



## FINANCIAL CRIMES ENFORCEMENT NETWORK

Check one:  Issuance  Bulletin  Manual  Supplement  Amendment  Revision

SUBJECT: **TELEWORK PROGRAM**

**1. PURPOSE:**

This directive describes the Financial Crimes Enforcement Network's (FinCEN) policy regarding Teleworking workplace arrangements. Telework is primarily an arrangement established to facilitate the accomplishment of work. This program provides an opportunity for an employee to work at an alternate worksite, including an employee's residence, without changing an employee's official duty station or other conditions of employment.

The Telework Program can be used to (1) improve FinCEN's ability to recruit and retain employees in a highly-competitive labor market; (2) achieve cost savings by reducing real property needed for office space; (3) increase employee morale and productivity; (4) reduce traffic congestion, energy consumption, and air pollution; (5) address Continuity of Operations (COOP) requirements; and/or (6) ensure employees will be able to work if an emergency, major disruption (*e.g.*, weather event, flooding), and/or wide-spread health concern occurs (*e.g.*, pandemic influenza, tuberculosis, or other communicable disease).

**2. POLICY:**

FinCEN's policy is to provide all eligible employees the opportunity to participate in the Telework Program when practical and consistent in fulfilling the bureau's mission and meeting its objectives. Telework programs are designed to allow employees to perform their duties at a worksite other than the traditional office setting on an episodic, once a month, limited or expanded basis, depending on the organizational mission and the roles and responsibilities of a particular office and its employees.

Participation in the Telework Program is voluntary and subject to supervisory approval, based on mission requirements and the efficiency of the Federal service. The Telework Program applies to home sites or other worksites geographically convenient to the residence of the employee.

**3. AUTHORITIES:**

- A. Federal Employees Clean Air Incentives Act, Pub. L. 103-172 (December 12, 1993).B. Public Law 105-277. Omnibus Appropriation Act, Title IV § 630 (October 21, 1998).
- B. Public Law 106-346, § 359. Department of Transportation and Related Agencies Appropriations Act (October 23, 2000).
- C. Interim Treasury Telework Program.

- D. H.R. 1722, Telework Enhancement Act of 2010, Chapter 65, § 6501-6506 (December 7, 2010).
- E. OMB's Memorandum Implementing Telework Enhancement Act of 2010 IT Purchasing Requirements (April 28, 2010).
- F. OMB's Memorandum Implementing the Telework Enhancement Act of 2010: Security Guidelines (July 15, 2011).
- G. 5 USC § 2105. Employee

**4. SCOPE:**

Participation is limited to FinCEN employees. This policy does not cover detailees, students, platform, or contractor personnel.

**5. SUPERSEDED MATERIAL:**

This directive supersedes FinCEN Directive 920.01, dated 2/2/2009.

**6. OFFICE OF PRIMARY INTEREST:**

Management Programs Division, Office of Human Resources.

/s/

James H. Freis, Jr.  
Director

## TELEWORK PROGRAM

### 1. PROGRAM DEFINITIONS:

- A. Telework or Teleworking 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. In practice, telework is a work arrangement that allows an employee to perform work, during any part of regular, paid hours, at an approved alternative worksite (e.g., home, telework center). This definition does not include any part of work done while on official travel.
- B. Alternative worksite refers to an alternative location at which an employee works in lieu of reporting to his/her official duty station. Examples of alternative work sites include home sites and telework centers.
- C. Telework center is a facility that provides workstations and other office facilities/services that are used (typically on a fee for use/service basis) by employees from different agencies. Telework centers are equipped with telecommunications and other office equipment to facilitate communication with the official duty station and other places of business in order to perform daily work assignments.
- D. Remote work is an extension of work that employees may take home to perform on unofficial duty time or work done on temporary duty or travel status. This is not considered Telework.
- E. Episodic participation is approved telework in order to complete short duration project-type work on an occasional or irregular basis.
- F. Once-a-month participation is an employee generally working one day a month at an alternate worksite.
- G. Limited participation is an employee working one to two days per pay period at an alternate worksite on a regular basis under a set schedule.
- H. Expanded participation is an employee working three or more days per pay period at an alternate worksite on a regular basis under a set schedule.
- I. Official Duty Station is the official office of assignment. Unless otherwise stated, each employee shall report to and perform his/her duties at this location. All pay, leave, and travel entitlements are based on this location.
- J. Sensitive But Unclassified (SBU) Information is information for which unauthorized access to, or the loss or misuse of would adversely affect the national interest or the conduct of federal programs, or the privacy to which individuals are entitled under 5 U.S.C. Section 552a (the Privacy Act), but that has not been specifically authorized under criteria established by an Executive Order or an Act of Congress to be kept classified in the interest of national defense or foreign policy.

- K. Law Enforcement Sensitive (LES) is a term used by other agencies and Treasury/bureau law enforcement components for sensitive and case related information and should be treated as SBU.
- L. Bank Secrecy Act (BSA) Information is information contained in reports filed with FinCEN pursuant to its authority under the Bank Secrecy Act, 31 U.S.C. § 5311, et seq. and information concerning whether any particular person or transaction is named or referred to in any such report and if so, information concerning the specific form or type of form in which such person or transaction is named or referred to.

## 2. PROGRAM PROCEDURES:

- A. Eligibility. All employees are eligible to participate in the Telework Program, at least on an episodic basis, when practical and consistent in fulfilling FinCEN's mission and meeting its objectives. Telework is not an employee right; it is a management option based upon sound business and performance management principles.

An employee is not eligible to telework if:

1. The employee has been officially disciplined for being absent without permission for more than five days in any calendar year; or
2. The employee has been officially disciplined for violations of the Standards of Ethical Conduct for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.

Information on the Telework Program is given to new employees in the Employee Guide, which is provided during the Orientation session. It is up to the employee and his or her supervisor to determine when it is the appropriate time for the employee to participate in Telework.

- B. Participation. Participation in a telework arrangement is voluntary. The success of the telework program depends on a close working relationship between the supervisor and the participating employee. Engaging in telework should not diminish employee performance or agency operations.
  1. An employee may participate in the program if his or her supervisor:
    - (a) Determines that the employee's job duties and responsibilities are appropriate for offsite work; and
    - (b) Determines that the employee possesses and maintains performance at the Fully Successful level.
  2. This policy, except in emergency situations as determined by the Director of FinCEN, shall not apply to any employee whose official duties require on a daily basis (every workday):

- (a) direct handling of secure materials determined to be inappropriate for telework by the Director; or
  - (b) on-site activity that cannot be handled remotely or at an alternate worksite.<sup>1</sup>
- C. Training and Guidelines. All managers, supervisors, and participating employees must complete an interactive telework training program before entering into a written agreement to telework and must comply with the terms of this directive.
- D. Agreement. The telework arrangement under which an employee will perform work must be clearly set forth in a written agreement and signed by the supervisor and employee (FIN040). Completing a FIN040 is mandatory in order for any employee to participate in telework (regardless of whether telework is episodic, once a month, limited, or expanded). If there is a change in an existing Telework arrangement, a new Telework agreement must be initiated. A new Telework Agreement must also be prepared and signed when a new employee/supervisory relationship is established. No provisions exist in agreements between employees and supervisors which would preclude management from taking any appropriate disciplinary or adverse action against an employee or supervisor who fails to comply with the provisions of the Telework Program. The Telework Agreement may be terminated at any time by either the supervisor or the employee, with notification that is acceptable to the supervisor. Participation in the program will be terminated if an employee's performance does not meet the expected results (e.g., quality, quantity, timeliness), or other conditions of the telework agreement are not met or violated, or if the telework arrangement fails to benefit organizational needs.
- E. Safe Work Environment. Participating employees are required to inspect their alternate worksite using the Home-Office Safety Self Inspection Guidelines and Checklist attached to the Telework Program Agreement. They are responsible for maintaining a safe work environment and, by signing the Telework Program Agreement (Fin040), they certify that they have inspected their alternate worksite and that it is free of significant safety problems.
- F. Conditions of Employment. Participation in a telework arrangement does not alter the terms and conditions of employment, including an employee's official duty station, base salary, benefits, individual rights, or obligations. All pay, leave, and travel entitlement shall be based on the official duty station. The telework arrangement shall not affect other conditions of employment, e.g., hours of work, time and attendance policies, dismissals, emergency closings, leave or compensation unless otherwise specified in the Telework Program Agreement (Fin040). However, certain aspects of the employment arrangement could possibly be modified, if approved by a supervisor, when an employee participates in telework (e.g., teleworkers may be allowed to begin the work day earlier and end earlier than on those days when they commute). Note: Employees must report to their official duty station a minimum of two days per pay period to claim that location as their official duty station. If an employee reports less than two days per pay period, the

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<sup>1</sup> For additional guidance, see OPM Guide to Telework in the Federal Government (April 2011) at [http://www.telework.gov/guidance\\_and\\_legislation/telework\\_guide/telework\\_guide.pdf](http://www.telework.gov/guidance_and_legislation/telework_guide/telework_guide.pdf)

employee's alternate worksite becomes their official duty station. The change in duty station could affect certain terms of employment (e.g., locality pay, travel benefits, etc.) Employees and managers are urged to consult with the Telework Coordinator before agreeing to full-time telework arrangements to avoid any problems or unintended hardships. Under certain temporary situations, FinCEN may designate the location of the regular worksite as the official worksite of an employee who teleworks on a regular basis at an alternative worksite, even though the employee is not able to report at least twice each bi-weekly pay period on a regular and recurring basis to the regular worksite. Employees and managers should consult with the Telework Coordinator for more information about the temporary exception.

- G. Renewal. Participants continuing in either limited or expanded teleworking arrangements after a one-year period must complete an annual Telework Renewal Agreement (FIN042). Before signing the renewal, the supervisor and employee should reassess the arrangement and make sure that there have not been any changes to the criteria and terms of the original Telework Program Agreement (Fin040). If changes to the original arrangement exist (e.g., telework days, alternate worksite address, computer access, etc.), a renewal form should not be signed and a new Telework Agreement (Fin040) should be executed. Episodic and once a month agreements will automatically continue until some term in the agreement needs to be changed (e.g., new supervisor, change in alternative worksite, participation level, etc.) or the agreement is terminated.
- H. Denial. Telework requests may be denied and telework arrangements may be terminated based on operational needs, performance, or conduct reasons. If an employee disputes the reason(s) given by a supervisor for not approving him or her for telework, or for terminating his or her telework agreement, the employee may submit a grievance in accordance with the procedures set forth in Directive 950.03, Administrative Grievance System.
- I. COOP, Inclement Weather, or Pandemic Situations. Although a variety of circumstances may affect individual situations, the principles governing administrative leave, dismissals, and closings remain unchanged. However, during an emergency (e.g., inclement weather, continuity of operations plan (COOP), or pandemic situation), teleworking employees may be required to continue working at their alternative work sites on their telework days. During any period that FinCEN is operating under a COOP, that plan shall supersede any telework policy.

For Washington D.C. -Area employees, revised OPM guidance found in *Washington, D.C. Area Dismissal and Closure Procedures*<sup>2</sup> outlines the following new announcements involving teleworkers:

“Federal agencies in the Washington, DC, area are OPEN and employees have the OPTION for UNSCHEDULED LEAVE OR UNSCHEDULED TELEWORK.”  
Non-emergency employees must notify their supervisor of their intent to use unscheduled leave or unscheduled telework.”

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<sup>2</sup> Washington, D.C, Area Dismissal and Closure Procedures (December, 2010).  
<http://www.opm.gov/oca/compmemo/dismissal.pdf>>.

“Federal agencies in the Washington, DC, area are OPEN under XX HOUR DELAYED ARRIVAL and employees have the OPTION FOR UNSCHEDULED LEAVE OR UNSCHEDULED TELEWORK. Employees should plan to arrive for work no more than xx hours later than they would normally arrive.”

### 3. PROGRAM RESPONSIBILITIES:

#### A. Senior Management. Management will:

1. Evaluate the impact of the telework program on the efficiency and effectiveness of their work operations.
2. Incorporate teleworking into the Continuity of Operations Plans and Procedures as another alternative for relocating employees to continue providing customer service and carrying out the mission during an emergency situation.

#### B. Supervisors. Supervisors are responsible for employees under their charge. In this regard, these supervisors will:

1. Ensure the work of the office is accomplished.
2. Ensure that teleworking does not burden staff remaining in the office through an inequitable distribution of workload. Management expectations for performance should be clearly addressed in the employee's performance plan, and the performance plan should be reviewed to ensure the standards do not create inequities or inconsistencies between teleworking and non-teleworking employees.
3. Review and approve, or disapprove, employee requests to Telework. Managers should provide employees (and keep copies of) written denials or terminations of telework agreements. These should include information about why the arrangement was denied or terminated. The Telework Coordinator, Management Programs Division (MPD), Office of Human Resources should also be alerted regarding denials and terminations and copies provided to him/her as well.
4. Retain the original agreement for their files and forward a copy to the Telework Coordinator.
5. Properly certify, approve, and monitor time and attendance for employees working in a telework status including ensuring that employees comply with all overtime and compensatory time off rules.
6. Reserve the right to require employees to report to the official duty station on scheduled telework days, based on operational requirements.
7. Assign appropriate work to be performed at the alternate worksite, and be accountable for the employee's work as in a regular office setting.

8. Ensure that teleworkers and non-teleworkers are treated the same for purposes of
    - (a) periodic appraisals of job performance;
    - (b) training, rewarding, reassigning, promoting, reducing in grade, retaining, and removing employees;
    - (c) work requirements; or
    - (d) other acts involving managerial discretion.
  9. Enforce safety and security policies affecting the mission of FinCEN in telework activities.
  10. Complete telework training before approving telework agreements.
- C. Employees. Employees will complete the Telework Program Agreement (FIN040) and comply with all applicable provisions of the Agreement and this directive. Additionally, employees agree they will:
1. Dedicate official duty time at the alternate worksite to government business only, and shall not treat it as an opportunity to conduct personal business or accommodate child or elder care needs.
  2. Ensure their telework arrangement does not have any negative impact on the work of other members of the work group (*e.g.*, co-workers, supervisor).
  3. Acknowledge that the use of telework should not be a barrier to an employee's ability to perform obligations such as official travel, attending face-to-face meetings and communicating with colleagues and customers.
  4. Observe existing time and attendance policies in requesting leave, overtime, compensatory time, or working an approved Alternate Work Schedule (AWS), and not work overtime or compensatory time off hours unless approved in advance in accordance with procedures.
  5. Perform a home-office safety self-inspection using the Home-Office Safety Self Inspection Guidelines and Self-Certification Safety Checklist prior to participating in teleworking and monitor the alternate worksite accordingly as conditions may change.
  6. Telework employees working at home must have a designated work space or workstation for performance of work. An employee is responsible for ensuring that his or her home workspace is safe and in compliance with safety requirements/guidelines. While at home, the employee is responsible for maintaining his/her home workspace in a safe manner, over which the employer has no control of hazards. Any job injury must be reported to the supervisor immediately. Government employees causing or suffering work-related injuries

and/or damages at the alternative worksite are covered by the Military Personnel and Civilian Employees Claims Act, the Federal Tort Claims Act, or the Federal Employees' Compensation Act (workers' compensation), as appropriate.

7. Take reasonable precautions to protect government property (equipment and software) from possible theft and environmental damage and ensure that work information in both hard copy and electronic format has been adequately secured. (i.e., reasonably secured in your car during transport, or stored safely at your alternate worksite.) In cases of damage to unsecured equipment by non-employees, the employee will be held liable for repair or replacement of the equipment or software in compliance with applicable regulations on negligence.
8. Use Government equipment only for its authorized purposes, complying with FinCEN Directive 303.04, Limited Personal Use of Government Information Technology (IT) Resources.
9. Observe all rules, policies, and procedures regarding security, including:
  - (a) Be required to securely transport their IT equipment and peripheral devices to the official duty station when in need of repair and upgrade.
  - (b) Ensure that reasonable precautions are taken at the alternate worksite to protect the equipment from being accessed by unauthorized individuals. (i.e., ensure equipment and information is not visible or accessible to others).
  - (c) Take reasonable precautions to protect any security information such as a secure identification token and passwords. (i.e., don't leave tokens laying about or passwords written so that other others could read.)
  - (d) Immediately report any unauthorized or suspicious activity at the alternate worksite using the same protocols as if they were located at their official worksite. Refer to the FinCEN policy on Incident Response and Reporting for further guidelines. (See Directive 804.01, FinCEN Information Technology Security Program, Attachment ISSP – 006.0).
  - (e) Information contained on government systems or media will not be transferred or copied to an individually owned personal computer or media (e.g., backup tape, CD, etc.).
  - (f) Information contained on a personal computer or media will not be transferred or copied to government systems or media.
10. Report suspected computer operational and security problems (i.e., system intrusion attempts, virus warnings, potential information compromises, etc.) to the Service Desk at (703) 905-3767 and to the FinCEN Computer Security Incident Response Capability (CSIRC) point of contact. Refer to the FinCEN policy on Incident Response and Reporting for further guidelines.

11. Complete Remote Access orientation to enable the employee to troubleshoot common problems and move and reconnect IT equipment as necessary at the alternate worksite.
12. Complete telework training prior to completing both the Remote Access Agreement (FIN039) and the Telework Program Agreement (FIN040).
13. Annotate time and attendance (WEBTA) each pay period to document hours worked in a telework status.

D. Technology Solutions and Services Division (TSSD). In addition to standard organizational responsibilities, FinCEN has the right to inspect, during normal work hours with 24 hours of notice to the employee, the alternate worksite and government furnished equipment to monitor safety and security conditions. The proposed technology support will be provided based on the following framework:

1. Due to the sensitive nature of FinCEN's mission, all information will be handled at a heightened level of security awareness critical to maintain a safe and secure telework environment. In accordance with TD P 85-01, *Treasury Information Technology Security Program, Volume II, Handbook: Part 1, Sensitive Systems*, Section 5.4.1, the following criteria must be met to ensure the security of the FinCEN network and the data contained therein:
  - (a) No classified information will be allowed at the alternate worksite under any circumstance.
  - (b) Employees shall not remove or transfer any SBU, LES, or BSA information from any FinCEN controlled facility to an alternative worksite. Any exceptions to this policy must be approved by the Office of Security. In the event the alternate worksite is approved for and will contain any SBU, LES and/or BSA information, all such information must be kept secured at all times. The Office of Security will provide a security briefing and requirements for the protection, storage, and safeguards for the information outside FinCEN controlled facilities.
  - (c) Access to BSA databases will only be through the FinCEN network connection. **Access to certain Law Enforcement databases at alternate worksites may be limited or restricted by the MOU with the LE agency. Access will be provided for those databases that do not restrict access at alternate worksites.** All work will be saved on a network drive when connected to the FinCEN network. **Printing and/or downloading any SBU, LES or BSA information at the alternate worksite is strictly prohibited.**
  - (d) To properly secure FinCEN's data for teleworking purposes in the most cost effective manner, the following procedures, along with technical controls will be initiated:

- (i) All teleworkers will complete the training and sign a Telework Agreement (FIN040) which must be approved by the individual's supervisor;
  - (ii) All teleworkers will complete the requirements for Remote Access to the FinCEN network. This includes the completion of the Remote Access Agreement (FIN039) and all associated training;
  - (iii) As appropriate, teleworkers will be provided IT equipment that will be secured by a personal firewall, anti-virus software, full disk encryption, and will be hardened with the requirements set forth in the U.S. Government Configuration Baseline (USGCB) security settings;
  - (iv) Appropriate IT equipment may include a USB device that creates a secure virtual environment on any computer (e.g. your home computer) or it may be a laptop;
  - (v) All teleworkers will utilize the secure Virtual Private Network (VPN) to access the FinCEN network from the FinCEN provided IT equipment;
  - (vi) All authentications require strong two factor authentication and utilization of Citrix Virtual Environment; and
  - (vii) All connections are monitored for illicit or malicious activities.
2. FinCEN TSSD will issue all required IT equipment to teleworkers. Issuance of government-owned IT equipment to the teleworker allows FinCEN to maintain control over the software that resides on the equipment, what security protection is installed on the equipment, and the types of equipment that need to be supported by the TSSD Service Desk.
3. The issuance of IT equipment will be based on the teleworker's work requirement. For the purpose of IT support, teleworkers fall into one of two categories:
  - (a) Limited or Expanded participation. Each employee engaging in this type of telework will be issued FinCEN IT equipment capable of providing remote access to the FinCEN network.
  - (b) Episodic or once-a-month participation. Each employee engaging in this type of telework will be able to check out FinCEN IT equipment for use during the period required to complete the task.
4. The employee must use his/her own Internet Service Provider (ISP) for connectivity to the FinCEN network. There will be no reimbursement for using the employee's Internet service. This connection will be through a Digital Subscriber Line (DSL), a cable modem, or through a Fiber Optic Service (FIOS) connection. The connection to the IT equipment must be direct, that is, via an appropriate network cable. Connecting to the FinCEN network using wireless capability or using a wireless air card is not authorized unless approved by TSSD for special circumstances such as international travel. The employee may be required to use his/her own personal computer (PC) for connectivity to the

FinCEN network. There will be no reimbursement for using the employee's personal computer.

5. FinCEN services available to teleworkers include:
  - (a) A telephone calling card may be issued to the employee for the purpose of making business related calls while teleworking. Calling cards must be checked out from the TSSD Telecommunications representative; the employee should contact the Vienna Service Desk to request the issuance of a calling card. The employee may also file for reimbursement for business calls made on his/her home phone. Note that wireless devices, such as a Blackberry or cell phone, will not be issued to an employee for the express purpose of teleworking and that employees who already have a wireless device in their possession are subject to applicable FinCEN restrictions regarding its use.
  - (b) The Service Desk will furnish and maintain all government owned IT equipment to include loading all required government owned software on the device. The Service Desk will also provide the employee with Remote Access orientation.
  - (c) The Service Desk staff will be available to provide assistance with remote access issues during normal weekday working hours. The Service Desk support hours are from 6:30 AM to 8:00 PM, Monday through Friday, Eastern Standard/Daylight Time.
6. The limited or expanded participation teleworker may be required, on a periodic basis, to return his/her FinCEN provided IT equipment to the Service Desk for updates. These updates may include security patches, updated software revisions or new approved software applications. The teleworker will be required to participate in these recalls or remote access may be terminated.
- E. Office of Security. In addition to standard organizational responsibilities, FinCEN has the right to inspect, during normal work hours with 24-hours of notice to the employee, the alternate worksite and government-furnished equipment to monitor safety and security conditions. Furthermore, the Office of Security shall provide advice and guidance regarding the requirements for telework to sustain emergency planning including continuity of operations and ensure that telework is incorporated into FinCEN's *Continuity of Operations Plan*.
- F. The Management Programs Division. The Management Programs Division is responsible for policy, general oversight, and program evaluation conducted through the Telework Coordinator. The Telework Coordinator will serve as the contact and liaison between FinCEN and the Department of the Treasury's Telework Managing Officer (TMO), and will report on the status of FinCEN's telework program to enable the Department to respond to informational requests *from external entities such as* the Office of Personnel Management, Government Accountability Office, or Congress.

4. **REVOCATION OF THE TELEWORK PROGRAM:** The Director or Deputy Director may terminate the Telework Program for any or all positions or job series at any time.