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Introduction

Purpose of this Subchapter

This Subchapter establishes flexiplace program operating guidelines for managers, supervisors, and employees of USDA'S Marketing and Regulatory Programs (MRP). MRP includes the Agricultural Marketing Service (AMS), the Animal and Plant Health Inspection Service (APHIS), and the Grain Inspection, Packers and Stockyards Administration (GIPSA). This Subchapter supplements the flexiplace policies stated in MRP Directive 4368.1.

Eligibility

MRP employees on permanent appointments or appointments of more than 1 year (full or part-time) which may consist of other than standard tours, e.g., intermittent or mixed tours, are eligible to participate in the flexiplace program.

To participate, employees must have:

- Approval of their immediate supervisor,
- Received a performance rating of at least Fully Successful or equivalent for the most recent rating period,
- Portable work assignments that are project oriented or easily quantifiable, and
- The technology and access to work materials to perform their duties remotely.

In addition, employee participation may not adversely affect customers or the workload of other employees.

Description of Program

The flexiplace program allows agencies to meet the needs of a changing workforce by providing employees with increased workplace flexibilities. These flexibilities may address many needs which include:

- Reducing absenteeism,
- Alleviating traffic congestion,
- Enhancing recruitment and retention,
- Balancing work and family life issues

Continued on next page

Introduction (continued)

Description of Program (continued)

- Pursuing advanced educational courses, and
- Accommodating a medical condition.

Note: The terms "flexiplace," "work at home" and "telecommuting" are often used interchangeably. For the purposes of this Subchapter, these terms refer to paid employment at a site other than the traditional office setting.

Participants in the Flexiplace program generally alternate days up to 3 days per week. Program participants and their supervisors will agree upon a flexiplace schedule for reporting to work at the official duty station and their private residence and/or agency designated satellite office in their local area. (The official duty station is the conventional Federal office for purposes of travel, relocation, and special salary rates.)

Field employees whose private residence is their duty station **ARE NOT** participants in the Flexiplace program. These employees are duty stationed in the field, travel to various locations to perform their duties, and work out of their homes to prepare reports, correspondence, receive messages, etc.

Section A
Responsibilities

Employees

Employees will:

- Obtain approval, sign the Flexiplace Workplace Work Agreement and submit forms to the supervisor;
- Provide medical documentation (if applicable);
- Request necessary equipment, e.g., computer, phone line, modem;
- Complete Flexiplace training before participation (in regular or as needed situations);
- Observe designated hours of work and request approval of leave in accordance with regulations; and
- Observe regulations for using Government equipment only for authorized purposes.

Supervisors

Supervisors will:

- Generate letters designating employees for flexiplace participation,
- Sign the Flexiplace Workplace Work Agreement and submit to program flexiplace coordinators for approval (with documentation if applicable),
- Complete Flexiplace training with employees (in regular or as needed situations),
- Ensure that participation does not adversely impact the accomplishment of work, or the workload of other employees,
- Communicate with employees about their flexiplace work assignments,
- Ensure that other staff members are aware of employees' participation, and
- Monitor and evaluate employee participation (performance, time and attendance reports, etc.).

Section A
Responsibilities (continued)

Flexiplace Coordinators

Flexiplace coordinators will:

- Provide guidance to supervisors and employees on the program,
- Review requests and supporting documentation for completeness before submitting them to approving officials;
- Provide training for supervisors and employees,
- Receive and sign the Flexible Workplace Agreement with the signature of the supervisor for their files,
- Maintain case files,
- Submit reports to MRPBS Human Resources Division (MRPBS HRD) as requested , and
- Contact MRPBS HRD for guidance.

Approving Officials

Approving officials will:

- Determine appropriateness of request (e.g., regularly scheduled/project-by-project, medical condition, natural disaster),
- Determine if equipment/service needs are cost effective,
- Review request(s) for approval/disapproval, and
- Contact flexiplace coordinator or MRPBS HRD for guidance, if needed.

MRP Human Resources Division

MRPBS HRD will provide guidance and policy interpretation.

Section A
Responsibilities (continued)

Approving Officials and Coordinators

The following table lists the persons responsible for approving and coordinating participation in the flexiplace program:

Agency/Unit:	Approving Official(s):	Program Coordinator:
AMS		
Civil Rights	Associate Administrator	Executive Officer, Compliance and Analysis
Compliance & Analysis	Associate Administrator	Executive Officer, Compliance and Analysis
Cotton	Will not participate	Will not participate
Dairy	Branch Chiefs Resource Management Specialist	Resource Management Specialist
Fruit & Vegetable	Deputy Administrator Associate Deputy Administrators Branch Chiefs	Resource Management Specialist
Legislative & Regulatory Review	Associate Administrator	Executive Officer, Compliance and Analysis
Livestock & Seed	Branch Chiefs	Resource Management Specialist
Office of the Administrator	Associate Administrator	Executive Officer, Compliance and Analysis
Poultry	Deputy Administrator	Resource Management Specialist
Public Affairs	Associate Administrator	Executive Officer, Compliance and Analysis
Science & Technology	Deputy Administrator	Resource Management Specialist
Tobacco	Deputy Administrator	Resource Management Specialist
Transportation & Marketing	Associate Deputy Administrator	Resource Management Specialist

Section A
Responsibilities (continued)

Approving Officials and Coordinators

Agency/Unit:	Approving Officials:	Program Coordinator:
APHIS		
AC	Deputy Administrator	Administrator Officer
IS	Director, RMS	Director of Personnel, IS/RMS
LPA	Director	Administrative Officer
MRP-BS	Branch Chiefs	MRP Human Resources Division
PPD	Chiefs	Director's Office, PPD
PPQ	Immediate Supervisor	Immediate Supervisor
VS	Directors	Directors
WS	Directors	Operational Support Staff

Section A
Responsibilities (continued)

Approving Officials and Coordinators

Agency/Unit:	Approving Official(s):	Program Coordinator:
GIPSA Headquarters/Field	Division Directors	Management Analyst, Program Service Staff

Section B
Flexiplace Options

Introduction

This Subchapter describes situations where flexible workplace arrangements are appropriate and may be beneficial to the employee and the Agency.

Regular or As-Needed Participation

The most common way that an employee uses the flexiplace program is to work at home or at an agency-designated satellite office on a predetermined regular schedule or on an "as needed" basis. The need for flexiplace participation is determined by "non-emergency" factors, such as the nature of the employee's work, workload, frequency of deadlines, family situation, etc.

After the employee and supervisor complete the required flexiplace training, the employee may participate in the flexiplace program on a regularly scheduled or project-by-project basis. A work agreement, which must be reissued annually, limits each arrangement to a period **not to exceed 1 year.**

Medical Condition

Flexiplace options may be used to assist an employee with a medical condition:

- On a short-term basis due to a medical emergency, or
- On a long-term basis due to an illness, injury, or other chronic medical condition as along as the employee can successfully carry out his/her duties.

If flexiplace is being used:	**Then advance training:**	**And the employee may participate for a period:**
On a short-term basis due to a medical emergency	Is not required	**Not to exceed 30 calendar days.** Agreement may be reissued in a 30-day increments if needed.
On a long-term basis due to a chronic medical condition	Is required	Not to exceed 1 year. Agreement may be reissued annually.

Note: Any use of flexiplace options due to medical conditions (short or long-term) requires appropriate medical documentation. Documentation requirements are detailed later in this Subchapter.

Section B
Flexiplace Options (continued)

Natural Disaster

Flexiplace options also may be appropriate in the case of a natural disaster (e.g., hurricane, flood, earthquake) which requires a temporary change in official duty station because the employee's ability to perform his/her duties at the traditional worksite has been affected. Flexiplace participation due to a natural disaster may be granted if all reasonable alternatives have been exhausted. The supervisor, with concurrence of the approving official, determines when flexiplace participation due to a natural disaster is appropriate.

Because of the emergency nature of a natural disaster situation, advanced flexiplace training is not required, but employees may participate only for a period not to exceed 30 calendar days unless extended by the supervisor and the approving official in 30-day increments.

A Note About Child and Elder Care

While one purpose of the flexiplace program is to help employees manage workload and family schedules and demands, it is **not** to be used as a substitute for child or elder care. Employees must make appropriate arrangements for dependents who are unable to care for themselves.

Example: Parents may appropriately use flexiplace to balance schedules so that they may escort children to/from the bus stop. When the children return, they are able to begin their homework, chores, and activities independently while parents continue to work without distractions.

The intent of the example is to depict a child that is at an age where he/she can function independently without constant parental supervision. Parents who provide day care while working at home would be using flexiplace inappropriately.

Section C
Becoming a Participant

Overview of the Process

This table describes the process for becoming a participant in the flexiplace program for nonemergency purposes. Details on documentation requirements and training follow in this Section.

Step	What Happens:
1	Situation occurs which prompts the employee to request flexiplace participation (e.g., workload, medical condition).
2	Supervisor and employee agree to designate the employee for participation in the flexiplace program.
3	Supervisor sends a letter of designation and medical docementation (if applicable) to the program's flexiplace coordinator.
4	Program's flexiplace coordinator reviews documentation for completeness and forwards completed documentation to the approving official.
5	Approving official approves or disapproves request.
6	Program's flexiplace coordinator arranges flexiplace training for approved employee and supervisor.
7	Supervisor and employee receive training.
8	Supervisor and employee complete the Flexiplace Workplace Work Agreement (MRP Form 210-R) and sends them to the program's flexiplace coordinator.
9	Employee begins flexiplace participation.

Note: When the supervisor and approving official have determined that an employee may use flexiplace on a short-term basis due to natural disaster, it may be appropriate for the employee to begin the flexiplace participation without training and prior approval of documentation. In these circumstances, however, the supervisor must submit appropriate documentation (including the letter of designation, work agreement, and checklist) as soon as he/she becomes aware of the emergency situation and submission becomes possible. Documentation should be sent directly to the approving official, with a copy to the program's flexiplace coordinator for recordkeeping purposes.

Section C
Becoming a Participant (continued)

Letter of Designation

The letter of designation declares the supervisor's consent for the employee to participate in the flexiplace program. This written documentation should include the employee's name, title, series, grade, and duty station.

Medical Documentation

In order for an employee to participate in the flexiplace program due to a medical condition, appropriate medical documentation as deemed by management will be required from the attending physician. Medical documentation should specify:

- The number of hours per day and/or number of days per week the employee has been released for duty, and
- Any restrictions on the employee's mobility.

MRP FORM 18-R, Work Restriction Evaluation, may be used for documentation purposes. The form, which may be reproduced, is located at the end of this Subchapter. The flexiplace coordinator should contact the servicing employee relations specialist for help with determining appropriate documentation.

Worker's Compensation

An employee who is receiving payments from the Federal Employees Compensation Act (Worker's Compensation) must have the counselor send the appropriate approval, release forms, and medical documentation to the program's flexiplace coordinator before the employee may be considered for participation. Any physical modifications or equipment installation (as required by the U.S. Department of Labor) must be made to the employee's residence by the employee before participating in the flexiplace program.

Work Agreement

MRP Form 210, Flexible Workplace Work Agreement, governs the employee's participation in the flexiplace program for a period not to exceed 30 calendar days (for emergency situations) or for a period not to exceed 1 year (for nonemergency situations). Work agreements may be reissued in 30-day increments or annually, as needed. The MRP Form 210 must be signed by the supervisor, employee, and program's flexiplace coordinator.

Section C
Becoming a Participant (continued)

Work Agreement (continued)

The flexiplace coordinator will distribute signed copies of the agreement to the supervisor and employee, but the original must be maintained by the program's flexiplace coordinator. The form, which can be reproduced, is located at the end of this Subchapter.

Work Schedule Form

Work Schedule Form, MRP 19-R, may be used to document an employee's flexiplace schedule. This form:

- Permits the employee to record his/her schedule on a biweekly basis;
- Provides a record of the employee's schedule for the timekeeper; and
- May be used to record the employee's home telephone number (for the purpose of transferring calls).

A copy of the form, which may be reproduced, is included with this Subchapter.

Training

Training:

- Is required for the employee and supervisor before beginning flexiplace participation for nonemergency purposes.
- Will be arranged by the program's flexiplace coordinator upon receipt of the letter of designation and approval from the designating official.
- May consist of instructor-based and/or self-instructional methods

Section D
Time and Attendance

Tours of Duty Guidelines

All work at home or at a satellite office must be performed in accordance with agency policies on tours of duty. This includes, but is not limited to, adherence to guidelines on:

- Beginning and ending times of the workday,
- Core hours,
- Core-time deviations, and
- Meal breaks and times.

More information on tours of duty may be found in Human Resources Desk guide Subchapter 4610, Tours of Duty.

Scheduling Guidelines

Employees may work at home or at a satellite office only:

- Within the limits of their documented work schedule (i.e. flexible work schedule, first-40-hour tour, standard tour, etc.);
- On days that have been prescheduled and approved by the supervisor. Employees **may not change** flexiplace days without prior approval of their supervisor; and
- For a maximum of 3 days per week for full-time employees, excluding Saturday and Sunday, or as determined by supervisor.

  Exceptions: Flexiplace schedules for employees on first-40-hour tours of duty and employees with pre-approved overtime or night differential pay may include Saturdays and Sundays, but **cannot** exceed 3 days per week

  If participation is due to a natural disaster or medical condition, the employee may participate up to 5 days per week, excluding Saturdays and Sundays.

- On a pro-rated basis for part-time employees. Part-time employees must work at the official duty station for at least 1/3 of the scheduled workweek. For example, a part-time employee who works 3 days per week must work in the office at least 1 of those days.

Continued on next page

Section D
Time and Attendance (continued)

Scheduling Guidelines (continued)

Scheduling of flexiplace days may vary from pay period to pay period. In some instances, supervisors may require employees to be available at their duty station on a day previously scheduled for work at home. Employees are responsible for ensuring their availability for meetings an other responsibilities, and as directed by their supervisors because work requirements take precedence over participation in the flexiplace program.

Leave

An employee must follow established policies and procedures for requesting and using leave while working at a flexiplace worksite. If an employee wishes to use sick or annual leave during scheduled work hours, he/she must obtain approval from the supervisor and document the hours on the time and attendance report.

Holidays

An employee whose scheduled flexiplace day falls on a Federal holiday (or day designated a holiday by Federal Statute or Executive Order) may reschedule the flexiplace day to another day within the same period, with prior approval of the supervisor. Under some circumstances, due to changing priorities, deadlines, or work demands, it may not be possible to reschedule the flexiplace day.

Dismissals and Emergency Closings

If an early dismissal or emergency closure occurs at the flexiplace participants normal duty station, then he/she also should be granted excused absence for the remainder of his/her workday based on the employees regularly scheduled tour of duty. (Attachment to CPM-2000-15) dated February 26, 2001.

If a satellite office is affected by an emergency, the organization responsible for operating the satellite office has the authority and responsibility to close the office. Flexiplace participants must notify their immediate supervisor of the dismissal.

Continued on next page

Section D
Time and Attendance (continued)

Dismissals and Emergency Closings (continued)

If the emergency closing affects the alternate worksite for only a portion of the day, the supervisor may:

- Require the flexiplace participant to report to the official duty station,
- Approve annual leave or leave without pay, or
- Authorize an excused absence.

More information on excused absence may be found in Human Resources Desk Guide Subchapter 4630, Absence and Leave.

Accounting for Travel Time

The employee's workday may begin at the traditional worksite, the private residence (if working at home), or at a satellite office. Travel time to any of these locations once the workday has begun is considered official duty time for the purpose of time and attendance.

Example: An employee who begins the workday at home, but is required to travel to the office for a mid-day meeting, is considered "on-the -clock" while traveling to the office. The return trip home is on the employee's own time and is considered "off-the-clock."

Documentation

Work Schedule Form, MRP 19-R, (optional) may be used to document an employee's flexible schedule. A copy of the form is included with this Subchapter.

Supervisors are responsible for monitoring and verifying time and attendance reports.

Section E
Participation and Removal

Participation in The Program	Bargaining unit and non-bargaining unit employees may participate in the program. Bargaining unit employees' participation must be in accordance with any applicable collective bargaining agreement.
Denial of Participation	Employees who are denied participation in the flexiplace program may file a grievance in accordance with established administrative grievance procedures or appropriate negotiated grievance procedures. For more detailed information, contact the servicing employee relations specialist (ERS).
Performance Management	Performance standards and performance elements of flexiplace participants usually reflect the employee's current standards. In rare instances, the standards may need to be adjusted if projects assigned to the employee specifically for work at home or the satellite office are not addressed in the employee's current standards. Performance will be evaluated based on results rather than observation.
Counseling Supervisor	Reasonable efforts should be made to resolve issues and disagreements by the supervisor counseling the employee. Options to consider in addressing such issues include making schedule changes or reducing the number of days the employee works at the flexiplace site. If matters cannot be resolved, removal from the program may be necessary.
Disciplinary or Alternative Actions	Flexiplace participants are subject to agency standards of conduct and responsibilities. Disciplinary or alternative actions may be utilized by the supervisor. Contact your servicing ERS for more information.
Removal from The Program	Employees may terminate their participation in the flexiplace program at any time. Management has the right to remove an employee from the program if the employee's performance declines or if the program fails to benefit the organization's needs. Because employees voluntarily enter into the program by signing the Flexiplace Project Work Agreement, their removal is **not** grievable.

Section F
Private Residences: Equipment and Costs

Introduction

An employee who works at a private residence may use his/her own equipment and/or equipment provided by the agency. Agencies **may pay** for the installation and use of telephone lines in participants' homes.

Exception: Telephone service will not be provided for participants in short-term medical or natural disaster situations because participation usually may not exceed 30 days under these options.

Employee-Owned Equipment

Employees are responsible for servicing and maintaining their personal equipment. The agency will not be liable for any damages to an employee's personal or real property during the performance of official duties in the employee's residence. Any increase in the employee's home utility cost may not be reimbursed.

Agency-Owned Equipment

At the expense of the participant's individual program, and the approval of the immediate supervisor the following types of equipment may be provided in an employee's private residence

- Computer (operating system and application software), modem, and printer;
- Fax Machine; and
- Telephone. (Note: As stated above, telephone service will not be provided for participants in short-term situations.)

Any equipment issued to a participant is the agency's property. Agency-owned equipment may be used only for authorized business; employees are prohibited from using such equipment for private purposes. All files, records, papers, or materials created using agency-owned equipment are the property of the United States Government.

Section F
Private Residences: Equipment and Costs (continued)

Requesting Telephone Line

Flexiplace participants must request telephone lines, in writing, to the program's flexiplace coordinator. Because the cost of telephone installation may vary based on the written request for service, the request must indicate:

- Employee's name,
- Home address (city, state, and zip code)
- Home and Office Telephone numbers,
- Days of the week the employee will be voice or data,
- Average length of calls and number of calls made per day (APHIS GIPSA ONLY).
- Telephone features requested,
- Heirarchy and Accounting codes,
- Supervisor's signature and certification that telephone service is necessary for direct support of the Agency's mission and that safeguards against misuse exist.

APHIS - The agency flexiplace coordinator will submit the information to MRPBS Information Technology Division (ITD) Technical Resource Management (TRM) Telecom Team contact to research the most cost-effective method of obtaining phone service.

GIPSA/AMS - The agency flexiplace coordinator will submit the information to the Telecommunications Management Area Control Officer (TMACO) to research the most cost-effective method of obtaining phone service.

Section F
Private Residences: Equipment and Costs (continued)

Additional Telephone Features

Guidelines regarding additional telephone features:

- Additional features may be installed only on the Government line.
- Requests must be submitted, in writing, (with the supervisor's signature) to the flexiplace coordinator. Requests for 3-way calling must specify the average number of conference calls anticipated.
- Requests may be submitted at the time of the initial telephone request or at a later date.
- The call waiting feature must be disabled before transmitting through the modem or the call will be interrupted.(The code for disabling this feature can be obtained from the local phone company.)
- Long distance 3-way calls must be placed using the Federal Calling Card guidelines. Authorization for 3-way calling will be considered on a case-by-case basis.

Requesting a Calling Card

Federal Calling Cards may be requested by the participant through their supervisor as follows:

Agency:	Location:	Submit requests to:
AMS	Headquarters	TMACO Note: Flexiplace Coordinator will process the request through the TMACO
APHIS	Headquarters/Field	MRPBS ITD/TRM Telecom Team via www.usda.gov/telecom
GIPSA	Headquarters/Field	TMACO

If international capabilities are required, they must be specified in the request.

Continued on next page

Section F
Private Residences: Equipment and Costs (continued)

Requesting Dial-Up Connectivity (APHIS only)

If you require remote dial-up to the Local Area Network, follow the ordering process on *www.aphis.usda.gov/telecom.*

Issuing/ Purchasing Equipment

Upon approval of the request for a telephone line, equipment will be issued to the employee.

Headquarters participants will be authorized to purchase telephones by their program.

APHIS Field participants (including Frederick, Maryland) will be issued telephones or authorized telephones by the Administrative Services Division Procurement Branch.

Installing Telephones

The telephones may be installed only in the work area that is designated on the MRP Form 210, Flexiplace Workplace Work Agreement. Installation must be scheduled for a day when the employee is working at home and can oversee the installation.

If additional wiring is required, the employee must instruct the telephone representative where the wiring should be placed and the point at which it will enter the home. After installation, the employee must sign the Premises Work Invoice received from the telephone representative and submit it to his/her program.

Section F
Private Residences: Equipment and Costs (continued)

Proper use of Phone

The Federal Property Management Manual provision which allows personal calls to be made on office telephones, applies only to the office environment where the employee does not have ready access to a public telephone. While working at home, personal calls should be made from the participant's private telephone line.

The following table provides guidance on the appropriate method for making phone calls while working at home:

If the phone call is:	**Then make the call using:**
Personal	Private phone line.
Business-Local or 800	Government phone line. **Exception:** Employees who will be working at home for less than 30 days do not have a Government Line. The private line should be used for local or 800 business calls.
Business-Long Distance	Federal calling card or Government phone line provided the Federal Telephone System (FTS) has been selected as the long distance carrier. **Note:** Participants who must make calls outside the contiguous U.S. and its territories must request a calling card with international capabilities.

Telephone Service/ Repairs

If the Government-installed telephone line requires service, the employee should test the telephone from his/her private line to see if the problem can be resolved. If necessary, the employee should contact the local telephone company for line service and/or his/her program to arrange for placement or repair.

Section F
Private Residences: Equipment and Costs (continued)

Paying Telephone Costs

Individual programs/units must pay for and manage telephone costs of flexiplace participants. Telephone charges:

- Will not be reimbursed from imprest funds,
- May not be charged to any agency central charge account(s), and
- Will not be reimbursed for calls made from private residential telephones.

Reviewing Phone Reports

Supervisors are responsible for monitoring the time, length, and the cost of telephone calls. Supervisors should have knowledge of the location that participants may need to call to perform their duties and the average length of their calls.

Supervisors reviewing the monthly phone reports of flexiplace participants should refer to the following table:

Agency:	If the participant is located in:	The supervisor may request the reports from:
AMS	Headquarters/Field	TMACO
APHIS	Headquarters	IT/TRM
GIPSA	Headquarters/Field	TMACO

Section F
Private Residences: Equipment and Costs (continued)

Returning Equipment

If an employee leaves the agency or stops participating in the flexiplace program, he/she must return the Federal calling card and any telecommunications equipment that was issued specifically for the flexiplace program. The supervisor must notify the Federal calling card program contact to delete ID's and calling cards to prevent unauthorized use.

If an employee is reassigned to another staff or program within the agency, he/she must return any equipment (e.g., computer, modem, fax machine) to the issuing staff and notify the MRPBS ITD/TRM Telecom Team of the reassignment.

Section G
Satellite Offices: Equipment and Costs

Agreements With Satellite Offices

APHIS has entered into an Interagency Agreement (IA) with the U.S. General Services Administration's (GSA) Office of Workplace Initiatives, which allows APHIS headquarters participants to use established telecommuting centers (satellite offices).

Formal IA's have not been established with GSA for APHIS field employees or AMS and GIPSA employees. In this interim, other arrangements for these participants may be initiated and approved by the program's flexiplace coordinator. A copy of the signed agreement must be maintained by the flexiplace coordinator.

Agency-Owned Equipment

Equipment/servers provided at satellite offices includes:

- Computer, modem, and telephone at each workstation;
- General purpose software;
- Use of laser printer, fax machine, and copy machine;
- Telephone lines, as needed, for voice and data transmission;
- Office space with modular furniture;
- Standard Government manuals;
- Office management;
- Locked storage areas for portable equipment, personal items, work products, etc.
- Building maintenance and janitorial services.

Note: Field participants' access to telecommunications and equipment may vary according to the acquisition, lease, construction, and equipment authorities in their geographic area..

Section G
Satellite Offices: Equipment and Costs (continued)

Employee-Owned Equipment	If they wish to do so, employees may provide their own computer equipment, licensed software, and other office items. These must be installed, maintained, and removed by employees. The management of the satellite office will not provide support for these items. Employees are responsible for any service or repair costs for their own equipment.
Long Distance Calls	Employees using satellite offices must use Federal calling cards or approved Federal Telephone System long distance service to make long distance calls.

Section H
Liability

Introduction

This Section describes liability and security issues applicable to employees participating in the flexiplace program.

Federal Employees Compensation Act

Employees working at home or at a satellite office are covered under the Federal Employees Compensation Act (Workers Compensation). Provided they were within the terms of the flexiplace workplace agreement and within the parameters of the program, participants can qualify for payment as a result of on-the-job injury or occupational illness.

Military Personnel and Civilian Employees Claims Act

The Military Personnel and Civilian Employees Claims Act of 1964 authorizes the head (or designee) of each agency to pay claims up to $40,000 for damages to, or loss of, personal property which occur while the employee is working at home. A claim must be by a member of the uniformed services or a civilian officer or employee and must be for damage or loss to personal property used for official business. (Questions on the Military Personnel and Civilian Employee Claims Act should be directed to the MRPBS Financial Management Division - Accounting, Payments and Claims Branch.)

A claim is allowable only if the damage was not caused in whole or in part by the negligence or wrongful act of the claimant. The loss or damage must have occurred while the employee was working at home. In addition, a claim may not be allowed if the personal property damage or loss occurred at quarters that were not assigned or provided by the Government.

Section H
Liability (continued)

Federal Tort Claims Act

The Federal Tort Claims Act is concerned with suits filed by third parties against the Federal Government for negligence or wrongful acts by its employees. In order to establish that the Government is responsible, three conditions must be satisfied:

- Any monetary claim arising out of injury, death, or property damage suffered by a third party must have been caused by negligence, wrongful act, or omission by a Government employee;
- The employee must have been acting within the scope of his/her employment at the time of injury; and
- The right (if any) of the third party to obtain relief is determined by the law of the location where the negligent act or omission occurred.

An employee who suffers damage or injury to his/her home caused by Government equipment may have a claim under the Federal Tort Claims Act. The employee is required to show that the Government was negligent (e.g., failing to warn of some known defect.)

Third parties, such as family members and tenants of the building, who suffer injuries or damages as the result of an accident involving agency equipment used at home, could file a claim under the Federal Tory Claims Act. They are required to show that injuries were not caused by the negligence of a Government employee.

Restrictions on Private Residences

An employee's private residence **may not be used** as a physical site for meetings and appointments with employees of other Federal, State, and local agencies, private corporations, and the general public. All meetings, appointments, etc., must be held at the employee's official duty station office.

Security

Participants who perform work at their private residence must ensure that safeguards are in place to prevent damage or unauthorized access to Government data and equipment. Classified or sensitive databases should not be accessible from the participant's residence, unless security officials have certified that the records will be adequately protected.

Continued on next page

Section H
Liability (continued)

Security (continued)

For participants who work at a satellite office, the office will provide a system to prevent loitering, unauthorized entry to the space, and other disruptive acts.

USDA-MRP

WORK RESTRICTION EVALUATION

1. NAME OF EMPLOYEE *(First, Middle, Last)*

2. "X" THE FREQUENCY AND NUMBER OF HOURS A DAY THE WORKER IS ABLE TO DO THE FOLLOWING SPECIFIC TYPES OF ACTIVITIES

	FREQUENCY		NUMBER OF HOURS A DAY								
ACTIVITY	Continuous	Intermittent	0	1	2	3	4	5	6	7	8
a. Sitting											
b. Walking											
c. Lifting											
d. Bending											
e. Squatting											
f. Climbing											
g. Kneeling											
h. Twisting											
i. Standing											
j. Other (Specify)											

3. LIFTING RESTRICTION (Pounds) ("x" one)
☐ 0-10 ☐ 10-20 ☐ 20-50 ☐ 50-75 ☐ 75 and over

4. CAN THE WORKER REACH OR WORK ABOVE THE SHOULDER?
☐ No ☐ Yes

5. HAND RESTRICTIONS
☐ No ☐ Yes *(complete a, b, and c)*

5a. Simple Grasping
☐ No ☐ Yes

5b. Pushing and Pulling
☐ No ☐ Yes

5c. Fine Manipulation
☐ No ☐ Yes

6. CAN THE WORKER USE HIS/HER FEET TO OPERATE FOOT CONTROLS OR FOR REPETITIVE MOVEMENT?
☐ No ☐ Yes

7. CAN THE WORKER OPERATE A CAR, TRUCK, CRANE, TRACTOR, OR OTHER TYPE OF MOTOR-OPERATED EQUIPMENT?
☐ No ☐ Yes

8. ARE THERE CARDIAC, VISUAL, OR HEARING LIMITATIONS?
☐ No ☐ Yes *(Describe)*

9. ARE THERE RESTRICTIONS CONCERNING HEAT, COLD, DAMPNESS, HEIGHT, TEMPERATURE CHANGES, HIGH SPEED WORKING, OR EXPOSURE TO DUST, FUMES, OR GASES?
☐ No ☐ Yes *(Describe)*

10. ARE INTERPERSONAL RELATIONS EFFECTED BECAUSE OF A NEUROPSYCHIATRIC CONDITION?
☐ No ☐ Yes *(Describe ability to give and take supervision, meet deadlines, etc.)*

11. CAN THE WORKER WORK EIGHT HOURS A DAY?
☐ No ☐ Yes *(Indicate when)*

11a. Can the worker work overtime?
☐ No ☐ Yes *(Indicate when)*

11b. If yes, how many hours and when?

12. DO YOU ANTICIPATE THE WORKER WILL NEED VOCATIONAL REHABILITATION SERVICES SUCH AS TESTING, COUNSELING, TRAINING, OR PLACEMENT TO RETURN TO WORK?
☐ No ☐ Yes

13. HAS THE WORKER REACHED MAXIMUM IMPROVEMENT? *(Indicate when)*
☐ No ☐ Yes

14. IS THE WORKER PHYSICALLY AND MENTALLY ABLE TO PERFORM THE DUTIES OF HIS/HER GOVERNMENT POSITION? *(Job description and performance standards attached)*
☐ No *(Explain)* ☐ Yes

15. WILL THE CONDITION CONTINUE LONGER THAN SIX MONTHS?
☐ No ☐ Yes

16. REMARKS *(Restrictions from medication or other limitations. Use reverse side or additional sheets if necessary)*

17. NAME AND ADDRESS OF PHYSICIAN

18. SIGNATURE OF PHYSICIAN

19. TELEPHONE NUMBER OF PHYSICIAN

20. DATE SIGNED BY PHYSICIAN

This request for information is authorized by 5 CFR Part 339. Information collected will be used for purposes of employment- related decisions and will be handled and stored in compliance with the Freedom of Information Act and the Privacy Act of 1974. The information requested is voluntary; however, benefits/recommendations may not be considered unless this report is completed and filed as requested.

WORK SCHEDULE

PAY PERIOD	DATES	
	FROM	TO

KEY:

W - Working Regular Schedule
O - Off Day
L - Leave
C - Credit Hours to be used
T - Training/Travel
F - Flexible Workplace

FIRST WEEK

Name and Telephone Number	Monday	Tuesday	Wednesday	Thursday	Friday

SECOND WEEK

Monday	Tuesday	Wednesday	Thursday	Friday

U.S. DEPARTMENT OF AGRICULTURE
MARKETING AND REGULATORY PROGRAMS
AGRICULTURAL MARKETING SERVICE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

MRP Flexible Workplace Work Agreement

The following constitutes an agreement between the United States Department of Agriculture (USDA), Marketing & Regulatory Programs (MRP),

and _____ of the terms and conditions of the Flexible Workplace Program.
(Employee's Name)

Agency: _____ **Program/Division:** _____

Series: _____ **Grade:** _____

Category ☐ Standard ☐ 5-4-9 ☐ 4-10 ☐ Maxiflex ☐ Other _____

Employment Status ☐ Full-time ☐ Part-time ☐ Temporary

Facility ☐ Residence ☐ Satellite office ☐ Telework center

Employee will participate on the following basis ☐ Regularly scheduled ☐ Project-by-project

☐ Medical reasons (with documentation from attending physician)

Number of Flexiplace Days Each Week: _____ First Week _____ Second Week

Estimated Total Number of Reduced Commuting Miles Saved Each Year _____

1. Check one of the following: ☐ New Agreement ☐ Renewal of Existing Agreement

2. Employee volunteers to participate in the program and to adhere to the applicable guidelines and policies. Employee has read and understood MRP Directive 4368.1 and MRP Human Resources Desk Guide subchapter 4368. Agency concurs with employee participation and agrees to adhere to the applicable guidelines and policies.

3. Employee agrees to participate in the program for a period not-to-exceed one year, _____ *(Beginning date)* and _____ *(Ending date)*.

4. Employee's official tour of duty must be scheduled between 6 a.m. and 6 p.m., Monday through Friday, and include a 30-minute uncompensated lunch which must be scheduled between 11 a.m. and 2 p.m.

5. Employee's official duty station is _____ *(City/State)* for purposes such as pay, special salary rate, locality pay, travel, etc. The location at which the employee is designated to work (i.e., alternate work location) while not at the official duty station is: _____ *(City/State)*. The designated work area is described in detail (e.g., location, type of furniture, lighting) as follows:

6. Employee understands requirements for an adequate and safe office space and that these requirements have been met.

7. Employee's timekeeper will have a copy of the employee's work schedule. Employee's Time and Attendance (T/A) will be recorded as performing official duties at the official duty station.

8. Employee agrees to follow established office procedures for requesting and obtaining supervisory approval of leave.

9. Employee will continue to work in pay status while at the alternate work location. If employee works overtime which has been ordered and approved in advance, employee will be compensated in accordance with applicable laws, regulations, policies, etc. Employee understands and agrees that failure to obtain proper approval for overtime work may result in removal from the Flexible Workplace Program and/or other appropriate action.

10. Employee will utilize Government equipment for official business only and in accordance with applicable laws, regulations, policies, etc., as well as safeguard said equipment. Employee is responsible for servicing and maintaining employee-owned equipment.

Continued on Reverse Side

11. Has employee been issued Government equipment? ☐ Yes ☐ No
If yes, complete 11a.

a. Indicate the type of equipment *(check as appropriate):*

☐ Computer ☐ Software ☐ Modem ☐ Printer ☐ Other: _____

12. Employee agrees to, with a minimum of 24 hours advance notice, periodic home inspections of the alternate work location by the Government at periodic intervals during the employee's normal working hours to ensure proper maintenance of Government-owned property and worksite conformance with safety standards and other specifications in these guidelines.

13. Any accident or injury which occurs at the alternate work location must be brought immediately to the attention of the supervisor. Because an employment-related accident sustained by a flexiplace employee will occur outside of the premises of the official duty station, the supervisor must investigate all reports immediately following notification.

14. The Government is not liable for damages to an employee's personal or real property during the course of performance of official duties or while using Government equipment in the employee's residence, except to the extent the Government is held liable by the Federal Tort Claims Act or by claims arising under the Military Personnel and Civilian Employees Claims Act.

15. The Government is not responsible for operating costs, home maintenance, or any other incidental cost (e.g., utilities) whatsoever, associated with the use of the employee's alternate work location. By participating in the flexiplace program, the employee does not relinquish any entitlement to reimbursement for authorized expenses incurred while conducting business for the Government, as provided for by laws, regulations, policies, etc.

16. Employee is covered under the Federal Employee's Compensation Act in the course of performing official duties at the alternate work location or official duty station.

17. Employee will meet with the supervisor to receive assignments and to review completed work as appropriate. Employee will complete all assigned work according to procedures agreed upon by the employee and supervisor and according to guidelines and standards stated in the employee's performance plan.

18. Employee's job performance will be evaluated on criteria and milestones determined by the supervisor and are clearly understood by the employee. Evaluation of employee's performance will be based on norms or other criteria derived from past performance, occupational standards, and/or other standards consistent with these guidelines. For assignments without precedent or other standards, regular and required progress reporting by the employee will be used by the supervisor to establish standards and to rate job performance.

19. Employee's most recent performance rating must be at least equivalent to "fully successful" (e.g., 'pass').

20. Employee understands that flexiplace is not a substitute for child care or elder care, and, that appropriate arrangements must be made for children and adults who cannot care for themselves.

21. Employee will apply approved safeguards to protect Government records from unauthorized disclosure or damage and will comply with the provisions set forth in the Privacy Act of 1974, Public Law 93-579, codified at Title 5, U.S.C., Section 55a.

22. Employee or management may terminate participation in the flexiplace program at any time. Participation in the program is voluntary; therefore, removal from the program by management is not grievable.

23. Employee agrees to limit the performance of assigned duties to the official duty station or to the agency-approved alternate work location. Failure to comply with this provision may result in loss of pay, termination of the flexiplace arrangement, and/or other appropriate disciplinary action.

Employee's Signature	Date Signed
Supervisor's Signature	Date Signed
Program Coordinator's Signature	Date Signed

Please return this form to:
USDA, APHIS, MRP, HRD
Attention: Flexiplace Program Coordinator
Butler Square, 5th Floor
100 North Sixth Street
Minneapolis, MN 55403-1588