

TELEWORK DIRECTIVE

I. Purpose

This Management Directive (MD) establishes Department of Homeland Security (DHS) policy regarding telework. DHS supports Public Law 106-346 (FY 2001 Department of Transportation and Related Agencies Appropriations Act) Section 359, which promotes a policy under which eligible employees of the agency may participate in telecommuting to the maximum extent possible without diminished employee performance or mission accomplishment.

II. Scope

This MD applies to all DHS Organizational Elements (OEs). This MD applies to all DHS employees, except those excluded by law or Executive Order from coverage under P.L. 106-346, Section 359 and those employees deemed ineligible by the agency to participate in the telework program.

III. Authorities

The following laws, regulations, orders, policies, directives, and guidance govern this MD:

- A. P.L. 106-346, "Making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes," Section 359 and accompanying conference report
- B. P.L. 105-277, "Making omnibus consolidated and emergency appropriations for the fiscal year ending September 30, 1999, and for other purposes," Title IV, "Domestic Food Programs," Section 630, "Flexiplace Work Telecommuting Programs."
- C. P.L. 104-52, "Making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1996, and for other purposes," Section 620.
- D. OPM Guide to Processing Personnel Actions, Chapter 23

E. OPM Memorandum to Executive Heads of Agencies, subject: Establishing Telecommuting Policy dated February 9, 2001.

F. OPM Memorandum to Executive Heads of Agencies, subject: Washington, DC Area Dismissal or Closure Procedures dated December 4, 2003.

IV. Definitions

A. **Alternative Worksites**: A place where individuals perform official duties away from the primary office. They can be in the employee's home, a telework center, or another approved location equipped with standard office technology which includes phones, personal computers, faxes, printers, copiers, e-mail, internet access, etc.

B. **Eligibility Criteria (job related)**: An occupation or position is eligible for telework if, either regularly or occasionally, performance of some or all of its duties is away from the principal place of duty.

C. **Organizational Element (OE)**: As used in this MD, DHS OE is as defined in DHS MD 0010.1, "Management Directive System and DHS Announcements," or subsequent versions.

D. **Qualifying Criteria (employee related)**: Requirements an employee must meet to participate in a telework arrangement (e.g., performance rating of at least fully successful or equivalent, no pending disciplinary action, limited time in agency).

E. **Telework**: Any arrangement in which an employee regularly performs officially assigned duties at home or other worksites geographically convenient to the residence of the employee and away from the traditional worksite.

F. **Telework Agreement**: A written agreement, completed and signed by the participating employee and appropriate official(s) in his or her OE, that outlines the terms and conditions of the telework arrangement.

G. **Telework Centers**: A General Services Administration (GSA) or other approved facility established by state, local, or county governments or private sector organizations for use by teleworkers. Telework centers are alternative worksites; typically, facilities that house workstations either rented or leased providing a professional atmosphere conducive to effective job performance. Generally, a telework center is closer to the employee's home, reducing commuting time. Make annual payment for use of GSA telecenters using GSA's "Telecommuting Facility Reimbursement Information Sheet."

H. **Telework Schedules:** Telework may be defined as "episodic or situational" or "core," as described below.

1. **Situational or Episodic Telework:** The employee teleworks on an occasional, non-routine, irregular basis. Individuals can also use this type of telework during potential emergency situations or as an integral part of DHS's plans for Continuity of Operations Plans (COOP), allowing the Federal Government to remain responsive to the nation at all times.

2. **Core Telework:** The employee teleworks on a routine, regular, and recurring basis one or more days per week. Individuals can conduct core telework on a full time or part time basis.

I. **Traditional worksite:** The primary location where an employee would usually report for their workday absent a telework agreement.

V. Responsibilities

A. **The Secretary of the Department of Homeland Security:**

1. Shall be responsible for ensuring that DHS complies with any applicable laws, regulations, and Executive Orders.

2. Resolves major issues of non-concurrence.

B. **The Under Secretary for Management** is responsible for the management and administration of DHS's Telework Program.

C. **DHS Chief Human Capital Officer (CHCO):**

1. Establishes DHS policy on telework.

2. Oversees the administration of the Telework Program within each OE.

3. Advises the Secretary and Under Secretary for Management on issues involving telework.

4. Provides and interprets DHS policies and standards for telework programs.

5. Provides DHS officials with technical assistance and consultative services for complex teleworking issues.

D. **The Head of the DHS OEs:**

1. Develops specific guidelines on telework necessary to implement this policy within the organization; guidelines must include a requirement for a written agreement between supervisor/manager and the employee.
2. Administers the telework program in accordance with P.L. 106 346, Section 359 and any relevant DHS regulations and guidelines. The program shall establish security controls that must be addressed through a written telework agreement outlining the terms and conditions of the telework arrangement.
3. Designates an OE Telework Coordinator to administer and oversee implementation of the telework program in the OE.
4. Prepares, maintains, and reports any data necessary for the Telework Program for the Chief Human Capital Officer on an annual or as required basis.

VI. Policies and Procedures

- A. It is DHS policy to make telecommuting available to the maximum extent possible without negatively impacting mission accomplishment.
- B. Individuals can also use Telework as an integral part of DHS's plans for Continuity of Operations Plans (COOP) to ensure that DHS functions smoothly in times of emergency, disasters, or inclement weather. It provides a means for DHS and its OEs to respond to rapidly changing factors and to remain responsive to the Nation at all times.
- C. Participation in a telework arrangement is a management prerogative and not an employee entitlement or right.
- D. Each OE shall develop its own telework plan based on its unique set of work conditions, requirements, and priorities. Any implementing telework regulations or other guidance developed by DHS OEs must comply with this MD, as well as from derived laws.
- E. Participation in a telework arrangement must include a written telework agreement between supervisor/manager and employee.
- F. Telework is not a substitute for dependent care (of children and other family members). Telecommuters must make other arrangements for dependent care.

G. Employee rights provided for in the collective bargaining agreement are not affected by participation in the Telework Program.

H. Teleworking employees continue to be bound by DHS and OEs' standards of conduct, directives, and policies while working at the alternate worksite and/or using Government-furnished equipment.

I. Teleworking employees are subject to ensuring that records subject to Privacy Act and sensitive or classified data are not disclosed to anyone except those who are authorized access to such information in order to perform their duties. Individuals may not remove classified data from employees' official work sites to alternative worksite locations. OEs allowing employees access to records subject to the Privacy Act from a remote work site must provide that appropriate administrative, technical, and physical safeguards are available to ensure the security and confidentiality of the records. OEs may need to revise appropriate system of records notices to indicate that Privacy Act records are maintained at off-site system locations.

VII. Questions

Address questions or concerns regarding this MD to the Office of the Chief Human Capital Officer (CHCO).

**Sample Telework Agreement
Department of Homeland Security**

Date of Request: _____

The following constitutes an agreement on the terms and conditions of the Telework Agreement between:

DHS Component: _____

Name of Participant (print): _____

Employee's first line Supervisor (print): _____

Employee's official duty station is: _____

1. The days in a biweekly Pay Period this employee is authorized to telework in an approved alternative worksite are specified below. Telework days are scheduled and will not be substituted without advance approval of the supervisor.

Example: **Telework Schedule:**

- Situational** (occasional, non-routine)
- Core** (routine, regular, recurring) – Complete schedule below

Day	Telework Days (Week 1)	Start & End Times	Telework Days (Week 2)	Start & End Times
Fri				

2. The employee's alternative worksite is: (Circle one)

- a) Home office/work area
- b) GSA Telework Center
- c) Other Approved Alternate Worksite

Address of alternate worksite: _____

Phone numbers: _____

Fax numbers: _____

E-Mail addresses: _____

3. An employee approved for telework is required to satisfactorily complete all assigned work, consistent with the approach adopted for all other employees in the work group.
4. The employee will meet/speak with the supervisor to receive assignments and to review completed work as necessary or appropriate. The employee's job performance will be evaluated on criteria and milestones determined by the supervisor.
5. The employee will apply approved safeguards to protect Government/agency records from unauthorized disclosure or damage and will comply with the Privacy Act^{1*} requirements set forth in the Privacy Act of 1974, 5 U.S.C. 552a. The Organizational Element will provide employee instructions on safeguarding documents from unauthorized disclosure and the employee will agree to implement them.
6. Government-owned equipment may be issued by the organization and used for the purposes of telework and limited personal use in accordance with DHS policies. The teleworker agrees to protect Government equipment in accordance with established procedures and understands that he or she is accountable to the Organizational Element for any Government-owned property that may be assigned to the teleworker. The Organizational Element is responsible and will pay for maintenance and repair of Government-owned equipment in the possession of the teleworker. The employee must notify his/her supervisor immediately following a malfunction of Government-owned equipment. If repairs are extensive, the employee may be asked to report to the main office until equipment is usable. If government loaned equipment is unsecured and consequently damaged by non-employees, (for example, dependents of the employee) employees may be held liable for the repair or replacement of the equipment, software, etc., to the same extent they are presently held to when loaned equipment is damaged due to their negligence. The Organizational Element is not responsible for maintenance and repair of any personal equipment owned or operated by the teleworker. The Organizational Element may provide dial-in access if sufficient safeguards are put in place such as encryption, firewalls, etc.
7. The Government will not be responsible for operating costs, home maintenance, or any other incidental costs (e.g., utilities) whatsoever, associated with the use of the employee's residence. The Organizational Element will provide a phone card for long distance calls, if necessary.
8. The employee's timekeeper will have a copy of the employee's schedule, and the employee's time and attendance will be recorded as performing official duties at the official duty station.

¹ Privacy Act Notice: The information being requested will be used to implement the DHS Telework Policy and is intended to facilitate your participation in the DHS Telework Program. Authority for this collection of information is found in several public laws on telework, including Public Law 108-447, which requires quarterly reports from agencies on the status of telework programs and Public Law 106-346, which requires agencies to establish telework programs, and in general laws which allow agencies to collect information for administrative purposes, such as 5 U.S.C. 301. The information will be maintained in your official personnel folder, which is covered by a Government-wide systems of records notice, OPM/GOVT-1, and used primarily within DHS to monitor the Telework Program and provide required reports. Provision of this information is voluntary, but if you do not provide it, you may not be able to participate in the DHS Telework Program.

9. The employee must obtain supervisory approval before taking leave in accordance with established office procedures. Use of sick leave, annual leave, or other leave credits during regularly scheduled telework time must be approved in advance by the supervisor. Overtime must be approved in advance by the supervisor.

10. Teleworking employees continue to be bound by the Department of Homeland Security standards of conduct, directives and policies, while working at the alternate worksite and/or using Government-furnished equipment.

11. Telework is not a substitute for dependent care. Teleworkers must make arrangements for dependent care.

12. It is the teleworker's responsibility to ensure that the alternative work environment is conducive to productivity, comfort, safety, and health. Teleworking employees are covered for on-the-job injury or occupational illness at the alternate worksite by the Federal Employees Compensation Act when conducting official Government business. Any accident or illness occurring at the alternate worksite must be brought to the immediate attention of the employee's supervisor. The supervisor must investigate all reports immediately following notification.

13. The alternate worksite may be unaffected by emergencies leading to the closure of or dismissal from the traditional worksite, i.e., weather related closings. Therefore, work at the alternate worksite may be required to continue. The converse may also be applicable.

14. Management may terminate participation in this arrangement at any time.

15. The employee may withdraw from the program at any time.

I have read and understand the DHS Telework policies and agree to abide by these policies.

Participant

Date

Supervisor

Date

1. Telework agreement terminated on (date) _____

2. Individual requesting termination: Participant _____

Supervisor _____