1. What is the difference between eligibility and participation in terms of telework?

Eligibility relates to the individual employee. Participation relates to the duties of the position, without regard to who the incumbent may be.

You may be eligible to participate in telework, but for various reasons, your first line supervisor may decide that you are not be allowed to participate in telework.

2. What makes me ineligible for telework?

There are four reasons for you not being eligible for telework.

   a. If you have been officially disciplined for being absent without permission for more than 5 days in any calendar year

   b. If you have been officially disciplined for violations of subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties is eligible to telework.

   c. If you have been disciplined for a conduct issue (other than 2a and 2b).

   d. If you are not performing at a fully successful performance level.

3. How long does the period of ineligibility last?

The period of ineligibility depends on the type of action taken against you:

   a. For conduct issues (2a, b, c):

      (1). If a non-permanent document is in your file, the prohibition from teleworking exists until the document is removed.

      (2). If a permanent document is in your file, the prohibition is two years from the date of the event that caused the document to be created. At the end of that two year period, the supervisor, after consultation with the servicing Human Resource Officer, may allow you to telework or continue the prohibition until a future date.
b. For a performance issue (2d), the period of ineligibility lasts until you performance reaches the fully successful level.

4. Why would an eligible employee not be allowed to telework?

The answer depends on the type of telework you are asking about. There are three categories of telework in the Department: core (which means you telework on regular, scheduled basis for a certain number of days every pay period); situational (which means you telework when you have special project but not on a scheduled basis); and emergency or continuity of operations (COOP) (this includes inclement weather, natural disasters, situations when a government facility might be unusable (e.g. fire damage) or similar situations).

No eligible employee should be excluded from participating in emergency telework. Even mission essential or mission critical employees who are expected to come to work no matter what, can be allowed to telework in emergent situation. Let's take the example of a boiler plant operator who cannot get to the duty location because the roads are impassible and the distance too great to walk. This employee can be permitted to telework if that person can perform some function related to the job. In our example, this person might be able to update operating instructions, training aids or complete required annual training or complete an online course related to the job while teleworking. By not permitting this employee to telework, the employee might be required to take leave and the required updates to operating instructions or training would still not be done.

Very few employees should be excluded from participating in situational telework. While the opportunity might be very limited for some employees, very few could not benefit from situational telework. Let's go back to our boiler plant operator. This person has to maintain operating instructions and take training. Some or all of those things could be done in a telework situation.

For core telework, there are a number of situations that might preclude you from teleworking. All of these situations relate to the duties outlined in your position description and include:

a. You have to deal with classified information.

b. You are required to meet the public in your job. For example, park rangers, law enforcement officers and teachers have duties that require them to deal with the public on regular basis. It's important to note that while these positions may not be suitable for core telework, they are likely to be, as with the boiler plant operator, suitable for situational and emergency telework.

c. You deal with sensitive information (such as personally identifiable information or proprietary) which cannot be properly safeguarded if you telework. Just because you deal with PII or similar information does not, in and of itself mean, that your position
is not suitable for telework. The key here is that the appropriate safeguards are not available. If the safeguards are available, then the position would meet the requirements for core telework.

Some positions appear to be unsuitable for core telework if you only look at the surface layer. Here are some examples.

a. Secretary, program assistant, receptionist and other similar clerical personnel. With a closer look at how to share the duties among coworkers (other secretaries, program assistants, receptionist), it may be that telework can be arranged. We have many examples of how phones can easily be answered from home when that is a major part of your job; so phone answering duties should not be a limitation to telework. And as with our boiler operator, situational and emergency telework may be very appropriate.

b. Help Desk Staff: If you are a help desk employee and you have to go to where your customer is located, then telework may not be suitable. However, if work can be rearranged so that you handle calls and make work assignments while teleworking and someone else goes to the customer, telework can be very appropriate as you and your coworkers rotate onsite and remote duties.

c. Park rangers and law enforcement personnel. Both of these groups of individuals have training to complete and reports to write. While the duties of these two professions may not be suitable for core telework, they are suitable for situational or emergency telework.

Our point here is that with some creativity, teamwork and flexibility, almost everyone can telework at least now and then.

And the bottom line is this - DOI assumes that everyone eligible will be permitted to telework at least situationally and under emergency conditions. To prohibit eligible employees from all types of telework, your supervisor must have a legitimate business reason.