the government is held liable under the Federal Tort Claims Act (28 U.S.C. § 2671 et seq.) or the Military Personnel and Civilian Employees Claims Act (31 U.S.C. § 3721).

13. COST

The government will not be responsible for operating costs, home maintenance, or any other costs (e.g., utilities) associated with the use of the employee's residence in teleworking.

14. REMOTE NETWORK ACCESS

The use of VPN technology to access judiciary networks from remote locations effectively extends the judiciary network beyond the wired courthouse and judiciary office locations. VPN technology is used in the judiciary for remote judiciary-network access to telework on judiciary or employee-owned computers to ensure the transmission is protected while connected to the judiciary network.

15. EMERGENCY/COOP SITUATIONS

Although a variety of circumstances may affect individual situations, the principles governing annual, sick, or administrative leave, late arrivals, dismissals, and closings remain unchanged. The ability to conduct work and the nature of the impediments, whether at home or at the office, determines when an employee may be excused from duty.

Employees who telework from home or other work sites are invaluable resources during times of court-wide emergencies; therefore, teleworkers are not necessarily dismissed if the main office must close.

When an emergency affects only the telework site (i.e., power outage, brown out, illness, etc.), the teleworker is expected to notify his/her immediate

supervisor of the nature of the problem and, if known, the expected duration of the problem.

16. WORKERS' COMPENSATION

Judiciary employees may be entitled to Workers' Compensation benefits under the [Federal Employees Compensation Act \(5 U.S.C. § 8101 et seq.\)](#) for personal injuries that occur while performing official business at an alternate work site.

17. ALTERNATE WORK SITE

For expenses and government liabilities at an employee's residence.

See: [Guide, Vol 12, § 1020.80](#).

18. TERMINATION OF AGREEMENT

Telework is not an employee entitlement, rather it is a voluntary work arrangement and available only if the employee is deemed eligible (see eligibility criteria above) and management authorizes it. Management may cancel a telework arrangement at any time. Examples of why management may cancel a telework agreement with an employee may include, though not limited to, the following: the employee no longer meets the eligibility criteria listed above; or the arrangement adversely affects the performance of an employee, co-workers, or in any way interferes with function of the Clerk's Office or the Court.

The Court or the employee may terminate the employee's participation in telework, with or without cause. The supervisor shall attempt to provide as much advance notice to the employee as possible. However, telework may be revoked immediately for misconduct or other related concerns.

Upon termination of the agreement, the employee shall promptly return all Court issued equipment and report to the appropriate physical Court location.

An employee may be eligible for severance pay if: (1) the supervisor terminates the telework arrangement and requires the employee to report to the employing Court or another location outside of the commuting area of the telework location; (2) the employee fails to report as directed; or (3) the failure to report results in the employee's involuntary separation. All other severance pay conditions must be met as outlined in the Guide, Vol. 12, § 685 (Severance Pay).

19. SUPERVISOR RESPONSIBILITIES

Supervisor's responsibilities include the following:

- Knowledge of the provisions of the Telework Plan, the Court's IT policies, including Appropriate Computer Use Policy, Security Awareness Training Policy and Security Awareness Information, Social Networking Policy and Code of Conduct for Judicial Employees.
- Ensure adequate staffing levels for the Court or office.

- Review the teleworking employee's performance on a regular basis to ensure compliance with the Telework Plan.
- Determine eligibility for employee participation in telework based on business needs.
- Confer with the Human Resources Department regarding reports of accident and/or injury of a teleworking employee and ensure the reports are investigated and properly reported immediately following notification.
- Continue normal supervisory activities including feedback and regular performance evaluations in compliance with the Personnel Policies and Procedures of this Court.
- Clearly outline and communicate the expectation of a teleworker's performance prior to commencement of the teleworking arrangement.
- Ensure teleworkers fully understand and have the technical expertise to comply with Court's requirements. Ensure that all teleworkers are familiar with the Court's COOP Plan.
- Ensure that all teleworkers are familiar with the Court's [Remote Access Policy](#). See: [Remote Access Policy](#).

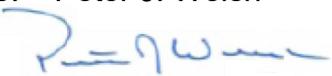
20. Required Documentation

The following documentation is required before employees may begin teleworking.

Document	Description	Signed By
Telework Agreement (Form PER 30)	Set the terms and conditions under which an employee is permitted to telework.	<ul style="list-style-type: none"> • Employee • Supervisor • Appointing Official
Telework Duty Station Change (Form PER 34)	A form submitted by the Court to the AO's HRO when an employee is authorized to telework full-time.	<ul style="list-style-type: none"> • Employee • Appointing Official

21. AUTHORIZATION

This Telework Plan is authorized by Court Unit Executive:

Authorizing Official	
Name: Peter J. Welsh 	Date: 3/1/2022