



Department of Defense INSTRUCTION

NUMBER 1035.01

April 4, 2012

Incorporating Change 1, Effective April 7, 2020

USD(P&R)

SUBJECT: Telework Policy

References: See Enclosure 1

1. **PURPOSE.** In accordance with the authority in DoD Directive 5124.02 (Reference (a)), this Instruction:

a. Reissues DoD Instruction 1035.01 (Reference (b)).

b. Establishes policy, assigns responsibilities, and prescribes procedures for implementing DoD telework programs.

c. Implements the provisions of sections 6501 through 6506 of title 5, United States Code (U.S.C.), as added by Public Law 111-292 (also known as the “Telework Enhancement Act of 2010”) (Reference (c)); section 359 of Public Law 106-346 (Reference (d)); and sections 101 and 206 of title 37, U.S.C. (Reference (e)).

2. **APPLICABILITY.** This Instruction applies to:

a. OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (hereinafter referred to collectively as the “DoD Components”).

b. Employees (as defined in the Glossary) and Service members where indicated in the Instruction and at the discretion of the Heads of the OSD and DoD Components.

3. **DEFINITIONS.** See Glossary.

4. POLICY. It is DoD policy that telework shall be:

a. Actively promoted and implemented throughout the DoD in support of the DoD commitment to workforce efficiency, emergency preparedness, and quality of life. Telework facilitates the accomplishment of work; can serve as an effective recruitment and retention strategy; enhance DoD efforts to employ and accommodate people with disabilities; and create cost savings by decreasing the need for office space and parking facilities, and by reducing transportation costs, including costs associated with payment of transit subsidies.

b. Authorized for the maximum number of positions to the extent that mission readiness is not jeopardized.

c. Used to the broadest extent possible by eligible employees on a regular and recurring basis, up to and including full-time telework, or a situational basis at an approved alternative worksite. Telework, however, is not an entitlement.

d. Periodically exercised to ensure its effectiveness in continuing operations in the event of a crisis or national emergency (e.g., pandemic influenza).

e. Used to help create employment and return-to-work opportunities for veterans, people with disabilities, and spouses of Service members and employees being relocated.

5. RESPONSIBILITIES. See Enclosure 2.

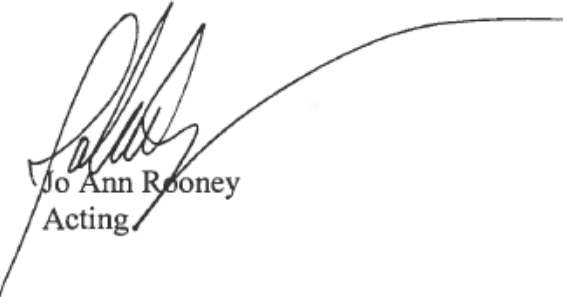
6. PROCEDURES. See Enclosure 3.

7. INFORMATION COLLECTION REQUIREMENTS. The DCPAS Annual Telework Report referred to in paragraph 7.f. of Enclosure 2 has been assigned Report Control Symbol (RCS) DD-P&R(A)2433 in accordance with DoD Manual 8910.01 (Reference (f)).

8. RELEASABILITY. **Cleared for public release.** This Instruction is available on the Directives Division Website at <https://www.esd.whs.mil/Directives/>.

9. SUMMARY OF CHANGE 1. The change to this issuance updates references and organizational titles and removes expiration language in accordance with current Chief Management Officer of the Department of Defense direction.

10. EFFECTIVE DATE. This Instruction is effective April 4, 2012.



Jo Ann Rooney
Acting

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Glossary

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ENCLOSURE 1

REFERENCES

- (a) DoD Directive 5124.02, “Under Secretary of Defense for Personnel and Readiness (USD(P&R)),” June 23, 2008
- (b) DoD Instruction 1035.01, “Telework Policy,” October 21, 2010 (hereby cancelled)
- (c) Sections 6501 through 6506 of title 5, United States Code, as added by Public Law 111-292 (also known as the Telework Enhancement Act of 2010)
- (d) Section 359 of Public Law 106-346, “Department of Transportation and Related Agencies Appropriations Act 2001,” October 23, 2000
- (e) Sections 101 and 206 of title 37, United States Code
- (f) DoD Manual 8910.01, “DoD Information Collections Manual,” June 30, 2014, as amended
- (g) DoD Directive 8000.01, “Management of the Department of Defense Information Enterprise (DoD IE),” March 17, 2016, as amended
- (h) DoD Directive 8100.02, “Use of Commercial Wireless Devices, Services, and Technologies in the Department of Defense (DoD) Global Information Grid (GIG),” April 14, 2004
- (i) DoD Instruction 8500.01, “Cybersecurity,” March 14, 2014, as amended
- (j) DoD Instruction 5400.11, “DoD Privacy and Civil Liberties Programs,” January 29, 2019
- (k) DoD 5400.11-R, “Department of Defense Privacy Program,” May 14, 2007
- (l) Sections 791 and 794a of title 29, United States Code (also known as “The Rehabilitation Act of 1973, as amended”)
- (m) Sections 531.605, 550.112(g), 550.409, 551.422, and 2635.704 of title 5, Code of Federal Regulations
- (n) DoD Instruction 5200.01, “DoD Information Security Program and Protection of Sensitive Compartmented Information (SCI),” April 21, 2016, as amended
- (o) Section 552a of title 5, United States Code (also known as the “Privacy Act of 1974”)
- (p) DoD Manual 5400.07, “DoD Freedom Of Information Act (FOIA) Program,” January 25, 2017
- (q) Office of Management and Budget Memorandum 07-16, “Safeguarding Against and Responding to the Breach of Personally Identifiable Information”, May 27, 2007
- (r) Office of Management and Budget Memorandum 06-16, “Protection of Sensitive Agency Information, June 23, 2006
- (s) Section 423 of title 41, United States Code (also known as section 27 of the “Office of Federal Procurement Policy Act, as amended”)
- (t) Federal Acquisition Regulation, current edition
- (u) Defense Federal Acquisition Regulation Supplement, current edition
- (v) Page 13845 of Volume 71, Federal Register, March 17, 2006
- (w) Section 620 of Public Law 104-52, “The Treasury, Postal Service, and General Government Appropriations Act of 1996”, November 19, 1995
- (x) Sections 1346(b), 1402(b), 2401(b), and 2761-1680 of title 28, United States Code (also known as “The Federal Tort Claims Act”)
- (y) Section 3721 (also known as “The Military Personnel and Civilian Employees Claims Act”) of title 31, United States Code

- (z) Chapter 81 of title 5, United States Code (also known as “The Federal Employees’ Compensation Act”)
- (aa) Chapter 18 of title 33, United States Code (also known as “The Longshore and Harbor Workers’ Compensation Act”)
- (ab) Section 630 of Public Law 105-277, “Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999,” October 21, 1998
- (ad) DoD Directive 8140.01, “Cyberspace Workforce Management,” August 11, 2015, as amended

ENCLOSURE 2

RESPONSIBILITIES

1. UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS (USD(P&R)). The USD(P&R) shall oversee the development and implementation of a telework policy for the DoD.

2. DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR CIVILIAN PERSONNEL POLICY (DASD(CPP)). The DASD(CPP), under the authority, direction, and control of the USD(P&R), through the Assistant Secretary of Defense for Readiness and Force Management (ASD(R&FM)), shall:

a. Develop DoD telework policy, guidelines, procedures, and processes.

b. Designate a DoD Telework Managing Officer (TMO) to implement, monitor, and evaluate the DoD's telework implementation program for compliance with this Instruction and section 6505 of Reference (c); serve as an advisor for DoD leadership; and serve as a resource for DoD Components.

c. Develop telework marketing materials.

d. Coordinate telework information technology requirements with the DoD Chief Information Officer (DoD CIO).

3. DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR MILITARY PERSONNEL POLICY (DASD(MPP)). The DASD(MPP), under the authority, direction, and control of the USD(P&R), through the ASD(R&FM), shall assist the DASD(CPP) with developing telework policies pertaining to military personnel.

4. ASSISTANT SECRETARY OF DEFENSE FOR MANPOWER AND RESERVE AFFAIRS (ASD(M&RA)). The ASD(M&RA), under the authority, direction, and control of the USD(P&R), shall assist the DASD(CPP) with developing telework policies pertaining to the Reserve Components.

5. DIRECTOR, DEFENSE HUMAN RESOURCE ACTIVITY (DHRA). The Director, DHRA, under the authority, direction, and control of the USD(P&R), shall:

a. Prepare consolidated reports on DoD-wide employee telework participation rates. Coordinate with the TMO to assess the progress made in achieving telework participation goals during the reporting period and other DoD goals relating to telework (e.g., the impact of telework

on emergency preparedness, recruitment, and retention) and submit to the Office of Personnel Management (OPM) for the annual Status of Telework in the Federal Government Report to Congress.

- b. Prepare DoD telework eligibility status reports.

6. DoD CIO. The DoD CIO shall:

- a. Develop strategies and provide guidance for enterprise information technology capabilities and data security required to support telework.
- b. Oversee the evaluation of new and emerging technologies that facilitate telework and approve them for DoD-wide use, as appropriate.
- c. Establish criteria and guidelines for using and protecting Government furnished equipment (GFE) and non-GFE, including personally owned equipment, to access DoD information systems and networks to perform telework.

7. HEADS OF THE OSD AND DoD COMPONENTS. The Heads of the OSD and DoD Components shall:

- a. Develop, implement, and operate telework programs in accordance with law, this Instruction, and other applicable DoD policies.
- b. Delegate authority for telework implementation to subordinate authorities as deemed appropriate.
- c. Designate a Component Telework Coordinator or Manager to implement and evaluate the Component telework program for compliance with this Instruction and sections 6501 through 6506 of Reference (c); serve as an advisor for Component leadership; and serve as a resource for supervisors and employees.
- d. Actively promote telework within their respective Components, consistent with accomplishing their respective assigned missions, and make every effort to overcome artificial barriers to program implementation through education and training for leadership and supervisors on telework benefits and performance in a telework environment and the value of integrating telework into continuity of operations (COOP) activities.
- e. Designate positions to indicate telework eligibility and require documentation in the position record in the Defense Civilian Personnel Data System (DCPDS) or equivalent human resources system. Determine eligibility for all Component employees to telework; require documentation of employee telework eligibility in the employee record in DCPDS. Make telework position determinations when establishing new positions or filling vacant positions that

were not previously designated for telework eligibility. Notify all Component employees of their telework eligibility.

f. Establish annual Component telework participation goals, track employee participation, monitor goal progress, and provide employee telework eligibility and participation data to Defense Civilian Personnel Advisory Service (DCPAS) for submission to OPM for the annual Status of Telework in the Federal Government Report to Congress.

g. Require employees or Service members who are eligible to telework and their supervisors to be fully trained on telework procedures including information technology and data security, and safety requirements consistent with the guidance in DoD Directives 8000.01 and 8100.02; DoD Instructions 5400.11 and 8500.01; and DoD 5400.11-R (References (g) through (k)). Delegate authority to excuse those employees who are teleworking under an approved telework agreement as of the date of the issuance of this Instruction from mandatory training to subordinate authorities as deemed appropriate consistent with the guidance in section 6503 of Reference (c).

h. Require all employees who are authorized to telework to complete DD Form 2946, "Department of Defense Telework Agreement," available on the Directives Division Website at <https://www.esd.whs.mil/Directives/forms/>.

i. Monitor and assess Component telework implementation to ensure compliance with this Instruction, Component specific guidance, and collective bargaining agreements, as applicable.

ENCLOSURE 3

PROCEDURES

1. TELEWORK APPLICABILITY. Telework is an effective strategy for mission accomplishment, ensuring COOP in a crisis, and recruiting and retaining valued talent. Telework also benefits the environment by reducing traffic congestion and decreasing energy consumption and pollution. Telework can be used:

- a. On a regular and recurring basis.
- b. On a situational, non-routine, or ad hoc basis:

(1) To perform large projects, tasks that require concentration and uninterrupted blocks of time for successful completion, or to accomplish routine job tasks when practicable.

(2) For supervisor or commander directed Web-based distance and continuous learning, including educational requirements required by law or regulation. Training requested by an employee or Service member is subject to the supervisor's or commander's approval, as applicable, and must conform to the provisions of applicable regulations.

(3) When the regular worksite is closed during adverse or inclement weather conditions (e.g., snow emergencies, floods, hurricanes) or with supervisor approval when OPM announces that Government offices are open with the option for unscheduled telework when severe weather conditions or other circumstances disrupt commuting and compromise employee safety. More information on unscheduled telework options can be found in OPM's Washington D.C. Dismissal and Closure Procedures at <http://www.opm.gov/oca/compmemo/dismissal.pdf>. While this OPM instruction is intended to apply to situations affecting Federal employees in the Washington D.C. area, Federal Executive Boards coordinate similar procedures in other metropolitan areas based on this guidance. Components are authorized to implement this guidance when the local Commander makes operation status decisions for weather-related conditions for installations or sites outside of the Washington D.C. area.

c. As a regular or situational, arrangement for employees or Service members with impairments, as appropriate. The DoD Computer/Electronic Accommodations Program may provide services and accommodations (e.g., assistive devices and technology) for employees or Service members with impairments teleworking under an approved telework arrangement. In the case of covered employees, telework arrangements may be a form of reasonable accommodation pursuant to sections 791 and 794a of title 29, U.S.C. (also known as "The Rehabilitation Act of 1973, as amended") (Reference (1)). The Rehabilitation Act of 1973, as amended, does not apply to military personnel.

d. Periodically (as practice) to prepare for COOP and an efficient transition to telework in the event of an emergency situation.

2. TELEWORK ELIGIBILITY

a. The Department of Defense shall determine the eligibility of all employees to participate in telework. Eligible employees shall be permitted to telework to the maximum extent possible without diminished individual or organization performance. All employees shall be notified of their eligibility to telework.

b. Service member eligibility is discretionary and determined by the relevant commander or supervisor, consistent with this Instruction and Component specific guidance.

c. Foreign national employee eligibility and implementation will be determined jointly by the relevant overseas Service component commanders [OR SUPERVISOR], in accordance with the joint committee process applicable to the country concerned, and consistent with applicable host nation laws and regulations as well as international agreements and implementing arrangements.

d. Telework eligibility criteria should be applied impartially and consistently without prohibited factors being considered.

e. Supervisors or commanders should allow maximum flexibility for employees or Service members to telework to the extent that mission readiness or accomplishment is not compromised. Regular, routine use of telework programs will allow supervisors, employees, and Service members to identify and resolve technology, equipment, communications, workflow, and associated issues that could impact the efficiency of mission accomplishment and inhibit the transparency of remote work.

f. Telework is a discretionary workplace flexibility. Although use of telework is encouraged, employees cannot be ordered to telework, unless the employee's duties are designated as mission-critical and the employee is required to report to an alternative worksite or the employee's telework agreement addresses this requirement. In certain situations based on the following criteria, positions or employees may be identified as ineligible for telework. However when an employees' position is ineligible for telework, there may be circumstances or portions of employees' work (e.g., reading and analyzing documents, and preparing reports or other types of correspondence) when the employees in these positions may be considered for telework on a situational basis:

(1) Employees in positions that require, on a daily basis, direct handling of classified materials. Classified work at an approved alternative secure location may be allowed contingent on individual DoD Component requirements regarding such work, when situations warrant.

(2) Employees in 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).

(3) 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 that might influence telework eligibility (e.g., based on personal conduct, handling protected information, or use of information technology information systems).

(4) Employees recently assigned or newly appointed to trainee or entry level positions. The length of time for which the employee is deemed ineligible for telework is at the Component's discretion and should be based upon criteria identified and addressed in the Component's telework guidance (e.g., the employee's performance within the first 6 months in the position or at mid-term review is at an acceptable level).

g. Employees in positions determined not normally suitable for telework as cited in subparagraphs 2.f.(1) through (4) of this enclosure may become eligible to telework in an emergency situation if their functions are designated as mission-critical.

h. DoD Components shall review the criteria at subparagraphs 2.f.(1) through (4) of this enclosure to determine employee eligibility to participate in telework on either a regular or situational basis.

i. Employees shall not be authorized to telework consistent with the guidance set forth in section 6502 of Reference (c) if:

(1) The employee has been officially disciplined for being absent without permission for more than 5 days in any calendar year.

(2) The employee has been officially disciplined for violations of subpart G of the Standards of Ethical Conduct of Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing Federal Government duties consistent with the guidance set forth in section 2635.704 of title 5, Code of Federal Regulations (Reference (m)).

3. TELEWORK REQUIREMENTS

a. Supervisor Functions

(1) Determine employee eligibility for regular and recurring or situational telework consistent with the requirements of paragraphs 2.a. through h. of this enclosure and Component guidance and collective bargaining agreements, as applicable.

(2) Notify employees of their eligibility to telework.

(3) Participate in telework training prior to approving employees' telework agreements and allow them to telework consistent with the requirements of paragraph 3.1. of this enclosure and Component guidance.

(4) Approve or deny requests for telework based upon mission requirements, employee performance, current disciplinary actions, inappropriate work habits, and the needs of the workgroup. Complete, sign, and maintain a DD Form 2946, consistent with the requirements of subparagraphs 3.d.(1) through (6) of this enclosure and Component guidance when an employee's request to telework is approved. Base denial of telework requests on mission requirements, performance, conduct, or the needs of the workgroup (e.g., office coverage). Justify, in writing, the basis for the denial or termination of telework on the DD Form 2946. Include information about when the employee may reapply or actions that the employee should take to improve his or her chance of approval, when practicable.

(5) Ensure adequate worksite coverage during business hours so that mission operations continue to be carried out efficiently and effectively and teleworkers and onsite employees are treated equitably.

(6) Ensure teleworkers are held accountable for GFE.

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

b. Employee Functions

(1) Participate in telework training prior to entering into a written telework agreement consistent with the requirements of paragraph 3.l. of this enclosure and Component guidance.

(2) Complete DD Form 2946 detailing the location of the alternative worksite consistent with the requirements of subparagraphs 3.d.(1) through (6) of this enclosure and Component guidance. If requesting telework at home, designate one area in the home as the official work station for purposes of telework, ensure that the designated area complies with safety requirements, and complete the self-certification safety checklist. Report any work-related accident or injury occurring at the alternative worksite and provide the supervisor with medical documentation related to the accident or injury.

(3) Protect all controlled unclassified information (CUI) as defined in DoD Instruction 5200.01 (Reference (n)) including Privacy Act or For Official Use Only data, and classified (where applicable and authorized at a secure alternative location) data and comply with all criteria and guidelines for information and electronic security consistent with subparagraphs 3.f.(1) through (5) of this enclosure and Component guidance.

(4) Safeguard and ensure appropriate use of GFE consistent with subparagraphs 3.g.(1) through (5) of this enclosure and Component guidance.

(5) Work at the regular worksite on scheduled telework days if called for by mission requirements.

(6) Contact the supervisor to request unscheduled telework when Government employees are provided this option consistent with subparagraph 3.i.(3) of this enclosure and Component guidance.

(7) Maintain a required performance level of at least the fully successful level or equivalent.

(8) Code and report approved telework time in the Component Time and Attendance System.

c. Service Member Functions. Service member responsibilities are at the discretion of the Heads of the OSD and DoD Components and where indicated in this Instruction.

d. Telework Agreements

(1) All employees who are authorized to telework shall complete a DD Form 2946. The DD Form 2946 shall be signed and dated by the employee and supervisor and maintained by the employee's supervisor. Components are encouraged to include a DD Form 2946 in the new employee on-boarding packages for those employees occupying telework eligible positions to ensure that they are aware of their telework responsibilities, should telework be offered or requested. Information on telework responsibilities should be posted throughout the workplace and included in periodic training events.

(2) Employees with mission-critical duties and those who may be required to telework in the case of a COOP event, office closure due to adverse or inclement weather, or pandemic health crisis shall have a DD Form 2946 in place.

(3) Completed DD Forms 2946 should outline the specific work arrangement agreed upon and address the logistics of alternative workplace arrangements such as the employee's work schedule, security requirements for DoD information, safety requirements for the alternative worksite, supplies and equipment issued, protection of GFE, the supervisor's expectations of a teleworker's performance, and the employee's emergency response telework responsibilities. All telework agreements, regardless of the employee's emergency response status, should address:

(a) The employee's telework location (e.g., the employee's home or other approved alternative worksite such as a telework center, when appropriate).

(b) Telework requirements when the regular worksite is closed (e.g., emergency dismissal due to adverse weather conditions such as snow emergencies, floods, hurricanes, or any other type of emergency situation) or when OPM announces that Government offices are open with the option for unscheduled telework when severe weather conditions or other circumstances disrupt commuting and compromise employee safety.

(c) Instructions on whether classified (where applicable and authorized at a secure alternative location) and CUI data is authorized for use at the telework location. If so, criteria for

the proper encryption, storage, safeguarding, and return of such information and data shall be consistent with subparagraphs 3.f.(2)(a) through (c) of this enclosure. The DD 2946 shall also include Component specific guidance and criteria.

(d) That the employee may not be authorized to telework if the employee's performance does not comply with the terms of the telework agreement.

(4) If the employee's home is the telework location, it is the responsibility of the employee to make certain that a safe work environment is maintained while teleworking. Employees should designate one section of the home as the telework work station for purposes of the telework agreement and complete and sign a self-certification safety checklist as part of the initial submittal of the DD Form 2946 prior to beginning the telework arrangement.

(5) Telework agreements shall be reviewed by the supervisor and teleworker, re-validated at least every 2 years, and revised when appropriate. A new DD Form 2946 should be completed when a new supervisor is responsible for the employee.

(6) Teleworkers may be required to return to the regular worksite on scheduled telework days based on operational requirements (e.g., to attend a specific meeting). A recall to the office for operational reasons is not a termination of the telework agreement. Requests by teleworkers to change their scheduled telework day(s) in a particular week or biweekly pay period should be accommodated by the supervisor where practicable, consistent with mission requirements. A permanent change of the telework agreement must be reflected by approval of a new DD Form 2946.

e. Official Worksite. Designation of the official worksite shall be established for an employee on an approved regular telework schedule on a case-by-case basis consistent with the guidance in section 531.605 of Reference (m). The official worksite for an employee covered by a telework agreement is the location of the regular worksite for the employee's position (i.e., the place where the employee would normally work absent a telework agreement), as long as the employee is scheduled to report physically at least twice each biweekly pay period on a regular and recurring basis to the regular worksite. The employee's official worksite may involve an arrangement where the employee has no dedicated space at the worksite, but uses alternative arrangements when working at the official worksite location (e.g., desk sharing, hoteling, or hot desking). In the case of a telework employee whose work location varies on a recurring basis, the employee does not need to report at least twice each bi-weekly pay period to the regular worksite established by the agency as long as the employee is performing work within the same geographic area (established for the purpose of a given pay entitlement) as the employee's regular worksite.

(1) When an employee's worksite is changed from the official worksite to the telework location in a permanent arrangement, a Standard Form 50, "Notification of Personnel Action," or equivalent nonappropriated fund form must be completed by the servicing human resources office. Supervisors and employees should be aware of the implications of this arrangement.

(a) Employees are compensated based on the location of their official worksite (i.e., when the telework location is the employee's official worksite, locality pay would be based on the location of the telework site, not the regular worksite).

(b) Employees are entitled to reimbursement for official business travel to the regular worksite when the employee teleworks full-time from a location outside of the local commuting area, and his or her alternative worksite has been determined as his or her official duty station.

(2) Reassignment of the employee from the official worksite to the telework site may also have implications for a reduction in force (e.g., the telework site may be a different competitive area than the regular worksite).

f. Security Considerations. Employees or Service members are responsible for safeguarding all DoD information, protecting GFE and Government property, and performing assigned duties while teleworking in support of Component mission requirements. Government-furnished computer equipment, software, and communications, with appropriate security measures, are required for any telework arrangement that involves CUI data.

(1) Employees and Service members in telework arrangements shall not take classified documents (hard copy or electronic) to their homes or alternative worksites. If classified telework is authorized at an approved alternative secure location, teleworkers shall comply with the procedures established by the DoD Component regarding such work.

(2) Employees and Service members must protect CUI, including Privacy Act or For Official Use Only data, consistent with the guidance set forth in Reference (j); section 552a of title 5, U.S. C. (also known as the Privacy Act of 1974) (Reference (o)); and DoD Manual 5400.07 (Reference (p)); as well as DoD Component policy.

(a) Teleworking employees who access Personally Identifiable Information (PII) may only do so on encrypted GFE requiring two-factor authentication for access, in accordance with OMB Memorandum 07-16 (Reference (q)).

(b) Extraction of PII from DoD systems onto GFE used for teleworking is prohibited unless approved by a manager and logged and erased in accordance with the requirements of OMB Memorandum 06-16 (Reference (r)).

(c) The use of personal e-mail accounts for PII transmission is strictly prohibited. PII may only be e-mailed between Government email accounts and must be encrypted and digitally signed.

(3) Employees and Service members must protect CUI or contractor proprietary data restricted by section 423 of title 41, U.S.C. (also known as section 27 of the "Office of Federal Procurement Policy Act, as amended") (Reference (s)) or data otherwise restricted by the Federal Acquisition Regulation (Reference (t)) or the Defense Federal Acquisition Regulation Supplement (Reference (u)) or other acquisition policies.

(4) Employees and Service members must comply with criteria and guidelines established by the DoD CIO and their respective Components for using both GFE and non-GFE and for access to DoD information systems and networks to perform telework.

(5) Employees and Service members who telework from home must comply with criteria and guidelines established by their respective Components for keeping Government property and information safe and secure. Restrictions may apply to employees or Service members located outside of the continental United States as determined by DoD Component criteria and guidelines.

g. Equipment and Office Supplies. DoD Components should provide the necessary equipment and office supplies (e.g., paper, toner, and printer ink) for use with GFE for employees and Service members who telework on a regular and recurring basis, within budgetary constraints, based on the nature and type of work performed. Equipment and supplies may be furnished for employees and Service members who telework on a situational basis when practicable. Employees must comply with equipment usage requirements set forth in the telework agreement. The General Services Administration (GSA) offers guidelines for equipment and support that agencies may provide to teleworkers on page 13845 of Volume 71, Federal Register (Reference (v)).

(1) GFE should be approved for employees or Service members who telework on a regular and recurring basis and for situational teleworkers, when practicable. The local Component commander or supervisor should determine the propriety of furnishing and installing GFE and software. The Component will be responsible for the service and maintenance of GFE.

(2) DoD remote access software may be installed onto Government-furnished and personally-owned computers to enable access to unclassified DoD systems and networks consistent with criteria and guidelines established by the DoD CIO and the employee's or Service member's respective DoD Component requirements.

(3) GFE shall be used for official use and authorized purposes only. Family members and friends of employees or Service members are not authorized to use GFE and materials. GFE must be returned to the DoD Component at the conclusion of teleworking arrangements or at the Component's request.

(4) Use of personally owned computers to access unclassified DoD systems or networks remotely must comply with the criteria and guidelines for using personal equipment established by the DoD CIO and the employee's or Service member's respective DoD Component requirements.

(5) The employee or Service member is responsible for the installation, repair, and maintenance of all personally-owned equipment and other incremental costs associated with the residential worksite. Operating costs associated with the teleworker using their personal residence as the alternative worksite including home maintenance, insurance, or utilities (e.g., heat, electricity) will not be assumed by the DoD.

(6) DoD Components may use appropriated funds to install telephone lines, broadband, or other necessary telecommunications equipment in a private residence and fund appropriate monthly expenses for employees that telework on a regular and recurring basis, when the purpose is for official Government business consistent with the guidance set forth in section 1348 note of title 31, U.S.C. (Reference (w)) (also known as “The Treasury, Postal Service, and General Government Appropriations Act of 1996”). Components may also issue a calling card, provide a cell phone, or reimburse for long-distance (domestic and international) telephone expenses if incurred as a result of official business.

(7) The DoD is not liable for damages to the employee’s or Service member’s personal or real property while the employee or Service member is working at home, except to the extent the Government is liable under sections 1346(b), 1402(b), 2401(b), and 2761-1680 of title 28, U.S.C. (also known as “The Federal Tort Claims Act”) (Reference (x)) or section 3721 of (also known as “The Military Personnel and Civilian Employees Claims Act”) (Reference (y)).

(8) Employees are covered by chapter 81 of title 5, U.S.C. (also known as “The Federal Employees’ Compensation Act” (Reference (z)) when injured or suffering from work-related illnesses while conducting official Government business at the telework location. The DoD’s potential exposure to liability is restricted to the designated official alternative worksite. Employees paid from nonappropriated funds are covered under chapter 18 of title 33, U.S.C. (also known as “The Longshore and Harbor Workers’ Compensation Act”) (Reference (aa)). Employees should notify their supervisors if injured while teleworking and provide their supervisors with medical documentation related to the injury.

h. Telework Centers

(1) DoD Components are authorized, consistent with section 630 of Public Law 105-277 (Reference (ab)), to fund costs associated with renting space, including equipment and utilities, at telework centers as practicable. Components may provide employees with a cell phone or calling card to cover long distance telephone charges while working at a telework center.

(2) Security requirements prescribed in this Instruction apply to all employees who telework, including those who telework from telework centers.

i. Emergency Situations

(1) Employees or Service members who perform mission-critical duties may be required to work from home or an alternative worksite such as a telework center during an emergency situation. Components shall require these employees to complete a DD Form 2946. The telework agreement should address the telework location and work expectations. Supervisors will include a description of emergency duties with the telework agreement if emergency duties are different from the employee’s normal duties. During any period that a Component is operating under the COOP plan, that plan shall supersede the telework policy and the provisions of the telework agreement. Telework agreements are not required for Service members.

(2) In the event of a pandemic health crisis, employees with COOP responsibilities, Service members, and employees who do not have COOP responsibilities, but are trained and equipped to telework, may be asked to telework to prevent the spread of germs. These employees or Service members should telework on a regular basis to ensure their proficiency and telework's effectiveness in continuing operations. Employees or Service members in positions not typically eligible for telework should telework on a situational basis when feasible. These employees shall have a signed DD Form 2946 in place.

(3) Employees approved for regular and situational telework who are not able to report to their assigned office location due to office closure or dismissal from a natural or manmade emergency event (e.g., hurricane, earthquake, wildfire, flooding, act of terrorism) or when OPM announces that Government offices are open with the option for unscheduled telework when weather conditions or other circumstances disrupt commuting and compromise employee safety, shall telework each regularly scheduled work day during the emergency situation, when the capability to telework is available at the alternative worksite. When Government offices are closed to the public, designated employees who are unable to work due to personal situations or other circumstances (e.g., illness, dependent care responsibilities, loss of electrical power, evacuation by local authorities, or the employee cannot access materials necessary to continue work during the emergency) shall attempt to contact a supervisor to request leave appropriate for those circumstances or to be excused from duty. Supervisors may administratively excuse designated teleworkers from teleworking on a case-by-case basis. If the worksite office is open and circumstances prevent the employee from teleworking, the employee may report to the worksite or request leave as practicable. If the teleworker is unable to communicate with his or her supervisor to be excused from duty and cannot maintain their remote working status, the teleworker should follow the Component's emergency guidance, orders, and procedures (e.g., outlined in COOP and other applicable emergency management plans). Any requirement that a teleworker continue to work during an office closure or early dismissal shall be included in the employee's DD Form 2946.

(4) When an employee's residence or other approved alternative worksite has been designated as a safe haven during an emergency, such as a pandemic health crisis evacuation, the supervisor may assign any work necessary, as long as the employee has the skills to perform the assigned work, without regard to the employee's grade or pay band level. In cases where a safe haven is designated, a DD Form 2946 does not need to be in place consistent with the guidance in section 550.409 of Reference (m).

(5) Employees or Service members designated as mission-critical should telework on a regular basis to ensure their proficiency and telework's effectiveness in continuing operations in the event of an emergency or pandemic. Mission-critical employees in positions not typically eligible for telework should telework on a situational basis, when feasible. Such employees shall have a signed DD Form 2946 in place.

j. Work Schedules and Compensation

(1) Employees who telework must be at their alternative worksite during their scheduled tours of duty.

(2) Employees may not use telework as a substitute for dependent care (e.g., child or elder care).

(3) Employees who telework may also have alternative work schedules at the discretion of the supervisor.

(4) Employees may work part of the day at their approved alternative worksite and part of the day at the traditional worksite to accommodate work schedules and personal commitments (e.g., to attend a training course or a medical appointment located near the employee's alternative worksite prior to reporting to the regular worksite).

(5) Premium pay provisions that apply to work at the regular worksite also apply to employees who telework. Employees may work overtime only when specifically ordered and 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.

k. Time and Attendance. Time spent in a telework status must be accounted for and reported in the same manner as if the employee reported for work at the regular worksite.

(1) Supervisors should establish appropriate procedures for documenting hours of work and approved leave for teleworkers to ensure telework hours are appropriately coded as regular and recurring, situational, or medical. DoD Components using the Defense Civilian Pay System shall document these telework hours in the time and attendance system.

(2) Employees must record dates and times of telework accomplished so Component telework usage can be tracked.

l. Telework Training. Employees authorized to telework and their supervisors shall complete telework training prior to signing the telework agreement. Employees teleworking under an approved telework agreement as of the date of this Instruction may be excused from this requirement consistent with DoD Component guidance. Components are strongly encouraged to provide updated information related to revised DoD and Component policy and guidance to these specifically exempt employees and their supervisors. Comprehensive OPM telework training courses for supervisors and employees are available at the joint OPM/GSA telework website, http://www.telework.gov/tools_and_resources/training/index.aspx. OPM also offers telework training for managers available through OPM's Eastern and Western Management Development Centers. Details on the Development Centers and course schedules can be found at <http://www.leadership.opm.gov>. DoD Component Telework Coordinators or their designees may provide training and consultation on telework matters to employees, supervisors, and leaders. Employees, supervisors, and leaders shall be permitted to participate in telework training during the work day. All employees and Service members who telework shall be trained on accessing the unclassified DoD information technology network remotely consistent with the guidance in References (g) and (h) and in the guidance set forth in DoD Directive 8570.01 (Reference (ac)).

m. Telework and Travel. The provisions in the guidance set forth in sections 550.112 and 551.422 of Reference (m) concerning time spent in a travel status are applicable to employees who are directed to travel away from the alternative worksite during a period that is scheduled for telework.

n. Performance Management

(1) Teleworkers and non-teleworkers shall be treated the same for the purpose of work requirements, periodic appraisals of job performance, training, rewarding, reassigning, promoting, reducing in grade, retaining and removal, and other acts requiring management discretion.

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

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

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

(5) Supervisors shall communicate expectations of telework arrangements, including work assignments, office coverage, and staff communication to teleworking and non-teleworking employees in the workgroup.

(a) Supervisors shall put procedures in place to maintain communication across all members of a workgroup.

(b) Supervisors are responsible for the effective functioning of the workgroup. However, employees are responsible for their availability and information sharing with the workgroup. Supervisors and employees are responsible for ensuring the success of the telework arrangement.

o. Telework Denial and Termination. A telework request may be denied by the supervisor. A telework agreement may be terminated at the discretion of the supervisor or at the employee's request.

(1) When an employee's request to telework is denied or an agreement is terminated by the supervisor, the reasons for denial or termination should be documented in writing and given to the employee. Denial or termination of telework agreements should be based on business reasons (e.g., the telework agreement fails to meet the organization's needs or the employee's performance does not meet the prescribed standard).

(2) Employees may dispute the denial of telework, the reasons given for a denial, and the termination of an existing telework agreement through Component administrative grievance procedures. Bargaining unit employees may file a grievance through negotiated grievance procedures.

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

DoD CIO	DoD Chief Information Officer
ASD(M&RA)	Assistant Secretary of Defense for Manpower and Reserve Affairs
CUI	controlled unclassified information
COOP	continuity of operations
DASD(CPP)	Deputy Assistant Secretary of Defense for Civilian Personnel Policy
DASD(MPP)	Deputy Assistant Secretary of Defense for Military Personnel Policy
DCPAS	Defense Civilian Personnel Advisory Service
DCPDS	Defense Civilian Personnel Data System
DHRA	Defense Human Resource Activity
FMR	Federal Management Regulation
GFE	Government furnished equipment
GSA	General Services Administration
OPM	Office of Personnel Management
PII	personally identifiable information
TMO	Telework Managing Officer
U.S.C.	United States Code
USD(P&R)	Under Secretary of Defense for Personnel and Readiness

PART II. DEFINITIONS

These terms and their definitions are for the purpose of this Instruction.

alternative worksite. A place away from the regular worksite that has been approved for the performance of assigned official duties. It may be an employee's or Service member's home, a telework center, or other approved worksite.

CUI. A categorical designation that refers to unclassified information as defined in Reference (n). The designation CUI replaces the term "sensitive but unclassified".

COOP planning. 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.

Defense Civilian Pay System. A pay processing system used to pay DoD civilian employees.

desk sharing. An arrangement in which two employees share the use of a single workspace where each employee has a designated date or time for use of this space.

disciplinary action. Action taken to correct an employee's performance or conduct. These actions can range from oral admonishments; to written letters of reprimand; to suspension, termination, or removal.

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.

emergency situation telework. Telework performed in an employee's or Service member's home or alternative worksite during a crisis situation or emergency event by those employees or Service members who perform duties in support of mission requirements during crisis situations or contingencies.

employee. A DoD civilian employee, to include foreign national employees, paid from appropriated or nonappropriated funds.

Federal Executive Board. A group composed of the heads of all Federal departmental and agency field offices, civilian and military that is the primary means for distributing information, interagency training, and promoting discussion of Federal policies, activities, and management issues for Federal Executives in the field (e.g., agencies located in major metropolitan areas in the United States).

hot desking. An arrangement in which employees use non-dedicated, non-permanent workspaces assigned on an unreserved first come, first-served basis.

hoteling. An arrangement where employees use non-dedicated, non-permanent workspaces, assigned for use by reservation on an as-needed basis.

mission-critical duties. Job position functions that are identified as critical to performance of the mission.

official worksite. Approved location where the employee regularly performs his or her duties.

on-boarding. Process that takes place when an employee enters a new position. The on-boarding process involves integrating and acculturating new employees into the organization and providing them with the tools, resources, and knowledge to become engaged, successful, and productive early in the employment cycle.

regular worksite. Location where an employee would work absent an alternative worksite arrangement.

routine telework. An approved work arrangement where eligible employees work at an alternative worksite as part of an ongoing, regular, and recurring schedule, typically on an approved day or days during a bi-weekly pay period.

safe haven. Agency designated location such as an employee's residence or an alternative location mutually agreeable to the agency and the employee when employees are evacuated from their worksites.

situational telework. Telework that is approved on a case-by-case basis, where the hours worked were not part of a previously approved, ongoing and regular telework schedule (e.g., telework as a result of inclement weather, medical appointment, special work assignments, or to accommodate special circumstances). Telework is also considered situational even though it may occur continuously for a specific period and is also referred to as episodic, intermittent, unscheduled, or ad hoc telework.

supervisor. Civilian management official, commander, or Service member who has responsibility for directing and managing employee work and for approving and denying employee telework agreements.

telework. A voluntary work arrangement where an employee or Service member performs assigned official duties and other authorized activities during any part of regular, paid hours at an approved alternative worksite (e.g., home, telework center) on a regular and recurring or a situational basis. Telework includes remote work where an employee resides and works at a location beyond the local commuting area of the employing organization's worksite. Telework does not include any part of work done while on official travel or mobile work, that is, work characterized by routine and regular travel to customer or other worksites instead of a single agency worksite (e.g., site audits, inspections, investigations, and property management).

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 center. A facility that provides a geographically convenient office setting with workstations and other office facilities and services that are used by civilian employees from more than one organization.

telework site. Alternative worksite location where an employee or Service member performs assigned official duties.

unscheduled telework. A specific form of situational telework where an employee on an approved telework agreement performs assigned official duties at home or another approved worksite when Government offices are closed due to an emergency event or open, but severe weather conditions or other circumstances disrupt commuting and compromise employee safety.