1. PURPOSE

a. This Departmental Regulation (DR) sets forth the authority, policy, and responsibilities for managing the Telework Program within the United States Department of Agriculture (USDA). Telework has the ability to produce tangible savings and other benefits, but its use must be balanced to ensure there are no negative impacts on the ability of the Department to achieve its mission and provide high quality customer service.

b. This DR applies to all Mission Areas, agencies, and staff offices. All USDA organizations must ensure compliance with the provisions of this regulation and applicable labor relations obligations.

2. SCOPE

This DR applies to all USDA Mission Area, agency, and staff office employees.
3. SPECIAL INSTRUCTIONS/CANCELLATIONS


b. Mission Areas, agencies, and staff offices may not supplement this DR without prior approval of the Director, Office of Human Resources Management (OHRM), except as authorized in this directive. Supplemental regulations or internal guidance issued by Mission Areas, agencies, or staff offices may not conflict with the contents of this DR. Mission Areas, agencies, and staff offices must make this regulation and any approved supplemental regulations or guidance available to all employees.

c. This DR does not affect what has been negotiated by employees under a Collective Bargaining Agreement (CBA). Revised DRs cannot affect current labor agreements containing telework provisions until those CBAs are “opened” for renegotiation, or an agency and staff office serves mid-term notice and proposal to bargain the change and the union accepts.

d. This DR is effective immediately with a 30 day phase in period and remains in effect until superseded.

4. POLICY

In accordance with 5 U.S.C. 6502 (b)(1), *Executive Agencies Telework Requirement*, and the *Guide to Telework in the Federal Government*, USDA supports the use of telework that does not diminish employee performance or agency and staff office operations, or negatively affect the ability of the Department to achieve its mission and provide high quality service to its customers. Telework is to be incorporated into USDA’s continuity of operations plan (COOP) to ensure mission essential functions continue to be performed during a wide range of emergencies, including localized acts of nature, accidents, and technological or attack-related emergencies. To that end, employees who are approved to telework and sign a telework agreement are generally expected to be prepared to telework in order to perform and maintain Federal functions through emergency situations.

a. Positions may be identified as ineligible for telework based on:

   (1) Position duties requiring physical presence on a daily basis;

   (2) Position duties requiring access to specialized equipment on a daily basis, located at the traditional worksite; or

   (3) Position duties requiring access to the handling of classified materials on a daily basis.

b. Employees may be identified as ineligible for telework based on the following criteria:
(1) **Performance.** An employee is ineligible for telework if they are placed on a performance improvement plan (PIP) or have received a less than fully successful performance rating within the past 12 months. The employee may remain ineligible for up to 12 months from the date of the documented performance rating or start of the PIP, at the discretion of the employee’s supervisor.

(2) **Conduct.** An employee is ineligible for telework due to conduct issues resulting in official, formal disciplinary action, as filed in the employee’s Official Personnel Folder (OPF) as a matter of personnel record, and may remain ineligible for up to 12 months from the date that the discipline was effectuated.

c. An employee is permanently ineligible for telework if they have been formally disciplined for any of the following:

   (1) Violations of Subpart G of the *Standards for Ethical Conduct for Employees of the Executive Branch* for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties; or

   (2) Being absent without permission for 5 or more days in any calendar year.

d. Employees must use the Agriculture Department (AD)-3018, *USDA Telework Agreement* form to declare their participation in the Telework Program or to opt out of participation in the program.

e. Employees approved to participate in telework are limited to teleworking no more than 2 days a pay period. The appropriateness of the amount of telework suitable for eligible employees is ultimately a determination reserved for supervisors and managers. Decisions as to frequency of telework participation is determined by the nature of the position, duties and responsibilities, supervisory relationship, and mission criteria.

   (1) When telework is used to address space availability restrictions, such as in the use of hoteling or desk sharing, a Mission Area, agency, or staff office head may approve telework exceeding 2 days a pay period on a case-by-case basis.

   (2) When telework is used to ensure mission functions continue to be performed during a wide range of emergencies, including localized acts of nature, accidents, and technological or attack-related emergencies, a Mission Area, agency, or staff office head may approve telework exceeding 2 days a pay period on a case-by-case basis.

   (3) All approved telework arrangements must be documented on the AD-3018.

f. Employees seeking telework arrangements or a change in duty station as a reasonable accommodation are required to follow Departmental, and agency or staff office procedures for reasonable accommodation.
g. Use of telework is an important component of USDA’s ability to operate in situations when working from the official office location is not safe or available. If needed to perform and maintain Federal functions, or to support activation of a COOP, teleworking employees are generally required to be prepared to telework during inclement weather, emergency situations that involve national security, extended emergencies, or other unique situations as determined by the Office of Personnel Management (OPM) or USDA.

h. Mission Areas, agencies, and staff offices must take steps to incorporate telework into COOPs and to address office closures for inclement weather and emergency situations, both for a local facility (e.g., lack of power, threat) or a metropolitan area (e.g., hurricane, earthquake).

i. When planning for any building renovation, hoteling, and shared office space considerations, or office space/lease reductions in any USDA location, Mission Areas, agencies, and staff offices may factor in teleworking as long as the use of telework will not negatively affect customer service or achievement of Mission Area, agency, or staff office goals. Mission Areas, agencies, and staff offices reviewing space utilization must ensure alignment with Departmentwide initiatives and models for best practices.

j. Excess government property (e.g., computers, peripherals) should be earmarked for telework programs and information should be shared with Telework Program Coordinators (TPC) for use and distribution prior to being reported as excess.

k. All USDA vacancy announcements must indicate whether the respective position is telework eligible (e.g., “This position is eligible for telework and other flexible work”).

l. Teleworkers and non-teleworkers will be evaluated under the same employee performance management system and be afforded the same professional opportunities, assignments, and treatment with regard to assigned work projects, periodic job performance appraisals, awards, recognition, training and developmental opportunities, promotions, and retention incentives.

m. Mission Areas, agencies, and staff offices must complete all telework reporting requirements and conduct an annual assessment of their telework program under the direction of OHRM.

5. PROCEDURES

a. Telework Participation

(1) Telework agreements remain in effect until a change occurs. The telework
agreement may be changed formally by either management or the employee, with a minimum of 2 weeks advance written notification, except in emergency situations where the timeframe may be shortened;

(a) Any employee participating in telework is expected to perform their duties and responsibilities at the telework location at the fully successful performance level or greater. Participation in telework may be modified, suspended, or terminated by management when an employee no longer meets the eligibility criteria or performance obligation.

(b) Management will provide sufficient notice, when feasible, before modifying, suspending, or terminating a telework agreement to allow the affected employee to make necessary arrangements. Consent or acknowledgement via signature by the affected employee is not required for the modification or termination to take effect.

(2) Management reserves the right, normally with at least 1 day notice, to require employees to return to the official worksite location for mission-related purposes, even on scheduled telework days. Emergency situations may require a shorter timeframe.

(3) Employees must notify the agency or staff office Transit Benefit Coordinator of the number of participation regular/recurring days in the telework agreement so their transit subsidy reflects the correct amount; and

(4) Teleworkers may participate in some flexible and compressed work schedules, or other flexible work arrangements in combination with a telework agreement. However, all employees must work from the official worksite location 4 days per week. Supervisors may exercise discretion to authorize employees with telework agreements to be outside of the official workstation more than 1 day a week in infrequent, exigent circumstances and to achieve the Department’s mission and provide high quality customer service.

(5) Time spent commuting from the traditional worksite to the alternative worksite for telework under any circumstances is not considered duty time.

b. Unscheduled and Emergency Telework

(1) OPM or USDA authorized officials may announce emergency operating status or an office or building closure that permits unscheduled telework.

(2) In the event that emergency operating status is declared due to weather conditions:

(a) Eligible employees who are telework ready may telework without supervisory approval but must notify the supervisor.
(b) Employees who have a regularly scheduled telework day will be expected to telework or take unscheduled appropriate leave.

(c) Employees who have situational/unscheduled telework agreements in which they agree to telework in instances of closure due to weather must telework in accordance with the terms of their agreement.

(d) For early departure status announcements, telework-ready employees who reported for duty at their worksite may continue the balance of their work day in accordance with this paragraph or OPM regulations. During an early departure authorization, telework eligible employees may use a combination of telework, flextime (if applicable) or other approved leave to complete their work day. Time spent commuting from the traditional worksite to the alternative worksite for telework is not considered duty time.

(e) For late arrival status announcements, employees who have a regularly scheduled telework day will be expected to telework beginning at their regularly scheduled time.

(f) If employees on regularly scheduled telework or with situational/unscheduled telework agreements that require telework cannot work at the alternative worksite due to weather conditions (e.g., loss of power, flooding), they must take annual or other appropriate leave.

(g) If the agency or staff office determines that anticipated weather conditions may impact operations, it may notify telework ready employees of office operating procedures to be followed.

(3) If the emergency operating status is due to an emergency closure of a building or office, or evacuation of the local area, the same rules specified in 5.b(2)(a)-(d) and 5.b(2)(f)-(g) shall apply unless the agency or staff office activates its COOP.

(4) If circumstances occur on a day where an otherwise telework ready employee was required or expected to telework that prevent the employee from teleworking, then paid leave, unpaid leave, or a combination thereof, may be granted by the supervisor in accordance with the Mission Area, agency, or staff office’s pay and leave policy.

c. Activation of COOPs.

(1) Mission Areas, agencies, and staff offices must take steps to incorporate telework into COOPs both for a local facility (e.g., lack of power, threat) or a metropolitan area (e.g., hurricane, earthquake).

(2) If an agency or staff building or office will be, or is anticipated to be, unavailable for an extended period of time, the agency or staff office may activate its COOP to ensure continuity of performance of the agency or staff office mission.
(a) If the COOP is activated, eligible employees who are telework ready shall
resume their regular schedules on a full-time telework basis until the office or
building is again available or an agency or staff office relocation site is
established. Employees may request their supervisor to permit a modification
to their regular schedule to accommodate the changed circumstances.

(b) For employees who are not telework ready, who are unable to telework due to
unavailability of their regular alternative work site, or are ineligible for
telework, the agency or staff office shall grant priority to placement in an
agency relocation conventional worksite or appropriate leave.

d. **Time and Attendance**

   (1) Employees are required to code their telework time into their organization’s time
   and attendance system; and

   (2) USDA procedures for requesting and approving overtime, credit hours, and
   leave applies to employees who telework.

e. **Safety**

   (1) USDA encourages teleworkers to adopt a proactive approach to ensuring
   safe alternative worksites and safe work habits. Maintaining a safe home
   office or other alternative worksite is the teleworker’s responsibility. To
   ensure a safe environment, the employee should be aware of the safety
   considerations, including those found on the [Telework.gov](http://Telework.gov) Web site.

   (2) While teleworking and conducting official duties from an alternative
   worksite, USDA employees are covered, as appropriate, by the following for
   incidents connected with USDA employment duties:

      (a) *Federal Tort Claims Act* (FTCA), 28 U.S.C. 171; and


   (3) The Government is not liable for damages to the employee’s personal or real
   property while the employee is working at the approved alternative worksite,
   except to the extent the Government is liable under the FTCA.

   (4) The employee is covered by FECA when injured or suffering from work-
   related illnesses while conducting official Government business.

   (5) If an injury occurs, the employee must notify the supervisor immediately, provide
details of the incident or injury, and complete Department of Labor [Form CA-1,
Pay/Compensation.

f. Reasonable Accommodation and Medical Telework

(1) Employees seeking telework arrangements or a change in duty station as a reasonable accommodation are required to follow agency or staff office procedures for reasonable accommodation.

(2) It is not a requirement to document or track telework agreements approved for either reasonable accommodation or medical reasons. However, written documentation in another format may be required as part of each agency or staff office’s reasonable accommodation procedures.

6. ROLES AND RESPONSIBILITIES

a. The Director, Office of Human Resources Management, or designee, serves as the Telework Management Official (TMO). The TMO will:

(1) Advise the Secretary of Agriculture, Mission Areas, agencies, and staff offices in the development and implementation of policies, programs, and oversight of the USDA Telework Program;

(2) Develop and interpret USDA policies and standards for the Telework Program, and serve as the Department’s point of contact on all telework matters;

(3) Provide agency officials with technical assistance and consultative services for telework issues; and

(4) Report teleworking statistics and data, as required.

b. The Director, Office of Homeland Security and Emergency Coordination will:

(1) Incorporate telework into the USDA Headquarters’ COOP and Occupant Emergency Plan (OEP) as an alternative for relocating employees to carry out the Department’s mission during an emergency situation; and

(2) Ensure Mission Areas, agencies, and staff offices incorporate telework drills and plans into their internal COOP and OEP.

c. The USDA Chief Information Officer (CIO) will:

(1) Provide guidance to Mission Areas, agencies, and staff offices to ensure implementation of and compliance with Departmental cybersecurity requirements for remote access, secure use, and protection of client devices;
(2) Ensure cybersecurity policies governing requirements for remote access, secure use, and protection of remote client devices are developed, disseminated, and implemented; and

(3) Ensure that user training includes techniques for secure remote access to USDA information systems and secure use and protection of client devices.

d. **Mission Area/Agency Heads/Staff Office Directors** will:

(1) Balance the use of telework with ensuring the continued implementation of USDA’s mission and service to customers;

(2) Determine the eligibility for all employees of the agency or staff office to participate in telework. This responsibility may be delegated down to managers and/or supervisors;

(3) Hold supervisors and managers accountable for implementing the USDA Telework Program in accordance with this DR;

(4) Hold employees accountable for adhering to the terms of approved telework agreements and complying with applicable telework policies;

(5) Incorporate information about the availability of telework and related policies into agency and staff office new employee orientation and other training programs;

(6) Ensure that supervisors and managers are held accountable for evaluating all teleworkers and non-teleworkers under the same employee performance management system and afforded the same professional opportunities, assignments, and treatment with regard to work projects assigned, periodic appraisal of job performance, awards, recognition, training and developmental opportunities, promotions, and retention incentives; and

(7) Designate a TPC to manage the program.

e. **USDA Supervisors and Managers** will:

(1) Assist the TPC in administering the Telework Program including providing copies of approved telework agreements and notices of agreement terminations;

(2) Complete the required *Telework Fundamentals for Managers* training;

(3) Ensure consistent and fair administration of the telework policy and procedures in their areas of responsibility;

(4) Upon approval of a telework agreement, establish and communicate clear expectations with employees regarding methods of communication, (i.e., customer service, time frames for returning phone calls, voicemail messages, and
email communication), staff meeting attendance, duty hours, and the accurate
coding of telework for time and attendance purposes;

(5) Coordinate with agency or staff office officials responsible for making
telework eligibility determinations;

(6) Evaluate all teleworkers and non-teleworkers under the same employee
performance management system and afford them the same professional
opportunities, assignments, and treatment with regard to work projects assigned,
periodic appraisal of job performance, awards, recognition, training and
developmental opportunities, promotions, and retention incentives;

(7) Establish communication processes to notify emergency employees and non-
emergency employees of the activation of the agency or staff office’s emergency
plan or COOP and the agency or staff office operating status during the
emergency;

(8) Integrate emergency expectations into telework agreements as appropriate

(9) Ensure official time spent teleworking is properly documented and coded within
the time and attendance systems in their areas of responsibility.

(10) Ensure teleworking employees have sufficient “portable” work for the amount of
telework proposed.

f. Telework Program Coordinators will:

(1) Administer the USDA Telework Program in accordance with applicable laws, rules,
and regulations;

(2) Ensure all new employees are notified of their eligibility to telework and require
Telework Agreements or opt-out statements from new employees within 90 days of
their entrance on duty date;

(3) Require and account for telework agreements or opt-out statements from all
eligible employees;

(4) Ensure that teleworkers who are designated as emergency employees and/or
mission critical emergency employees are identified as such in their telework
agreement;

(5) Ensure eligible teleworkers and managers have completed the required Telework
Fundamentals training prior to implementing a telework agreement;

(6) Disseminate inventory lists of available computers, peripherals, and other office
equipment for use in the telework program prior to reporting the property as excess;
(7) Provide required Telework Program information and reports as requested by the TMO;

(8) Maintain all documentation in accordance with the appropriate records retention period and dispose of the documentation in accordance with the National Archives and Records Administration approved disposition schedules and records keeping guidance;

(9) Ensure every Mission Area, agency, and staff office employee is provided information on the USDA Telework Program and opportunities, including eligibility criteria and application procedures; and

(10) Ensure that employees and supervisors/managers are knowledgeable about how to code official time spent in telework status in their time and attendance systems.

g. **Teleworkers** will:

(1) Comply with their approved telework agreement;


(3) Properly protect and secure government furnished equipment (GFE) and sensitive information in compliance with USDA guidance;

(4) Provide the same level of support, availability, and accessibility to customers, coworkers, and their supervisor(s) as if working at their official duty location. This includes meeting organizational and individual work requirements, attending staff meetings, working assigned duty hours, and responding to phone calls, e-mails and voicemail in a timely manner;

(5) Complete the mandatory *Telework Fundamentals* training course;

(6) Document and code all official time spent teleworking in their organization’s time and attendance system (see Section 5c);

(7) Ensure appropriate arrangements for the care of dependents while teleworking. Telework is not a substitute for dependent care. However, this does not preclude a teleworker from having a caregiver in the home who provides care to the dependent(s) while the employee teleworks. Also, a dependent may be permitted in the home, provided they do not require constant supervision or care (i.e., older child or adolescent) and their presence does not disrupt the ability to telework effectively;
Ensure the alternate worksite provides an adequate work environment with regard to connectivity and technology. Employees are expected to provide internet service and other general utility costs at their own expense;

Acknowledge that they continue to be bound by the Standards of Ethical Conduct for Employees of the Executive Branch while teleworking and using GFE;

Acknowledge that the travel provisions that apply to employees working at an official duty station also apply to teleworkers. A teleworker who is directed to travel to another worksite (e.g., official duty station) during their regularly scheduled basic tour of duty would have the travel hours credited as hours of work. Similarly, as for all employees, teleworkers who are required to travel back to the official duty location after their regularly scheduled telework basic tour of duty to perform irregular or occasional overtime work are entitled to at least 2 hours of overtime pay or compensatory time off (per 5 CFR 550.112(h), Call-back Overtime Work and 551.401(e), Basic Principles); further information on overtime and credit hours can be found in DR4050-550-002, Pay Administration – Compensatory Time Off for Travel;

Ensure an honest assessment of their own telework capabilities, including a determination that there is a sufficient amount of “portable” work for the amount of telework proposed.

Be prepared to telework to perform and maintain Federal functions through an emergency or ad hoc situation or to support a COOP.

Be familiar with the agency or staff office's emergency plans (continuity plan, pandemic plan, etc.) and your manager's expectations for how you will telework during such events.

Be flexible; be willing to perform all duties assigned to you by management even if they are outside your usual or customary duties.

Adhere to agency or staff office policies and negotiated agreements consistent with the performance of union activities, if applicable.

7. INQUIRIES

Direct all inquiries about this DR to the Director, OHRM, Room 320-W, Whitten Building, 1400 Independence Avenue SW, Washington, D.C. 20250.

- END -
APPENDIX A

DEFINITIONS

a. Alternate Worksite. A worksite location, other than the traditional office that satisfies all requisite federal health and safety laws, rules and regulations pertaining to the workplace, where an employee performs their official duties. Supervisors may authorize working from a number of alternate worksites.

b. Emergency Situation. An event, incident, or circumstance that interrupts or may compromise normal daily operations at, or travel to/from, an official or alternative worksite. This may include issues of national security, extended emergencies, inclement weather, travel conditions, civil disruptions, public health emergencies, power outages, or other unique situations which result in an official announcement of an operating status authorizing unscheduled telework.

c. Hoteling. Shared office space in a Mission Area, agency, or staff office location designed for use by teleworkers.

d. Mobile work. Work which is characterized by routine and regular travel to conduct work in customer or other worksites as opposed to a single authorized alternative worksite. Examples include site audits, site inspections, investigations, property management, and work performed while commuting, traveling between worksites, or on temporary duty. Mobile work is not considered telework; however, mobile workers may be eligible to participate in telework, as applicable.

e. Official Duty Station/Worksite. The official worksite generally is the location where the employee regularly performs his or her duties. An agency and staff office must document an employee’s official worksite on the employee’s Notification of Personnel Action (Standard Form (SF) 50 or equivalent).

f. Opt-Out. A telework-eligible employee who voluntarily declines to participate in the USDA Telework Program. Employees who opt-out must sign and check the voluntary opt-out box on the AD-3018.

g. Portable Work. Work that is normally performed at the employee’s conventional worksite, but may be performed at the alternate worksite with equal effectiveness with respect to quality, quantity, timeliness, customer service, and other aspects of mission accomplishment. Portable work is part of the employee’s regular assignments and does not involve a change in duties, position descriptions, or the way assignments are handled by the participating employee or other employees.

h. Recurring Telework. See “Regular Telework.”

i. Regular Telework. Regularly scheduled telework that occurs at least 1 scheduled day per
biweekly pay period, on a recurring basis, and is part of an approved work schedule.

j. **Situational Telework.** See “Unscheduled Telework.”

k. **Telework.** The term ‘telework’ or ‘teleworking’ refers to a work flexibility arrangement under which an employee performs the duties and responsibilities of such employee’s position, and other authorized activities, from an approved worksite other than the location from which the employee would otherwise work. Telework may be authorized for an entire duty day or a portion of one. Telework does not include the following:

(1) Work performed while on official travel status;

(2) Work performed while commuting to/from work; or

(3) Mobile work.

i. **Telework Agreement.** A written agreement that outlines the terms and conditions, in addition to the category type and frequency of the telework arrangement, as approved by the supervisor.

j. **Teleworker.** An eligible employee with an approved telework agreement, who performs their official duties at an alternate worksite location.

k. **Telework Ready.** Refers to all eligible employees with an approved telework agreement, who are prepared and equipped to telework, and have sufficient “portable” work for their telework schedule. If unable to telework when required, use of paid or unpaid leave may be required.

l. **Unscheduled Telework.** Telework that is authorized in response to specific duty status announcements issued by OPM or other authorized USDA officials for use during periods of inclement weather or other emergency situations; or with prior supervisory approval, telework used to maintain productivity during short-term situations.
APPENDIX B

AUTHORITIES AND REFERENCES

**AD-3018, USDA Telework Agreement**

Basic Program Elements for Federal Employee Occupational Safety and Health Programs and Related Matters, 29 CFR 1960

Computation of Overtime Work – Call-back Overtime Work, 5 CFR 550.112(h), January 1, 2011

Department of Labor, Form CA-1, Federal Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation

Department of Transportation Appropriations Act of 2001, Public Law (P.L.) 106-346, Section 359, October 23, 2000


DR 3440-002, Control and Protection of Sensitive Security Information, January 30, 2003

DR 3505-003, Access Control for Information and Information Systems, February 10, 2015

DR4050-550-002, Pay Administration – Compensatory Time Off for Travel, June 20, 2008

DR 4300-008, Reasonable Accommodations for Employees and Applicants with Disabilities, March 9, 2000

DR 4410-004, Safety Management Program, August 3, 2015


Executive Order 12196, Occupational Safety and Health Programs for Federal Employees, as amended

Federal Continuity Directive 1, Federal Executive Branch National Continuity Program and Requirements, January 2017


Office of Government Ethics, Standards of Ethical Conduct for Employees of the Executive Branch, January 1, 2017.

OPM, Guide to Processing Personnel Actions, Chapter 23, April 2013

OPM, Guide to Telework in the Federal Government, April 2011

OPM, Memorandum to Executive Heads of Agencies, Establishing Telecommuting Policy, February 9, 2001

OPM, Memorandum to Executive Heads of Agencies, Washington, DC, Area Dismissal and Closure Procedures, December 2, 2016

OPM, SF-50, Notification of Personnel Action, July 1991

OPM, Washington, DC, Area Dismissal and Closure Procedures, December 2015


Presidential Memorandum, Expanding Family-Friendly Work Arrangements in the Executive Branch, July 11, 1994

Presidential Memorandum, Implementing Federal Family Friendly Work Arrangements, June 21, 1996


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<td>AD</td>
<td>Agriculture Department</td>
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<td>CBA</td>
<td>Collective Bargaining Agreement</td>
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<td>CFR</td>
<td>Code of Federal Regulations</td>
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<td>CIO</td>
<td>Chief Information Officer</td>
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<td>COOP</td>
<td>Continuity of Operations Plan</td>
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