

Telework Plan

Introduction

Telework is the performing of official duties remotely at an alternate worksite with limited disruption and during traditional work hours. This Telework Plan establishes the conditions and requirements for Middle District of Florida clerk's office employees to work remotely ("telework"). [Guide to Judiciary Policy, Volume 12 \(Human Resources\), Chapter 10 \(Telework\)](#).

Participation

Telework is authorized by a supervisor or a manager. Before teleworking can begin, a clerk's office employee must:

- Complete three months of employment with the Middle District clerk's office;¹
- Have a satisfactory performance review rating; and
- Submit a signed [Telework Agreement \(PER 30\)](#) to the supervisor.

An employee must perform at a satisfactory level to maintain the telework agreement. A disciplinary or counseling action might result in the suspension of the telework agreement.

Goals

The goals of the Telework Plan include:

- Supporting the mission of the court;
 - Enabling work anywhere (within the United States and its territories);
 - Working during a disruption of government operations and during an emergency;
 - Assisting with the [Continuity of Operations Plan \(COOP\)](#);
 - Increasing collaboration, productivity, and work quality; and
 - Attracting and retaining a talented, engaged, and productive workforce.
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Teleworking employee responsibilities

Teleworking employees will:

- Understand that telework is for performing official duties only. In other words, dependent care (e.g., elder or child) must be in place. The employee must advise the supervisor of any lengthy personal disruptions that suspend telework and must submit leave to attend to personal matters while teleworking, such as caring for a family member.
- Telework days will be assigned in advance to ensure coverage. A supervisor can consider an employee's preference when assigning telework days, but fairness and office needs take priority. If the employee's position includes courtroom duties, the supervisor will attempt to assign a telework day when court is not scheduled. The employee must inform the judge in advance of telework days. Telework will be cancelled if court is scheduled. Although a supervisor will try

1. A new hire without a performance review rating can telework with their supervisor or manager's approval. The supervisor or managers must analyze whether an employee performs at a satisfactory level and has the appropriate characteristics for telework.

to maintain your telework day, telework might be cancelled if office or courtroom coverage is needed in the division or in another division.

- Work in a safe and adequate environment that is free from interruptions;
 - Perform work as if in the office — complete tasks, handle matters, and respond to e-mails, phone calls, and other inquiries as usual. The employee must have enough work to fill the workday or must take leave for non-working hours;
 - Transfer the office phone to a home phone or a cell phone so that office phone calls will be received as if in the office;
 - Comply with the dress code for all video meetings;
 - Provide frequent progress or status reports to a supervisor or manager;
 - Be considerate of frequently requesting telework on Fridays and the day before a holiday;
 - Because all clerk's office will report to the office each Monday to the greatest extent possible, regular and recurring telework is not available on Monday. Available regular and recurring telework days are Tuesday through Friday;
 - Understand that liberal telework is not offered because the need for adequate office coverage takes priority over telework schedules. Approval of telework must benefit the court;
- and
- Advise a supervisor of any lengthy disruptions or of any technical difficulties connecting with the network and, if difficulties continue, determine together whether telework should continue on different projects, or whether the employee should either report to the office or take leave for part of the day.

Categories of Telework Authorized by Plan

Telework must be scheduled and approved in advance (submit a HRMIS leave request for telework). This Plan authorizes the following categories of telework:

- (a) **Occasional ad hoc telework or Temporary ad hoc telework** occurs on an as-needed basis with prior supervisor approval for medical recuperation,² uninterrupted work on a special project, or similar circumstance.

2. Telework can be used during periods of extended illness and other medical issues (if the employee is able to effectively work).

- (b) **Continuity of operations event (COOP) telework** occurs during an event that affects the court's operation to ensure the continuity of essential operations.
1. **Authorized telework.**
On a workday that the court is "open to the public" but an emergency event, inclement weather, government disruption, pandemic, or similar situation impairs employees' working from the courthouse, the Clerk of Court may authorize unscheduled telework.³
 2. **Court closure telework.**
On a workday that the court is "closed to the public," the Clerk might require telework.⁴ Employees will not receive overtime pay, credit hours, or compensatory time off for performing work on a day the court is closed.
- (c) **Regular and recurring telework not to exceed one day a week** occurs on a regular agreed upon day scheduled by the supervisor or manager. Participation is voluntary. Each manager or supervisor will assign a telework day based on the needs of the court. An employee must report to the courthouse if needed, even if telework is scheduled in advance. The telework day does not accumulate if unused for any reason, including holidays, illness, or reporting to the office. Not all positions are eligible to participate in regular and recurring telework. An employee assigned to a judge must obtain both supervisor and judge approval before teleworking one day a week.

Categories of Telework Requiring Clerk of Court Approval

- (a) **Regular and recurring telework exceeding one day a week.** Regular and recurring telework exceeding one day a week requires Clerk of Court approval.
- (b) **Full-time telework** occurs on a permanent, daily basis. In general, full-time telework is suitable only for employees providing professional services to the court and requires Clerk of Court approval.

Approved Telework Location (alternate worksite)

An alternative worksite is a place away from the duty station approved for performing official duties; for example, a residence, or other worksite geographically convenient to the residence of the employee. A teleworking employee must be able to report to the courthouse if needed. Telework must not be performed in a public setting, for example, a coffee house. An employee cannot telework from an international location.

3. Employees may either report to the court, telework, or request unscheduled leave (annual or sick leave), if applicable.

4. **Note:** An employee without a telework agreement can be verbally approved to telework. The Telework Agreement must be signed as soon as possible thereafter.

Management's Administration of Telework Plan

The clerk's office presumes that its professional workforce has good judgment and personal characteristics suited for telework. However, some positions and tasks are not suitable for telework.⁵ Management has the discretion to administer the telework plan including 1) permitting telework for functions that can be performed outside the office; or 2) limiting, discontinuing, or disallowing telework.

Employee-Owned Equipment

Employees should use employee-owned equipment for telework.

- To maintain the necessary level of security, employee-owned equipment used for telework must comply with the [IT Security and Remote Network Access](#) section of this Plan.
- IT staff can troubleshoot during business hours work-related problems (remotely or in the courthouse). But employees are responsible for the repair and maintenance of employee-owned equipment.
- Due to security risks, passwords for access to the Judiciary's Data Communications Network (DCN) should never be shared or saved on the computer for automatic login.

Government-Owned Equipment

Employees may use government-owned equipment at an approved alternate worksite.

- All equipment provided by the Middle District is for official use only. The employee must comply with the Middle District's Remote Access policy to protect government property and data confidentiality.
- The Middle District will retain ownership of all provided equipment and control hardware, software, and data. Government-owned equipment is subject to the appropriate-use policy. For guidelines on responsibility for maintenance and liability for government-owned equipment see [Guide, Vol. 15, § 525](#).
- The government will maintain and repair the government-owned equipment. Government-owned equipment must be brought to the courthouse for maintenance, repair, or onsite review. During business hours, IT staff will troubleshoot remotely or in the courthouse work-related computer problems.

IT Security and Remote Network Access

Each employee using employee-owned equipment to access the Judiciary's DCN must comply with the [Middle District's Remote Access Policy](#) and must:

- Update employee-owned equipment to the latest version of the computer's operating system.

5. Tasks not suitable for telework include those that require face-to-face interaction, such as courtroom duties, interaction with court employees, customers or the public; access to special facilities, equipment, or restricted materials; juror administration; and installation of automation equipment.

- Install (per program specifications) an industry standard Virus Protection program operating with the latest virus definitions.
- Install an anti-Malware and/or firewall software to help safeguard against attacks.
- Neither share nor save on the computer (for automatic Login) any passwords for access to DCN resources.
- Logout of the DCN JPORT system immediately after completing telework.
- Contact the local Information Technology specialist with any problems.

For guidelines on remote network access, see [Guide, Vol 12, § 1020.75](#).

Travel and Relocation

- Telework does not excuse the employee from attending mandatory meetings, training, or office coverage. Ad hoc or recurring telework employees will not be reimbursed travel expenses if required to report to the court. Full-time telework employees will be reimbursed for travel expenses if required to report to the court.
- All travel must be approved in advance. The Clerk may reduce or restrict reimbursement for travel as deemed appropriate (i.e., to the employing court).
- 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 plan.

Expenses and Liabilities

- (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, including long distance telephone calls.
- (b) **Government liabilities**
For government liabilities at an employee's residence, see [Guide, Vol. 12, § 1020.80](#).
- (c) **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 worksite.

Time and Attendance

In general, telework hours are between 8:00 a.m. and 5:30 p.m. You are expected to work your normal schedule on your telework day. Contact your supervisor for approval to telework before 8:00 a.m. or after 5:30 p.m. An employee must record the number of hours teleworked each day using the Time Reporting

Code “TEL – Telework” in HRMIS. Existing leave policies and procedures govern teleworking employees.

Manager and supervisor responsibilities

Managers and supervisors are the approving officials and must:

- Orient the employee to the requirements of the telework plan including IT security requirements;
- Ensure that each section is adequately covered and that schedules are coordinated to sufficiently meet the needs of the Middle District;
- Monitor job performance to ensure compliance with performance standards and review work for quality and quantity; and
- Alert the Clerk immediately if an employee is not in compliance with the Plan.

Restrictions

- Telework is not a substitute for dependent care (e.g., child or elder);
- Telework is permitted only at management’s discretion and is not an employee entitlement;
- Telework will be discontinued if the employee fails to perform at an acceptable level or if teleworking negatively impacts the operations of the Middle District;
- Each employee’s participation in the program is voluntary and is subject to continuous management approval and monitoring; and
- The use of telework does not change the terms and conditions of employment.

Required forms

The following table lists the forms required before an employee can begin telework.

Required Forms		
Document	Description	Signed by
Telework Agreement (Form PER 30)	Required for categories of telework authorized by the Plan (occasional, temporary, or continued operations)	<ul style="list-style-type: none">• employee• supervisor• appointing official
Telework Duty Station Change (Form PER 34)	Required for telework requiring clerk of court approval (full-time)	<ul style="list-style-type: none">• employee• appointing official

Authorization

This Telework Plan is authorized by Clerk of Court, Elizabeth M. Warren:

Elizabeth Warren
Signature

01/13/2023
Date

Revision control log		
Date	Description	Signed by
07/23/2020	Required Authorization changed to Clerk. Font changed and improved readability. Other sections substantially revised for modernization of the teleworking plan.	AKB
5/11/22	Updated policy re telework drill and other changes.	AKB
1/11/23	Updated policy re telework drill and one day a week telework.	AKB