



ARTICLE 37: TELEWORK

ATO COLLECTIVE BARGAINING AGREEMENT

TOPICS OVERVIEW



- History of Telework

- Timeline
- The Government & Telework



- Article 37 of Collective Bargaining Agreement

- Section 1 and 2
 - Benefits of Teleworking
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 - Telework Agreement
 - Criteria for Approval and Denial
- Sections 6-10



- Human Resource Policy Manual (HRPM) 12.3

HISTORY OF TELEWORK

1970

Technology was developed that linked satellite offices

1979

Five IBM employees were allowed to work from home

1973

The terms telecommuting and telework were coined by Jack Niles.



THE GOVERNMENT & TELEWORK



- The US Government publishes a guide to telework for employees of the Federal government.
- US federal law, most notably the Telework Enhancement Act of 2010, requires each Executive agency to establish a telecommuting policy allowing eligible employees to participate in telecommuting to the maximum extent possible, so long as the employee's performance is not diminished.
- Telework is not an employee right. Federal law mandates that agencies must establish telework programs, but it does not give individual employees a legal right to telework.
- According to OPM, in fiscal 2020, 50% of all federal workers were eligible to work remotely and agencies saved more than \$180 million because of telework in fiscal 2020.



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Section 1. Policies and procedures regarding telework that are not covered in this Article shall be in accordance with HRPW WLB-12.3, FAA Telework Program, and other applicable directives.

The Parties agree that bargaining unit employees may request to telework under the Agency's Telework Program.

Section 2. It is FAA policy to actively encourage the use of teleworking to the maximum extent possible. Because teleworking is a tool used in the accomplishment of work, it must not have an adverse impact on any Agency office or the mission of the FAA. Teleworking is designed to benefit employees, managers, and the community. Some of the benefits that may result from teleworking include:

BENEFITS OF TELEWORKING

- a. reduced commuting time and decreases in traffic congestion, air pollution, energy consumption, and costs associated with transportation, parking and road maintenance;
- b. improved employee morale due to a decrease in commuting related stress and greater flexibility in balancing work and family demands;
- c. increased productivity fostered by a quieter work environment removed from the distractions and interruptions of the normal work setting;
- d. possible accommodation of employees with ongoing health problems, disabilities or other situations that make commuting to the normal work setting difficult or impossible;
- e. possible continued work production when commuting is hindered or when the primary worksite is closed due to adverse weather conditions, emergencies, natural disasters or building related problems.





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Telework Location Options

Section 3. FAA employees may participate in one or a combination of the following telework option based upon their manager's approval:

- a. At home;
- b. Telecenter;
- c. Another FAA facility or office;
- d. A "virtual office or mobile virtual office."

TELEWORK AGREEMENT

Each employee who wishes to telework, including employees who telework on an ad hoc basis and for temporary reasons, must complete and sign the FAA Telework Agreement. The Telework Agreement, which specifies the terms and conditions of participation in the program, is then submitted to the employee's manager for signature. The Telework Agreement documents the employee's and manager's commitment to adhere to applicable guidelines and policies and must be in place before the employee begins teleworking.

CRITERIA FOR APPROVAL/DENIAL



The Agency agrees that all determinations will be made in a fair, objective, and equitable manner, and based on sound business practices, not arbitrary limitations.

a. the reasonableness of the request;

b. the workability of the request; and

c. the effect of the request upon the efficiency of the service.



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Denial and Termination

Section 6. Denial and termination decisions must be based on business needs or performance, not personal reasons. The denial or termination shall be in writing and include information about the specific business needs or performance reasons as well as information about when the employee might reapply, and also, if applicable, what actions the employee should take to improve their chance of approval.

Section 7. Employees may change their telework days, with prior approval of their supervisor.



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Emergency Telework

Section 8. An employee with a telework agreement ... shall not be required to work from home when the normal worksite is closed due to severe weather/emergencies on his/her non-telework day, unless advanced notice in anticipation of office closure. An employee that is designated on telework agreement is required to telework in accordance.

An employee who is not on regularly scheduled telework day and is not designated as an Emergency Teleworker may request to telework on non-telework day if the employee has sufficient work to do.



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Telework Denial

Section 9. The first level response: no more than seven (7) workdays.

An employee may request reconsideration from the second-level manager.

Second level manager respond within seven (7) workdays.

Response needs to be in writing.

If approved, then enter into telework agreement and effective next pay period.

Could grieve or appeal through other processes.



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Change in Management

Section 10. Although a change in manager requires a new or modified telework agreement, an employee's telework agreement will not be cancelled by the new manager without written notice to the employee stating the reason. Upon receipt of the new manager's intent to modify or cancel the existing telework agreement, the employee may request reconsideration of that decision by the second-level manager in accordance with Section 9 of this Agreement. Until the second-level manager decision is received, the employee's current telework agreement will stay in effect.

HUMAN RESOURCE POLICY MANUAL (HRPM) 12.3



- Full-Time Telework: designated their telework location as their duty station of record and performs assigned duties every workday away from the FAA worksite. Under this arrangement, the employee may report to the FAA worksite as needed.
- Conditional Telework: unique temporary telework arrangement based on a temporary need.
- Emergency Telework: performed during emergencies which are incidents or circumstance that interrupt or compromise operations at, or travel to or from, the agency or appropriate alternative worksite.
- Situational Telework: approved on a case-by-case basis, where the hours worked are not part of a previously approved, ongoing and regular telework schedule
- Routine Telework: previously approved, ongoing and regular telework schedule.
- Remote Worker: This describes a work arrangement in which the employee resides and works at a location beyond the local commuting area of the employing organization's worksite. It sometimes describes a full-time telework arrangement

HUMAN RESOURCE POLICY MANUAL (HRPM) 12.3

Employee eligible to telework who:

- Demonstrates dependability and the ability to work independently.
- Ability to prioritize work effectively and use good time management skills.
- Compliance with standards of conduct.
- Performance rating of record of at least fully successful, or the equivalent, with no documented need to improve performance.

HUMAN RESOURCE POLICY MANUAL (HRPM) 12.3

Official Duty Station for Teleworkers

- Official worksite may affect employee pay, locality pay and travel funding responsibilities
- Determined on a case-by-case basis:

An employee's official duty station will not change as long as the employee regularly commutes into the official duty station of record at least twice each biweekly pay period on a regular and recurring basis. If the employee does not regularly commute to the official duty station of record at least twice each biweekly pay period, the official duty station becomes the alternative worksite

OFFICE OF PERSONNEL MANAGEMENT (OPM)

November 2021:

- OPM issued the 2021 Guide to Telework and Remote Work in the Federal Government Leveraging Telework and Remote Work in the Federal Government to Better Meet Our Human Capital Needs and Improve Mission Delivery
- Specifically supports and promotes teleworking in federal government