

TELEWORK POLICY
(Supplementation is not permitted at any level)

A. REFERENCES.

1. 5 USC 552 (A), Privacy Act.
2. PL 106-346, section 359, FY 2001 U.S. Department of Transportation Appropriations Act.
3. Comptroller General decision B-225159, June 19, 1989.
4. 31 USC 134B, Public Debt.
5. FTR, 41 CFR ch. 301, Travel Allowances.
6. Fair Labor Standards Act.
7. DLA Information Technology Solutions and Standards, version 1.0 dated April 2000 (reference: <http://www.dla.mil/j-6/awg/default.htm>).
8. DLA Instruction 5015.1, DLA Records Management Procedures and Records Schedule.
9. PL 100-235, Computer Security Act of 1987.
10. DLAD 8500.11. DLA Internet Management.
11. DLA memorandum of October 26, 1998, subject: Guidelines for Requesting Reasonable Accommodations for People with Disabilities.
12. Department of Defense Telework Policy and Guide.
13. Memorandum of Agreement with AFGE Council 169 dated March 20, 2002, and applicable collective bargaining agreements.

B. PURPOSE. This directive:

1. Provides guidance to help managers and employees establish, maintain, and terminate a telework program.
2. Permits DLA and employees to capitalize on the benefits of telework.

C. APPLICABILITY AND SCOPE.

1. This directive applies to all civilian employees of DLA (to include non-appropriated fund employees) who occupy positions that are determined eligible for telework.
2. The legislative intent of reference 2 (PL 106-346) requires participating Agencies to develop criteria to be used in implementing policy and to ensure that Agencies make certain that artificial, logistical, organizational, or other barriers to full implementation and successful functioning of the policy are removed.
3. The accommodation at home of employees with disabilities is not covered by these regulations, but instead by the DLA memorandum of October 26, 1998,

subject: Guidelines for Requesting Reasonable Accommodations for People with Disabilities.

D. DEFINITIONS.

1. Activity. A DLA Field Activity or DLA Headquarters.
 2. Agency. Defense Logistics Agency.
 3. Alternative work site. A site away from the official duty station as recorded on the Standard Form 50-B, Notification of Personnel Action. Examples of alternative work sites are the home, a telecommuting center, or anyplace geographically different from the official duty station.
 4. Approving Official. For DLA Headquarters the approving officials are the Corporate Board members and others designated by the Vice Director. For DLA field activities the approving authority is the Deputy Commander. The approving official may delegate this authority in writing.
 5. Eligible employee. Any satisfactorily performing employee whose job or individual work activities may normally be performed on a regular and recurring basis or on a periodic or intermittent basis at home or other work site geographically different from his or her official duty station.
 6. Eligible position. Position involving tasks and work activities that are portable and that do not depend on the employees being at the official duty station.
 7. "Flexible workplace", "flexiplace", "work-at-home", "telecommuting", and "teleworking" refer to a work situation where the location of the work site is shifted away from the official duty station.
 8. Regular and recurring telework. Working at an alternative work site according to a previously approved regular and recurring pattern.
 9. Periodic or intermittent arrangement. Infrequent periods of time when projects/assignments have short turnaround times and/or require intense concentration. Under such arrangements, the employee typically works for a day or more at an alternative work site, away from typical office distractions, enabling the employee to focus more effectively on completion of the assignment. Periodic or intermittent arrangements are not mutually exclusive from regular and recurring telework arrangements. Employee must be approved for intermittent telework prior to working at an alternative worksite. Some examples of where a periodic arrangement may work well include the following:
 - a. When the official duty station is not usable; e.g., during office renovation;
 - b. When travel conditions are treacherous and the employee requests to work at home rather than at the official duty station during those hours when the official duty station is open; or
 - c. When one has a short term work assignment that could be performed at an alternative work site free from interruptions.
- Note: The above are illustrative only and not inclusive of all situations.
10. Telecommuting center. A facility established by federal, state, local, or county governments or by private sector organizations and partnerships for

use by teleworkers. Typically, such centers house employees of more than one Agency or department and include workspaces and equipment common to the normal office environment.

11. Sensitive information. Defined as information, the loss, misuse, or unauthorized access to or modification of which could adversely affect the national interest or the conduct of federal programs, or the privacy to which individuals are entitled under 5 USC Section 552A (the Privacy Act), but that has not been specifically authorized under criteria established by an Executive Order or an Act of Congress to be kept secret in the interest of national defense or foreign policy. (Systems that are not national security systems, but contain sensitive information, are to be protected in accordance with the requirements of the Computer Security Act of 1987 [PL 100-235].)

E. POLICY.

1. DLA offers two types of telework arrangements to meet organizational and employee needs: Periodic or intermittent arrangements, and regular and recurring telework. The two types of telework are not mutually exclusive. For example, an employee teleworking on a regular and recurring basis may also work on a periodic or intermittent basis on a specific project.

2. Participation in a telework arrangement:

a. Regular and recurring telework will be limited to no more than one day a week. (This limitation will be reevaluated after the first year).

b. An employee will submit a written request to participate in the telework program to the approving official through his/her supervisor who will make a recommendation to the approving official.

c. The decision to permit participation or to end participation in a telework program is the responsibility of the approving official except in cases where the request to telework is a medical reason. When the request is due to a medical reason, the Office of Human Resources for the Activity will be actively involved in processing the request and will review all decisions and accommodations for appropriateness, reasonableness, and adequacy before submitting to the approving official.

d. The opportunity to participate in a telework arrangement is offered only with the understanding that it is the responsibility of the employee to ensure that a proper work environment is maintained (e.g., dependent care arrangements are made so as to not interfere with the work, personal disruptions such as non-business telephone calls and visitors are kept to a minimum, etc.).

e. Telework is a voluntary program and is not an employee right.

f. To be eligible to participate in the program:

(1) The employee's work performance must be at the fully successful level.

(2) The employee must not have on file a current leave restriction letter, or a written reprimand, due to misconduct or poor performance. The employee must not have received a suspension, or demotion for misconduct or poor performance within the two years prior to the start of the proposed telework. The approving official has the sole discretion to waive the restrictions in this paragraph.

(3) The employee's official duties can be performed, either in whole or in part, at an alternative work site without impairment to the mission of the Agency.

g. New program participants (employees and immediate supervisors) must receive training. Training should be completed prior to the beginning of the telework arrangement.

h. Decisions regarding an employee's participation in any telework arrangement shall not be based upon, nor involve consideration of, union activity, prohibited factors of employee's race, color, sex, age, religion, national origin, and/or reprisal (participation in a protected activity). Disabling conditions may be valid considerations for an employee's participation; however, such consideration must be evaluated as part of a requested reasonable accommodation relating to the individual's disability.

i. Employees who are responsible for training or mentoring others would not be eligible to telework on the days needed for training or mentoring.

j. Employees scheduled for TDY or training must suspend telework arrangements during applicable days.

k. Positions shall not be considered ineligible solely on the basis of occupation, series, grade, or supervisory status.

3. Cancellation of participation.

a. The overall interest of the organization takes precedence over participation in the program, especially during times of war, national emergency or other crisis.

b. Management has the right to suspend or end participation in the program at any time that participation adversely affects mission accomplishment or the employee no longer satisfies the criteria in E.2.f. above. Management has the right to end participation should it adversely affect the employee's performance. When practicable, supervisors or managers will provide written notice prior to the cancellation of participation in order to provide adequate time for conversion back to the official duty station.

c. The employee's participation in the telework program may be cancelled in the event a formal disciplinary action is imposed, and does not require advance notice.

d. The employee may also request to end participation, without cause, at any time. The supervisor and employee will plan transition back to the official duty station.

e. The supervisor and employee must document on the telework agreement any decision to terminate any telework arrangement.

4. Supplies and equipment.

a. The approving official or designee may approve purchase of mobile government furnished equipment and supplies for use in an employee's home for regular and recurring telework arrangements. The approving official may choose to make this decision on a case-by-case basis, considering such criteria as the nature of the work, availability of existing and/or excess equipment, and funding constraints or flexibilities. All purchases of computing equipment will be coordinated with the Activity's Information Technology Division. Teleworkers will use their mobile government furnished equipment in the Activity's office environment. The Activity may use the existing monitor and keyboard in conjunction with the mobile equipment. A separate desktop for the teleworker is not authorized except in extremely limited circumstances.

b. DLA equipment used at home will only be used for official and authorized purposes. Internet usage must conform to DLAD 8500.11, DLA Internet Management, when access is through government-established connectivity using government owned resources or personal computers.

c. The teleworker will require software to be provided by DLA that provides for a secure, encrypted connection, and Public Key Information (PKI) certification on the government furnished mobile computer.

d. Any misuse of DLA equipment will be treated the same as if it

occurred on the Activity's premises.

e. Use of personally owned computers and equipment for employees who telework is authorized. Use of personally owned computing equipment to connect to the DLA network may be approved if appropriate security software is installed and security procedures are followed to avoid risk of intrusion or impact to the DLA environment. The employee is responsible for the repair and maintenance of personal equipment.

f. DLA is only responsible for the maintenance and repair of government furnished equipment. The teleworker is responsible for bringing the government furnished equipment back to the facility for repair or adjustments.

g. Supervisors and managers must ensure that equipment assigned to telework participants is properly accounted for and coordinated with the worker's Terminal Area Security Officer (TASO) or Responsible Property Custodian (RPC) as appropriate. The TASO or RPC is responsible for ensuring that all government equipment is appropriately identified and labeled. Adherence to local policy for off-site use of government equipment is required.

h. All files, records, papers, or machine-readable materials, and other documentary materials, regardless of physical form or characteristics, made or received during telework are the property of the United States and shall be managed in accordance with DLAI 5015.1, DLA Records Management Procedures and Records Schedule.

i. Pursuant to 31 USC Section 134B, DLA may not pay for telephone installations and services. GAO has permitted exception only in circumstances consistent with the statute. (see Comptroller General decision B-225159, June 19, 1989). Activities will provide employees with telephone credit cards, cell phones, dial in or other capability to use when business-related, long distance phone calls are required.

j. The teleworker is responsible for the installation (if required), and the monthly service fee of the communication line between the employee's home and the DLA network.

k. 31 USC 134B also prohibits the Government from purchasing a fax machine for installation in a private residence. The use of an existing government-owned fax machine, not being used, may be approved for periodic home use. Modems or automatic voice/data switches do not come under this prohibition.

l. Telework arrangements may increase an employee's home utility costs. DLA assumes no responsibility for an employee's expenses related to heating, electricity, water, and space usage. The rationale is that balanced against these increases are potential savings to the employee resulting from reduced commuting, parking, meals, and clothing expenses. Potential costs and savings cannot be viewed in isolation from each other. A Comptroller General decision concluded, "absent legislation authorizing such expenditures, incremental costs associated with the residential workplace may not be allowed" (Comptroller General decision B-225159, June 19, 1989).

5. Security.

a. No classified information and/or processing will be permitted at an alternative work site.

b. Adherence to established technical standards for government furnished equipment, network, and security issues is required. The standards are outlined in the DLA Information Technology Solutions and Standards documents version 1.0, dated April 2000 (reference: <http://www.dla.mil/j-6/awg/default.htm>).

c. Sensitive information (e.g., For Official Use Only or Privacy Act) cannot be processed from an alternative worksite unless Public Key

Infrastructure (PKI) encryption is available for electronic mail. Where employees telework on an ad hoc basis, personal computers can be used to work on limited amounts of sensitive unclassified material, on the basis that the teleworker must delete the files as soon as they are no longer required.

d. All sensitive information stored outside of the employee's computer must be stored in an approved, lockable container.

6. Safety. Working at home raises questions under Occupational Safety and Health Administration rules governing the safety of workplaces and under the Federal Employees Compensation Act (worker's compensation). Offices in the home require adequate workspace, light, telephone service, power, and temperature control. All employees working from home must sign a self-certification checklist that the home is safe. Employees are responsible for ensuring that their homes comply with safety requirements. Management has the authority to deny an employee the opportunity to participate or may rescind a telework agreement based on safety problems in the home. Management may also have the home office inspected for compliance with safety requirements if management has reasonable cause to believe that a hazardous work environment exists. Safety inspections will be by appointment only.

7. Official duty station. Regardless of where the employee spends the majority of work hours, the conventional DLA office, for purposes of telework, remains the official duty station. The definition of "official duty station" in the Federal Travel Regulations (FTR, 41 CFR chapter 301) affects entitlements to special salary rates, travel allowances, and relocation expenses.

8. Liability. Any exposure to liability may be covered under the Military Personnel and Civilian Employees Claims Act, the Federal Tort Claims Act, or the Federal Employees Compensation Act.

9. Work hours. Employees working at alternative work sites must work when scheduled. Assurance can be achieved by the supervisor's determination as to the reasonableness of work output for the time spent, by occasional supervisor telephone calls, or communicating with the employee by e-mail.

10. Call back to work. Management may call employees back to their official duty stations on an emergency basis; e.g., special project, meeting, shortage of staff due to vacation/TDY/illness, or supervisor's need to be able to balance staff in the office. If a teleworker is directed to travel back to his/her official duty station during his/her regularly scheduled tour of duty, the teleworker's travel hours must be credited as hours of work. If the teleworker is directed to travel back to the official duty station before or after his/her regularly scheduled basic tour of duty for irregular or occasional overtime work, the employee may be entitled to at least 2 hours of overtime pay under the "call back" rules.

11. Accounting for time and attendance.

a. Existing policy and/or collective bargaining agreements about hours of duty and scheduling work apply to telework arrangements including working an approved alternative work schedule. Telework arrangements provide a structure for scheduling work and accounting for time and leave. Completely unstructured arrangements, where employees simply work at will, violate legal requirements and public policy.

b. Under the Fair Labor Standards Act (FLSA), DLA is responsible for keeping records of time worked. Employees who are FLSA nonexempt are entitled to overtime pay. DLA must pay not only for officially ordered and

approved overtime, but also for any overtime a supervisor suffers or permits his/her subordinates to work. For employees who perform work at an alternative work site, supervisors have less control over suffered or permitted overtime. However, clearly established hours of duty and clear expectations concerning work to be performed can minimize the possibility of employees working unauthorized overtime hours. In addition, all employees will be required to sign a telework agreement prior to starting telework. Item number 10 of that agreement states that the employee will not work in excess of his/her prescheduled tour of duty (including overtime, compensatory time, religious time, or credit hours) unless he or she first receives permission from his or her supervisor.

12. Emergency dismissal, closing, or equipment failure.

a. Consistent with Department of Defense instructions, teleworkers whose official duty station is located inside the Washington Capital Beltway will observe the same closedown arrangements as employees at the official duty station.

b. For DLA activities located outside the Washington Capital Beltway, including DLA Headquarters Complex, that are affected by emergency dismissal or closings teleworkers working at an alternative worksite would normally be expected to continue working.

c. The teleworker must immediately report equipment failures to his/her local technical support organization and his/her supervisor.

d. An employee who is unable to work at the alternative site due to equipment/power failure, etc., will contact the supervisor, who, based on the situation, will determine the appropriate duty or leave status (including administrative leave) to account for the employee's time and whether or not the employee should report to his/her official duty station.

e. On days when an unscheduled leave policy is in effect, employees participating in telework may request to work at the alternative duty site instead of reporting to the official duty station or taking leave.

F. RESPONSIBILITIES.

1. Headquarters Human Resources (J-1) is the office of primary interest for DLA civilian employees. J-1 shall designate a Telework Representative who coordinates with each Activity's Coordinator and will report information to the DoD Telework Coordinator.

2. J-1 shall evaluate the Telework Program in order to assess its success or need for modification.

3. The DLA Headquarters Quality of Life Office (DSS-Q) is the office of primary interest for DLA non-appropriated fund employees.

4. Human Resources Offices shall provide advice and guidance.

5. Headquarters Human Resources (J-1) will issue data calls to collect information necessary for reporting requirements.

6. Each DLA Activity must designate a Telework Coordinator who will be responsible for:

- a. gathering information needed for reporting purposes;
- b. providing for, or arranging orientation and training of employees and supervisors;
- c. assuring that coordination with labor organizations occurs;

- d. assuring that plan information is published and distributed;
- e. maintaining a list of participating employees;
- f. coordinating administrative arrangements with teleworkers;
- g. coordinating with other organizational entities (e.g., safety, security, information services, resource management etc.).

7. The DLA Training Center will be responsible for developing training for supervisors and DLA workforce participating in the program.

8. Each Activity must designate a Telework Coordinator no later than ten days after this publication is effective and provide the name of that individual, phone number, fax number, and e-mail address to:

Defense Logistics Agency

ATTN: J-1

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G. EFFECTIVE DATE AND IMPLEMENTATION. This publication is effective immediately.

H. INFORMATION REQUIREMENTS. (Reserved for future use.)