



Department of Energy

Bonneville Power Administration
P.O. Box 3621
Portland, Oregon 97208-3621

FREEDOM OF INFORMATION ACT/PRIVACY PROGRAM

September 27, 2022

In reply refer to: FOIA #BPA-2022-01275-F

SENT VIA EMAIL ONLY TO: (b) (6)

Michael L. Braden

(b) (6)

Dear Mr. Braden,

The Bonneville Power Administration (BPA) has received your request for agency records made under the Freedom of Information Act, 5 U.S.C. § 552 (FOIA). The agency received your request on September 14, 2022. BPA has assigned your request a tracking number of BPA-2022-01275-F. Please use that tracking number in any correspondence with the agency regarding your FOIA request. This communication is the agency's formal acknowledgment and response to your information request.

Request

"I would like a copy of the following link along with any and all comments on the link before it was taken down. Pages - Submit FY 23 telework agreements by Sept. 30 (bpa.gov)
<https://connection.bud.bpa.gov/need-to-know/Pages/Submit-FY-23-telework-agreements-by-Sept--30.aspx>. [...] You can redact the identifying user information. Gaining access, printing it as a PDF or JPG then using black to block personal information would work."

Acknowledgement

BPA has reviewed your request and determined that it fulfills all of the criteria of a proper request under the FOIA and the Department of Energy's (DOE) FOIA regulations at Title 10, Code of Federal Regulations, Part 1004.

Response

The agency's Digital Media & Visual Design office and Strategic Communications & Engagement office and Media, Policy & Writing office searched for and gathered records responsive to your request. A total of three pages have been gathered. Those three pages accompany this communication, with minor redactions applied under 5 U.S.C. § 552(b)(6) (Exemption 6). A detailed explanation of the relied upon exemption follows.

Explanation of Exemption

The FOIA generally requires the release of all agency records upon request. However, the FOIA permits or requires withholding certain limited information that falls under one or more of nine statutory exemptions (5 U.S.C. §§ 552(b)(1-9)). Further, section (b) of the FOIA, which contains the FOIA's nine statutory exemptions, also directs agencies to publicly release any reasonably segregable, non-exempt information that is contained in those records

Exemption 6

Exemption 6 serves to protect Personally Identifiable Information (PII) contained in agency records when no overriding public interest in the information exists. BPA does not find an overriding public interest in a release of the information redacted under Exemption 6—specifically, agency personnel names associated with comments. This information sheds no light on the executive functions of the agency and BPA finds no overriding public interest in its release. BPA cannot waive these redactions, as the protections afforded by Exemption 6 belong to individuals and not to the agency.

Fees

There are no fees associated with the processing of your FOIA request.

Certification

Pursuant to 10 C.F.R. § 1004.7(b)(2), I am the individual responsible for the records search and the data file release described above. Your FOIA request BPA-2022-01275-F is now closed with the responsive agency information provided.

Appeal

Note that the records release certified above is final. Pursuant to 10 C.F.R. § 1004.8, you may appeal the adequacy of the records search, and the completeness of this final records release, within 90 calendar days from the date of this communication. Appeals should be addressed to:

Director, Office of Hearings and Appeals
HG-1, L'Enfant Plaza
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, D.C. 20585-1615

The written appeal, including the envelope, must clearly indicate that a FOIA appeal is being made. You may also submit your appeal by e-mail to OHA.filings@hq.doe.gov, including the phrase "Freedom of Information Appeal" in the subject line. (The Office of Hearings and Appeals prefers to receive appeals by email.) The appeal must contain all the elements required by 10 C.F.R. § 1004.8, including a copy of the determination letter. Thereafter, judicial review will be available to you in the Federal District Court either (1) in the district where you reside,

(2) where you have your principal place of business, (3) where DOE's records are situated, or (4) in the District of Columbia.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
E-mail: ogis@nara.gov
Phone: 202-741-5770
Toll-free: 1-877-684-6448
Fax: 202-741-5769

Questions about this communication may be directed to James King, FOIA Public Liaison, at jjking@bpa.gov or 503-230-7621.

Sincerely,

Candice D. Palen
Freedom of Information/Privacy Act Officer

[Responsive agency records accompany this communication.](#)

DK CONTENT TEMPLATE: Need to Know article

Need to Knows are used to current BPA's work and facility requirements and communicate personal benefit information. They are briefly written notices that use required headings: What's Happening, How this Affects You, For More Information. Images and sidebars used sparingly, if at all.

[Author]

[Communications POC] David Wilson

[Requested Publication Date]

Peer reviewer and review date Sierra Lemon, 9/2/2022

DK manager and review date

[Headline]

Need to Know: Submit FY 23 telework agreements by Sept. 30

[Summary]

Eligible employees who plan to telework in fiscal year 2023 must complete a new telework agreement online via HRMIS by Sept. 30.

What's Happening

Eligible employees who plan to telework in fiscal year 2023 must complete a new telework agreement online via HRMIS by Sept. 30. Current telework agreements will expire Sept. 30.

As a reminder, employees [cannot telework from a foreign location](#) and should adhere to the Office of Personnel Management requirement of reporting at least twice per bi-weekly pay period to their BPA worksite.

How this affects you

The date range for each FY 23 electronic telework agreement is Oct. 1, 2022 – Sept. 30, 2023.

Review the full instructions on how to complete the telework agreement provided in [Job Aid: Telework Agreement](#).

Manager guidance to approve a telework agreement and view existing agreements is also available in [Job Aid: Manager Guide to Telework Agreements](#).

The FY 23 electronic telework agreement includes the following enhancements:

RECORD STORAGE

All DK communication products must be stored on the Communications SharePoint site under CONNECTION and Newsroom stories. This assures DK's compliance with agency recordkeeping as well as makes available all content to other users.

DK CONTENT TEMPLATE: Need to Know article

- New requirements have been added for all agreement types in the Employee Data section.
- Regular telework agreements include week one and week two data elements for situations where an employee plans to telework on different days each week within a pay period in order to meet the BPA worksite reporting requirement.
- The weekly data field is not selectable for situational telework agreements since these arrangements are approved on a case-by-case basis, and the hours worked are not part of an ongoing and regular telework schedule. Sometimes referred to as “ad hoc” telework, situational telework may be approved for specific non-recurring assignments, special projects or unscheduled events. Situational telework can also occur in response to a weather or safety event that prevents reporting to the regular workplace.
- The “percentage of telework per pay period” labels have been updated to meet Department of Energy reporting requirements.

The telework agreement renewal process applies to federal employees only. Contract personnel will not experience any changes and should continue to follow their employer's established telework protocol.

For more information

Email the [Telework Program](#), submit an HR inquiry through the [Service Management Portal](#) or contact HR Help at hrhelp@bpa.gov, or call 503-230-3230.

RECORD STORAGE

All DK communication products must be stored on the Communications SharePoint site under CONNECTION and Newsroom stories. This assures DK's compliance with agency recordkeeping as well as makes available all content to other users.

Title	Created By	BPA Comment Body	BPA Comment Page URL	Created	Modified	App Created By	App Modified By	Item Type	Path
comment1662757588	(b) (6)	I can't think of anything more personal and private than my home (and my family who live there). This inspection clause is troubling and doesn't align with a culture of trust and respect of privacy. Inspections of my home are unnecessary for maintaining a safe and secure working environment. I hope HR reconsiders requiring agreement with this clause in the FY23 Telework Agreement.	https://connection.bud.bpa.gov/need-to-know/Pages/Submit-FY-23-telework-agreements-by-Sept-30.aspx	9/9/2022 14:06	9/9/2022 14:06			Item	Lists/BPAPageComments
comment1662756537	(b) (6)	Is this requirement only DOE or Bonneville? My husband works for another Government agency (Full time TW) and he is not required to be inspected. His equipment is all furnished by his agency (computer, monitors, standup desk etc.). Aren't our addresses considered PII (if I recall it isn't our address considered PII per our yearly training)? We all signed the TW agreement, agreeing to the terms of the agreement. I believe that is all BPA requires.	https://connection.bud.bpa.gov/need-to-know/Pages/Submit-FY-23-telework-agreements-by-Sept-30.aspx	9/9/2022 13:48	9/9/2022 13:48			Item	Lists/BPAPageComments
comment1662755670	(b) (6)	Good luck (b) (6) I've asked this at more than one re-entry forum and the response I've received ranges from none to vague at best. If you receive a concise answer I'd love if you'd share it! =>	https://connection.bud.bpa.gov/need-to-know/Pages/Submit-FY-23-telework-agreements-by-Sept-30.aspx	9/9/2022 13:34	9/9/2022 13:34			Item	Lists/BPAPageComments
comment1662752015	(b) (6)	If my dog happens to defecate on the floor right before the inspector arrives and said inspector slips, falls, and gets injured, does that mean my telework agreement will not be allowed because I happen to have a very stupid rescue dog?	https://connection.bud.bpa.gov/need-to-know/Pages/Submit-FY-23-telework-agreements-by-Sept-30.aspx	9/9/2022 12:33	9/9/2022 12:33			Item	Lists/BPAPageComments
comment1662750944	(b) (6)	No where in this article does it reveal that the new annual TW agreement now has language that BPA has the right to inspect our home offices. Had to hear that from our Union - which I've been told has not agreed to this addition. With many of us utilizing our own personal equipment (as we don't qualify for BPA provided laptops due to Grade in NSSx), what is the impact on our personal information stored on our personal computers? How do we know that these "inspections" will not be punitive and/or result in subjective determinations surrounding "safety"? Just curious, as this is troubling to me and feels a bit like "Big Brother" watching over our Personal lives. For that matter, how do we know that our asking about the validity/legal ramifications of this addition won't result in something punitive back on us as employees?	https://connection.bud.bpa.gov/need-to-know/Pages/Submit-FY-23-telework-agreements-by-Sept-30.aspx	9/9/2022 12:15	9/9/2022 12:15			Item	Lists/BPAPageComments
comment1662750035	(b) (6)	The union did NOT approve of the FY 23 telework agreements and they are in discussions with the National Labor Relations Board to determine next steps. There's also a 4th amendment issue I see here with allowing a government agent a warrantless search of our homes. Suffice to say, I won't allow anyone from BPA into my house unless mandated to by court order or I receive a signed search warrant.	https://connection.bud.bpa.gov/need-to-know/Pages/Submit-FY-23-telework-agreements-by-Sept-30.aspx	9/9/2022 12:00	9/9/2022 12:00			Item	Lists/BPAPageComments
comment1662748511	(b) (6)	As far as granting folks access to our homes, what does this mean for us that share an office with our spouses that may not want people to be around their sensitive work? What rights do we have to refuse an inspection if it isn't scheduled, like can someone just show up at our houses? As far as an "inspection" many of us work from our personal computers...what rights are we giving up by doing so? Can an inspector request access to our personal computer files? Will BPA provide us with legal representation to be present during these inspections?	https://connection.bud.bpa.gov/need-to-know/Pages/Submit-FY-23-telework-agreements-by-Sept-30.aspx	9/9/2022 11:35	9/9/2022 11:42			Item	Lists/BPAPageComments
comment1662746803	(b) (6)	What is going on with this new requirement that I now need to allow my BPA supervisor access to my private residence? Did the union approve this? Is there any support at all from the OGC that this is an allowable infringement on my right to privacy?	https://connection.bud.bpa.gov/need-to-know/Pages/Submit-FY-23-telework-agreements-by-Sept-30.aspx	9/9/2022 11:06	9/9/2022 11:06			Item	Lists/BPAPageComments
comment1662743306	(b) (6)	Can someone provide me or point me where the OPM guidance requiring attendance at least twice per bi-weekly pay period to their BPA worksite is located?	https://connection.bud.bpa.gov/need-to-know/Pages/Submit-FY-23-telework-agreements-by-Sept-30.aspx	9/9/2022 10:08	9/9/2022 10:08			Item	Lists/BPAPageComments
comment1662730791	(b) (6)	I would like clarification on the new wording in the agreement. "As needed, inspections at the employee's alternate worksite may be conducted to ensure that equipment and sensitive information are appropriately protected. Inspections will normally be scheduled during normal duty hours at mutually agreed-to times. Second-level supervisory approval is required for inspections of alternate work sites. The supervisor is accompanied by an observer, who is approved by the second-level supervisor. The employee is also allowed an observer. If a BPA employee is requested as the observer, that choice may be disallowed if their presence is a conflict of interest, or if they cannot be released from duties at the time of the inspection." This seems problematic in so many ways. While we want to think ALL Supervisors would not abuse this scenario, we dont know for sure that some would not take advantage of this.	https://connection.bud.bpa.gov/need-to-know/Pages/Submit-FY-23-telework-agreements-by-Sept-30.aspx	9/9/2022 6:39	9/9/2022 6:39			Item	Lists/BPAPageComments
comment1662681700	(b) (6)	May I ask for a clarification of the following from the third to last question from the terms and conditions of the Telework Agreement, "As needed, inspections at the employee's alternate worksite may be conducted to ensure that equipment and sensitive information are appropriately protected"? What does "as needed" mean in this context of inspections of an alternate worksite, likely our homes? What legal rights are we forfeiting by granting our supervisors unfettered access to our homes on an "as needed" basis? Besides some so-called secondary supervisory approval, how will BPA ensure this "mi casa et tu casa" arrangement isn't abused by supervisors to snoop on us, or worse, harass us? Do inspections only occur for employees with BPA equipment (i.e. laptops) at the alternate worksite or anyone accessing the BPA network (i.e. MyPC)? Will supervisors at least take off their shoes before entering our homes? Lastly, may we have an attorney present during the inspection?	https://connection.bud.bpa.gov/need-to-know/Pages/Submit-FY-23-telework-agreements-by-Sept-30.aspx	9/8/2022 17:01	9/8/2022 17:01			Item	Lists/BPAPageComments