


Memorandum of Agreement

The Defense Logistics Agency (DLA) and American Federation of Government Employees Council 169 (the Council) hereby agree to the following concerning Telework:

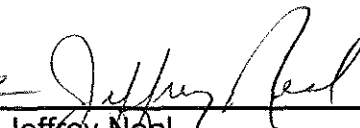
1. DLA and the Council agree that Telework is a new program being implemented within DLA. The parties agree that it is in the best interests of DLA and employees for the program to be successful. To be successful, the program must be implemented in a consistent manner and must not adversely affect DLA's support to its customers.
2. Due to the complexity of Telework, the parties further agree that it is difficult to foresee every circumstance that may arise during the implementation of Telework. For a one-year period from the date of this Memorandum of Agreement, the parties agree to discuss emerging issues related to Telework in each quarterly Partnership Council meeting or, if mutually agreed, at a special meeting. Issues that adversely affect employees of more than one PLFA will be subject to negotiation at the request of either party.
3. The Council Executive Board agrees to provide information to the Partnership Council when it believes that one or more DLA Field Activities have improperly excluded categories of positions from being considered as eligible for Telework. In such cases, the Council will advise the Partnership Council of the perceived policy violation. If the Partnership Council cannot resolve the matter, it may be pursued in accordance with the negotiated grievance procedures. During the time the Partnership Council is discussing the matter, the time limits in the collective bargaining agreements will be suspended.
4. The parties agree to implement the Telework DLAD and DLAI upon signing this agreement.

This agreement constitutes the full understanding of the parties. The provisions of this Memorandum of Agreement may be changed only with the mutual agreement of the parties.



Phil Porter
For AFGE Council 169

3-20-2002
Date



Jeffrey Neal
For the Defense Logistics
Agency

3-20-2002
Date

TELEWORK REQUEST
AND APPROVAL FORM

EMPLOYEE _____

ORGANIZATION _____

JOB TITLE _____

GRADE & JOB SERIES _____

TELEPHONE _____ NUMBER OF YEARS/MONTHS AT DLA _____

LAST PERFORMANCE EVALUATION RATING _____ DATE _____

DESCRIPTION OF WORK TO BE PERFORMED:

DESCRIPTION OF ~~MEASURABLE~~ OUTPUTS:

BENEFITS FOR EMPLOYEE:

BENEFITS FOR DLA:

NUMBER OF COMMUTER MILES SAVED PER TELEWORK DAY _____

Attachment 1

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EQUIPMENT AND SOFTWARE REQUIRED:

START DATE _____

END DATE _____

IF REGULAR AND RECURRING (limited to no more than one day a week)

TELEWORK TOUR OF DUTY: FROM _____ TO _____ (e.g., 8:30 A.M.-4:30 P.M., including a one-half hour lunch period)

Day(s) of the week employee will telework:

- Fixed schedule in accordance with local guidance and/or collective bargaining agreement
- Flexitime in accordance with local guidance and/or collective bargaining agreement
- AWS in accordance with local guidance and/or collective bargaining agreement

Alternative Work Site Address: _____

IF PERIODIC OR INTERMITTENT

TELEWORK TOUR OF DUTY: FROM _____ TO _____ (e.g., 8:30 A.M.-4:30 P.M., including a one-half hour lunch period)

Dates employee will telework:

- Fixed schedule in accordance with local guidance and/or collective bargaining agreement
- Flexitime in accordance with local guidance and/or collective bargaining agreement
- AWS in accordance with local guidance and/or collective bargaining agreement

Alternative Work Site Address: _____

EMPLOYEE'S SIGNATURE _____ DATE _____

SUPERVISOR'S SIGNATURE _____ DATE _____

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Supervisor's Recommendation: Approved _____ Disapproved _____

APPROVING OFFICIAL _____ DATE _____

APPROVED _____ DISAPPROVED _____ *

*If disapproved provide written response to employee explaining why.

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TELEWORK AGREEMENT

The following constitutes an agreement between

Employee: _____

Job Title: _____

Grade & Job Series _____

Supervisor: _____

1. Employee volunteers to participate in the program and to adhere to applicable policies, guidelines, and procedures. Agency concurs with employee participation and agrees to adhere to applicable policies, guidelines and procedures.

2. Participation in the program will last _____ commencing on _____ and ending on _____.

3. Employee's official duty station tour of duty will be from _____ to _____ (e.g., 8:30 A.M. to 4:30 P.M. including a one-half hour non-paid lunch period) on the following days:

_____.

Employee's telework tour of duty will be from _____ to _____ on the following days: _____.

- Fixed schedule in accordance with local guidance **and/or collective bargaining agreement**
- Flexitime in accordance with local guidance **and/or collective bargaining agreement**
- AWS in accordance with local guidance **and/or collective bargaining agreement**

4. Employee's official duty station address is:

5. The telework duty station address is:

Phone Number: _____

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6. These dates/times may be modified as needed to meet mission requirements as required or approved by the supervisor *in accordance with local guidance and/or collective bargaining agreement.*

Attachment 2

7. All pay, leave, and travel entitlements will be based on the employee's official duty station.

8. Employee's timekeeper will have a copy of the employee's telework schedule and will record the time and attendance as if performing official duties at the official duty station.

9. If leave is taken, employee will notify the supervisor following the ~~established office procedures~~ *local guidance and/or collective bargaining agreement.*

10. Employee will continue to work in pay status while working at the alternative work site. If employee works overtime that has been ~~ordered and~~ approved in advance, he/she will be compensated in accordance with applicable law, regulations, or other pay guidance. 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 receives permission from his or her supervisor. ~~The employee understands that the supervisor will not accept the results of unapproved overtime work.~~ By signing this form, employee agrees that failing to obtain proper approval for overtime work may result in his/her removal from the telework program or other appropriate action.

11. If employee uses Government equipment, employee will use and protect the Government equipment in accordance with Agency policy and procedures. Government-owned equipment will be serviced and maintained by the government. If **an** employee provides **his/her** own equipment he/she is responsible for purchasing and installing any software, servicing it and maintaining it. Use of personally owned computer equipment to connect to the DLA network is approved if appropriate security software is installed and security procedures are followed to avoid risk of intrusion or impact to the DLA environment.

12. DLA retains the right to inspect the home work site, by appointment only, to ensure proper maintenance of Government-owned property and safety standards, provided management has reasonable cause to believe that a hazardous work environment exists.

13. DLA will not be liable for damages to an employee's personal or real property during the course of performance of official duties or while using DLA equipment in the employee's residence, except to the extent DLA is held liable by the Federal Tort Claims Act or claims arising under the Military Personnel and Civilian Employees Claims Act.

14. DLA will not be responsible for operating, maintenance, or any other costs (e.g., utilities) whatsoever associated with the use of the employee's residence. The employee does not relinquish any entitlement to reimbursement for authorized expenses incurred while conducting business for the government, as provided by statute and implementing regulations.

15. Employee is covered under the Federal Employee's Compensation Act if

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injured in the course of actually performing official duties at the official alternate work site. Any accident or injury occurring at the alternate duty station must be brought to the immediate attention of the supervisor. Because an employment-related accident sustained by a telework employee will occur outside of the premises of the official duty station, the supervisor must investigate all reports as soon as practical following notification.

16. The employee is required to designate one area in the home as the official work or office area that is suitable for the performance of official government business. The government's potential exposure to liability is restricted to this official work or office area for purposes of telework.

17. Employee will meet with the supervisor to receive assignments and to review completed work as necessary or appropriate.

18. All assignments will be completed according to the ~~mutually agreed upon~~ work procedures, guidelines and standards stated in the employee's performance plan.

~~19. Supervisor will monitor employee's productivity. Employee's productivity will be evaluated on criteria and milestones determined by the supervisor.~~

~~20. Time spent and quality of products will be measured by correlation with previous and similar efforts. For those assignments without precedent or without standards, regular and required progress reporting by the employee will be used by the supervisor to rate the job performance and establish standards.~~

19. Employees will apply approved safeguards to protect Government/DLA records from unauthorized disclosure or damage and will comply with Privacy Act requirements set forth in the Privacy Act of 1974, PL 93-679, codified at Section 552a, Title 5 USC.

20. Employees shall manage all files, records, papers, or machine-readable materials and other documentary materials, regardless of physical form or characteristics, made or received during telework in accordance with DLAI 5015.1, DLA Records Management Procedures and Records Schedule.

21. No classified documents (hard copy or electronic) may be taken to, or created, at an employee's alternative work site. For Official Use Only and sensitive non-classified data may be taken to alternative work sites if necessary precautions are taken to protect the data, consistent with DoD regulations.

22. Telework will be terminated if it adversely affects the performance of the employee.

~~24. Employee's current performance plan and subsequent rating must contain performance standards covering work completed at the official duty station, as well as work completed at the employee's residence.~~

~~25. Management should terminate this agreement if it believes that the arrangement has resulted in diminished performance of the employee.~~

23. Supervisors ~~retain the right to~~ **may** call an employee in to the official duty station for ~~any reason~~ **mission needs** at any time. Call back outside the telework hours/dates are handled in accordance with established policy and/or collective bargaining agreement.

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24. After appropriate notice to the supervisor, the employee may cancel the telework arrangement. ~~The supervisor has the right to cancel the teleworking agreement at any time.~~

25. The employee continues to be ~~bound~~ **covered** by the DLA standards of conduct while working at the alternative work site.

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

Supervisor's
Signature _____ Date _____

Employee's Signature _____ Date _____

If either the supervisor or employee cancels this agreement, fill in the information below:

Cancellation Date: _____

Reason(s) for cancellation:

- Employee-initiated
- Supervisor-initiated

Supervisor's
Signature _____ Date _____

Employee's Signature _____ Date _____

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SELF-CERTIFICATION HOME
SAFETY CHECK LIST

NAME: _____

ORGANIZATION: _____

HOME WORK SITE ADDRESS: _____

HOME WORK SITE TELEPHONE: _____

Describe the designated work area, e.g., bedroom, den, living room, etc.

The following checklist is designed to assess the overall safety of the alternative work site. Each participant should read and complete the Self-Certification Safety Checklist. A copy of this checklist should be attached to the Telework Agreement.

1. Are temperature, noise, ventilation, and lighting levels adequate to maintain your normal level of job performance? Yes _____ No _____
2. Is all electrical equipment free of recognized hazards that would cause physical harm (frayed wires, bare conductors, loose wires, flexible wires running through walls, exposed wires fixed to the ceiling)? Yes _____ No _____
3. Will the building's electrical system permit the grounding of electrical equipment? Yes _____ No _____
4. Are aisles, doorways, and corners free of obstructions to permit visibility and movement? Yes _____ No _____
5. Are file cabinets and storage closets arranged so drawers and doors do not open into walkways? Yes _____ No _____
6. Are the phone lines, electrical cords, and extension wires secured under a desk or alongside a baseboard? Yes _____ No _____

Employee's Signature: _____ Date: _____

Handwritten initials and number: A
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SUPERVISOR - EMPLOYEE CHECKLIST

EMPLOYEE NAME: _____

SUPERVISOR'S NAME: _____

The following checklist is designed to ensure that the teleworker **and supervisor** ~~employee is~~ **are** properly oriented to the policies and procedures of the Telework Program. Questions 4, 5, and 6 may not be applicable to the telework employee. If this is the case, state non-applicable or N.A.

1. Employee/Supervisor has read DLAD 1XXX.XX and DLAI 1XXX.XX.

Date: _____

2. Employee has been provided with a schedule of work hours.

Date: _____

3. Employee has been issued/has not been issued government furnished equipment. (If no equipment has been issued please mark N.A. on the date line.)

Date: _____

4. Equipment issued by DLA is documented and properly receipted.

Check as applicable:	Yes	No
Computer	_____	_____
Modem	_____	_____
fax machine	_____	_____
telephone	_____	_____
other	_____	_____

5. Policies and procedures for care of equipment issued by the Agency have been explained and are clearly understood.

Date: _____

6. Policies and procedures covering classified, secure, or Privacy Act data have been discussed and are clearly understood.

Date: _____

7. Requirements for an adequate and safe office space and/or area have been discussed, and the employee certifies those requirements are met.

Date: _____

Handwritten initials and date: JH 6/9

8. Performance and conduct expectations have been discussed and are ~~clearly~~ understood.

Date: _____

9. Employee understands that the supervisor may terminate employee participation ~~at any time~~, in accordance with established administrative procedures and union-negotiated agreements.

10. Employee has participated in training.

Date: _____

11. Supervisor has participated in training.

Date: _____

12. Telework Agreement has been completed and signed.

Date: _____

Employee's Signature _____ DATE: _____

Supervisor's Signature _____ DATE: _____

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TELEWORK

(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

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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 employee's 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. 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

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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 by both management employee** and ~~Participation in the program~~ 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) ~~participating in the program~~ must receive training. Training should be

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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** ~~no longer benefits organizational needs~~ or the employee no longer satisfies the criteria in E.2.f. above. Management has the right to end participation should ~~the~~ **it adversely affect the** employee's performance. ~~begin to decline.~~ **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. ~~with a docking station.~~ The Activity may use the existing monitor and keyboard in conjunction with the **mobile equipment.** ~~docking station.~~ A separate desktop for the teleworker is not authorized except in extremely limited circumstances.

b. DLA equipment used at home may 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.

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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 GAO exception to 31 USC section 134B, DLA may pay for telephone installation and service when the following criteria are met: (1) the service is considered essential and (2) adequate safeguards exist to prevent abuse (see Comptroller General decision B225159, June 19, 1989). Activities ~~may~~ **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>).

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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 may 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. ~~The official duty station also impacts upon reduction in force.~~

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. ~~Performance management.~~ **Work hours.** Employees **working at** alternative work sites must ~~provide work reasonable assurance that they are working~~ when scheduled. ~~Such~~ 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 ~~rules~~ **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**

~~b. Supervisors must schedule an employee's actual work requirements.~~
All such arrangements provide a structure for scheduling work and accounting

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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 ~~tour~~ **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 ~~in~~ **inside** the ~~National Capitol Region~~ **Washington Capital Beltway** will observe the same closedown arrangements as employees at the official duty station.

b. For DLA activities located outside the ~~National Capitol Region~~ **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

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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
8725 John J. Kingman Road, Suite 2533
Fort Belvoir, VA 22060-6221

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

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

BY ORDER OF THE DIRECTOR

RICHARD J. CONNELLY
Director
DLA Support Services

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TELEWORK

(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.
3. *Memorandum of Agreement with AFGE Council 169 dated March 20, 2002, and applicable collective bargaining agreements.*
3. PURPOSE. This instruction:
3. Provides guidance to help managers and employees establish, maintain, and terminate a telework program.
 3. Permits DLA and employees to capitalize on the benefits of telework.
3. APPLICABILITY AND SCOPE.
1. This instruction 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

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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 any place 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/her official duty station.

6. Eligible position. Position involving tasks and work activities that are portable and that do not depend on the employee's 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. 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.

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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. PROCEDURE.

1. Each position should be reviewed to determine if the position is eligible for telework.

2. Positions eligible for teleworking are determined based on job content rather than job title, series, type of appointment, or work schedule. For example, telework is feasible for work that requires:

- a. thinking and writing or data analysis;
- b. reviewing grants or cases;
- c. writing decisions or reports;
- d. telephone-intensive tasks such as setting up a conference;
- e. obtaining information, following up on participants in a study;
- f. computer-oriented tasks - programming, data entry, word processing, software development, and data entry;
- g. measurable outputs;
- h. legislative research;
- i. editing or proofreading reports;
- j. developing specifications.

NOTE: The above is illustrative only and does not represent all types of work suitable for telework.

3. Telework may not be suitable if:

- a. the employee needs to have daily and or extensive face-to-face contact with the supervisor (*e.g., a trainee*), other employees, clients, the general public, or team members;
- b. the employee needs frequent access to material that cannot be moved from the regular office;
- c. the Activity cannot provide any special facilities or equipment that are necessary;
- d. it would be too costly for the Activity to duplicate the ~~same~~ **required** level of security at the alternative workplace;
- e. the employee needs to be in the office to learn the organization;
- f. the employee requires on-the-job training or organizational orientation;
- g. a substantial volume of the employee's work must be handed to him or her each day, as opposed to ~~a day~~ in advance; frequent changes in priorities, direction, and/or special projects that require immediate interaction with other team members;

- h. on-site oversight is needed; e.g., facilities maintenance;
- i. the employee requires frequent technical assistance when using computer applications or office equipment and the same applications or office equipment are needed for telework.

Note: The above is illustrative only.

4. Employees participating in a telework program should possess a working familiarity with their organizations. **Employees may not telework within ninety days of assignment to a field activity or within thirty days of assignment to a new position within the field activity. For this purpose a new position is one in a different job series.**

5. An employee wishing to participate in the telework program **shall:**

- a. submit a written request to the approving official through his/her supervisor **who will make a recommendation.** (Attachment 1, Telework Request and Approval Form, should be used to request a telework assignment);
- b. sign a telework agreement. A telework agreement is at Attachment 2 and must be signed and approved prior to participation in the program;
- c. if the employee's telework site is at home, self certify the safety of their work site. A sample Self-Certification Home Safety Checklist is at Attachment 3.

6. If an employee disputes the reasons given by the supervisor or approving official for not approving him or her for telework, or for terminating his or her telework agreement, the employee may submit a grievance using the appropriate agency administrative or the negotiated grievance procedure.

7. All teleworkers and supervisors ~~and employees~~ should complete and sign the Supervisory-Employee Checklist sheet found at Attachment 4.

8. Employees who are directly engaged in performing the duties of their jobs are covered by FECA [Federal Employees Compensation Act], regardless of whether the work is performed at the official duty station or at an alternative work site. However, an employee's activities do not arise out of employment when he or she engages in activities not immediately directed toward the actual performance of regular duties while on property under the employee's control. An employee who works at a desk at home removes himself or herself from the performance of regular duties as soon as he or she walks away from the desk to use the bathroom, get a cup of coffee or seek fresh air. The same rule does not apply for employees working at an Activity's office or a telework center. In the official workplace, a legal concept called the "personal comfort doctrine" holds employers responsible for injuries employees sustain while, for example, changing the temperature or going to the restroom.

9. Information for preparing reports on participation rates in the DLA Telework Program will be reported on an annual and, as required, basis. Information needed for the reports will be found on the Telework Request and Approval Form and Telework Agreement. The DLA Headquarters Human Resources Office (J-1) will periodically issue data calls to collect needed participation rate data. This information must be reported to DoD for consolidation for the Office of Personnel Management reporting requirements. Information should be forwarded to:

Defense Logistics Agency
ATTN: J-1

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8725 John J. Kingman Road, **Suite 2533**
Fort Belvoir, VA 22060-6221

10. Implementation of a telework program with respect to employees represented by a labor union is contingent upon completion of any bargaining obligations. Management officials should consult with their respective Labor Relations Officers to determine the status of the collective bargaining process at their Activity.

11. When an employee participates in the telework program, the supervisor **shall** forward a copy of the Telework Agreement to the Telework Coordinator.

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.

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Director
DLA Support Services

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