

**Side-Agreement on Telework between
the Library of Congress
and the Congressional Research Employees Association**

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**Side-Agreement on Telework
between
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A. Purpose and Scope

The purpose of this side-agreement is to set forth the policies and procedures under which unit employees may be permitted to telework. Offsite work on an episodic basis on specific projects/work assignments is covered under the provisions of Article XXV [Flexible Work Schedules], Section 25, of the CBA. Modifications to this provision on offsite work in the CBA may be proposed by either party during the contractually provided for reopener periods.

B. Policy

1. CRS staff members shall normally perform their regular work-related duties at their assigned duty stations within CRS.
2. CRS management and CREA recognize the mutual benefits of a telework program to CRS and to the bargaining unit. Telework is intended to enhance flexibility in meeting the mission and goals of CRS and to:
 - a. Improve the recruitment and retention of productive employees;
 - b. Reduce stress on building security by reducing the flow of people needing access to Library buildings;
 - c. Better ensure the smooth continuity of operations in emergency situations
 - d. Provide societal benefits, such as reduced traffic congestion, decreased energy consumption and pollution, and improved road safety; and
 - e. Improve employee morale, flexibility, job satisfaction and reduce absenteeism.

3. It is the policy of CRS that:
 - a. Telework is an employee and a management flexibility granted at the discretion of the CRS Director (or designee).
 - b. Employee participation in telework is voluntary except under specifically designated emergency situations.
 - c. In making determinations pursuant to this agreement, the Director or his designee will strive to ensure that all of its provisions are fairly and equitably administered throughout the Service.

C. Definitions

1. "Telework" is defined as the performance of the official duties at an approved location other than the assigned CRS duty station (e.g., home or another approved location such as a telecommuting center).
2. "Employee" refers to all CREA bargaining unit employees.
3. "Assigned CRS duty station" is the division or office to which the employee is officially posted within the Library of Congress Madison building.
4. "Telework Duty Station" is an approved location other than the assigned duty station (e.g., home or another approved location).
5. "Compflex" is any working arrangement that enables an employee to fulfill his/her basic work requirement of eighty hours per pay period in less than 10 full work days, and that permits the employee to vary his/her starting and quitting time on a daily basis, subject to core periods during which all employees are required to work, and specified flexible bands during which an employee is permitted to work.
6. "Compressed workweek" is any working arrangement that enables an employee to fulfill his/her basic work requirement of eighty hours per pay period in less than 10 full work days on a fixed schedule.

D. Responsibilities

1. Employee

- a. An employee and his/her supervisor will reach agreement ahead of the scheduled telework day on the scope and nature of the work to be performed while the employee is working at home (or at another approved location). At the supervisor's request, the employee will review the work he/she performed on the telework day with his/her supervisor upon return to the assigned CRS duty station.
- b. An employee must be available for contact by telephone and email during his or her official duty hours while on telework.
- c. An employee working under a telework arrangement must be available to return to the assigned CRS duty station when management determines that the employee's presence on-site is necessary in order to accomplish the work. Normally, an employee will be given a minimum of two hours notification.
- d. An employee working under a telework arrangement is subject to the same performance and conduct standards and performance appraisal system as other employees.
- e. In the event that the Library buildings are closed on the employee's telework day due to an emergency such as severe weather or other events that would prevent an employee from coming to his/her assigned CRS duty station, a teleworking employee is expected to continue to perform his/her assigned work at the telework duty station (e.g., home).
- f. If the teleworking employee experiences computer equipment failure(s) and technical support from CRS is unavailable or unable to correct the problem, the teleworking employee is expected to perform any non-computer related work that had previously been assigned by the supervisor. If no such work has been assigned, the teleworking employee is expected to contact the supervisor for an alternative assignment or for

appropriate leave. If the supervisor cannot be reached when the official duty station is closed, and there is no work the employee can do due to computer equipment malfunctions and lack of any assigned non-computer work, then the employee will be placed on administrative leave as though the employee had been assigned to work at the official duty station that was closed.

- g. When an emergency affects the telework duty station, but not the CRS assigned duty station, the circumstances and timing dictate the course of action. Options include having the employee report to the CRS assigned duty station or other approved locations, approving the use of leave, or granting excused absence (administrative leave).
- h. If the employee was scheduled to report to the assigned CRS duty station and the building has been closed, excused absence is granted, as it would be to a non-telework employee.
- i. At the beginning and at the end of each day at the offsite work location, teleworking employees will inform their supervisors that they are beginning or ending their work by sending an email message to that effect. Teleworking employees will certify time and attendance each pay period to show their hours worked at the telework duty station.
- j. Specific precautions need to be taken when confidential documentation related to requests from the Congress and other sensitive materials are outside CRS-controlled space. When unattended, confidential documents related to requests from the Congress need to be secured in a closed desk, cabinet, or key-locked location. Classified information may not be taken to, accessed from, or processed at a telework duty station. Official, irreplaceable, and permanent records may not be taken to the telework duty station.

- k. While teleworking, the employee must protect government equipment and records and maintain the necessary level of computer and other security in his/her approved telework duty station.
- l. Neither CRS nor the Library will be liable for damages to a teleworking employee's personal or real property during the course of performance of official duties or while using government-owned equipment at an offsite work location, except to the extent the Library is held liable by the Federal Tort Claims Act or claims arising under the Military Personnel and Civilian Employees Claims Act.
- m. Teleworking employees are covered by the Federal Employees Compensation Act (FECA) if injured in the course of actually performing official duties at the official duty station or the offsite work location. Any accident or injury occurring at the offsite work location must be brought to the immediate attention of the supervisor. Appropriate authorized representatives of the Library may investigate and inspect the offsite work location to ensure proper maintenance of government-owned property, to ensure conformance with safety standards, or following any notification of an accident or injury. Reasonable advance notice will be given, generally at least forty-eight (48) hours.
- n. The telework employee is expected to follow all applicable Information Technology Security Directives.

2. Approving Official

- a. The Approving Official for telework is the CRS Director. The CRS Director may delegate this authority.
- b. The CRS Director (or designee) is responsible for determining whether conditions are appropriate for telework by assessing employee eligibility and work suitability.

- c. The CRS Director (or designee) has the authority to accept or reject an employee's request for telework or limit its use, as needed.
- d. These are the factors to be considered in reviewing requests:
 - i. if there is a need for the employee to be present at the assigned duty station in order to meet the mission requirements of CRS;
 - ii. if an employee's performance is below fully successful or is undergoing counseling for performance or conduct reasons;
 - iii. if the employee's work requires frequent face-to-face interaction with supervisors, co-workers, Congressional clients, or others;
 - iv. if the employee's work requires frequent access to confidential or sensitive data or information which is not attainable from an alternative work site;
 - v. if the employee cannot function independently, without close supervisory consultation;
 - vi. if the employee has time or attendance issues previously communicated by CRS to the employee;
 - vii. if the employee is undergoing mandatory training;
 - viii. if the employee receives a disciplinary/adverse action or a proposal for such.

E. Types of Telework Arrangements

1. Telework Arrangement

Employees, including those who are participating in a complex/compressed work week arrangement, may request a work arrangement that includes telework up to one day per week. The telework day approved is a fixed day.

2. One Year Pilot

Six months after the effective date of this side-agreement, on a one year pilot basis, certain employees, including those who are participating in a complex/compressed work week

arrangement, but not including analysts in the research divisions, legislative attorneys in the American Law Division, and information professionals in the KSG, may request a work arrangement that includes telework up to two days per week. When considering such a request to participate in the pilot, the supervisor will consider the following criteria:

- a. Majority of work communications happen electronically;
- b. Work is accomplished in a virtual environment, i.e., internet, computer configuration, database, document;
- c. Work is evaluated and communicated electronically;
- d. Work assignments are assigned electronically;
- e. Work assignments are completed electronically;
- f. Access to resources required to accomplish work can be accessed from the telework location;
- g. Work is reviewed/tested electronically;
- h. Majority of collaboration of projects/assignments happens electronically;
- i. Work is accomplished as efficiently from the telework location as at the assigned duty station.

F. Duration of Arrangements: Continuing and Short Term

1. "Continuing arrangement" is one in which the employee works at home (or other approved location) on a recurring basis as part of the employee's regular work schedule. There must be sufficient on-going work to support this type of arrangement.
2. "Short term arrangement" is one in which the employee works at home (or other approved location) for a limited period of time, e.g., 3 months, 6 months, when it is advantageous to have work completed away from the CRS official duty station.
3. The telework day approved by the approving official is a fixed day in both types of arrangements.

G. Employee Eligibility and Work Suitability

1. The CRS Director or designee shall have the authority to determine whether, and to what extent, the telework arrangements for individual employees are consistent with the operational needs and mission of the Service.
2. When a telework arrangement is considered by the Director or the designee, priority must be given to meeting the mission and goals of CRS and serving the needs of the Congress.

Employee eligibility and work suitability must be assessed before granting telework arrangements:

- a. Employee Eligibility. To be considered for telework, an employee must be currently performing at a fully successful performance level and must not have any conduct issues that would have a negative impact on the telework arrangement. Employees must demonstrate that they can perform the tasks selected for telework with minimal supervision.
- b. Work Suitability. The nature of the employee's work must be suitable for teleworking. Telework tasks are those that are portable and easy to measure. Telephone-intensive tasks, computer-oriented tasks, or tasks that require the development of written products may be appropriate for a telework arrangement. Work that requires extensive face-to-face contacts or access to material that cannot be removed from the office is unlikely to be suitable for a telework arrangement. To be considered suitable, the selected work must not entail undue expense for equipment, setup or support, nor increase the risk to Library data or network security.

H. Application and Approval Process

1. Any unit member may make a written request to his or her immediate supervisor to participate in the telework program by submitting the CRS Request Form for Telework or any successor form.

2. Requests for telework must describe: (1) the work that will be performed at the approved offsite location and (2) how the work will be measured. The description of the work to be performed while working at the approved telework duty station may be general or more specific as the situation requires.
3. A review of an existing application and reauthorization for telework is needed when an employee transfers to a different division/office/section/consultancy; when a new supervisor requests a new application; or when there is a substantial change in the work.
4. The immediate supervisor recommends approval or disapproval and forwards the CRS Request Form for Telework (or any successor form) to the CRS Director (or designee) within five (5) workdays of receiving the application for consideration and signature. The Director's (or designee's) decision will be made in writing within five (5) work days after receiving the application. Any disapproval (immediate supervisor or Director) is to specify the specific reason(s) for the denial in writing.
5. If a telework arrangement is approved, the employee and the supervisor must sign the attached CRS Telework Request Form.

I. Temporary Suspension of Telework

1. Management may temporarily suspend telework for a teleworking employee for a part of a day, an entire day, or a longer period of time if there is a need for the employee to be present at the assigned CRS duty station in order to meet the mission requirements of CRS. This includes:
 - a. staffing or workload requirements;
 - b. the employee does not maintain a performance rating at or above fully successful;
 - c. the employee is assigned duties that require performance at the official duty station;
 - d. the employee is assigned duties that require face-to-face interaction with supervisors, co-workers, congressional clients, or others;

- e. the employee is undergoing job-related training.
2. Management will provide appropriate advance notice of the temporary suspension, normally five (5) workdays whenever possible. Similarly, an employee may choose to temporarily suspend his/her participation in telework in order to meet the needs or requirements of his/her position, following advance notice to his/her supervisor. The reasons for suspension shall be placed in writing.

J. Modification of the Telework Arrangement

1. The telework day approved by the approving official is a fixed day.
2. CRS may alter the telework duty station or offsite work schedule to require that on certain dates teleworking employees will work at their assigned CRS duty station (e.g., for mission-related activities).
3. CRS may also require an employee on his/her telework day to report to the assigned CRS duty station if physical presence is required in order to meet mission requirements, e.g., meeting with a congressional staff member. In situations where an employee informs a supervisor of a work-related reason requiring the employee's presence at the assigned CRS duty station, management, after determining that the employee's presence at the assigned duty station is necessary, may approve the employee's request to report to the assigned CRS duty station on his/her telework day. Under these conditions, he/she may request an alternate telework day (or portion thereof). The alternate telework day (or portion thereof) must be used by the end of the following pay period.
4. The teleworking employee is expected to be available as required by management at all times during the telework day. Management will try and provide appropriate advance notice, whenever possible, of the modification of the telework agreement.

K. Termination of or Withdrawal from the Telework Arrangement

1. The telework arrangement of an individual employee may be terminated by the CRS Director (or designee) or at the request of a telework employee. Terminations or requests for terminations must be made in writing. If a teleworking employee wishes to withdraw from participation in telework, he/she must notify the supervisor in writing. If possible, the notice will be given at least five (5) workdays in advance of the effective date of withdrawal from telework. The supervisor may delay the effective date of withdrawal from participation in telework in the event of an emergency that requires the employee to continue to work off-site temporarily. The reason for the delay shall be in writing.
2. Management reserves the right to terminate a telework arrangement of an employee when such action is necessary to meet the mission requirements of the division/office, e.g., physical presence is required; when the terms and conditions of the employee's participation in telework are no longer met; when computers and/or other resources needed for telework are unavailable or are needed for other uses; or when an employee does not conform with the terms of authorization.
3. The reason(s) for termination shall be in writing. Management will attempt to provide appropriate advance notice of the termination of any arrangement to the extent practicable. If possible, the notice will be given at least five (5) workdays in advance of its effective date.

L. Telework Status Reports

1. The Director is required to provide a telework status report at the end of each fiscal year to the Director of Human Resources. Upon request, CREA will be provided with a copy of the telework status report.
2. Upon request, CREA will be provided copies of CRS bargaining unit telework employee applications and responses, after appropriate redaction to protect privacy.

M. Compensation, Leave, Attendance, and Emergency Situations

1. Existing rules on hours of work, pay and leave administration apply to telework employees. Teleworking employees must adhere to applicable laws, LOC regulations, and the CBA.
2. An employee working from home is expected to carry out his/her work free from home or family distractions. Should home or family responsibilities unexpectedly interfere with working at home, the employee is responsible for noting the time spent away from his/her work and requesting and charging leave as appropriate.
3. Time and attendance will be documented in accordance with current policies and procedures, including designating telework in WebTA.
4. Telework employees are required to continue to work at the approved offsite location (e.g., home) on telework day(s) during emergency situations when the assigned CRS duty station is closed.
5. Supervisors may authorize overtime, or compensatory time for telework employees at their approved offsite location. Existing regulations and the Collective Bargaining Agreement between the LOC and CREA pertaining to overtime, or compensatory time apply to telework employees.

N. Equipment, Funding, and Security

1. CRS will generally provide a laptop computer to employees approved for telework. No other equipment will be provided by CRS. Teleworking employees who use government-owned materials, equipment, or supplies must obtain written approval for their use and protect them in accordance with appropriate Library of Congress regulations. Any and all government-owned materials, equipment, or supplies will be used solely for the conduct of CRS business and will not be used for personal business or personal gain. Laptop equipment supplied by CRS will remain the property of CRS and will be returned on request.

2. Costs associated with telework are the responsibility of CRS and/or the individual employee as CRS determines. An employee may, with advanced supervisory approval, be reimbursed for business-related phone calls or provided with a government-issued phone card. CRS will not be responsible for any operating costs that are associated with a teleworking employee's use of his or her home as an off-site work location, e.g., home maintenance, insurance, or utilities. Teleworking employees do not relinquish any entitlement to reimbursement for authorized expenses incurred while conducting business for CRS, as provided for by statute and regulations.
3. CRS will service and maintain any government-owned equipment issued to a telework employee. Government property loaned to the employee must be brought in as required for inventory control or to perform updating and maintenance. The telework employee is expected to safeguard/avoid damage to government property. All files, papers and machine-readable materials created using CRS equipment are the property of CRS.

O. Grievability

An employee does not have the right to grieve a decision to deny, suspend, or terminate a telework arrangement. However, any complaint concerning the violation, misinterpretation, or misapplication of this agreement shall be grievable under Article XXXI of the Collective Bargaining Agreement between the Library of Congress and CREA, subject to management rights as set forth in the Collective Bargaining Agreement and this side-agreement.

P. Resolving Concerns

1. During the first year following the execution of this side agreement, the parties will meet to discuss and evaluate the telework program and to consult about problems or concerns identified by either party.
2. CRS and CREA are encouraged to use creative approaches to resolve concerns regarding telework.

Q. Training

Management will provide training related to hardware and software issues for employees participating in the telework program.

R. Official Time

Management will provide CREA two (2) hours of official time to provide information on the telework program to bargaining unit staff. Bargaining unit employees who are interested in attending a CREA session on this topic are granted one hour of official time to do so.

S. Modifications to the Side-Agreement

Before changes are made to the policies and procedures of this agreement, or to the application form attached, parties will bargain to the extent required by law in accordance with the provisions of the Federal Service Labor Management Statute.

T. Duration Provision

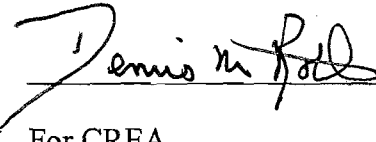
1. This agreement shall remain in effect for three (3) years from the effective date. Unless either party gives notice to the other party between the 90th and the 60th day prior to the end of the three-year period, of the party's desire to terminate or modify this side-agreement, the terms of the side agreement will automatically be renewed for one additional year and in each subsequent year.
2. If, at the end of the first two years of this side-agreement, the Collective Bargaining Agreement is reopened, either party may propose incorporating this telework agreement into the Collective Bargaining Agreement.
3. The pilot program set forth in Section E, shall remain in effect for one year from the implementation date of the pilot, unless extended by mutual agreement.

This agreement is made this 26th day of MARCH, 2010, by and between the Library and the Congressional Research Employees Association, IFPTE 75.

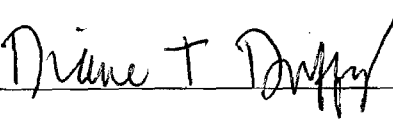
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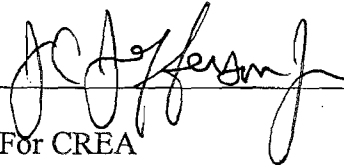
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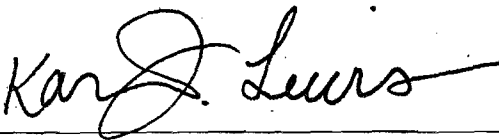
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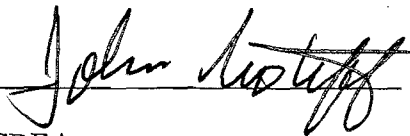
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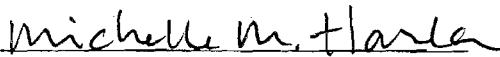
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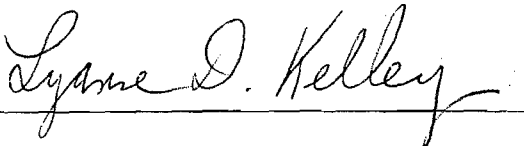
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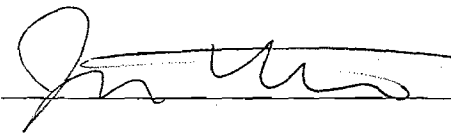
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