

NIH Office of Intramural Research (OIR) Visiting Fellow Program (VFP) Telework Policy

Purpose

Trainees in the Intramural Research Program (IRP) are important to the biomedical research enterprise. NIH training experiences should be primarily in person with options for limited telework flexibilities. The NIH Visiting Fellow Program (VFP) is comprised primarily of participants in the U.S. Department of State (DOS) Exchange Visitor Program, which was established with the purpose of fostering cross-cultural exchange. DOS therefore requires that participants maintain in-person interactions and exchanges with their NIH colleagues. Thus, NIH Visiting Fellows shall have regular in-person interactions on site at NIH.

This policy ensures regular in-person interactions between the trainee and their research group. To enable close supervision and support of trainees, the NIH expects trainees to be in-person for a majority of their tenure in the intramural research program.

Scope and Applicability

This policy applies only to NIH Visiting Fellows. It does not apply to IRTA/CRTA trainees, contractors, or FTE scientists.

Policy

1. **Eligibility and Approval:** IRP Principal Investigators (PI) are exclusively in a Senior Investigator, Investigator, Senior Clinician, Senior Scientist, Assistant Clinical Investigator, or Independent Research Scholar position. The PI and the trainee must both agree to the trainee's participation in telework. Participation is not an entitlement and may be modified or revoked.

If the below criteria are met, the trainee is eligible to apply for a telework arrangement:

- Have a satisfactory performance record, or, for a new trainee, have approval from the PI;
- Maintain regular on-site activities at NIH (i.e., telework may not be full time). See Section 3.
- Perform tasks while teleworking which:
 - Can be reasonably completed at an alternate site without close supervision;
 - Generate work products that can be measured and/or evaluated for quality;
 - Do not require the trainee to oversee the work of another trainee (e.g., a postdoc who is overseeing the work of a postbac cannot telework if the postbac is working on-site); and
 - Relies on information technology and connectivity that is available (or can reasonably be made available) at the alternate site, or requires no technology or connectivity.

- In the case of weather or other emergencies all trainees may be permitted to telework, a completed telework agreement (see below) still needs to be on file.

Each Scientific Director (SD) should decide who, if anyone, beyond the PI should be the approving official. In ICs where there are Lab/Branch Chiefs, they could hold this role; in ICs without this structure, the SD may wish to be the approving official or delegate to a Deputy SD, Principal Administrative Officer (AO) or other designee.

2. **Terminating or Changing the Telework Agreement:** Reasons for terminating or changing an agreement may include the following (but not limited to):

- Change in circumstances of the organization;
- Change in the trainee's research responsibilities or personal circumstances;
- Negative impact of telework on the trainee's performance;
- Negative impact of the telework on the group's performance or research team's performance;
- Negative impact of telework on the trainee's engagement and interaction with others.

Notification of terminating or changing a telework arrangement can be made at any time in writing by the trainee or their PI, signed by both to show that they have read and received the notification, and submitted to the approving official (if different). If termination or modification to a telework agreement will be pursued based on trainee performance, conduct issues, or conflicts in the lab, the IC must consult with the Office of Intramural Training & Education (OITE) and the Division of International Services (DIS) before making any changes.

3. **Determining the Trainee's Work Schedule:** Telework is intended to be no more than once per week and/or sporadic due to the nature of the work. Telework can also be used during emergency closures. Full-time telework and/or remote-work is not allowed. Full-time telework will only be approved under time-limited and exceptional circumstances with advance approval by OITE, DIS and the Office of Intramural Research (OIR).

In general, IRP PIs have the authority to allow work schedules that meet their group needs. This schedule may be modified as needed by the trainee or PI, and with input from the Scientific Director and IC leadership.

The trainee must be accessible during all duty hours to the PI, other management officials, and co-workers. Unplanned periods of unavailability must be reported to the PI or their designee within a reasonable period of time. "Reasonable" should be defined in advance (i.e., within two hours) so that all parties know the exact expectations. The trainee must agree to report to the official duty station, even when scheduled to telework, if the need arises.

4. **Managing Work and Family Issues:** Dependent care arrangements should not change substantially due to the trainee's telework status. Children or dependent adults who are in need of care should remain under care of someone other than the trainee, regardless of whether the trainee is teleworking or working on-site. However, an older child or elderly adult may be in the home during telework hours, as long as they can act independently. If a situation arises where the trainee

must attend to a dependent at the telework site during scheduled duty hours, the trainee shall immediately notify the PI to make alternate arrangements to complete the work.

- 5. Using Employer Property/Technology:** NIH-owned equipment may be loaned by an IC to the trainee for telework. All information security requirements as outlined in NIH IT security policies must be adhered to. Trainees must take and adhere to the mandatory IT Security Awareness Training and Remote Access Training.

The trainee must immediately inform the IRP PI of any equipment failure or malfunction. In the event of a malfunction, the trainee may be required to report to the official duty station.

The NIH will not be responsible for any other operating costs, home maintenance, or any other incidental costs (e.g., utilities) whatsoever, associated with the use of the trainee's residence for their telework.

The NIH will not be liable for damages to an trainee's personal property during the course of performance of official duties or while using NIH-owned equipment in the trainee's residence, except to the extent the NIH is held liable by administrative claims under the [Federal Tort Claims Act](#). In accordance with Federal property regulations, government-owned equipment that is stolen, damaged, or destroyed must be reported and if due to carelessness or negligence on the part of the user is subject to financial liability on the part of the user. For more information on this topic, please see [NIH Manual 26101-25-2-16](#).

Upon termination of the telework arrangement or termination of the fellowship, the trainee must agree to promptly deliver all NIH property, files, and supplies to the IC.

- 6. Ensuring Safety at the Telework Site:** The trainee is required to maintain and use a designated work area at the remote site. For home telework, the trainee shall maintain the work area free of safety hazards and other dangers, and shall use and maintain NIH property, including files and remote access resources, in a safe and appropriate manner.
- 7. Maintaining Confidential Information and Security:** The requirements of the Privacy Act and Standards of Conduct must be followed. The trainee will not take confidential information to the telework site without the express approval of the PI. The trainee agrees to take special precautions as designated by the PI to ensure that NIH records and information are secure.
- 8. Handling Emergency Closings:** NIH follows the OPM guidelines for emergency closings. In the event of an emergency dismissal or closing, teleworking trainees may be required to continue to work at their alternative worksites as stated in the telework agreement.

The trainee must contact the PI or other decision-making manager immediately if work at the telework site cannot continue, whether or not the main group is under emergency dismissal, so that the PI can decide if alternative work procedures might be in order. If work at the telework site is impaired or impossible, the trainee may be granted excused absence, asked to perform work that can be accomplished under prevailing conditions, or told to report to the official workplace if it is open and functioning.

PIs should also take into account personal hardships that may adversely affect telework during an emergency shutdown. For example, if the trainee has school-aged children or other dependents

who would be released in case of inclement weather and the main worksite closes as well, the PI may choose not to require that work proceed at the telework location, require that the time be made up, or grant an excused absence.

9. **Reporting:** The Telework Agreement for Trainees is listed below. ICs can add to the form with approval by the IC SD, but they cannot remove any fields. A completed and signed telework agreement, and any updates thereto, must be filed at the IC level decided upon by the Scientific Director (e.g., the Principal Intramural Administrative Officer (Principal AO) and also kept by the IRP PI.

Telework Agreement for Trainees

This application is to be completed by trainees interested in NIH Telework for trainees. It includes information that must be completed by both the trainee and the IRP PI after reading participation guidelines and policies. The IRP PI, daily supervisor (if other, e.g., a Staff Scientist), and the trainee will then discuss the application as well as the telework terms and conditions, after which the application will be endorsed, modified, or denied. The IRP PI should document the supporting rationale for this decision (*see below*).

To Be Completed by the Trainee

Date:

Name:

Trainee Type (e.g., Postdoctoral Visiting Fellow):

IC/Lab:

Building/Room Number:

Work Phone:

Work E-mail:

Home Address:

Home Phone:

What job tasks will you perform while teleworking:

Considering the nature of your job, what kind of telework arrangement are you seeking?

(Note: Full-time telework for trainees is not permitted except under time-limited exceptional circumstances as approved by the Division of International Services (DIS), the Office of Intramural Training & Education (OITE) and the Office of Intramural Research (OIR))

- Regular (*suggested limit of one day per week*)
- Ad-hoc / Situational

If you are seeking a weekly arrangement, what day(s) do you propose to work remotely?

- Monday
- Tuesday
- Wednesday
- Thursday
- Friday

What will be your tour of duty (hours of work) on telework days?

From: _____ To: _____ (Include meal break and/or any break duty hours, if applicable)

How far in advance would you need to be notified to come into the office on a telework day?

What methods of communication will you use when you telework? (Check ALL that apply)

- | | |
|------------------------------------|---------------------------------------------|
| <input type="checkbox"/> Phone | <input type="checkbox"/> Fax |
| <input type="checkbox"/> E-mail | <input type="checkbox"/> Pager / Blackberry |
| <input type="checkbox"/> Voicemail | <input type="checkbox"/> Other: |

Which computer applications (e.g., E-mail, computing clusters, etc.) would you need to access on your telework days?

Will you be taking documents out of the office in order to telework?

- Yes No

If "Yes", what types of documents? (Give examples)

What steps will you take to safeguard these documents?

Do these documents contain sensitive information or patient-data? (Please specify)

Will you require remote access to sensitive information?

- Yes No

If "Yes", how will you safeguard this information?

Telework Terms and Conditions

- I agree to perform research activities for the NIH as a teleworker and understand that teleworking is a work alternative that must be requested and approved by my PI, and if applicable the approving official, prior to beginning to telework. The telework arrangement may be modified or terminated by my PI at any time when, in their judgment, telework adversely affects my research training, the operation of research group, or my engagement and interaction with colleagues.
- I agree that my duties, obligations, responsibilities, and conditions as a non-FTE trainee with the NIH remain unchanged, and that my stipend and benefits remain unchanged and are not affected by telework.
- I agree to develop an effective communication strategy with my PI and work group including required meetings held at the NIH and will follow that approved strategy throughout my telework schedule.
- I agree that if applicable, I will establish dependent care arrangements during agreed upon work hours.
- I agree to designate a telework space, subject to manager approval, that is free from safety hazards and meets Agency ergonomic standards as defined on the [NIH ergonomics website](#).
- I understand that participation in telework is not an entitlement or requirement and that it may be terminated or changed at any time.
- I agree to restrict use of any NIH-provided equipment, software, data, and supplies which are located at my telework site to the sole use of conducting NIH business.
- I agree that all products, documents, reports, and data created as a result of my work-related activities are owned by the NIH and will be properly secured and returned to the NIH as requested.
- I agree to return to the NIH any telework equipment, software, data, and supplies which were supplied by the NIH upon my termination of telework or termination of trainee appointment.
- In the event of equipment malfunctions, I agree to notify my PI immediately. I understand that if a malfunction precludes me from working from my remote location, then I may be assigned other work or be asked to report to the primary office worksite.
- I agree to be responsible for the maintenance and repair of all my personal property, and I understand I should have appropriate insurance coverage
- I will protect the telework site from hazards and danger that could affect the equipment and me.
- I agree to be solely liable for injuries to third parties and/or household members that occur at my home telework site.
- I agree to notify DIS of a change to my telework location, including a new home address, before any changes are implemented.
- I acknowledge that I have been supplied with and have read the NIH VFP telework policy and will adhere to all other applicable policies and laws.
- I agree that I have read and will comply with the NIH technology guidelines on use of agency and trainee equipment for the telework arrangements. I also agree to take the required NIH Remote Access training and annual refresher if required for my telework activities.

I understand that the information supplied by me and contained in this Telework Agreement and additional information, inquiries, or surveys may be used for data collection and evaluation of the NIH VFP Telework Policy.

Trainee Signature:

Date:

To Be Completed by NIH Principal Investigator (Senior Investigator, Investigator, Senior Clinician, Senior Scientist, Assistant Clinical Investigator, or Independent Research Scholar Only)

The request to telework is:

- Approved, for a period of
- Denied, because

Eligibility for reconsideration:

- Yes, when conditions above are addressed
- No

Signatures

IRP PI Signature:

Date:

Name:

Additional Approving Official if IC Scientific Director so requires.

Signature:

Date:

Name:

Position / Title (e.g., Lab Chief, Deputy SD, SD, Principal AO, etc.):

Please sign this application whether you endorse the telework arrangement or not. You should discuss your decision with the applicant. Telework agreements are valid for a maximum of one year (or less if the manager determines this to be necessary) and must be reviewed and re-signed at that time.