

MEMORANDUM OF AGREEMENT (MOA)**ON**

DoDI1035.01_AFI 36-816, Civilian Telework Program, 29 October 2018

REFERENCE: AFI 36-816, Civilian Telework Program MOA, 11 September 2014

Due to the integration of DoDI1035.01 and AFI 36-816, this MOA rescinds the signed MOA referenced above and implements the provisions below.

1. The American Federation of Government Employees (AFGE) Council 214 and Air Force Materiel Command (AFMC), hereafter referred to as the Union and Management, hereby enter into this Memorandum of Agreement regarding subject telework program as it applies to Bargaining Unit Employees (BUEs) covered by the Master Labor Agreement (MLA) between parties.

2. General

This MOA implements DoDI1035.01_AFI 36-816, *Civilian Telework Program*, 29 October 2018. The Parties embrace telework as an alternate work arrangement that can enhance employee health and wellbeing, conserve energy, and reduce environmental costs. Situational telework before and after appointments that require employees to be away from the job and offering telework as a reasonable accommodation for a disability, even if the employee would not otherwise be eligible for telework will give AFMC a competitive advantage as a model employer. AFMC is committed to authorizing participation in telework for the maximum number of positions to the extent mission effectiveness is not compromised.

3. Position Eligibility

Subject DoDI/AFI authorizes for the maximum number of positions to be eligible for telework to the extent that mission readiness is not jeopardized. Positions shall not be excluded on the basis of organization, occupation, series or grade. No predetermined percentages, minimums or maximums will influence the determination of a positions telework eligibility status. Upon written request, the Union will be provided a written explanation why a particular position or set of positions was determined ineligible for telework.

4. Employee Eligibility

- a. Employee participation in telework is subject to supervisory approval on a case-by-case basis. Participation in telework is not an entitlement and not all employees are eligible to telework. Eligible employees shall be permitted to telework to the maximum extent possible without diminished individual or organization performance.

- b. With supervisory approval, employees who meet the following criteria are eligible to participate in telework.
 - (1) The employee occupies a position that meets the eligibility criterion in paragraph 3 of this agreement (i.e., those positions that involve portable work and are not dependent on the employee's presence at the traditional worksite).
 - (2) The employee is in good standing and is not on a Performance Improvement Plan (PIP, as provided in MLA Article 15, Employee Performance);
 - (3) The employee is cleared to access government networks necessary to perform his/her duties;
 - (4) The employee attests to having the work space, utilities, equipment and reference materials suitable for the work to be performed at the designated alternative worksite, as specified in the DoD Telework Program Agreement;
 - (5) The employee is willing to sign and abide by the negotiated Telework Agreement and
 - (6) The employee is not on leave restriction, as provided in MLA article 24, Sick Leave.

- c. Employees serving in a probationary period or formal training period may be restricted from participating in the telework program. In such cases, they may participate in telework subject to supervisory approval on a case-by-case basis. Supervisors will provide regular and frequent review of probationers' and trainees' work performed at an alternative worksite to ensure that employees are meeting performance requirements. Formal training periods do not include the normal progression of an employee through a career ladder.

- d. Employees who perform 100% representational duties will be permitted to telework to prepare Memorandum of Agreements (MOAs), Demand to Bargain notices, grievant responses and any other Union type work that does not require a face to face meeting. The representatives are also permitted to telework if local Commanders determine an extreme weather situation and/or if a situation arises where there is no access to on base Union offices for unexpected reasons. The above will be based on case by case basis with initial approval of the employee's supervisor of record. The Council/Local presidents will be allowed to set the telework schedules for their stewards, as deemed appropriate for the work at hand.

5. Requests

- a. Requests for telework will be made in writing to the employee's immediate supervisor. If the employee's request is denied, the employee can request a meeting to discuss the basis of denial with the immediate supervisor. All approvals/denials will be made in writing within 14 calendar days of the initial request for telework.

- b. The number of approved telework days will be based on requirements of the position and the organization (e.g. need for customer interaction, team meetings, use of onsite tools, etc.) Full time telework may be appropriate for certain occupations/situations; however, long term full-time telework arrangements may involve special considerations (e.g. working outside the commuting area, software/security maintenance problems) that must be approved by the installation commander, tenant commander, head of an activity or their designee.
- c. Telework may not be used as a substitute for dependent care or elder care. Employees must ensure dependent care arrangements (e.g., child care, elder care, or care of any dependent adults) are in place. On a case-by-case basis, the employee and manager may mutually agree to meet a situational (ad hoc) need.

6. Training

Employees authorized to telework are required to complete telework training prior to signing the telework agreement. Comprehensive Office of Personnel Management (OPM) telework courses for supervisors and employees are available at the joint OPM and General Services Administration (GSA) telework website.

All employees must have completed the OPM interactive telework training program before they can telework for the first time. Any employee who has a telework agreement in place as of the effective date of this agreement is exempt from this requirement.

7. Individual Telework Agreement

- a. All employees who will telework on a regular, situational (ad hoc) basis must complete and sign a Telework Agreement. The standard Telework Agreement for BUEs will be the DD Form 2946, Telework Agreement Form. The agreement must be in place before telework may begin. This agreement will outline the specific work arrangement on which the employee and supervisor agree. The agreement will normally remain in effect for two years and revised when appropriate. The agreement should be re-accomplished when a new supervisor is responsible for the employee. The agreement will be approved within 14 calendar days of the request. If the employee so requests, a Union representative may assist in the development of the agreement. Telework agreements will be maintained in the supervisor's employee work folder
- b. Telework agreements need to indicate management's expectations during a base/government closing. Examples:

- (1) If the base commander closes the installation due to weather, the employee, who has a telework agreement should know if he/she is expected to telework from the alternative duty location.
 - (2) Continuity of Operation (COOP) exercises during the spring/summer allows for employees/management to access and determine any issues that need to be corrected with system maintenance operations in the event of an actual emergency.
- c. The terms of the telework arrangement will be documented on the DD Form 2946. Unique terms specified by this MOA (e.g., days and hours of work, duties/work assignments, communications frequency and modes, and special requirements) will be documented on the second page of the form, in the "Component-Specific Terms and Conditions" block.
 - d. On a case-by-case basis, the employee and manager may mutually agree to change the established schedule to meet adhoc needs.

8. Call Back

- a. Employees may be required to report to their official duty station for previously scheduled training, conferences, other meeting, or to perform work on a short term basis that cannot otherwise be performed at the alternative worksite or accomplished via telephone or other reasonable alternative methods.
- b. Employees may also be required to report to their official duty station for emergency operational exigencies to perform agency work which cannot otherwise be performed on another workday at the alternative worksite, via telephone or other reasonable alternative methods. In such cases, employees will be provided reasonable advance notice and be provided a reasonable time to report. Employees should make every effort to report as soon as possible but are permitted up to two hours to report, with good and sufficient reason

9. Cancellation of Telework Agreement

- a. Telework agreements may be cancelled by either party. The employee may terminate a telework agreement at any time. Management may terminate the agreement for just cause and will give the employees a 2 week notice to return to their traditional worksite. The employee may be required to return to the worksite sooner than 2 weeks, if there is an emergency situation. Management may remove an employee from the telework program due to one or more of the following:

- (1) The employee no longer meets the eligibility criteria as outlined in paragraph 4;

- (2) The employee is placed on a Performance Improvement Plan (PIP) in accordance with MLA Article 15, Employee Performance. The employee is eligible to re-request participation 60 days after expiration of the PIP:
 - (3) The employee has demonstrated inability to adhere to the provisions of the Individual Telework Agreement, to include reduced work production, non-responsiveness to telephone calls, non-availability, or working at the alternative worksite has proven to place an undue burden on other office staff;
 - (4) Conditions have changed so that all of the employee's work must now be done only at the employee's regular workplace.
- b. Employees may be removed from telework for just and sufficient cause or violations of the telework agreement. Prior to an employee's telework agreement being cancelled, the employee and supervisor will meet to discuss any specific problems. This discussion will be confirmed in writing.
 - c. When a decision is made to remove an employee from the Telework Program, due to performance or conduct, the employee must be given written notice indicating the reason(s) for removal. Unless otherwise specified, the employee may reapply for Telework Program participation 30 calendar days after removal from the program, provided that her/his performance is at least fully successful.

10. Problems Affecting Work Performance

The employee will promptly advise the supervisor when problems arise at the alternative worksite which adversely affects the employee's ability to perform work. Examples could include situations such as equipment failure, power outages, telecommunications difficulties, etc. In such cases, the employee may request annual leave or report to the traditional worksite. If an employee is unable to continue to work that day in the alternative worksite, and it is impractical for the employee to report to the traditional worksite before the end of the work day, the employee may be granted short periods of excused absences (typically not more than one hour). The supervisor may also provide the employee the opportunity to request approved leave, use earned credit hours, or previously earned compensatory time off.

11. Hours of Work and Leave

- a. Employees performing work at the alternative worksite are subject to the same workday requirements as they would be if they were performing work at the official duty station. Employees will continue to be covered by all bargained provisions on overtime and MLA Articles 23 and 24 on leave.
- b. Fitness/Wellness time (LN) is not approved to be used on telework days.

- c. Employees are required to record time worked in telework status on their time cards as Regular/Recurring (TW – Telework Regular), Situational (TS – Telework Adhoc, Situational), or Medical (TM – Telework Medical).

12. Temporary Changes

- a. Employees may be required to report to their regular workplace for previously unscheduled training, other meetings, or to perform work on a short term basis that cannot otherwise be performed at the alternative worksite or accomplished via telephone or other reasonable alternative methods.
- b. Employees may also be required to report to their regular workplace for unanticipated operational exigencies to perform work which cannot be performed on another workday, at the alternative worksite, via telephone, or other reasonable alternative methods. In such cases, employees will be provided reasonable advance notice when possible and be provided a reasonable amount of time to report.

13. Emergency Closing/Late Opening/Early Dismissals

When the traditional worksite is closed due to an emergency for all or part of a day, employees scheduled to telework that day may be required to work rather than being excused from duty. Such requirements must be addressed in the employee's Individual Telework Agreement. The supervisor may excuse a teleworking employee from duty during an emergency closing/dismissal situation if the emergency also adversely affects the alternative worksite or if the employee's duties are such that he/she cannot continue to work without contact with the regular duty site that is closed.

14. Additional Requirements

Employees participating in the Telework Program will be required to:

- a. Utilize any government owned/leased equipment for official purposes only and safeguard government owned/leased equipment documents as currently required at their official duty station; and
- b. Adhere to applicable government regulations (AFI 33-100, User Responsibilities and Guidance for Information Systems) governing information management, information protection, and information security procedures for safeguarding data.

15. Equipment and Support

- a. The Agency will provide information technology equipment and services deemed necessary by the Agency for performing the employee's assigned duties at the employee's home, within the constraints of Air Force policy, funding, and public law.
- b. DoD/AF remote access software must be installed onto GFE and personally owned computers to enable access to unclassified DoD systems and networks consistent with criteria and guidelines established by the DoD CIO and SAF/CIO. Personally owned computer must be adapted to accept a common access card (CAC) reader. CAC readers may be provided by the organization when practicable and available.
- c. The employee will be responsible for home maintenance, utilities, and any other incidental costs (e.g., electricity, internet service, telephone service, etc.) associated with the use of the alternative worksite. The Agency will be responsible for the maintenance and repair of government owned equipment (e.g., a government owned computer). For appropriately authorized expenses requested in advance, the employee does not relinquish any entitlement to reimbursement for expenses incurred while conducting business for the Agency, as provided for by law and implementing regulations.
- d. With budgetary constraints, general office supplies will be provided to teleworking employees. Normally, printers and toners will not be provided.

16. Equal Treatment

Teleworkers and non-teleworkers shall be treated the same for the purposes of performance appraisals, training, rewarding, reassigning, promotions, reducing in grade, retaining, and removing employees, work requirement, and other acts involving managerial discretion.

17. Reporting to Union

Management will provide the Union, upon request, the following statistical information:

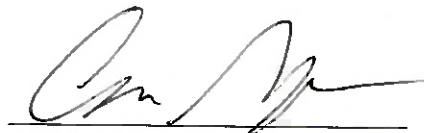
- a. No more than once annually, the total number of telework eligible positions broken down by installation and major sub-organization (Wing, Center, tenant organization),
- b. No more than once annually, total number of AFMC employees who teleworked and how many teleworked on a situational vs regular and recurring basis.
- c. Upon request of the local president, installation and major sub-organization breakout of how many employees teleworked and how many teleworked on a situational vs regular and recurring basis.

18. All remedies available under the MLA or 5 U.S.C.71 are available to the parties if either party believes the other has failed to comply with any of the requirements of this MOA.

FOR MANAGEMENT



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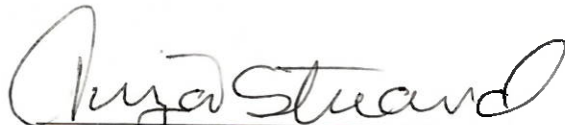


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