



DEPARTMENT OF DEFENSE  
Defense Commissary Agency  
Fort Lee, VA 23801-1800

# MANUAL

DeCAM 50-24.1  
January 22, 2015

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Human Resources  
OPR: DeCA/COHL

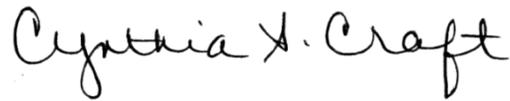
**SUBJECT: Telework Program**

**References:** See Enclosure 1

1. **PURPOSE.** This Manual provides procedures for carrying out policy, assigns responsibilities, and provides guidance and procedures to enable the Defense Commissary Agency (DeCA) employees to comply with 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 (TEA) of 2010”) (Reference (a)), in accordance with (IAW) provisions of Department of Defense (DoD) Instruction 1035.01, “Telework Policy,” (Reference (b)). This Manual is to be used in conjunction with and as a supplement to DoD Instruction 1035.01.
2. **APPLICABILITY.** This Manual applies to all DeCA activities including full-time and part-time federal, civilian employees and Armed Forces members. The participation of Local Nationals will be consistent with host nation laws and regulations and will be determined jointly with relevant unions and/or works councils for each overseas location.
3. **POLICY.** This Manual implements policies as defined in DeCA Directive (DeCAD) 50-24, “Telework Program,” (Reference (c)), and is in compliance with references listed within this document.
4. **RESPONSIBILITIES.** This manual contains internal management control provisions that are subject to evaluation and testing as required by DeCAD 70-2 “Internal Control Program,” (Reference (d)). See Enclosure 2.
5. **PROCEDURES.** This Manual contains internal management control provisions that are subject to evaluation and testing as required by DoD Directive (DoDD) 5105.55, “Defense Commissary Agency (DeCA),” (Reference (e)). See Enclosures 3 through 6.

6. RELEASABILITY – UNLIMITED. This Manual is approved for public release and is located on DeCA's internet Web site at [www.commissaries.com](http://www.commissaries.com).

7. EFFECTIVE DATE. This Manual is effective January 22, 2015.

A handwritten signature in black ink that reads "Cynthia A. Craft". The signature is written in a cursive style with a large initial 'C' and a distinct 'A'.

Cynthia A. Craft  
Director, Human Resources

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**ENCLOSURE 1**

**REFERENCES**

- (a) 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 (TEA))
- (b) DoD Instruction 1035.01, "Telework Policy," April 4, 2012
- (c) DeCAD 50-24, "Telework Program," January 22, 2015
- (d) DeCAD 70-2, "Internal Control Program," December 17, 2007
- (e) DoDD 5105.55, "Defense Commissary Agency (DeCA)," March 12, 2008
- (f) DoDI 5025.01, "DoD Issuances Program," June 6, 2014
- (g) DeCAD 50-7 and DeCAM 50-7.1, "Performance Appraisal Program"
- (h) DeCAD 50-4, "Civilian Employee Discipline and Adverse Action."
- (i) Section 552(a) of Title 5, United States Code (also known as the Privacy Act of 1974)
- (j) Sections 1346(b), 1402(b), 2401(b), and 2761-1680 of Title 28, United States Code (also known as "The Federal Tort Claims Act")
- (k) 2635.704 of Title 5, Code of Federal Regulations, subpart G of the "Standards of Ethical Conduct for Employees of the Executive Branch"
- (l) DeCAD 35-43 and DeCAM 35-43.1, "Protecting Data-At-Rest," June 28, 2010
- (m) DeCAD 80-21 and DeCAM 80-21.1 "Privacy Act"
- (n) 29 U.S.C. 201, et seq., Fair Labor Standards Act (FLSA)
- (o) Section 551.422(b) of Title 5, Code of Federal Regulations
- (p) Section 550.112(j)(2) of Title 5, Code of Federal Regulations
- (q) Chapter 8100 of Title 5, United States Code, (also known as "Federal Employees' Compensation Act")
- (r) Section 531.605 of Title 5, Code of Federal Regulations

**ENCLOSURE 2**  
**RESPONSIBILITIES**

1. **DeCA DIRECTOR.** The DeCA Director shall:
  - a. Ensure proper oversight is maintained for the administration of the DeCA Telework Program.
  - b. Actively promote telework within the Agency, consistent with mission accomplishment, and make every effort to overcome artificial barriers to program implementation through education and training for leadership and supervisors on telework benefits, performance in a telework environment and the value of integrating telework into continuity of operations activities.
  
2. **CHIEF INFORMATION OFFICER (CIO).** The CIO shall:
  - a. Provide guidance and assistance to DeCA activities on required information technology services and equipment.
  - b. Ensure all network, remote access, device security, and architectural requirements contained in the network, secure remote computing, and enclave Security Technical Implementation Guides (STIG) are followed, and that DeCANet is compliant with the Defense Information Assurance Certification and Accreditation Process (DIACAP).
  - c. Ensure all client devices are configured congruent with their respective operating system STIGs, and are compliant with the DIACAP.
  - d. Provide training for employees and supervisors on the subjects of acceptable use of government funded equipment (GFE), best practices with regards to computer security and safe teleworking, incident reporting, remote access authentication, Internet Protocol Communicator software and virtual private network (VPN) software use.
  
3. **HUMAN RESOURCES DIRECTOR (HR).** The HR Director shall:
  - a. Designate and provide supervisory guidance to the Telework Coordinator for DeCA.
  - b. Ensure all aspects of the Telework Program are fully implemented.
  
4. **TELEWORK COORDINATOR.** The telework coordinator shall:
  - a. Manage the telework program for DeCA.

- b. Provide information to and receive support from the DoD Telework Managing Officer.
- c. Serve as a point of contact providing advocacy (e.g., posting telework information throughout the workplace and at various training events), local telework implementation support, and data collection on implementation of this policy.
- d. Monitor progress made in reaching agency telework participation goals, and provide employee telework eligibility and participation data to Defense Civilian Personnel Advisory Service (DCPAS).
- e. Maintain records of completed employee telework training.

5. SUPERVISORS AND MANAGERS. All supervisors and managers shall:

- a. Demonstrate a willingness to support and promote the concept of telework for their organization and overcome artificial barriers to the program.
- b. Incorporate available government-owned technology to support employees performing official duties at an alternative worksite.
- c. Notify all of their employees of their telework eligibility status.
- d. Ensure employees and/or Armed Forces members are fully trained on telework procedures including interactive telework training located at [http://www.telework.gov/Tools and\\_Resources/Training/](http://www.telework.gov/Tools_and_Resources/Training/) for the teleworker and their supervisor prior to teleworking.
- e. Require all employees who are eligible for telework to complete DD Form 2946, “Department of Defense Telework Agreement,” available on OneNet under Resource Center/Teleworking and maintain current telework agreements for those employees. This includes those employees who are eligible and decline to telework, yet may be required to telework in an emergency situation as defined in DoDI 1035.01 Reference (b).
- f. Carefully consider employee requests for regular and recurring or situational telework and respond within 20 business days of the initial request. Requests to telework for more than eight days per pay period from a remote location (outside the local commuting area) shall be forwarded to the respective executive director for review and approval per Enclosure 4, paragraph 3b(6).
- g. Ensure all teleworkers are held accountable for GFE.
- h. Ensure that telework does not place a hardship or extra workload on other employees and that there is adequate worksite coverage during business hours so that mission operations continue to be carried out efficiently and effectively.

i. Be responsible and accountable, pursuant to Sections 6501 through 6506 of Title 5, U.S.C., as added by Public Law 111-292 (also known as the Telework Enhancement Act of 2010), Reference (a), for treating all teleworking and non-teleworking employees the same in acts involving managerial discretion, including but not limited to:

(1) Distribution of assignments among all employees in the work unit, whether working at the Agency worksite or at appropriate alternative worksites.

(2) Use of appropriate work tracking and communication tools regardless of whether they telework.

(3) Performance management. Good performance management practices, including appropriate formal and informal feedback, are essential for all employees to work effectively. As outlined in DeCAD 50-7 and DeCAM 50-7.1, "Performance Appraisal Program," Reference (g), for all DeCA employees, performance expectations are the level of individual performance that must be met for an employee's performance to be appraised at a particular level. All employees (teleworkers and non-teleworkers) will be evaluated consistent with the performance expectations in their performance plans.

(4) Other issues involving managerial discretion, including training, reassignment, promotions, reduction in grade, retention, and removal of employees.

j. Provide appropriate advance notice to the employee in cases of cancelled or interrupted plans to telework as outlined in the Telework Agreement.

6. DeCA EMPLOYEES. DeCA employees shall:

a. Recognize that while teleworking, they are in an official duty status. Failure to adhere to applicable policies may result in, among other things, the imposition of specific limitations on telework, the termination of a Telework Agreement, and/or other penalties as outlined in DeCAD 50-4, "Civilian Employee Discipline and Adverse Action," Reference (h).

b. Union representatives who telework while performing union activities are responsible for adhering to applicable policies and negotiated agreements consistent with their performance of union activities at the Agency or appropriate alternative worksite.

c. Ensure that the appropriate alternative worksite provides the work environment, connectivity, technology, resource access, and security consistent with the work effort in which the employee is engaged. Supervisors retain the authority to overrule an employee's selection of a particular appropriate alternative worksite location if in the supervisor's opinion that location is not a business appropriate location and/or fails to provide a working environment conducive to successful accomplishment of official business.

d. Procure and provide internet service, as appropriate, to the work effort at their own expense as outlined in Enclosure 6, paragraph 2e of this manual.

e. Meet organizational and work team requirements, including but not limited to all requirements regarding communication, accessibility, and collaboration.

f. Maintain flexibility and responsiveness to the needs of the supervisor, employing organization, and work team. As with all work, employees are accountable for required individual contributions to the efforts of their work team, and must communicate and collaborate, as appropriate, with team members, ensuring that telework supports the work of the team and does not result in diminished individual, group/team, or organizational performance.

g. Report, if required, to the Agency worksite, or other required location, pursuant to legitimate Agency needs, for all or part of the workday during which they would otherwise telework. Except as otherwise provided in this policy, such cases do not (a) constitute a termination of the telework arrangement; or (b) entitle the employee to a “replacement” or “in lieu of” telework day.

h. Be responsible for documenting their telework IAW established processes including Agency-determined codes and tracking/ reporting processes, e.g., completion and submission of time sheets or entering telework codes in DeCA’s electronic time and attendance system, as appropriate.

i. Apply approved safeguards to protect Government records from unauthorized disclosure or damage and comply with the U.S.C., Section 552 (a) of Title 5, “Privacy Act 1974,” Reference (i) requirements.

j. Use and protect GFE IAW Enclosure 6, paragraph 1, of this manual.

**ENCLOSURE 3**

**BACKGROUND**

1. **BENEFITS.**

a. DeCA is committed to improving workforce efficiency, enabling an optimally responsive and productive workforce in delivering the best value, services, and products to our customers, while promoting quality of life for its employees. The development, implementation, and active promotion of telework programs augment DeCA's commitment to workforce efficiency and quality of life. Telework is part of a larger dynamic and mobile workforce that enables the accomplishment of our mission through conference attendance, mobile work (site audits, client visits, site inspections, etc.), telework, training, rapid response to emergency situations, travel, and virtual and distributed work which allow flexibility in the selection of the space and place that is most appropriate for an individual employee's work at any given time.

b. With technology and proper oversight, DeCA employees will meet standards of excellence by working in either a physical or virtual office to meet our client and the public's needs. Such mobility allows government savings in the cost of real property, commuting time and the environmental impact. DeCA recognizes that a more mobile and dynamic workforce requires coordination and communication among team members. Success depends on the establishment of clear performance expectations that enable all employees, teams, and managers to understand how their work affects DeCA goals and contributes to accomplishment of DeCA's mission. As teamwork and collaboration become more engrained in DeCA's operations, this policy enables full participation among team members regardless of location.

c. Telework benefits the Agency by improving the morale and efficiency of employees, increasing productivity through management by results, rather than management by observation and providing continuing employment opportunity for employees with temporary health problems or permanent disabilities. It serves as an effective recruitment and retention tool. Furthermore, it is an integral component in continuity of operations planning (COOP) for unforeseen interruptions or disaster.

d. Telework benefits the employee by offering an alternative to the daily commute, improving the quality of work life and performance, allowing the employee to maximize peak performance periods, and empowering the employee through the flexibility to balance work and family responsibilities.

e. Telework benefits the environment by reducing traffic congestion, reducing air pollution, and reducing fuel consumption. Telework can be used to help relieve traffic congestion caused by restricted installation access and increased security precautions.

2. **TELEWORK OVERVIEW.** 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 or 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 traditional worksite is closed during adverse or inclement weather conditions (e.g., snow emergencies, floods, or hurricanes) or when severe weather conditions or other circumstances disrupt commuting and compromise employee safety.

c. As a regular or situational arrangement for employees or Armed Forces members with impairments, or when the employee is recovering from an injury or medical condition or an emergency situation (e.g., pandemic influenza) that prevents the employee from commuting to the traditional worksite.

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

e. Telework does not include:

(1) Any part of work performed while on official travel (travel regulations and policy takes precedence over telework);

(2) Work performed while commuting to and from work (except as stipulated in Enclosure 5, paragraph 1.e. or;

(3) Mobile work (including site audits, site inspections, investigations, and property management).

f. Employees have the right to request telework without fear of retaliation or adverse employee action as a consequence of making such a request. This right does not impair or otherwise affect the discretion granted to an employee's supervisor in making a decision on the request for telework, IAW the Agency's mission-related requirements.

g. DeCA will not be liable for damages to an employee's personal or real property while the employee is working at the approved alternate work site, except as provided by the U.S.C. Title 28, "Federal Tort Claims Act," Reference (j). DoD assumes no responsibility for any operating costs associated with an employee using his or her personal equipment and residence as an alternate worksite. This includes home maintenance, insurance, and utilities.

**ENCLOSURE 4**

**TELEWORK ELIGIBILITY AND PARTICIPATION**

1. ELIGIBILITY.

a. To the extent that mission requirements are not jeopardized, all DeCA employees are eligible for telework, and all eligible employees are authorized to telework to the maximum extent possible without diminished individual or organization performance, with the exceptions outlined in this section. Service member eligibility is discretionary and determined by the supervisor consistent with Title 5, United States Code, TEA, Reference (a) and guidance contained in this manual.

b. Restrictions Based on Duties. In certain specific situations based on the criteria below, as set forth in the TEA, positions or employees may be identified as ineligible for telework as follows:

(1) An employee in a position that requires, on a daily, every work day, basis:

(a) Direct handling of secure materials determined to be inappropriate for telework by the DeCA Director or designee. Secure materials are those materials (a) for which there exists a written policy (at the Government, Agency or organizational level) restricting the use/access outside of a specific government installation or area within a government installation and/or (b) for which appropriate mitigating Information Technology (IT) security measures do not exist. Secure materials may include Personally Identifying Information (PII).

(b) On-site work effort activity that cannot be handled remotely or at an appropriate alternative worksite. This would include work done in positions located at the commissaries, central distribution centers, and meat processing plants.

(2) In emergency or other unforeseen situations, an employee in such a position as defined in Enclosure 4, paragraph 1b(1)(a) (above) may be authorized to telework to the extent possible without accessing secure materials. This may include other duties as assigned including, but not limited to, self-paced and/or on-line training.

c. Restrictions Based on Employee Conduct or Performance. As per DoDI 1035.01, Reference (b), employees whose performance or conduct warrants more close supervisory direction than telework may provide; whose rating of record is below fully successful, 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) are typically ineligible for telework. Employees shall be identified as ineligible for telework under any circumstance for conduct resulting in the employee being officially disciplined (e.g. a reprimand, suspension, change to lower grade, or termination) for:

(1) Being absent without leave (AWOL) for more than five (5) days in any calendar year; or

(2) Violations of Section 2635.704 of Title 5, Code of Federal Regulations, subpart G of the “Standards of Ethical Conduct for Employees of the Executive Branch,” Reference (k), for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.

d. Employees disciplined for conduct identified in Enclosure 4, paragraphs 1c(1) and 1c(2) above, are ineligible for telework under any circumstances, including emergency situations involving COOP activation. In such cases the employee must report to his/her regular official Agency worksite or, with supervisory approval, be provided with an alternative office in an Agency location or offered administrative leave until such time as official alternative office in an Agency or other federal location is available. Official discipline is an action that results in the placement of a document in an employee’s official personnel folder (OPF). The bar on participation in telework lasts as long as that document remains in the OPF. In the case of disciplinary action that results in a Notice of Personnel Action, SF-50, this would be a permanent prohibition. Supervisors may contact their Human Resources Employee Relations Specialist for further guidance on whether or not a disciplinary action falls under the statutory prohibitions listed above.

f. Employees who are on a performance improvement plan (PIP) will not be allowed to telework until they have successfully completed the PIP period and the performance of the employee improves to a fully satisfactory level. An employee may also be considered ineligible for telework if telework can be demonstrated to have resulted in diminished individual or organizational performance, or continuation of telework will interfere with the employee’s ability to attain or return to a fully successful performance level. In such situations, the supervisor and employee may prepare a plan designed to improve the telework related performance problem of the employee with a goal of returning the employee to telework eligibility.

g. Employees may not be authorized or allowed to continue to telework if the performance or actions of that employee do not comply with the terms of the written telework agreement between the supervisor and that employee.

h. New Employees. Newly appointed employees who are serving a probationary period and employees who are newly assigned to their position, yet non-probationary, are considered ineligible for telework. Newly appointed employees may be reviewed for telework eligibility upon successful completion of their probationary period. Newly assigned employees may be reviewed for telework eligibility after the first six months in the position if it is determined by either a mid-term review or an official rating of record that their performance is at an acceptable level. Once these requirements are met, eligibility determinations are to be made using the criteria specified in Enclosure 4, paragraph 1 of this manual. In rare circumstances, newly appointed or newly hired employees may be permitted to telework on a situational basis with justification prepared by the supervisor and listed on the DD Form 2946.

i. The restrictions to eligibility, even in emergency or other unforeseen situations, set forth in Enclosure 4, paragraph 1 of this manual, are not intended to constitute an exhaustive listing of all of the possible reasons for limiting or restricting telework. It is DeCA policy that telework eligibility is further subject to discretionary approval by the individual supervisor employing the concepts, purpose and philosophy of the TEA.

2. ELIGIBILITY DOCUMENTATION AND NOTIFICATION. Supervisors 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 Member of the Armed Forces 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.

a. Position Eligibility. Position eligibility will be determined by the supervisor when creating a new position or filling vacant positions not previously identified as eligible. Any position that is designated as ineligible based on the criteria in Enclosure 4, paragraph 1b(1), must be coded as such on DCPDS, "Request for Personnel Action" notepad for entry by the HR servicing office. These position codes will be available for the employee to view in Self Service (MyBiz). The codes for position eligibility are as follows:

(1) NE001 - Not Eligible. Position requires employee's physical presence due to face-to-face contact with others. Employee may be eligible during emergency or Office of Personnel Management (OPM) prescribed "Unscheduled Telework." Supervisor approval is required on a case-by-case basis.

(2) NE002 - Not Eligible. Position requires access to material or special equipment that cannot be moved from regular office. May be eligible during emergency or OPM prescribed "Unscheduled Telework." Supervisor approval is required on a case-by-case basis.

(3) NE003 - Not Eligible. Position requires daily access to classified material

b. Employee Eligibility. Supervisors shall review the eligibility of their employees occupying telework eligible positions, against the criteria contained in Enclosure 4, paragraphs 1 (d through i) of this manual, and update the employee information section for each of their employees using My Workplace in DCPDS. Instructions on completing this can be found on OneNet at [https://www.commissaries.com/employees/resource\\_center/telework/index.cfm/](https://www.commissaries.com/employees/resource_center/telework/index.cfm/).

c. Employee Notification. Pursuant to the requirements in the TEA, supervisors shall notify employees of their eligibility to telework. This is done upon initial entry into the position and when there is a change to the existing eligibility status. Employee telework eligibility information will be posted in MyBiz when the supervisor updates the employee information in "My Workplace" as stated in Enclosure 4, paragraph 2b above. Additionally, supervisors should notify their employees when a change is made to their telework eligibility status either verbally or in writing using Appendix A.

3. TERMS OF PARTICIPATION. 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 alternate worksite or the employee's telework agreement addresses this requirement.

a. Telework Training. All employees who telework (regular and recurring or situational) shall complete telework training located at [http://www.telework.gov/Tools\\_and\\_Resources/Training/](http://www.telework.gov/Tools_and_Resources/Training/). This includes those employees who are eligible and decline to telework, yet may be required to telework in an emergency situation, as defined in Enclosure 4, paragraph 5 of this manual. Upon completion of the training, an electronic copy of the certificate of completion shall be forwarded to the Telework Coordinator. Employees are required to complete telework training as part of the telework agreement development and to undertake such refresher or modified training as may be specified by the Telework Coordinator.

b. Telework Agreement. All employees who telework (regular and recurring or situational) shall complete a DD Form 2946, Telework Agreement. This includes those employees who are eligible and decline to telework, yet may be required to telework in an emergency situation, as defined in Enclosure 4, paragraph 5 of this manual. The agreement covers the terms of participation in the Telework Program, defines the expectations and parameters of the arrangement, and must have supervisory concurrence. Telework agreements shall be created and maintained consistent with the requirements of Enclosure 4, paragraphs 3b(1) through (5) (below) of this manual and DoDI 1035.01, Reference (b).

(1) Per DoDI 1035.01, Reference (b), 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 must have a DD Form 2946 in place.

(2) The completed DD Form 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 DeCA 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 traditional 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 other circumstances disrupt commuting, and compromise employee safety.

(c) Instructions on whether classified (where applicable and authorized at a secure alternative location), sensitive unclassified or competition sensitive source selection 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 DeCAD 35-43 and DeCAM 35-43.1 "Protecting Data-At-Rest," Reference (l), DeCAD 80-21, and DeCAM 80-21.1, "Privacy Act," Reference (m).

(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.

(3) The telework agreement shall be revalidated at least once every two years, revised as appropriate, and a new one completed when a new supervisor is responsible for the employee.

(4) The individual's supervisor will maintain a copy of the completed telework agreement.

(5) Each employee working at home should designate one section of the home as the telework 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. The goal is to ensure that all the requirements to do official work are met in an environment that allows the tasks to be performed safely. Office supplies and supporting materials for the home office should be acquired through normal supply channels used by the traditional office site.

(6) Requests to telework for more than eight days per pay period from outside the local commuting area require approval by the respective executive director.

#### 4. CANCELLATION.

a. Supervisors will generally give a two-week notice when operational priorities require a change in the work schedule and/or cancellation of the agreement. However, an agreement can be cancelled with shorter notice, or immediately, in the event of critical work related changes or circumstances.

b. When an employee's request to telework is denied, or an agreement is terminated by the authorized management official, the reasons for denial or termination should be documented in writing on DD Form 2946 and given to the employee. Denial and/or termination of telework agreements should be based on business reasons (e.g., the telework arrangement fails to meet the organization's needs or the employee's performance does not meet the prescribed standard).

c. If the employee disputes the reason(s) given by the authorized management official for not approving a request for telework, or for terminating an existing telework agreement, the employee may submit a grievance using the administrative or negotiated grievance procedure, as appropriate.

#### 5. EMERGENCY SITUATIONS.

a. Telework is a key component of COOP and allows Agency business to carry on without compromising the safety of our employees and the general public. Employees approved for regular and situational telework who are not able to report to their assigned office location due to office or installation closure or dismissal due to a natural or manmade emergency event (e.g., hurricane, earthquake, wildfire, snow storm, flooding, act of terrorism), or when weather conditions or other circumstances disrupt commuting, and compromise employee safety, shall telework, if possible, each regularly scheduled work day or request leave during the emergency situation. It is important to note that while DeCA offices may be closed when it is unsafe to commute, or when the tenant installation is closed, employees who can telework in the safety of their own homes generally should no longer be granted excused absence.

b. In order to be telework ready in case of an emergency, managers and employees must ensure the following: there is an approved telework agreement, functioning GFE, and mission related work to be completed via telework.

c. Telework ready employees who are unable to work due to personal situations, (e.g., injury or illness or dependent care responsibilities) will request leave appropriate for those circumstances. If circumstances permitting excused absence for other non-teleworking employees also prevent the teleworker from working at the telework location (e.g., loss of electrical power; evacuation by local authorities; or the employee cannot access materials necessary to continue work during the emergency), the employee shall attempt to contact a supervisor to be excused from duty. Supervisors may administratively excuse the designated teleworker from working on a case-by-case basis. If the traditional worksite is open and these other circumstances prevent the employee from teleworking, the employee may report to the traditional worksite or request leave as practicable and approved by the supervisor. If the teleworker is unable to communicate with their supervisor to be excused from duty and cannot maintain their remote working status, the teleworker should follow their emergency guidance, orders, and procedures as outlined in COOP and other applicable emergency management plans. Requirements to continue to work if the traditional worksite closes or dismisses employees early are contained in block 12 of the DD 2946, Telework Agreement.

d. Personnel who perform *mission-critical* duties may be required to work from an approved alternative workplace during an emergency situation. Additional requirements and guidance regarding telework during emergency situations to include a pandemic health crisis can be found in DoDI 1035.01, Reference (b).

**ENCLOSURE 5**

**PAY, LEAVE AND HOURS OF WORK**

1. **HOURS OF WORK.** Telework is work time (hours of duty) and is not to be used for any purposes other than official duties. Management is responsible and accountable for supervising work IAW 29 U.S.C. 201, et seq., Fair Labor Standards Act (FLSA), (Reference (n)). All employees (teleworking or not) are required to follow established office practices, Agency policies and laws for requesting and obtaining approval of leave, overtime, or any change to the work schedule.

a. Alternative Work Schedules (AWS). AWS includes compressed and flexible work schedules. Compressed work schedules enable full-time employees to complete the basic 80-hour biweekly work requirement in less than 10 workdays. DeCA employees may work an approved AWS in combination with telework without restriction to either arrangement (telework/AWS) if consistent with organizational and work team needs.

b. Approval of Schedules. Supervisors must approve work schedules in advance to assure employee's time and attendance records are properly certified and to preclude any liability for premium or overtime pay, unless specifically approved in advance. Certain situations, reviewed on a case-by-case basis, may require substantial flexibility in setting a work schedule. Periodic adjustment to the work schedule is desirable to achieve the best mix of organizational requirements and employee performance. Where practical, staff meetings should be scheduled when teleworkers can attend or be accessible via telephone or electronically.

c. Recording Telework Hours. 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 (TW), situational (TS), or medical (TM).

d. Temporary Duty and Details. Employees on temporary duty, detail, or assignment to other organizational components within or outside of DeCA will adhere to the schedule of the organization and/or supervisor to which assigned.

e. Commuting Time. Commuting time from home to work and from work to home is not hours of work and is not compensable (Section 551.422(b) of Title 5, Code of Federal Regulations, Reference (o) and Section 550.112(j)(2)) of Title 5, Code of Federal Regulations, Reference (p) except:

(1) A FLSA non-exempt employee may be compensated for commuting time if he or she is officially directed to perform work while commuting (e.g., productive work of a significant nature that is an integral and indispensable part of the employee's principal activities);

(2) A FLSA-exempt employee's commuting time may be hours of work if he or she is officially directed to perform work while commuting.

2. PAY. An official work site designation shall be established for an employee on an approved regular telework schedule consistent with the guidance set forth in 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 (TEA)), Reference (a).

3. LEAVE. Absence and leave policies are unchanged by telework. The governing rules, regulations, and policies concerning time and attendance, leave, compensatory time, and overtime remain in effect, regardless of whether the employee works at the Agency worksite or appropriate alternative worksite.

4. WORKERS' COMPENSATION. Employees who are directly engaged in performing the duties of their jobs are covered by Chapter 8100 of Title 5, United States Code, (also known as "Federal Employees' Compensation Act,") Reference (q), regardless of whether the work is performed on the Agency's premises or at an alternative worksite. The employee must notify the supervisor immediately of any accident or injury at the alternate work site, provide details of the accident or injury, and complete the appropriate Department of Labor forms. For work-at-home arrangements, the employee is required to designate one area in the home as the official workstation for the purposes of telework. The government's potential exposure to liability is restricted to this official workstation.

**ENCLOSURE 6**

**INFORMATION TECHNOLOGY (IT)**

1. **GOVERNMENT FURNISHED EQUIPMENT (GFE).**

a. DeCA telework shall be accomplished only with GFE unless otherwise approved by the designated accrediting authority (DAA). The use of employee's personally owned computers to conduct official business is not permitted.

b. The CIO, or their designee, will determine the availability of government-furnished IT to support employees performing official duties at an alternate location. Due to budget shortfalls, required IT services (government-furnished computers, telecommunications equipment, etc.) may not be available or securely configured and accredited to support telework. When IT determined to be essential to perform the job is unavailable or not securely configured to support required tasks, the employee will not be approved to telework.

c. GFE and software will only be used for official DoD and DeCA business. Only DeCA employees, and authorized contractors are allowed to use DeCA furnished computers or a DeCA VPN connection.

d. The employee is responsible for the protection and care of all GFE to the best of their ability and must protect all equipment from possible theft and environmental damage. The employee must notify their supervisor immediately following any damage or loss of GFE. Employees may be financially liable for the property if it is stolen, damaged, lost, or destroyed as a result of negligence, improper use or other willful actions.

e. The DeCA Service Desk will not provide equipment installation outside an Agency worksite. Teleworkers will be provided with installation instructions and all required software will be installed at an Agency worksite (or by remote control) by DeCA Service Desk. Teleworkers will be expected to plug in cables, add paper, and ink/toner and perform basic user maintenance on their own at the appropriate alternative worksite. If additional maintenance or repair is required, the teleworker may be required to:

(1) Bring the GFE to an Agency worksite, or;

(2) Ship the product, as directed by the DeCA Service Desk, to a location where an IT technician can provide complete support of the device.

f. If DeCA's COOP is executed and employees are expected to work off-site for an extended period of time, employees will be allowed to use their personal printers, if required to successfully telework. Otherwise, employees are required to obtain DAA approval to use their personal printers during regular telework. Teleworkers may request that printer driver software be installed on their GFE via a Service Desk ticket, to enable them to use non-DeCA provided printers while teleworking. The request should be accompanied by the DAA's approval. Staff offices retain the option, on a case-by-case basis, to pay for an employee's printer or other

peripherals, depending on job requirements, business need, and funding availability. Staff offices will be expected to fund any peripherals they desire for their teleworkers out of business line funds.

g. Issuance of equipment such as cellular phones, smart phones, or other mobile devices is based on job requirements. Employees whose jobs require such equipment must request it through their supervisory chain.

h. DeCA's DAA retains ownership and control of all GFE IT hardware, software, and peripherals and is responsible for maintaining, providing support for and repairing the equipment regardless of whether it is used in an Agency worksite or at an appropriate alternative worksite. IT support for GFE is provided by DeCA IT employees or authorized contractors. Employees will not attempt any type of repair to either GFE hardware or software without the direct guidance of DeCA's technical staff. The employee will not attempt to install any hardware or software on to GFE without technical supervision and prior approval by the DAA or their designee.

i. When an IT issue cannot be resolved remotely, employees working at appropriate alternative worksites, may be directed to bring their GFE to the nearest Agency worksite, or to ship the product as directed by the DeCA service desk, where local support and/or replacement parts can be dispatched. DeCA will not provide on-site IT support at alternative telework worksites.

j. If the employee suspects any malicious or suspicious activity on their GFE, they are responsible with alerting the DeCA Service Desk. The employee will be asked to report to the traditional workplace, or receive temporary GFE dependent upon availability, until an investigation, replacement, or repairs are completed.

2. REMOTE ACCESS AND SECURITY. DeCA technical staff and remote users will follow the policy and guidance contained in the Defense Information Systems Agency STIG for remote computing and the security considerations contained in DoD Instruction 1035.01, "Telework Policy," Reference (b).

a. No classified documents (paper or electronic) may be taken to, used, or permanently stored at an employee's alternate work location, to include payment card industry data (e.g. credit cards).

b. If data-at-rest (DAR) encryption software is installed and properly configured on the GFE mobile device, then Privacy Act of 1974, Reference (i), personally identifiable information (PII), business sensitive, or For Official Use Only (FOUO) data may be taken to and used at an alternate work location with written supervisory approval, provided the policies and procedures outlined in DeCAD 35-43 and DeCAM 35-43.1, Reference (l) are followed. If no DAR encryption software is installed and configured on the GFE mobile device, the aforementioned materials may not be accessed via the network or stored on the mobile device.

c. The employee is responsible for protecting all PII, evidentiary material, or sensitive documents from unauthorized disclosure or damage and will comply with the provisions of the Privacy Act of 1974, Reference (i). The Terms of the Telework Agreement on page one of the DD Form 2946, satisfy the requirements in DeCAM 80-21.1, section 3-5, Reference (m). Appendix B of DeCAM 80-21.1 is not required if the DD Form 2946 is properly completed and signed by the teleworker and their supervisor.

d. The employee will safeguard all data with security equal to that required in the workplace. Neither family members nor other individuals are authorized to handle and/or view any government controlled Unclassified information, including sensitive information, Privacy Act, and FOUO data.

e. Teleworkers whose positions require access to DeCA electronic files or business applications are expected to personally provide internet service. Staff offices retain the option, on a case-by-case basis, to pay for an employee's internet service, depending on job requirements, business case and funding availability. To enable maximum productivity, a "persistent" broadband internet connection such as cable or other broadband connection is required for all teleworkers. Dial up, satellite, and tethering, e.g., via smart phone, is not acceptable as a regular telework communications solution.

f. If high-speed internet service is not available, and lack of remote access would adversely impact an employee's productivity, the employee will not be approved to telework.

g. While working at an alternate site the employee will use a VPN connection to the DeCANet to access internal resources to include email, network share drives, and Web sites accessible by the DeCANet.

h. Remote access will be authenticated with a DoD common access card unless otherwise approved by the DAA.

i. Access to the DeCA network is the responsibility of the employee. The employee must first establish connection to the commercial internet prior to establishing a VPN connection with their established internet service provider. The DeCA Service Desk cannot assist the employee until such connectivity is established.

**APPENDIXES**

**APPENDIX A**

**MEMORANDUM FOR NOTIFYING EMPLOYEE OF TELEWORK ELIGIBILITY DETERMINATION**

(OFFICE SYMBOL)

Date

MEMORANDUM FOR (EMPLOYEE)

SUBJECT: Notification of Telework Eligibility Status

This is to inform you that your telework eligibility status has been reviewed based on the criteria contained in DeCAM 50-24.1 “Telework Program,” and has resulted in a determination of (select one):

**ELIGIBLE**

Employee eligible for regular and recurring telework, including emergency and “unscheduled telework”.
Employee eligible for situational telework only, including emergency and “unscheduled telework”.
Employee eligible to telework due to medical condition.

**INELIGIBLE**

Prohibited due to official discipline for more than 5 days of AWOL in a calendar year.
Prohibited due to discipline for violation of Sub Part G, Ethical Standards for viewing, downloading, exchanging pornography, including child pornography, on a Federal Government computer, or while performing official duties.
Not eligible due to other employee conduct issues. Employee may be eligible during emergency or “unscheduled telework”. Supv approval required on case-by-case basis.
Not eligible due to employee performance issues. Employee may be eligible during emergency or “unscheduled telework”. Supv approval required on case-by-case basis.
Not eligible due to employee failure to meet performance requirement of agreement. Employee may be eligible during emergency or “unscheduled telework”. Supv approval is required on case-by-case basis.
Not eligible during probationary period or newly assigned to position. Employee may be eligible during emergency or “unscheduled telework”. Supv approval required on case-by-case basis.
Not eligible - Position requires extensive face-to-face contact w/supv, employees and clients, and employee’s physical presence. May be eligible in emergency or “unscheduled telework.” Supv approval required on case-by-case basis.
Not eligible - Position requires access to material or special equip that can’t be moved from office. Employee may be eligible during emergency or “unscheduled Telework”. Supv approval is required on case-by-case basis.

Not eligible due to daily requirement to handle classified materials. Employee may be eligible during an emergency or “unscheduled Telework.” Supv approval required on case-by-case basis.

*If you have questions regarding this determination, please contact your supervisor.*

## GLOSSARY

### DEFINITIONS

**Agency worksite.** The regular worksite for the employee's position of record; the physical address or place where the employee would work if not teleworking.

**alternative worksite.** A place away from the Agency worksite, including employee's residence or other work location that supports productive work and provides an environment, connectivity, and security appropriate to the work effort.

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

**emergency response telework.** Telework performed in an employee's home or alternative workplace during a crisis situation or emergency by those employees who perform duties in support of mission requirements during crisis situations or contingencies.

**emergency situation.** An event, incident or circumstance that interrupts or compromises operations at, or travel to or from the Agency or appropriate alternative worksite. May include a range of situations including, but not limited to civil disruptions, inclement weather and associated travel conditions, national security situations, natural disaster, public health emergencies, power outages, unusual traffic situations, water main breaks, or other incidents where access to the Agency or appropriate alternative worksite is compromised. Emergency situations include but are not limited to those that result in an official announcement of an operating status under which unscheduled telework is allowed, as defined below. Emergency situations that rise to the level of COOP activation fall outside of DeCA's Telework Policy.

**medical telework.** Telework approved for the purpose of allowing an employee to continue working when a medical condition exists that prevents them from commuting to the traditional workplace but does not prevent them from completing work at an alternate worksite. Medical telework is a form of situational telework; however, it is coded separately for payroll reporting purposes.

**mobile work.** Work which is characterized by regular travel to and work in customer or target [designated] worksites as opposed to the Agency worksite. Mobile work may consist of work such as site audits, site inspections, investigations, and property management. It is distinguished from telework in that the work being done by the employee is specific to a target site or location. Mobile work may be combined with telework.

**official worksite/duty station.** Pursuant to the OPM definition and as set forth in 5 CFR 531.605, (Reference (r)), official worksite is the location where the employee regularly performs his or her official work duties. Changes in an employee's official worksite may affect employee pay, locality pay and travel funding responsibilities and must be processed by the servicing

Human Resources Office (HRO). Designation of the official worksite must be determined on a case-by-case basis using the following considerations:

1) The official worksite is the location of the Agency worksite for the employee's position - the place where the employee would normally work if not teleworking - as long as the employee is scheduled to report physically at least twice each biweekly pay period to that Agency worksite;

2) The official worksite for an employee who is not scheduled to report at least twice a biweekly pay period to the Agency worksite (includes virtual workers/full time teleworkers) is the location of the appropriate alternative worksite (except in certain temporary duty situations);

3) The official worksite for an employee whose work location varies on a recurring basis (mobile work), and who does not report at least twice each biweekly pay period to the Agency worksite, is the Agency worksite, as long as the employee is performing work within the same geographic area (established for the purpose of a given pay entitlement) as the Agency worksite.

**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.

**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.

**telework.** A voluntary work arrangement in which an employee performs officially assigned duties during any part of regular, paid hours at an approved alternative worksite on either a regular and recurring, or on 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.

**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.

**traditional worksite.** The location where an employee would work absent an alternative workplace arrangement.

**unscheduled telework.** A form of situational telework where an employee on an approved telework agreement performs assigned official duties at home or another approved worksite when the traditional worksite is closed due to an emergency event or open, but severe weather conditions or other circumstances disrupt commuting and compromise employee safety. See guidance on the use of unscheduled telework in Enclosure 4, paragraph 5.

**GLOSSARY**

**ACRONYMS**

<b>AWOL</b>	absent without leave
<b>AWS</b>	alternate work schedule
<b>CEO</b>	Chief Executive Officer
<b>CIO</b>	Chief Information Officer
<b>COHL</b>	Human Resources Directorate/Labor
<b>COOP</b>	continuity of operations planning
<b>DAA</b>	designated accrediting authority
<b>DAR</b>	data-at-rest
<b>DCPAS</b>	Defense Civilian Personnel Advisory Services
<b>DCPDS</b>	Defense Civilian Personnel Data System
<b>DeCA</b>	Defense Commissary Agency
<b>DeCAD</b>	Defense Commissary Agency directive
<b>DeCAM</b>	Defense Commissary Agency manual
<b>DIACAP</b>	Defense Information Assurance Certification and Accreditation Process
<b>DoD</b>	Department of Defense
<b>DODI</b>	Department of Defense Instruction
<b>FLSA</b>	Fair Labor Standards Act
<b>FOUO</b>	for official use only
<b>GFE</b>	government-furnished equipment
<b>HR</b>	Human Resources
<b>HRO</b>	Human Resources Office
<b>IAW</b>	in accordance with
<b>IP</b>	internet protocol
<b>IT</b>	information technology
<b>OPF</b>	official personnel file
<b>OPM</b>	Office of Personnel Management
<b>PII</b>	personally identifying information
<b>PIP</b>	performance improvement plan
<b>STIG</b>	Security Technical Implementation Guide

<b>TEA</b>	Telework Enhancement Act of 2010
<b>TM</b>	telework medical
<b>TS</b>	telework situational
<b>TW</b>	telework recurring
<b>USC</b>	United States Code
<b>VPN</b>	virtual private network