

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;

- e) reduce office space, parking facilities, and transportation costs, including costs associated with payment of the transit subsidy; and
- f) complement Continuity of Operations Program (COOP) plans.

B. SCOPE

This Policy applies to civilian employees employed in the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense agencies, the DoD Field Activities, and all other organizational entities within the Department of Defense (hereafter referred to collectively as the DoD "Components").

The requirements of the law do not apply to employees paid by non-appropriated fund (NAF), but NAF employers may administratively extend coverage of this Policy to their NAF employees.

C. DEFINITIONS

Ad hoc telework means approved telework performed on an occasional, one-time, or irregular basis. (Telework of less than one day per pay period is considered ad hoc.)

Alternative worksite means a place away from the traditional worksite that has been approved for the performance of officially assigned duties. It may be an employee's home, a telecenter, or other approved worksite including a facility established by state, local, or county governments or private sector organizations for use by teleworkers.

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.

Telecenter means a General Services Administration (GSA) telecenter.

Telework refers to any arrangement in which an employee performs officially assigned duties at an alternative worksite on either a regular and recurring, or on an ad hoc, basis (not including while on official travel).

Telework agreement means a written agreement, completed and signed by an employee and appropriate official(s) in his or her Component, that outlines the terms and conditions of the telework arrangement (example agreement at Appendix A of Telework Guide).

Traditional worksite refers to the location where an employee would work absent a telework arrangement.

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;

- (ii) Government-furnished computer equipment, software, and communications, with appropriate security measures, are required for any regular and recurring telework arrangement that involves sensitive unclassified data, including Privacy Act data, or For Official Use Only (FOUO) data;
 - (iii) where employees telework on an ad hoc basis, personal computers can be used to work on limited amounts of sensitive unclassified material, on the basis that the teleworker must delete the files as soon as they are no longer required, and verify in writing that he or she has deleted all files containing Department information from personally owned computer hard drives;
 - (iv) employees who telework may be approved by the Component Designated Approving Authority (DAA) to use their personal computers and equipment for work on non-sensitive, unclassified data consistent with DoD policy. Personal computers may not access DoD systems or networks remotely. The employee is responsible for the installation, repair and maintenance of all personal equipment;
 - (v) providing and/or installing Government-furnished equipment at alternative worksites is a matter for determination by the DAA in each Component. The Component will be responsible for the service and maintenance of Government-owned equipment. DoD remote access software may be installed onto Government-furnished computers to enable access to DoD systems and networks;
 - (vi) 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. 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;
 - (vii) teleworkers are responsible for the security of all official information, protection of any Government-furnished equipment and property, and carrying out the mission of DoD at the alternative work site;
- k) where it is determined by the DAA that Government equipment will be provided to the teleworker, excess property should be the first source of supply before considering the purchase of new equipment;
- l) DoD assumes no responsibility for any operating costs associated with an employee using his or her personal equipment, and residence as an alternative worksite. This includes home maintenance, insurance, and utilities;

- 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.

Tasks and functions generally suited for telework include, but are not limited to:

- a) thinking and writing;
- b) policy development;
- c) research;
- d) analysis (e.g. investigating, program analysis, policy analysis, financial analysis);
- e) report writing;
- f) telephone-intensive tasks;
- g) computer-oriented tasks (e.g. programming, data entry, word processing, web page design); or
- h) data processing.

Positions not generally eligible for telework are those positions involving tasks that are not suitable to be performed away from the traditional worksite, including tasks that:

- a) require the employee to have daily face-to-face contact with the supervisor, colleagues, clients, or the general public in order to perform his or her job effectively, which cannot otherwise be achieved via email, telephone, fax or similar electronic means;
- b) require daily access to classified information; or
- c) are part of trainee or entry level positions.

An employee suitable for telework is an employee whose demonstrated personal characteristics are well-suited to telework, as determined by the supervisor, including, as a minimum:

- a) demonstrated dependability and the ability to handle responsibility;
- b) a proven record of high personal motivation;
- c) the ability to prioritize work effectively and utilize good time management skills; and
- d) a proven or expected minimum performance rating of “fully successful”, or equivalent.

Probationary status employees generally would not be eligible for telework because probationary status periods are established to allow supervisors an opportunity to personally observe and evaluate employee performance.

F. RESPONSIBILITIES

Deputy Assistant Secretary of Defense (Civilian Personnel Policy) DASD(CPP)

The DASD(CPP) will serve as the focal point of the DoD Telework Program, and shall:

- a) develop Department policy on teleworking;

- 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.