

GOVERNMENT OF THE DISTRICT OF COLUMBIA
D.C. Department of Human Resources

District Personnel Manual Issuance System

E-DPM Bulletin No. 4-44 & 12-291

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SUBJECT: Granting of a Variation to Provisions Pertaining to Telecommuting and Declared Emergencies in Chapter 12, *Hours of Work, Legal Holidays and Leave*, of Subtitle B of Title 6 of the District of Columbia Municipal Regulations **Date:** May 20, 2014

1. Overview

This E-DPM bulletin has been prepared for the purpose of granting a variation to sections in Chapter 12 of the regulations, *Hours of Work, Legal Holidays and Leave*. Specifically, the variation will address the following:

- (a) Section 1211, *Telecommuting* – to incorporate language on reporting requirements for District government subordinate agencies and audit requirements for the Department of Human Resources (DCHR);
- (b) Section 1270, *Declared Emergencies - In General* – to expand the amount of time (from one(1) day to thirty (30) days) in which notification is to be given designating an essential employee. In addition, language has been added for a thirty (30) day notification period for emergency employees; and to provide that the 30-day requirement can be suspended during period of a declared emergency; and
- (c) Section 1272, *Declared Emergencies – Late Arrival and Unscheduled Leave* – to provide specific provisions on unscheduled telecommuting;

2. Authority and Applicability

A. Authority and Applicability

- (1) D.C. Official Code § 1-612.01 *et seq.*; section 400 – *Variations*, of Chapter 4, *Organization for Personnel Management*; section 1211 – *Telecommuting*; section 1270 – *Declared Emergencies - In General*; and section 1272 – *Declared Emergencies – Late Arrival and Unscheduled Leave*, of Chapter 12, *Hours of Work, Legal Holidays and Leave*, of the D.C. personnel regulations.
- (2) The provisions of this bulletin, except as specifically indicated in section 1201 of Chapter 12 of the regulations, apply to those District government agencies which are subordinate to the Mayor's personnel authority. Other personnel authorities or independent agencies may adopt any or all of these procedures to provide guidance to employees under their respective jurisdictions.

Inquiries: Business Operations Group, DCHR (202) 442-9700

Distribution: Heads of Department and Agencies, HR Advisors, and DPM Subscribers

Bulletin Expires: September 30, 2014

3. General Information on Variations

- A. Subsection 400.1 of Chapter 4, *Organization for Personnel Management*, of Subtitle B of Title 6 of the District of Columbia Municipal Regulations (DCMR), authorizes the Director of the D.C. Department of Human Resources (Director, DCHR) to grant a variation from the strict letter of the regulations if such variation is within the spirit of the regulations and the efficiency of the District government; and the integrity of the Career, Legal, Excepted, Management Supervisory, or Executive Services is being protected and promoted.

4. Existing Provisions Requiring Variation

- A. Currently, provisions in section 1211, *Telecommuting*, are silent on reporting and audit requirements for the program.
- B. Currently, subsections 1270.6 and 1270.8 of Chapter 12, *Hours of Work, Legal Holidays and Leave*, provide that:

An employee designated “essential employee” under the provisions of subsection 1270.4 of this section shall be identified by position title or other appropriate means and shall be notified in writing of his or her designation as an essential employee and the specific requirements placed upon the employee in emergency situations. The written notification shall occur within one (1) day of the agency determination for current employees, or at the time of hire or appointment to the essential position, as applicable.

An employee designated “emergency” under the provisions of subsection 1270.7 of this section shall be informed of the designation in writing if practicable, or by any other means the agency deems appropriate (i.e., over the telephone or by electronic mail if the employee is not at work when the emergency is declared). A written notification shall follow a non-written notification.

- C. Currently, section 1272 of the chapter is silent on unscheduled telecommuting.

5. Variation Being Granted via this E-DPM Bulletin

- A. Pursuant to subsection 401.1 of the regulations, the Director, DCHR, hereby grants the following variation with respect to the provisions referenced above:
- B. A new subsection 1211.12 (a) through (g) is added to read as follows:

By October 1 of each year, subordinate agencies shall submit a report to DCHR. The report, which covers an agency’s program activities for the prior fiscal year, shall include:

- (a) The name, grade, step, position title of each employee approved to telecommute;
- (b) The total number of employees approved to telecommute;
- (c) The total number of employees on an approved telecommuting work agreement;

- (d) The total number of days each employee is authorized to telework per workweek;
- (e) The number of employees that completed the required telecommuting training;
- (f) The reason(s) for the termination of any telecommuting agreement; and
- (g) The reason(s) for the exclusion of any employee or group of employees from participating in the program during the period in question.

C. A new subsection 1211.13 is added to read as follows:

The D.C. Department of Human Resources shall conduct periodic audits of subordinate agency telecommuting programs for the purpose of ensuring compliance with D.C. personnel regulations and HR procedures. The audit also covers PeopleSoft actions that the agency inputs relative to telecommuting.

D. The variation to subsections 1270.6 and 1270.8 of the chapter are as follows

An employee designated as an “essential employee” under the provisions of Subsection 1270.4 of this section shall be identified by position title or other appropriate means and shall be notified in writing of his or her designation as an essential employee and the specific requirements placed upon the employee in emergency situations. The written notification shall occur within thirty (30) days of the agency determination for current employees, or at the time of hire or appointment to the essential position, as applicable. The required thirty-day (30-day) notification period may be suspended during a period of a declared emergency.

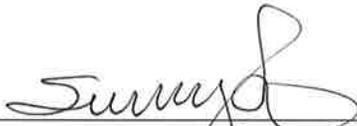
An employee designated as an “emergency employee” under the provisions of Subsection 1270.7 of this section shall be informed of the designation within thirty (30) days of such designation and in writing, or by any other means the agency deems appropriate (i.e., over the telephone or by electronic mail if the employee is not at work when the emergency is declared). A written notification shall follow a verbal notification. The required thirty-day (30-day) notification period may be suspended during a period of a declared emergency.

E. “Unscheduled Telecommuting” is added as subsection 1272.1(c) and a new subsection 1272.6 is added as follows:

Whenever the Mayor determines that an unscheduled telecommuting policy is in effect in accordance with Subsection 1272.1 (c) of this section, an emergency employee previously approved in writing to telecommute by his or her supervisor and agency head, may telecommute if directed to do so.

6. Required Statement Concerning the Variation

- A. In accordance with the provisions of subsection 400.3 of Chapter 4 of the regulations, this E-DPM bulletin constitutes the statement required under this section of the regulations concerning the variation being granted. The variation being granted will resolve the following practical difficulties or hardships:
- (1) Newly added subsections 1211.12 (a) through (g) and 1211.13 – will ensure District government agencies are aware of the yearly reporting requirements and audits, and are allotted sufficient time in which prepare the required reports;
 - (2) Subsections 1270.6 and 1270.8 – will alleviate challenges experienced with respect to requiring a one (1) day notification period for current essential employees; as well as concerns relating to the lack of provisions on a notification period for emergency employees .
 - (3) Newly added subsections 1272.1 (c) and 1272.6 – will lessen if not eliminate staff scheduling conflicts through the incorrect application of unscheduled telecommuting during instances of a declared emergency, which can occur without warning.
- B. Though this variation, which impacts employees in Career, Legal, Management Supervisory and Excepted Services, the efficiency of the District government is being promoted and protected.
- C. The Director, DCHR, shall issue an amendment to the provisions in Chapter 12 in the near future to effect the above changes. The amended rules, when published in final, will eliminate the need to grant a variation such as this in the future.


Shawn Y. Stokes
Director