

United States District Court for the Middle District of Pennsylvania
Telework Plan for Court Employees
07/17/2018

1. Purpose

This Telework Plan establishes the conditions and requirements for employees to perform telework consistent with the requirements of the [Guide to Judiciary Policy, Volume 12 \(Human Resources\), Chapter 10 \(Telework\)](#).

2. Applicability

This plan applies to all chambers and court staff in the U.S. District Court for the Middle District of Pennsylvania.

3. Categories of Telework Authorized by Plan

This Plan authorizes the following categories of telework at the discretion of the supervisor (*check all that apply*):

- [X] Ad hoc telework during emergencies only (e.g., continuity of operations (COOP) events, inclement weather or similar situations) as required by local policy, or by appointing officer (executive or judge) or delegated manager or supervisor.

- [X] 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.

- [X] Regular and recurring telework, generally one day per month.

4. Requirements

- (a) Telework is permitted only at management's discretion and is not an employee entitlement.

- (b) Employee participation in telework is generally voluntary, although a court or organization may require eligible employees to telework as needed during a COOP event, inclement weather, or similar situation.
- (c) Before beginning telework (or as soon as possible during or following a COOP event, inclement weather, or other emergency), a supervisor and employee must sign a Telework Agreement.

Note: Although telework agreements should normally be prepared in advance of an emergency, if an employee is verbally approved to telework during a COOP event, inclement weather, or other emergency, but a Telework Agreement has not been prepared in advance, the Telework Agreement may be signed 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.

5. Eligibility

To be eligible for telework, a supervisor (e.g., chief judge, judge, court unit executive) will determine whether an employee has the appropriate personal characteristics for telework, and whether that employee occupies a position that is suitable for telework.

- (a) Employee characteristics
 - (1) Employees who are best suited for telework include those who:
 - can work independently,
 - have good communication skills,
 - are organized and focused on priorities,
 - are conscientious,
 - meet deadlines,
 - perform at the satisfactory level or above, and
 - effectively coordinate objectives and activities with the supervisor.

- (2) Employees not suited for telework include those with poor disciplinary, attendance, and/or performance records.

(b) Position Characteristics

A supervisor (e.g., chief judge, judge, court unit executive) makes a determination as to whether an occupational category or specific position is suitable for telework and applicable under this Plan. **See:** [Guide, Vol 12, § 1020.25.10.](#)

(c) Work Environment

Employees who telework must have alternate work sites that:

- (1) are safe and adequate places to work,
- (2) are free from undue interruptions, and
- (3) provide the necessary level of security and protection for government property and data confidentiality.

6. Travel

Travel is not authorized when an ad hoc or recurring teleworker commutes between his or her home and the official duty station.

7. Termination of Telework Arrangement

- (a) Termination of a telework arrangement is at the discretion of either the supervisor or the employee.
- (b) Telework will be terminated if a supervisor determines that it interferes with the operations of the organization, or adversely affects the performance or development of an employee who teleworks or of his/her co-workers.
- (d) Appropriate advance notice should be provided when possible for the termination of a telework arrangement (e.g., one week for recurring telework).

8. Government-Owned Equipment and Supplies

- (a) This Plan authorizes the following government-owned equipment to be placed at an approved telework site, at the discretion of the supervisor (*check all that apply*):

personal computer;
 smartphone and/or tablet;
 printer and/or facsimile machine;
 printer ink and/or paper;
 other (specify: _____).

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

9. Employee-Owned Equipment

Under this Plan, employees may be permitted to use their own equipment for telework purposes.

- (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, § 330.60.20](#).
- (c) Note that security risks increase when multiple users have access to an employee's personal computer that is used for telework.

- (d) 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).

10. Costs

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

11. Remote Network Access

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

12. 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.

13. Pay During Telework

Employees who are required to telework during their regular tour of duty when the unit 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" time off for performing work during their regularly scheduled hours.

14. Required Documentation

A Telework Agreement signed by the employee, their supervisor, and the appointing official setting forth the terms and conditions under which an employee is permitted to telework is required.

15. Authorization

This Telework Plan is authorized by Peter J. Welsh, Acting Clerk of Court

Authorizing Official	
Signature: 	Date: 7/17/18