



FAQs RELATING TO PHASE 4 TELEWORK

This document contains sensitive, nonpublic information, and should not be shared with or distributed to the public.

1. Telework Requests for 8 Days Per Pay Period or Less	2
a. Criteria/Standards	2
b. Submission of Requests via ServiceNow and Required Information	3
c. Review and Approval Process	4
d. Denial of Telework Requests	5
2. Telework Requests for more than 8 Days Per Pay Period	5
a. Criteria/Standards	5
b. Submission of Requests via ServiceNow and Required Information	6
c. Review and Approval Process	7
d. Denial of Requests	7
e. Remote Work Requests/Location of Alternate Worksite(s) & Locality Pay	7
3. Expectations for Teleworkers	7
4. Ad Hoc Telework	8
5. ServiceNow Telework Portal	9

1. Telework Requests for 8 Days Per Pay Period or Less

a. Criteria/Standards

Q: Who is generally eligible for telework?

A: Employees who are not ineligible (see below) and who have “portable work” may telework on a routine and/or ad hoc basis.

Q: What is considered “portable work”?

A: Portable work consists of work and/or duties that are suitable to be performed at home or other alternate worksite with equal effectiveness as work performed at the Official Worksite. The work must be capable of being performed without disruption to the normal workflow requirements of the employee’s Bureau/Office and without requiring further adjustment or significant change in duties or the way in which assignments are performed. Work is also only portable if the employee has the necessary resources equipment at the telework site, and can access or maintain the necessary security requirements for that work.

Q: Is anyone not eligible for telework?

A: Certain employees are not eligible for telework for various reasons. This is not an exhaustive list, but employees are ineligible if they are currently on a Performance Improvement Plan (PIP) or leave restriction or placed on either within the last six months; have been officially disciplined for certain conduct impacting the integrity of the telework program; have been officially disciplined for being AWOL for more than five (5) days in any calendar year; and a handful of other situations. These are outlined in Article 46 of the new Basic Negotiated Agreement (BNA; the collective bargaining agreement between the FCC and NTEU), which all employees will receive soon.

Q: What about probationary employees?

A: While probationary employees are not eligible for telework, a supervisor may make an exception to this provision on a case-by-case basis, particularly upon considering: whether a new employee has completed a reasonable “orientation” period; previous federal service, if any; length and nature of previous work experience; and any previous experience teleworking.

Q: Are there any other requirements for participation in the telework program?

A: In addition to meeting the basic eligibility requirements above, to participate in the Telework Program, an employee must also:

- Have sufficient duties suitable for telework in general and the telework schedule requested specifically, including the number of days of requested telework. Among other possible considerations:
 - the work must be portable; any necessary security requirements must be maintained; and the necessary equipment and resources to accomplish the work must be available at the alternate worksite.
 - The work should be capable of being performed without disruption to the normal workflow requirements of the employee’s bureau or office and without requiring further adjustment. For example, work must be effectively accomplished by an employee working independently and by

remote means without any adverse impact or disruption to individual, team, or office operations, productivity, or customer service.

- Take the required telework training at least once and have a signed/approved telework agreement on file that identifies an appropriate alternate worksite(s)
- Must have the necessary equipment to telework, which includes a laptop/computer, high-speed and reliable internet, and phone (calling capabilities through Microsoft Teams or similar services may be sufficient)

Q: What factors does the Agency consider in assessing a telework request of 8 days per pay period or less?

A: The following factors will be considered:

- the requirements, nature, and content of the employee's position and duties;
- whether the employee has demonstrated and maintained acceptable work habits, time-management skills, conduct, and adherence to agency policies;
- whether they can perform assignments independently without frequent or close oversight or supervision;
- quality and quantity of work performed while teleworking; and
- an employee's successful use of telework in the past.

b. [Submission of Requests via ServiceNow and Required Information](#)

Q: How and when should employees submit telework/remote requests for Phase 4?

A: Employees must submit telework requests through the ServiceNow portal. The portal is available beginning March 20. Instructions for accessing the Portal are in the email from HR. Telework requests are due no later than April 8.

Employees should indicate the following in their request:

- Whether they are requesting routine telework, ad hoc telework, or both
- Select the days of week 1 and 2 of the pay period they want to telework
- Identify alternate worksite(s) within a reasonable commuting distance from or otherwise geographically convenient to their official duty station.

Employees will not be able to submit the telework request unless all required information is filled out.

Q: Can an employee select more than one alternate worksite?

A: Yes. For example, if an employee has a second home or would like to telework from a partner's or family member's home, they can include up to 3 of those worksites in the telework request form and supervisors can approve those as alternate worksites.

Q: Do the requested telework days need to be the same every week?

A: No. They should be the same from pay period to pay period, but can be different on week 1 and 2 of pay periods.

Q: If an employee was hired to a position that was announced as a virtual position, does the employee need to submit a telework or remote work request for Phase 4?

A: Yes. Employees in virtual positions must still submit a Telework Request in ServiceNow for full-time telework. They should select “routine telework” and then select every workday of each week in the pay period. Once they do that, there is an option in the form to select “Hired into a remote/virtual position.”

Please note that for employees hired during the pandemic - although they may have worked remotely since coming on board - the vast majority of announcements and new-hire documentation stated that the official duty station of the position was Washington, D.C. (or other applicable FCC facility), and that employees would typically be expected to report to their official duty stations in accordance with the BNA/Phase 4 policies.

c. Review and Approval Process

Q: Who approves my telework request?

A: When submitting a telework request in ServiceNow, employees will be required to select their supervisor from a drop-down list; the form will be routed to the identified supervisor for approval.

Employees should select their immediate supervisor, unless their B/O informs them of an alternate supervisor within their chain of command to select. If an employee does not see their supervisor as an available selection, please email LRPMSC@fcc.gov.

Q: How many days of telework may *immediate supervisors* approve for employees?

A: For employees on a regular, non-compressed work schedule, immediate supervisors (or other approving officials designated by Bureaus/Offices) can approve employee requests to telework **up to 8 days a pay period**, without needing to go through a higher-level approval process.

Q: For employees who work a 5-4/9 or 4/10 compressed work schedule, how many days of telework may immediate supervisors approve?

A: Employees on a compressed work schedule may be approved by an immediate supervisor (and without the higher-level approval process) to telework on a proportional basis as employees on a non-compressed work schedule, as follows:

- 5-4/9 Schedule: Up to 7 days per pay period (2 in-office days)
- 4/10 Schedule: Up to 6 days per pay period (2 in-office days)

Please note that section 2, Telework Requests for More than 8 Days Per Pay Period, which is below, applies to employees on a compressed work schedule where the higher-level approval process is triggered (i.e. for 5-4/9, the telework request is for more than 7 days per pay period; for 4/10, more than 6 days per pay period).

Q: What if an employee’s desired alternate worksite(s) are far from their FCC worksite?

A: Generally, unless an employee is approved to telework on a full-time basis, alternate worksites should be within the local commuting area or geographically convenient to their FCC worksite.

Q: How do supervisors approve or deny telework requests, and by what date should supervisors act on telework requests?

A: Supervisors act on telework requests via ServiceNow, and they should act on them reasonably soon, normally within ten business days of when the request is submitted, if feasible. There may be delays given the Agency-wide transition to Phase 4, but please keep in mind that employees may remain under their Phase 3 telework agreements until May 15.

d. Denial of Telework Requests

Q: For what reason(s) can telework requests be denied?

A: Requests may be denied for legitimate business considerations and reasons outlined in the BNA, including if an employee is:

- ineligible to telework as described above;
- does not have sufficient portable work for the number of telework days requested/the amount of telework requested is not consistent with the job duties;
- has not consistently demonstrated and maintained acceptable work habits, time-management skills, conduct, adherence to agency policies; has not demonstrated that they can perform assignments independently without frequent or close oversight or supervision; and/or there are problems with the quality and quantity of work performed while teleworking

2. Telework Requests for more than 8 Days Per Pay Period

a. Criteria/Standards

Q: Under what circumstances can the FCC approve telework of more than 8 days per pay period?

A: First, for *all* telework requests, regardless of the number of days the employee requests, requests must meet the general telework eligibility and criteria/standards described above. If those criteria are met, then an employee may also apply to telework for more than 8 days per pay period, under the following frameworks.

1. Temporary Hardship:

An employee hardship is a temporary set of severe or significant circumstances that are beyond the employee’s control. An employee’s voluntary relocation outside of the local commuting area of his or her official duty station (e.g. due to a spouse’s relocation, or to be closer to family) shall not typically constitute hardship or circumstances justifying telework of more than 8 days per pay period. An example of a temporary employee hardship may include, but is not limited to, when an employee or an employee’s immediate family member has a medical emergency or critical medical condition that requires care from a health provider outside the

commuting area of the normal duty station, and the employee must temporarily relocate to another area for such care or assistance with such care.

2. Critical Workforce Need:

A critical workforce need may be established where the employee:

- a. Occupies a position that: (1) the Agency, in its discretion, has determined is likely to be difficult to fill; (2) OPM has approved the use of a direct-hire authority applicable to a competitive-service position; and/or (3) the Agency, in its discretion, has determined that, if it were to post a vacancy for the position, it would be posted as an all-sources, virtual position; and/or
- b. The immediate loss of the employee would have a significant detrimental effect on the Agency; prevent the FCC from meeting obligations or deadlines set forth by statute, regulation, court order, or FCC order; subject the FCC to increased likelihood of successful legal challenge against it; and/or would result in substantial risk or detriment to public health or safety.

Q: What sort of hardships are an acceptable basis for granting full-time telework?

A: There are no set type of scenarios or circumstances that would qualify, though the BNA provides the above definition and possible examples. Each circumstance will be assessed on a case by case basis.

Q: Are there time limits on critical workforce need and temporary hardship telework approvals?

A: Under the new BNA, these arrangements typically will not exceed 6 months, though can be extended another 6 months if the critical workforce need or temporary hardship persists for more than a year. In atypical circumstances, these arrangements can be approved for more than a year. Because telework agreements must be renewed each year, there will be assessed at least annually to determine if the criteria are still met.

With respect to temporary hardship, however, the standard contemplates temporary circumstances. The hardship should have an expected, anticipated end date, and the temporary hardship telework approval should last only as long as the hardship itself. If a hardship is not actually temporary, or it becomes permanent, employees can request to full-time telework under the “critical workforce need” standard.

b. Submission of Requests via ServiceNow and Required Information

Q: What do employees need to include in their telework requests for more than 8 days per pay period?

A: In addition to filling out the entirety of the telework request form within ServiceNow, employees are required to select the reason(s) they are requesting it (temporary hardship and/or critical workforce need), and they must include a sufficiently detailed explanation or justification underlying their request. There is a space within the telework request form to include this information, though employees can also attach a memorandum to the form.

Q: If an employee was approved for full time telework prior to the pandemic under either a temporary hardship and/or critical workforce need and they wish to continue that arrangement for Phase 4, do they need to submit a telework request to?

A: Yes. They still need to submit a telework request via ServiceNow.

Even if the circumstance(s) underlying their previous request/approval still apply, they should include an explanation for the basis for the approved remote work arrangement (temporary hardship/critical workforce need). They may also include a brief statement indicating that they were an approved full time teleworker/remote worker prior to the pandemic and whether the circumstances are still applicable.

However, if those circumstances no longer apply or have changed significantly, they must address those in the justification underlying their request for Phase 4.

c. [Review and Approval Process](#)

Q: How does the review process work?

A: In addition to submitting the telework request in ServiceNow to their supervisor as explained above, the request must go through the higher-level approval process. These requests require supervisor, Bureau/Office Chief, and Managing Director approval.

Employees will submit the telework request in ServiceNow and if they select more than 8 days per pay period of telework, the ServiceNow telework portal will first route the request to the immediate supervisor for approval or denial; then route to the Bureau/Office Chief (and/or other individuals they designate as having approval permissions); and then route to the Managing Director for final approval or denial.

d. [Denial of Requests](#)

Q: For what reason(s) can Bureaus/Offices deny requests to telework more than 8 days per pay period?

A: If the employee does not meet the eligibility and other criteria described above for telework, and/or has not demonstrated they satisfy the temporary hardship or critical workforce need standard(s).

e. [Remote Work Requests/Location of Alternate Worksite\(s\) & Locality Pay](#)

Q: What is a “remote work” or “remote telework” request?

A: A request is considered a “remote work” or “remote telework” request where the employee will not report to their official worksite at least twice per pay period, and because of that, their official duty station must be changed to their telework location.

Q: If an employee is approved to telework more than 8 days per pay period, including fulltime telework, will the location of their telework site be their official duty station and determine their locality pay?

A: Yes. That is required under OPM regulations and will be reflected on an SF-50.

3. [Expectations for Teleworkers](#)

Q: Can Bureaus/Offices set certain guidelines or expectations with respect to telework, such as designating Bureau/Office or Division-wide “community in-office days”?

A: Yes. Under the new BNA, Bureaus/Offices, or divisions or work groups within them, can establish various guidelines on telework for legitimate business reasons. For example, they can determine to have certain in-office “community days” (e.g. to have staff meetings or encourage collaboration) on specific days of the week or pay period. But these community days are not intended to significantly interfere with the telework framework and exceptions to such guidelines may be considered on a case by case basis. Bureaus/Offices also have the ability to recall employees otherwise authorized to telework to the worksite for legitimate business reasons that arise on an ad hoc basis (e.g. on-site conference or training). In these circumstances, Bureaus/Offices will aim to give employees as much advance notice as possible.

4. Ad Hoc Telework

Q: How does ad hoc telework operate in Phase 4/under the new BNA?

A: It’s very similar to the prior BNA and pre-pandemic. As long as an employee has a telework agreement indicating ad hoc telework, or both ad hoc and routine telework, then that employee can ad hoc telework, including for a full day or a portion of the day. Examples of ad hoc telework may include telework: (1) as a result of inclement weather; (2) to work on special work assignments; (3) to minimize the amount of time not working in order to attend a work or personal appointment (e.g. emergency home maintenance repair; off-site training; doctor’s visits; voting in a local, state, or federal election); or (4) other circumstances agreed between the employee and supervisor as consistent with this Article.

Supervisory approval is required for each ad hoc occurrence. Each request to ad hoc telework must be submitted via email by the employee to his/her immediate supervisor and include a description of the work to be accomplished and the proposed date(s) of the ad hoc telework. The employee must provide the supervisor reasonable advance notice, generally at least one workday, prior to the requested telework date. Failure to provide adequate notice may be a basis to deny a request.

Q: Can employees work scheduled ad hoc telework day(s) each pay period?

A: No. Ad hoc telework is intended to be limited in frequency and duration, and may not be used to establish a regular, floating telework day each week or to circumvent the requirements for telework of more than 8 days per pay period/requiring higher-level approval.

Q: Can an employee ad hoc telework, including up to full-time, due to possible exposure to infectious disease (e.g. COVID-19)?

A: Yes. Employees may request to ad-hoc telework full time on a temporary basis for this purpose.

Q: Are there any circumstances under which an employee can full-time telework on a short-term, ad hoc basis, without needing to apply for it under one of the two standards?

A: Yes. The new BNA allows employees and supervisors to make short-term arrangements for full-time telework on an ad hoc basis, without requiring the employee to apply for full-time telework. Typically, these arrangements should not be for more than two weeks, and should have a concrete or anticipated end date. For example, if an employee requests to full-time telework over the holidays for 2 weeks, including from a different alternate worksite, that could be permissible, without requiring the employee to get higher-level approval.

Supervisors/employees should not use this short-term flexibility to circumvent the higher-level approval process required for routine full-time telework.

5. [ServiceNow Telework Portal](#)

Q: What if an employee makes an administrative error in their telework request?

A: ServiceNow has a “Request Revision” function that supervisors can use to send a request back to the employee. This function is used for administrative or clerical errors, such as the incorrect official duty station or alternate worksite.

Q: Can employees modify their telework request form before a supervisor approves or denies it?

A: Yes. If an employee realizes they have made an error or wants to modify their request, so long as it has not already been approved or denied by the supervisor, they can make changes to it and resubmit it.

Q: How will I know the status of my telework request/whether it’s been approved or denied?

A: Once submitted, you will be able to access your request and see its status (e.g. that it’s been submitted and approval/denial status). You will receive an auto-generated email from ServiceNow when an action has been taken on your request, and can check the status at any time via the portal.