

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

IN THE MATTER OF: ADOPTION OF
COURT'S TELEWORK PLAN FOR
CHAMBERS STAFF

24-MC-00004-22

ADMINISTRATIVE ORDER

Pursuant to the *Guide to Judiciary Policy*, Volume 12, Chapter 10 - Telework, courts must have a written local plan that meets the requirements established by the *Guide's* telework policy before employees may be authorized to telework. A court may adopt the Model Telework Plan (*Guide*, Volume 12, Chapter 10, Appendix A) without change or as modified by an addendum to address local requirements. The attached Telework Plan for the District of New Mexico, Law Clerks and Chambers Staff ("Chambers Telework Plan") therefore incorporates the Model Telework Plan and PER 030 ADDENDUM - District of New Mexico, which sets forth local requirements for law clerks and chambers staff teleworking agreements.

IT IS THEREFORE ORDERED that the attached Chambers Telework Plan is adopted by the United States District Court for the District of New Mexico. This Order supersedes 18-MC-00004-10.

DONE at Albuquerque this 30th day of December, 2024.

FOR THE COURT, PURSUANT TO ADMINISTRATIVE ORDER MISC. NO. 83-252:

/s/ _____
WILLIAM P. JOHNSON
CHIEF UNITED STATES DISTRICT JUDGE

TELEWORK PLAN FOR THE DISTRICT OF NEW MEXICO

LAW CLERKS AND CHAMBERS STAFF

1. Purpose

This Telework Plan establishes the conditions and requirements for employees to perform telework consistent with the requirements of the [Guide to Judiciary Policy, Vol. 12 \(Human Resources\), Ch. 10 \(Telework\)](#).

2. Applicability

This plan applies to all US District Court, District of New Mexico law clerks (both chambers and court staff) and chambers staff (e.g., judicial assistants).

3. Categories of Telework Authorized by Plan

(a) This Plan authorizes the following categories of telework at the discretion of the judge:

- [✓] Ad hoc telework during emergencies only (e.g., continuity of operations (COOP) events, inclement weather or similar situations) as required by local policy, or by appointing officer (executive or judge) or delegated manager or supervisor.
- [✓] Ad hoc telework (including intermittent or temporary full-time telework) based on work requirements and situational circumstances such as medical recuperation periods, as approved by the appointing officer (executive or judge) or delegated manager or supervisor.
- [✓] Regular and recurring telework, generally at least one day per pay period.
- [✓] Full-time telework when the employee is **not** required to report to the employing court or organization at least twice each biweekly pay period on a regular and recurring basis.
Note: For full-time telework, the official duty station is the telework site. [Form PER 34](#) (Telework Duty Station Change) must be submitted to the AO Human Resources Office (HRO), along with a Personnel Action Request (RDE Transaction) to process a Change in Duty Station.

(b) Employees participating in ad hoc, temporary, or regular and recurring telework are required to report to the employing court/office at least twice per biweekly pay period on a regular and recurring basis.

4. Requirements

- (a) Telework is permitted only at management's discretion and is not an employee entitlement.
- (b) Telework is subject to continuous management approval and monitoring.

- (c) Employee participation in telework is generally voluntary, although a court or organization may require employees to telework as needed during a COOP event, inclement weather, or other emergency. **See:** [Guide, Vol. 12, § 1020.20](#).
- (d) Before beginning telework (or as soon as possible during or following a COOP event, inclement weather, or other emergency), a supervisor and employee must review and enter into a [Telework Agreement \(Form PER 30\)](#).
- (e) The use of telework does not change the terms and conditions of employment.
- (f) Telework may give some employees more flexibility to meet family responsibilities, but it is not a substitute for dependent care (e.g., child or elder care). Employees may not use duty time for purposes other than official duties.
- (g) Employees who telework must use a virtual private network when accessing judiciary data and information. For further guidance, **see:**
 - [Guide, Vol. 15, § 330 \(Judiciary Network Security\)](#)
 - [Guide, Vol. 15, § 525 \(Personal Use of Government Office Equipment and Resources\)](#)
 - [Guide, Vol. 15, § 530 \(Use of Government-Owned IT Equipment Outside of Duty Station\)](#)
- (h) Employees are not entitled to receive compensatory time or “in lieu of” time off for performing required work at their duty station, an alternate location, or by telework, during their regularly scheduled hours when, in relation to a COOP event, inclement weather, or other emergency:
 - a court unit or FPDO is closed to the public, or
 - other employees are authorized an excused absence.

See: [Guide, Vol. 12, § 1020.30\(b\)\(2\)](#).
- (i) Employees must protect government records and data from unauthorized disclosure or damage and ensure that remote access use does not jeopardize the integrity, availability, and confidentiality of data.

5. Eligibility

To be eligible for telework, the employee must:

- occupy a position suitable for telework as determined by the supervisor and
 - consistently display the characteristics outlined below in paragraph (b).
- (a) Position Suitability for Telework
- The supervisor makes the determination as to whether an occupational category or specific positions are suitable for telework. Position suitability for telework is based on the position’s duties and responsibilities and not position title or work schedule. For many positions, certain duties may be suitable for telework while others may not.
- (1) Examples of duties that may be suitable for telework:
- report and policy writing, editing, and production;
 - research and analysis;
 - data entry, data analysis, data processing, and quality assurance;
 - drafting opinions;
 - training and other presentation material development;

- network and other technology infrastructure support;
- remote technology support to end-users;
- case management, review of case reports and statistical reporting;
- telephone inquiry response for customer service staff;
- some cashiering duties;
- application development, national application support and website maintenance;
- criminal debt, receipting, travel and transit payment processing; CJA duties; and
- financial payment processing.

(2) Examples of duties that may **not** be suitable for telework:

- participating in in-person court proceedings or hearings;
- conducting in-person trainings;
- participating in in-person meetings, councils, or groups;
- providing hands-on end-user technology support for systems;
- providing in-person support or services to the public in open courts or offices; and
- juror administration.

(b) Employee Characteristics Suitable for Telework

(1) Employees who are best suited for telework consistently display the following characteristics:

- ability to work independently;
- strong written and verbal good communication skills;
- strong organizational skills;
- ability to prioritize duties and responsibilities and the judgment to know when to seek supervisor guidance regarding work prioritization;
- ability to meet deadlines with satisfactory work products;
- conscientious when performing their work and achieving the mission;
- effectively coordinate objectives and activities with others on their team and outside of the organization; and
- satisfactory or above performance and behavior in the position.

(2) Employees **not** suited for telework include those who do not consistently display the characteristics listed above.

6. Authorized Travel and Relocation Expenses

- (a) Reimbursable travel expenses depend on the type of telework assignment. **See:** [Guide, Vol. 12, § 1020.85\(a\)](#). Employees must receive prior approval consistent with local travel procedures before incurring expenses.).
- (b) Relocation expenses are not authorized when the official duty station changes as a result of the initiation, modification, or termination of a full-time telework agreement. **See:** [Guide, Vol. 12, § 1020.85\(b\)](#).

7. Termination of Telework Arrangement

- (a) Termination of a telework arrangement is at the discretion of either the supervisor or the employee.
- (b) Telework will be terminated if a supervisor determines that it interferes with the operations of the chambers or department, or adversely affects the performance or development of an employee who teleworks or his or her coworkers.
- (c) Appropriate advance notice should be provided when possible for the termination of a telework arrangement (e.g., one week for recurring telework, or a minimum of 30 days for a full-time telework arrangement).
- (d) Each full-time telework agreement must:
 - (1) include a statement that if a full-time telework arrangement is terminated, the employee may be required to report back to the employing court or office, and
 - (2) specify whether the employee will be eligible for severance pay if the employee fails to report to the employing court or office and is therefore involuntarily separated.

(Note: For examples of situations where severance pay may or may not be authorized, see: [Guide, Vol 12, § 1020.30\(a\)\(3\)](#)).

8. Government-Owned Equipment and Supplies

This Plan authorizes the following government-owned equipment to be placed at an approved telework site, at the discretion of the supervisor:

- computer and/or laptop;
- smartphone and/or tablet;
- printer, printer ink, and/or paper;
- telecommunications equipment;
- other (specify: _____).

- (a) Government-owned equipment placed at an alternate work site is for official use only.
- (b) The government retains ownership and control of hardware, software, and data.
- (c) The maintenance and repair of government-owned equipment placed at alternate work sites is the responsibility of the employing court unit.
- (d) Government-owned equipment should be brought or sent to the office for maintenance or repair.
- (e) For guidelines on responsibility for maintenance and liability for government-owned equipment, see: [Guide, Vol 12, § 1020.60](#).
- (f) Government-owned equipment placed in employees' homes or at alternate work sites is subject to the appropriate-use policy. See: [Guide, Vol 15, § 525 \(Personal Use of Government-Owned Office Equipment and Resources\)](#).

9. Employee-Owned Equipment

- (a) Under this Plan, employees may be permitted to use their own equipment for telework

purposes.

- (b) Employees who are permitted to use employee-owned equipment for telework are responsible for the repair and maintenance of personal equipment.
- (c) Local information technology staff and teleworking employees are responsible for ensuring compliance with the requirements provided in [Guide, Vol 15, § 330](#).
- (d) The employee-owned equipment must also have locally approved configurations. The configurations should be updated and tested periodically consistent with local information technology security requirements. **See:** [Guide, Vol 15, § 330](#).

10. Workers’ Compensation

Judiciary employees may be entitled to Workers’ Compensation benefits under the [Federal Employees Compensation Act \(5 U.S.C. § 8101-8193\)](#) for personal injuries that occur while performing official business at an alternate work site.

11. Alternate Work Site at Employee’s Residence

- (a) Employees who telework must use worksites that:
 - (1) are safe and adequate places to work,
 - (2) are free from undue interruptions, and
 - (3) provide the necessary level of security and protection for government property and data confidentiality.
- (b) The employee, not the employing court unit or FPDO, is responsible for any costs associated with use of the employee’s home as an alternate work site (e.g., operating costs, home maintenance, electricity, gas, water).
- (c) The employing court unit is not liable for the following that may occur during telework:
 - damage to the employees’ personal or real property,
 - damage to another individual’s property, or
 - personal injury to another individual.
- (d) For exceptions, **see:** [Guide, Vol. 20, Ch. 2 \(Federal Tort Claims\)](#) and [Ch. 4 \(Employees’ Personal Property Claims\)](#).

12. Required Documentation

The following table describes the documentation that is required before employees may begin telework.

Required Documentation		
Document	Description	Signed by...
Telework Agreement (Form PER 30)	Sets the terms and conditions under which an employee is permitted to telework.	<ul style="list-style-type: none"> • employee • supervisor • appointing officer
PER 030 ADDENDUM – District of New Mexico	Additional terms and conditions for telework in the District of New Mexico	<ul style="list-style-type: none"> • employee • appointing officer • Chief Judge • Clerk of Court
Telework Duty Station Change (Form PER 34)	A form submitted by the court to the AO’s HRO when an employee is authorized to telework full-time.	<ul style="list-style-type: none"> • employee • appointing officer

13. Authorization

This Telework Plan is authorized by the Chief Judge for the District of New Mexico.

Authorizing Official	
Name:	Date:

ADDENDUM TO TELEWORK AGREEMENT (PER 030)

U.S. DISTRICT COURT, DISTRICT OF NEW MEXICO

LAW CLERKS AND CHAMBERS STAFF

The following constitutes further terms and conditions for telework in the District of New Mexico for law clerks (both chambers and court staff) and other chambers staff (e.g., judicial assistants).

1. In addition to approval from the employee's appointing judge, any telework agreement must receive approval from the Chief Judge and the Clerk of Court, as indicated by their signatures below. The Chief Judge is responsible for all travel and spending from centralized funds; the telework agreement will provide adequate notice of whether or not such funds may be needed. The Clerk of Court must determine whether adequate Clerk's Office resources (e.g., technical support or equipment) are available to fully support the teleworking arrangement.
2. If, under the telework agreement, the appointing judge **does** authorize reimbursement for travel for a full-time teleworking employee, the Chief Judge must be notified in advance of any planned travel so that funds may be properly authorized by the Chief Judge.
3. Upon approval, the Clerk of Court will forward copies of all documentation (PER 030, PER030 Addendum, PER 034 if applicable, and any other supporting documentation) to appropriate Clerk's Office staff to facilitate any personnel actions and technical support required. The original signed documents will be returned to the appointing judge.
4. In the event the telework agreement is terminated, the appointing judge should notify the Chief Judge and the Clerk of Court.

Employee's Signature

Date

Appointing Official's Signature

Date

Chief Judge's Signature

Date

Clerk of Court's Signature

Date

Notices

[1:24-mc-00004 Administrative Orders](#)

U.S. District Court

United States District Court - District of New Mexico

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Case Name: Administrative Orders

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Docket Text:

ADMINISTRATIVE ORDER: In the Matter of Adoption of Court's Telework Plan for Chambers Staff (cg)

1:24-mc-00004 Notice has been electronically mailed to:

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