

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND



CLERK'S OFFICE TELEWORK PLAN

EFFECTIVE MAY 16, 2016

I. 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 \(Telework\)](#).

Telework is a voluntary agreement for employees to work off-site during regular business hours, either on a regular basis or for a specific occasion. Telework may also be required of all employees to ensure the continuity of court operations in the event of natural catastrophe, inclement or unsafe weather conditions, or other situation that closes one or more of the court's locations.

II. Applicability

This plan applies to all employees of the Clerk's Office of the United States District Court for the District of Maryland.

III. Categories of Telework Authorized by Plan

This Plan authorizes the following categories of telework at the discretion of the supervisor, manager, and Clerk of Court:

- Regular Telework – Teleworking on a regular and recurring basis, not to exceed one day per week.
- Occasional Telework – Teleworking on an occasional basis (including intermittent or temporary full-time telework) based on work requirements (including special projects) or employee circumstances such as appointments or medical recuperation periods, as approved by the Clerk of Court or delegated manager or supervisor.
- Situational Telework – Teleworking during declared emergencies (e.g., continuity of operations events, inclement weather or similar situations) as required by the Clerk of Court or designee. This option is only available for employees designated as first responders and those with continuity of operations responsibilities.

Regular, full-time telework is not permitted under this Plan.

IV. 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 the Clerk of Court, or designee may require some employees, such as designated first responders and those with continuity of operations responsibilities, to telework as needed during a continuity of operations event, inclement weather, or similar situations.

- c) Employees scheduled to telework may be required to come into the office based on coverage needs. Employees will be given as much notice as feasible given the circumstances. Employees will be given a reasonable amount of time to report to work without requiring the use of leave.
- d) Employees scheduled to telework may be permitted to change their scheduled telework day to a different day within the same week, subject to supervisor approval and the needs of the Court.
- e) Before beginning telework, a supervisor and employee must sign a Telework Agreement, which is located at Appendix 1. All staff designated as first responders or with assigned continuity of operations responsibilities must have a signed Telework Agreement.
- f) The use of telework does not change the terms and conditions of employment. Specifically, employees are subject to, and must continue to comply with, the Work Schedule and Leave Policy, including clocking in and out at the beginning and end of the telework day. Employees may meet the requirements for a full work day with a combination of leave and teleworking hours. During telework hours, employees will remain available through instant messaging and will forward their office telephone line either to a landline at their telework location or to a mobile phone.
- g) Employees may not use duty time for purposes other than official duties. Minimal personal activity is permitted on breaks and to the extent otherwise permitted as if the employee were in the office.
- h) Telework is subject to continuous management approval and monitoring.
- i) In the event of a court closure, employees are not required to telework unless situational telework is required by the Clerk of Court or designee.
- j) At a supervisor's discretion, telework may be suspended during any pay period with two or more holidays.

V. Eligibility

To be eligible for telework, the Clerk of Court, in consultation with the employee's supervisor and manager, will determine whether an employee and the employee's position are appropriate for telework.

A. Employee Characteristics

Employees who may be eligible for telework include those who can work independently, have good communication skills, are organized and focused on priorities, are conscientious with completing work assignments, meet deadlines, perform at the "Successfully Meets Expectations" level or above (as determined by the most recent annual performance appraisal), and effectively coordinate objectives and activities with the supervisor.

Employees are not eligible for telework include those with poor disciplinary, attendance, or performance records, or on probationary status. However, employees in

this category who are designated first responders or with assigned continuity of operations responsibilities may be called upon to participate, as needed, in situational telework.

B. Positions

The Clerk of Court, in consultation with the manager and supervisor for each section, makes a determination as to whether an occupational category or specific position is adaptable for telework and applicable under this Plan.

C. Identified Work Functions

Employees applying to telework, either on an occasional or regular basis, must specify what work will be performed during the telework, including the estimated time needed to complete these functions. Employees approved only for occasional telework must submit to, and receive advance approval from, their supervisor an explanation of what work or functions will be performed during any occasional telework. Employees must coordinate with their supervisor what work will be performed before each instance of occasional telework.

VI. Travel

Travel is not authorized for any commute between a teleworking employee's home and official duty station.

VII. Termination of Telework Arrangement

- a) Termination of a telework arrangement is at the discretion of either the Clerk of Court, manager, supervisor, or the employee.
- b) Telework will be terminated if the Clerk of Court, manager, or supervisor determines that it interferes with the operations of the court, or adversely affects the performance or development of an employee who teleworks or of his/her co-workers.
- c) When possible, employees will be provided with notice of at least one pay period before termination of a telework arrangement.

VIII. Government-Owned Equipment and Supplies

- a) The following government-owned equipment may be placed at an approved telework site, at the discretion of the Clerk of Court and only when needed for continuity of operations or medical recuperation: personal computer; smartphone and/or tablet; printer and/or facsimile machine; and printer ink and/or paper.
- 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. 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 \(Personal Use of Government-Owned Office Equipment\)](#).

IX. Employee-Owned Equipment

Under this Plan, employees are 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) Employees should be aware that security risks increase when multiple users have access to an employee's personal computer that is used for telework.

X. Communications

Employees participating in telework may be provided with telephone cards and/or reimbursed for business-related long distance telephone calls on a case-by-case basis, as specified in the Telework Agreement. See [Guide, Vol 12, § 1020.80.10](#).

XI. Remote Network Access

For guidelines on remote network access, see [Guide, Vol 12, § 1020.75](#).

XII. 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.

XIII. Alternate Work Site at Employee's Residence

For expenses and government liabilities at an employee's residence, see [Guide, Vol 12, § 1020.80](#).

XIV. Required Documentation

Except when authorized following a continuity of operations event, inclement weather, or other emergency by the Clerk of Court or a Chief Deputy Clerk, a supervisor and employee must sign a Telework Agreement before the employee may begin to telework.

Clerk's Office Telework Agreement

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

Employee's name: _____

Supervisor's name: _____

1. The employee has read and agrees to adhere to the [Guide to Judiciary Policy \(Guide\), Volume 12, Chapter 10, Telework](#), and any additional requirements imposed by the Clerk's Office 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:
 - ☐ Regular Telework – Teleworking on a regular and recurring basis, no more than one day per week on the following day (unless an occasional change in the telework day is approved in advance by the supervisor):

 - ☐ Occasional Telework – Teleworking on an occasional basis (including intermittent or temporary full-time telework) based on work requirements (including special projects) or employee circumstances such as appointments or medical recuperation periods, as approved by the Clerk of Court or delegated manager or supervisor.
 - ☐ Situational Telework – Teleworking during declared emergencies (e.g., continuity of operations events, inclement weather, or similar situations) as required by the Clerk of Court or designee. This option is only available for employees designated as first responders and those with continuity of operations responsibilities.
3. The employee agrees to limit telework to the approved telework location. The telework location is (indicate either home or telework center, and full street address with city, county, state, and zip code):

4. Attendance and Leave

The 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 regular, occasional, or situational. The employee agrees to comply with the Work Schedule and Leave Policy while teleworking, including clocking in and out at the beginning and end of the telework day. During telework hours, employees agree to remain available through instant messaging and to forward their office telephone line either to a landline at their telework location or to a mobile phone. Information about telephone forwarding is available on WikiClerk.

5. Telework During Continuity of Operations Events or Weather Emergencies

- ☐ This employee is a designated first responders or has continuity of operations responsibilities. When the court is closed to the public due to a continuity of operations event, inclement weather, or other similar circumstances (e.g., flood, fire, or loss of electricity or other services), the employee is required to telework when possible and then only as required by the Clerk of Court or designee).
- ☐ This employee is not a designated first responders and does not have continuity of operations responsibilities.

6. Travel and Relocation

Travel and relocation reimbursements are not authorized for commuting between a teleworking employee's home and official duty station.

7. Equipment, Supplies and/or Services Provided by the Court

The following government-owned equipment, supplies, and/or services may be provided by the court for the employee's use while teleworking:

- ☐ personal computer/laptop
- ☐ mobile phone or device
- ☐ printer
- ☐ mobile hotspot device
- ☐ supplies (e.g., paper, pens, toner/ink)
- ☐ other: _____

Note: For the use of government-owned equipment, see [Guide, Vol 12, § 1020.60](#). The government is not responsible for operating costs, home maintenance, or any other costs (e.g., utilities) that are associated with the use of the employee's residence as the telework site.

8. Equipment, Supplies and/or Services Provided by the Employee

The following employee-owned equipment and/or services are used by the employee while teleworking:

- ☐ personal computer/laptop
- ☐ land line telephone or cell phone equipment and service
- ☐ printer
- ☐ secured internet service
- ☐ electricity
- ☐ other: _____

Note: For use of employee-owned equipment, see [Guide, Vol 12, § 1020.65](#).

9. Information Technology (IT) Security

The court IT department has an inventory of any government-owned IT equipment provided for the 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:

- ☐ The employee will protect government records and data from unauthorized disclosure or damage. The employee agrees to maintain a VPN connection to the judiciary's network while teleworking.
- ☐ The government maintains ownership of its records, data, and any hardware or software the government provides for use by employee.
- ☐ The employee agrees to report immediately any unauthorized access to government records or data.
- ☐ 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 and sealed information secure.
- ☐ 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.
- ☐ The government will not be liable for damages to the employee's personal or real property during telework. (For liability exceptions, see [Guide, Vol 12, § 1020.80.20\(b\)](#).)

10. Safety

Requirements for a safe and adequate telework space and area have been considered and the employee certifies that the following requirements are met: (1) adequate temperature, ventilation, and lighting; (2) aisles free of obstructions; (3) space free of noise hazards; (4) handrails for stairs; (5) labeled circuit breakers and/or fuses; (6) grounded electrical equipment free of recognized hazards (e.g., frayed, loose, or exposed wires); (7) surge protector installed at the telework site; (8) telephone lines, electrical cords, and extension wires secured under a desk or alongside a baseboard; (9) office space free of excessive amounts of combustibles; (10) carpets secured to the floor and free of worn or frayed seams; (11) satisfactory placement of the monitor and keyboard; (12) enough leg room at the desk; and (13) chair adjustable with adequate support.

In appropriate circumstances, the employee agrees to permit inspections of telework site during official work hours to ensure proper maintenance of the government-owned property and work site conformance with safety standards.

11. 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. The 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](#))

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

Employee's Signature

Date

Supervisor's Signature

Date

Manager's Signature

Date

Chief Deputy Clerk's Signature

Date

Clerk of Court's Signature

Date

Note: Employees seeking to telework on a regular basis must attach an explanation of what work or functions will be performed during the telework, including the estimated time needed to complete these functions. Employees approved only for occasional telework must submit to, and receive advance approval from, their supervisor an explanation of what work or functions will be performed during any occasional telework, including the estimated time needed to complete these functions; this approval must be obtained before each instance of occasional telework.