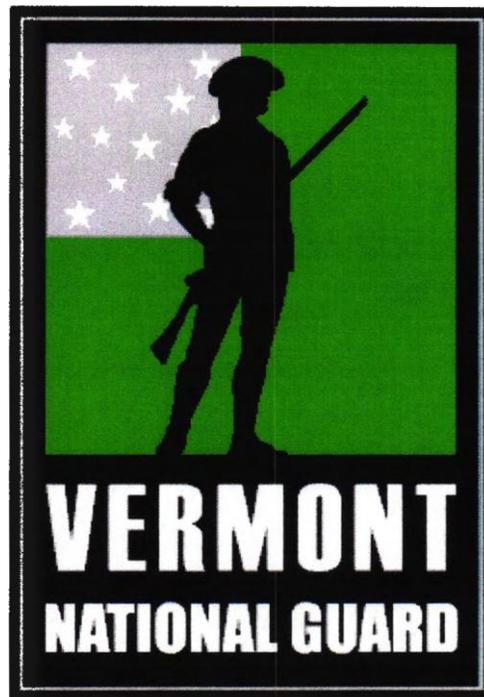


# **Vermont National Guard Federal Employee's Guide to Telework**



Vermont National Guard  
Colchester, VT 05443  
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## **Human Resources Office Vermont National Guard Federal Employee's Guide to Telework**

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**History.** This Vermont National Guard Human Resources Guide is the second edition and supersedes NGVT-HRO-JP-14, Vermont National Guard Telework Policy, dated 1 July 2017.

**Summary.** This guide supports the Vermont National Guard telework policy and assigns responsibilities and prescribes procedures for implementation.

**Applicability.** This guide applies to all Vermont Army and Air National Guard Full-Time Title 5 and Title 32 personnel here in referred to as employees.

**Proponent and exception authority.** The proponent of this guide is the Vermont National Guard Human Resources Office. The proponent has the authority to approve exceptions to this guide when they are consistent with Department of Defense Instruction 1035.01 (Telework Policy).

**Management control process.** This guide is not subject to the management control requirement of AR 11-2 (Management Control) and does not contain management control provisions.

**Supplementation.** Supplementation of this guide or establishment of command and local forms on telework is prohibited without prior approval from the Vermont National Guard Human Resources Office.

**Suggested improvements.** Users of this guide are invited to submit comments and suggested improvements to the Vermont National Guard Human Resources Office.

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## **Chapter 1**

### **General**

#### **1-1 Purpose**

This guide implements the requirements of the Telework Enhancement Act of 2010 and DODI 1035.01 which require each Department of Defense (DoD) component to develop, implement and operate telework programs that are appropriate within their respective organizations in accordance with public law and DoD policies. Any implementation of telework regulations or other guidance developed by DoD Components must comply with this guide, as well as the law from which it is derived. This guide is designed to actively promote telework as a legitimate flexibility for managers and their employees throughout DoD, and to:

- a. Promote VTNG as an employer of choice.
- b. Improve the recruitment and retention of high-quality employees through enhancements to employees' quality of life.
- c. Enhance the VTNG's efforts to employ and accommodate people with disabilities, including employees who have temporary or continuing health problems, or who might otherwise have to retire on disability.
- d. Reduce traffic congestion and decrease energy consumption and pollution emissions.
- f. Complement Continuity of Operations Program plans. Continuity of Operations Program (COOP) is an integral aspect of the National Guard's readiness factoring in the very nature of our business. As the operating environment changes, it's important to have a plan for contingencies like the H1N1 virus, pandemics, and other unforeseen disasters, both natural and through deliberate actions. It is imperative that the telework program be structured with COOP plans in mind.

#### **1-2 References**

Required and related publications are listed in Appendix A.

#### **1-3 Explanation of Abbreviations and Terms**

Abbreviations and special terms used in the guide are explained in the Glossary (Appendix B).

#### **1-4 Responsibilities**

- a. The Human Resources Officer (HRO):
  - (1) Oversee the Telework Program.
  - (2) Develop the Vermont National Guard Telework Program providing guidance on implementing the VTNG Telework Program.
  - (3) Ensure fair and consistent application of the program and compliance.
  - (4) Designate the VTNG Telework Program Coordinator to oversee the telework program.
  - (5) Approve or disapprove all telework agreements.
- b. Telework Program Coordinator:
  - (1) Administer the telework program.
  - (2) Provide telework guidance and training to employees.
  - (3) Review all Telework Agreements for compliance with this guide, and recommend approval/disapproval of agreements to the HRO.
  - (4) Consolidate and submit data and information on the telework program IAW reporting requirements.
- c. VTNG Directorates and Commanders:
  - (1) Ensure the telework program is administered IAW this guide.
  - (2) Provide data and information concerning telework to the Telework Program Coordinator as required.
  - (3) Recommend approval or disapprove telework agreements.
- d. Supervisors:

(1) Implement and administer the telework program for their employees in a manner compatible with mission accomplishment and applicable authorities, and ensure that telework does not diminish employee performance, mission operations, or customer service.

(2) Ensure teleworkers and non-teleworkers in like positions are treated equally for the purpose of job performance evaluations, training, awards, assignments, promotion, retention or removal, and work requirements.

(3) Determine position and employee telework eligibility by applying the criteria in the position/employee telework eligibility checklist (see appendix C), and advise employees of their telework eligibility.

(4) Complete Telework Fundamentals – Manager Training prior to approving/disapproving telework agreements and allowing employees to participate in telework. Telework training for supervisors is available at <https://www.telework.gov/training-resources/telework-training/virtual-telework-fundamentals-training-courses/>.

(5) Submit the signed telework agreement, DD Form 2946 for their employees, to their directorate or commander for approval and to the Telework Program Coordinator.

(6) Report time and attendance to ensure that teleworkers are paid only for work performed and that absences from scheduled tours of duty are accounted for. Ensure employees document time and attendance records with the appropriate telework codes in ATAAPS.

(7) Establish a process to advise new employees of telework eligibility along with a process to review telework agreements at least annually.

(8) Ensure employees with mission-critical duties and those required to telework in the case of a COOP event or office closure due to adverse or inclement weather have a telework agreement in place.

(9) Recommend approval or deny requests for telework based on mission requirements, employee performance, current disciplinary actions, work habits, the needs of the agency, and other similar factors, and advise each employee of their eligibility.

(10) Identify and discuss requirements related to office procedures, communications, security, use of Government Furnished Equipment (GFE), hours of duty, performance, etc., with employees, prior to executing a telework agreement.

(11) Terminate telework agreements if an employee's performance or conduct does not comply with the terms of the telework agreement or if the telework arrangement fails to meet organizational needs.

(12) Ensure records subject to the Privacy Act and sensitive non-classified data are not disclosed to anyone except those who are authorized access to such information in order to perform their duties. Organizations shall ensure that appropriate physical, administrative, and technical safeguards are used to protect the security and confidentiality of such records. Only copies, not originals, of Privacy Act documents may be removed from the traditional worksite on a temporary basis only. They may not be permanently stored out of the traditional worksite. Directors will ensure that any teleworkers who will be working on Privacy Act materials receive appropriate Privacy Act training.

e. Employees will:

(1) Complete Telework Fundamentals – Employee Training prior to signing a telework agreements. Telework training is available at <https://www.telework.gov/training-resources/telework-training/virtual-telework-fundamentals-training-courses/>.

(2) Submit a completed telework agreement (DD Form 2946) to their supervisor.

(3) Adhere to the terms of the telework agreement. Failure to comply with the terms of the telework agreement may result in immediate termination of the agreement and revocation of eligibility to telework.

(4) Ensure transparent personal accessibility and availability in communications with co-workers, supervisors, and customers during duty hours.

(5) Report any work-related accident, illness or injury occurring at the telework site and provide the supervisor with medical documentation related to the accident, illness or injury as requested. Details of the accident or injury will be annotated through the Department of Labor Employees' Compensation Operations & Management Portal (ECOMP) at <https://www.ecomp.dol.gov>.

(6) Complete assigned work consistent with the standards and guidelines in the employees' performance plan and guidance from his/her supervisor.

(7) Ensure security of all official information and protect any government-furnished equipment and property used in carrying out the mission of the VTNG at the alternate worksite. Failure to do so could result in termination of the telework agreement and may be cause for disciplinary action.

(8) Ensure a safe work environment is maintained at designated telework sites; complete and sign a self-certification safety checklist contained in the DD Form 2946.

(9) Accurately account for and report telework time in ATAAPS using the appropriate time codes.

(10) Report to the traditional worksite on a normal telework day as directed based on operational requirements. Report in a reasonable timeframe when requested to report in the same day (e.g., normal daily commuting time).

### **1-5 Background and Scope**

a. Telework is a management tool that allows the VTNG to authorize personnel to voluntarily work away from their official duty location. Telework is a complementary way of doing business, which moves work to the people instead of moving people to the work. In general, it means working from an alternate work location away from the official duty station.

b. Telework, as a management tool, authorizes managers and commanders to allow eligible VTNG employees (Title 5 and T32) to work in an official capacity for pay away from the official duty location. The alternate work locations must have the necessary tools and environment to enable the telecommuter to accomplish assigned duties.

c. Telework may be used for the benefit of the employee as well as the convenience of the government and may be utilized for continuity of operations in the case of any kind of emergency, natural disaster, or situation of reduced resources.

d. Telework options include:

(1) Regular and recurring, which is an approved work arrangement where eligible employees work a routine telework schedule at an alternative worksite (e.g., the employee's home), on an approved day or days during a bi-weekly pay period. The official worksite for the employee is the place where the employee would normally report to work absent a telework agreement.

(2) Situational or ad hoc telework is an approved work arrangement where eligible employees telework at an alternative worksite on an occasional or irregular basis. This may be used to complete a project, to accomplish routine job tasks, to complete web based/distance learning or training, during adverse or inclement weather conditions, or to prepare for a Continuity of Operations Plan (COOP) event.

### **1-6 Policy Statement**

It is a DoD/VTNG policy that:

a. Telework is not a right. Management is responsible for deciding if the position is one that is appropriate for off-site work and for examining both the content of the work and the performance of the employee. If a telework request is denied, the appropriate supervisor will explain why it was denied. A successful telework arrangement should not be suspended without defined operational or regulatory concerns. If the supervisor believes the telework arrangement is not working (for example, the employee's performance declines or the employee's participation interferes with organizational needs), the supervisor has the right to change or end an employee's participation.

b. Directorates/Commands in the VTNG will not be given blanket authorization to telework. All requests for telework will be evaluated on a case-by-case basis to ensure they are practicable and consistent with mission requirements.

c. All employees will sign a Telework Agreement prior to commencement of teleworking. Employees who do not intend to telework regularly may be required to have an Ad Hoc Telework Agreement on file in case of unforeseen circumstances where telework may be necessary.

d. Final approval for telework will rest with the Human Resources Office.

e. Employees may be approved both to telework and to work an alternative work schedule.

f. Employees may be required to change schedules due to travel associated with studies, TDY trips, or training. In general, such changes should be of short duration, and the employees should be notified as soon as possible. Employee requested changes must be requested and approved by the supervisor in advance.

g. Employees may work part of the day at their approved alternative worksite and part of the day at the traditional worksite in order to accommodate work schedules and personal commitments (for example to attend a medical appointment located near the employee's alternative worksite prior to reporting to the traditional worksite).

h. Telework will not be used as a substitute for direct dependent care (e.g., childcare, elder care). Teleworkers will maintain appropriate dependent care arrangements when the home is the alternative worksite. Management may request documentation from the teleworker to substantiate a caregiver is providing on-site or off-site care during the teleworker's scheduled workday.

i. Employees may not conduct personal business while in official duty status at the alternative workplace; (e.g. making home repairs, doing volunteer or other work connected with other employment, or engaging in educational pursuits). Employees will not conduct personal meetings or interviews in an official capacity at the alternative worksite.

j. Teleworking may be available to assist employees who have temporary or continuing health problems. This type of telework arrangement may occur on a situational basis, or as a regular and recurring arrangement. An appropriate medical certification will accompany any request for this type of telework. When telework is used as a reasonable accommodation, employees and supervisors will utilize the reasonable accommodation process in accordance with established policy.

k. Telework is consistent with DoD/VTNG security and information technology policies:

(1) Classified documents (hard or electronic) may NOT be taken by teleworkers to alternative worksites. Classified work should only be done in an appropriately secure environment using appropriate classified equipment.

(2) Employees who telework cannot use non-government computers such as personal or home computers. Storage or processing of sensitive but unclassified (SBU) material or personally identifiable information (PII) is not allowed on personal or home computers at any time. PII must be saved in encrypted folders only on government computers.

(3) Government-furnished equipment must only be used for official duties, and family members and friends of teleworkers are not authorized to use any government-furnished equipment. Web searches are for official business. No searches for personal matters are authorized. The employee must return all government-furnished equipment and materials to the agency at the conclusion of teleworking arrangements.

(4) Teleworkers are responsible for the security of all official information, protection of any government-furnished equipment and property, and carrying out the mission of the VTNG at the alternative work site. Employees must use computer locks for government computers when not attended.

l. The VTNG assumes no responsibility for any operating costs associated with an employee using his or her personal equipment, or residence as an alternative worksite. This includes home maintenance, insurance, and utilities (e.g., heat, electricity, phone, internet, etc).

m. An employee who is approved for work-at-home telework must sign Section II - Safety Checklist of DD 2946 prior to commencement of teleworking.

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

o. An employee who is approved for telework is required to satisfactorily complete all assigned work during duty hours, consistent with the approach adopted for all other employees in the work group, and according to standards and guidelines in the employee's performance plan.

p. For technicians; compensatory overtime provisions that apply to employees working at a traditional worksite apply to employees who telework. Employees may work overtime only when approved in advance by the supervisor. Instances in which employees perform overtime work without prior supervisory approval may be cause for administrative or disciplinary action.

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

r. The government is not liable for damages to the employee's personal or real property while the employee is working at the approved alternative worksite.

s. Employees are covered by the Federal Employees Compensation Act (FECA) when injured or suffering from work-related illnesses while conducting official government business.

### **1-7 Determining Eligibility for Telework**

a. It is essential to review job content, rather than job title, in determining a position's suitability for telework. The duties of the position must be such that they can be effectively and efficiently performed at an alternate worksite. Supervisors should consider the characteristics of the work to be performed, the arrangement's impact on other staff, impact on internal and external customer service, the employee's work history, and the supervisor's level of effectiveness in managing by results rather than by day-to-day observation of the employee.

b. Positions eligible for regular telework are those involving tasks and work activities that are portable, do not depend on the employees being at the conventional worksite, and are conducive to supervisory oversight at the alternative worksite. Positions will not be automatically excluded from eligibility on the basis of occupation, pay schedule, pay band, or supervisory status. Tasks and functions generally suited for telework include, but are not limited to:

- (1) Policy development.
- (2) Research.
- (3) Analysis (e.g., investigating, program analysis, policy analysis, financial analysis).
- (4) Report writing.
- (5) Telephone intensive tasks.
- (6) Computer oriented tasks (e.g., programming, data entry, word processing, web page design).
- (7) Data processing.

c. Positions not generally suited for telework are those positions involving tasks that are not suitable to be performed away from the traditional worksite, including but not limited to the following:

- (1) Tasks requiring the employee to have daily face-to-face contact with the supervisor, colleagues, clients, or the general public to perform his/her job effectively, that cannot otherwise be achieved via e-mail, telephone, telefax, or similar electronic means,
- (2) Tasks requiring daily access to classified information,
- (3) Tasks occurring during a full-time employee's probationary period (see paragraph 2-3 Performance Management),
- (4) Tasks requiring resources or equipment unavailable away from the duty station.

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

- (1) Demonstrated dependability and the ability to handle responsibility.
- (2) A proven record of high personal motivation.
- (3) The ability to establish priorities and manage time.
- (4) A proven or expected minimum performance rating of record.

e. Telework is not suitable for employees who need to be in the office to learn the organization, who require extensive on-the-job training, or who need close supervision. A past record of discipline or leave abuse does not in itself disqualify someone from participation in the telework program, but it can and should be considered in determining employee eligibility for the program.

f. An employee whose job includes working with unclassified, sensitive data may be able to telecommute. However, there will be some limitations on the types of work an employee can perform at the alternative worksite or when an employee may be allowed to telework.

g. An employee who would otherwise be ineligible to telework due to his/her duty position requirements and/or work performance characteristics may be selected to telework in support of COOP.

h. The duties, responsibilities, and tasks of telework civilian positions, as well as the work performance and conduct characteristics of the employees will be analyzed to determine eligibility for telework, consistent with the this guide. The Checklist for Determining Eligibility for Telework (appendix C) is provided for documenting such reviews.

i. The reason(s) for determining an employee ineligible for telework on a regular basis will be documented on the Checklist for Determining Eligibility for Telework.

## **Chapter 2**

### **Implementation of the Telework Program**

#### **2-1 Telework Agreement**

a. Before an employee begins to telework, a telework agreement shall be completed by the employee and approved by their supervisor, directorate or commander, reviewed by the Telework Program Coordinator, and finally approved by the State Human Resources Office. The following completed forms must accompany the telework agreement:

(1) Checklist for Determining Eligibility for Telework (appendix C)

(2) DD Form 2946, DoD Telework Agreement

(3) Telework Fundamentals training certificates for both the employee and supervisor.

b. The telework agreement prescribes the alternative worksite and telework schedule, and addresses the personnel, security, and equipment issues. All information in the agreement must be current, complete, and accurate.

c. The telework agreement will document the procedures for office communications (i.e. email, forwarding office phone to cell phone, etc) with the supervisor, co-workers and customers as applicable to the position.

d. Final determination to allow for telework rests with the Human Resources Officer or State Human Resources Office.

e. The employee or supervisor may terminate the telework agreement per paragraph 1-6.a.

#### **2-2 Changes to the Telework Agreement**

a. Permanent modifications made to the telework agreement will be reflected by execution of the appropriate documents as set forth below:

(1) Changes or additions in duty requirements or a change in supervision requires a complete new telework request package.

(2) A change in the alternative worksite requires the DD Form 2946 if the change is from another government facility to home-based telework.

(3) A change only in the telework work schedule requires the DD Form 2946.

(4) A supervisor-initiated change in the type of telework agreement (i.e., “regular” to “situational” or “situational” to “regular”) requires a new telework request package.

(5) Teleworker initiated change to convert from “regular” to “situational” telework requires DD Form 2946.

#### **2-3 Denying or Terminating the Telework Agreement**

a. Management may deny (disapprove) a telework agreement if the position or incumbent are determined to be unsuitable for teleworking.

b. 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.

c. When an employee initiated telework agreement request is denied or management terminates an agreement, the reasons will be documented on the DD Form 2946, Section IV Notice of Telework Arrangement Cancellation and signed by the supervisor and employee. The supervisor will forward a

copy of the written notice to the Telework Program Coordinator or the State Human Resources Office (as applicable).

d. Denial or termination decisions will be based on business needs, performance or conduct. A copy of the written notice will be forwarded to the Telework Program Coordinator or the State Human Resources Office (as applicable).

e. The denial or termination will include information about when the employee might reapply, and what actions the employee should take to improve their chance of approval.

f. When a teleworker terminates the telework agreement, he/she will document the reason(s) will be documented on the DD Form 2946, Section IV Notice of Telework Arrangement Cancellation and signed by the supervisor and employee. The supervisor will forward a copy of the written notice to the Telework Program Coordinator or the State Human Resources Office (as applicable).

#### **2-4 Certification and Control of Time and Attendance**

a. The teleworker, following standard VTNG practice and procedures, will record time and attendance in ATAAPS. The time in a duty status at the alternative worksite during the teleworker's scheduled duty hours will be recorded on his/her time and attendance as follows: "TW" ("Regular" telework), "TS" ("Situational" telework), and "TM" ("Medical" telework). The "TM" designation may only be used for telework approved to assist employees with transitory impairments or approved reasonable accommodations.

b. The normal time and attendance codes (e.g., annual leave, compensatory time, overtime) will be recorded on the teleworker's time and attendance, when the teleworker does not perform work at his/her alternative worksite during his/her tour of duty hours. Hours spent in a telework status that are outside of the regular daily tour must also be approved in advance by the supervisor and accounted for as compensatory time earned.

c. Supervisors may make occasional telephone calls or visits during the teleworker's scheduled work time at an alternative worksite to determine the reasonableness of the work output for the time spent at an alternative worksite or to verify a teleworker's time spent working at an alternative worksite.

#### **2-5 Performance Management**

a. An employee must have a proven, current, performance rating of at least "fully successful" or equivalent, to be eligible for participation, and for ongoing participation, in the Telework Program.

b. Teleworkers' performance should be monitored in the same manner as all employees at the conventional worksite.

c. Teleworkers are required to complete all assigned work, consistent with the approach adopted for all other employees in the work group. Teleworkers will answer and respond phone calls/messages and emails in the same manner as expected at the conventional worksite.

d. Job objectives for teleworkers should be results oriented and describe the quantity and/or quality of expected work products and the method of evaluation. Generally, supervisors will use the same measures for evaluating the performance of teleworkers and employees who perform similar tasks at the traditional worksite.

#### **2-6 Work Schedules**

a. The existing rules on hours of duty apply to teleworking employees.

b. A teleworker may work an alternative work schedule (AWS) with an approved alternate work schedule IAW Joint Policy Memorandum (NGVT-HRO 2014-05). A teleworker who teleworks on a regular basis must have his/her work schedule documented on his/her DD Form 2946.

c. There are limits on the number of telework days versus "in-office" days per pay period for teleworkers. Approved telework schedules will provide for the employee to be at the official worksite a minimum of two days during every work week.

## **2-7 Compensatory Time**

The Compensatory Time provisions that apply to employees working at a conventional worksite apply to employees on a Telework Agreement. Employees may work Compensatory Time only when approved by the supervisor in advance.

## **2-8 Official Worksite**

Entitlements to locality-based comparability payment, special salary rates, travel allowances, and relocation expenses is based on the employee's official worksite associated with the employee's position of record.

## **2-9 Emergency Dismissal or Closing**

a. In recognition of the growing importance of maintaining the continuity of government operations, both the Office of Personnel Management (OPM) and DoD encourage the use of teleworking if federal agencies close. Understanding the need to remain operational, VTNG employees who are teleworking on the day of an emergency agency closure are required to continue working from their alternative worksite if the closure occurs on their telework day. In addition, teleworkers may be designated as either "emergency" or "mission critical emergency" employees.

b. Employees teleworking on the day a delayed arrival and/or early dismissal policy is announced will begin and end their work shift as regularly scheduled. Management may approve changes in the telework schedule due to individual circumstances.

c. If a situation arises at the teleworker's alternative worksite that results in the teleworker being unable to continue working (e.g., power failure, teleworker facing a personal hardship, duties are such that he/she cannot continue to work without contact with traditional worksite), the supervisor should determine action on a case-by-case basis. Depending on the particular circumstances, supervisors may offer the teleworker the option to take leave or use compensatory time off or compensatory travel time (if applicable), or require the teleworker to report for work at the traditional worksite. If a similar occurrence (not covered by official emergency dismissal procedures) causes employees at the traditional worksite to be unable to continue working (e.g., part of a large organization is dismissed due to a lack of heat or cooling), employees who are teleworking who are not affected would not be excused from duty.

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

## **2-10 Continuity of Operations Program**

a. In the event that VTNG facilities become uninhabitable or there is a warning of imminent threat that necessitates the evacuation of the VTNG offices, VTNG personnel will be notified where and when to report for duty.

b. When so advised by management, employees may be expected to telework during a pandemic and/or when the traditional worksite is closed due to emergency situations (e.g., snow, floods, tornadoes, hurricanes, etc). If an employee is unable to work due to illness or dependent care responsibilities, the employee will cover the absence with approved paid or unpaid leave.

c. During any period the VTNG is operating under a Continuity of Operations Plan (COOP), that plan shall supersede the Vermont National Guard Telework Policy.

## **2-11 Teleworking for Medical Reasons**

a. Employees recovering from transitory impairments and that are medically unable to return to work at the traditional worksite may request to use telework arrangements to aid their return to work at the traditional worksite as soon as possible.

b. If an employee requests to work from an alternative worksite due to a temporary health problem that renders him/her unable to commute or to perform work at the traditional worksite, he/she will provide medical documentation from an appropriate health care provider. The medical certification will include

the reason(s) why the employee is unable to work at the traditional worksite, anticipated duration of the recovery period and prognosis for return to the traditional worksite. It will also specify the type of duties the employee is able to perform and list any/all limitations (e.g., whether rest breaks are needed, maximum number of consecutive work hours, special equipment needed, etc.).

c. In all circumstances, it is management's decision as to whether the employees' proposed telework arrangement is acceptable in meeting the needs of the organization.

d. All requests for telework due to a medical reason will be requested in conjunction with a request for a reasonable accommodation through the VTNG Office of Equal Employment Opportunity or the State Human Resources Office (as applicable) and are contingent upon an approved accommodation.

## **2-12 Personal Physical Training (PT) Programs**

Teleworkers are authorized to participate in the VTNG Physical Training (PT) Policy while telecommuting provided the telework agreement addresses PT at the telework site.

## **2-13 Employee Grievances and Appeal/Procedure**

If an employee disputes the decision not to approve a telework agreement or to terminate his/her telework agreement; he/she may submit a grievance under the negotiated grievance procedure or NGVT-HRO-JP-15, Administrative Grievance Procedures.

## **2-14 Disciplinary and Adverse Action**

a. Individuals on an approved telework program are expected to perform their duties as if they were working at their conventional work location.

b. When a supervisor suspects abuse of the program, i.e. not producing work, not being available at the telework location, misuse of government equipment, or not putting in the required work hours, that supervisor may stop the individual from using the Telework Program.

c. Disciplinary and/or adverse actions may also be taken IAW applicable rules and regulations.

## **Chapter 3**

### **Equipment, Network Access and Security for Teleworkers**

This chapter includes data that applies to both the VT Army National Guard network and VT Air National Guard Network. Technical information will be provided by and coordinated with the G6 (VTARNG) and the 158<sup>th</sup> Communications Flight (VTANG).

### **3-1 Equipment**

a. Government furnished computer equipment and software with appropriate security measures are required for any telework arrangement of 1 day per biweekly pay period or more that involves sensitive but unclassified data, including privacy act or FOUO data. However, users may not transport desktop computers for telework use.

b. Government property that is furnished to teleworkers will be issued and properly accounted for.

c. Personally owned computers may not access DoD systems or networks remotely and neither will DoD remote access software be installed in personally owned computers. Personally owned computers are not acceptable equipment for use while teleworking.

d. Providing and/or installing government furnished equipment at alternative worksites is a matter for determination by the G6/Communications Flight. VTNG will be responsible for the service and maintenance of government provided equipment. The DoD remote access software may be installed onto government furnished computers to enable access to DoD systems and networks. The teleworker is responsible for notifying his/her supervisor immediately if government furnished equipment fails to operate properly or is damaged.

e. Government furnished equipment will be used only for official duties, and family members and friends of teleworkers are not authorized to use any government furnished equipment. If government furnished equipment is unsecured and consequently damaged by non-employees (e.g., dependents of the

teleworker), teleworkers may be held liable for the repair or replacement of the equipment, software, etc., to the same extent they are held liable when government furnished equipment is damaged due to their negligence.

f. The government will not pay for personal phones or internet service as part of the telework program. See section 3-1a.

g. The teleworker will return all Government furnished equipment and materials to the traditional worksite at the conclusion of the teleworking arrangement or at the request of a management official.

### **3-2 Security**

a. Teleworker's are responsible for the security of all official information, protection of any government furnished equipment and property, and carrying out VTNG missions at the alternative worksite.

b. No classified documents (hard copy or electronic) may be taken by teleworkers to alternative worksites.

c. No personally identifiable information or contractor proprietary information may be taken by teleworkers to alternative worksites without the prior written consent of the contractor.

d. All files, records, papers, or machine-readable materials created while teleworking are the property of VTNG. As such, they will be given to VTNG upon request or when the telework arrangement terminates.

e. Records subject to the Privacy Act may not be disclosed to anyone except those authorized access as a requirement of their official responsibilities. Appropriate physical, administrative, and technical safeguards will be used to protect the security and confidentiality of such records.

f. Only copies, not originals, of Privacy Act documents may be permitted to be taken out of the traditional worksite and then only on a temporary basis and not permanently stored outside of the traditional worksite.

g. Any teleworker who will be working with Privacy Act materials will be briefed on the proper handling of privacy act material.

h. Personally identifiable information will be encrypted if transmitted via e-mail.

i. All unclassified sensitive information, including "Privacy Act" and "for official use only (FOUO)" data, and non-sensitive unclassified data will be transported from the traditional worksite to the alternative worksite in a secure container (e.g., briefcase with lock).

j. All unclassified sensitive information will be properly marked and protected from unauthorized viewing. At a minimum, such materials will be placed in a storage location (e.g., a secure file cabinet) during the teleworker's non-work hours.

## **Chapter 4**

### **Workers' Compensation and Other Liabilities**

#### **4-1 Federal Employees Compensation Act (FECA)**

Employees who are directly engaged in performing the duties of their jobs may be covered by the Federal Employees Compensation Act (FECA), regardless of whether the work is performed on the agency's premises or at an approved alternative worksite. The employee must notify the supervisor as soon as practicable of any accident or injury at the alternative worksite, provide details of the accident or injury, and complete the DOL Form CA-1, Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation, via the Department of Labor's online portal:

<https://www.ecomp.dol.gov>.

#### **4-2 Government Liability Restrictions**

For work at home arrangements, the employee is required to designate one area in the home as the official workstation. The government's potential exposure to liability is restricted to this official workstation for the purposes of telework. Employees are responsible for ensuring that their designated home worksite complies with safety requirements and that their designated work area is made available for review in cases where work-related injuries are reported. Employees will complete DD Form 2946, Section II –

Safety Checklist as to that area's suitability for the performance of official VTNG business. The employee will agree to site visits during official duty hours, with advance notice from VTNG management, and maintain the home work area in a safe and secure manner or risk having his/her telework arrangement terminated.

#### **4-3 Workers' Compensation and Vocational Rehabilitation**

An employee receiving incapacitation pay or workers' compensation who is a candidate for vocational rehabilitation may request telework as an option. It is a management decision, however, as to whether a light duty position would be developed for an injured employee. If an employee finds the home-based worksite not conducive to work, the teleworker would, upon approval of the DOL, generally be able to withdraw from the vocational rehabilitation trial and apply for a resumption of workers' compensation benefits.

## **Appendix A References**

- a. Title 5 United States Code (U.S.C.), Section 2105, “Employee”
- b. <[www.telework.gov/tools\\_and\\_resources/training/managers/index.aspx](http://www.telework.gov/tools_and_resources/training/managers/index.aspx)>  
NIPRNET – accessed 3 October 2017
- c. <[www.telework.gov/tools\\_and\\_resources/training/employees/index.aspx](http://www.telework.gov/tools_and_resources/training/employees/index.aspx)>  
NIPRNET – accessed 03 October 2017
- d. <<http://www.leadership.opm.gov>> NIPRNET – accessed 03 October 2017
- e. 31 U.S.C., § 3721, “Military Personnel and Civilian Employees Claims Act”
- f. 28 U.S.C., Chapter 171 – “Federal Tort Claims Act”
- g. 5 U.S.C., Chapter 81 – “Federal Employees’ Compensation Act”
- h. Public Law 106-346, § 359, 23 October 2000, “Department of Transportation and Related Agencies Appropriations Act, 2001”
- i. Public Law 111-292, 09 December 2010, “Telework Enhancement Act of 2010”  
5 U.S.C., Chapter 65, “Telework”
- j. Office of Personnel Management (OPM) Memo, 09 February 2001, “Establishing Telecommuting Policies”
- k. OPM Guide to Telework in the Federal Government, April 2011
- l. DoD Instruction 1035.1, 04 April 2012, “Telework Policy for Department of Defense”
- m. AF Instruction 36-816, 13 November 2013, “Civilian Telework Program”
- n. United States Army – Personnel Management Information and Support System (PERMISS), 29 January 2009, “Management-Employee Relations Program – Telework”

## **Appendix B Glossary**

### **PART I. ACRONYMS**

CAC	Common Access Card
COOP	Continuity of Operations
DOIM	Director of Information Management
GFE	Government Furnished Equipment
IAW	In accordance with
IT	Information Technology
IM	Information Management
NGB	National Guard Bureau
OPM	Office of Personnel Management
OWA	Outlook Web Access
TDY	Temporary Duty
VPN	Virtual Private Network

### **PART II. DEFINITIONS**

Ad hoc Telework -- Approved telework performed on an occasional, one-time or irregular basis (less than one day per pay period). All forms and approvals still apply.

Alternative Worksite -- A place away from the traditional worksite that is approved for the performance of officially assigned duties.

Continuity of Operations (COOP) -- An effort to ensure that the capability exists to continue agency essential functions across a wide range of natural disasters or local or national declared emergencies.

Designated Approving Authority (DAA) -- The official appointed by the Adjutant General and has the authority to accept the security safeguards prescribed for an information system. The DAA is the Director, Information Systems Directorate (G-6/A-6).

Eligibility -- Characteristics of the job position and the employee that identify suitability for teleworking as determined by the supervisor or other appropriate management official in the employee's chain of command.

Mission-Critical Duties -- Job position functions identified as critical to performance of the mission.

Regular and Recurring Telework -- An approved work schedule where eligible employees regularly work at least one day per biweekly pay period at an alternative worksite.

Situational Telework -- Telework that occurs on an occasional non-routine or ad hoc basis. Telework that occurs to complete short-term special assignments or to accommodate special circumstances is also considered situational even though the telework may occur continuously for a specific period.

Telework -- The process of an employee using GFE and software to connect to a government network for the purposes of downloading work products and performing authorized duties from a remote or alternate location.

Telework Agreement -- A written agreement, 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.

Telework Site -- Alternative worksite location where an employee or Service member performs assigned official duties.

Traditional Worksite -- Official duty location where employees normally work.

Unscheduled Telework -- An arrangement where an employee on an approved telework agreement performs assigned official duties at home or other approved worksite due to closure of government offices during an emergency event or when severe weather conditions or other circumstances disrupt commuting and compromise employee safety.

**Appendix C**  
**Checklist for Determining Eligibility for Telework**

Employee Name: \_\_\_\_\_

Employee Phone: \_\_\_\_\_ Employee Email: \_\_\_\_\_

Position Title: \_\_\_\_\_

Series: \_\_\_\_\_ Grade: \_\_\_\_\_ PD#: \_\_\_\_\_

Position Office Symbol: \_\_\_\_\_

Supervisor Name: \_\_\_\_\_

Supervisor Phone: \_\_\_\_\_ Supervisor Email: \_\_\_\_\_

Date: \_\_\_\_\_

1. Is this employee serving in a probationary period? \_\_\_\_\_ YES \_\_\_\_\_ NO
2. Does this employee occupy a trainee or intern position? \_\_\_\_\_ YES \_\_\_\_\_ NO

Generally, an employee who is serving a probationary period or occupying a trainee or intern position is not eligible to participate in telework. The length of time these employees are ineligible for telework is at the command's discretion.

Regular/recurring telework – arrangement in which some or all duties may be performed at an alternative worksite, on a regular and recurring basis. Regular/recurring telework is when an employee performs duties at an alternative worksite on a set schedule (e.g., every Monday; once a pay period; once a month).

Situational telework – arrangement in which duties may be performed at an alternative worksite on a case-by-case basis (e.g., COOP, inclement weather, special project), where the hours worked are not part of a previously approved, ongoing, and regular telework schedule.

Note: Medical telework is to assist employees who have temporary or continuing health problems. This type of telework arrangement may occur on a situational/irregular basis, or as a regular and recurring arrangement. An appropriate medical certification will accompany any request for this type of telework.

**POSITION ELIGIBILITY CRITERIA**

Position eligibility evaluation should be based on the **position duties** rather than the job title, series, grade, type of appointment, work schedule or incumbent. (Factors to consider for employee eligibility are addressed later in the form.)

Base the determination on the **current duties of the position**. This determination may change if the duties change (e.g., mission, special projects, details).

If a position is not fully eligible, consider if a portion of the position’s tasks can be performed via telework on a limited basis. Workload management and adjustment may play a part in your assessment. In some cases, it may be possible to restructure position duties to allow for telework on a situational basis.

<b>QUESTIONS</b>	<b>YES</b>	<b>NO</b>
------------------	------------	-----------

1. Does the position require incumbent to report <b><u>daily (i.e., every day)</u></b> to the traditional worksite?		
2. Does the position require continuous on-the-job training or close supervision?		
3. Does the position require <b><u>daily</u></b> use of special facilities or equipment that the organization cannot provide to the employee or is not available at the alternative worksite?		
4. Does the position involve tasks that require <b><u>daily</u></b> face-to-face contact that cannot be achieved through alternate communication tools (e.g., email, telephone, online meetings, electronic file transfer) with: <ul style="list-style-type: none"> <li>a. Supervisor(s)/manager(s)?</li> <li>b. Colleagues/team members/co-workers?</li> <li>c. Customers?</li> <li>d. General Public?</li> </ul>		
5. Does the position involve tasks that require <b><u>daily</u></b> access to classified materials and networks (SIPRnet)?		
6. Does the position involve tasks that require <b><u>daily</u></b> access to materials or equipment that cannot be moved from the traditional worksite or accessed outside of the traditional worksite such as unique reference materials or special tools?		
7. Does the position involve tasks that require <b><u>daily</u></b> access to systems, networks, applications that cannot be accessed at the alternative worksite (e.g., local access only, SIPRnet, etc.)?		
8. Would the performance of position duties at an alternative worksite result in a measurable decrease in the level of service provided to customers (e.g., delays in processing work, inhibiting customer access to the employee)?		

- **If the answer is YES to any of the above questions, the position is typically not eligible for telework.**
- **If the answer is NO to all of the above questions (#1-8) the position may be eligible for regular/recurring and/or situational/ad hoc telework once employee eligibility is determined. Continue with Questions 9-11.**

QUESTIONS	YES	NO
<p>9. Does the position involve tasks that require face-to-face contact that cannot be achieved through alternate communication tools (e.g., email, telephone, online meetings, electronic file transfer) with:</p> <ul style="list-style-type: none"> <li>a. Supervisor(s)/manager(s)?</li> <li>b. Colleagues/team members/co-workers?</li> <li>c. Customers (internal and external)?</li> <li>d. General Public?</li> </ul>		
<p>10. Does the position involve tasks that require access to materials or equipment that cannot be moved from the traditional worksite or accessed outside of the traditional worksite such as unique reference materials or special tools?</p>		
<p>11. Does the position involve tasks that require access to systems, networks, applications that cannot be accessed at the alternative worksite (e.g., local access only, etc.)?</p>		
<p>➤ <b>If the answer to <u>any</u> of the above questions (#9-11) is <u>YES</u> the position is typically not eligible for regular/recurring telework on a full-time basis, but may be eligible for regular/recurring telework on a limited basis, and/or situational/ad hoc telework, once employee eligibility is determined:</b></p> <p><b>1) If the position includes recurring tasks and/or tasks that may be scheduled in advance and performed for at least a full day at an alternative worksite, the position is suitable for regular/recurring telework on a limited basis.</b></p> <p><b>2) If the position does not include recurring tasks and/or tasks that may be scheduled in advance, the position is only eligible for situational/ad hoc telework.</b></p> <p>➤ <b>If the answer to <u>all</u> of the above questions (#9-11) is <u>NO</u> the position may be suitable for all categories of telework once employee eligibility is determined.</b></p>		

<b>EMPLOYEE ELIGIBILITY CRITERIA*</b>		
<b>Complete this section only after position eligibility has been determined.</b>		
<b>QUESTIONS</b>	<b>YES</b>	<b>NO</b>
1. Is the employee's performance currently rated below the fully successful level (e.g., Level 3)?		
2. Is there a memorandum of counseling, warning, or other record by the supervisor documenting deficiencies that cause the employee's overall performance to fall below fully successful, even if the current rating of record is fully successful or higher?		
3. Is there a record of formal disciplinary action within the previous 12 months for the employee?		
4. Is there a record of verbal conversation or written reprimand of behavioral or responsibility concerns (e.g., misuse of leave, excessive tardiness) within the past 12 months?		
5. Has the employee been "officially disciplined" for being absent without permission for more than 5 days in any calendar year?		
6. Has the employee been "officially disciplined" for violations of subpart G of the Standards of Ethical Conduct of Employees of the Executive Branch for reviewing, downloading, or exchanging pornography on a Federal Government computer or while performing official duties?		
<ul style="list-style-type: none"> <li>➤ <b>If the answer to <u>all</u> of the questions (#1-6) is NO, the employee is eligible to telework.</b></li> <li>➤ <b>If the answer to <u>one or more</u> of the questions (#1-6) is YES, the employee is typically not eligible to telework.</b></li> </ul>		
NOTE: The term "official discipline" (as used in questions 5 and 6 above) refers to a disciplinary action that results in the placement of a document in an employee's official personnel file (OPF). The bar on participation remains in effect as long as the document stays in the employee's OPF.		
<b>If the answer is YES to the following questions relative to employee characteristics, the employee is more likely to be suitable for telework.</b>		
<b>QUESTIONS</b>	<b>YES</b>	<b>NO</b>
1. Is the employee able to work independently with minimal supervision?		
2. Is the employee able to solve problems independently?		
3. Does the employee have sufficient skill in using the technologies required for telework (e.g. VPN, Outlook, Encryption software, telephone and voicemail, Defense Connect Online (DCO))?		
4. Does the employee have the ability to communicate, verbally and electronically, with supervisors, co-workers, and customers?		
5. Does the employee have a sufficient level of job knowledge and organizing and planning skills?		
6. Does the employee exhibit discipline toward work and reliability concerning work hours?		

<b>Determination:</b>	<b>YES</b>	<b>NO</b>
<u>Position</u> is eligible for regular/recurring telework (set schedule)		
<u>Position</u> is eligible for situational/ad hoc telework		
<u>Employee</u> is eligible for telework		
<b>If the position or employee is not telework eligible, please select all that apply as justification for the determination:</b>	<b>Select One</b>	
Not Telework Eligible – Position requires employee’s presence to perform the job.		
Not Telework Eligible – Position requires daily face-to-face contact with supervisor, other employees, or customers/the public.		
Not Telework Eligible – Position requires access to material or special equipment.		
Not Telework Eligible – Position requires daily access to classified material.		
Not Telework Eligible – Duty performance or conduct.		
Not Telework Eligible – Employee is serving in a probationary period.		
Not Telework Eligible – Employee is a trainee or intern.		

Identify reasons for denying telework based on employee ineligibility:
Additional information justifying position or employee telework ineligibility: