



DEPARTMENT OF THE NAVY
OFFICE OF THE JUDGE ADVOCATE GENERAL
WASHINGTON NAVY YARD
1322 PATTERSON AVENUE SE SUITE 3000
WASHINGTON DC 20374-5066

IN REPLY REFER TO

JAGINST 12620
Code 61

JAN 10 2011

JAG INSTRUCTION 12620

From: The Judge Advocate General

Subj: TELEWORK PROGRAM

Ref: (a) DoD Instruction 1035.01
(b) DoD Directive 5124.02
(c) Section 359 of P.L. 106-346, "Department of Transportation and Related Agencies Appropriations Act 2001," of 23 Oct 00
(d) MEMORANDUM FOR DISTRIBUTION, CNP 12620 Ser N1/127080 of 11 Feb 08
(e) CNO WASHINGTON DC 301540Z Nov 06
(f) SECNAV M-5210.1
(g) Civilian Human Resources Manual (CHRM) 792.4

Encl: (1) Telework Policies and Procedures
(2) Telework Agreement for Active Duty
(3) Telework Agreement and Safety Checklist for Civilian Employees (incl. DD Form 2946)
(4) Telework Self-Certification Physical Security Audit
(5) Supervisory Checklist for Civilian Teleworkers

1. Purpose. To implement the Navy Judge Advocate General's Corps (JAG Corps) Telework Program in accordance with references (a) through (g) to allow personnel to telework while maintaining productivity and mission accomplishment.

2. Background. Telework among Department of Defense (DoD) employees has emerged over the last decade pursuant to specific DoD policies and regulations. The JAG Corps supports this initiative as an effective strategy for mission accomplishment, ensuring continuity of operations (COOP) in a crisis, recruiting and retaining valued talent by promoting quality of life for our personnel, leveraging technology while improving workforce efficiency, reducing real estate costs or space savings, and reducing greenhouse gas emissions.

3. Objective. Under the guidance and supervision of the Office of the Judge Advocate General (OJAG) Military Personnel Division

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(Code 61), this program is designed to promote telework as a legitimate method to meet mission requirements. The objectives of this program are to promote the JAG Corps Legal Community as an employer of choice and improve the recruitment and retention of high-quality personnel, while maintaining or increasing productivity and ensuring COOP.

4. Policy. Telework is defined as a voluntary arrangement where a member performs official assigned duties at an alternate worksite on a regular and recurring basis or on a situational basis. The policy of the JAG Corps' formal Telework Program is as follows:

a. The JAG Corps Telework Program is voluntary for eligible personnel. Personnel shall be selected to participate in the program based upon guidance and criteria set forth in enclosure (1).

b. Telework is discretionary workplace flexibility. Although use of telework is encouraged, civilian employees cannot be ordered to telework, unless the employee's duties are designated as mission-critical or the employee's telework agreement addresses this requirement. Telework is not an entitlement and not all employees are eligible to telework.

c. OJAG Division Directors and Naval Legal Service Command (NLSC) Commanding Officers may require teleworkers to report to their traditional worksite on scheduled telework days, based upon operational requirements. Division Directors and Commanding Officers may also end a teleworker's participation in the program should the teleworker's performance not meet prescribed standards, or if the teleworker's continued participation fails to benefit organizational needs.

d. All active duty service members approved to telework must sign a Telework Agreement for Active Duty at enclosure (2) prior to beginning to telecommute.

e. Enclosure (3) is DD Form 2946, DoD Telework Agreement. All civilian employees approved to telework, whether on a regular, recurring, or situational basis, must sign a Telework Agreement and Safety Checklist for Civilians at enclosure (3) prior to beginning to telework. Supervisors of civilian teleworkers must maintain a copy of the signed Telework Agreement and Safety Checklist for Civilians locally. Civilian employees with mission-critical duties and those who may be required to telework in the case of a COOP event, office closure

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due to adverse or inclement weather, or pandemic health crisis must have enclosure (3) on file with their supervisor. Telework agreements shall be reviewed by the supervisor and teleworker, re-validated at least every 2 years, and revised when appropriate. A new DD Form 2946 should be completed when a new relationship is established between the employee and their supervisor (e.g. change of supervisor).

f. All personnel approved for telework, active duty or civilian, must complete a Physical Security Audit at enclosure (4) prior to beginning the Telework Program. Supervisors of civilian teleworkers must maintain a copy of the signed Physical Security Audit locally.

g. Supervisors of civilian personnel approved for telework must complete the Supervisory Checklist at enclosure (5) before the civilian employee may begin telework. Supervisors of civilian teleworkers must maintain a copy of the signed Supervisory Checklist locally.

h. At the discretion of the Division Director or Commanding Officer, active duty service members can telework outside the geographical limits of their permanent duty station as long as there is recall capability within 24 hours. Travel between the alternate work site and permanent duty station does not create an entitlement to reimbursement of travel expenses, and all travel will be conducted pursuant to normal liberty guidelines.

i. Employees or Service members who perform mission-critical duties may be required to work from home or an alternate workplace such as a telework center during an emergency situation. Employees or Service members designated as mission-critical should telework on a regular basis to ensure their proficiency and telework's effectiveness in continuing operations in the event of an emergency or pandemic. Mission-critical employees in positions not typically eligible for telework should telework on a situational basis, when feasible, in order to test and exercise telework for COOP situations. Such civilian employees should have a signed DD Form 2946 (enclosure (3)) in place. Telework agreements are not required for Service members.

5. Performance Management. Evaluation criteria for work performance will remain the same. Work performance will be evaluated based on individual performance as measured against established standards, performance measurements, and performance expectations of the position.

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6. Equipment/Telecommunications. To participate in the Telework Program, service members and civilian employees must equip their home work stations adequately to maintain their productivity. This may require a personal computer, telephone, and connectivity for voice and data. Teleworkers are responsible for maintenance and repair of their personal computers, telephones, and voice and data connections. The telecommuter's command will provide Common Access Card (CAC) readers and related software necessary to access Navy and Marine Corps Intranet (NMCI) e-mail accounts. Upon termination of the Telework Program, teleworkers must return all Government property to their supervisor. Personal computers must be CAC enabled and downloaded with free NMCI virus protection software. All sensitive information shall require a NMCI laptop.

7. Expenses. The JAG Corps will only reimburse full-time telework members for routine expenses associated with telework, such as office furniture or office supplies. Part-time teleworkers should organize their work so that office supplies are used when they are in the office. Upon a teleworker's request and with the Division Director's or Commanding Officer's approval, the JAG Corps may supply long distance calling cards to cover teleworkers' official long distance telephone calls.

8. Information Assurance. Teleworkers agree to adhere to DoD and NMCI Information Assurance policies and guidelines, and to ensure that communication equipment is functional. If teleworkers experience any technical problems, they will notify their supervisor immediately and contact the appropriate service provider. Consistent with the policies identified above, teleworkers may not take any classified materials (hard copy or electronic) to alternate worksites. All materials and property provided by the Department of the Navy (DON) are for authorized business use only. Security and care of Government-supplied property and information are the teleworker's responsibility. The teleworker will follow all DON, Navy Net Warfare Command, and JAG Corps policies, procedures, and directives to protect all information, with a specific emphasis on protecting Privacy Act and Personally Identifiable Information in the telework environment. Should Government equipment be lost, stolen, or damaged, teleworkers must report the incident to their supervisor immediately. Should Privacy Act or Personally Identifiable Information data be lost or compromised, teleworkers must report the incident immediately to their supervisor and Information Assurance Manager and follow procedures set forth in reference (e). Upon termination of the

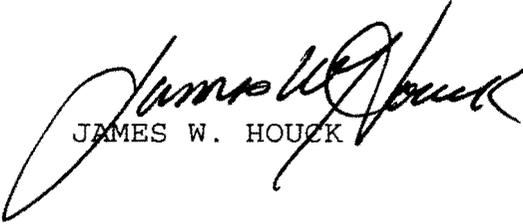
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Telework Program, teleworkers must return all Government property to their supervisor.

9. Guidance and Requirements for Civilians. Civilian employee participation in the Telework Program must comply with references (a) and (f) guidance and requirements for civilian telework. The OJAG Civilian Personnel Manager (Code 64) will be responsible for ensuring JAG Corps Telework Program guidance and requirements comply with DON Office of Civilian Human Resources (OCHR) guidance and requirements. Requirements for civilians may include, but not be limited to, a civilian-specific Telework Agreement and a Safety Checklist for home work stations, and they are subject to change.

10. Coordination. The OJAG Military Personnel Division (Code 61) is the point of contact for all matters relating to the Telework Program.

11. Records Management. Records created by this instruction, regardless of media, will be managed in accordance with reference (f).



JAMES W. HOUCK

Distribution:

Electronic only via the OJAG website, www.jag.navy.mil, and the Navy Directives Web site, <http://doni.daps.dla.mil>.

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Telework Policies and Procedures

1. Program Objectives. The main goals of this program are to improve the quality of life of our personnel and the recruitment and retention of high quality personnel, while maintaining or increasing productivity and ensuring COOP. The flexibility telework provides will improve participants' quality of life, mental health, and morale. With the prior approval of the supervisor, service members and civilian employees may work non-traditional hours during telework days in order to participate in non-work related activities during the workday.

2. Behaviors to Avoid. Challenges of a telework program include:

- a. Perception of "telework day" as a "day off";
- b. Decreased morale due to perceived unfairness in the selection process;
- c. Decreased morale for non-participants due to a belief that participants are not working as hard; and
- d. Perception of the program as an entitlement and decreased morale if the program is discontinued.

3. Scope

a. Program cycle. Participation in the Telework Program will occur in six-month cycles. At the end of each cycle, supervisors will review each telecommuter's productivity and determine whether another six-month assignment to the program is appropriate. The supervisor may terminate participation in the program at any time if the teleworker fails to meet productivity requirements, or the supervisor determines that the teleworker's participation in the program is no longer beneficial to the work center.

b. The nature of most duties in the JAG Corps requires that offices maintain a staff on site that is adequate to respond to customers and unforeseen requirements. In order to ensure sufficient personnel on site and to maximize the opportunity for all employees to share in the benefits of telework, supervisors will generally approve telework requests of only up to two days per week. However, the Assistant Judge Advocate Generals, and the Deputy Commanders for Region Legal Service Offices and Naval

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Legal Service Offices, have the authority to approve requests to telework more than two days per week.

c. Telework can be done on an *ad hoc* basis; however, scheduled telework days are strongly preferred as they provide a structure for participants, co-workers, and the chain of command.

d. Telework may include time to complete approved professional training or coursework for an approved professional education program.

4. Participants

a. This program is available to military service members and civilian personnel. Civilian participants will also be subject to telework requirements, policies, and procedures promulgated by the Office of Personnel Management and the DON Civilian Human Resources.

b. Suitability of Work

(1) Supervisors should determine whether a position is suitable for telework by focusing on the nature of the work and job characteristics. Generally, positions with a history of productivity data or positions that involve tasks that would benefit from an offsite day should be the focus of the program. In many cases, 100 percent of a position will not lend itself to telework. However, there may be discrete job tasks that can be identified for telework days and can be performed away from the main office.

(2) For example, telework is feasible for work that requires thinking and writing -- data analysis, reviewing cases, drafting documents or reports; telephone-intensive tasks -- setting up a conference, obtaining information, following up on information; and computer-oriented tasks -- programming, web page design, data entry, and word processing.

(3) Telework may not be appropriate if the service member or civilian employee needs to have extensive face-to-face contact with the supervisor, other service members, clients, or the general public. Telework may not be feasible for positions that require frequent access to material that cannot be moved from the regular office.

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c. Suitability of Service Member or Civilian Employee

(1) Service members and civilian employees at every level of the chain of command are eligible to participate in the program. As a general rule, a service member or civilian employee should be onboard the command for at least six months before participating in the Telework Program, unless specifically authorized by the supervising Assistant Judge Advocate General or Commanding Officer. This period provides workplace supervisors time to evaluate whether the service member or civilian employee is right for the program.

(2) The characteristics of a service member or civilian employee are particularly important in determining participation in the program. The service member or civilian employee should be an organized, highly disciplined, and conscientious self-starter who requires minimal supervision and has excellent time management skills. A service member's performance should be at least above average. A civilian employee's performance should meet all the performance expectations of the position. Employees whose performance or conduct warrants more close supervisory direction than telework may provide are generally not suitable for telework. In certain situations; however, a supervisor may choose to offer telework as a way to help the service member or civilian employee improve performance. Telework eliminates long commute times and provides flexibility for those who struggle with personal responsibilities interfering with their normal workday. For example, telework may assist a service member or civilian employee who must leave work frequently to attend medical appointments for a child or family member. Telework improves productivity for a parent who must stay home when a child is sick. Of course telework should not be a substitute for child care. Regardless of the situation, the service member or civilian employee must be trustworthy.

(3) Telework is not suitable for service members or civilian employees who need to be in the office to learn about the organization, who require on-the-job training, who need close supervision, or who thrive on interaction with co-workers and would suffer from the isolation of working alone.

(4) The characteristics of the supervisor are also critical. The supervisor should be willing to try out the new arrangement and take the necessary steps to ensure its success. Most importantly, in a telework environment, the supervisor

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should utilize the same proven management tools that are appropriate in a non-telecommuting environment.

5. Program Coordinator. OJAG Code 61 is charged with the overall coordination of the Telework Program. OJAG Code 61 is a resource to all participating work centers. While the Assistant Judge Advocates General and Commanding Officers are ultimately responsible for their own Telework Programs, OJAG Code 61 will act as a resource in the implementation of the local programs, as well as assist in measuring the success of the local programs and coordinating feedback.

6. Measurements

a. Productivity data. Where available, CMTIS data will be collected to evaluate teleworkers' participation and the success of the program. Performance measurement data will include productivity data and hours worked.

b. Comparison to previous productivity. Where possible, performance goals should be created based upon historic workload data. This goal creates a minimum productivity standard the teleworker must maintain.

c. Anonymous Quarterly Surveys. Each participant and supervisor shall complete a quarterly survey. Additionally, non-participating co-workers of teleworkers will be asked to take periodic surveys. The surveys will provide JAG Corps leadership information on whether the objectives of the program are being met. Completion of the survey will be tracked, but responses will remain anonymous.

d. Focus Groups. Participants and supervisors may occasionally be required to participate in focus groups. The feedback from these focus groups will help to improve the Telework Program.

7. Orientation and Training Sessions. Orientation and training sessions for telework participants and their supervisors ensure a common understanding of the program requirements. Active duty service members and civilian employees approved for telework must complete required orientation and training sessions before beginning to telecommute. Division Directors and Commanding Officers shall ensure their personnel complete the required training sessions as directed above. The required training sessions may be found at the "Military Personnel" tab under the

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"Total Force" section of the JAG Corps Navy Knowledge Online website.

8. Equipment/Expenses. To participate in the Telework Program, service members and civilian employees must equip their home work stations adequately to maintain their productivity. This may require a personal computer, telephone, and connectivity for voice and data. Teleworkers are responsible for maintenance and repair of their personal computers, telephones, and voice and data connections. The JAG Corps assumes no responsibility for the service member's or civilian employee's telework-related expenses, with the following exceptions:

a. The teleworker's command will provide CAC readers and related software necessary to access NMCI e-mail accounts.

b. Upon a teleworker's request and with the Division Director's or Commanding Officer's approval, the JAG Corps may supply long distance calling cards to cover the cost of official long distance telephone calls made from the telecommuter's home. Teleworkers who request JAG Corps funded long distance calling cards must demonstrate the necessity of the cards and must abide by policies to prevent private misuse of the calling cards.

9. Civilian Personnel Policies/Procedures

a. Official Duty Station. A teleworker's official duty station continues to be the main duty station, not the alternative workplace. Periodic presence at the official duty station will minimize isolation and communication problems; give the teleworker access to equipment, services, etc., not available at the alternate workplace; facilitate integration of the employee with those in the main office; and ease supervisory adjustment to the new work arrangement.

b. Hours of Duty. Existing rules for hours of duty apply to telecommuters. Supervisors determine employee work schedules consistent with the requirements of the work group and provisions of any applicable collective bargaining agreements. The Division Director or Commanding Officer, or their designee, may approve alternative work schedules for telecommuters. Teleworkers will be accessible to their on-site counterparts during their agreed upon regular business hours, despite work location.

c. Pay and Leave. Existing rules on pay and leave apply to teleworkers. The location of an employee's work site has no

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impact on these rules. Pay and leave rules depend on the work schedule.

d. Overtime. The existing rules on overtime under Title V, U.S. Code and the Fair Labor Standards Act (FLSA) apply to teleworkers. Supervisors should make sure that employees work overtime only with advance approval and should cancel telecommuting privileges of employees who continue to work unapproved overtime.

e. Certification and Control of Time and Attendance. Supervisors must report time and attendance to ensure that teleworkers are paid only for the work performed and that absences from scheduled tours of duty are accounted for. The General Accounting Office (GAO) requires agencies with employees working at remote sites provide reasonable assurance that the employees are working when scheduled, for example, by determining the reasonableness of the work output for the time spent or by having the supervisor make occasional telephone calls during the employee's scheduled work time. The supervisor will determine the reasonableness of the work output for the time spent.

f. Safety. Supervisors will ensure that the teleworker's work site meets acceptable standards. If the employee's home is the telework location, it is the responsibility of the employee to make certain that a safe work environment is maintained while teleworking. Employees should designate one section of the home as the telework work station for purposes of the telework agreement. Civilian employees working at home must complete a self-certification safety inspection form (included in enclosure (3) of this instruction).

g. Worker's Compensation. Employees are covered by Chapter 81 of title 5, United States Code (also known as "The Federal Employment Compensation Act") when injured or suffering from work-related illnesses while conducting official Government business at the telework location. The DoD's potential exposure to liability is restricted to the designated official alternate worksite. Supervisors are to be notified immediately if injury or illness occurs.

h. Emergency Situations

(1) Employees who perform mission-critical duties may be required to work from home or an alternate workplace such as a telework center during an emergency situation. Civilian

employees who perform mission-critical duties shall have a signed DD Form 2946 (enclosure (3)) in place. The telework agreement should address the telework location and work expectations. To the extent practicable, supervisors will include a description of emergency duties with the telework agreement if emergency duties are different from the employee's normal duties. In the event of a pandemic health crisis, employees with COOP responsibilities or Service members may be asked to telework to prevent the spread of germs. These employees or Service members should telework on a regular basis to ensure their proficiency and telework's effectiveness in continuing operations.

(2) Employees approved for regular and situational telework who are not able to report to their assigned office location due to office closure or dismissal from a natural or man made emergency event (e.g., hurricane, earthquake, wild fire, snow storm, flooding, act of terrorism) shall continue to telework each regularly scheduled work day during the emergency situation. Designated employees who are unable to work due to injury or illness or dependent care responsibilities will request leave appropriate for those circumstances. If circumstances permitting excused absence for other non-teleworking employees also prevent the teleworker from working at the telework location (e.g., loss of electrical power; evacuation by local authorities; or the employee cannot access materials necessary to continue work during the emergency), the employee shall attempt to contact a supervisor to be excused from duty. Supervisors may administratively excuse the designated teleworker from teleworking on a case-by-case basis. If the teleworker is unable to communicate with their immediate supervisor to be excused from duty and cannot maintain their remote working status, the teleworker will attempt to contact the next supervisor in his/her chain of command. Any requirement that a teleworker continue to work if the Component closes or dismisses employees early shall be included in the employee's DD Form 2946.

(3) When an employee's residence or other approved alternate workplace has been designated as a safe haven during an emergency, such as a pandemic health crisis evacuation, the supervisor may assign any work necessary, as long as the employee has the skills to perform the assigned work, without regard to the employee's grade or pay band level. In cases where a safe haven is designated, a DD Form 2946 does not need to be in place.

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i. Performance Management. In accordance with reference (a):

(1) Performance standards for employees that telework shall be the same as performance standards for on-site employees.

(2) As with any supervisory relationship, work assignments to be performed or training to be accomplished while on telework should be agreed to, and understood, in advance of the telework event.

(3) Supervisor expectations of an employees' performance should be clearly addressed in the DD Form 2946. As with on-site personnel, employees shall be held accountable for the results they produce while teleworking.

(4) Supervisors shall communicate expectations of telework arrangements, including work assignments, office coverage, and staff communication to teleworking and non-teleworking employees in the workgroup. Supervisors shall put procedures in place to maintain communication across members of a workgroup. Supervisors are responsible for the effective functioning of the workgroup. However, employees are responsible for their availability and information sharing with the workgroup, and for ensuring the success of the telework arrangement.

10. Proposals. Each OJAG Division or NLSC Command that participates in the program shall draft a Program Proposal for each applicant to the Telework Program. The proposal shall name the nominated participant, provide a brief explanation of his or her duties, set forth which job tasks lend themselves to telecommuting, confirm that no classified information is required for telecommuting, provide a proposal for how the participant's productivity shall be measured, and provide a proposed telework schedule. The Division Director or Department Head shall submit proposals to the appropriate Assistant Judge Advocate General or Commanding Officer for approval. A copy of each approved proposal shall be maintained locally by the applicable command. A sample Program Proposal is included as Appendix (A).

11. Required Documents Upon Approval. After the appropriate Assistant Judge Advocate General or Commanding Officer approves an active duty service member's or civilian employee's

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participation in the Telework Program, the following documents must be completed:

a. Active duty service members must complete the Telework Agreement at enclosure (2), and the Self-Certifying Physical Security Audit at enclosure (4). Supervisors will retain the originals locally.

b. Civilian employees must complete the Telework Agreement and Safety Checklist at enclosure (3), and the Self-Certifying Physical Security Audit at enclosure (4). Supervisors will retain the originals locally.

c. Supervisors of civilian employees approved for telework must complete the Supervisory Checklist for Civilian Teleworkers at enclosure (5) for each civilian telework. Supervisors will retain the originals locally and provide a copy to the civilian telework.

12. Cancellation. Upon their request, teleworkers may opt out of the Telework Program and resume working at their official workplace. Division Directors and Commanding Officers may also end a teleworker's participation in the program should the teleworker's performance not meet prescribed standards, or if the teleworker's continued participation fails to benefit organizational needs. Reasons for cancellation can include but are not limited to: decline in performance, participation fails to benefit organizational needs, the need for in-office interaction with co-workers or customers arises, or other work-related reasons. The teleworker and the supervisor must sign the original Telework Agreement to document termination of a telework arrangement.

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Appendix A

Sample Telework Program Proposal/Approval12620
Serial
Date

From: Captain John Jones, JAGC, USN, Division Director, OJAG
Code 45, Appellate Defense
To: Colonel Jane Doe, USMC, Assistant Judge Advocate General
(Military Justice)

Subj: RECOMMENDATION FOR TELEWORK PARTICIPATION

Ref: (a) JAGINST 12620

1. Pursuant to reference (a), I recommend LT Joe Smith, JAGC, USN, for participation in the Telework Program.
2. Explanation of Duties. LT Smith is an appellate defense counsel. He represents service members who have been convicted of crimes at courts-martial. LT Smith is responsible for explaining to clients the appellate process, as well as the range of potential outcomes, economic effects, timetables, effect of the judgment pending appeal, and the availability of alternative solutions. He is responsible for keeping clients informed and involved in decisions and promptly responding to inquiries. LT Smith spends much of his time reviewing records, drafting motions, and preparing for oral argument.
3. Job tasks amenable to telework. Telephone and written correspondence; review of relevant case law; document review; motion drafting; oral argument preparation.
4. Classified/Privacy Act/Personally Identifiable Information. LT Smith's work does not involve classified material. He will receive training on working with Privacy Act and Personally Identifiable Information if approved for this program.
5. Measuring productivity. LT Smith and his co-workers carry approximately 20 appellate cases. LT Smith will be expected to maintain the same caseload and processing time, which will increase and decrease consistent with the division workloads. He will be expected to maintain his share of the work. LT Smith will also be required to enter CMTIS data for telework days. Although I expect that LT Smith will be more efficient while

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working from home, I will monitor to ensure that LT Smith is working and complying with normal leave and liberty policies.

6. Proposed telecommuting schedule. LT Smith will telework two days per week. He is scheduled to telework on Mondays and Wednesdays but understands his telework days are subject to change given operational needs of the office.

7. Training and supporting documents. Upon approval, LT Smith will complete required training and will submit the agreement and audit required to participate in this program.

J. JONES

ENDORSEMENT

Code/Serial
Date

From: Assistant Judge Advocate General (Military Justice)

Subj: RECOMMENDATION FOR TELEWORK PARTICIPATION

1. I hereby authorize LT Joe Smith, JAGC, USN, to participate in the Telework Program.

J. DOE

Copy to:

- 1) Telework Program Coordinator
- 2) Civilian Personnel Manager, Code 64 (for civilian applicants only)

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Telework Agreement for Active Duty

Name and Position: _____

Command/Code: _____

Home and Cell Phone Numbers: _____

Work Email Address: _____

My official workplace is: _____
_____My alternate workplace address is: _____

Estimated Telework Start Date: _____

Estimated Telework End Date (6 months later): _____

Work Schedule

Day	Location (Home/Office)
Monday	
Tuesday	
Wednesday	
Thursday	
Friday	
Saturday	
Sunday	

1. Voluntary Participation. I voluntarily agree to work at the alternate work site indicated above and agree to follow all applicable policies and procedures. I recognize this arrangement is not a right or an employee benefit, but an additional method by which to accomplish work. My supervisor may cancel my participation in this program at any time. I shall complete all assigned work according to procedures my supervisor sets forth.

2. Orientation/Evaluation/Focus Groups. I agree to participate in a JAG Corps training session covering the legal and administrative requirements of the Telework Program. Additionally, I agree to participate in evaluating the

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effectiveness of the Telework Program. This evaluation may include surveys, focus groups, CMTIS data entry, or other methods used to assess the effectiveness of the Telework Program.

3. Security. I will comply with Department of Defense (DoD) security policies and protect all Government data and resources at the alternate work site. I will protect data, including Personally Identifying Information, from unauthorized disclosure and will comply with the requirements of the Privacy and Freedom of Information Acts. I agree that no classified materials (hard copy or electronic) will be either used or stored at my alternate workplace.

4. Pay/Leave. All pay, leave, and travel entitlements are based on my official duty station or workplace. I agree to follow established office procedures for requesting and obtaining approval of leave.

5. Alternate Workplace Cost. I understand that the Government will not be responsible for any operating costs that are associated with my working at home, with the exception of approved funding of long distance telephone calls. I understand that if I am approved for a long distance calling card, I may be subject to separate and additional requirements. I also understand that I do not relinquish any entitlement to reimbursement for authorized expenses incurred while conducting business for the Government, as provided for by statute and regulation.

6. Standards of Conduct. I understand the DoD standards of conduct continue to apply to me while I work at my alternate work site.

7. Cancellation. Upon my request, I may opt out of the Telework Program and resume working at my official workplace. At any time, my supervisor may require me to resume working at my official workplace. Reasons for cancellation include but are not limited to: performance declines, my participation fails to benefit organizational needs, the need for in-office interaction with co-workers or customers arises, or other work-related reasons.

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Teleworker's Signature and Date:

Supervisor's Signature and Date:

AJAG or NLSC Commanding Officer Signature and Date:

If Cancellation is Necessary

Teleworker's Signature and Date Acknowledging Cancellation:

Supervisor's Signature and Date Acknowledging Cancellation:

Copy to:
Telework Program Coordinator

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TELEWORK AGREEMENT AND SAFETY CHECKLIST FOR CIVILIANS

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

Employee: _____
 Last Name First Name Middle Initial

 Title

 Pay Plan - Series-Grade

OFFICE OF THE JUDGE ADVOCATE GENERAL

Type of agreement: (Circle one): Regular and Recurring Ad Hoc (situational)

2. Days and Hours Employee is Authorized to Telework

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

3. Alternative Worksite

The employee's alternative worksite is:

Address: _____

Phone: _____ Email: _____

4. Changes to Telework Arrangement

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 the employee to on occasion change his or her scheduled telework day(s) should be accommodated by the supervisor wherever practicable, consistent with mission requirements.

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A new telework agreement must be accomplished to effect a permanent change in the telework arrangement.

5. Work-at-Home Telework

It is the responsibility of the employee to ensure that a proper work environment is maintained while teleworking.

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. The employee agrees 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.

For work at home arrangements, the employee is 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. The employee acknowledges that telework is not a substitute for dependent care. The Government is not responsible for any operating costs that are associated with the employee using his or her personal residence as an alternative worksite, including home maintenance, insurance, or utilities.

6. Official Duty Station

The employee's officially assigned duty station for such purposes as special salary rates, locality pay adjustments, and travel is _____.

The official duty station is used to assign salary rates and locality pay, regardless of what locality pay or wage area the alternative worksite is in _____.

7. 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. Report time to _____,
telephone _____.

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The employee is required to satisfactorily complete all assigned work, consistent with the approach adopted for all 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.

8. Equipment and Security

The employee may be approved to use his or her own personal computer and equipment while teleworking from home. The employee agrees to install, service, and maintain any personal equipment used. The Component is responsible for the maintenance of all Government-owned equipment. The employee may be required to bring such equipment into the office for maintenance. Family members and friends of the employee are not authorized use of Government -owned equipment. No classified documents (hard copy or electronic) may be taken to an employee's alternative worksite.

No classified documents (hard copy or electronic) may be taken to an employee's alternative worksite. For Official Use Only and sensitive non-classified data may be taken to alternative worksites if necessary precautions are taken to protect the data, consistent with DoD regulations. 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 alternate work site. **Employees will apply approved safeguard to protect Government/Agency records from unauthorized disclosure or damage and will comply with Privacy Act requirements set forth in the PII, SECNAVINST 5211.5(series), DONCIO Msg 30154ZNov06 and OJAG Rules of Engagement Official Guidance.**

9. 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

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while conducting official Government business. The employee agrees to notify the supervisor immediately of any accident or injury that occurs at the alternative worksite while performing official duties and to complete any required forms.

10. Standards of Conduct

The employee acknowledges that he/she continues to be bound by the DoD standards of conduct while working at the alternative worksite and using Government-furnished equipment.

11. Termination of the Telework Agreement

This telework agreement can be terminated by either the employee or the supervisor 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.

If this agreement is for temporary period of time, the telework arrangement will terminate on _____.

12. Other Provisions Not Listed Elsewhere in this Agreement
[Insert any special arrangements for this telecommuter in this paragraph. For example, if a telecommuter will telecommute from a family member's home one day a week, because of extenuating circumstances, insert that language in this paragraph. All special arrangements and additions to this agreement require the approval of the Civilian Personnel Manager, OJAG Code 64.]

13. Date of Commencement

The telework arrangement will commence on _____.

Signatures

Employee Date

Supervisor Date

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If Cancellation is Necessary

Signatures Acknowledging Cancellation:

Employee _____ Date

Supervisor _____ Date

Copy to:

- 1) Telework Program Coordinator
- 2) Civilian Personnel Manager (Code 64)

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SAFETY CHECKLIST	
<p>The following checklist is designed to assess the overall safety of the home worksite. The participating employee should complete, sign, and date the checklist, and return it to his or her supervisor. Do not approve telework until negative safety concerns are resolved. The employee is responsible for any costs of complying with safety conditions for an at-home worksite.</p>	
<p>1. Are temperature, noise, ventilation, and lighting levels adequate for maintaining your normal level of job performance?</p>	<p>Yes [] No []</p>
<p>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)?</p>	<p>Yes [] No []</p>
<p>3. Will the building's electrical system permit the grounding of electrical equipment (a three-prong receptacle)?</p>	<p>Yes [] No []</p>
<p>4. Are aisles, doorways, and corners free of obstructions to permit visibility and movement?</p>	<p>Yes [] No []</p>
<p>5. Are file cabinets and storage closets arranged so drawers and doors do not enter into walkways?</p>	<p>Yes [] No []</p>
<p>6. Are phone lines, electrical cords, and surge protectors secured under a desk or alongside a baseboard?</p>	<p>Yes [] No []</p>
<p>EMPLOYEE'S SIGNATURE: _____ DATE: _____</p>	

Employee Signature _____

Date _____

Employee's Name _____

Component _____

Position: _____

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Address: _____

Home Telephone: _____

Supervisor's Name: _____

Copy to:

- 1) Telework Program Coordinator
- 2) Civilian Personnel Manager (Code 64)

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Telework Self-Certification Physical Security Audit

Name and Position: _____

Command/Code: _____

My alternate workplace address is: _____

This checklist assesses the overall ability to protect Department of Defense data and information processed, stored, transmitted, or received at the home workplace. Each participant shall read, complete, sign, and date the security audit checklist.

1. Do all doors and windows have adequate locking devices?
YES NO

2. Is there a lockable file cabinet or container available to store documents?
YES NO

3. Is the computer hardware positioned so unauthorized persons cannot see the screen?
YES NO

4. Does the computer have either a keyboard or power supply locking device?
YES NO

5. Are the computer and removable media adequately protected from unauthorized access?
YES NO

6. When remotely accessing other systems, is your user password encrypted?
YES NO

7. Have you received adequate Information Assurance training, including training on Personally Identifiable Information?
YES NO

Enclosure (4)

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8. Do you possess an adequate working knowledge of how your computer transmits and receives data?

YES

NO

9. Do you possess an adequate working knowledge of what data needs to be protected when you transmit or receive?

YES

NO

10. Are you familiar with computer virus detection and eradication procedures?

YES

NO

Teleworker's Signature and Date:

Copy to:

- 1) Telework Program Coordinator
- 2) Civilian Personnel Manager (Code 64)

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RETURN A COPY OF THIS FORM TO YOUR TELEWORK COORDINATOR AND THE CIVILIAN PERSONNEL MANAGER.

Name of teleworker: _____

Name of supervisor: _____

Date completed: _____

1. Employee has read guidelines outlining policies and procedures of the program. []
2. Employee has been provided schedule of core hours. []
3. Employee has been issued/has not been issued equipment. []
4. Equipment issued by this Command is documented. []

Check as applicable:

- computer Yes [] No []
- CAC reader Yes [] No []
- Software for CAC reader Yes [] No []
- other Yes [] No []

5. Policies and procedures for care of equipment issued by the Command have been explained and are understood. []
6. Policies and procedures covering classified, secure, or privacy act data have been discussed, and are clearly understood. []
7. Requirements for an adequate and safe office space and/or area have been discussed, and the employee certifies those requirements are met. []
8. Performance expectations have been discussed and are clearly understood. []
9. Employee understands that the supervisor may terminate employee participation at any time, in accordance with established administrative procedures and union negotiated agreements. []
10. Employee has participated in training for Federal teleworkers. []

Supervisor's signature Date Employee's signature Date

Copy to:

- 1) Telework Program Coordinator
- 2) Civilian Personnel Manager (Code 64)