



Telework Plan for the United States District Court Northern District of Mississippi

I. Purpose

This Telework Plan establishes the conditions and requirements for employees to perform telework consistent with the requirements of the *Guide to Judicial Policy*, Volume 12 (Human Resources), Chapter 10 (Telework). The purpose of this plan is to provide guidance to assist supervisors and employees to fully understand the rules governing telework and the rights and responsibilities associated with telework.

II. Definitions

- a. Ad Hoc Telework:** Telework that occurs on an occasional, non-routine basis.
- b. Eligible Employee:** An employee who (1) occupies a position that is suitable for telework, as determined by the employee's supervisor, and (2) has the requisite personal characteristics for working at an alternate work site.
- c. Full-time Telework:** Telework for the majority of the employee's biweekly tour of duty on a regular and recurring basis, when the employee is not required to report to the employing court at least twice per biweekly pay period. This may apply to either a full or part time employee.
- d. Official Duty Station:**
 - i. For Ad Hoc or Temporary Telework:** the location of the employing court.
 - ii. For Full-Time Telework:** The location of the telework site (within the United States and its territories).
- e. Regular and Recurring Telework:** Telework that occurs on a routine, regular, and recurring basis at least one (1) day per biweekly pay period.

- f. **Telework:** A working arrangement that allows an eligible employee to perform official duties and responsibilities away from the employing court (e.g. at home, telework center, or other alternate work site.) Also known as telecommuting.
- g. **Temporary Telework:** Telework for a temporary period (e.g. during a medical recovery period, pandemic health crisis, or weather or other emergency).
- h. **Unscheduled Work:** Ad hoc telework on a day that an employee is not scheduled to telework but either requests or is required to telework (e.g. during a continuity of operations event, inclement weather, or a similar situation).

III. Applicability

This plan applies to all employees of the U.S. District Court of the Northern District of Mississippi. However, eligibility for telework will depend on various factors discussed more fully in Section VI of this Plan.

IV. Categories of Telework Authorized by Plan

This Plan authorizes the following categories of telework. The category for which an employee is authorized will be determined at the discretion of the supervisor.

- a. 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 the appointing officer, manager, or supervisor.
- b. Ad hoc telework (including intermittent or temporary full-time telework) based on work requirements and circumstances such as medical recuperation periods, as approved by the appointing officer, manager, or supervisor. In the case of a medical recuperation period, upon the termination of the telework period, the employee must provide the supervisor with a written release confirming that the employee is capable to return to duty station.
- c. Regular and recurring telework, generally at least one (1) day per pay period.
- d. Full-time telework, which will only be authorized in extenuating circumstances.
NOTE: For full-time telework, the official duty station is the telework site and a Form PER 34 (Telework Duty Station Change) must be submitted to the AO Human Resources Office, along with a Personnel Action Request (RDE Transaction or Form AO 193) to process the change in duty station.

V. Requirements

- a. Telework is not an employee entitlement and is only available at the supervisor's discretion.

- b. Employee participation in telework is generally voluntary. However, the court may require employees to telework as needed during a continuity of operations event, inclement weather, or a similar situation. If the court requires employees to telework during their regular tour of duty, in such a situation, the employee is not entitled to compensatory or “in lieu of” time for telework performed during normal working hours.
- c. Before beginning telework (or as soon as possible during or following a continuity of operations event, inclement weather, or a similar situation) a supervisor and employee must sign a Telework Agreement (Form PER 30).
- d. Teleworking does not change the terms and conditions of employment. Employees must continue to abide by all District policies.
- e. Telework employees must follow the standard policies and procedures for requesting leave and reporting their time and attendance. Supervisors will certify time and attendance for employees who are teleworking.
- f. While teleworking may provide some employees more flexibility to meet family responsibilities, its is not a substitute for dependent care (e.g. child or elder care). Employees may not use duty time for purposes other than official duties. Employees must comply with all policies and procedures regarding annual and sick leave during normal work hours.
- g. Teleworking employees must be available by phone and email during working hours.
- h. Telework is subject to continuous management approval and monitoring.

VI. Eligibility

A supervisor will determine whether an employee has the appropriate personal characteristics for telework and whether the employee’s position is suitable for telework.

a. Position Eligibility

- i. Employees whose position descriptions require face-to-face interaction or perform tasks that cannot be completed remotely may not be suitable for telework (e.g. courtroom duties, assisting members of the public, jury related duties). Determination of suitability for telework remains at the discretion of the supervisor.

- ii. Case Managers and Court Reporters are eligible for ad hoc telework only.
- iii. Employees in all other positions not specifically referenced in subsection (i) or (ii) may be eligible to telework.

b. Employee Eligibility:

- i. An employee's suitability for telework will be based on equitable and reasonable criteria, including, but not limited to, whether the employee:
 - 1. Can work independently;
 - 2. Has good communication skills;
 - 3. Is organized and focused on priorities,
 - 4. Is conscientious,
 - 5. Meets deadlines,
 - 6. Performs at a satisfactory level or above, and
 - 7. Effectively coordinates objectives and activities with the supervisor.
- ii. Employees with poor disciplinary, attendance, or performance records will not be well suited for telework.

VII. Travel and Relocation

- a. Travel is not authorized when an ad hoc or recurring teleworker commutes between their home and their official duty station. However, travel may be authorized for required travel elsewhere in the Northern District depending on the circumstances.
- b. For a full-time teleworker, the telework agreement should specify whether travel reimbursement is authorized when travel to and from the court is required or whether travel is authorized on a limited basis (e.g. a specific number of times per year).
- 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.

VIII. 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:

- i. computer;
 - ii. smartphone and/or tablet; and
 - iii. scanner.
- b. Other government-owned equipment may be authorized to be placed at the approved telework site if necessitated by the circumstances or job description of the teleworking employee. Any additional authorizations must be approved by the Court Unit Executive.
- c. Government-owned equipment placed in an employee's home or at an alternate work site is for official use only. The government retains ownership and control of hardware, software, and data. For guidelines on responsibility for maintenance and liability for government-owned equipment, *see* the Guide, Vol. 12, §1020.60 and Guide, Vol. 16, Ch. 5 (Personal Property).
- d. Maintenance and repairs of government-owned equipment remain the responsibility of the court and the teleworking employee must bring the equipment into the court for maintenance or repairs. IT support will be provided through use of the IT helpdesk and IT staff will not travel to the telework site.
- e. Teleworking employees may not allow anyone else to use government-owned equipment or services.
- f. Government-owned equipment placed in employee's homes or at alternate work site remains subject to the appropriate use policy. *See* Guide, Vol. 15, §525 (Personal Use of Government-Owned Office Equipment).

IX. Employee-Owned Equipment

Under this plan, employees may use their own equipment for telework purposes in certain circumstances.

- a. It is preferred that teleworking employees utilize government-owned computers and electronic devices that are connected to the DCN for security purposes. If a personal device is used, the teleworking employee must maintain the necessary level of security and have locally approved configurations. The configurations must be updated and tested periodically in accordance with local IT security requirements. *See* Guide, Vol. 15, §330.60.20.

- b. If an employee uses a personal computer for telework, they must ensure the security of that device. Employees should be aware of the security risks associated with allowing other users access to such a device.
- c. Any employee-owned equipment that is used for telework remains the responsibility of the teleworking employee. The employee will be responsible for the repair and maintenance of any such equipment.

X. IT Security

- a. Employees are expected to maintain the Northern District's security standards while teleworking.
- b. For guidelines on remote network access, *see* the Guide, Vol. 12, §1020.75, Vol. 15, §330 (Data Communications Network (DCN) Security), Vol 15, §525 (Personal Use of Government Office Equipment), and Vol. 15, §530 (Use of Government-Owned Personal Computers in a Private Residence).

XI. Safety and Liability

- a. An alternate work site must meet appropriate requirements for safe and adequate work space, be free of undue operations, and provide the necessary level of security and protection for government property and data. The employee certifies that these conditions will be met as indicated in the signed Telework Agreement.
- b. The Court will not be liable for damages to an employee's 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 Court equipment at an employee's telework location, except to the extent 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).
- c. The Court is not responsible for operating costs, home maintenance, or any other costs (e.g. utilities) that are associated with the use of an employee's residence while teleworking. For further explanation of expenses and government liabilities at an employee's residence, *see* the Guide, Vol. 12, §1020.80

XII. Workers' Compensation

- a. 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.

XIII. Termination of Telework Arrangement

- a. The 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 Clerk's Office, or adversely affects the performance or development of a teleworking employee or their co-workers.
- c. Each full-time telework agreement will include a statement that, if a full-time telework arrangement is terminated, the employee may be required to report back to the employing court or office. The agreement will specify whether the employee will be eligible for severance pay if the employee fails to report to the employing court and is therefore involuntarily separated. *See, The Guide, Vol. 12, §1020.30(a)(3).*
- d. Appropriate advance notice should be provided when possible for the termination of a telework arrangement (e.g. one week for recurring telework, or a minimum of 30 days for a long-distance full-time telework arrangement.)

XIV. Required Documentation

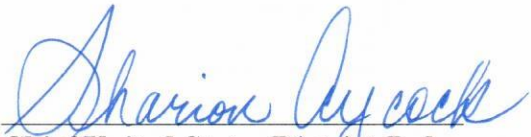
The following table describes the documentation that is required before employees may begin telework.

Required Documentation		
Document	Description	Signed by
Telework Agreement (Form PER 30)	Sets the terms and conditions under which an employee is permitted to telework.	Employee Supervisor Appointing Official
Telework Duty Station Change (Form PER 34)	A form submitted by the court to the AO's Human Resources Office when an employee is authorized to telework full-time.	Employee Appointing Official

XV. Authorization

This Telework Plan is authorized by:

This the 1st day of May, 2019.


Chief United States District Judge

TELEWORK AGREEMENT

The following constitutes an agreement on the terms and conditions of telework between:

Employee's Name: _____

Supervisor's Name: _____

Court, Chambers, or Court Unit: Clerk's Office, Northern District of Mississippi

1. The employee has read and agrees to adhere to the Guide to Judiciary Policy, Volume 12, Chapter 10, Telework, and any additional requirements imposed by the court's local Telework Plan. The supervisor concurs with the employee's participation in telework as outlined by the terms of this agreement.
2. The employee is authorized to telework on the following basis:
 - a. Ad hoc 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 (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.
3. Attendance and Leave
Employee's time and attendance will be documented as either regular hours or telework hours, i.e., telework hours must be documented on the employee's time sheet, whether ad hoc; regular and recurring; or full-time (Guide, Vol 12, § 930.20.30).
4. Telework During COOP Events or Weather Emergencies
 - a. When the court is closed to the public due to a COOP event, or other similar circumstances (e.g., flood, fire, or loss of electricity or other services), the employee is required to telework when possible, or may contact the supervisor to request leave or excused absence (if circumstances warrant at the discretion of the appointing official).
 - b. During a weather or other emergency when the court is open with an option for unscheduled leave, the employee may either report to the court, telework (even if it is not the employee's normal telework day), or request annual leave, or sick leave if applicable.
5. Equipment, Supplies and/or Services Provided by the Court
The following government-owned equipment, supplies, and/or services are provided by the court for the employee's use while teleworking:
 - Surface Pro

Note: For the use of government-owned equipment, see: Guide, Vol 12, § 1020.60. The government will not be responsible for operating costs, which includes shipping of

equipment, supplies, work related documents, home maintenance, or any other costs (e.g., utilities) that are associated with the use of the employee's residence as the telework site.

6. Information Technology (IT) Security

The court IT manager has an inventory of any government-owned IT equipment provided for an employee's use at the telework site. Policies and procedures covering the care and maintenance of government-issued equipment, the security of equipment, and the protection of judiciary records and data from unauthorized disclosure or damage have been discussed, and are clearly understood. The employee certifies that the requirements are met, including the following:

- a. Employee will protect government records and data from unauthorized disclosure or damage.
- b. The government maintains ownership of its records, data, and any hardware or software the government provides for use by employee.
- c. Employee agrees to immediately report any unauthorized access to government records or data.
- d. The employee has completed the court's initial and periodic IT security training and understands his or her responsibilities regarding protecting access to the networks and systems as well as keeping sensitive information secure.
- e. Up-to-date antivirus software has been installed on the computer at the telework site (including procedures for when and how to update virus signatures) by the IT staff, or by the employee if an employee-owned computer is used for telework.
- f. The government will not be liable for damages to employee's personal or real property during telework. (For liability exceptions, see Guide, Vol 12, § 1020.80.20(b)).

7. Safety

Requirements for a safe and adequate telework space include those listed below and the employee certifies that those requirements are met.

- Adequate temperature, ventilation, and lighting;
- Aisles free of obstructions;
- Space free of noise hazards;
- Handrails for stairs;
- Labeled circuit breakers and/or fuses;
- Grounded electrical equipment free of recognized hazards (e.g., frayed, loose or exposed wires);
- Surge protector installed at the telework site;
- Telephone lines, electrical cords, and extension wires secured under a desk or alongside a baseboard;
- Office space free of excessive amounts of combustibles;
- Carpets secured to the floor and free of worn or frayed seams;
- Satisfactory placement of the monitor and keyboard;
- Enough leg room at the desk;
- Chair adjustable with adequate support.

8. Accident or Injury

Any job-related accident or injury occurring to the employee at the telework site must be brought to the immediate attention of the supervisor. Because a job-related accident sustained by an employee while teleworking will occur outside the premises of the court, the supervisor must investigate any report immediately following notification. Employee may be covered under the Federal Employees Compensation Act if injured in the course of performing official duties at the telework site. (Guide, Vol 12, § 1020.55)

9. Either management or the employee may terminate participation in telework at any time.

Employee's Signature

Date

Supervisor's Signature

Date

Appointing Official's Signature

Date