



# News Update



## Forest Service Council

National Federation of Federal Employees, Federal District 1 of the International  
Association of Machinists and Aerospace Workers

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Date: 03 May 2022

Contact: [NFFE-FSC Communications](#)

## May 2022 Update

### Telework and Remote Work

The Forest Service (Agency) and the National Federation of Federal Employees (NFFE) reached an agreement on the implementation of the [USDA Telework and Remote Work Departmental Regulation](#) (TWRW DR). On May 2, 2022, the USDA notified the Agency that it has no concerns with the implementation of the [Telework and Remote Work Programs memorandum of understanding](#) (TWRW MOU). **The Agency is now required to follow both the TWRW DR and TWRW MOU.**

On direction by USDA and by agreement with NFFE, the process of determining eligibility for telework or remote work should consider the assigned duties and the preferences of the employees. During the week of April 11, 2022, the Agency began notifications of eligibility for telework and remote work. **These determinations were flawed and did not follow some provisions of the TWRW MOU.**

On April 28, 2022, an HRM Update to all Forest Service Employees directed employees to file grievances if they disagree with eligibility determinations. **Your Union strongly objects to this direction.** You should follow the processes described in the TWRW DR and TWRW MOU. The guidance given below is intended to help you efficiently resolve disagreements at the lowest level possible.

### Telework

Telework eligible employees are allowed to telework up to 8 days (or equivalent hours, based on normal schedule) per pay period. The actual hours of telework should be driven by the assigned duties. Employees who disagree with the eligibility determinations or limitations on their telework should follow the process outlined in 3.j.2. of the TWRW MOU.

- Employees who are happy with the telework arrangements they have with their supervisor should document this with a telework agreement.
- If they can't come to an agreement, employees should request the telework arrangements in writing to their supervisors. This request should include:
  - Rationale for the arrangements based on the business needs and duties
  - Description of the benefits to the Agency
  - Request a written response from the supervisor within 10 working days.

Your supervisor shall respond to your request as described in 3.i. of the TWRW MOU. If the supervisor fails to respond or demonstrate the business need to restrict telework, then you may grieve the decision by following [Article 9 of the Master Agreement](#) (MA). Note, you will have 30 days to file the grievance. Please contact your Union representative for guidance on writing and submitting the grievance.

### Remote Work

Employees who wish to transition to remote work should follow the process in 4.g of the [TWRW MOU](#) and Section 8.b. of the [TWRW DR](#). Employees should submit a written request to their supervisor and include:

- (1) the business need for the request based on assigned duties,
- (2) the benefits to the employee, and;
- (3) potential benefits to the agency.

If the Agency denies a request for remote work, it will provide the written rationale for the denial in accordance with the USDA DR, including Section 6.e.2., within 28 days of the employee's request. Employees may grieve this denial by following Article 9 of the MA. Note, you will have 30 days to file the grievance. Please contact your Union representative for guidance on writing and submitting the grievance.

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If you were a remote or virtual employee prior to 2020 and you were notified that you are not remote eligible, first check with your supervisor to make sure there was not an error. If the determination was not an error, the Agency is required to follow the process in 4.h. of the [TWRW MOU](#) to terminate remote work arrangements. Employees may grieve this termination by following [Article 9 of the Master Agreement](#). Note, you will have 30 days to file the grievance. Please contact your Union representative for guidance on writing and submitting the grievance.

### Article 42 Hardships

Employees may request telework accommodations in response to hardships. This use of telework is explicitly allowed under 3.n of the TWRW MOU. As described in the MA, the process is initiated by the employee.

- The employee will submit their request to their supervisor.
- The request must be in writing and include the nature of the hardship and the accommodation requested.
- Management may request additional information.
- Management shall notify the employee as quickly as possible, but no later than 28 days, with a written decision on the hardship request.

Employees may grieve a denial by following [Article 9 of the Master Agreement](#). Note, you will have 30 days to file the grievance. Please contact your Union representative for guidance on writing and submitting the grievance.

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