

United States Bankruptcy Court  
District of Minnesota

## Telework Plan

### 1. Purpose

This plan establishes the conditions and requirements for employees of the United States Bankruptcy Court, District of Minnesota to perform telework, consistent with the requirements of the *Guide to Judiciary Policy*, Volume 12 (Human Resources), Chapter 10 (Telework).

### 2. Applicability

This plan applies to all employees of the United States Bankruptcy Court, District of Minnesota who are eligible to telework.

### 3. Definitions

- a. Telework. A working arrangement that allows eligible employees to perform their official duties and responsibilities at home or at some location other than the regular work site for their position, such as at a telework center. Also known as telecommuting.
- b. Ad hoc telework. Telework that occurs on an occasional, non-routine basis (including intermittent or temporary full-time telework). Examples of ad hoc telework include the following:
  - an employee recovering from illness or an injury who is temporarily unable to physically report to the traditional office;
  - an employee who is eligible to telework and for whom the court has authorized unscheduled telework in order to maintain essential services throughout an emergency; or
  - an employee with a short-term need for uninterrupted time to complete work on a complex project or report.
- c. Regular and recurring telework. Telework that occurs on a routine, regular, and recurring basis away from an employee's principal place of duty (e.g., at home, at a telework center, or other work site geographically convenient to the residence of the employee) at least one day per pay period. One telework day a week on a regular recurring basis is generally the maximum allowed for a Clerk's office employee.
- d. Full-time, when the employee is not required to report to the employing court at least twice each biweekly pay period on a regular and recurring basis. **Note:** The location of the telework site is the official duty station (e.g., for locality pay, leave, travel and workers' compensation purposes) for an employee who teleworks and is not required to report to the

employing court at least twice each biweekly pay period on a regular and recurring basis.

#### **4. Requirements**

- a. Telework is permitted only at management's discretion and is not an employee entitlement.
- b. Employee participation in telework is generally voluntary, although the court may require eligible employees to telework as needed during a continuity of operations (COOP) event, inclement weather, or similar situation. Employees who are required to work (e.g., on site, at another location, or by telework) during their regular tour of duty when the court is closed to the public (or when other employees are authorized excused absence) during a COOP event, inclement weather or other similar situation, are not entitled to receive compensatory time, or "in lieu of" time off for performing work during their regularly scheduled hours.
- c. An employee who is required to telework during a COOP event who uses a court-issued laptop (to perform his or her official duties) may wish to take his or her laptop home every night in case there is a COOP emergency that requires telework. An employee who is unable to telework in a COOP emergency or test situation because he or she is without the necessary equipment will be required to come into the office or, if the emergency affects the courthouse, will need to take annual leave.
- d. Before beginning regular and recurring or ad hoc telework, an employee must discuss his or her plans to telework with the Telework Coordinator and submit a written Telework Agreement (Form PER 30) for approval.
- e. The use of telework does not change the terms and conditions of employment.
- f. Telework will give some employees more flexibility to meet family responsibilities; however, it is not a substitute for dependent care (e.g., child or elder). Employees must not use duty time for purposes other than official duties.
- g. Existing policies and procedures on leave and time and attendance schedules apply to employees who telework.
- h. The telework employee and management will agree upon a schedule of hours for the regular tour of duty, portions of which will be performed at the court location in order to improve communication, minimize isolation of the telework employee, and provide the telework employee with an opportunity to use facilities or resources not available at the telework site.
- i. Employees with approved regular telework arrangements are required to attend all staff meetings, training, and to fulfill scheduled mail and other

on-site duties. Employees may be required to forfeit the telework schedule if “in” office on-site coverage is required.

- j. The court’s official timekeeper is to be provided a copy of the employee’s telework schedule and the telework employee’s supervisor must properly certify time and attendance for the telework employee. A telework employee must follow established office procedures for requesting and obtaining his or her supervisor’s approval of leave and compensatory time.
- k. Clerk’s office employees who telework are required to complete and submit a Telework Daily Work Record Per Pay Period form biweekly to their supervisor, and provide a copy to the official timekeeper for their Time and Attendance record. Judicial staff employees who telework are required to report their telework days and hours on a regular/biweekly basis to the official timekeeper for their Time and Attendance record.
- l. Telework is subject to continuous management approval and monitoring.
- m. Exceptions to this plan may be made on a case by case basis depending on the needs of the judge, employee and management, and agreed upon by the interested parties.

## **5. Eligibility**

To be eligible for telework, an employee must occupy a suitable position and have the appropriate personal characteristics.

### **a. Tasks suitable for telework**

The types of positions and functions suitable for telework should be determined by the employee’s supervisor based on job content rather than job title or work schedule. For some positions, certain functions may be suitable for telework while others may not; however, telework could still be permitted for the functions that can be done outside the office. Functions that are best suited for telework generally involve tasks with specific outcomes that can be easily evaluated or assessed, and that can be independently performed.

Potential tasks for telework include, but are not limited to:

- updating and completing supervisory records and forms;
- legal and general research;
- report writing, editing, and production;
- data entry, data analysis, and quality assurance;
- computer programming;
- drafting opinions;
- special projects of developing and writing policies and manuals, and preparing to conduct performance appraisals or training.

### **b. Tasks not suitable for telework**

Tasks that may not be suitable for telework include those that require face-to-face interaction, such as:

- participation in court procedures or hearings, and
- installation of automation equipment.

**c. Employee characteristics**

(1) Employees who are best suited for telework include those who:

- can work independently,
- have good communication skills,
- are organized and focused on priorities,
- are conscientious,
- meet deadlines,
- perform at the satisfactory level or above, and
- effectively coordinate objectives and activities with the supervisor.

(2) Employees not suited for telework include those with poor disciplinary, attendance, and/or performance records.

**6. Cancellation**

a. Cancellation of the telework agreement is at the discretion of either the supervisor or the employee.

b. Telework will be discontinued if a supervisor determines that it:

- adversely affects the performance or development of an employee who teleworks or of his/her co-workers, or
- interferes with the operations of the court.

c. Appropriate advance notice should be provided for cancellation of telework, e.g., one week for recurring telework, or a minimum of 30 days for a long-distance *full-time* telework arrangement.

d. A manager may terminate a *full-time* telework agreement and require an employee to return to the employing court. The employee may be eligible for severance pay if the manager terminates the telework arrangement and requires the employee to report to the employing court or location outside of the commuting area of the telework location. Refer to the Guide, Vol 12, § 685 and (Severance Pay) and Chapter 10, § 1020.30 (Telework) for complete information.

**7. Work environment**

Employees who telework must have alternate work site environments that:

a. are safe and adequate places to work,

- b. are free from interruptions, and
- c. provide the necessary level of security and protection for government property and data confidentiality.

## **8. Government-owned equipment**

- a. The following government-owned equipment may be placed at approved alternate work sites (including an employee's residence) to be used for telework:
  - computers (personal computers [laptops] and cyclically replaced personal computers),
  - telecommunications equipment, and
  - other types of equipment (e.g., copy or facsimile equipment).
- b. The government retains ownership and control of hardware, software, and data.
- c. Government-owned equipment placed at alternate work sites is for official use only.
- d. The maintenance and repair of government-owned equipment placed at alternate work sites are the responsibility of the court.
- e. Government-owned equipment should be brought to the office for maintenance or repair. Information technology assistance is provided through the use of the "help desk" (612-848-1075), and/or by on-line access to HelpIt at <http://156.127.114.8/helpit/> See "Use of Judiciary-owned Portable and Personal Computers in Private Residences," [IRM Bulletin 2001-02](#), Section 5.b(1)).
- f. Liability for loss or damage: teleworking employees must agree that they may be liable for the cost of government-owned equipment entrusted to them should it be lost or damaged. (See [IRM Bulletin 2001-02](#), Section 5.d(5)). A telework employee shall report any loss or damage to court property entrusted to the employee for telework purposes to the Custodial Officer and the Clerk. The Clerk shall determine what, if any, remedial action shall be taken, depending upon the circumstances of the loss or damage.

## **9. Personal equipment**

- a. Employees may elect to use their own equipment for telework purposes. In that event, employees are responsible for the repair and maintenance of personal equipment.
- b. Employees who use their own personal computers for telework must maintain the necessary level of security. The personal computers must also have locally approved configurations. The configurations should be

updated and tested periodically in accordance with local information technology security requirements.

- c. Note that security risks increase when multiple users have access to the employees' personal computers that are also used for telework.

## **10. Telephones**

Employees participating in telework may be provided with Softphone equipment, telephone cards and/or reimbursed for business-related long distance telephone calls.

## **11. Off-site network access**

Guidance is provided in the [IRM Bulletin 2003-02](#) for:

- connections to the judiciary's data communications network and local file servers, and
- use of virtual private networking or remote access server technology.

## **12. Workers' compensation**

Judiciary employees may be entitled to Workers' Compensation benefits under the [Federal Employees Compensation Act \(5 U.S.C. § 8101 et seq.\)](#) for personal injuries that occur while performing official business at an alternate work site.

## **13. Alternate work site at employee's residence**

### **a. Expenses**

The government is not responsible for operating costs, home maintenance, or any other costs (e.g., utilities) associated with the use of the employee's residence for telework. However, management may determine on a case-by-case basis that specific telephone service or functionality is essential to the interest of the judiciary. In these cases, the court may provide telephone service or functionality to the residence of a court employee in support of job-related business, and establish adequate safeguards against use for personal purposes at the government's expense.

### **b. Government liabilities**

#### **(1) Property damage or personal injury**

During the course of employees performing official duties and/or using government equipment in employees' residences, the government is not liable for:

- (a) damage to employees' personal or real property (including houses and land),

(b) damage to another individual's property, or

(c) personal injury to another individual.

**(2) Liability exceptions**

Exceptions include the extent to which the government is held liable under the Federal Tort Claims Act (28 U.S.C. § 2671 et seq.) or the Military Personnel and Civilian Employees Claims Act (31 U.S.C. § 3721).

**(3) Government self-insurance**

For common law torts (e.g., personal injury or property damage) that arise from the alleged negligence of judiciary officers or employees acting in the scope of their official duties, the government's self-insurance may be accessed through the Federal Tort Claims Act.

**14. Documentation**

The following table describes the documentation that is required before employees may begin regular and recurring or ad hoc telework.

Required Documentation		
Document	Description	Signed by...
Telework Agreement (Form PER 30 local rev.)	Sets the terms and conditions under which an employee is permitted to telework.	<ul style="list-style-type: none"><li>• employee who will telework</li><li>• employee's supervisor</li><li>• Telework Coordinator, and</li><li>• approving official</li></ul>
Information Technology Security Checklist (local)	Checklist that addresses IT security issues pertaining to telework.	<ul style="list-style-type: none"><li>• employee who will telework</li><li>• IT staff member</li></ul>
Telework Duty Station Change (form PER 34)	A form submitted by the court to the AO's OHR when an employee is authorized to telework full-time (full-time telework is not normally authorized).	<ul style="list-style-type: none"><li>• appointing officer and</li><li>• employee.</li></ul>

## 16. Additional information

The following resources provide additional information on telework.

<b>Additional Information</b>	
<b>Inquire</b>	<b>Resource(s)</b>
Telework implementation in the Judicial Branch	<a href="#">Telework page</a> on the J-Net
Information on telework in the federal government	<a href="#">telework.gov</a> (sponsored by the Office of Personnel Management and the General Services Administration.)

**United States Bankruptcy Court  
District of Minnesota**

**TELEWORK AGREEMENT**

The following constitutes an agreement on the terms and conditions of telework between:

Employee's name: \_\_\_\_\_

Telework Coordinator: \_\_\_\_\_

(Chambers staff employees must receive appointing Judge's approval and signature on page 4 of agreement)

1. The employee has read and agrees to adhere to the [Guide to Judiciary Policy \(Guide\), Volume 12, Chapter 10, Telework](#), and any additional requirements imposed by the court's local Telework Plan. The supervisor concurs with the employee's participation in telework as outlined by the terms of this agreement.
2. The employee is authorized to telework on the following basis:
  - Ad hoc during emergencies only, e.g., COOP events, inclement weather or similar situations, as required by local policy, or by appointing officer (executive or judge) or delegated manager or supervisor;
  - Ad hoc (including intermittent or temporary full-time telework) based on work requirements and situational circumstances such as medical recuperation periods, as approved by the appointing officer (executive or judge) or delegated manager or supervisor;
  - Regular and recurring, defined as at least one day per pay period, however, one day a week is generally the maximum allowed, on the following days (unless changes are approved by the supervisor):  
 Week 1:        M        T        W        Th        F        Week 2:        M        T        W        Th        F;
  - Full-time, when the employee is not required to report to the employing court at least twice each biweekly pay period on a regular and recurring basis.

**Note:** The location of the telework site is the official duty station (e.g., for locality pay, leave, travel, and workers' compensation purposes) for an employee who teleworks and is not required to report to the employing court or organization at least twice each biweekly pay period on a regular and recurring basis.

3. Employee agrees to limit telework to the approved telework location. The telework location is (indicate either home or telework center, and full street address with city, county, state, and zip code):  
 \_\_\_\_\_

4. **Attendance and Leave**  
 Employee's time and attendance will be documented as either regular hours or telework hours, for all types of telework, ad hoc; regular and recurring; or full-time ([Guide, Vol 12, § 930.20.30\(a\)\(6\)](#)). The official timekeeper will have a copy of the employee's telework [schedule](#). Clerk's office employees are also required to submit a [Telework Daily Work Record Per Pay Period](#) form to their supervisor and provide a copy to the official timekeeper on a biweekly basis for their Time and Attendance record. Judicial staff employees are required to report their telework days/hours on a regular/biweekly basis to the official timekeeper for their Time and Attendance record.

Employees with approved regular telework arrangements are required to attend all staff meetings, training, and to fulfill scheduled mail and other on-site duties. Employees may be required to forfeit the telework schedule if "in" office on-site coverage is required.

5. **Telework During COOP Events or Weather Emergencies**
  - When the court is closed to the public due to a \*COOP event, inclement weather, or other similar circumstances (e.g., flood, fire, or loss of electricity or other services), the employee  is /  is not required to telework when possible, or may contact the supervisor to request leave or excused absence (if circumstances warrant at the discretion of the appointing official). \*An employee who uses a court-issued laptop may wish to take his or her laptop home every night in case there is a COOP emergency that requires telework. An employee who is unable to telework in a COOP emergency or test situation because he or she is without the necessary equipment will be required to come into the office or, if the emergency affects the courthouse, will need to take annual leave.
  - During a weather or other emergency when the court is open with an option for unscheduled leave, the employee may either report to the court or organization, telework (even if it is not the employee's normal telework day), or request annual leave, or sick leave if applicable.

6. Travel and Relocation

If a full-time teleworker is required to travel to and from the court (e.g., to attend a required meeting or training), travel reimbursement:

- is authorized;
- is not authorized;
- is authorized no more than ( \_\_\_\_\_ ) times per year;
- other (please explain): \_\_\_\_\_

**Note:** Travel is not authorized when a teleworker commutes between his or her home and the official duty station (i.e., the court or organization for an employee who is not defined as a full-time teleworker). Relocation expenses are not authorized when the official duty station changes as a result of the initiation, modification, or termination of a full-time telework agreement.

7. Equipment, Supplies and/or Services Provided by the Court

The following government-owned equipment, supplies, and/or services are provided by the court for the employee's use while teleworking:

- personal computer/laptop
- cell phone
- printer
- USB modem internet card (e.g., 4G SIM card)
- supplies (e.g., paper, pens, toner/ink)
- other: \_\_\_\_\_
- monitor(s)
- mobile devices
- connectivity software (e.g., VPN, Citrix receiver for virtual)
- security software (e.g., Symantec)
- productivity software (e.g., LotusNotes, Word/WP, Adobe)

**Note:** For the use of government-owned equipment, see: [Guide, Vol 12, § 1020.60](#). The government will not be responsible for operating costs, home maintenance, or any other costs (e.g., utilities) that are associated with the use of the employee's residence as the telework site. Employee's are responsible for returning government owned equipment to the court location when a telework agreement ends.

8. Liability for loss or damage to government-owned equipment

Teleworking employees must agree that they may be liable for the cost of government-owned equipment entrusted to them should it be lost or damaged. (See [IRM Bulletin 2001-02](#), Section 5.d(5)). A telework employee shall report any loss or damage to court property entrusted to the employee for telework purposes to the Custodial Officer and the Clerk. The Clerk shall determine what, if any, remedial action shall be taken, depending upon the circumstances of the loss or damage.

9. Equipment and Services Provided by the Employee (check all that apply)

The following employee-owned equipment and/or services are used by the employee while teleworking:

- personal computer/laptop
- land line telephone or cell phone equipment and service
- printer
- internet connectivity service
- electricity
- other: \_\_\_\_\_

**Note:** For use of employee-owned equipment, see: [Guide, Vol 12, § 1020.65](#).

10. Information Technology (IT) Security

The Procurement staff has an inventory of any government-owned IT equipment provided for an employee's use at the telework site. Policies and procedures covering the care and maintenance of government-issued equipment, the security of equipment, and the protection of judiciary records and data from unauthorized disclosure or damage have been discussed, and are clearly understood. The employee certifies that the requirements are met, including the following:

- Employee will protect government records and data from unauthorized disclosure or damage.
- The government maintains ownership of its records, data, and any hardware or software the government provides for use by employee.
- Employee agrees to immediately report any unauthorized access to government records or data.
- The employee has completed the court's initial and periodic IT security training and understands his or her responsibilities regarding protecting access to the networks and systems as well as keeping sensitive information secure. The employee has read and agrees to adhere to the Court's [IT Policy](#).

- Antivirus software has been installed on the computer at the telework site. Employees are responsible for making sure the software is always up-to-date.
- The government will not be liable for damages to employee's personal or real property during telework. (For liability exceptions, see [Guide, Vol 12, § 1020.80.20\(b\)](#).)
- Employee is required to complete a [Telework Information Technology Security Checklist](#) with a member of the IT staff before starting the telework arrangement.

11. Safety

Requirements for a safe and adequate telework space and area have been discussed and the employee certifies that those requirements are met. Some of the issues discussed include:

- adequate temperature, ventilation, and lighting;
- aisles free of obstructions;
- space free of noise hazards;
- handrails for stairs;
- labeled circuit breakers and/or fuses;
- grounded electrical equipment free of recognized hazards (e.g., frayed, loose or exposed wires);
- surge protector installed at the telework site;
- telephone lines, electrical cords, and extension wires secured under a desk or alongside a baseboard;
- office space free of excessive amounts of combustibles;
- carpets secured to the floor and free of worn or frayed seams;
- satisfactory placement of the monitor and keyboard;
- enough leg room at the desk;
- adjustable chair with adequate support.

Employee agrees to permit inspections of telework site during official work hours to ensure proper maintenance of the government-owned property and work site conformance with safety standards.

12. Accident or Injury

Any job-related accident or injury occurring to the employee at the telework site must be brought to the immediate attention of the supervisor. Because a job-related accident sustained by an employee while teleworking will occur outside the premises of the court, the supervisor must investigate any report immediately following notification. Employee may be covered under the Federal Employees Compensation Act if injured in the course of performing official duties at the telework site. ([Guide, Vol 12, § 1020.55](#))

13. Either management or the employee may terminate participation in telework at any time.

**Note:** If a manager terminates a full-time telework agreement for any reason, e.g., for operational reasons or performance, the employee is required to report back to the employing court or organization location or another location at the discretion of the court. If the full-time teleworker is required to report back to the employing court or another location outside of the commuting area of the telework location and the employee declines to report, at the discretion of the court the employee  is /  is not eligible for severance pay --subject to additional severance pay eligibility criteria provided in the [Guide, Vol 12, § 685](#).

\_\_\_\_\_  
*Employee's Signature*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Supervisor's Signature*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Telework Coordinator's Signature*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Appointing Official's Signature*

\_\_\_\_\_  
*Date*

**Note:** A court may attach an addendum to this form to cover any additional court specific elements or requirements.

# Telework Information Technology (IT) Security Checklist

The following checklist is designed to ensure that employees who telework and the IT staff are aware of and understand the important IT security issues pertaining to telework. The checklist addresses these issues by outlining the proper procedures and policies that should be implemented at both the alternate work sites and the court or chambers locations. Information concerning the latest technologies available for remote computing can be obtained from the Administrative Office’s IT Security Office. This checklist contains items used by the Department of Energy and the National Institute for Standards and Technologies (NIST) which has been modified for the judiciary. Detailed information and explanations are available in NIST Special Publication 800-46 at <http://csrc.nist.gov/publications/nistpubs/index.html>. This checklist is required to be completed by a member of the IT staff. Please date and sign prior to telework occurring.

Employee \_\_\_\_\_

IT staff member \_\_\_\_\_

NOTE: An employee should recognize the importance of ensuring the protection of sensitive information, such as social security numbers, credit card data, personal information, and life threatening information (e.g., confidential informant data) at alternate work sites. Sensitive information should be protected from accidental disclosure as could occur if family members use the system for other purposes. It is also critical that an employee who teleworks at an alternate work site understands that deleting information on computer files often leaves the information on the disk and removes only the pointer to it, making it still available using undelete features in the system to resurrect the files.

- 1. Account has been created for employee to access “DCN”. Yes No
- 2. Antivirus software is installed on the machine at the alternate work site. If yes, does the software: Yes No
  - Start with the boot of the operating system? Yes No
  - Run automatic scan on all incoming files? Yes No
  - Automatically check new signatures daily? Yes No
  - Run at least weekly on all hard drives? Yes No
- 3. The machine at the alternate work site has a firewall. If yes, does the firewall: Yes No
  - Log traffic? Yes No
  - Block traffic from services that are not used? Yes No
  - Lock out network access when not connected? Yes No
  - Notify the user when there is an attempt to make an outbound connection? Yes No
  - Have configurable settings? Yes No
- 4. The operating system auto-update feature is enabled. Yes No

Note: The IT staff member should discuss all “No” answers with the employee and work with the employee to correct the deficient areas before the employee and the IT staff member sign-off on the checklist.

\_\_\_\_\_  
Employee’s signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
IT staff member’s signature

\_\_\_\_\_  
Date