

From: Tarbert, Heath (Chairman)
Sent: Mon, 16 Mar 2020 11:25:12 -0400
To: All CFTC
Subject: Telework Advisory for CFTC Employees

Dear All,

In light of weekend developments regarding the spread of COVID-19, I am **reaching out again to stress that all those who are able to telework should do so until further notice.**

While CFTC offices remain open, I hope and expect that only those with essential work that cannot be performed from home will report to their assigned duty station.

Pursuant to OPM guidance, we are offering maximum telework flexibilities to all current telework eligible employees. Affirmative supervisor approval is no longer needed for teleworking in this instance. Friday's CFTC guidance (below) regarding teleworking logistics and details remains applicable. Unscheduled leave remains available to address school closures and similar personal conflicts, as well as situations in which an employee is not telework ready. Please reach out to Workforce Relations with any questions you may have.

In addition, all non-essential business travel (foreign and domestic) is suspended until further notice. Please contact the travel office if you need assistance in canceling travel.

Take care and stay safe.

Best,
Heath



Heath P. Tarbert
Chairman & Chief Executive
Commodity Futures Trading Commission
202-418-5030
chairman@cftc.gov



From: Tarbert, Heath (Chairman)
Sent: Friday, March 13, 2020 8:08 PM
To: All CFTC
Subject: FW: Operating Status for all CFTC Employees – UNSCHEDULED LEAVE AND TELEWORK

Dear CFTC Community,

Your health and safety—and that of your loved ones—is a chief priority for me. Please make sure you read the email below about your potential options of **telework** or **unscheduled leave**. The former (for those who have a telework agreement) is to facilitate social distancing that may not be possible during your commute or in the office; the latter recognizes the fact that school closures, etc. may be impacting our lives, and we may need to take some leave.

Best,
Heath



Heath P. Tarbert
Chairman & Chief Executive
Commodity Futures Trading Commission
202-418-5030
chairman@cftc.gov



From: CFTC Communication

Sent: Friday, March 13, 2020 6:03 PM

To: All CFTC

Subject: Operating Status for all CFTC Employees – UNSCHEDULED LEAVE AND TELEWORK

CFTC COMMUNICATION

SUBJECT: Operating Status for all CFTC Employees – UNSCHEDULED LEAVE AND TELEWORK

Today we are announcing that, **effective Monday, March 16, 2020, and until further notice, all CFTC offices will be [OPEN and all employees will have the option of UNSCHEDULED LEAVE or UNSCHEDULED TELEWORK](#)**. We will notify you as soon as any decisions are made to change the operating status.

The situation in our communities continues to evolve rapidly, and the health and safety of the CFTC workforce remains our top priority. With recommendations from federal, state, and local authorities to practice social distancing, as well as extensive school closures and the recent declaration by the World Health Organization that COVID-19 has reached pandemic status, we want to ensure that CFTC staff have the flexibility to take protective measures.

Today's telework readiness exercise is a key component in our continuity of operations. We will be using the information from the exercise to further strengthen our ability to execute our mission during this critical time.

If you believe you may have been exposed to coronavirus or contracted it, first and foremost, please take care of yourself in accordance with medical advice. We also encourage you to promptly inform your immediate supervisor, so we can determine whether additional measures are warranted.

How does unscheduled telework occur under these circumstances?

- To telework pursuant to this announcement, you must have:
 1. Submitted a [Telework Agreement](#) and [Safety Certification Checklist](#) to your Business Management Specialist;
 2. Completed mandatory telework training;
 3. Identified work you can complete from home; and
 4. Received oral or written approval from your supervisor to telework.
- In cases where an employee does not have access to a CFTC laptop, and VPN is not available, the employee can telework if:
 1. You have portable work; and
 2. You have access to CFTC E-mail.
- Unscheduled telework days pursuant to this announcement are excepted from the 3 day in-office rule.
- If you have items in your office that you would like to have while teleworking, the building is open and you are able to come in to retrieve them.
- We are continuing to work with NTEU on additional flexibilities to address personal conflicts, such as school closures, that are impacting employees ability to telework.

What do I need to know if I am unable to telework or have not signed a telework agreement?

- Telework is not being mandated.
- **Employees who have not completed the requirements for telework are expected to report to the office or request accrued annual leave, credit hours, or compensatory time.**
- Employees may request unscheduled leave for their full scheduled work days.
- Employees must notify their supervisor of their intent to take unscheduled leave.

What do I need to do if I do not yet have a telework agreement and want to seek approval to telework?

- Submit for approval a completed [telework agreement](#) and [Safety Checklist](#) with your Business Management Specialist. Employees must submit a safety checklist for every alternate worksite they want to be approved for telework.
- New teleworkers should schedule to take the Telework Training by contacting [Workforce Relations](#).

Who does this apply to?

- This status applies **all CFTC Employees**.
- Contractors should contact their COR to discuss their status.

We will continue to monitor the ongoing effectiveness of this operating status to determine if we need to enhance or alter our approach.

Questions?

- [Workforce Relations](#)
- [Todd Remusat](#) x5454

Article **: Telework

Section 1 Telework Program

- A. Participation in the telework program is voluntary, and an employee may choose to discontinue a telework arrangement at any time.
- B. Participants in the telework program will receive the same treatment/opportunities as non-teleworking employees in regards to work assignments, awards and recognition, development opportunities and promotions.
- C. The Employer will not be responsible for operating costs, home maintenance, insurance, travel, relocation or any other costs (e.g., utilities, internet service) associated with the use of an Alternative Worksite.

Section 2 Definitions

For the purposes of this Article, the terms contained herein have been defined as follows:

- A. Alternative Worksite – A location in the employee's home, designated by the employee as the location they will use to perform their official CFTC duties, and/or another location(s) agreed to by the employee and his or her supervisor.
- B. Official Duty Station – An employee's Official Duty Station is the Official Duty Station as defined by applicable Office of Personnel Management (OPM) regulations, 5 C.F.R. § 531.605.
- C. Telework – Performance of official duties at an Alternative Worksite (i.e., home or other location).
- D. Teleworker – An employee (i.e., permanent, part-time, temporary) who works at an Alternative Worksite (i.e., home, telework center, or other location) on an occasional and/or recurring schedule with a Telework Agreement.
- E. Telework Agreement – A written agreement, completed and signed by an employee and appropriate official(s) in his or her mission area/agency/staff office that outlines the terms and conditions of the telework arrangement.

Section 3

Employee Eligibility

An employee is eligible for a telework arrangement if:

- A. The employee is rated fully successful or above as of her/his last appraisal;
- B. The employee has sufficient portable work;
- C. The employee's work does not require frequent access to confidential or sensitive data or information which is not attainable from home, for example: personnel and/or payroll records; non-public (CFTC restricted) information; or information protected from unauthorized disclosure by the Privacy Act of 1974 and its implementing regulations. However, the Employer will consider whether the security of data or information (including sensitive and Privacy Act material) can be adequately assured;
- D. The employee has not been officially disciplined for being absent without permission for more than five (5) days (i.e., at least 40 or more hours) in any one (1) calendar year and the record of the discipline remains in the OPF. For the purpose of this provision, "officially disciplined" means any discipline that is placed in the employee's OPF;
- E. The employee has not been officially disciplined for violations of subpart G of the Standards of Ethical Conduct of Employees of the Executive Branch for viewing, downloading or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties; and
- F. The employee has not received any disciplinary or adverse action in the preceding one (1) year and has no pending discipline or adverse action

Section 4

Telework Arrangements

All eligible employees may request a telework arrangement. The following telework arrangements are available:

- A. Episodic Telework. Approved telework performed when an employee's work assignments, or part of his or her work assignments, can be performed remotely for a portion of the day or week. Generally, episodic telework is expected to last from a few hours to less than one (1) calendar week. Although episodic telework is generally not recurring, and should occur infrequently, it may be scheduled on a limited basis for short periods of time. For example, an employee may have a special project that warrants the use of episodic telework on the same day or days for a number of consecutive or non-consecutive weeks. Prior approval by the immediate supervisor is required for each episodic occurrence unless the employee and his or her supervisor agree otherwise.

B. Recurring Telework. A recurring telework arrangement under which an employee may telework for up to four (4) days per pay period, subject to the employee's work schedule that is selected and approved in accordance with Article ** (Work Schedules and Credit Hours).

1. Employees who work a Flexitour or Gliding schedule are authorized to telework for up to four (4) days per pay period.
2. Employees who work a 5-4/9 or 4-10 Compressed Work Schedule (CWS) may be out of the office on either a regular day off (RDO) or working at her/his telework site for no more than four (4) days per pay period.
3. Employees who are on a Maxiflex schedule under which they work less than ten (10) but at least eight (8) days in a pay period may be out of the office on either a regular day off (RDO) or working at her/his telework site for no more than four (4) days per pay period.
4. Excused absences (administrative time), leave (e.g., annual, sick, FMLA) or unscheduled telework (e.g. due to inclement weather or emergency) are not considered days on which an employee is "out of the office" for Section 4B purposes.

A request for recurring telework must be submitted to the immediate supervisor and is subject to approval by the Division Director. The Employer's approval of an employee's request for a regular, recurring telework arrangement will remain fixed unless and until it is changed by the employee or the Employer in accordance with this Article.

C. Reasonable Accommodation – Approved episodic or recurring telework to enable a disabled employee to perform the full range of his or her official duties. All requests for reasonable accommodations are subject to approval by the Employer's Disability Officer in HRB and subject to the requirements of Article ** (Reasonable Accommodation).

D. Temporary Medical.

1. Approved episodic or recurring telework performed for a period of time requested by the employee, submitted to the immediate supervisor and approved by the Division, which may be in excess of Section 4B, due to a documented medical condition of the employee, or the employee's immediate family member, that temporarily prevents the employee from performing his or her duties in the traditional office.

*For the purposes of this Article, an immediate family member is defined consistent with 5 C.F.R. 630.201 as the spouse and parents thereof, parent, children and brothers/sisters and spouses thereof, or any individual related by blood or affinity who has an equivalent family relationship.

2. To be approved, the employee must submit documentation of:
 - a. the date the health condition commenced;
 - b. a general statement of the medical condition;

- c. the probable duration (i.e., the date on which the employee will be able to return to work in the office); and,
 - d. if applicable, whether there is any limit on the employee's performance of work during the temporary telework arrangement (e.g., type of work, number of hours per day).
3. The Employer may request additional documentation or clarification.
 4. Requests for temporary medical telework will be approved in increments of ninety (90) calendar days or less.
 5. Requests based on the medical condition of an employee that exceed ninety (90) calendar days must be requested as a reasonable accommodation under Section 4C. Employees who do not qualify for reasonable accommodation may be granted a limited extension of up to one calendar year, in increments of ninety(90) days or less. Requests based on the medical condition of an employee's immediate family member that exceed ninety90 calendar days must be requested as a temporary hardship under Section 4E.
 6. At the conclusion of the telework arrangement, or when an extension is denied, the employee must return to the official duty station as directed by the Employer.
 7. The Employer will decide 1) whether the employee meets the medical requirements and 2) whether to approve the telework request.
 8. Decisions regarding telework based on a medical condition are made on a case-by-case basis and are based on work constraints, office coverage, impact on co-workers, and employees' medical requirements or personal needs. The decision will be upheld if based on a rational basis.

E. Telework for Temporary Hardships.

1. Where an employee is experiencing a qualifying hardship, an eligible employee may request a temporary Telework arrangement which may be in excess of 4B.
2. Eligibility: An employee is eligible to request a telework arrangement under this section if:
 - a. the employee meets the eligibility requirements in Section 3.
 - b. the employee has not been placed on leave restriction for one (1) calendar year
 - c. the employee has served a minimum of two (2) years of service with CFTC and is not serving on a probationary or trial period.
3. A qualifying hardship cannot pre-date employment with CFTC. Employees can apply for hardship telework on the following basis:

- a. Involuntary Reassignment of a spouse. Where the request is based on the reassignment of a spouse, the employee can sign a self-certification stating that the assignment is involuntary, and providing the current and future duty location.
 - b. Temporary medical condition of an immediate family member, that exceeds ninety (90) calendar days in duration. The required medical documentation must be provided in accordance with Section 4.D.2 and 3
4. A request for Temporary Hardship telework must be submitted to and approved by the Executive Director in consultation with Chief, Human Capital Officer (CHCO) and Telework Managing Officer and supervisory staff as appropriate.
 5. Where a request for telework based on a temporary medical condition is covered by section 4C or 4D it will not be considered under this part.
 6. The Employer will consider and retains the discretion to approve temporary hardship requests in increments of ninety (90) calendar days, depending on the specific circumstances of the hardship, subject to staffing and workload needs. Employees may seek to extend the temporary hardship to a cumulative total of up to one (1) calendar year (365 calendar days) where the hardship still exists and approval is consistent with the business needs of the Employer. Once the allowance is exhausted, the employee will not be eligible to be considered for hardship telework for three (3) calendar years.
 7. When a request for a Temporary Hardship telework arrangement is denied, the Employer will provide the employee with the reason(s) for the denial in writing. The denial will be upheld if supported on a rational basis based on staffing or workload needs. At that time, the Employer will provide the employee with the reason(s) for the suspension or termination in writing.
 8. At the conclusion of the telework arrangement, or when an extension is denied, the employee must return to the official duty station as directed by the Employer.
- F. Continuity of Operations Plan (COOP). Episodic or recurring telework performed to ensure that the Employer can continue to perform mission-essential functions during an emergency, including localized acts of nature, accidents, and technological or attack-related emergencies. During the time period that the COOP has been activated in response to a specific emergency, the COOP supersedes the provisions of this Article.
- G. Telework in lieu of approved annual leave. Employees who have an approved telework arrangement may request to telework at a location other than their primary telework site in lieu of approved annual leave, so long as approval to do so is granted in advance. The alternate worksite must meet the terms and conditions of the employee's telework agreement, and the employee must complete the safety certification checklist. However, upon converting annual leave to telework, employees are subject to the frequency limitations specified in Section 4A and 4B, unless ordered to perform work by the Employer.

Section 5

Location of the Telework Site

- A. Employee telework sites must be located within the United States. The Employer will not pay any additional costs borne by the employee where the employee is required to physically report to their office.
- B. An employee may be approved to work from more than one telework site contingent upon meeting the requirements in Section 9.

Section 6

Requests for Telework and the Telework Agreement

- A. To request a telework arrangement, the employee must submit a signed "Telework Request and Agreement Form" to his or her supervisor. The Employer will respond to a properly submitted request for a recurring or episodic telework arrangement within fourteen (14) calendar days. Denial of a recurring or episodic telework arrangement will, upon request, be provided to the employee in writing, specifying the reason(s) for denial.
- B. The telework agreement documents the terms and conditions of participation in the telework program. The agreement must be signed by both parties prior to the start of teleworking. If employees have an approved agreement for recurring telework, they may also work episodic telework, with advance supervisory approval.
- C. To discontinue participation in the telework program, the employee must notify his or her supervisor in writing. Because participation in the telework program is voluntary, an employee may do so at any time, however, the change to non-telework status will take effect within one pay period.
- D. An employee may submit a written request to change his or her recurring telework schedule at any time by submitting a revised telework agreement. The Employer will respond to the request within fourteen (14) calendar days. In the event of denial, upon request, the Employer will provide the employee with the reason(s) for the denial in writing.
- E. Within a particular pay period, an employee may request to change his or her scheduled telework day(s) to other day(s) in the work week. Such requests will not be unreasonably denied. Where an employee takes a day of leave or portion thereof using credit hours, the employee will be required to forfeit a telework day or days, or portion thereof, to the extent that the employee would otherwise not comply with the minimum number of days in the office requirement found in the Work Schedules article.

Section 7

Training

A. Any employee considering participation in the Telework Program is required to complete telework training prior to submitting a “Telework Request and Agreement Form” and an Alternative Worksite Safety Checklist. The telework training can be found via the Employer's online training system.

B. Employees who have a Telework Agreement as of the effective date of this Agreement will not be required to undergo or repeat telework training, absent a requirement that all teleworkers must do so by the head of the Employer.

Section 8

Denial, Suspension or Termination of Telework Arrangement

A. The Employer may deny an employee request for a telework arrangement if the employee:

1. no longer meets the eligibility criteria in Section 3
2. is placed on a performance improvement plan (PIP);
3. has documented time or attendance issues previously communicated to the employee in writing during the prior six (6) months.

B. The Employer may temporarily suspend or terminate an employee's telework arrangement if the Employer finds that the employee:

1. no longer meets the eligibility criteria in Section 3
2. failed to adhere to the provisions of his or her Telework Agreement;
3. has been the subject of a final disciplinary action imposed by the Employer which, based on the Telework Enhancement Act, disqualifies the employee from continued participation;
4. performance has declined (for example, where the employee fails to meet established deadlines or fails to progress satisfactorily on assignments, but not insignificant fluctuations or declines in performance), and the decline in performance may be reasonably attributed to her/his participation in telework;
5. is placed on a performance improvement plan (PIP); or
6. fails to truthfully report time worked.

C. Under subsection 8B, the Employer will give advance notice of a temporary suspension or termination of a telework agreement. At that time, the Employer will provide the employee with

the reason(s) for the suspension or termination in writing. The employee will have an opportunity to meet with the Employer to discuss the reason(s) for suspension or termination. To the extent possible, the Employer will provide the employee with this opportunity to be heard prior to implementing a final action. An employee who has his or her telework arrangement terminated may reapply for a telework arrangement six (6) months from the date of suspension or termination.

Section 9

Alternative Work Site Safety

A. An employee will complete the required Safety Checklist and ensure that the Alternative Work Site is safe and has adequate workspace, lighting, ventilation, temperature controls, telephone service, power, smoke alarms, and security.

B. A teleworker is covered by the applicable provisions of the Federal Employee's Compensation Act if injured while performing official duties at his or her approved alternative work site. An employee will notify his or her supervisor immediately of any such accident or injury and will complete any required forms. Following reasonable advance notice, the Employer may inspect the employee's approved telework site where such an injury has been reported.

Section 10

Performance of Work

A. Performance requirements for teleworking employees are the same as those for non-teleworking employees. Nothing in this Article shall affect the Employer's right to assign work or make reasonable requests to ascertain the status of work assignment(s) in accordance with applicable laws, rules, regulations, the Employer's needs, or operational goals.

B. A teleworking employee will be available at an Alternative Work Site to supervisors, co-workers, and the public by telephone, voicemail and email to the same extent as if he or she was in the official duty station.

C. Telework must normally be performed using the CFTC-issued laptop. A loaner laptop will be made available to any employee who has not been issued a CFTC laptop. However, when an employee who requests same-day episodic or unscheduled telework due to an unplanned event (including inclement weather) does not have their CFTC laptop, but has portable work that can be performed and access to a CFTC issued phone for the purpose of accessing e-mail, the employee's supervisor may authorize the employee to telework. The employee must account for the full day using a combination of telework and/or approved leave.

D. Only official duties and Union representational duties will be performed during official duty hours at the approved alternate work site.

E. Telework is not intended to be a substitute for leave when an employee is incapacitated or otherwise unable to perform the duties of their position.

Section 11

No Dependent Care

A. Teleworking is not a substitute for childcare or dependent care. It is permissible for a caregiver to be present at the Alternative Worksite to take care of a dependent while the teleworker is officially working.

B. If a situation arises where the teleworker must attend to a dependent at the Alternative Worksite during scheduled duty hours, the teleworker shall notify the supervisor and arrange to take leave, credit hour(s) or make other arrangements.

Section 12

Time and Attendance

Time spent working in a telework status must be recorded through the WebTA system. Normal procedures regarding requests and approval of leave, compensatory time, overtime, and credit hours applies when an employee is teleworking.

Section 13

Work Schedules

A. A teleworking employee's work schedule may include any alternative work schedules allowed for by Article ** (Work Schedules) of this Agreement.

B. Employees may earn credit hours when teleworking, including weekends, subject to Article ** (Work Schedules).

C. An approved teleworker may telework less than their regular scheduled tour of duty with prior supervisory approval. This may occur when an employee works a portion of the work day in the office or is taking approved leave for a portion of his or her work day and requests to telework the remaining hours in the work day. Where the employee works at their telework location for part of their scheduled duty day, except where he or she would only earn credit hours, the day counts as a day out of the office for purposes of employees meeting their required three (3) days of physically being in the office.

D. The Employer reserves the right to direct an employee scheduled for telework to report to his or her Official Duty Station in circumstances deemed necessary by the Employer to meet mission, staffing and/or workload requirements such as meetings, receiving work assignments, training, travel, absences of other employees, emergency situations, or other situations deemed necessary by the Employer to meet mission, staffing and/or workload requirements. If the

Employer determines that the employee cannot fulfill the work requirement while teleworking, the Employer will give the employee twenty-four (24) hours' notice of the need to report to the Official Duty Station; however, where the need for the employee to report to the Official Duty Station is unforeseen, management will provide as much notice as possible. Where the employee cannot report to the office for personal reasons, they may request leave. Where the employee is directed to report to the official duty station during her/his tour of duty, the employee can normally reschedule their telework day. Reasonable commuting travel time will be considered duty time.

E. When the Employer directs the employee to report to his or her Official Duty Station (or to a temporary duty location, if applicable) on the employee's scheduled telecommuting day in a given pay period, the Employer will grant an employee's request to work a different telecommuting day during that same pay period unless mission, staffing and/or workload requirements require the employee's presence. In the event of denial, the Employer will provide the reasons for denial in writing.

F. If an emergency occurs at the telework employee's Alternative Worksite that impacts on his or her ability to perform official duties, then the employee will immediately notify the Employer. In such an emergency, the Employer may direct the employee to report to the Official Duty Station, or approve annual leave, credit hours, administrative leave, or leave without pay.

Section 14

Technology and Equipment

A. Teleworking employees, where directed by the Employer, must use an Employer-issued laptop computer to perform work at the approved Alternative Worksite.

B. An employee who is scheduled to telework, but who forgets to bring their laptop to the approved alternate worksite, may request approved leave to retrieve the laptop or to account for the full workday.

C. The Employer will facilitate and assist teleworking employees in the event of software, connectivity and /or other access issues.

D. Teleworking employees must ensure that government-provided property is used only for approved purposes. The Employer will service any government equipment provided to an employee at the Official Duty Station.

E. An employee must comply with all relevant information technology security measures, including password protection and data encryption, so that Privacy Act and other security standards are not compromised.

F. Teleworking employees may utilize necessary and routine office supplies (such as pens, paper, and similar) and, where there is need, a telephone card for making business related long-distance telephone calls while at the Alternative Worksite.

G. The Employer will reimburse a teleworker for appropriate and authorized expenses incurred while conducting official duties at the approved Alternative Worksite, as provided for by law and regulations. The Employer will not be responsible for operating costs, home maintenance, insurance, or any other costs (e.g., utilities, internet service) associated with the use of an Alternative Worksite.

Section 15

Agency Closure, Late Opening and Early Dismissal

- A. Employees who have a telework agreement, will telework on a day that the employee's official duty station is closed and will not normally be granted administrative leave. However, if a condition exists at or impacts the Alternative Worksite (e.g., power outage, equipment failure but not including dependent care), that prevents the employee from performing work using the CFTC-issued laptop, the specific circumstances will dictate whether the employee may be authorized to take accrued leave or be granted administrative leave.
- B. On a day that there is an agency closure, an employee who teleworks must account for a full work day through a combination of telework and accrued leave or other leave as appropriate.
- C. When the agency closes due to a weather or safety condition that could reasonably be anticipated, and an employee who has a telework agreement forgets or neglects to bring their CFTC laptop home, the employee may request approved leave to account for the full work day. Administrative leave will not be granted under these circumstances. However, when, in the Employer's judgement, the employee took reasonable steps (within the employee's control) to prepare for teleworking and was unable to bring their CFTC laptop home, the Employer may grant administrative leave. The Employer will not unreasonably deny such requests.
- D. Employees may not receive administrative leave for hours during which employees are on other preapproved leave (paid or unpaid) or paid time off.
- E. A supervisor will approve an employee's request for episodic telework for a full day or partial day in the event the government is open with the option of unscheduled leave/unscheduled telework or in the case of early departure. In such circumstances, the teleworking employee must account for a full work day through a combination of telework and accrued leave or other leave as appropriate.
- F. Late Opening. Employees who are scheduled or request to telework are not impacted by commuting issues and must account for their full work day through a combination of telework and other leave as appropriate.

G. When the CFTC announces an early dismissal of employees for non-emergency conditions, such as on the day prior to a Federal holiday, employees who telework will also be excused.

From: CFTC Communication
Sent: Wed, 18 Mar 2020 12:54:57 -0400
To: All CFTC (FTE)
Subject: Temporary Change to the CFTC Work Schedule Policy, Applicable Until Further Notice

CFTC COMMUNICATION

SUBJECT: Temporary Change to the CFTC Work Schedule Policy, Applicable Until Further Notice

In light of the evolving situation concerning the COVID-19 virus (coronavirus), the CFTC is offering, on a temporary basis, additional telework flexibility to all teleworking employees. While individual circumstances will vary, we anticipate that these expanded telework flexibilities will be particularly helpful to staff. These flexibilities should provide relief to those who need to provide dependent care due to the closure of schools or disruptions in child care arrangements. It may also provide relief to those who are currently impacted by self-isolation, isolation of an immediate family member, or in quarantine due to exposure to the coronavirus.

Details of these temporary telework flexibilities are provided below, but as a general matter they are designed to allow employees to modify the time(s) of day they work. To the extent an employee is not able to perform their hours of work scheduled for each day, they may use credit hours or take leave for all or part of the day. Leave flexibilities are outlined in prior communications.

Supervisors should work with each of their staff members to support these additional telework flexibilities. Employees should maintain open communication with their supervisors about their telework and leave status and notify supervisors if they intend to adjust their work schedules.

What do I need to know?

- The [Telework](#) and [Work Schedule](#) Articles of the NTEU-CFTC Collective Bargaining Agreement (CBA) currently apply to all employees.
- These flexibilities apply to staff who are both teleworking and on the Maxiflex work schedule option. The requirements for staff on compressed, gliding, or regular work schedules remain unchanged.
 - Maxiflex is a type of flexible work schedule where the employee may designate a recurring work schedule in which he or she fulfills his or her 80-hour basic work requirement in a biweekly period over fewer than ten (10) workdays, but not less than eight (8) workdays.
- Until further notice, the core hours (*i.e.*, the designated period of the day when all employees must be in a pay status (either on leave or working at the office or at their designated telework space)) of 9:30 a.m. to 3:00 p.m. are suspended for all teleworking employees who are on the Maxiflex work schedule option.
- The arrival/start (6:00 a.m. to 9:30 a.m.) and departure/end (3:00 p.m. to 7:00 p.m.) time bands set forth in Article 7, Section 5.A. are temporarily suspended for employees who are teleworking and on a Maxiflex schedule. These employees may start work as early as 5:00 a.m. and end work at late as 12:00 a.m. (midnight), Monday through Friday.

- Employees who are teleworking and on the Maxiflex option are not required to use credit hours or take leave as long as they complete their basic work requirement (80 hours per pay period) between the hours of 5:00 a.m. and 12:00 a.m. (midnight) Monday through Friday.
- Because eligible employees are on the Maxiflex work schedule, they can work these extended hours without incurring the expense of night shift differential, which the CFTC does not currently offer.
- Consistent with Article 7, Section 6.D.1(d) of the CBA, daily work hours continue to be limited to a maximum of ten (10) hours per day toward meeting the basic work requirement, Monday-Friday; however, in any individual day, an employee may work up to two (2) additional credit hours between the hours of 5:00 a.m. and 12:00 a.m. (midnight), for a combined total of 12 hours.
- For pay periods that include a holiday, employees are advised to plan ahead to incorporate holiday hours when they schedule their work hours. Full time employees on a Maxiflex schedule receive eight (8) hours of pay on holidays.
- Part-time employees should contact [Workforce Relations](#) to discuss their specific scheduling needs.
- ODT Customer Service Support (CSC) will be available during its regularly-scheduled hours.
- The 3-day “in-office requirement” is temporarily suspended for all teleworking employees.

What do I need to do?

- If you are currently on a Maxiflex work schedule and wish to establish or change your Maxiflex schedule, notify your supervisor of expected arrival (start) and departure (end) work times in accordance with Article 7, Section 6.D.1(b) of the CBA.
- If you wish to change your work schedule to Maxiflex, complete the [Alternative Work Schedule Request \(Form 461\)](#) and submit it to your time keeper who will make the changes in WebTA and update the Business Management Specialist. All work schedules are subject to supervisor approval.

Questions?

- Contact [Workforce Relations](#) for questions about the [Work Schedule Article](#).
- Contact your **Business Management Specialist** with questions about how to request a change in work schedule.

From: Thompson, Anthony C.
Sent: Mon, 30 Mar 2020 17:09:27 -0400
To: All CFTC (FTE)
Subject: Guidance For Staff Who Need to Come in to the Office During Shelter-In-Place and Stay at Home Orders
Importance: High

Dear CFTC Staff

While our nation continues to experience disruptions from the COVID-19 pandemic, we note that a number of locations at the state and local level have implemented travel restrictions that may affect your ability to move freely between home and work. We strongly encourage you to follow those pronouncements, for your benefit and that of others. And to facilitate that compliance, we have established maximum telework flexibilities, which are described in earlier communications. However, in order to carry out the CFTC's critical government functions, a very limited number of you may be required to periodically report to your designated office. Under these circumstances, the Department of Justice has notified state and local agencies throughout the United States that federal employees must be able to continue to perform necessary functions from their federal offices.

Unlike a lapse of appropriations, CFTC operations continue to function fully and our continuing mission is considered an essential function, although we must do as much work as we can remotely. As stated previously, staff with telework agreements should telework to the maximum extent possible and should only come in to their office if necessary. However, if it is necessary for an employee to come into their office to perform work, it falls within exceptions to the movement restrictions that have been imposed by state and local authorities.

For clarification, there is a distinction between staff who **elect** to come to the office for convenience purposes and those who are **required** to come to the office (1) to perform specific tasks that are only possible to do in their office and (2) who occupy positions that, by the nature of their work, require working onsite to perform tasks necessary to continue CFTC operations, even during an emergency. Again, we strongly encourage people to refrain from coming to the office unless they are in categories 1 or 2.

(1) For employees who are teleworking but have specific tasks that they must come into the office to perform:

- Please work with your supervisor to try to find workarounds to avoid coming into the office. This may require creative solutions or changing how work would normally be performed (*e.g.*, filing work in shared drives rather than paper files, using digital signatures, printing remotely wherever feasible, etc.). Keep in mind that workarounds that would increase the cost to the government should be cleared prior to moving forward and that generally no additional cost solutions are the preferred choice to quickly resolve issues.
- If a task must be performed onsite, and there is no reasonable alternative other than an employee coming into the office to perform specific tasks, the employee is expected to come into the office to perform those tasks. Under these circumstances, the employee should minimize their time in the office to accomplish only those specific tasks. Employees are further advised to maintain social distancing, if possible.

- Supervisors should also try to combine tasks to minimize the number of employees who are required to work in the office at any given time. For example, if someone already in the office (or already approved to go into the office) is able to perform a specific task, the supervisor should explore having an onsite employee perform that task, even if it is not among that employee's regular duties.
- For supervisors, if you have exhausted the above options and still need a specific task performed that can only be done in the office, your first step is to please contact LA Harding, Security and Emergency Management Officer, to coordinate having a teleworker come into the office and collaborate on how best to minimize risk. Additional clearances and instructions will be necessary prior to a teleworking employee being allowed entry into the building.

(2) Separately, there are some positions that, by the nature of their work, will require employees to come into the office for at least part of a day on a regular basis, even during an emergency. Examples of this may include employees needed to handle mail, security, badging, or physical handling of equipment.

- While supervisors should work with staff to enable them to telework to the maximum extent possible, there may be times these employees must report to the office.
- The majority of these employees work in OED and ODT, but if you have any employees (other than ones that have not yet signed a telework agreement) that need to be onsite to perform work on a regular basis, please contact LA Harding, who will be consolidating the information about these functions.

Decisions on the need for teleworkers to report to the office will be addressed corporately, rather than by individual supervisors, in order to maximize telework and minimize risk.

We will provide specific guidance to staff who are required to report to the office. At a minimum, this will include identifying themselves with their Personal Identity Verification ("PIV") card and informing any authorities they encounter that they have been ordered into the office to perform necessary federal government functions, and to carry the phone number of the official authorizing or requiring them to report to the office in case verification is needed.

Best Regards,

Tony



Anthony C. Thompson
Executive Director
Office of Executive Director
Commodity Futures Trading Commission
202-418-5697
athompson@cftc.gov

