

**DEPARTMENT OF THE NAVY
BUREAU OF NAVAL PERSONNEL
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000**

IN REPLY REFER TO
BUPERSINST 12300.2
PERS-08
9 Oct 2002

BUPERS INSTRUCTION 12300.2

Subj: TELECOMMUTING (TELEWORK) PROGRAM

Ref: (a) P.L. 106-346, Section 359 of 23 Oct 00
(b) Under Secretary of Defense Memorandum of
22 Oct 01 (NOTAL)
(c) Deputy Assistant Secretary of the Navy (Civilian
Personnel/Equal Employment Opportunity) Memo of
18 Dec 01 (NOTAL)

Encl: (1) Department of Defense (DOD) Telework Policy and Guide
(2) NAVPERS 12300/19 (01-02), Telework Agreement
(3) NAVPERS 12300/20 (01-02), Telework Program Safety
Checklist

1. Purpose. To implement the BUPERS Telework Program. References (a), (b), and (c) establish a policy under which eligible employees may participate in teleworking to the maximum extent possible without diminished employee performance.

2. Background. Telework (also known as flexiplace, telecommuting, work-at-home) has emerged over the last decade in Federal government employment both on an informal basis and pursuant to specific Department of Defense (DOD) policies and regulations. Enclosure (1) provides further background, definitions, and references.

3. Objective. This program is designed to actively promote telework as a legitimate method for managers and their employees to achieve claimancy work requirements. The objectives of this program are to

a. promote Bureau of Naval Personnel (BUPERS) as an employer of choice.

b. improve the retention and recruitment of high-quality employees who can exceed work requirements.

c. enhance BUPERS efforts to employ and accommodate people with disabilities, including employees who have temporary or continuing health problems, who might otherwise have to retire on disability.

4. Policy

a. This policy implements the requirements of reference (a) which requires a policy be established under which eligible employees may participate in teleworking to the maximum extent possible, without diminished employee performance. Reference (c) authorized Department of the Navy (DON) permission to implement this program. Enclosure (1) provides overall policy and guidance.

b. It is BUPERS claimancy policy that

(1) the maximum number of positions/employees be identified as eligible for regular and recurring teleworking (at least 1-day a pay period, and ideally at least 1-day a week).

(2) eligible employees identified as occupying eligible positions be notified of this determination and be allowed to telework, if they so request, at the frequency deemed appropriate (noting that employee participation in teleworking is voluntary).

(3) employees may be approved both to telework and to work an alternative work schedule.

(4) supervisors may approve "ad hoc" telework.

(5) employees who work a telework schedule (other than on an ad hoc basis) must sign a Telework Agreement, prior to commencement of the telework schedule. (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.) A Telework Agreement is available at enclosure (2).

(6) management reserves the right to require employees to report to the traditional worksite on scheduled telework days, based on operational requirements. Management has the right to end participation in the program should an employee's performance not meet the prescribed standard, or their continued

participation fails to benefit organization needs. Either the employee or the supervisor can terminate the telework arrangement by giving 2 weeks written notice.

(7) employees who are approved for telework are required to satisfactorily complete all assigned work per standards and guidelines in the employee's performance plan. Time spent in a teleworking status must be accounted for and reported on in the same manner as if the employees reported for duty at the traditional worksite.

(8) 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.

(9) employees who are approved for work-at-home telework must sign a safety checklist prior to commencement of teleworking (see enclosure (3)). Employees are covered by the Federal Employees Compensation Act (FECA) when injured or suffering from work-related illnesses while conducting official government business.

5. Responsibilities

a. Director, Civilian Personnel Policy Office, BUPERS (PERS-08) will serve as the focal point of the BUPERS Telework Program and will

(1) provide and interpret DON and DOD policies on telework.

(2) oversee and coordinate BUPERS implementation and administration of the Telework Program.

(3) prepare consolidated reports for DON and DOD on participation rates in the BUPERS Telework Program and other data, on an annual and as required basis.

(4) update and revise this policy based on further guidance/direction from DOD or DON.

b. Commanders, COs and OICs will

(1) designate a Telework Program Coordinator for the command.

(2) implement the BUPERS claimancy Telework Program using enclosure (1) as a guide.

(3) report positions eligible to participate in the telework program.

c. Supervisors and Managers will

(1) maintain records of employees participating in the Telework Program.

(2) determine employees suitable by including those who have

(a) presented a written telework agreement for approval.

(b) demonstrated dependability and the ability to handle responsibility, and proven record of self-motivation.

(c) the ability to prioritize work effectively and utilize good time management skills.

(d) agreed to protect government records from unauthorized disclosure or damage and comply with requirements of the Privacy Act of 1974, 4 U.S.C. 552a.

(e) no dependent care obligations that would conflict with work at home.

(3) use enclosure (1) as a guide for the Telework Program and ensure employees participating on a regular and recurring basis complete the Telework Agreement.

6. Labor Relations Obligations. Any bargaining obligations must be fulfilled prior to implementation. The servicing Human Resource Office (HRO) labor relations specialists are available to provide guidance and assistance.

7. Action. Provisions of this policy are effective immediately. Addressees shall ensure adherence to program and reporting requirements. Questions may be directed to your servicing HRO.

8. Forms. NAVPERS 12300/19 (01-02), Telework Agreement and NAVPERS 12300/20 (01-02), Telework Program Safety Checklist are available at <http://forms.daps.mil/order>.

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DEPARTMENT OF DEFENSE

TELEWORK POLICY

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References

1. Section 359 of Public Law No. 106-346 (Appendix 1)
2. DepSecDef Memorandum dated March 3, 1995, "Expanding Flexible Work Arrangements in the Department of Defense" (Appendix 2)
3. 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)
4. 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;
 - a. 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;
 - b. 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;
 - c. 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);
 - d. 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;
 - e. 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;
 - f. 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;
 - g. management reserves the right to require employees to report to the traditional worksite on scheduled telework days, based on operational requirements;
 - h. 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;
 - i. the employee is covered by the Federal Employees Compensation Act (FECA) when injured or suffering from work-related illnesses while conducting official Government business;
 - j. 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
 - k. 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.

1. BACKGROUND

This Guide is designed to provide guidance to Components in implementing the DoD Telework Program, pursuant to Public Law No. 106-346, Section 359, and the DoD Telework Policy. It is also designed to assist Components in developing their own guidance for Component-specific telework programs, subject to the legislation and Department-wide Policy.

Telework (also known as flexiplace, telecommuting, work-at-home) has emerged over the last decade in Federal Government employment both on an informal basis and pursuant to specific agency policies and regulations. In the early 1990s, following a successful home-based flexiplace pilot program by the Office of Personnel Management (OPM) and the General Services Administration (GSA), agencies were given the authority to permit employees to work at locations other than the traditional worksite.

Congress subsequently initiated an interagency Telecommuting Center Pilot Project in 1993, with a \$5 million appropriation to GSA to acquire and equip four pilot telecommuting centers (telecenters) in the Washington Metropolitan area. Since then, additional centers have been added in the Washington, D.C., area, and in other areas around the country.

DoD, from 1996-1998, conducted a telecommuting pilot project to encourage all DoD Components to test the feasibility of using the GSA telecenters. The interest in alternative or flexible workplace arrangements has increased as a result of a greater demand by employees for a better balance of their work and family/personal lives, increased stress associated with long commutes, increased air pollution, rising costs of office space, and advances in computer and telecommunications capabilities.

This Guide provides advice to managers and employees on the Telework Program and should be read in conjunction with the DoD Telework Policy. It does not attempt to provide answers to every possible question on telework, nor anticipate every potential situation in a telework arrangement.

Managers, supervisors and employees are encouraged to regularly visit the Interagency Telework Web Site sponsored by OPM and GSA for current information on telework for Federal employees. The site includes OPM and GSA Government-wide policy and guidance on telework; links to the International Telework Association and Council (ITAC) and the Washington Metropolitan Telework Centers; and Frequently Asked Questions. The web site address is <http://www.telework.gov>.

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.

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

This provides an ideal arrangement for employees who, at infrequent times, have to work on projects or assignments that require intense concentration. Work assignments in this situation may include a specific project or report, such as drafting a local directive, preparing a brief or arguments, preparing an organization's budget submission, reviewing

grant proposals, or preparing a research paper. Such situations may occur throughout the year or be a one-time event. Ad hoc telework may also cover short-term assignments, for example, for employees recovering from injury or illness. Supervisor approved web-based distance and continuous learning are excellent examples of ad hoc telework.

For ad hoc telework, Components may choose to require a formal Telework Agreement and safety checklist if the employee is teleworking from home, to be completed prior to the employee commencing telework. Approval for ad hoc telework, including signing of a Telework Agreement for ad hoc telework, does not confer eligibility for regular and recurring telework.

The manager should retain a record of the number of employees who undertake approved ad hoc telework and the incidence of such telework.

2.2 Alternative Worksites

2.2.1 Work-at-Home

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.

Advantages of teleworking from home include:

- savings in time and reduced stress by avoiding the commute to the traditional worksite, resulting in more and higher quality time with family, and a healthier lifestyle;
- savings in commuting costs;
- convenience;
- familiar environment; and
- enabling work at peak productivity times.

The opportunity to participate in a work-at-home arrangement is offered with the understanding that it is the responsibility of the employee to ensure that a proper work environment is maintained (e.g. dependent care arrangements are maintained 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

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

2.7 Work Schedules

The existing rules on hours of duty apply to teleworking employees. Management determines the employee's work schedule, including the days and times that the employee will work in the traditional worksite and at the alternative worksite, consistent with the requirements of the work group and provisions of existing regulations, Government-wide policy and applicable bargaining agreements. The assigned telework hours can parallel those in the traditional worksite or be specific to the alternative worksite.

Employees who work an alternative work schedule, that is, a flexible work schedule or a compressed work schedule, may also 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 same locality pay area, the official duty station should be determined to be the alternative worksite. It would be contrary to the intent of the locality pay law to provide locality pay entitlements to an employee who does not actually work "within the locality" in question. To effect a change in duty station, a supervisor must initiate a Request for Personnel Action to document the change on a Notification of Personnel Action.

2.10 Telework and Travel

The travel provisions that apply to employees working at a traditional worksite also apply to employees who telework. A teleworker who is directed to travel to another worksite (including the traditional worksite) during his or her regularly scheduled basic tour of duty would have the travel hours credited as hours of work. Similarly, as for all employees, teleworkers who are directed to travel back to the traditional worksite after their regularly scheduled basic tour of duty for irregular or occasional overtime work, are entitled to at least 2 hours of overtime pay or compensatory time off (5 CFR 550.112(h) and 551.401(e)).

Where an employee teleworks full-time from a location outside of the local commuting area of the traditional worksite, and his or her alternative worksite has been determined as his or her official duty station, management funds all work-related travel outside the employee's normal commuting area, including travel to the traditional worksite (refer to the guidance provided at 2.9 above).

Management reserves the right to require employees to report to the traditional worksite on scheduled telework days, based on operational requirements.

2.11 Emergency Dismissal or Closing

Emergency dismissal or closure procedures for employees (including employees teleworking from an alternative worksite) in Federal executive agencies located inside the Washington Capital Beltway are prescribed by OPM on an annual basis. These procedures apply not just in adverse weather conditions (snow emergencies, severe icing conditions, floods, earthquakes, and hurricanes), but in all kinds of emergency situations including air pollution, disruption of power and/or water, and interruption of public transportation.

OPM's current policy in situations where it deems Federal agencies to be "closed" is that employees not designated as "emergency employees" (including teleworking employees at an alternative work site) are excused from duty without loss of pay or charge to leave. Consistent with this advice, teleworkers whose traditional worksite is inside the Washington DC Beltway will observe the same closedown arrangements as employees at the traditional worksite. For DoD 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, FIRM 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. Component Designated Approving Authorities (DAAs) may determine the range of equipment required by a teleworker, the source of this equipment and responsibility for its installation, service, and maintenance subject to the following:

- providing and/or installing Government-furnished equipment, including separate phone lines, at alternative worksites is at the discretion of the Component DAA, and every effort should be made to provide the necessary equipment within budgetary constraints. Laptops and docking stations are useful options for teleworkers;
- supervisors should ensure that Government equipment assigned to teleworkers is properly accounted for;
- the employee continues to be bound by the Department of Defense standards of conduct while working at the alternative worksite and using Government-furnished equipment;

- the Component is responsible for the service and maintenance of all Government-furnished equipment and software, and employees may be required to bring such equipment into the traditional worksite for maintenance;
- the employee must protect all Government-furnished equipment and software from possible theft and environmental damage. In cases of damage to unsecured equipment by non-employees, the employee will be held liable for repair or replacement of the equipment or software in compliance with applicable regulations on negligence;
- if a Component DAA decides to approve Government-furnished equipment and does not have enough office equipment to support its teleworkers due to shortages, the requirement can often be satisfied through excess property (Refer to Part 101-43 of the Federal Procurement Management Regulation (FPMR) regarding "Utilization of Personal Property.") The Property manager for the Component should have knowledge concerning excess equipment availability. Excess property should be the first source of supply before considering purchasing equipment;
- Public Law 104-52 authorizes agencies to use funds to install telephone lines in private residences of employees authorized to telework, and to pay monthly phone charges for such lines, within budgetary constraints. Teleworkers should be provided with Federal calling cards if duties require making long distance calls on a regular basis;
- 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
- 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.

The employee must notify the supervisor immediately of any accident or injury at the alternative worksite, provide details of the accident or injury, and complete the DOL Form CA-1, Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation.

For work at home arrangements, the employee is required to designate one area in the home as the official work station. The Government's potential exposure to liability is restricted to this official work station for the purposes of telework. Each employee with an approved Telework Agreement for work-at-home telework must sign a safety checklist (example at Appendix B) that proclaims the home safe. Employees are responsible for ensuring that their homes comply with safety requirements.

The Government is not liable for damages to an 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. Occupational Safety and Health Administration rules govern Federal employee workplace safety.

An employee on the workers' compensation rolls who is a candidate for vocational rehabilitation may use telework as an option. It is a management decision, however, as to whether a light duty position would be developed for an injured employee. If an employer wishes to provide a position suitable for telework, it cannot require the use of one's personal residence or resources to perform work. If an employee finds the home-based worksite not conducive to work, the teleworker would upon approval of the DOL generally be able to withdraw from the vocational rehabilitation trial and apply for a resumption of workers' compensation benefits.

TELEWORK AGREEMENT (CONT'D)

OTHER APPROVED ALTERNATIVE WORKSITE

Address

Phone Number

Fax Number

E-Mail Address

CHANGES TO TELEWORK ARRANGEMENT

1. Employees who telework must be available to work at the traditional worksite on telework days on an occasional basis if necessitated by work requirements. Requests by employees to change their scheduled telework day in a particular week or biweekly pay period should be accommodated by supervisors wherever practicable, consistent with mission requirements.
2. A permanent change in the telework arrangement must be reflected in a new Telework Agreement.

WORK-AT-HOME TELEWORK

1. It is the responsibility of employees to ensure that a proper work environment is maintained while teleworking.
2. Work-at-home teleworkers must complete and sign a safety checklist that proclaims the home safe for an official home worksite, to ensure that all the requirements to do official work are met in an environment that allows the tasks to be performed safely. Employees agree to permit access to the home worksite by agency representatives as required, during normal working hours, to repair or maintain Government-furnished equipment, and to ensure compliance with the terms of this Telework Agreement.
3. For work at home arrangements, employees are required to designate one area in the home as the official work or office area that is suitable for the performance of official Government business. The Government's potential exposure to liability is restricted to this official work or office area for the purposes of telework.

TELEWORK AGREEMENT (CONT'D)

4. Employees acknowledge that telework is not a substitute for dependent care.

5. The Government is not responsible for any operating costs that are associated with employees using their personal residence as an alternative worksite, including home maintenance, insurance, or utilities.

OFFICIAL DUTY STATION

Employee's official duty station for such purposes as special salary rates, locality pay adjustments, and travel is _____ . 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

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

2. Employees are required to satisfactorily complete all assigned work, consistent with the approach adopted for all other employees in the work group, and per standards and guidelines in the employee's performance plan.

3. Employees agree to work overtime only when ordered and approved by supervisors in advance. Employees who work overtime without such prior approval may be subject to administrative or disciplinary action.

SECURITY AND EQUIPMENT

1. 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

TELEWORK AGREEMENT (CONT'D)

teleworkers provided with Government-furnished equipment. Employees are responsible for the security of all official data, protection of any Government-furnished equipment and property, and carrying out the mission of Department of Navy (DON) 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.

2. Where employees have been approved by the Component Designated Approving Authority (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. Employees are responsible for the installation, repair and maintenance of all personal equipment.

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

LIABILITY AND INJURY COMPENSATION

1. The Government is not liable for damages to employee's personal or real property while employees are 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.

2. Employees are covered by the Federal Employees Compensation Act (FECA) when injured or suffering from work-related illnesses while conducting official Government business. Employees agree to notify supervisors immediately of any accident or injury that occurs at the alternative worksite while performing official duties and to complete any required forms.

TELEWORK AGREEMENT (CONT'D)

STANDARDS OF CONDUCT

Employees acknowledge that they continue to be bound by the DON standards of conduct while working at the alternative worksite and using Government-furnished equipment.

MILEAGE SAVINGS

Employees estimate that the telework arrangement will result in a reduction of approximately ____ miles traveled in commuting per week.

TERMINATION OF THE TELEWORK AGREEMENT

Either employees or their supervisors can terminate this telework agreement by giving advance written notice. Management shall terminate the Telework Agreement should the employee's performance not meet the prescribed standard, or the teleworking arrangement fails to meet organizational needs.

DATE OF COMMENCEMENT

The telework arrangement covered by this agreement will commence on _____.

SIGNATURES AND DATE

Employee Date

Supervisor Date

**TELEWORK PROGRAM
SAFETY CHECKLIST**

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 to their supervisor (retain a copy for your own records).

	YES	NO
1. Are temperature, noise, ventilation, and lighting levels adequate for maintaining your normal level of job performance?	<input type="checkbox"/>	<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)?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the building's electrical system permit the grounding of electrical equipment (a three-prong receptacle)?	<input type="checkbox"/>	<input type="checkbox"/>
4. Are aisles, doorways, and corners free of obstructions to permit visibility and movement?	<input type="checkbox"/>	<input type="checkbox"/>
5. Are file cabinets and storage closets arranged so drawers and doors do not enter into walkways?	<input type="checkbox"/>	<input type="checkbox"/>
6. Are phone lines, electrical cords, and surge protectors secured under a desk or alongside a baseboard?	<input type="checkbox"/>	<input type="checkbox"/>

Employee's Signature

Date

NAME: _____

COMPONENT: _____

POSITION: _____

BUPERSINST 12300.2
9 Oct 2002

**TELEWORK PROGRAM
SAFETY CHECKLIST (CONT'D)**

ADDRESS: _____

LOCATION OF DESIGNATED HOME OFFICE OR WORK
AREA: _____

HOME TELEPHONE: _____

SUPERVISOR'S NAME: _____