

**DEPARTMENT OF DEFENSE  
TELEWORK POLICY**

**References**

- A. Section 359 of Public Law No. 106-346 (Appendix 1)
- B. DepSecDef Memorandum dated March 3, 1995, "Expanding Flexible Work Arrangements in the Department of Defense" (Appendix 2)
- C. Presidential Executive Memorandum dated July 26, 2000, "Employing People with Significant Disabilities to Fill Federal Agency Jobs that can be Performed at Alternative Work Sites, Including the Home" (Appendix 3)
- D. USD(P&R) Memorandum dated February 26, 1999, "Special Work Arrangements As Accommodations for Individuals with Disabilities" (Appendix 4)

**A. PURPOSE**

This Policy implements the requirements of Section 359 of Public Law No. 106-346 (reference A), which requires each Executive Agency to establish a policy under which eligible employees of the agency may participate in teleworking to the maximum extent possible without diminished employee performance. In Fiscal Year 2001, Section 359 of P.L. No. 106-346 requires that 25 percent of the eligible Federal workforce must be offered the opportunity to telework. An additional 25 percent of the eligible Federal workforce must be offered the opportunity to telework each successive year, thus permitting every eligible employee the opportunity to telework by the end of Fiscal Year 2004.

Any implementing telework regulations or other guidance developed by Department of Defense (DoD) Components must comply with this policy, as well as the law from which it is derived.

In implementing P.L. No. 106-346, this Policy is designed to actively promote telework as a legitimate flexibility for managers and their employees throughout DoD, and to:

- a) promote DoD as an employer of choice;
- b) improve the recruitment and retention of high-quality employees through enhancements to employees' quality of life;
- c) enhance the Department's efforts to employ and accommodate people with disabilities, including employees who have temporary or continuing health problems, or who might otherwise have to retire on disability;
- d) reduce traffic congestion and decrease energy consumption and pollution emissions;

Work-at-home telework means an approved arrangement whereby an employee performs his or her official duties in a specified work or office area of his or her home that is suitable for the performance of official Government business.

#### **D. POLICY STATEMENT**

It is DoD policy that:

- a) the maximum number of positions be identified as eligible for regular and recurring telework;
- b) the maximum number of employees who exhibit characteristics suitable for telework, and who occupy positions identified as eligible for teleworking, be permitted to telework;
- c) an employee who teleworks on a regular and recurring basis must sign a Telework Agreement prior to commencement of teleworking. At a minimum, all telework agreements must address the location and requirements of the alternative worksite, telework schedule, security of official information, protection of Government-furnished equipment, applicable standards of conduct, liability and injury compensation, and Government access to the alternative worksite;
- d) a telework arrangement is not a right and may be terminated at will by either the employee or the supervisor;
- e) participation in the program will be terminated if an employee's performance does not meet the prescribed standard or if the teleworking arrangement fails to meet organizational needs;
- f) employees may be approved both to telework and to work an alternative work schedule;
- g) supervisors may approve "ad hoc" telework, as defined in this Policy;
- h) telework is appropriate for supervisory-approved web-based distance and continuous learning;
- i) telework may not be used to replace appropriate arrangements for dependent care;
- j) consistent with DoD security and information technology policies:
  - (i) no classified documents (hard copy or electronic) may be taken by teleworkers to alternative worksites;

- m) an employee who is approved for work-at-home telework must sign a safety checklist prior to commencement of teleworking (example checklist at Appendix B of Telework Guide);
- n) time spent in a teleworking status must be accounted for and reported in the same manner as if the employee reported for duty at the traditional worksite;
- o) an employee who is approved for telework is required to satisfactorily complete all assigned work, consistent with the approach adopted for all other employees in the work group, and according to standards and guidelines in the employee's performance plan;
- p) overtime provisions that apply to employees working at a traditional worksite apply to employees who telework. Employees may work overtime only when ordered and approved in advance by the supervisor. Instances in which employees perform overtime work without prior supervisory approval may be cause for administrative or disciplinary action;
- q) management reserves the right to require employees to report to the traditional worksite on scheduled telework days, based on operational requirements;
- r) 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 Federal Tort Claims Act or the Military and Civilian Employees Claims Act;
- s) the employee is covered by the Federal Employees Compensation Act (FECA) when injured or suffering from work-related illnesses while conducting official Government business;
- t) employees who telework continue to be bound by the Department of Defense standards of conduct while working at the alternative worksite and using Government-furnished equipment; and
- u) telework may be permitted as a reasonable accommodation for an employee with a disability in accordance with Reference D.

#### **E. DETERMINING ELIGIBILITY**

Positions eligible for telework are those involving tasks and work activities that are portable, do not depend on the employees being at the traditional worksite, and are conducive to supervisory oversight at the alternative worksite. Positions shall not be excluded as eligible on the basis of occupation, series, grade or supervisory status.

- b) oversee and coordinate DoD implementation and administration of the Telework Program;
- c) coordinate information on DoD telework initiatives;
- d) advise on the feasibility of telework arrangements;
- e) approve funding applications for telework by employees at GSA telecenters; and
- f) prepare consolidated reports for DoD on participation rates in the DoD Telework Program, and other data, on an annual and as required basis.

The Director of the Department of Defense Civilian Personnel Management Service shall:

- a) maintain the central fund for DoD teleworker participation at GSA telecenters.

The Heads of the DoD Components shall:

- a) administer a telework program in accordance with public law, this policy and any relevant DoD regulations;
- b) designate a Component Telework Coordinator to administer and oversee implementation of the telework program in the Component; and
- c) develop any Component specific guidelines on telework necessary to implement this policy within their organizations.

The DoD Computer/Electronic Accommodations Program (CAP) shall:

- a) support telework by employees with disabilities in accordance with CAP policies and procedures.

## DEPARTMENT OF DEFENSE TELEWORK GUIDE

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## **2. IMPLEMENTATION OF THE DOD TELEWORK PROGRAM**

### **2.1 Types of Telework**

DoD offers two types of telework arrangements, “regular and recurring” and “ad hoc”, based on the recognition that organizational and employee needs may vary considerably, and should be considered on a case-by-case basis. Some situations require occasional or infrequent arrangements while others are more conducive to longer periods or regularly scheduled arrangements. The intent in offering two types of telework is to provide supervisors, managers, and employees with maximum flexibility to establish an arrangement that is responsive to their particular situation. However, regular and recurring telework of at least one day per biweekly pay period should receive most support and approval from managers.

**2.1.1 Regular and recurring telework** means an approved work schedule where eligible employees regularly work at least one day per biweekly pay period at an alternative worksite.

Reasons for regular and recurring telework arrangements include the recruitment and retention of high-quality employees; improved employee morale and a better balance of work and personal lives; reductions in commuting related stress and costs; improvements in access or as a reasonable accommodation for disabled employees; reductions in office space and associated costs; the need for convalescence from a short-term injury or illness, periods when the work office is not usable (e.g., during office renovation), or assignment to a special project (Note: As indicated in the basic policy, telework is not a substitute for dependent care and is not to be used to replace care arrangements.)

All eligible employees who telework on a regular and recurring basis will be required to sign a Telework Agreement (example at Appendix A). Teleworkers who work at home must sign a safety checklist (example at Appendix B).

Employees who telework must be available to work at the traditional worksite on telework days on an occasional basis if necessitated by work requirements. Conversely, requests by the employee to change his or her scheduled telework day in a particular week or biweekly pay period should be accommodated by the supervisor wherever practicable, consistent with mission requirements.

Regular and recurring telework may include “full time” telework (i.e., performing all official duties at an approved alternative worksite), including telework from geographic locations outside of the commuting area to the traditional worksite, e.g., within Continental United States or overseas. Refer to section 2.9 on Official Duty Station and section 2.10 on Telework and Travel for more information.

and do not interfere with the home office, personal disruptions such as non-business telephone calls and visitors are kept to a minimum).

The employee and his/her family should understand that the home worksite is just that, a space set aside for the employee to work. Telework is not a substitute for dependent care.

Before commencing teleworking, work-at-home teleworkers must complete and sign a safety checklist (example at Appendix B) that proclaims their home safe for an official home worksite. The goal is to ensure that all the requirements to do official work are met in an environment that allows the tasks to be performed safely.

Work-at-home telework arrangements may increase an employee's home utility costs. DoD assumes no responsibility<sup>1</sup> for any operating costs associated with the employee using his or her personal residence as an alternative worksite, including home maintenance, insurance, or utilities (e.g., heating, electricity, water). Furthermore, employees on a work-at-home telework arrangement who are approved to use their own equipment, are responsible for the repair and maintenance of that equipment.

For official Government business only, and specific to telework, Components have the option to use appropriated funds<sup>2</sup> to install telephone lines in a private residence. Components may also issue a calling card (as for telecenter teleworkers) to charge long distance official calls in cases where a separate telephone line cannot be justified or installed. Alternatively, under 31 U.S.C. Section 1348, reimbursement of long-distance (domestic and international) telephone expenses is allowed if incurred as a result of official duties. Employees shall complete Standard Form (SF) 1164, Claim for Reimbursement for Expenditures on Official Business, and have it approved by their supervisor with a copy of the telephone charges.

Maintenance of any Government-furnished equipment may require access by approved repairers to the employee's home, with advance notice. Alternatively, the Component may require the work-at-home teleworker to transport Government-furnished equipment to the traditional worksite for repairs.

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<sup>1</sup> A GAO decision concluded that "*absent legislation authorizing such expenditures, incremental costs associated with the residential workplace may not be allowed*" (B-225159, June 19, 1989).

<sup>2</sup> Public Law 104-52, Sections 619 and 620, allows agencies to use funds to install telephone lines, and necessary equipment, used for official purposes and to pay monthly charges in any private residence or private apartment of an employee who has been authorized to work-at-home.

### **2.2.3 Other Approved Worksites**

Other approved worksites include any other worksite funded by the employee's Component from which the employee is approved to telework, including a facility established by state, local or county governments or private sector organizations for use by teleworkers, and including National Guard Bureau Distance Learning Centers.

### **2.3 Telework Agreement**

Prior to the commencement of regular and recurring telework arrangements, supervisors and employees must complete and sign a Telework Agreement (example at Appendix A) that outlines the terms and conditions of the arrangement.

The Telework Agreement prescribes the approved alternative worksite and telework schedule, and addresses personnel, security, and equipment issues. It also records the anticipated reduction in commuting miles for the teleworker.

The employee or supervisor may terminate the telework agreement by giving advance written notice. If, at any time, it is determined that an arrangement is having an adverse impact on work operations or performance, the supervisor will provide notice to the employee that the arrangement will be terminated. The transition back to the traditional worksite must be in accordance with established administrative procedures and collective bargaining agreements.

### **2.4 Employee Grievances**

If an employee disputes the reason(s) given by a supervisor for not approving him or her for telework, or for terminating his or her telework agreement, the employee may submit a grievance using the agency administrative or negotiated grievance procedure, as appropriate.

### **2.5 Certification and Control of Time and Attendance**

The assigned hours of work while teleworking form part of the employee's regular tour of duty. Time spent in a telework status must be accounted for and reported in the same manner as if the employee reported for duty at the traditional worksite. Timekeepers will record the numbers of hours each individual spends in a telework status during the regular daily tour of duty by entering a type hour code "LX"<sup>3</sup> into the automated time and attendance system. For instance, if an

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<sup>3</sup> Use of the LX code is a temporary measure pending establishment of a new, distinct code for telework.

There are no limits on the number of telework days versus “in-office” days per week or pay period for teleworkers. Many arrangements provide for a minimum work time in the traditional worksite, e.g., 2 to 3 days per week, although this should not preclude approval of full-time (i.e., every workday) telework arrangements. Most teleworking employees spend part of the workweek in the traditional worksite to improve communication, minimize isolation, and use facilities not available off-site. Components are encouraged to develop flexible procedures that allow individual supervisors to determine the best balance for the mission and individual situations.

Employees participating in short-term arrangements (e.g., recuperating from surgery, complications associated with pregnancy) typically do not have in-office days; they work a full- or part-time schedule from their home. Similarly, long-term teleworkers may be allowed to work their full schedules at the alternative worksite, particularly when the employee is physically unable to commute. Again, Components should adopt a flexible approach in developing optimum arrangements for these employees.

## **2.8 Overtime**

The overtime provisions that apply to employees working at a traditional worksite apply to employees on a telework agreement. Employees may work overtime only when ordered and approved by the supervisor in advance.

## **2.9 Official Duty Station**

A teleworker’s official duty station for such purposes as special salary rates, locality pay adjustments, and travel, is established at Component discretion. Although the Office of Personnel Management has not issued regulations or formal guidance on determining official duty stations for employees in telework situations, OPM’s “Guide to Processing Personnel Actions” (GPPA) provides guidance on documenting duty station changes.

Chapter 23 of the GPPA defines “duty station” as the “city/town, county, and State in which the employee works. For most employees, this will be the location of the employee’s work site.” The guide further states, “The location of an employee’s work site is the location of the employee’s desk or the place where the employee normally performs his or her duties.” Components should make duty station determinations under telework arrangements within the framework of these GPPA citations.

In situations where a teleworker works solely from an approved alternative worksite, and the alternative worksite and the traditional worksite are not in the

agencies located outside the Washington DC beltway that are affected by emergency situations or closings, managers should determine action on a case-by-case basis.

If a situation arises at the employee's alternative worksite that results in the employee being unable to continue working (e.g., power failure), the supervisor should determine action on a case-by-case basis. Depending on the particular circumstances, supervisors may grant the teleworker excused absence, offer the teleworker the option to take leave or use compensatory time off or credit hours, if applicable, or require the employee to report for work at the traditional worksite. If a similar occurrence (not covered by OPM emergency dismissal guidance) causes employees at the traditional worksite to be unable to continue working, e.g., part of a large organization is dismissed due to a lack of heat or cooling, employees who are teleworking would not be affected and would not need to be excused from duty.

If the employee knows in advance of a situation that would preclude working at the alternative worksite, a change in work schedule, leave, or work at the employee's traditional worksite must be scheduled.

## **2.12 Telework for Employees with Disabilities**

Telework is excellent for accommodating employees with disabilities. For information on employing and accommodating employees with disabilities, both at home and at the traditional worksite, see the handbook, *Managing End User Computing for Users With Disabilities*, prepared by GSA's Clearinghouse on Computer Accommodation (COCA). GSA's Federal Information Resources Management Regulations, FIRMR Bulletin C-8, establish Government-wide guidelines for acquiring ADP equipment that helps disabled Federal employees.

## **2.13 Training**

Supervisors and employees participating in the DoD Telework Program are encouraged to undertake training in telework, as experience shows that the most successful telework arrangements include initial training for both supervisors and employees. Components may determine the best training options in this respect.

## **3. EQUIPMENT**

The following paragraphs supplement, and should be read in conjunction with, the provisions on use of equipment for telework, as prescribed in the DoD telework policy.

- h) office supplies, such as paper, toner, printer ink etc., will be available to the teleworker for use at the alternative worksite in the same way as in the traditional workplace; and
- i) employees who use telecenters will be provided access to basic office equipment (e.g., computer, modem, telephone, fax, copier). Telecenters are responsible for the installation and maintenance of telecenter equipment. Employees are prohibited from using telecenter equipment for personal use.

#### **4. SECURITY ISSUES**

The following paragraphs supplement, and should be read in conjunction with, the provisions on security for telework, as prescribed in the DoD Telework Policy.

All files, records, papers, or machine-readable materials created while teleworking are the property of DoD. For policy advice on electronic security procedures, see FIRMR 41 C.F.R. section 201-7, Security of Personal Privacy; and Security of Personal Computer Systems; A Management Guide, NBS Special Publication 500-120, U.S. Department of Commerce, National Institute of Standards and Technology.

Records subject to the Privacy Act may not be disclosed to anyone except those authorized access as a requirement of their official responsibilities. Components shall ensure that appropriate physical, administrative, and technical safeguards are used to protect the security and confidentiality of such records. Only copies, not originals, of Privacy Act documents may be permitted to be taken out of the traditional work site and they may be taken only on temporary basis and not permanently stored out of the traditional work site. Components shall ensure that any teleworkers who will be working on Privacy Act materials receive appropriate Privacy Act training.

Teleworkers are responsible for the security of all official data, protection of any Government-furnished equipment and property, and accomplishment of the mission of DoD at the alternative worksite.

#### **5. WORKERS' COMPENSATION AND OTHER LIABILITIES**

Employees who are directly engaged in performing the duties of their jobs are covered by the Federal Employees Compensation Act (FECA), regardless of whether the work is performed on the agency's premises or at an alternative worksite. An employee on the workers' compensation rolls who is a candidate for vocational rehabilitation may upon approval by the Department of Labor (DOL), use telework as an option.

**APPENDIX A**

**SAMPLE TELEWORK AGREEMENT  
DEPARTMENT OF DEFENSE**

The following constitutes the terms and conditions of the telework agreement between:

Employee:

<b>Last Name</b>	<b>First Name</b>	<b>Middle Initial</b>
<b>Title</b>		
<b>Pay Plan</b>	<b>Series</b>	<b>Grade</b>

and

DoD Component: \_\_\_\_\_

**Days in Biweekly Pay Period Employee is Authorized to Telework**

The employee is approved to work at the approved alternative worksite specified below in accordance with the following schedule:

DAY	PER WEEK	PER PAY PERIOD	WORK SCHEDULE		DUTY HOURS <i>(specify hours of work and lunch break)</i>
			Fixed or Alternative	FWS or CWS	
MON					
TUES					
WED					
THURS					
FRI					

**Alternative Worksite**

The employee's alternative worksite is:

Home office or work area  
 Address: \_\_\_\_\_  
 Location of home office or work area: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

The official duty station corresponds to that found on the most recent SF 50, Notification of Personnel Action.

**Time and Attendance, Work Performance and Overtime**

Time spent in a teleworking status must be accounted for and reported in the same manner as if the employee reported for duty at the traditional worksite.

The employee is required to satisfactorily complete all assigned work, consistent with the approach adopted for all other employees in the work group, and according to standards and guidelines in the employee's performance plan.

The employee agrees to work overtime only when ordered and approved by the supervisor in advance. Employees who work overtime without such prior approval may be subject to administrative or disciplinary action.

**Security and Equipment**

No classified documents (hard copy or electronic) may be taken to an employee's alternative worksite. For regular and recurring telework, sensitive unclassified material, including Privacy Act and For Official Use Only data, may only be used by teleworkers provided with Government-furnished equipment. The employee is responsible for the security of all official data, protection of any Government-furnished equipment and property, and carrying out the mission of DoD at the alternative worksite. Government-furnished equipment must only be used for official duties and family members and friends of teleworkers are not authorized to use any Government furnished equipment

Where the employee has been approved by the Component DAA to use their personal computers and equipment for telework on non-sensitive unclassified data, remote access software must not be loaded into employee's personal computers for official purposes. The employee is responsible for the installation, repair and maintenance of all personal equipment.

The Component is responsible for the maintenance of all Government-furnished equipment. The employee may be required to bring such equipment into the office for maintenance. The employee must return all Government-furnished equipment and materials to the agency at the conclusion of teleworking arrangements or at the Component's request.

**Liability and Injury Compensation**

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 held liable by the Federal Tort Claims Act or the Military and Civilian Employees Claims Act.

The employee is covered by the Federal Employees Compensation Act (FECA) when injured or suffering from work-related illnesses while conducting official Government

**APPENDIX B**

<b>SAMPLE SAFETY CHECKLIST</b>	
<b>DoD TELEWORK PROGRAM</b>	
<p>The following checklist is designed to assess the overall safety of the home worksite. The participating employee should complete the checklist, sign and date it, and return it to his or her supervisor (and retain a copy for his or her own records).</p>	
1. Are temperature, noise, ventilation, and lighting levels adequate for maintaining your normal level of job performance?	Yes <input type="checkbox"/> No <input type="checkbox"/>
2. Is all electrical equipment free of recognized hazards that would cause physical harm (frayed wires, bare conductors, loose wires or fixtures, exposed wiring on the ceiling or walls)?	Yes <input type="checkbox"/> No <input type="checkbox"/>
3. Will the building's electrical system permit the grounding of electrical equipment (a three-prong receptacle)?	Yes <input type="checkbox"/> No <input type="checkbox"/>
4. Are aisles, doorways, and corners free of obstructions to permit visibility and movement?	Yes <input type="checkbox"/> No <input type="checkbox"/>
5. Are file cabinets and storage closets arranged so drawers and doors do not enter into walkways?	Yes <input type="checkbox"/> No <input type="checkbox"/>
6. Are phone lines, electrical cords, and surge protectors secured under a desk or alongside a baseboard?	Yes <input type="checkbox"/> No <input type="checkbox"/>
<p><b>Employee's Signature</b> _____ <b>Date</b> _____</p>	

NAME: \_\_\_\_\_ COMPONENT: \_\_\_\_\_

POSITION: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

LOCATION OF DESIGNATED HOME OFFICE OR WORK AREA: \_\_\_\_\_

HOME TELEPHONE: \_\_\_\_\_

SUPERVISOR'S NAME: \_\_\_\_\_



TELEWORK REPORTING REQUIREMENTS  
TELEWORK REPORTING FORM  
JANUARY 2002

Army MACOM Name:

Reporting Date:

MACOM Contact:

Name:

Phone Number :

Email Address:

1. Number of Employees in your MACOM:
- 2: Number of eligible workforce (as determined by position duties/work activities and demonstrated personal characteristics of employee).
3. Number of eligible workforce offered the opportunity to telework on a regular and recurring basis (at least one day per pay period):
4. Of the number of employees in Q.3. how many have their traditional worksite:
  - a) inside the National Capital Region
  - b) outside the National Capital Region
5. Number of employees who telework on an ad hoc basis (FY2002):
6. Identify any barriers to employee participation in the Telework Program.

*Encl*