

August 12, 2009

**Memorandum of Understanding Between
US Citizenship and Immigration Services and AFGE National CIS Council on the
USCIS Telework Program**

In recognition of their collaboration on the design of an agency-wide Telework Program and the resulting Management Directive, the parties have agreed to the following:


1. Pursuant to Section 359 of Public Law 106-346, the Agency will establish and promote a program and policies under which eligible employees may participate in telecommuting while assuring continued performance and mission accomplishment.
2. The Agency will implement the USCIS Telework Program by issuing a Management Directive (*ref. USCIS Management Directive no. 123-001*) no later than 2 September 2008. The Management Directive will provide policy guidance for all existing and future Telework Programs, including pilot projects.
3. Specific Telework Program guidelines, requirements and procedures will be outlined in the Management Directive.
4. The Management Directive will be effective immediately upon its issuance, and applies to new Telework arrangements and agreements made thereafter. Telework arrangements and agreements effected prior to the MD will be re-negotiated as appropriate within one year of the effective date of the MD. Program Offices may establish policies, guidelines, and procedures to supplement the MD during which applicable collective bargaining provisions must be satisfied.
5. The Agency will abide by all current collective bargaining agreements, as well as law, rule or regulation to establish the USCIS Telework Program. Any new or existing programs in the USCIS offices will be consistent with the MD and this MOU. Any substantive changes to current working conditions, policies and programs shall be implemented consistent with applicable provisions of law and Master Labor Agreement ("*Agreement 2000*") or its successor Master Labor Agreement. The Union retains its right to bargain over appropriate arrangements for impact and implementation of any such changes, national or local.
6. In offices where employees are represented by a labor organization accorded exclusive recognition, management and labor organization pre-decisional consultation is encouraged; the parties shall negotiate in good faith, as appropriate. Program Offices are encouraged to involve the appropriate local unions at the earliest stages of local planning implementation. Nothing in this

MOU or the MD shall abrogate or Override any term collective bargaining agreements in effect on the date this policy is issued.

7. Participation in Telework is voluntary and open to all eligible employees without regard to race, color, gender, religion, national origin, parental status, marital status, age, disability, sexual orientation, genetic information. Employees shall not be subject to reprisal (for having participated in a protected equal employment opportunity activity, political activity, or union activity) when determinations for Telework participation are made. Eligible applicants will be considered fairly and equitably, without favoritism.
8. USCIS employees continue to be bound by applicable DHS and USCIS standards of conduct, management directives, and policies while working at the alternative worksite and/or using Government-furnished equipment.
9. The Agency will promote alternative worksite safety and health awareness to provide a safe work environment, free of hazards.
10. The Agency in accordance with Telework guidelines will provide such Government furnished equipment and technical support as in necessary for eligible employees to effectively participate in the Telework Program. Where program funding limitations may constrain employee's participation in Telework, offices would explore alternative arrangements to permit employees to Telework. Consultation with appropriate approving and subject matter officials, e.g., the Chief Financial Officer, and Chief of Information Technology, shall occur to ensure that the parameters of governing laws, rules, and regulations are considered and adhered to. Participating employees will abide by all relevant Agency policies and procedures for the safe and secure operation of government-provided equipment and technology.
11. The Agency will provide such training as is necessary for the effective participation of eligible employees in the Telework Program. The Union will be afforded the opportunity to provide input to the development of such training.
12. Supervisors will fairly and equitably consider and adjudicate all applications from eligible employees within 30 calendar days of receipt by the supervisor.
13. When denying a request to participate in the Telework Program, the supervisor will furnish the applicant, in writing, the reason for the denial. If an application is denied for reasons of poor performance or misconduct, the employee may be reconsidered once the performance or conduct issues have been successfully resolved and the employee meets the eligibility criteria defined by the Management Directive.
14. Although many positions are suitable for Telework, not all aspects of all positions can be performed at alternative worksites. Work suitable for Telework depends

on the task of the position, rather than job series or title, type of appointment, or work schedule. However, even jobs not entirely suited for Telework may contain functions/tasks that can be performed at an alternative worksite either on a regularly scheduled or intermittent basis. Factors to be used in determining whether a task, function, or project may be suitable for Telework will be spelled out in the Management Directive.

15. The Parties agree that a joint communications memorandum will be developed and released to bargaining unit employees within fourteen (14) days after execution of the MOU. The memorandum will outline the Agency's plan to implement the Telework Program and a copy of this MOU will be attached.
16. USCIS will implement an agency-wide communications and outreach effort to ensure that all USCIS employees and supervisors are made aware of the Telework Program and opportunities to participate therein.
17. Employee questions concerning the Management Directive should be addressed to the local Telework Coordinator or other designated local management official. The Agency will continue to communicate with the Union through its representative on the Telework Steering Committee and other appropriate means of notification. The Telework Program will be advertised and updates provided to all bargaining unit employees through such means as USCIS employee Broadcasts, training programs, the Agency intranet web site and printed materials.
18. The USCIS Telework Steering Committee will remain in place for one year, from the effective date of the Management Directive, during which time it will continue to serve in an advisory capacity to the Agency's Telework Coordinator. It shall serve as a clearing house for issues and concerns about USCIS Telework Program. The Union shall designate a representative who will service as a full member of the committee.
19. As part of their ongoing, collaborative efforts, the Parties will meet annually to review the USCIS Telework Program and discuss ways to maintain and improve its effective operations, in the best interests of the employees and the mission of the Agency.

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