# Audit of Special Telework Arrangements at NARA

## OIG Audit Report No. 14-11

## May 5, 2014

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# Executive Summary

Federal telework programs are established primarily to meet agency mission and operational needs. In July 2013, NARA management identified 29 unique telework arrangements including full-time and long distance telework and requested the Office of the Inspector General (OIG) perform an audit in this area. Our overall objective was to determine whether these arrangements were administered in accordance with NARA policy and procedures. In addition, we assessed whether NARA supervisors were properly monitoring and certifying employee work time to ensure that an acceptable level of output resulted from the time spent teleworking.

NARA's telework program suffers from a lack of effective oversight and weak internal controls. We identified several areas where improvement is needed to ensure special telework arrangements are administered in accordance with policy and procedures, and are in NARA's best interest. These include:

- Current telework agreements were not available for 18 of the 29 special telework arrangements. Without a telework agreement in place, the terms and conditions of the employee's participation in the telework program and the specific work arrangement have not been formally established.

- Telework agreements for long distance telework were not always approved by the appropriate Executive or Staff Director. Executives and Staff Directors should approve each long distance telework arrangement to ensure adequate office coverage and that the arrangement will not adversely affect NARA's mission.

- One employee did not have the correct duty station, and as a result was overpaid approximately $4,447 over a 14 month period due to the differences in locality pay.

- At least half of the special telework arrangements resulted in increased travel costs to NARA for the employees to periodically return to their normal worksite for face to face meetings with colleagues or attend training events. In addition, NARA leased office space for one employee to work remotely from a General Services Administration (GSA) building in New Mexico. In approving the special telework arrangements, supervisors were not required to document their analysis as to the costs or savings of the proposed arrangement compared to the existing arrangement. As a result, arrangements may not be in NARA's best interest.

- Travel expenses for long distance telework employees to return to their normal worksite on official business were not always correctly reimbursed. Failure to reimburse official travel creates a debt to the employee, and NARA remains liable for these costs should the employee file a claim.

- Most of the special telework arrangements we reviewed were entered into without a specific time limit. Although the telework agreements have to be renewed each year, supervisors and executives expressed concerns regarding the undefined length of the arrangements and whether changes could be made to the agreements. Establishing an estimated timeframe for the agreement would help to ensure the supervisor's and employee's expectations were met.

Our review of special telework arrangements included six arrangements granted as a result of reasonable accommodation requests. Of the six arrangements, two were not documented using NA Form 3043 and NA Form 3044, as required. NARA policy requires all requests for accommodation be documented in order for NARA to keep accurate records for annual reporting purposes.

We also noted NARA supervisors used several different techniques to effectively monitor telework employees. Opportunities exist to take advantage of best practices for managing special telework arrangements. Sharing this information across NARA would assist supervisors who are responsible for monitoring productivity and performance of telework employees.

This report makes 11 recommendations to strengthen the management, accountability, and oversight of the telework program at NARA.

# Background

Telework refers to a work flexibility arrangement under which an employee performs the duties and responsibilities of such employee's position, and other authorized activities, from an approved worksite other than the location from which the employee would otherwise work. Laws encouraging telework have been in effect for over a decade. On December 9, 2010, the President signed the Telework Enhancement Act of 2010, Public Law 111-292, which required each executive agency to establish and implement a policy under which employees shall be authorized to telework. Agencies were to determine the eligibility for all employees to participate in telework, and to notify all employees of their eligibility to telework. The Telework Enhancement Act of 2010 also required agencies to incorporate telework as part of the continuity of operations plans of the agency in the event of an emergency.

NARA Directive 332, "Telework Program," March 28, 2012, is NARA's telework policy. The Directive describes the different types of telework arrangements, identifies who is eligible for a telework arrangement, and defines supervisor and employee responsibilities. As shown in Table 1 below, there are five types of telework arrangements available to NARA employees.

**Table 1. Types of Telework Arrangements at NARA**

| | |
|---|---|
| Ad Hoc | This arrangement allows for occasional telework on a non-recurring basis. Examples of ad hoc telework are inclement weather, doctor appointment, or special work assignments. |
| Recurring | This arrangement allows an employee to enter into an ongoing arrangement to work outside the office on a regularly scheduled basis, typically one to three days per week or per pay period. |
| Long Distance | Telework arrangements may also be approved that allows an employee to work primarily at a worksite distant from the employee's normal worksite. This telework option is open to all employees whose duties can be performed away from a NARA facility. Approval is required by the appropriate executive/staff director. |
| Emergency | Employees under emergency telework arrangements may telework for a continuous period of time during an emergency in order to support the performance of work functions and assist in protecting NARA staff during an emergency situation. |
| Unscheduled | This is a specific type of Ad Hoc Telework. Employees who already have a telework agreement in place may telework from home, to the extent possible, when severe weather conditions or other circumstances disrupt commuting. |

NARA's Chief of the Labor/Employee Relations and Benefit Branch was designated as the agency's Telework Managing Officer (TMO). The TMO is a senior agency official who is responsible for developing and implementing telework policies and programs. In addition, the TMO advises agency leadership on telework, assists managers and employees with telework matters, and develops performance goals and metrics to evaluate the effectiveness of the program.

In certain situations, NARA approved special telework arrangements to accommodate employee's unique health or family situations. A management data call in July 2013 identified 29 special telework arrangements, including full-time telework as a result of a reasonable accommodation and long distance telework. As shown in Figure 1 below, NARA has employees all over the United States participating in special telework arrangements.

**Figure 1. Locations of Special Telework Arrangements**

[redacted]

NARA OIG issued a previous report related to NARA's Telework Program on September 30, 2011, OIG 11-20 "Audit of NARA's Telework Program." The report identified that NARA's Telework Program was non-compliant with the Telework Enhancement Act of 2010. Specially, the program did not fully encompass key best practices, or facilitate the realization of identified benefits associated with teleworking. These conditions were due to inadequate managerial and administrative support of NARA's telework program. The same factors resulted in a lack of training, guidance, and assistance for telework supervisors, which negatively impacted the overall implementation of NARA's telework program. The audit made 17 recommendations to ensure the telework program met mandated requirements, and improvements were made to the security of the work at home system. Management concurred with the recommendations and expected actions to address the recommendations would be completed by January 31, 2012. As of February 2014, 14 of the recommendations remain open[1].

[1] In March 2014, the OIG closed eight recommendations, therefore, only six recommendations remain open.

# Objectives, Scope, Methodology

This audit was performed at the request of management. The objective of our audit was to determine whether special telework arrangements were administered in accordance with NARA policy and procedures. In addition, we assessed whether NARA supervisors were properly monitoring and certifying employee work time to ensure that an acceptable level of output resulted from the time spent teleworking.

To accomplish our objectives, we interviewed key NARA personnel from the Office of the Chief Operating Officer, Office of Human Capital, and Business Support Services along with supervisors and executives of several NARA offices.

NARA provided a list of 29 special telework arrangements identified by a management data call in July 2013. Special telework arrangements were not centrally tracked therefore, we attempted to identify whether additional special telework arrangements existed by reviewing the number of telework hours reported by employees in NARA's time keeping system. We obtained and reviewed data from pay periods #1 through #15; however, telework hours reported in the timekeeping system did not always appear to be reliable or accurate. We identified seven additional employees with a high number of telework hours but upon further review, determined the arrangements included recurring telework that did not appear to fall into the special telework category. Our audit was limited to the 29 arrangements identified by management.

To determine whether telework arrangements were administered in accordance with policy and procedures, we reviewed NARA Directive 332 "Telework Program;" NARA 332, Supplement 1; Public Law 111-292, the "Telework Enhancement Act of 2010;" and the Office of Personnel Management "Guide to Telework in the Federal Government," to gain an understanding of Federal and NARA requirements governing these arrangements. Based on these requirements, we requested and reviewed NARA Telework Agreements to determine whether each individual participating in a special telework arrangement had a telework agreement, and whether the agreement was reviewed and signed annually by the employee and their supervisor. For long-distance telework arrangements, we also reviewed whether the agreement was approved by an executive or staff director. We reviewed the official duty stations for each of the 29 employees in the Federal Personnel Payroll System (FPPS) to ensure their locality pay was correct. We also requested the latest performance evaluations to determine whether the employees were performing at the fully successful level or above, as required by NARA 332 to participate in a telework arrangement.

At the request of management, we obtained and reviewed employee login information from NARA's remote access system. However, NARA 332 does not require employees to use the remote access system when teleworking, and after reviewing the log information, we concluded it would not be a useful tool to monitor employee productivity. Based on additional concerns expressed by management, we also reviewed whether telework procedures were adequate to cancel special telework arrangements when no longer in NARA's best interest and whether NARA incurred additional expenses as a result of the arrangements.

To determine whether NARA supervisors were properly monitoring and certifying employee work time, we interviewed selected supervisors of the 29 employees to determine what techniques or tools they used. We also compiled a list of best practices used by supervisors that could be shared across NARA.

Our audit work was performed at Archives II in College Park, Maryland, and the Office of the Federal Register in Washington, DC between July 2013 and February 2014. We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

# Audit Results

## 1. Telework Arrangements

The special telework arrangements we reviewed were not always administered in accordance with policy and procedures. Specifically:

- Current telework agreements were not available for 18 of the 29 arrangements,
- Long distance telework agreements were not always approved by an executive or staff director, and
- One employee did not have the correct duty station in NARA's payroll system.

This occurred because controls were not in place to ensure supervisors implemented the telework policy and procedures consistently across NARA. As a result, some telework arrangements have not been formally established, long distance telework arrangements may adversely affect resources and office coverage, and an employee with an incorrect duty station was overpaid approximately $4,447 over a 14 month period due to the differences in locality pay.

A management data call in July 2013 identified 29 employees with special telework arrangements. Special telework arrangements included long distance telework such as remote or satellite arrangements where the employee performs their work at a site distant from their normal worksite and full-time telework as a reasonable accommodation[2] (See Table 2).

**Table 2. Special Telework Arrangements and Medical Accommodations by Office**

| NARA Organization | Number of Special Telework Arrangements | Number of Medical Accommodations |
|---|---|---|
| Agency Services | 10 | 3 |
| Human Capital | 4 | 0 |
| Business Support Services | 3 | 1 |
| Strategy and Communications | 2 | 0 |
| [redacted] | 2 | 2 |
| Information Services | 1 | 0 |
| Research Services | 1 | 0 |
| Total | 23 | 6 |

[2] Reasonable accommodation is any change in the work environment, or in the way things are customarily done, that enables an individual with a disability to apply for a job, perform a job, or gain equal access to the benefits and privileges of a job. Allowing an employee to work at home may be a reasonable accommodation where the person's disability prevents successfully performing the job on-site and the job, or parts of the job, can be performed at home without causing significant difficulty or expense.

Current Telework Agreements

The Telework Enhancement Act of 2010 and NARA 332 require all teleworkers to have a formal telework agreement in place specifying the terms and conditions of participation in the program. The agreement must be reviewed and renewed annually by the employee and the supervisor. NARA's Telework Form, NA 3040, is used for all the different types of telework arrangements, including ad hoc, recurring, long distance, and emergency. NARA 332 requires supervisors to provide a copy of the approved, disapproved, or terminated telework agreement for each employee who participates in a telework arrangement to the NARA Telework Managing Officer (TMO).

We met with NARA's Telework Coordinator who is responsible for managing the telework program and requested copies of the telework agreements for the list of employees identified in the management data call. The Telework Coordinator did not have current telework agreements for 18 of the 29 employees. Specifically, we found the Telework Coordinator did not have a copy of the telework agreements for five employees, eight telework agreements had not been reviewed and renewed annually as required; and five agreements were not current because the agreement did not match the current telework arrangement.

According to the Telework Coordinator, she had copies of all the telework agreements that were emailed to the telework@nara.gov mailbox. The telework coordinator created a spreadsheet to track the telework agreements on file. The spreadsheet contained information such as the type of telework arrangement (i.e. ad hoc, recurring, long distance, or emergency), duration of the telework agreement, telework location, the employee's official duty station, the effective date of the agreement along with a renewal date, and whether the employee completed telework training. However, this spreadsheet was not a sufficient control to ensure all supervisors provided a copy of telework agreements to the TMO, as required. Further, this spreadsheet was not effectively utilized. For example, periodic monitoring of this spreadsheet would have identified the telework agreements that had not been renewed annually. Without a current telework agreement in place, the terms and conditions of the employee's participation in the telework program, and their specific work arrangement, have not been formally established.

Long Distance Telework Agreements

NARA Directive 332 "Telework Program," defines long distance telework arrangements as allowing an employee to work primarily at a worksite distant from the employee's normal worksite. According to NARA 332 and Supplement 1, this telework option is open to all employees whose duties can be performed away from a NARA facility but approval is required by the appropriate executive or staff director in addition to the immediate supervisor. Of the 29 special telework arrangements, we identified 24 as long distance telework because the arrangements involved employees performing their work at a location distant from their normal worksite. Specifically, if the employee previously worked at Archives II in College Park, MD and voluntarily requested to telework from another location, whether near a NARA facility or to a remote location, we considered that arrangement to be long distance telework requiring the approval of an executive or staff director.

We reviewed telework agreements for 21 of the 24 long distance telework arrangements. Of the 21 agreements, 12 were approved by an executive or staff director, including four which weren't approved by the director until 10 months or later after the employees and supervisors signed the agreements. The remaining nine agreements included eight signed only by the employee and direct supervisor, and one for an employee working in Nebraska signed only by the employee.

Interviews with supervisors revealed different definitions as to which arrangements qualified as long distance telework. For example, if an employee voluntarily requested a transfer from College Park to another location and worked at least one day a week at a NARA field office, some offices did not consider the arrangement to be long-distance telework even though the normal worksite for their position was College Park. Instead, these requests were handled as change of duty station requests.

The Telework Coordinator also believed as long as the employee reported to a NARA facility at least two days per pay period, they could claim that location as their duty station and therefore, the telework would not be long distance. Based on this definition, long distance telework would only apply to only those arrangements where the employee would be teleworking full time at a remote location not near a NARA facility, or arrangements where the employee teleworked from a location outside the geographical location of their duty station. Telework agreements did not always reflect this definition of long distance telework. In reviewing NARA 332 and Supplement 1, we found NARA's policy and guidance does not define long distance telework with enough clarity to ensure the requirements for long distance telework are consistently implemented among the offices. NARA executives and staff directors should have the opportunity to review requests for long distance telework, or any request that would result in a change of duty station, to ensure adequate office coverage and that the arrangement will not adversely affect NARA's mission.

Official Duty Station

All pay, leave, and travel regulations are applied on the basis of the employee's official duty station. The official duty station (worksite) for an employee covered by a telework agreement is the location of the regular worksite for the employee's position (i.e., the place where the employee would normally work absent a telework agreement), as long as the employee is scheduled to report physically at least twice each bi-weekly pay period on a regular and recurring basis to that regular worksite. The official worksite for an employee covered by a telework agreement who is not scheduled to report at least twice each bi-weekly pay period on a regular and recurring basis to the regular worksite is the location of the telework site (i.e., home or other alternative worksite).

We identified only one employee on the list of special telework arrangements that did not have the correct duty station. The employee previously worked in Washington D.C. but requested a long distance telework arrangement where they work from an alternate worksite in a different state full time. Because the employee did not report to Washington D.C. at least two days per pay period, their duty station should have been changed to the alternative worksite. The salary and locality pay for the alternate worksite was approximately $3,800 less per year than the Washington D.C. area. The employee had been participating in the long distance telework arrangement for about 14 months when the error was identified, therefore, the employee was overpaid approximately $4,447. We brought this issue to the attention of the employee's Director who took immediate action to correct the employee's duty station.

**Recommendations**

1. The Chief Human Capital Officer should coordinate with the Office of Performance and Accountability to develop controls and relevant control activities to ensure telework agreements are in place, reviewed and renewed by the employee and the supervisor annually, and a copy of the approved, disapproved or terminated telework agreement is provided to the NARA Telework Managing Officer.
2. The Chief Human Capital Officer should provide clarifying guidance to supervisors as to which arrangements require executive or staff director approval.
3. The Chief Human Capital Officer should establish an oversight mechanism to ensure employee's duty station assignments are reviewed and validated periodically.
4. The Chief Operating Officer should seek reimbursement of the $4,447 overpayment, or grant a waiver in accordance with 5 U.S.C. 5584.

Management Response

The Archivist concurred with the recommendations.

## 2. Additional Expenses As a Result of Special Telework Arrangements.

Several of the special telework arrangements resulted in lower personnel costs. However, NARA incurred additional travel expenses for the employees to periodically return to their normal worksite. In addition, NARA leased office space for one employee to work remotely from a GSA building. In deciding whether to approve or continue the special telework arrangement, supervisors should analyze the costs or savings of the proposed or existing arrangement. NARA's telework procedures, and the telework agreement form, do not require supervisors to document this analysis or justify their decision when special telework arrangements will result in additional costs. As a result, supervisors may not have considered all factors related to costs or savings in deciding whether to approve special telework arrangements, and some arrangements may not be in NARA's best interest.

Special telework arrangements can result in costs or savings because all pay, leave, and travel regulations are applied on the basis of the official duty station. While some of the special telework arrangements appeared to have been established when the individual began working at NARA, at least eight arrangements involved employees transferring their duty station from College Park, MD or Washington D.C. to distant locations such as Arizona, Nebraska, and Wisconsin. The Washington D.C. pay area has one of the highest locality pay adjustments at 24.22%. There are only eight locality pay areas higher than the 24.22% locality pay for the Washington D.C. area. Those locality areas include: Boston, Chicago, Hartford, Houston, Los Angeles, New York City, San Francisco, and Alaska.

We compared the changes in locality pay for the eight employees who previously worked in the Washington D.C. area and one employee who previously worked in St. Louis to determine the costs or savings from these arrangements. As shown in Table 3, the change in duty station resulted in a net savings of $28,493 to NARA since most of the employees moved to an area with a lower locality pay.

**Table 3. Comparison of Locality Pay Between Duty Stations**

| Employee | Grade/ Step | Previous Duty Station | Salary | New Duty Station | Salary | Savings/ (costs) |
|---|---|---|---|---|---|---|
| 1 | GS-14/5 | College Park | $119,238 | Fairfield, CT | $120,773 | $(1,535) |
| 2 | GS-14/3 | College Park | $112,224 | Lincoln, NE | $103,136 | $9,088 |
| 3 | GS-13/8 | College Park | $109,807 | Belmont, NC | $100,914 | $8,893 |
| 4 | GS-13/5 | College Park | $100,904 | Tucson, AZ | $92,732 | $8,172 |
| 5 | GS-12/9 | College Park | $94,837 | Woods Hole, MA | $95,280 | $(443) |
| 6 | GS-12/6 | Washington D.C. | $87,350 | Commerce, GA | $80,276 | $7,074 |
| 7 | GS-12/4 | St. Louis | $75,689 | San Diego, CA | $82,339 | $(6,650) |
| 8 | GS-12/2 | Washington D.C. | $77,368 | Shorewood, WI | $73,556 | $3,812 |
| 9 | GS-12/2 | College Park | $77,368 | Ann Arbor, MI | $77,287 | $81 |
| **Total** | | | | | | **$28,492** |

However, as an offset to the personnel costs savings, NARA incurred additional travel expenses for those individuals with special telework arrangements to return periodically to their normal worksite. According to 5 USC § 5702, an employee, when traveling on official business away from the employee's designated post of duty, or away from the employee's home or regular place of business, is entitled to any one of the following: a) a per diem allowance; b) reimbursement for the actual and necessary expenses of official travel; or c) a combination of payments described above. Therefore, when the employee's duty station is changed to their telework location, any travel back to the normal agency worksite to perform official business is eligible for reimbursement.

We reviewed travel authorizations and vouchers for those individuals with special telework arrangements, and found NARA paid the travel expenses for 16 employees to return to their normal worksite periodically. Typical travel expenses included the cost of transportation, hotel, per diem, and incidental expenses. The trip details on travel authorizations explained that TDY was necessary for a variety of reasons including meetings, annual project planning, laptop update and repair, and to attend training events or give presentations. Below are several examples of travel expenses incurred by NARA:

- NARA paid $49,320 in travel expenses for one employee to regularly commute to College Park, MD over a three year period. This included one year in which the individual traveled to College Park almost weekly to attend meetings. Although the individual worked out of a NARA field office, the employee was appointed to a new position in 2010. At that point the supervisor should have reviewed the costs associated with having the employee continue to work from the satellite location, if frequent meetings in College Park were necessary. Had

NARA changed the employee's duty station to College Park, the employee would have been responsible for the costs to commute between their residence and duty station.

- At least four employees traveled to College Park to meet with colleagues face-to-face. Travel expenses for the multi-day trips were between $1,708 and $2,046 each.

- One employee had to return to their previous duty station of St. Louis to receive new system training. Total cost of the trip was around $1,200 because the employee was able to stay with relatives. The roundtrip airfare of $819 from California to St. Louis was the majority of the expense.

- Another employee traveled to St. Louis quarterly to meet with their staff for several days. The three trips we reviewed were each four days in length and cost between $1,271 and $1,417.

- One employee traveled from their telework location to the closest NARA field office for inspection planning and laptop service. The cost of the four day trip was $1,092.

- Another individual made quarterly trips to take his NARA laptop to the closest NARA facility so that he could change his password and get NARANet updates. Because the individual lived within 100 miles of a NARA facility, the cost for this temporary duty travel was usually around $100 per trip, the cost of a rental car and gas for the day.

Office of Management and Budget (OMB) Memorandum 13-05 "Agency Responsibilities for Implementation of Potential Joint Committee Sequestration," February 27, 2013, directed agencies to apply increased scrutiny to travel spending and ensure travel was conducted only to the extent that it is the most cost-effective way to maintain critical agency mission operations under sequestration. NARA Notice 2013-106 restricted travel to only several specific purposes, none of which included face to face meetings with staff or colleagues[3]. In FY 2013, some supervisors and long distance employees utilized video conferencing technologies such as Skype and Google Video Chat to stay connected.

[3] According to NARA Notice 2014-077, "Changes in NARA Travel Policy," March 26, 2014, effective immediately, travel restrictions due to sequestration were lifted for all domestic travel and the travel restrictions in NARA Notice 2013-106 were canceled.

Another expense incurred by NARA as a result of one special telework arrangement was for the lease of office space. In 2007 NARA entered into a ten year lease for an office in a GSA building located in Albuquerque, NM. The lease states that NARA will occupy 232 usable (336 rentable) square feet of space for a period of 120 months. Federal rental charges consisted of a shell rent plus amortized tenant improvements. Additional charges for operating expenses and security were also calculated on an annual basis. In FY 2013, the annual cost was approximately $4,370 for the office space for that one employee. It was not clear why the individual did not use their residence as an alternate worksite, and instead required the leased office space.

NARA Directive 332 and Supplement 1 to the Directive do not provide supervisors and executives with criteria or a process for determining whether or not to approve long distance telework arrangements. In addition, the telework form does not require supervisors to document how the arrangement is in the best interest of NARA. In reviewing the telework agreements and interviewing supervisors, the arrangements appear to be in the best interest of the employee performing the long distance telework. However, it was not always apparent how the arrangement was in NARA's best interest. For example, several employees had family situations requiring them to move away from their normal worksite. In these circumstances, employees would approach their supervisor with a request to perform long distance telework. Supervisors were not required to perform a cost benefit analysis, or document their justification of how the long distance telework arrangement was in the best interest of NARA or the taxpayers, especially if the arrangement would result in increased costs to NARA.

Special telework arrangements are unique situations. To ensure agreements are equitably assigned and are in the best interest of NARA, agreements should include supporting documentation to address key approval factors describing how the benefits of the arrangement outweigh any direct costs[4]. In addition, the telework agreement should contain a cost benefit analysis including locality pay calculations (increased costs or savings), and estimated amount and expense for travel for the employee to return to their original worksite. This information will be used to ensure direct costs do not impact approved budget amounts. NARA 332 states anyone is eligible for long distance telework as long as their duties can be performed away from a NARA facility. As these arrangements become more popular, NARA may be faced with an increasing amount of requests for special telework arrangements. A cost/benefit analysis would help supervisors in their decision as to whether to approve the arrangement, as well as provide some structure and impartiality to the approval process.

[4] Justification demonstrating benefits could include the unique qualifications of the employee and any cost savings from not having to hire and train someone else if the employee departs NARA.

**Recommendation**

5. The Chief Human Capital Officer should issue additional guidance for long distance telework arrangements to require supervisors to conduct a cost/benefit analysis of the proposed arrangement and document this analysis. For those arrangements resulting in additional costs to NARA, supervisors should be required to justify how the arrangement is in the best interest of NARA.

Management Response

The Archivist concurred with the recommendation.

## 3. Proper Reimbursement for Travel Expenses

Travel expenses for long distance telework employees to return to their normal worksite on official business were not always correctly reimbursed. According to 5 USC § 5702, an employee, when traveling on official business away from the employee's duty station is entitled to a per diem allowance and reimbursement for the actual and necessary expenses for the official travel. In the instances we identified, this occurred because the employee was unsure as to whether or not they were entitled to reimbursement and elected not to submit expenses for reimbursement even though reimbursement for official travel is a statutory right. Failure to reimburse official travel creates a debt to the employee, and NARA remains liable for these costs should the employee file a claim.

As mentioned in the previous finding, according to 5 USC § 5702, an employee, when traveling on official business away from the employee's designated post of duty, or away from the employee's home or regular place of business, is entitled to any one of the following: a) a per diem allowance; b) reimbursement for the actual and necessary expenses of official travel; or c) a combination of payments described above. Therefore, when the employee's duty station is changed to their telework location, any travel back to the normal agency worksite to perform official business is eligible for reimbursement.

In at least four instances, employees returned to their original worksite for official business but were not properly reimbursed for their travel expenses. One supervisor stated she discussed travel expenses with the telework employee in setting up the long distance telework arrangement, and they agreed in advance NARA would not pay the travel expenses for the periodic return trips needed as part of the project the employee was working on. In another instance, the supervisor assumed the employee was paying their own travel costs, but stated travel reimbursement was not specifically discussed in setting up the long distance telework arrangement. In the other two instances identified, the employees returned to their original worksite annually to have a face-to-face meeting with supervisors and receive laptop upgrades unable to be pushed out over the Internet.

We interviewed two of the four employees not properly reimbursed. One stated they return to College Park approximately every five or six weeks depending on their schedule. According to the employee, they did not receive any pressure from their supervisor not to claim travel reimbursement for official travel but volunteered to pay travel costs because it was their idea to relocate and they were thankful NARA was flexible enough to allow them to work remotely. The employee estimated travel costs were approximately $300 to $450 for a round trip train ticket. Travel did not include any lodging costs because the employee maintained a residence in the area.

The telework agreement for the other employee we interviewed noted the individual would return to College Park for a period of one or more full days on at least a bi-monthly basis, and the employee would return on an ad-hoc basis as required or at the request of the supervisor for important meetings, activities, events, etc. According to the employee, they made three return trips to College Park during the last year, but did not submit claims for reimbursement for the travel because the trips were made at their discretion and not at the request of management. Therefore, they were unsure as to whether they should file a claim for reimbursement. The employee stated travel costs would have included either train fare, or mileage and tolls to drive their personally owned vehicle to College Park. The employee stayed with friends therefore, lodging expenses were not incurred.

Although these employees decided not to file claims for reimbursement, NARA policy and Federal Travel Regulations do not specifically allow this type of arrangement. The Telework Enhancement Act of 2010 identified the need for agencies to have greater flexibility in travel expenses related to long distance teleworkers. In December 2013, GSA amended the Federal Travel Regulations to incorporate the Telework Enhancement Act of 2010 which establishes and authorizes telework travel expenses test programs. Under a telework travel expenses test program, the agency may:

1.) Pay any necessary telework travel expenses;

2.) Provide a participating employee with the option to waive any payment authorized or required under 5 U.S.C. Chapter 57, Subchapter 1; or

3.) Establish, for a participating employee who voluntarily relocates from his/her pre-existing duty station, a reasonable maximum number of occasional visits to the pre-existing duty station before that employee is eligible for payment of any incurred travel expenses by that agency for travel to the pre-existing duty station.

Specific authorization from the Administrator of General Services is needed for an agency to conduct test programs. In order for NARA to participate in a test program, the Archivist must design the test program to enhance cost savings or other efficiencies for the Government, and submit in writing: a) an explanation of the test program; b) the specific provision of the Federal Travel Regulations from which the agency is deviating, and confirmation between the agency and the participating employee of any waivers of entitlements by the employee under 5 USC Chapter 57, Subchapter 1; c) an analysis of the expected costs and benefits; d) a set of criteria for evaluating the effectiveness of the program; and e) agency procedures regarding how and when the telework program is terminated for the participating employee when he or she voluntarily relocated to a telework location. The Telework Enhancement Act limits the number of simultaneous test programs to no more than 10.

Since NARA has not established a telework travel expense test program, NARA employees are entitled to reimbursement for official travel back to their pre-existing official duty station. Reimbursement for official travel is a statutory right, and failure to reimburse travel expenses creates a debt to the employee. An employee has six years to bring a claim based on that debt which could result in unexpected costs to NARA.

**Recommendation**

6. The Chief Operating Officer should identify long distance teleworkers not correctly reimbursed for travel expenses incurred during official travel, and inform the employees of their right to reimbursement.

7. The Chief Operating Officer should determine whether to participate in a telework travel expense test program, and if so, request approval from the Administrator of General Services.

**Management Response**

The Archivist concurred with the recommendations.

## 4. Timeframes for Long Distance Arrangements.

Of the 24 long distance telework arrangements, only one arrangement was created based on a set project and specified a maximum end date. The remaining agreements did not identify a timeframe surrounding the telework arrangement beyond the annual requirement to review and renew the agreement. This occurred because NARA's telework policy and the telework agreement do not require supervisors and employees to discuss a maximum end date. As result, supervisors and employees may have different expectations regarding the length of time the long distance telework arrangement would remain in effect.

OPM's Guide to Telework in the Federal Government advises telework agreements are living documents and should be revisited and resigned by the manager and teleworker regularly. At a minimum, new telework agreements should be prepared and signed when a new employee/supervisory relationship is established. According to NARA 332 Supplement 1, long distance telework agreements entered into are valid only while the employee remains in the same position, and must be renewed annually. If an employee changes positions, the employee's previous telework arrangement terminates, and the employee may submit a new telework agreement request if the new position is eligible for telework. NARA policy does not address the need for a new telework agreement if the employee's supervisor changes, as suggested by OPM's telework guide.

According to NARA 332, management may terminate the telework agreement if: (a) there is a demonstrated decline in performance attributable to working at the alternate site; (b) conduct issues have arisen; (c) the arrangement is not meeting organizational needs; or (d) the arrangement is negatively affecting the unit's overall efficiency. Supervisors may terminate long distance telework arrangements by providing at least two weeks advance written notice to the employee, and the employee must be told the reason(s) for termination. Employees have 15 calendar days to grieve management's decision to terminate the telework agreement, or 45 days to contact an Equal Employment Opportunity (EEO) counselor if they believe the decision was discriminatory.

We identified only one long distance telework arrangement created based on a set project with a maximum end date. In this instance, the employee created a plan describing the work they were to accomplish remotely and estimated the amount of time it would take to complete the task. Other long distance telework agreements we reviewed describe the duties to be completed while teleworking as "all regular duties," "meetings with colleagues, research, other tasks as assigned," or "all current and future duties relevant to my role," which indicates the undefined timeframe for the agreements. Supervisors granted long distance telework arrangements, but expectations as far as how long the telework arrangement would continue (i.e. one year, three years, for the rest of the employee's career) were not clarified. On one telework agreement the employee annotated the duration was "until I retire," even though the telework agreements have to be reviewed and re-signed annually.

Some supervisors and executives expressed concerns regarding the undefined length of the arrangements and whether changes could be made to the existing agreements. Specifically, one executive stated that although the telework agreement has to be renewed every year, he believed it would be difficult not to approve the long distance telework arrangement in subsequent years if the employee was productive. Defining timeframes as part of creating the telework arrangement would help ensure the supervisor and employee had similar expectations.

## Recommendations

8. The Chief Human Capital Officer should revise the Telework Agreement (Form 3040) or issue additional guidance for full-time and long distance telework to require supervisors and employees to estimate a timeframe for the arrangement, while still subject to the annual renewal.

9. The Chief Human Capital Officer should revise NARA 332 to include a requirement that new telework agreements be prepared and signed when a new employee/supervisory relationship is established.

### Management Response

The Archivist concurred with the recommendations.

## 5. Reasonable Accommodation Requests

Our review of special telework arrangements included six arrangements granted as a result of reasonable accommodation requests. Of the six arrangements, two were not documented using NA Form 3043 and NA Form 3044, as required. This occurred because, in at least one instance, the accommodation was made orally based on the employee's health condition but not formally documented. According to NARA 303 "Processing Reasonable Accommodation Requests for Employees and Applicants with Disabilities," all requests for accommodation must be documented using the NA Form 3043 and NA Form 3044 in order for NARA to keep accurate records for annual reporting purposes. Without having this documentation, NARA's required statistics and reports to the Equal Employment Opportunity Commission (EEOC) may not have been accurate.

Reasonable accommodation is any change in the work environment, in the way things are customarily done, or in the application process, that enables a person with a disability to enjoy equal employment opportunities. A request for reasonable accommodation can be made orally, in writing (e.g., email), or using NA Form 3043, "Confirmation of Reasonable Accommodation Request." According to NARA 303, if a request is made orally, the employee must follow up the request with NA Form 3043. The decision maker, in most cases the employee's immediate supervisor, is responsible for reviewing the NA Form 3043 with the employee and forwarding a copy of the form to the Disability Program Manager. The decision maker ultimately makes a decision to either grant or deny the request. Whether the accommodation is granted or denied, the decision maker is responsible for completing NA Form 3044, "Disposition of Reasonable Accommodation Request," and forwarding the form to the Disability Program Manager.

We contacted NARA's Disability Program Manager to determine whether the six employees listed as full time telework based on reasonable accommodation requests went through the formal process described in NARA 303 or whether the accommodations were informal agreements between the supervisor and employee. The Disability Program Manager had documentation for four of the six telework accommodations. The two accommodations requests not formally documented were both from the same office.

We contacted the Director over the two accommodation requests that were not on file with the Disability Program Manager to determine whether the office maintained the completed NA Form 3044 for either of the two accommodations. According to the Director, one employee had since retired and was no longer an employee. The other employee had been teleworking since December 2011 and based on their research, it appeared the accommodation was made orally based on the employee's health condition and there was no NA Form 3044 for the employee.

According to NARA 303, it is necessary to complete NA Forms 3043 and 3044 in order for NARA to keep accurate records for annual reporting to the EEOC. The Disability Program Manager is responsible for maintaining all forms and providing the EEOC with required statistics and reports. Completed forms would also allow the Disability Program Manager to oversee NARA's compliance with the timeframes for processing requests and providing reasonable accommodations.

**Recommendation**

10. The Chief Operating Officer should formally document the full-time telework accommodation using Form 3044 and provide a copy of the completed form to NARA's Disability Program Manager.

Management Response

The Archivist concurred with the recommendation.

## 6. Best Practices for Monitoring Telework Employees

NARA supervisors used several different techniques to effectively monitor telework employees, and opportunities exist to identify and take advantage of best practices for managing special telework arrangements. NARA's telework policy does not include techniques that could be used to monitor employees specific to NARA's IT environment, or best practices in establishing special telework arrangements. Sharing this information across NARA would assist supervisors who are responsible for monitoring productivity and performance of telework employees.

We met with several supervisors across NARA offices and asked each one about the tools and techniques they use to monitor telework employee's productivity and performance. We compiled a list of best practices for monitoring telework employees and best practices for establishing telework arrangements.

Best Practices for Monitoring Employees

OPM's Telework 101 for Managers course includes several tips for managers to maximize the effectiveness of telework. For example, the OPM training recommends managers establish effective communication techniques for staying in touch with teleworkers, and for enabling and encouraging teleworkers to stay in touch with co-workers and customers. With NARA's transition to Google Mail, supervisors have implemented the new features it offers to encourage communication between teleworkers and their colleagues. Previously teleworkers were required to send a sign-in and sign-out email to their supervisor when they started and ended their workday. In addition to the sign-in/sign-out email, some supervisors now require employees to use the Google chat feature so that co-workers and the supervisor would know when the telework employee was available. Several supervisors also require their employees to create a custom message for Google chat and enter the phone number where the employee can be reached. Other offices used Google voice and video capability or Skype to virtually meet periodically with teleworkers face-to-face.

At least one supervisor required her employees to use the remote access system, and save their work on the office shared drive. NARA's telework policy does not require teleworkers to use the remote access system which gives employees access to their individual and shared network drives. According to NARA 332, depending on the work assignment, the teleworker may not need remote access. The employee and supervisor must determine the nature of the work that will be performed while teleworking, and then decide whether network access is needed. According to the supervisor, saving work on the office shared drive allows them to go in at any time and see the progress made on an assignment.

Best Practices for Establishing Special Telework Arrangements

Supervisors we interviewed provided some ideas as to how they set up the telework arrangements to work for their offices. For example, two offices have created their own Standard Operating Procedures (SOP) related to telework. The Office of the Chief Records Officer formalized their office policies and procedures on telework. The SOP established the maximum number of telework days per week team members may request, and the expected level of communication for teleworkers. The Office of the Federal Register created an SOP specific to requesting long distance “remote” telework. The SOP, still in draft form, sought to establish criteria for granting or denying requests and applied a “first-come/first-serve” principle to prevent staffing at official duty stations from falling below the minimum number necessary to carry out required functions.

In another example, one office set up an arrangement where the employee teleworked from a distant location and returned to their normal worksite every other week. According to the telework agreement, the employee would work at their alternate worksite the first week of the pay period and then return to College Park for three days the second week of the pay period. Since the employee reported to their normal worksite at least two days a pay period, their duty station did not change and the employee was responsible for the cost to commute from their alternate worksite to their normal worksite. The employee’s supervisor believed this arrangement worked well because the employee was in the office occasionally and available to meet with other NARA staff when needed.

We interviewed several supervisors who inherited long distance telework agreements. The OPM Telework Guide recommends establishing a new telework agreement when a new supervisor and employee relationship is created. A best practice would be for supervisors to agree to extend the existing long distance telework agreement for a limited trial period. This would allow the supervisor to determine how the arrangement would work and also alerts the employee in case the long distance telework arrangement is not renewed. One supervisor stated that they were unsure about the long distance telework agreement they inherited, but agreed to a limited trial period of three months. The supervisor stated the arrangement worked out very well, they had no complaints, and they agreed to extend the telework agreement. Another supervisor stated they would not have agreed to long distance telework requests initially, but they have not had any problems with accessibility or productivity problems with the special telework arrangements they inherited.

**Recommendation**

11. The Chief Human Capital Officer should communicate best practices for monitoring telework employees and best practices in establishing special telework arrangements across the agency.

Management Response

The Archivist concurred with the recommendation.

# Appendix A – Acronyms and Abbreviations

| | |
|---|---|
| EEO | Equal Employment Opportunity |
| EEOC | Equal Employment Opportunity Commission |
| FPPS | Federal Personnel Payroll System |
| GSA | General Services Administration |
| NARA | National Archives and Records Administration |
| OIG | Office of the Inspector General |
| OMB | Office of Management and Budget |
| OPM | Office of Personnel Management |
| SOP | Standard Operating Procedures |
| TDY | Temporary Duty Assignment |
| TMO | Telework Managing Officer |
| USC | U.S. Code |

# Appendix B - Management's Response to the Report

NATIONAL
ARCHIVES

Date: APR 25 2014

To: James Springs, Acting Inspector General

From: David S. Ferriero, Archivist of the United States

Subject: OIG Draft Audit 14-11, Audit of Special Telework Arrangements at NARA

Thank you for the opportunity to provide comments on this draft report. We appreciate your willingness to meet and clarify language in the report.

We concur with the 11 recommendations in this audit, and we will address them further in our action plan.

DAVID S. FERRIERO
Archivist of the United States

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# Appendix C - Report Distribution List

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