



DEPARTMENT OF THE NAVY
OFFICE OF THE JUDGE ADVOCATE GENERAL
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JAG/CNLSCINST 12620.1A
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JAG/CNLSC INSTRUCTION 12620.1A

Subj: OFFICE OF THE JUDGE ADVOCATE GENERAL AND COMMANDER NAVAL
LEGAL SERVICE COMMAND TELEWORK PROGRAM

Ref: (a) Public Law 111-292, Telework Enhancement Act
(b) DoDI 1035.01, Telework Policy
(c) SECNAVINST 12271.1, Department of the Navy's Telework Policy
(d) OPM's Washington, DC, Area Dismissal and Closure Procedures
(e) JAG/CNLSC 5350.1E, Urinalysis Testing Program
(f) SECNAVINST 5211.5(series)
(g) JAG/CNLSCINST 5211.11
(h) JAG/CNLSCINST 12640.1, Civilian Timekeeping Policies and Procedures

Encl: (1) Definitions
(2) DD Form 2964, Telework Agreement
(3) OJAG/NLSC Telework Business Rules
(4) Sample Office/Cubicle Telework Sign

1. **Purpose.** To set forth the Office of the Judge Advocate General (OJAG) and Naval Legal Service Command (NLSC) telework program and policies.
2. **Cancellation.** This instruction cancels JAGINST 12620. This is a significant revision and should be reviewed in its entirety.
3. **Applicability.** This instruction applies to all civilian and military personnel [hereinafter "personnel"] working in OJAG or NLSC. This policy does not apply to contractors. Program definitions are provided in enclosure (1).
4. **Policy.** In accordance with references (a)-(d), Office of the Judge Advocate General/Naval Legal Service Command (OJAG/NLSC) policy is to strongly support use of telework, and implement telework to the greatest extent practicable, consistent with mission accomplishment, quality of life and readiness. Telework supports workforce efficiency, emergency preparedness, and quality of life, and is an effective strategy for mission accomplishment, ensuring continuity of operations (COOP), and recruiting and retaining talent, while also reducing traffic and greenhouse gas emissions. Although telework is not an entitlement, OJAG/NLSC policy is that Supervisors are encouraged to favorably consider telework as a tool for mission accomplishment, quality of life, and readiness, on an either recurring or situational basis. Telework may also be used as a tool for a Supervisor to improve performance or to facilitate professional development, as telework eliminates long commute times and provides additional flexibility to manage both recurring and emergent issues in their personal lives. For example, telework may assist

personnel in pursuing evening educational opportunities, or who must leave work regularly for medical appointments for themselves or family members. Telework may also improve productivity for a parent facing an emergent/temporary child care issue; however, telework may not be used as a permanent substitute for child care.

5. Telework. Telework is a voluntary work arrangement that provides personnel with the opportunity to perform their assigned official duties and other authorized activities away from their regular worksite, at an approved, alternative worksite (e.g., home, telework center) on a recurring or situational basis. In general, personnel cannot be forced to telework. However all designated mission-critical employees and employees with continuity of operations (COOP) responsibilities may be required to be telework-ready. Types of telework include:

a. Recurring Telework. Recurring telework is an approved work arrangement where personnel work at an alternative worksite on a regular, ongoing and recurring schedule. A recurring telework arrangement should initially be approved for a three-month, probationary period. If the Supervisor concurs after completion of a probationary period, the arrangement may be renewed for a maximum of two years. Supervisors may also elect to approve arrangements of shorter lengths to allow periodic review of program effectiveness and performance. This type of telework arrangement may also be reviewed when new Supervisors are assigned or due to significant changes in the office environment and, at a minimum, every two years.

b. Situational Telework. Situational telework is approved on a case-by-case basis, where the hours worked are not part of a previously approved, ongoing, and recurring telework arrangement. Examples of this type of telework include teleworking as a result of inclement weather; in conjunction with a medical appointment or travel; a special work assignment; emergent/temporary child care; to avoid major traffic incidents/concerns; or to accommodate special circumstances. Telework is also considered situational even though it may occur continuously for a specific period. This policy recognizes that not all duties are compatible with a recurring telework arrangement; however, Supervisors are encouraged, to the maximum extent practicable, to execute situational telework agreements with their personnel to be able to quickly, effectively, and efficiently respond to special or non-recurring circumstances, including emergency situations or inclement weather. Probationary periods are not required for telework arrangements that are solely for situational telework and may be approved for periods up to two years.

c. Eligibility. All OJAG/NLSC positions and personnel are presumed to be eligible for either recurring or situational telework, unless specifically determined to be ineligible under the criteria delineated in paragraph 7. Supervisors should regularly review telework eligibility determinations concerning positions and personnel. Positions should be considered on the basis of assigned duties and not on occupation, series, grade, or supervisory status alone.

d. Consistency. Telework is not an entitlement. Our policy is that the same criteria shall be applied to all telework requests. Consistency does not mean that everyone will telework or be approved for the same number of telework days per week, as those determinations are tied to differing mission requirements, work assignments, performance levels, and workgroup

needs/challenges. Not every position or situation will be suitable for telework; therefore applying the same criteria will not necessarily result in the same determinations. Supervisors are charged with consistently applying the criteria in this instruction to requests for telework, consistent with command intent in this instruction to promote the use of telework to the maximum extent practicable.

6. Process and Approval Authorities. Effective telework arrangements start with robust communication between Supervisors and their personnel, and this communication should continue regularly throughout the period of the arrangement. These initial conversations should include a full and candid discussion of expectations and objectives, mission requirements, performance assessment, inappropriate work habits, needs of the workgroup, and situations that would cause a telework arrangement to be revisited, suspended or canceled. Following those discussions, Supervisors may choose to approve an appropriate telework arrangement using the form at enclosure (2), subject to the protocols discussed below. OJAG Division Directors and NLSC Commanding Officers retain authority to make final eligibility determinations for positions and personnel, and have authority to disapprove requests, and revisit any telework arrangements for personnel under their cognizance.

a. Up to Two Days per Week. Supervisors may approve up to two days of telework per week (Recurring or Situational – or combinations of the two) with concurrence of the cognizant OJAG Division Director or NLSC Commanding Officer. Supervisors will determine eligibility in coordination and consultation with primary work center Supervisors, supervising attorneys, directors, department/branch heads, and chains of command in a consistent, fair and equitable manner. Assistant Judge Advocates General (AJAGs) and NLSC Chiefs of Staff may establish additional review and approval protocols to ensure appropriate visibility and consistent application of this policy within their respective organizations.

b. More than Two Days per Week. AJAGs or NLSC Chiefs of Staff may approve recurring telework arrangements of greater than two days per week; combinations of situational and recurring telework exceeding two days per week; out of local area telework requests; or combinations of telework, leave, and AWS resulting in an employee being out of the office for three days per week or more. In general, such arrangements should not result in personnel regularly teleworking more than three days per week. This facilitates mission accomplishment and promotes workplace efficiency, cross training, and organizational cohesion, while also respecting the impact of telework on others in the workplace. AJAGs and Chiefs of Staff may also approve longer periods of continuous situational telework for special projects or reflecting unusual circumstances. AJAGs and Chiefs of Staff will regularly coordinate the exercise of this authority to enable consistent application of these policies across OJAG/NLSC.

c. Telework Arrangements. All telework arrangements, whether recurring or situational, are to be documented using DD Form 2964 at enclosure (2).

d. Length of Arrangements. Telework arrangements may be approved for up to two years, or shorter periods at the Supervisor's discretion. A probationary arrangement of three months must be completed before approval of a new recurring telework arrangement. Probationary periods

are not required for situational telework arrangements, or for personnel who were already executing approved recurring telework arrangements as of the date of this instruction.

7. Approval/Disapproval Criteria. In addition to the specific considerations outlined below, the Supervisor shall consider mission requirements, personnel performance, and the needs of the workgroup when making eligibility determinations. The Supervisor shall consider any other specific circumstances put forward by the requestor, such as a desire to pursue evening educational/professional development opportunities, personal/family medical issues, emergent/temporary child care and transportation concerns.

a. Ineligibility. The following positions and situations are **ineligible** for telework:

(1) Positions that require, on a daily basis, direct handling of classified materials.

(2) Positions that require, on a daily basis, an onsite activity or face-to-face personal contact that cannot be handled remotely or at an alternative worksite, (e.g., hands-on contact with computers or equipment, face-to-face contact with customers, interns or new employees receiving on the job training).

(3) Personnel whose performance or conduct warrants more close supervisory direction than telework may provide; whose rating of record is below fully successful; whose conduct has resulted in disciplinary action within the past 12 months; or who have unresolved personnel security issues. Such personnel may be re-evaluated for telework eligibility every six months.

(4) Under reference (a), personnel who have been officially disciplined for violations of subpart G of the Standards of Ethical Conduct of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing Federal Government duties.

b. Disapproval. Division Directors or NLSC Commanding Officers may disapprove a request to telework. Disapprovals must be based upon the ineligibility criteria in paragraph 7a. above, or a determination that telework is inconsistent with mission requirements, personnel performance or conduct, or the needs of the workgroup (e.g., office coverage). The specific reason for disapproval should be clearly communicated in writing to support the transparent, fair and consistent implementation of this policy. Supervisors should explain the grounds for disapproval directly to the employee.

8. Hours of Duty. Existing rules regarding hours of duty apply to teleworkers. Supervisors shall determine work schedules consistent with the requirements of the work group and the provisions of any applicable collective bargaining agreements.

9. Recall. A Supervisor may call a teleworking member back to their regular worksite for reasons including, but not limited to: special projects; meetings; shortage of staff due to vacation/illness; temporary additional duty; mission requirements; urinalysis; or a Supervisor's need to balance work demands in the office.

a. Urinalysis. Due to the challenges of commuting in the Washington DC area, military members assigned to OJAG/NLSC headquarters are to be considered excused for good cause under reference (e) if selected for random urinalysis on a day they are already in an approved telework status. Requests for situational telework after selection for random urinalysis will not be considered until after the military member provides a random sample. NLSC Commanding Officers may develop local policies covering urinalysis and telework situations in coordination with servicing urinalysis program coordinators.

b. If a civilian employee is performing scheduled telework at an alternative worksite and is then required to travel to their official duty station, time enroute will count as time worked.

10. Inclement Weather, Emergency and Unusual Situations. One of the advantages of a telework program and having telework-ready personnel is the ability to respond to inclement weather or emergency/unusual situations with minimal disruption to office productivity and work schedules.

a. Washington DC Area. Reference (d) provides guidance when circumstances prevent significant numbers of Federal employees in the Washington DC area from reporting to their offices. Office of Personnel Management's (OPM's) operating status announcements apply to OJAG and NLSC personnel working in the Washington DC area. Reference (d) describes eight types of announcements dealing with inclement weather situations. Teleworking personnel should be familiar with these announcements. Two of the more common situations are discussed below:

(1) Government Offices Open/Delayed; Unscheduled Telework Authorized. If an OPM announcement includes an option for unscheduled telework, then a telework-ready individual may choose to telework, but must telework for the entire workday. Personnel must notify their Supervisors and ensure they are telework-ready, before participating in unscheduled telework. For example, if the OPM announces that the Federal government is "OPEN – DELAYED ARRIVAL – EMPLOYEES MUST REPORT TO THEIR OFFICE NO LATER THAN 10:30 – WITH OPTION FOR UNSCHEDULED LEAVE OR UNSCHEDULED TELEWORK" then personnel may telework for the entire day if they are trained and equipped, and they have notified their Supervisor. Alternatively, personnel should plan to arrive at their regular worksite by 10:30.

(2) Government Offices Closed. No Washington DC area personnel will be required to telework when OPM announces the Federal Government is closed, unless they are telework-ready, have a specific provision in their telework agreement directing them to telework when their office is closed, and are designated as mission-critical.

b. Offices outside the Washington DC area. NLSC Commanding Officers may create local policies outlining expectations during an emergency or significant event that causes a disruption to their offices, but shall not require personnel to telework unless they are telework-ready, have a specific provision in their telework agreement directing them to telework when their office is closed, and are designated as mission-critical.

c. It is the Supervisor's duty to ensure that personnel designated as mission-critical remain telework-ready at all times. Accordingly, supervisors will routinely, at their discretion, direct mission-critical personnel to telework to ensure their proficiency and telework effectiveness in continuing operations in the event of an emergency situation.

d. It is a Supervisor's duty to ensure that a description of emergency duties is included in the telework agreement, if the emergency duties are different from the individual's normal duties.

11. Revision or Termination. All telework arrangements are subject to revision or termination at the Supervisor's discretion. Supervisors will actively ensure that telework approved personnel are consistently meeting the terms of the telework arrangement. Supervisors shall take appropriate action when deficiencies are discovered. Additionally, a Supervisor may revise an active telework agreement when conditions change. Such conditions include, but are not limited to, any changes in performance, the eligibility criteria, staff manning shortages, or a Supervisor's need to balance work demands in the office. Telework arrangements may also be terminated if performance or conduct does not comply with the terms of the telework arrangement or if the teleworking arrangement fails to meet organizational needs. Supervisors shall give written justification detailing the basis for the termination on the DD Form 2946 and provide it directly to the member. It should also be forwarded to the OJAG/NLSC Telework Program Manager. Personnel may terminate their own telework arrangement at any time and for any reason, except for designated mission-critical employees and employees with COOP responsibilities.

12. Appeals. A Division Director or NLSC Commanding Officer may disapprove a request to telework. Telework disapprovals, revisions, or terminations may be appealed to the cognizant AJAG or Chief of Staff. Civilian employees may also challenge telework ineligibility determinations, denied telework requests, and revised/terminated telework arrangements through the administrative or negotiated grievance process.

13. Action

a. AJAGs and NLSC Chiefs of Staff shall:

(1) Encourage and promote telework to the greatest extent practicable, consistent with mission accomplishment and readiness, and monitor implementation of the OJAG/NLSC telework program to ensure consistent and fair application across the organization.

(2) Review and take action on telework requests that exceed the authority of Division Directors or NLSC Commanding Officers.

(3) Address telework appeals by OJAG/NLSC personnel.

b. OJAG Division Directors, NLSC Commanding Officers, and Supervisors shall consistently and fairly implement the telework program, and as applicable and consistent with this instruction shall:

- (1) Encourage telework to the greatest extent practicable, consistent with mission accomplishment and readiness.
- (2) Determine eligibility and approve telework arrangements in coordination and consultation with primary work center supervisors, supervising attorneys, directors, department/branch heads, and chains of command in a consistent, fair and equitable manner. OJAG Division Directors and NLSC Commanding Officers retain authority to make final eligibility determinations for positions and personnel, and have authority to disapprove requests or revisit any telework arrangements for personnel under their cognizance.
- (3) Impartially and consistently apply telework eligibility criteria.
- (4) Complete telework training in Total Workforce Management System (TWMS) before approving telework arrangements.
- (5) Document approvals, disapprovals, revisions, and terminations on DD Form 2946 (enclosure 2). Supervisors should retain copies of executed Form 2946s for appraisal and counseling purposes.
- (6) Coordinate, in a consistent and equitable manner, telework schedules, alternative work schedules, leave schedules, and TAD schedules to ensure adequate coverage.
- (7) Forward telework requests exceeding their authority to approve to the cognizant Assistant Judge Advocate General or NLSC Chief of Staff.
- (8) Ensure all civilian employees' telework eligibility status is properly coded in TWMS in coordination with Code 66 (Performance Management Division).
- (9) Clearly communicate specific, measurable, and attainable performance expectations and provide feedback. Feedback shall be given and expectations discussed every time a telework arrangement is signed.
- (10) Review OJAG/NLSC telework business rules and discuss communication expectations with teleworking personnel.
- (11) Complete performance assessments/fitness reports/evaluations, recommend awards and provide training opportunities equitably, without regard to whether or not an individual teleworks.
- (12) Revise or terminate telework arrangements if performance or conduct does not comply with the terms of the telework arrangement or if the teleworking arrangement fails to meet organizational needs, and justify, in writing, the basis for the termination on the DD Form 2946.

c. Teleworking personnel shall:

- (1) Complete all required training including telework specific training in TWMS.

(2) Maintain an up-to-date telework arrangement using DD Form 2946.

(3) Familiarize themselves with the types of possible OPM announcements if working in the Washington DC area and notify Supervisors of their intent to utilize unscheduled telework when an unscheduled telework option is authorized.

(4) Ensure space located at the alternative worksite is adequately set up (e.g., internet connectivity, OJAG/CNLSC network connectivity, etc.) to perform the assigned official duties while teleworking.

(5) Safeguard Personally Identifiable Information (PII), Controlled Unclassified Information (CUI), and sensitive information. PII shall be safeguarded in accordance with references (f) and (g) and Department of the Navy Chief Information Officer (DONCIO) guidance. Personnel must obtain supervisory approval before taking hard copy documents containing PII from an authorized workplace and this approval should be documented in the telework arrangement if the employee's regular duties involve the handling of PII. Personnel shall not have PII on their personal computers, phones, or devices.

(6) Safeguard government furnished equipment (GFE) and return GFE at the termination of the telework arrangement.

(7) Accurately account for hours teleworked in the civilian time management system in accordance with reference (h).

(8) Not use telework as a permanent substitute for dependent care; although Supervisors may use telework to address emergent dependent care situations.

d. Code 66 (Performance Management Division) shall:

(1) Designate an OJAG/NLSC Telework Program Manager as a point of contact (POC) to the Office of Civilian Human Resources to maintain effective telework program metrics for effective measurement, assessment and compliance evaluation as required by Congress and OPM.

(2) Monitor OJAG/NLSC telework implementation to ensure compliance with applicable policies and regulations.

(3) Initiate data calls when required to collect information needed for reporting requirements.

(4) Serve as the resident expert on OJAG/NLSC telework policy and procedures; and advise Supervisors on the proper execution of OJAG/NLSC telework policy, procedures, and responsibilities.

(5) Create an effective "JAG/NLSC Telework" portal page.

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e. NLSC Administrative Officers shall:

(1) Serve as the onsite POC for local telework policy and procedures.

(2) Coordinate with the OJAG/NLSC Telework Program Manager on telework issues as required to ensure effective measurement, assessment, and compliance.

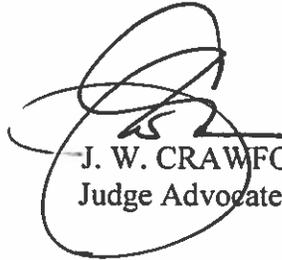
14. Records Management. Records created as a result of this instruction, regardless of media and format, shall be managed per Secretary of the Navy Manual 5210.1 of January 2012.

15. Forms. Telework agreements will be documented on a DoD Telework Agreement (DD Form 2946). DD Form 2946 may be accessed and submitted in TWMS or on the DoD Forms Management Program at <http://www.esd.whs.mil/Portals/54/Documents/DD/forms/dd/dd2946.pdf>.

16. Review and Effective Date. Per OPNAVINST 5215.17A, Code 66 will review this instruction annually on the anniversary of its effective date to ensure applicability, currency, and consistency with Federal, DoD, SECNAV, and Navy policy and statutory authority using OPNAV 5215/40 Review of Instruction. As the instruction nears its five-year anniversary and it is still required, it will be reissued. Otherwise, if the instruction is no longer required, it will be processed for cancellation as soon as the cancellation is known following the guidance in E.O. 13526.



JOHN G. HANNINK
Commander, Naval Legal Service Command



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Judge Advocate General

Releasability and Distribution:

This instruction is cleared for public release and is available electronically only via the OJAG website, <http://www.jag.navy.mil>.

DEFINITIONS

1. Purpose. These terms and their definitions are for the purpose of this instruction.

2. Definitions.

a. Alternative worksite. A location that is not the employee's regular worksite and that has been approved for the performance of assigned official duties by the employee's Supervisor. It may be an employee's home, a telework center, or other approved worksite.

b. Employee. For purposes of this instruction, an OJAG/CNLSC civilian employee or service member. Contractors are not included in this definition.

c. Mission-critical duties. Functions that are deemed critical to completion of the activity's mission by the Division Director or Commanding Officer. Civilian employees with mission-critical duties shall have a telework agreement (enclosure 2) in place.

d. Official worksite. The location of a service member's official worksite is listed in their orders. When duties are performed away from the ordered location and at an alternative worksite, it is considered telework. The regular worksite for civilians is the worksite location stated in the position's advertisement or description, when the employee applied for the position.

e. Probationary period. An initial three-month period to evaluate the a recurring telework arrangement. This must be completed prior to entering into a longer recurring telework arrangements. Probationary periods are not required for situational telework arrangements.

f. Recurring Telework. A work arrangement where an eligible employee works at an alternative worksite on an ongoing, regular and recurring basis (e.g., every Wednesday).

g. Situational telework. Telework that is approved on a case-by-case basis, where the hours worked are not part of a previously approved, ongoing, and recurring telework schedule. Examples of this type of telework include teleworking as a result of inclement weather; in conjunction with a medical appointment or travel; a special work assignment; to avoid major traffic incidents; or to accommodate special circumstances. Telework is also considered situational even though it may occur continuously for a specific period.

h. Supervisor. A civilian management official or military member who has responsibility for directing and managing employee work. For civilian employees' this is the first line Supervisor/Rating Official in the Performance Management Appraisal system (DPMAP). For military members, this is normally a Department Head, Branch Head, Officer-in-Charge, Executive Officer, Division Director or Commanding Officer.

i. Telework. A voluntary work arrangement where an employee performs assigned official duties and other authorized activities during any part of regular, paid hours at an approved alternative worksite (e.g., home, telework center) on a recurring or situational basis. Telework does not include any part of work done while on official travel or mobile work, that is, work

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characterized by regular travel to worksites (e.g., for site audits, inspections, investigations, property management).

j. Telework Arrangement. A written arrangement, completed and signed by an employee and the authorized management official(s) via the DD Form 2946, that outlines the terms and conditions of the telework arrangement. All telework arrangements will be documented on a DD Form 2964 (enclosure 2).

k. Telework-ready: An employee with a telework agreement who is trained and equipped to work from an alternative worksite.

l. Unscheduled telework: A form of situational telework where an employee performs assigned official duties at home or another approved alternate worksite when weather conditions or other circumstances disrupt normal commuting patterns or compromise employee safety.

**DEPARTMENT OF DEFENSE
TELEWORK AGREEMENT**

PRIVACY ACT STATEMENT

AUTHORITY: 10 U.S.C. 113, Secretary of Defense; DoD Instruction 1035.01, Telework Policy.

PRINCIPAL PURPOSE(S): Information is collected to register individuals as participants in the DoD alternative workplace program; to manage and document the duties of participants; and to fund, evaluate and report on program activity. The records may be used by Information Technology offices to determine equipment needs, to ensure appropriate safeguards are in place to protect government information, and for assessing and managing technological risks and vulnerabilities.

ROUTINE USE(S): None.

DISCLOSURE: Voluntary; however, failure to provide the requested information may result in your inability to be a participant in the telework program.

TERMS OF TELEWORK AGREEMENT

The terms of this agreement must be read in conjunction with Department of Defense (DoD) telework policy, available on the DoD Issuances Web Site at <http://www.dlic.mil/whs/directives/> or on the Civilian Personnel Management Service Web Site at www.coms.osd.mil and any additional guidance provided by the employing organization. Signatories certify they will abide by this agreement, DoD telework policy, and all supplemental terms established by the employing organization.

1. Work schedules and hours of duty may be modified as necessary, but are subject to local management procedures and approval and/or collective bargaining agreement requirements. A copy of the employee's approved work schedule should be kept on file with the signed telework agreement. In emergency situations (as indicated in Section I, Block 12 of the telework agreement), the teleworker's work hours may be subject to change. Emergency schedules will be set based on mission needs.

2. If the employee reports to the regular worksite at least twice per pay period, the regular worksite is the official worksite as defined in part 531.605, subpart F of title 5, Code of Federal Regulations.

3. If the employee does not report to the regular worksite at least twice each biweekly pay period, the official worksite is the location of the employee's telework site. Exceptions to the twice each biweekly pay period requirement may be made during emergencies (including a pandemic) and for short-term situations (e.g., special projects, medical accommodation).

4. All pay (to include locality pay or local market supplement), leave, and travel entitlements are based on the employee's official worksite as documented on a Notice of Personnel Action.

5. Prior to signing this Telework Agreement, the supervisor and employee will discuss:

- a. Office procedures (e.g., procedures for reporting to duty, procedures for measuring and reviewing work, time and attendance, procedures for maintaining office communications);
- b. Safety, technology and equipment requirements; and
- c. Performance expectations.

6. Employee will not work in excess of the prescheduled tour of duty (e.g., overtime, holiday work, or Sunday work) unless he or she receives permission from the supervisor. By signing this form, the employee acknowledges that failure to obtain proper approval for overtime work may result in cancellation of the telework agreement and may also include appropriate disciplinary action.

7. If designated employee (as indicated in Section I, Block 12 of this agreement) is unable to work due to illness or dependent care responsibilities, the employee must take appropriate leave. Supervisors may, on a case-by-case basis, administratively excuse the designated teleworker from teleworking if circumstances, such as a power failure or weather related emergency, prevent the employee from working at the telework site. To the extent practicable, managers will include a description of emergency duties with this agreement if emergency duties are different from the employee's prescribed duties and responsibilities.

8. Teleworkers may be required to return to the regular worksite on scheduled telework days based on operational requirements. In situations where the employee is called to return to the office outside normal work hours, the recall shall be handled in accordance with established policy and/or collective bargaining agreements, if applicable.

9. If the employee uses Government-furnished equipment (GFE), the employee will use and protect the equipment in accordance with the DoD Component's procedures. GFE will be serviced and maintained by the Government.

10. The employee agrees to comply with the terms of computer software license and copyright agreements, computer virus and protection requirements and procedures.

11. No classified documents (hard copy or electronic) may be taken to, or created at, an employee's alternative worksite. If classified telework is authorized at an approved alternative secure location, teleworkers must comply with the procedures established by DoD 5200.01-R and the DoD Component regarding such work. For Official Use Only (FOUO) and controlled unclassified information (CUI) data may be taken to alternative worksites if necessary precautions are taken to protect the data, consistent with DoD regulations.

12. When CUI including competition sensitive or source selection data is authorized for use at the telework location, criteria for the proper encryption and safeguarding of such information and data must be consistent with Enclosure 3, subparagraphs 3.f.(1) through (3) of DoDI 1035.01, Telework Policy. Component specific instructions must be included in the space allowed for Component specific comments or cite the appropriate Component references that contain these instructions.

13. The supervisor will determine how frequently, if at all, backup copies of data onto network drives or removable disks must be made to protect against loss of data. The supervisor may also require the employee to periodically send backup copies to the main work facility.

14. The employee may be reimbursed for authorized expenses (e.g., installation of broadband or telephone lines) incurred while conducting business for the Government, as provided by statute and implementing regulations and as articulated in this agreement. (Approved authorizations are filed with this agreement.)

15. The employee will apply approved safeguards to protect Government records from unauthorized disclosure or damage and will comply with Privacy Act requirements set forth in the Privacy Act of 1974, and codified at section 552a of title 5, United States Code. The use of personal email accounts for transmission of Personally Identifiable Information (PII) is strictly prohibited. PII may only be emailed between government email accounts and must be encrypted and digitally signed.

16. The DoD Component may inspect the home worksite, by appointment only, if the DoD Component has reason to suspect that safety standards are not being met and GFE is not being properly maintained.

17. The DoD Component will not be responsible for operating, maintenance, or any other costs (e.g., utilities) associated with the use of the employee's residence.

18. The DoD Component is not liable for damages to an employee's personal or real property while the employee is working at home, except to the extent the Government is held liable by the Federal Tort Claims Act or from claims arising under the Military Personnel and Civilian Employees Claims Act.

TERMS OF TELEWORK AGREEMENT (Continued)

19. Employees paid from appropriated funds are covered under the Federal Employee's Compensation Act if injured in the course of performing official duties while at the official alternative worksite. Employees paid from nonappropriated funds are covered under the Longshore and Harbor Workers' Compensation Act. Any accident or injury occurring at the alternative workplace must be brought to the immediate attention of the supervisors who will investigate all reports as soon as practical following notification.

20. The employee acknowledges that telework is not a substitute for dependent care.

21. The employee acknowledges that telework is a discretionary alternative workplace arrangement. The employee may be required to work at the regular worksite on scheduled telework day(s) if necessary to accomplish the mission.

22. Either the employee or the supervisor can cancel the telework agreement. When possible, advance written notice should be provided. Management will terminate the telework agreement should the employee's performance or conduct not meet the prescribed standard or the teleworking arrangement fail to meet organizational needs.

23. The employee continues to be covered by DoD Component standards of conduct while working at the alternative worksite.

24. The employee has assessed the telework location against the attached safety checklist and certifies the location meets all safety requirements.

25. DoD Component-specific conditions may be included below.

COMPONENT-SPECIFIC TERMS AND CONDITIONS

**DEPARTMENT OF DEFENSE
TELEWORK AGREEMENT**

(Read Privacy Act Statement and Terms of Agreement before completing this form.)

SECTION I - This document constitutes the terms of the telework agreement for:

1. EMPLOYEE <i>(Last Name, First, Middle Initial)</i>		2. OFFICIAL JOB TITLE	
3. PAY PLAN/SERIES/GRADE/PAY BAND		4. ORGANIZATION	
5. REGULAR OFFICIAL WORKSITE <i>(Street, Suite Number, City, State and ZIP Code)</i>		6. ALTERNATE WORKSITE ADDRESS <i>(Street, Apartment Number, City, State and ZIP Code) (May be TBD under emergency situations)</i>	
7. ALTERNATE WORKSITE TELEPHONE NUMBER <i>(Include Area Code)</i>		8. ALTERNATE WORKSITE EMAIL ADDRESS <i>(Address for official emails if different from office email address. Identification of personal email address is not required.)</i>	
9. TELEWORK ARRANGEMENT IMPLEMENTATION DATES <i>(Agreement should be revalidated at least once every 2 years)</i> a. START (YYYYMMDD)		10. TOUR OF DUTY (X one) <i>(Attach copy of biweekly work schedule)</i> <input type="checkbox"/> FIXED <input type="checkbox"/> FLEXIBLE <input type="checkbox"/> COMPRESSED	
b. END (YYYYMMDD)			
11. TELEWORK ARRANGEMENT (X one) <input type="checkbox"/> REGULAR AND RECURRING <input type="checkbox"/> SITUATIONAL Regular and Recurring Telework Schedule: _____ Number of Days per Week or Pay Period _____ Days of the Week (e.g., Mon, Wed, Thur)			
All employees who are authorized to telework on a Regular and Recurring or Situational basis to include emergency situations shall have a telework agreement in place.			
12. CONTINUITY OF OPERATIONS DURING EMERGENCY SITUATIONS Employee is expected to telework for the duration of an emergency pursuant to: 1) Component policy; 2) a pandemic; 3) when the regular worksite is closed or closed to the public due to natural or manmade emergency situations (e.g., snowstorm, hurricane, act of terrorism, etc.); or 4) when Government offices are open with the option for unscheduled telework when weather conditions make commuting hazardous, or similar circumstances compromise employee safety. Employees unable to work due to personal situations (e.g., illness or dependent care responsibilities), must take appropriate leave (e.g., annual or sick). If the worksite is closed or closed to the public, the employee may be granted administrative leave, on a case-by-case basis, when other circumstances (e.g., power failure) prevent the employee from working at the telework site. Managers will include a description of emergency duties with this agreement if emergency duties are different from the employee's prescribed duties and responsibilities.			
13. SUPERVISOR OR AUTHORIZED MANAGEMENT OFFICIAL <i>(Name and Signature)</i> <input type="checkbox"/> I also verify that I have completed approved telework training.		14. DATE (YYYYMMDD)	
15. EMPLOYEE SIGNATURE <input type="checkbox"/> I also verify that I have completed approved telework training.		16. DATE (YYYYMMDD)	

SECTION II - SAFETY CHECKLIST

SAFETY FEATURE (X)	YES	NO
1. Temperature, ventilation, lighting, and noise levels are adequate for maintaining a home office.		
2. Electrical equipment is free of recognized hazards that would cause physical harm (frayed, exposed, or loose wires; loose fixtures; bare conductors; etc.).		
3. Electrical system allows for grounding of electrical equipment (three-prong receptacles).		
4. Office (including doorways) is free of obstructions to permit visibility and movement.		
5. File cabinets and storage closets are arranged so drawers and doors do not enter into walkways.		
6. Phone lines, electrical cords, and surge protectors are secured under a desk or alongside a baseboard.		
7. If material containing asbestos is present, it is in good condition.		
8. Office space is free of excessive amount of combustibles, floors are in good repair, and carpets are well secured.		

I verify that this safety checklist is accurate and that my home office is a reasonably safe place to work.

9. EMPLOYEE SIGNATURE	10. DATE (YYYYMMDD)
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SECTION III - TECHNOLOGY/EQUIPMENT CHECKLIST

(1) TECHNOLOGY/EQUIPMENT <i>(Indicate all that apply)</i>	(2) REQUIREMENT <i>(Y or N)</i>	(3) OWNERSHIP: AGENCY OR PERSONAL <i>(A or P)</i>	(4) REIMBURSEMENT BY COMPONENT <i>(Y or N)</i>
1. COMPUTER EQUIPMENT			
a. LAPTOP			
b. DESKTOP			
c. PDA			
d. OTHER:			
2. ACCESS			
a. IPASS/VPN ACCOUNT			
b. CITRIX - WEB ACCESS			
c. OTHER:			
3. CONNECTIVITY			
a. DIAL-IN			
b. BROADBAND			
4. REQUIRED ACCESS CAPABILITIES			
a. SHARED DRIVES (e.g., H or P Drive)			
b. EMAIL			
c. COMPONENT INTRANET			
d. OTHER APPLICATIONS:			
5. OTHER EQUIPMENT/SUPPLIES			
a. COPIER			
b. SCANNER			
c. PRINTER			
d. FAX MACHINE			
e. CELL PHONE			
f. PAPER SUPPLIES			
g. OTHER:			
6. SUPERVISOR'S SIGNATURE	7. DATE (YYYYMMDD)		
8. EMPLOYEE SIGNATURE	9. DATE (YYYYMMDD)		

SECTION IV - NOTICE OF TELEWORK ARRANGEMENT CANCELLATION

(Complete this section when the telework agreement is cancelled.)

1. CANCELLATION DATE (YYYYMMDD)

2. INITIATED BY (X one)

EMPLOYEE

MANAGEMENT

3. REASON(S) FOR CANCELLATION

4. GOVERNMENT-FURNISHED EQUIPMENT/PROPERTY RETURNED
LIST PROPERTY AND DATE OF RETURN:

YES

NO

5. SUPERVISOR'S SIGNATURE

6. DATE (YYYYMMDD)

7. EMPLOYEE SIGNATURE

8. DATE (YYYYMMDD)

BUSINESS RULES FOR TELEWORKING EMPLOYEES

1. These business “rules” are suggested rules of practice to make telework consistent, effective and efficient. They are not OJAG/NLSC requirements – Supervisors retain the authority to adjust these rules to reflect division/command practice. Telework arrangements should clearly spell out requirements. In the absence of contrary guidance, these rules are norms of telework practice in OJAG/NLSC.

2. Business Rules

a. Use call forwarding on your desk phone when teleworking to direct calls to your telework location. When working effectively, telework should be generally transparent and seamless, and not create additional burdens on customers, clients, or office colleagues. Calls may be forwarded to a government-issued phone, a home phone, or a personal cellphone. Supervisors may also consider implementing office protocols to “un-forward” calls at the end of the work day for teleworking employees.

b. Outlook “Out of Office” messages should only be used in limited and appropriate circumstances (e.g. when you have limited access to email, such as telework in conjunction with official travel, or when deliberately not reviewing e-mail to allow focus on a particular project or assignment). Again, a presumption of our telework policy is that telework should be seamless and not create hardships or additional burdens on customers, clients or office colleagues.

c. Place a visible sign at your regular worksite indicating your telework status and contact information (see enclosure (4)).

d. Safeguard Personally Identifiable Information (PII) in accordance with all applicable rules and policies. Storing any form of PII on personally owned computers, mobile computing devices, and removable storage media is strictly prohibited. The use of personal e-mail accounts for PII transmission is prohibited. PII may only be emailed between Government email accounts and must be encrypted and digitally signed.

e. Employees will return phone calls and respond to e-mails as they normally would, as if they were in their OJAG/NLSC workspace. Being non-responsive or failing to respond in a timely fashion may provide grounds for supervisors to revisit telework arrangements.

f. Supervisors may establish mustering protocols to reflect commencement and termination of telework periods for appropriate monitoring of telework effectiveness.

g. Telework is not a day off and should not be used as a substitute for dependent care during work hours. Employees are expected to put forth honest effort in the performance of their duties, consistent with the standards of ethical conduct, and not conduct personal errands or business without approval from their Supervisors, just as they would when not teleworking.

I am TELEWORKING
today.

I am available at
[email address]
or by phone at
[phone number].

[Full name]
[Code/Division/Department]
[Title]