

**MEMORANDUM OF UNDERSTANDING BETWEEN
THE NATIONAL FEDERATION OF FEDERAL EMPLOYEES (NFFE) LOCAL 858 (“UNION”)
AND
RISK MANAGEMENT AGENCY (RMA) KANSAS CITY (“AGENCY”)**

This Memorandum of Understanding (MOU) represents the agreement between the Parties named above regarding the Agency’s implementation of the U.S. Department of Agriculture (USDA), Departmental Regulation 4080-811-002, Telework and Remote Work Programs, with the effective date of November 22, 2021 (DR 4080-811-002). This MOU supersedes all previous agreements and past practices in conflict with DR 4080-811-002 and the provisions of this MOU.

1. Purpose:

The purpose of this MOU is to rescind Article XXVI of the Parties’ Negotiated Agreement with the effective date of February 3, 2012, and adopt the provisions of DR 4080-811-002 in its entirety, which expands telework options to permit eligible employees to telework up to eight (8) days per bi-weekly pay period and to implement the USDA Remote Work Program for eligible employees, based on the duties of their position, with the certain additional provisions that follow.

2. Additional Provisions:

- A. Within thirty (30) calendar days of the effective date of this MOU, the Agency will inform employees in writing whether their position is eligible for telework, remote work and/or both. Based on the duties of the employee’s position:

Telework options may include:

- (1) Eligible for telework up to eight (8) days per pay period.
- (2) Eligible for telework up to a specified number of days per pay period as identified by the supervisor.
- (3) Eligible for situational or ad hoc telework.
- (4) Not eligible for telework for the reason(s) per 4.f(3) and 4.f(4) of DR 4080-811-002

Remote Work options may include:

- (1) Eligible for remote work.
- (2) Eligible for remote work with specified limitation(s) that will be identified by the

supervisor).

- (3) Ineligible for remote work for the reason(s) per 8.c, 8.d, and 8.e of DR 4080-811-002

Note: All remote work eligible positions are also deemed to be eligible for telework. Employees that do not elect remote work but do elect telework, will work directly with their supervisor to establish their individual telework plan.

- B. The position eligibility notification document provided to each employee will inform the employee as to their eligibility for remote work (and eligibility for telework if the employee's position is not eligible for remote work) and will include the supervisor's explanation of the reason for ineligibility (if applicable) or remote work limitations (if applicable).
- C. RMA personnel assigned to a Regional Office or Regional Compliance Office are limited to having a remote duty location that is within the respective Regional Office's or Regional Compliance Office's geographic States or Territory Served service area (see below).
- Regional Office, Jackson, Mississippi: States Served: Arkansas, Kentucky, Louisiana, Mississippi, and Tennessee.
 - Regional Office, Raleigh, North Carolina: States Served: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.
 - Central Regional Compliance Office, Kansas City, Missouri: States Served: Colorado, Kansas, Missouri, and Nebraska.
 - Eastern Regional Compliance Office, Raleigh, North Carolina: States/Territory Served: Alabama, Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

Note: There is a general geographic, INCONUS restriction. Any employee requests for a remote work location in Alaska, Hawaii, or Puerto Rico will be considered on a case-by-case basis and the request must be approved by the Associate Administrator.

- D. Within thirty (30) calendar days following receipt of the notice advising an employee of their position's eligibility for telework and/or remote work, the employee will complete an electronic Telework and/or Remote Work Request in the Telework Management System (TMS) (or successor telework/remote work management system) and attach their election form for their supervisor's review and approval. If the employee does not

elect to participate in the Telework or Remote Work Program, when initially offered, there is no restriction as to when an employee may make a future request to participate.

- E. Within ten (10) business days after receiving an employee's Telework and/or Remote Work Request, the supervisor will review the information and approve or disapprove the employee's request in TMS. If the election is disapproved or modified, the supervisor will provide a written explanation as to the reason(s) for the denial or modification.
- F. In the event an employee wishes to increase the number of days in the office, the request for telework agreement change will be given with a minimum of forty-five (45) calendar days advance written notification. The supervisor will review the request and advise the employee in writing as to the final determination.
- G. In the event an employee who is teleworking on a regular and recurring basis wishes to discontinue their participation in the Telework Program and work in the office, a dedicated workspace may be delayed based on space limitations. And if there are multiple dedicated workspace requests pending, the requests will be considered on a first come first serve basis.
- H. Employees may request to work remotely, to change an existing remote work arrangement, or to terminate their remote work arrangement. Absent urgent circumstances, (e.g., a major quality of life issue such as illness of a family member, spouse needing to move to obtain or maintain a job, etc.), the employee's ability to request a change to their remote work location or remote work arrangement is limited to once every six (6) months. The employee's request to start, change or terminate remote work arrangement must be in writing. The request must include the proposed duty station, effective date and when applicable, the associated quality of life circumstance. Supervisors must render a written decision on an employee's request for a voluntary change within two (2) pay periods.
- I. RMA will not maintain vacant or unused space in a USDA facility for the purpose of accommodating employee requests to terminate a remote work arrangement. When on an occasional basis a remote employee is required by the supervisor to report to an office worksite location, the remote employee will be provided access to office hoteling space. Employee requests to terminate a remote work arrangement may be denied due to space limitations. If an employee's voluntary change to their remote work arrangement is approved and the change includes a return to the office worksite, when workspace is available, the employee will be allowed to return to the office worksite on a first come first serve basis.
- J. Employee requests to start, change, or terminate telework or remote work

arrangements must be in writing. The request must include the proposed effective date. For remote work, the request must also include the proposed duty location or for requests to return to a RMA office location, the request must include the proposed office worksite to which the employee would like to return.

- K. Telework and remote work employees will be available during scheduled work hours by telephone, email, and other applicable agency-approved technology and communication methods (e.g., Microsoft Teams) to communicate with their supervisor and complete their work and to be as accessible as they would be in an official agency worksite. Barring exigent circumstances (e.g., childcare, already scheduled medical appointments, etc.) employees will be required to change their normal schedule when notified by a supervisor twenty- four (24) hours in advance of meetings or training that fall outside of their normal tour of duty. Supervisors will make every effort to give employees as much notice as possible.
- L. When the Agency requires a remote employee to travel to an office worksite for official duty, the agency will pay travel costs consistent with applicable travel regulations and policies.
- M. Employees who telework three (3) or more days per week and remote work employees who are required by the Agency to report to an office worksite on occasional basis will use office hoteling space (office hoteling space features a shared office workspace environment) when working from their office worksite location. Employees who telework two (2) or fewer days per week will be assigned a dedicated workspace at their office worksite location.
- N. Employees are required to accurately record their time worked and leave hours in the time and attendance system.
- O. Telework and remote work employees will be provided with the necessary computer equipment to complete their work assignments. Provided that the items are on hand, remote work employees may request and receive permission to relocate government furnished items (such as sit/stand desks, chairs, docking station, two (2) computer monitors, keyboard, mouse, etc.) from the office worksite location to the remote employee's approved alternate worksite (typically the employee's residence). Unless specifically authorized and approved by RMA Management, telework and remote work employees will not be provided office equipment (e.g., printers, scanners, etc.)

Note: Remote employees are responsible to take reasonable care of any government furnished equipment and/or government furnished item(s) that they use in their approved alternate worksite. And upon leaving RMA and or upon termination of the remote work arrangement, remote employee must return the government furnished equipment and/or government furnished item(s) to the designated office worksite

location.

- P. Telework and remote work employees will be responsible for providing an appropriate workspace and furnishing at their alternate worksite location unless the employee has requested and received approval for some form of specialized equipment or furnishing through the reasonable accommodation process.
- Q. RMA will not be responsible for reimbursing telework and remote work employees for any costs that are associated with the employee using their home residence as a telework or remote work site (e.g., home Internet service, office equipment, maintenance, insurance, utilities, etc.). Telework and remote employees will pay any additional expenses associated with working at the alternate worksite.
- R. The Agency will provide telework or remote work employees with routine supplies and materials needed to complete their work assignments at their alternate worksite.
- S. With the Associate Administrator's concurrence, a limited amount of administrative leave may be granted to a remote work employee who is prevented from working due to emergency circumstances that are beyond the employee's control (such as an internet or power outage at their official worksite – usually the employee's residence) and as a result the employee does not have any work that can be completed and/or they cannot safely travel to an alternate worksite that will allow them to continue working.

This MOU will take effect upon Agency Head approval or on the thirty-first (31st) calendar day after execution, whichever comes first. This MOU will terminate and become null and void upon the expiration date of DR 4080-811-002 "Telework and Remote Work Programs" (effective November 22, 2021), or when superseded by the implementation of a new CBA, whichever comes first.

For the Agency:

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For the Union:

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