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From: Human Resources
Sent: Monday, March 20, 2023 3:27 PM
To: Human Resources
Subject: Important Announcement: Telework Information for Phase 4/Normal Operations; New Basic Negotiated Agreement
Attachments: Employee FAQs - Telework.pdf; FCC-NTEU Basic Negotiated Agreement - Effective 3.17.2023.pdf; ServiceNow - Telework Request Submission Instructions.pdf

Below is important information regarding telework for Phase 4/Normal Operations and the new Basic Negotiated Agreement (BNA). There are changes from prior communications, as well as important instructions, so we ask that you read this email carefully and in its entirety.

Expansion of Telework Framework

To reflect lessons learned during the pandemic and provide additional flexibility in Phase 4/Normal Operations, the FCC has expanded available telework opportunities since we issued the Phase 4 announcement in February.

Employees may now be approved by their supervisors to telework up to eight (8) days per pay period on a routine basis, instead of up to three (3) days per week, without necessitating higher-level approval from Bureau/Office Chiefs and the Managing Director. Telework for more than 8 days per pay period – including full-time telework – may be requested under either/both of the standards outlined below, but require approval by the immediate supervisor, Bureau/Office Chief, and Managing Director.

A detailed FAQ about telework is attached, and we encourage you to read it carefully, as it gets into great detail about various telework matters.

As we've explained previously, the Agency intends to be more flexible with telework than pre-pandemic, consistent with employees' job duties and the legitimate business needs of Bureaus/Offices.

For ease of reference, a summary of the telework framework under Agency policy and Article 46 of the new BNA is described below:

<p><u>Routine Telework for up to 8 days per pay period</u></p>	<p>Employees may telework routinely (i.e. on a specific, routine schedule) up to 8 days per pay period with immediate supervisor approval.</p> <p>Under this framework, which is based on <i>pay period</i> and not work week, employees may request that all of their required in-office days occur on the same week of the pay period and telework the entirety of the other week, or they may request to have their in-office days occur on different weeks of the pay period.</p> <p>Telework arrangements must be consistent with employee job duties and legitimate business needs of the FCC, and certain employees may not be eligible for telework and/or the maximum amount or certain schedules of telework.</p> <p>Bureaus/Offices, or sub-organizations within them, may also set certain expectations and/or parameters related to telework for legitimate business reasons. Any such parameters will be communicated to employees by their Bureau/Office.</p>
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<p><u>Ad Hoc Telework:</u></p>	<p>Employees may telework on an ad hoc/situational basis, in addition to their routine telework days, with supervisory approval and on a case by case basis. Ad hoc telework is intended to be limited in frequency and duration, and may not be used to establish regular, floating telework day(s) each week or pay period, or to circumvent the process or requirements for telework requiring higher-level approval as described below.</p>
<p><u>Telework for more than 8 days per pay period</u></p>	<p>For telework of more than 8 days per pay period, regardless of location of the alternate worksite, employees, who were not hired into a position advertised as virtual/remote, must meet the “critical workforce need” and/or “temporary hardship” standard(s):</p> <ol style="list-style-type: none"> 1. 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 extraordinary circumstances justifying telework of more than 3 days per week. 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. A critical workforce need may be established where the employee: <ol style="list-style-type: none"> 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. <p>As part of their telework request, employees must submit a sufficiently detailed description of the circumstances supporting the request</p> <p>Requires approval from the employee’s immediate supervisor, Bureau/Office Chief, and Managing Director</p>
<p><u>Duration of Telework Agreements</u></p>	<p><u>Initial Phase 4 Telework Agreements:</u></p> <p>These will generally remain in effect through the end of the 2023 calendar year, though adjustments may be made prior to that date to address work</p>

needs, mission requirements, or at the request of an employee for a different arrangement.

2024 and thereafter:

Telework agreements will generally be in effect for one calendar year (i.e. expiring December 31), with new telework requests required on an annual basis (e.g. submitted and approved prior to January 1 of the following calendar year).

Due Date and Instructions for Submitting Telework Requests in ServiceNow

The ServiceNow Telework Portal (Portal) is now live.

Detailed instructions for accessing the Portal and telework request form, and instructions for viewing your telework request after submission, are attached to this email. Please open that attachment and read the instructions carefully before proceeding, so that you can successfully access the portal and submit your request. To avoid technical difficulties, we strongly recommend that you follow the instructions for accessing the Telework Request Form from within ServiceNow by logging into ServiceNow and clicking on “Create New Telework Request,” instead of clicking directly on the link to the request form.

There is also additional information related to the Portal in the attached Telework FAQs.

If you experience technical difficulties with respect to accessing the portal or submitting your request, please contact LRPMSC@fcc.gov.

Telework requests are due by April 8, 2023.

Please keep in mind that the FCC is processing a large number of new telework requests. For requests of 8 days per pay period or less, generally we anticipate being able to act on those within 10 business days, but it may take a little longer under these circumstances. For requests for more than 8 days per pay period, those require multiple levels of review and will take additional time as laid out in Article 46 of the BNA. You can view the status of your telework request at any time in the Portal, and will receive an automated email when your request has been processed.

As a reminder, while we entered Phase 4 last week, we will have an extended transition period, where employees may continue under their Phase 3 telework agreements until **May 15, 2023**. Employees may begin any Phase 4 approved telework agreements sooner if they wish, but are generally not required to do so.

Telework agreements are required for all employees, and employees may not telework without them. *If an employee does not submit their telework agreement in time for the FCC to review and act on the request by May 15, then as of that date, those employees will not have an authorized telework agreement on file and may be expected to report to their official duty station each workday until they have an approved telework agreement. To avoid this situation, we recommend submitting your telework request sooner rather than later.*

If you have questions about any of the above, please review the attached FAQs. You may also reach out to LRPMSC@fcc.gov. We appreciate your patience and cooperation as we process employee telework requests across the Commission in the coming weeks.

New Basic Negotiated Agreement

The FCC and NTEU have a new BNA that became effective March 17, 2023. It includes an updated telework article that reflects the above information, among other changes from the 2014 BNA. A copy is attached, and will also be posted on the FCC Intranet.

Additional Information

To ensure a smooth transition into our normal operating posture, more information is forthcoming related to parking and transit, technology/laptops, FCC HQ facility reminders, and additional matters.

Thank you.