

17 February 2012

Civilian Personnel

USAREUR Telework Program

For the Commander:

JAMES C. BOOZER, SR.
Major General, GS
Chief of Staff

Official:



DWAYNE J. VIERGUTZ
Chief, Army in Europe
Document Management

Summary. This regulation provides policy and procedures for the USAREUR Telework Program.

Applicability. This regulation applies to all U.S. civilian employees of HQ USAREUR staff offices and USAREUR major subordinate commands. It does not apply to local national or contract employees.

Supplementation. Organizations will not supplement this regulation without USAREUR G1 (AEAGA-CE) approval.

Suggested Improvements. The proponent of this regulation is the USAREUR G1 (AEAGA-CE, DSN 370-2540). Users may suggest improvements to this regulation by sending DA Form 2028 to the USAREUR G1 (AEAGA-CE), Unit 29351, APO AE 09014-9351.

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Glossary

1. PURPOSE

This regulation establishes policy and procedures for teleworking in USAREUR in accordance with applicable law and DOD and Department of the Army (DA) guidance. Consistent with the Telework Enhancement Act of 2010, this policy intends to increase the use of telework in USAREUR organizations.

2. REFERENCES

a. Publications.

- (1) Telework Enhancement Act of 2010 (Public Law 111-292).
- (2) 5 USC 65, Telework.
- (3) Memorandum, Executive Office of the President, OMB, 28 April 2011, subject: Implementing Telework Enhancement Act of 2010 IT Purchasing Requirements.
- (4) DOD Instruction 1035.01, Telework Policy.
- (5) Memorandum, Office of the Under Secretary of Defense, 12 May 2011, subject: Telework Eligibility.
- (6) AR 25-1, Army Knowledge Management and Information Technology.
- (7) AR 25-2, Information Assurance.
- (8) AR 380-5, Department of the Army Information Security Program.
- (9) Office of Personnel Management telework guidance at <http://www.telework.gov>.

b. Form. DD Form 2946, Department of Defense Telework Agreement (available at http://www.cpms.osd.mil/telework/telework_index.aspx).

3. EXPLANATION OF ABBREVIATIONS AND TERMS

The glossary defines abbreviations and terms.

4. RESPONSIBILITIES

a. USAREUR G1. The USAREUR G1 is responsible for—

- (1) Managing the USAREUR Telework Program.
- (2) Preparing annual reports for DOD on teleworking in USAREUR (para 19b).

b. Managers One Level Above the First-Level Supervisor. Managers one level above the first-level supervisor will—

(1) Approve or disapprove requests to telework in writing. Approval or disapproval of a request that is made to provide reasonable accommodation to an employee during a medical condition or impairment must be coordinated through the servicing equal employment opportunity (EEO) office. Disapproval must include a business-based reason.

- (2) Notify new employees of their eligibility for telework.

c. Supervisors. Supervisors will—

(1) Complete Office of Personnel Management (OPM) web-based training at http://www.telework.gov/tools_and_resources/training/managers/index.aspx before entering into a telework agreement with an employee.

(2) Identify the telework eligibility status for the positions under their supervision and enter the status in the Defense Civilian Personnel Data System (DCPDS).

- (3) Notify employees of their telework eligibility status.

(4) Ensure that telework sites meet acceptable standards in terms of adequate space, equipment, health, safety, security, and work environment. The safety checklist on DD Form 2946 will be used to assess the overall safety of the home worksite. The supervisor will review the completed checklist to ensure there are no safety issues that would preclude the employee from teleworking.

(5) Communicate expectations to their employees. DD Form 2946 provides the framework for a discussion with employees that facilitates a common understanding of the telework arrangement. The following should be points of discussion:

- (a) A clarification of the telework arrangement.
- (b) A specification of how often during a period an employee will telework.
- (c) A description of the approval process and a specification of how to handle changes to the arrangement.
- (d) A specification of the hours of work on telework days.
- (e) Safety issues.
- (f) The methods of communication with supervisors, staff, and other personnel.

(g) A description of the equipment to be used and the technical assistance to be provided in the event of a problem.

(h) Information on handling emergency situations.

(i) The requirement to work at the regular worksite when needed. Emergency-essential employees are required to work at their regular worksite during emergencies.

(j) The requirement to work from home on days when a teleworking employee was scheduled to work at the regular worksite, but that worksite is closed because of weather conditions.

(6) Meet reporting requirements (para 19a).

d. Employees. Employees will—

(1) Complete OPM web-based training at http://www.telework.gov/tools_and_resources/training/employees/index.aspx before entering into a telework agreement.

(2) Complete DD Form 2946 before starting telework.

(3) Certify that their home is a safe place to work by completing the safety checklist on DD Form 2946. Employees must maintain a safe environment while teleworking.

(4) Maintain an appropriate work environment. They must, for example, ensure that dependent-care arrangements are made and do not interfere with the home office and that personal disruptions such as unofficial telephone calls and visitors are kept to a minimum. An individual cannot perform telework while providing child- or other dependent care.

(5) Ensure the security of all official data and protect any Government-furnished equipment and property at the alternate worksite.

(6) Pay for any costs associated with working at home, such as costs for utilities, Internet connection, and telephone services.

5. POLICY

This policy must be used in conjunction with DOD Instruction (DODI) 1035.01 and applicable statutory, regulatory, and DA guidance. USAREUR employees must have access to a Government computer with NIPR connectivity to participate in telework.

6. INTRODUCTION

Telework allows an employee to perform work at home or at an approved alternate worksite such as a telework center. Only HQ USAREUR has the authority to establish telework centers for itself and its organizations. USAREUR organizations do not have the authority to set up a telework center without HQ USAREUR approval. Unless other arrangements are made by the employing organization, employees who perform telework will generally be working from home. The benefits of telework include an improved employee morale; a better balance between the employee's worklife and home life; reduced commuting-related stress and costs; less environmental pollution; the provision of reasonable accommodation for individuals with disabilities and for individuals during recovery from a short-term injury or illness; and continuity of operations during emergency situations (for example, natural disasters, weather-related emergency situations, power outages, elevated security measures, mass-transit-system problems).

7. TYPES OF TELEWORK ARRANGEMENTS

Telework arrangements can be either regular and recurring or situational. The type of arrangement should be considered on a case-by-case basis, depending on the organization's and the employee's needs. Some work situations require occasional or infrequent arrangements while others are more conducive to regularly scheduled arrangements (for example, every Wednesday, once a pay period, once a month). Regularly scheduled telework may be authorized, but situational telework will be the norm for USAREUR employees.

a. Regular and Recurring Telework.

(1) Regular and recurring telework is based on an approved work schedule under which employees perform telework on a regular basis (for example, on 1 or 2 days per week) at home or at an alternate worksite. USAREUR policy does not authorize employees to telework on a full-time basis. Providing reasonable accommodation to an employee during a short-term medical condition or to an individual with a disability are the only exceptions to this policy.

(2) Employees are expected to report to work at their regular worksite on their telework days when required for operational reasons. Conversely, supervisors should accommodate employees' requests to change their scheduled telework days during a particular week or biweekly pay period whenever practicable, consistent with mission requirements.

b. Situational Telework. Situational telework, also referred to as ad-hoc or unscheduled telework, means approved telework that is performed at an alternate worksite on an occasional, one-time, or irregular basis. For example, situational telework may be authorized to—

(1) Complete short-term projects, reports, or mandatory training.

(2) Accommodate a short-term need of an employee who is recovering from an illness or injury and is temporarily unable to physically report to the office.

(3) Enable an employee to work at home when adverse weather is expected or is adversely affecting travel conditions.

(4) Enable employees to work at home part of a day to accommodate a personal commitment or a scheduled medical appointment.

8. ALTERNATE WORKSITES

a. Generally, USAREUR employees will be teleworking under an approved arrangement in a specified work- or office area of their home that is suitable for the performance of official Government business.

b. Staff principals and their equivalents and deputy staff principals may approve individual requests to work full-time from other Government office locations. Such telework arrangements must be reviewed every 6 months. In exercising this authority, senior leaders should consider an employee's needs while ensuring that telework does not adversely affect their organization's operations.

9. ELIGIBILITY FOR TELEWORK

a. The intent of the Telework Enhancement Act of 2010 is to promote and encourage telework. Accordingly, all USAREUR employees are eligible to telework unless they fall under one of the exceptions described in the memorandum at appendix A. Eligibility alone does not confer approval to participate, nor does it mean that an employee must choose to telework if his or her position is determined eligible. Once an employee is determined eligible, the supervisor will decide if participation is conducive to the work environment and does not diminish the employee's performance or mission operations.

b. Employees in positions that involve daily handling of classified material, access to secure networks, or daily face-to-face contact with customers are generally not eligible for telework. However, supervisors must assess whether or not such positions are eligible for telework on a situational or occasional basis. Most positions include some duties that can be performed at any location. Examples include reading or preparing reports; analyzing documents and studies; and preparing memorandums, briefings, standing operating procedures, and policy guidance. These tasks do not necessarily require an employee to be physically present at the regular worksite. Supervisors should discuss telework options with their employees and set clear expectations.

c. Employees who work an alternate work schedule (that is, a flexible work schedule or a compressed work schedule) are also authorized to telework.

10. TELEWORK AGREEMENTS

a. Supervisors and employees should discuss telework arrangements that will best meet the needs of both the organization and the employee. Supervisors should consider all requests for telework on a case-by-case basis; however, they should be mindful of treating all employees equitably and fairly.

b. Employees must complete DD Form 2946 before starting telework. The form must be signed by the employee and the supervisor and maintained by the supervisor. The supervisor and the employee must review the agreement at least once every 2 years and revise it when changing conditions warrant a revision.

c. Telework agreements resulting from reasonable accommodation requirements to support an employee during a medical condition or impairment must be coordinated through the EEO Disability Program Manager, Office of the Deputy Chief of Staff, G1, HQ USAREUR. The EEO Disability Program Manager provides advice on available information-technology equipment designed for individuals with disabilities, the requirements to safeguard medical information, and necessary recordkeeping.

d. Both employees and supervisors may terminate telework agreements at any time. If a supervisor determines that an agreement has an adverse effect on work operations or performance and decides to terminate the arrangement, he or she will notify the employee in writing at least 2 weeks before the termination date. Terminations of agreements that were made to provide reasonable accommodation to an employee during a medical condition or impairment must be coordinated through the servicing EEO office.

11. EMPLOYEE GRIEVANCES

If an employee disputes the reasons given by his or her supervisor for not approving telework or for terminating a telework agreement, he or she may submit a grievance following DA grievance procedures.

12. TIME AND ATTENDANCE

The same rules on time and attendance apply whether an employee is in a telework status or working at the regular worksite (for example, rules on work schedules, approving overtime and compensatory time, accounting for hours worked). However, to meet reporting requirements, employees or timekeepers will record the number of hours spent in a telework status using the following codes:

- a. TW—Telework Regular and Recurring.
- b. TS—Telework Situational.
- c. TM—Telework Medical (both situational and regular).

13. PERFORMANCE MANAGEMENT

The performance of teleworkers should be monitored and evaluated in the same manner as for employees working onsite.

14. TELEWORK AND TRAVEL

If a teleworker is directed to travel to another worksite, including the regular worksite, during his or her regularly scheduled tour of duty, travel hours will be credited as hours of work (for example, if an employee is working from home, but must report to a different location to attend a meeting).

15. EMERGENCY DISMISSAL OR CLOSING

USAREUR organizations will follow the instructions in DODI 1035.01 during an emergency. If an employee knows in advance of an emergency that precludes him or her from working at the alternate worksite, he or she (in coordination with the supervisor) must change the work schedule accordingly, take leave, or work at the regular worksite for the duration of the emergency.

16. AUTOMATION AND INFORMATION TECHNOLOGY (IT) SUPPORT

a. Employing organizations will determine the availability of Government-owned automation equipment and IT services to support employees performing official duties at alternate worksites including private residences. Automation equipment must be securely configured and accredited to support telework. If IT support that is essential to the performance of telework is unavailable or automation equipment is not securely configured and accredited to support the required tasks, employees will not be authorized to telework.

b. Employing organizations must coordinate automation and technology support for telework agreements resulting from reasonable accommodation requests with the servicing EEO office.

17. SECURITY

Employees will ensure that appropriate physical, administrative, and technical safeguards are used to protect the security and confidentiality of records in a telework situation. Teleworkers must not take classified documents (for example, Confidential, Secret), whether in a printed or electronic format, to alternate worksites. Employees who are required to work with classified documents daily are not eligible for telework.

18. WORKERS' COMPENSATION AND OTHER LIABILITIES

a. Employees are covered by the Federal Employees' Compensation Act, regardless of whether work is performed on an employing organization's premises or at an approved alternate worksite. The procedures for reporting an accident or injury are the same.

b. The Government is not liable for damages that occur to an employee's personal or real property while the employee is working at an approved alternate worksite.

19. REPORTING REQUIREMENTS

a. Supervisors will—

(1) Enter the position-eligibility status for all employees under their supervision in MyBiz.

(2) Ensure that all telework is captured in their employees' time and attendance records to meet annual reporting requirements on the use of telework.

b. At the end of each fiscal year, the USAREUR G1 will send a report to DOD providing the following information on U.S. civilian employees in USAREUR organizations:

(1) The total number of employees.

(2) The number of employees teleworking—

(a) 3 or more days per pay period.

(b) 1 or 2 days per pay period.

(c) Once a month.

(d) On a situational basis.

NOTE: DOD will retrieve the number of employees who are eligible to telework from DCPDS based on the eligibility status entries made by supervisors (para 4c(2)).

APPENDIX A

OFFICE OF THE UNDER SECRETARY OF DEFENSE Telework Eligibility MEMORANDUM



PERSONNEL AND
READINESS

OFFICE OF THE UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, DC 20301-4000

MAY 12 2011

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: Telework Eligibility

As you are aware, the President signed the Telework Enhancement Act of 2010 into law on December 9, 2010. The Act provides a framework to maximize the use of flexible work arrangements and reinforces DoD policy to actively promote and implement telework throughout the Department in support of DoD's commitment to workforce efficiency, emergency preparedness and quality of life.

The intent of the Act is to expand participation in telework. The Act defines three requirements for participation: employee telework-eligibility is identified Department-wide and employees are notified of their eligibility 180 days from the date of enactment; employees and their supervisors are trained in telework; and all employees who are authorized to telework have a written telework agreement with their supervisor

The Act presumes that all employees are *eligible* to telework, but specifies those conditions (Attachment 1) that make an employee *ineligible* to participate in telework. It does not establish new eligibility standards. We have provided your telework coordinators with samples of participation criteria for their use if Component standards and criteria have not yet been established. With the revised DoD Instruction 1035.01, Telework Policy, currently progressing through the DoD Instruction coordination process, establishing eligibility for all DoD employees to participate in telework is our highest priority.

Several Components have initiated the process to develop Component-specific criteria for eligibility to participate in telework based on job duties and employee performance or conduct. Components with robust telework programs have already identified those positions and employees that are appropriate for telework. These positions and employees do not need to be re-identified for their eligibility to participate in telework, but reviewing those positions and employees that are currently ineligible for telework participation is encouraged. Those employees whose participation status has changed must be notified of the change in their status. If you have not initiated the process for your Component, it is imperative that you begin this process without delay. The following actions must be accomplished:

- Telework participation status must be identified for all positions. Components should use a consistent decision making approach to determine eligibility based on criteria related to job requirements and an assessment of employee performance, conduct, and work habits.
- All employees must be notified of their telework eligibility status.

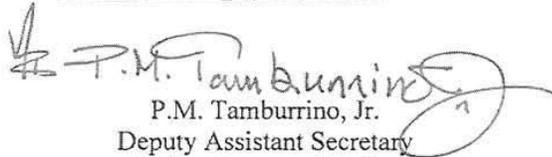
Figure A-1. Office of the Under Secretary of Defense Telework Eligibility Memorandum

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- OPM advises that by June 7, 2011, all employees must be notified that they are telework eligible if they do not meet the limitation criteria in Section 6502 of the Telework Enhancement Act of 2010 with the qualification that actual participation is contingent upon the duties of their position or employee performance or conduct criteria that could result in diminished employee performance or agency operations. Notification through a blast email or other mass notification is acceptable. A notification template (Attachment 2) is attached for your use by June 7, 2011.
 - Participation criteria determinations must be in progress, but may not necessarily be completed 180 days from enactment of the law. Participation notification should take place in a conversation between supervisors and employees as soon as it is feasible.
 - All employees who are eligible to participate in telework, but not currently teleworking under an approved telework agreement and their supervisors must be trained in telework before entering into a written telework agreement.

Several other actions are in progress to meet the requirements of the Act. CPMS Human Resources Business Information Technology Solutions (HR BITS) is developing an application to track telework eligibility by position and employee criteria in the Defense Civilian Personnel Data System (DCPDS). When the tracking system is deployed, HRSO personnel will be required to enter position eligibility status into DCPDS. Proposed delivery of the application is July 10, 2011. Supervisors will enter employee eligibility into MyBiz. DD Form 2946, DoD Telework Agreement, is being revised to document employee and supervisor self-certification of their participation in telework training.

I appreciate the efforts of your Component telework coordinators and your ongoing support of the actions required to assure the Department fully implements the provisions of the Act and that DoD policy provides a practical framework for an effective telework program.

I look forward to working with you as we implement the provisions of this new law and maximize its impact to enhance the DoD telework program. My point of contact is Ms. Pamela Budda who can be reached at Pamela.budda@cpms.osd.mil.


P.M. Tamburrino, Jr.
Deputy Assistant Secretary
Civilian Personnel Policy

Attachments:
As stated

DISTRIBUTION: ASSISTANT G-1 FOR CIVILIAN PERSONNEL POLICY
(DEPARTMENT OF THE ARMY)
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(DEFENSE FINANCE AND ACCOUNTING SERVICE)
DIRECTOR, MANPOWER PERSONNEL AND SECURITY
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CHIEF, OFFICE FOR HUMAN RESOURCES
(DEFENSE INTELLIGENCE AGENCY)
DIRECTOR, HUMAN RESOURCES OFFICER
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(DEPARTMENT OF DEFENSE EDUCATION ACTIVITY)
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(WASHINGTON HEADQUARTERS SERVICES)
EXECUTIVE DIRECTOR, HUMAN RESOURCES
(DEFENSE CONTRACT MANAGEMENT AGENCY)

**Figure A-1. Office of the Under Secretary of Defense Telework Eligibility Memorandum
(Continued)**

Draft Telework Enforcement Act of 2010 Telework Eligibility Notification template

The following information can be provided to employees in a Component email or memorandum format:

SUBJECT: Telework Enforcement Act of 2010 Telework Eligibility Information

The Telework Enforcement Act of 2010 was signed into law on December 9, 2010. The Act specifies roles, responsibilities and expectations for all Federal executive agencies with regard to telework policies; employee eligibility and participation; program implementation; and reporting.

The Act further specifies two categories of employees who may not be deemed eligible to telework under any circumstances: an employee who "has been officially disciplined for being absent without permission for more than 5 days in any calendar year" and an employee who "has 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, including child pornography, on a Federal Government computer or while performing official Federal Government duties [Public Law 111-292, 6502(a)(2)(A)(B)]."

It is Department of Defense policy that telework is actively promoted and implemented throughout the Department in support of the DoD commitment to workforce efficiency, emergency preparedness, and quality of life. [INSERT COMPONENT] remains committed to authorizing participation in telework for the maximum number of positions to the extent that mission readiness is not jeopardized. The following provides information on employee eligibility to participate in telework.

- DoD employees are considered eligible to telework if their position duties, performance, and conduct meet the criteria required by DoD policy and applicable Collective Bargaining Agreements in order to **participate** in a telework arrangement. Please be aware that telework is not an employee right and is subject to supervisory approval.
- These participation determinations are being made at the local level and your individual supervisors will talk with you about your eligibility to participate in telework. Employee requests to telework must be submitted to their supervisors. Employees who are eligible to participate in telework and their supervisors must complete telework training before completing the telework agreement:
<http://www.dtic.mil/whs/directives/infomgt/forms/eforms/dd2946.pdf> . OPM provides web-based telework training available at the following link:
http://www.telework.gov/Tools_and_Resources/Training/index.aspx.

The [INSERT COMPONENT] Point of Contact for information on this matter is [INSERT COMPONENT POC AND POC CONTACT INFORMATION].

This information must be provided to all Component employees by June 7, 2011 to meet the notification requirement in the Act.

Attachment

Figure A-1. Office of the Under Secretary of Defense Telework Eligibility Memorandum (Continued)

Telework Eligibility Limitations

Section 6502 of the Telework Enhancement Act of 2010 establishes the following limitation to employees' eligibility to telework under Federal agencies telework policies if:

- The employee has been officially disciplined for being absent without permission for more than 5 days in any calendar year; or
- The employee has been officially disciplined for violations of Subpart G Standards of Ethical Conduct of Employees of the Executive Branch (Section 2635.704 of title 5, Code of Federal Regulations) for viewing, downloading, or exchanging pornography, including child pornography on a Federal Government computer or while performing Federal Government duties.

Other possible limitations include the following types of positions that are typically not eligible for telework, but there may be a portion of the position's functions/tasks can be performed via telework:

- Positions that require, on a daily basis, direct handling of classified materials.
- Positions that require, on a daily basis, an on-site activity or face-to-face personal contacts that cannot be handled remotely or at an alternative worksite (e.g., hands-on contact with machinery, equipment, or vehicles; direct patient care).

The following conditions impact employee eligibility to telework, but should not result in permanent telework ineligibility:

- Employees whose performance or conduct warrants more close supervisory direction than telework may provide, whose rating of record is below fully successful (or its equivalent), whose conduct has resulted in disciplinary action within the past 12 months, or who have unresolved security issues.
- Employees recently assigned or newly appointed to trainee or entry level positions.

Attachment

Figure A-1. Office of the Under Secretary of Defense Telework Eligibility Memorandum (Continued)

GLOSSARY

SECTION I ABBREVIATIONS

DA	Department of the Army
DCPDS	Defense Civilian Personnel Data System
DD	Department of Defense
DOD	Department of Defense
DODI	Department of Defense instruction
EEO	equal employment opportunity
IT	information technology
NIPR	Unclassified but Sensitive Internet Protocol Router
OPM	Office of Personnel Management
USAREUR	United States Army Europe
USAREUR G1	Deputy Chief of Staff, G1, United States Army Europe

SECTION II TERMS

alternate worksite

A location away from the regular worksite that has been approved for the performance of assigned official duties (for example, an employee's home, a telework center).

regular and recurring telework

An approved work schedule for an employee to work at an alternate worksite on a regular, recurring, and ongoing basis at least twice each biweekly pay period.

regular worksite

An approved location where an employee regularly performs his or her official duties.

situational telework

Work that is performed at a location away from the regular worksite on a nonroutine, ad-hoc basis. This includes work performed to complete a short-term special assignment or to accommodate special circumstances, even though it may occur continuously for a specific period.

telework

A voluntary work arrangement under which an employee performs official duties at a worksite other than the regular worksite, either at home or at other locations that are geographically convenient to the employee.

telework agreement

A written agreement (DD Form 2946) completed and signed by an employee and a management official authorized to approve telework that outlines the terms and conditions of a telework arrangement.

telework center

A Government Services Administration (GSA) facility or a GSA-approved facility that provides a geographically convenient office setting with workstations and other office equipment and services that are used by civilian employees from more than one organization.

telework eligibility

The suitability for teleworking based on the characteristics of a job and the employee performing it, as determined by a supervisor or other management official in the employee's chain of command.

telework site

A worksite different from an employee's regular worksite at which an employee performs official duties.