

New Article 7

Old Article 54

Telework Flexiplae

54.1 General

This article pertains to the implementation of a FlexiplaeTelework Program whereby participants are allowed to work at home or at other approved off-site locations. For the purposes of this article the terms “flexiplaeetelework” and “telecommuting” can be used interchangeably, and can include “work-at-home.”

Participation in the FlexiplaeTelework Program is voluntary and can be terminated at any time by the participant or the participant’s supervisor.

The FlexiplaeTelework Program can, among other things, provide the opportunity to enhance work place efficiency, increase employee morale, and reduce traffic congestion. However, the program cannot be used as a substitute for dependent or child care.

54.2 Management Discretion

Management has the discretion in deciding whether a particular position or class of positions is appropriate for the FlexiplaeTelework Program based on the content of the work, consistent with the criteria set forth in this Article. This responsibility includes examining both the content of the work and/or

Management will also consider the performance of the participant in determining eligibility for initial and continued participation in the program. Management reserves the right to alter the participant’s established flexiplaeetelework work schedules to accommodate work demands or for any other official purpose. (Changes to work schedules are covered by Article 31, Hours of Work, and will be made in accordance with the provisions of that article.)

54.3 Telework Work Schedules

FlexiplaeTelework work schedules can be established on a fixed (long-term) ~~(fixed)~~ basis or on a project (short-term) ~~(project)~~ basis.

~~Participants approved for the fixed schedule are limited to full time employees on a regular work schedule, i.e. five (5) days a week, eight (8) hours a day; or a 5-4/9 compressed work schedule (CWS) or part time employees who are regularly scheduled to work at least 3 days per week.~~

Employees on any work schedule, including part-time employees, may be approved for telework.

For a Flexiplacetelework fixed schedule, participants may work at home or other approved off-site location for no more than 1 day each week (Office Directors and Regional Administrators, at their discretion, may permit up to three days per week). If an Office Director or Regional Administrator wishes to increase the number of fixed days beyond three per week, he/she must obtain the approval of the Director, Office of Human Resources. A fixed schedule may be established that designates the day(s) each week in which work will be performed at the participant's home or off-site location. Although an employee may request a particular day to work at home or off-site, ~~that day will be determined by~~ the supervisor has final approval.

However, subject to the needs of the organization and at the discretion of the supervisor, the fixed-term participant may be required to change or forego their established work telework schedule if there is an organizational necessity to do so. When the organizational need is met, ~~normally~~ the participant will return to their previous fixed schedule.

An employee may also be approved by their supervisor to work a flexiplacetelework schedule on a project basis. The duration of an approved project-based flexiplacetelework schedule normally can be measured in terms of days or hours. Any project-based schedule that exceeds three consecutive full workdays shall be approved by the employee's second-level supervisor. ~~should be brought to the attention of the Office or Regional Flexiplacetelework Coordinator. The participant's supervisor should notify the Office or Regional coordinator when such need arises or occurs.~~

The number of days or hours needed for a project-based flexiplacetelework arrangement is dependent on the nature of the work or project and the needs of the organization. It is the supervisor who will make this determination.

~~Participants working the project-based schedule may be on any authorized work schedule.~~

54.4 Position Eligibility

54.4.1 ~~Positions eligible~~ An employee's request for the fixed schedule Flexiplacetelework to participate in the telework Program will be approved if: ~~are limited to those:~~

54.4.1.1 ~~he/she with~~ has sufficient duties that are portable and that can be effectively performed outside of the traditional office setting. ~~for a minimum of one day per week (It is recognized that while an employee's position may not have sufficient portable duties to provide eligibility to telework regularly on a fixed schedule, the employee may still have portable duties associated with a particular assignment that would be eligible for project-based telework.)~~

An employee who routinely or regularly deals with classified or sensitive documents or information must be able to remove them from an NRC facility or have sufficient other work to justify the requested telework schedule; and

~~54.4.1.2 that can be effectively performed outside of the traditional office setting; and~~
~~54.4.1.3 that are quantifiable or measurable (e.g. project oriented deliverables); and~~
~~54.4.1.24 where an the employee's absence from the work site does not unduly interfere with the efficient operation of the organization, (e.g., office coverage); and~~
~~54.4.1.3 the employee has, and maintains, a performance rating of at least fully successful in all critical elements. The employee must also, regardless of performance rating, demonstrate and maintain acceptable work habits, conduct, and adherence to agency policies. to justify participation. Failure in any of these areas must be documented by at least a counseling memo to justify denial.~~

~~54.4.2 Positions generally excluded from the fixed schedule Flexiplace Program would include those:~~

~~54.4.2.1 that routinely or regularly deal with classified or sensitive documents or information; or~~

~~54.4.2.2 that are site specific; or~~

~~54.4.2.3 that require frequent or regular access to equipment or material that cannot be moved from the office setting; or~~

~~54.4.2.4 that require frequent or regular face to face interaction with others.~~

~~The criteria for position eligibility provided in this section may apply to positions in the short term project based program, as appropriate.~~

~~54.5 Participant Eligibility~~

~~Participants in both the fixed schedule and project based Flexiplace Programs must be on a permanent appointment and have, at the time of entry, as well as maintain while participating in the program, a performance rating of at least fully successful in all critical elements. Employees in a "pass/fail" performance appraisal system, must have, at the time of entry, and maintain while participating in the program, a performance rating of "meets performance expectations" in all critical elements. An employee in any other performance appraisal system will be permitted to participate at the discretion of management, so long as the employee has, at the time of entry, and maintains thereafter, a level of acceptable performance while participating in the program. Such participants must also, regardless of performance rating, demonstrate and maintain acceptable work habits, conduct, and adherence to agency policies to justify participation.~~

~~Consistent with applicable law, the agency will determine the number of Office/Regional level participants in the fixed schedule program at any given time. There are no limitations on the number of participants or percentage from Offices or Regions in the project based program.~~

~~54.6 Request to Participate in the Flexiplace Telework Program~~

~~54.6.1 Eligible Employees requesting to work whose position(s) are determined to be eligible for the fixed schedule Flexiplace telework Program, and who desire to work~~

~~under the fixed schedule Program, must complete a Request for Flexiplace Telework Workplace Form, agree to abide by the terms of a work-at-home agreement. Participants must also complete an off-site safety check list provided by the office or regional telework coordinator. In the Request for Flexible Workplace Form, the long-term fixed schedule applicant must:~~

- ~~54.6.1 state the reason(s) for wanting to participate in Telework;~~
 - ~~54.6.2 pursuant to Section 54.3 of this Article, agree to work the required number of days per week at the regular office;~~
 - ~~54.6.3 recommend specific tasks to be performed at the alternative work site;~~
 - ~~54.6.4 explain the benefits to the organization (optional);~~
 - ~~54.6.5 agree to scheduled home inspections of the home work site by authorized agency personnel;~~
 - ~~54.6.6 agree, if requested, to revise the home work site to accommodate mission/organizational requirements;~~
 - ~~54.6.7 agree to attend training sessions relating to Telework;~~
 - ~~54.6.8 agree to complete program evaluation material (as requested); and~~
 - ~~54.6.9 agree (as required) to communicate with the supervisor each day while at the alternative work site, and to be readily available and within reach during the workday; and~~
 - ~~54.6.10 agree that duty time will not be used to provide dependent or child care.~~
- ~~;~~

~~have their supervisor's recommendation; have the approval of their office director or regional administrator (or designee); and~~

~~54.6.2 Employees requesting approval for desiring to work under the project-based Flexiplace telework Program must discuss their request with their immediate supervisor and have their immediate supervisor's approval setting forth the expected duration of the work project to be performed off-site. Supervisors shall document project-based telework assignments.~~

~~54.6.3 Employees approved for either fixed-schedule or project-based telework agree to abide by the terms of a work-at-home agreement and complete an off-site safety check list.~~

54.7 Supervisory Response to a Request to Participate

~~54.7.1 The Supervisor will review the employee's request applicant's Request for Flexible Workplace Form and will discuss it with the employee the request with the applicant. The supervisor will promptly approve the request if consistent with the criteria set forth in 54.4. or 54.5.:~~

~~54.7.1 identify the tasks that can be performed at the alternative work site and verify that such work satisfies the position criteria referenced in 54.4;~~

~~54.7.2 determine that the employee satisfies the participant criteria referenced in 54.5;~~

~~54.7.3 be responsible for the preparation of the final work agreement;~~
~~54.7.4 agree to attend training sessions regarding the implementation of Flexiplace;~~
~~54.7.5 agree to complete program evaluation material (as requested);~~
~~54.7.6 understand that he/she will be responsible, in coordination with the Office/Regional and Agency Coordinators, for program implementation; and~~
~~54.7.7 forward a recommendation to participate or not to the Office Director/Regional Administrator or designee.~~

~~54.8 — Office Director/ Regional Administrator Responsibility~~

~~The Office Director/ Regional Administrator (or designee) will: appoint an Office/Regional Flexiplace Coordinator; advise staff of the Flexible Workplace Program; review Flexiplace requests from the fixed-term schedule applicants and review the supervisor(s) comments and recommendations; approve program participants; notify the Director, Office of Human Resources of participants in the program; and ensure that overall Office/Region participation is consistent with established procedures.~~

~~54.9 — Denial of a Request to Participate in the Flexiplace Program~~

~~54.7.2 There is no review of a decision to deny participation in the project-based Flexiplace Program. The decision is neither grievable nor arbitrable. If a request to participate in the fixed-schedule Flexiplace Telework Program is denied, the supervisor will specify the reason(s) in writing, specifically identifying which of the criteria set forth in 54.4 or 54.5 the employee has failed to meet (i.e., position eligibility/portability of work, office coverage, performance or conduct). As provided in Article 31.6, adequate office coverage shall normally be considered to exist during the official hours of the NRC when for each organizational segment of that office there is at least one clerical employee available to provide necessary clerical support and when there is at least one non-clerical employee available in each segment to carry out that segment's responsibilities and to knowledgeably respond to all inquiries regarding the segment's primary function and ongoing projects.~~

~~54.7.2.1 An employee may request, through the Agency Flexiplace Telework Coordinator, a review of the denial. In such a case, the Agency Flexiplace Telework Coordinator will discuss the situation with appropriate parties and provide a recommendation to the appropriate manager, who will make a final decision. If the denial is based on position eligibility, the manager's decision is neither grievable nor arbitrable. If the denial is based on participant eligibility, the manager's decision is grievable starting at the Step B of the negotiated grievance procedure, but is not arbitrable.~~

~~54.7.2.2 The Union will receive a copy of each denial of an employee's request for telework. The union may request a review of a decision to exclude a class of positions from the list of positions eligible for the eligibility for the fixed schedule Flexiplace Telework Program by the Director, Office of Human Resources. The Director,~~

Office of Human Resources will review the matter and make a recommendation to the appropriate manager.

54.810 Termination of the ~~Flexiplac~~Telework Arrangement

Participation in both the fixed and project-based flexible schedules is not an employee right and may be terminated by the participant or their supervisor at any time based on the criteria established in 54.4 and 54.5.

Typical reasons for termination may include, but are not limited to, the following: the participant fails to meet deadlines or quality of work expectations; appropriate work is no longer available or a specific project has been completed; office coverage requirements are not being met; difficulty in effectively communicating with co-workers, supervisors, or other contacts; misuse of government equipment; and misconduct or wrongdoing by the participant.

If a ~~Flexiplac~~Telework arrangement is terminated by a supervisor, the participant may request that the Agency ~~Flexiplac~~Telework Coordinator review the termination. In such cases the Agency ~~Flexiplac~~Telework Coordinator will discuss the situation with the appropriate parties and provide a recommendation to the appropriate manager who will make a final decision. ~~If the termination is based on position eligibility, the manager's decision is neither grievable nor arbitrable. If the termination is based on participant eligibility, the manager's decision is grievable starting at the Step B of the negotiated grievance procedure, but is not arbitrable.~~

54.9 Reports

NTEU will be promptly provided with copies of any ~~statistical~~ reports or data regarding telework participation provided to NRC senior management or to any other government entity (e.g., OPM, OMB, GSA or Congress). However, internal NRC reports that are management advice and guidance are not covered by this section.

~~54.11—Program Coordination and Oversight~~

~~The NRC will appoint an Agency Flexiplac Coordinator, and each participating Office/Region will designate an Office or Regional Flexiplac Program Coordinator.~~

~~The Agency and Office/ Regional Coordinators will: advise managers, participants, and other interested parties on matters pertaining to program implementation. The Agency Flexiplac Coordinator will monitor the overall progress of the Flexiplac Program; report on trends or changes in the agency program and/or telecommuting issues in general; develop and update training for the Program; and conduct periodic assessments of the program's effectiveness.~~

~~The Agency Flexiplace Coordinator will provide program coordination with Offices and Regions, the CIO, the Agency Safety and Health Manager, the Division of Security, and the Office of the General Counsel.~~

~~The Office of Human Resources will develop forms and procedures to implement, monitor, evaluate, and otherwise administer the program through the Flexiplace Coordinator(s).~~

~~54.12—Resources and Costs~~

~~The Agency will determine what resources (money, equipment, services, etc.), will be available to support the Flexiplace Program.~~