

Telework and Remote Work Guide

Department of the Navy

Assistant Secretary of the Navy

Manpower and Reserve Affairs

September 2021





Table of Contents

REFERENCES.....	2
INTRODUCTION AND PURPOSE.....	2
APPLICABILITY.....	3
TELEWORK AND REMOTE WORK DEFINED.....	3
OTHER DEFINITIONS.....	3
GENERAL GUIDELINES.....	7
IMPORTANT CONSIDERATIONS FOR TELEWORK AND REMOTE WORK.....	7
TELEWORK AND REMOTE WORK ELIGIBILITY.....	8
TELEWORK AND REMOTE WORK APPROVAL.....	11
TELEWORK AND REMOTE WORK READINESS.....	11
OFFICIAL WORKSITE.....	12
WORK SCHEDULES AND COMPENSATION.....	13
TIME AND ATTENDANCE.....	13
PERFORMANCE MANAGEMENT.....	14
TELEWORK AND REMOTE WORK DISAPPROVAL AND TERMINATION.....	14
OPTIMIZING FACILITY SPACE.....	15
EQUIPMENT AND SUPPLIES.....	15
DOMESTIC EMPLOYEES TELEWORKING OVERSEAS (DETO).....	17
APPENDIX A: FREQUENTLY ASKED QUESTIONS.....	22
APPENDIX B: DIFFERENTIATING TELEWORK AND REMOTE WORK.....	27
APPENDIX C: OCHR REMOTE WORK AGREEMENT.....	28



References

- (a) Public Law 111-292 “Telework Enhancement Act of 2010,” 9 December 2010
- (b) DoDI 1035.01 CH-1 “Telework Policy,” 07 April 2020
- (c) SECNAVINST 12271.1 CH-1 “Department of the Navy Telework Policy,” 11 February 2019
- (d) 5 C.F.R. § 531.605 “Determining an employee’s official worksite”
- (e) 5 U.S.C. § 5702 “Per diem: employees traveling on official business”
- (f) The Joint Travel Regulations, 7 July 2021
- (g) 5 U.S.C. § 2105 “Employee”
- (h) OCHR Fact Sheet “Determining Telework and Remote Work Eligibility,” May 2016
- (i) 5 C.F.R. § 351 “Reduction In Force”
- (j) 5 C.F.R. § 2635.704 “Use of Government property”
- (k) SECNAV M-5210.1 “Department of the Navy Records Management Manual,” 23 September 2019
- (l) Department of State Executive Secretary Memorandum, “Requirements for Executive Branch Employees Teleworking in Foreign Locations,” 7 June 2016
- (m) DoD Memorandum (DCPAS Message # 2020112) “Department of State’s Domestic Employees Teleworking Overseas Policy Guidance,” 16 October 2020
- (n) OPM’s “Guide to Telework in the Federal Government,” April 2011
- (o) Foreign Service Act of 1980 (Public Law 96-465) Section 207 (22 U.S.C. 3927)
- (p) Department of State Standardized Regulations (DSSR), June 28 2021 Interim

Introduction and Purpose

The Department of the Navy (DON) is committed to promoting and implementing telework to the greatest extent possible consistent with reference (a) Public Law 111-292 “Telework Enhancement Act of 2010” and DON mission capability and readiness. The DON Telework program supports workforce efficiency, emergency preparedness, and quality of life. Telework and remote work are discretionary workplace flexibilities and not entitlements. However the use of these flexibilities can serve as an effective component of recruitment and retention strategies, enhance work-life balance for the DON workforce and are critical to the DON being a workplace of choice.

This guide is designed to provide clarifying guidance and information for DON civilian employees, Service Members, supervisors, commanders and other management officials concerning the use of telework and remote work in light of clarifications and flexibilities identified during the Federal response to the COVID-19 pandemic. As such, this guide should be read concurrently with references (b) DoDI 1035.01 CH-1, the Department of Defense (DoD) “Telework Policy,” and (c) SECNAVINST 12271.1 CH-1, the “Department of the Navy Telework Policy.”



Applicability

This guide applies to the following workforce categories, including Non-Appropriated Fund (NAF) employees:

- a. DON civilian employees
- b. DON Service Members assigned to shore commands in the Continental United States (CONUS), Alaska, and Hawaii. Service Member applicability is determined at the discretion of the Chief of Naval Operations and the Commandant of the Marine Corps in accordance with approved Service policy.
- c. Existing telework policy does not apply to contractors, however telework can be authorized by commands for contractors subject to the terms of their contracts. Commands should consider options for contractors to telework and optimizing facility workspace when devising contract requirements.

Telework and Remote Work Defined

Telework

A voluntary work arrangement where an employee or Service Member performs assigned official duties and other authorized activities during any part of regular, paid hours at an approved alternative worksite. Teleworkers are scheduled to report to the regular worksite on a routine (regular and recurring) basis at least two days per biweekly pay period (two days per two-week period for Service Members). For both civilian employees and Service Members, telework does not include any part of work done while on official travel or mobile work.

Remote Work

An approved work arrangement where eligible employees or Service Members perform assigned official duties and other authorized activities at an approved alternative worksite, within (local remote work) or outside (distant remote work) the local commuting area of the regular worksite, and are not expected to physically report to the regular worksite on regular and recurring basis. The employee or Service Member may be recalled to the regular worksite based on mission or operational needs, or for other reasons as determined by the supervisor or commander. In such situations, reimbursement for travel expenses may be authorized in accordance with references (e) 5 U.S.C. § 5702 and (f) The Joint Travel Regulations and any applicable command policy. For civilian employees, the approved alternative worksite is, for pay and other purposes, the official worksite, as indicated on the employee's Standard Form 50 (SF-50) Notification of Personnel Action or equivalent non-appropriated fund form, and in accordance with reference (d) 5 C.F.R. § 531.605. Remote work does not include work done while on official travel or mobile work. Remote work is not telework, but should follow telework policy principles until additional guidance is published.

Other Definitions

Alternative Worksite: A place away from the regular worksite that has been approved for the performance of assigned official duties. It may be a private home or other approved worksite. The alternative worksite must be documented on the completed DoD Telework Agreement, DD Form 2946



and/or any other applicable document deemed necessary by the command. The alternative worksite must be identified with sufficient specificity to allow for analysis of civilian employee workplace injury claims.

Continuity of Operations Planning (COOP): An effort to ensure that the capability exists to continue agency essential functions across a wide range of natural disasters or local or national declared emergencies.

Desk Sharing: An arrangement in which two individuals share the use of a single workspace and where each individual has a designated dates/times for use of the space.

Disciplinary Action: Formal and informal actions taken to correct an employee's conduct. Formal disciplinary actions can range from a written letter of reprimand to a removal.

Distant Remote Work: An approved remote work arrangement where an eligible employee or Service Member works at an alternative worksite that is outside of the defined local commuting area of the regular worksite and does not report to the regular worksite on a routine (regular and recurring) basis. The employee or Service Member may be recalled to the regular worksite with reimbursement for travel expenses per references (e) 5 U.S.C. § 5702 and (f) The Joint Travel Regulations, based on mission or operational needs, or for other reasons as determined by the supervisor/commander. The alternative worksite is the official worksite.

Distributed Workforce: A workforce inclusive of all employees and Service Members at all worksites, regardless of physical location.

Eligibility: Characteristics of the work and the employee/Service Member, evaluated separately, that identify suitability for telework or remote work, as determined by the supervisor/commander or other appropriate management official in the employee's/Service Member's chain of command. There are two types: position eligibility and employee/Service Member eligibility.

Emergency Situation Telework: Telework performed in an employee/Service Member's home or alternative worksite during a crisis situation or emergency event by those employees/Service Members who perform duties in support of mission requirements during crisis situations or contingencies. Employees/Service Members who were not previously telework participants, and who are directed to perform emergency situation telework, should complete the required telework training and telework agreements (DD Form 2946) as soon as possible.

Employee: Defined by reference (g) 5 U.S.C. § 2105, and as used in references (a) Public Law 111-292 "Telework Enhancement Act of 2010," (b) DoDI 1035.01 CH-1 "Telework Policy," and (c) SECNAVINST 12271.1 CH-1 "Department of the Navy Telework Policy," an employee further includes members of the Federal service, paid from appropriated or non-appropriated funds to include working capital funds and foreign national employees. The term employee does not include Service Members, contractors, or volunteers.



Employee/Service Member Eligibility: An employee/Service Member whose position is deemed telework and/or remote work eligible, and whose performance, conduct, assignment, mission, and other relevant personnel factors are suitable to allow telework and/or remote work participation, even though participation may only be situational, temporary, or on an emergency basis. Supervisors and commanders are responsible for determining an employee/Service Member’s telework and/or remote work eligibility. The individual employee/Service Member’s eligibility is separate and distinct from the position eligibility. Please see reference (h) OCHR Fact Sheet “Determining Telework and Remote Work Eligibility”, May 2016, for guidance in determining telework and remote work eligibility determinations. Determination of Service Member telework and remote work eligibility is in accordance with Service policy.

Hot Desking: An arrangement in which individuals use non-dedicated, non-permanent workspaces assigned on an unreserved first-come, first-served basis.

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

Light Telework: See sub-bullet under “Routine Telework”

Local Remote Work: An approved remote work arrangement where an eligible employee or Service Member works at an alternative worksite that is within the defined local commuting area of the regular worksite, but does not report to the regular worksite on a routine (regular and recurring) basis (i.e., less than two days per biweekly pay period). The employee or Service Member may be recalled to the regular worksite, based on mission or operational needs, or for other reasons as determined by the supervisor/commander. The alternative worksite is the official worksite.

Official Worksite: Approved location where employees or Service Members regularly perform their duties. If an employee physically reports to the regular worksite at least two days per biweekly pay period (two days per two-week period for Service Members), the regular worksite is the official worksite. If an employee is not routinely required to report to the regular worksite at least two days per biweekly pay period (two days per two-week period for Service Members), then the official worksite is the alternative worksite. Changing the official worksite may affect an employee in a number of ways, including rate of pay and locality pay, reduction in Force (RIF) competitive area per reference (i) 5 C.F.R. § 351, travel reimbursement, Permanent Change of Station (PCS) entitlements, and unemployment compensation. For Service Members, it may affect Basic Allowance for Housing (BAH) and Cost of Living Adjustment (COLA).

Position Eligibility: Characteristics of the position that identify suitability for telework and remote work as determined by the supervisor/commander or other appropriate management official in the employee’s/Service Member’s chain of command. Civilian positions are identified as either eligible for regular/recurring telework, eligible for situational telework, or not eligible for telework. Typically, position telework eligibility involves at least some tasks and work activities that are portable and do not depend on the employee/Service Member being physically present at the regular worksite. The position eligibility is separate and distinct from the employee eligibility. Please see reference (h)



OCHR Fact Sheet “Determining Telework and Remote Work Eligibility,” May 2016 for guidance in determining telework and remote work eligibility determinations. Determination of Service Member telework and remote work position (billet) eligibility is in accordance with Service policy.

Regular Worksite: The primary worksite of the employing organization where an employee or Service Member would work absent a telework or remote work arrangement.

Remote Work Eligibility: If both a position and employee/Service Member are determined by the approval authority to be initially eligible for regular/recurring telework, the individual may, at the approval authority’s discretion, also then be determined to be remote work eligible, if the approval authority further determines that all of the required duties and tasks can be completed away from the regular worksite, with no frequent, regular and/or recurring requirement to be physically present at the regular worksite. After initial eligibility for remote work is established, continued eligibility is at the approval authority’s discretion. However, before determining an employee is no longer eligible, the approval authority should consult with the servicing Human Resources Office (HRO). Service Member remote work eligibility is in accordance with Service policy.

Remote Worker: An employee/Service Member who meets all of the following criteria: individual is deemed remote work eligible; individual’s position is deemed eligible for regular/recurring telework; individual is telework ready; individual is approved to work at an alternative worksite on a permanent basis, with no frequent, regular and/or recurring requirement to physically report to the regular worksite; employee has not been granted a temporary exception under reference (d) 5 C.F.R. § 531.605 (d)(2); and for a civilian employee/Service Member’s, the alternative worksite is, for pay and other purposes, the official worksite as indicated on that employee’s SF-50 or equivalent non-appropriated fund form or the permanent duty station in a Service Member’s orders. Civilian employees/Service Members working remotely generally should not have any assigned or dedicated workspaces at the regular worksite.

Remote Worksite: The alternative worksite where an individual is approved to perform remote work.

Routine Telework: Also known as “regular and recurring” telework, is an approved work arrangement where an eligible employee or Service Member works at an alternative worksite on a regularly scheduled, ongoing, and recurring schedule. Employees must be scheduled to routinely report to the regular worksite at least two days per biweekly pay period (two days per two-week period for Service Members). The employee or Service Member may be recalled to the regular worksite based on mission or operational needs, or for other reasons as determined by the supervisor or commander.

- *Light Telework:* Routine (regular and recurring) telework of one to four days per biweekly pay period (one to four days per two-week period for Service Members)
- *Substantial Telework:* Routine (regular and recurring) telework of five to eight days per biweekly pay period (five to eight days per two-week period for Service Members)

Service Member: A uniformed member of the United States Navy or United States Marine Corps.



Situational Telework: Telework that is approved on a case-by-case basis, where the hours worked at an alternative worksite are not part of a previously approved, regular telework schedule. Situational telework includes telework in support of special work assignments or other special circumstances, during inclement weather or an emergency (including personal and family emergencies), and/or as part of a COOP. Situational telework can be scheduled in advance or unscheduled and may be authorized for locations beyond the local commuting area of the regular worksite. The regular worksite is the employee's official worksite.

Substantial Telework: See sub-bullet under "Routine telework".

Supervisor: Civilian management official, commander, or Service Member who has responsibility for directing and managing civilian employee or Service Member work and for approving and denying telework agreements.

Telework Agreement: A written agreement, completed and signed by an employee or Service Member and authorized management official(s) using DD Form 2946, that outlines the terms and conditions of the telework arrangement.

Telework Eligible Employee/Service Member: An employee/Service Member whose position is deemed telework eligible, and whose performance, conduct, assignment, mission, and other relevant personnel factors are suitable to allow telework participation, even though participation may only be situational, temporary, or on an emergency basis. Supervisors and commanders are responsible for determining an employee/Service Member's telework eligibility. The individual employee/Service Member's eligibility is separate and distinct from the position eligibility.

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

General Guidelines

Important Considerations For Telework and Remote Work

- A culture that supports and facilitates effective telework and remote work arrangements will require deliberate effort to create a supportive environment that values transparency, communication, trust, use of technology, and results-oriented performance management if teleworkers and remote workers are to successfully meet agency mission and operational requirements.
- Remote work can be used for a variety of important business reasons, including, but not limited to:
 - a) Retention of high-performing civilian employees who must move for personal reasons and would otherwise leave the DON;



- b) Recruitment of civilian employees with specialized skills, who may not want, or be able to, relocate for personal reasons;
 - c) Achieving agency real estate, relocation, and other business cost reductions;
 - d) Reduction of costs associated with filling vacancies when employees/Service Members must relocate to fill the position; and
 - e) Increased work-life balance, resulting in increased morale and greater retention.
- Before approving a remote work arrangement, supervisors/commanders should consider a variety of factors. These include:
 - a) Potential cost savings realized through physical footprint reduction, reduced turnover, etc.;
 - b) Impacts to the organization's operational and administrative functions; personnel costs/savings considerations, such as locality pay, travel costs, and potential costs/savings resulting from any future change in official worksite;
 - c) Loss of valuable social interaction when individuals do not regularly work together in a traditional office setting and whether some may have difficulties in a remote setting without that social interaction;
 - d) Maintenance of quality customer service, including any required physical office coverage;
 - e) Potential reorganization of work for other, on-site staff and subsequent perceptions of inequitable treatment;
 - f) The need for supervisors/commanders to monitor performance and focus on goals and outcomes rather than on physical presence and activity;
 - g) Initial and ongoing communication on tasks and projects with supervisors/commanders and other team members;
 - h) Hidden financial costs, such as shipping of work materials and/or equipment; and
 - i) Ability to provide logistical support to the employee, particularly when dealing with technology issues.
 - Labor Relations – Command/management is reminded of its need to fulfill its statutory labor relations obligations in the implementation of telework and remote work guidance to the extent that it may impact conditions of employment for bargaining unit employees.

Telework and Remote Work Eligibility

- Remote work and increased telework arrangements can present new challenges and require new skills for individuals and their supervisors/commanders. Consequently, not every position nor every individual is suited for such arrangements. Supervisors/commanders should



carefully review this guide regarding eligibility requirements, and may want to consider multiple factors, including individual work characteristics, team dynamics, and job characteristics, when making decisions regarding these arrangements. Similarly, employees/Service Members are advised to conduct an honest self-evaluation when determining if they are suited for these arrangements. Eligibility criteria must be applied impartially and consistently without prohibited factors being considered.

- Individuals who may be best suited for telework and remote work are self-directed and require minimal supervision. They should be able to work independently and be responsive to the organization, team, and customers. They should have initiative to keep supervisors/commanders and co-workers informed about the status of work, and to seek out work assignments, when workload permits. They should be comfortable not having daily face-to-face contact with colleagues.
- Telework and/or remote work position eligibility is determined by the supervisor/commander or other appropriate management official in the employee's/Service Member's chain of command. Supervisors/commanders should consider the nature of the work or tasks to be performed, and assess whether permitting telework and/or remote work would diminish the ability of any employee in that position to perform successfully or negatively impact the mission. However, when an employee's/Service Members' position is determined ineligible for telework and/or remote work, there may be circumstances (such as emergencies or crises), or portions of an employee's/Service Member's work (i.e., some portable duties), where the individual occupying the position may be considered for telework on an emergency or situational basis.
- In determining whether remote work is appropriate, the supervisor/commander should carefully consider the impact of remote work in terms of cost (including possible relocation or temporary duty (TDY) expenses), time (e.g., time zone differences), resources, mission requirements, and other relevant criteria, such as gaining valuable expertise, as well as the transfer/use of new technologies and approaches. Remote work arrangements may involve deploying personnel to client or contractor sites, or utilizing difficult-to-obtain expertise in complex situations. Likewise, individuals should consider that remote work may impact locality pay and RIF rights.
- Examples of portable duties suitable for telework and/or remote work include, but are not limited to: reading reports; completing online training; conducting virtual meetings and training sessions; analyzing documents and studies; preparing written letters, memoranda, reports and other correspondence; providing customer service where the service does not require face-to-face interaction; setting up and participating in conference calls; and similar tasks that do not necessarily require that an individual be physically present at the regular worksite.
- Some positions are not typically suitable for telework and/or remote work. Typical examples are positions that require, on a daily basis: direct handling of secure materials; an on-site activity that cannot be handled remotely or at an alternative worksite (e.g., hands-on contact



with machinery, equipment, or vehicles); and personal contacts (e.g., direct patient care, face-to-face customer service). Employees and /Service Members in positions determined not typically suitable for telework and/or remote work may become eligible in an emergency situation if assigned functions are designated as mission-critical or essential.

- Some civilian employees or Service Members may not typically be eligible to participate in telework and/or remote work, even though their positions or billets may be determined eligible. Typical examples include employees or Service Members: whose performance or conduct warrants closer supervision than telework may provide; whose last performance rating of record is below fully successful (or its equivalent); whose conduct resulted in disciplinary action within the past 12 months; and employees or Service Members who were recently assigned or newly appointed to a trainee or entry level position. An employee or Service Member who has been determined ineligible to telework may become eligible, at the supervisor's/commander's discretion, if the circumstances causing the ineligible determination change and warrant a new eligibility determination. While Service Members may be directed to telework at any time, their supervisors/commanders should consider whether telework is advisable after considering similar factors as those applicable to civilian employees.
- In accordance with references (b) DoDI 1035.01 CH-1 "Telework Policy" and (c) SECNAVINST 12271.1 CH-1 "Department of the Navy Telework Policy," an employee shall not be authorized to telework if the employee has been officially disciplined for being absent without permission for more than five days in any calendar year, or has been officially disciplined for violations of the Standards of Ethical Conduct of Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal government computer or while performing Federal government duties, consistent with the guidance set forth in reference (j) 5 C.F.R. § 2635.704.
- Employees may only telework while performing representational duties if such an arrangement has been made pursuant to an applicable collective bargaining agreement.
- Telework for civilian employees and Service Members is a discretionary workplace flexibility, not an entitlement. Conversely, civilian employees cannot typically be ordered to participate in a telework program, unless the employee's duties are designated as mission-critical or essential, and the employee is required to report to an alternative worksite or the employee's telework agreement addresses this requirement.
- If the employee or Service Member assumes a new position, or if there is a significant change in the individual's duties and responsibilities, the supervisor/commander will reassess the appropriateness of the remote work arrangement. The supervisor/commander may discuss with the employee/Service Member the creation of a modified remote work agreement, including relocation to another remote worksite or termination of the remote work arrangement, and may direct the individual to return to the regular worksite. In such situations, supervisors/commanders should consult with their servicing HRO, legal counsel and/or remote work approving official. A Service Member's remote work arrangement should be similarly reassessed prior to a significant change in their duties and responsibilities.



- Remote work may not at this time be mandated as a condition of employment for current civilian employee positions without agreement from the employee. A sample of such an agreement is attached to this guide. Any such agreement should be reviewed by the servicing HRO and/or legal counsel prior to approval. Entering into such agreements is completely voluntary on the part of employees. Service Member remote work will be in accordance with Service policy.

Telework and Remote Work Approval

- The approval process for remote work arrangements is in accordance with approved command or organizational policy. For employees, it is recommended that approval for remote work be made, at a minimum, by the employee's second-level supervisor and with the concurrence of the employee's servicing HRO. For Service Members, the level of approval for remote work is determined by the Deputy Chief of Naval Operations for Manpower, Personnel, Training, and Education (DCNO N1) or Deputy Commandant, Manpower & Reserve Affairs policy.
- Remote work is intended to be used for permanent work arrangements. Commands should consider the use of existing processes for temporary remote work arrangements, such as Situational/Ad hoc Telework or Temporary Additional Duty (TAD)/Temporary Duty (TDY). Temporary remote work arrangements should be reevaluated periodically (for example, every 90 days) and permanent remote work considered on a case-by-case basis, if appropriate.

Telework and Remote Work Readiness

- Prior to participating in a telework or remote work program, employees/Service Members must complete the employee/Service Member-designated telework training, and their supervisors/commanders must complete their appropriate, designated training. Without completion of that training, the telework agreement shall not be approved. If newly hired into the Agency, civilian employees must complete the required training within 30 days of appointment.
- Employees/Service Members and their supervisors/commanders must complete the DD Form 2946, DoD Telework Agreement, prior to participation in telework or remote work programs. Telework agreements shall be revalidated and signed by the supervisor and employee at least every two years, but should be reviewed annually. Such reviews could occur in conjunction with the annual performance appraisal. Agreements may be reviewed/revalidated more frequently if changes in position duties or other circumstances necessitate. When substantive changes are needed, including any change in the alternative worksite and/or telework schedule a new form must be completed.
- In emergency or crisis situations, employees and Service Members with mission-critical or essential duties and those who may be required to telework in the case of a Continuity of Operations Plan (COOP) event, office closure due to adverse weather, and/or pandemic health crisis, shall have a DD Form 2946 in place. When telework eligibility is expanded due to such situations, or employees who were not participating in telework are directed to do so, they shall be required to complete a DD Form 2946 and complete the required training as soon as



practicable. Service Members are not required to complete a DD 2946 during such situations. Supervisors should include a description of emergency duties if those duties are different from the employee's normal duties.

- During any period that an organization is operating under a COOP plan, that plan shall supersede the telework and remote work policy and the provisions of the Telework Agreement. In the event of a widespread or pandemic health crisis, civilian employees with COOP responsibilities, as well as employees who do NOT have COOP responsibilities, but who are trained and equipped to telework (including on a situational basis), may be required to telework for the health and safety of the workforce.

Official Worksite

- Official worksite for a civilian employee or Service Member covered by a telework agreement is the location of the regular worksite for the individual's position or billet (i.e., place where they would normally work absent a telework agreement), provided that the employee is scheduled to physically report at least twice each biweekly pay period (two days each two-week period for Service Members) on a regular basis to the regular worksite. If the employee or Service Member is not required to physically report at least twice each biweekly pay period (two days each two-week period for Service Members), then the official worksite is the location from which the employee performs the majority of their work, normally the approved alternative worksite as part of a remote work agreement.
- The official worksite for a remote worker is the approved alternative worksite.
- When an employee's official worksite is changed from the regular worksite to a remote work location in a permanent arrangement, an SF-50 or equivalent non-appropriated fund form must be processed. Because of the fiscal implications of changing an employee's official worksite, approval for remote work should be made, at a minimum, by the employee's second-level supervisor or in accordance with in any applicable policy. Supervisors/commanders are highly encouraged to consult with their servicing HRO, legal counsel and/or comptroller prior to finalizing any such arrangements and executing remote work agreements.
- In accordance with Service policy, a Service Member's official worksite for remote work is established in their orders with the approved alternative worksite as their permanent duty station. The permanent duty station sets Service Member locality pay (BAH, COLA, etc.).
- Employees are compensated based on the location of their official worksite. When the remote work location is the employee's official worksite, locality pay would be based on location of remote worksite, not the regular worksite. Additionally, any requirement to report to the regular worksite may trigger travel pay entitlements. If reporting to the regular worksite triggers travel pay entitlements, such travel must be approved by the supervisor/commander prior to the travel commencing. It is important to note that, even if the alternative worksite is within the same local area as the regular worksite, if an employee's remote work situation meets the criteria for a change in official worksite, then such change must be documented on the employee's SF-50 or equivalent non-appropriated fund form to identify where the work is actually being performed.



Work Schedules and Compensation

- Employees/Service Members who telework or remote work must be at their alternative worksite (or other locations with supervisor's/commander's approval) during their scheduled tours of duty or approved work hours.
- Typically, employees/Service Members may not use telework or remote work as a substitute for dependent care (e.g., child or elder care). To clarify, this means that telework or remote work should not be approved solely for the purpose of enabling dependent care. However, telework/remote work can be an important component in establishing a quality work/life balance. If dependents are expected to be present in the home, the telework or remote work agreement should clearly outline expectations regarding work hours, breaks, time and attendance documentation, work schedules, leave requests, etc.
- An in-home dependent care arrangement may pose unique challenges that must be appropriately managed to monitor whether employees/Service Members are able to successfully telework or remote work without jeopardizing work performance. While the mere presence of dependents in the household should not be an absolute bar to teleworking/remote working, employees should not be engaging in dependent care activities when performing official duties. While an occasional, brief interruption may occur when a dependent is present in the home, teleworkers/remote workers must be careful to keep interruptions to a minimum to avoid disruptions in work accomplishment.
- Telework, remote work and alternative work schedules are different work flexibility arrangements; concurrent use is permissible and is encouraged when compatible with mission requirements and individual performance, and in accordance with reference (c) SECNAVINST 12271.1 CH-1 "Department of the Navy Telework Policy" and this guide. In many cases, alternative work schedules can enhance the effectiveness of telework and remote work.
- When teleworking in the local commuting area, employees/Service Members may, with supervisor/commander coordination and approval, work part of the day at their approved alternative worksite and part of the day at the regular worksite to accommodate work schedules and personal commitments (e.g., to attend a training course, meeting, or a medical appointment).
- All premium pay provisions that apply to work at the regular worksite also apply to civilian employees who perform telework and remote work. For example, civilian employees may work overtime only when specifically ordered and approved in advance by the supervisor/commander.

Time and Attendance

- Time spent working by civilian employees, whether at the regular worksite or in telework/remote work status, must be accounted for and reported appropriately in the official timekeeping system. Any time not spent working during the employee's duty day must also



be accounted for, including requesting leave and/or making up time, as appropriate and in accordance with any applicable work schedule/hours of work policies.

- Supervisors must ensure that hours spent teleworking by civilian employees are appropriately coded in the timekeeping system. In the organization's official timekeeping system, telework hours are coded by using the Environmental Hazard (EHZ) code "TS" for situational/ad hoc, or "TW" for regular/scheduled. For reporting purposes, remote work is coded as "TW".
- Service Members will follow local command policy for time and attendance reporting.

Performance Management

- Teleworkers/remote workers and non-teleworkers/remote workers shall be treated the same for the purposes of work requirements, periodic appraisals of job performance, training, rewarding, reassigning, promoting, reducing in grade (civilians), retaining, and other acts requiring management discretion.
- Performance standards for civilian employees and performance expectations for Service Members who telework/remote work should be the same as the standards and expectations for those working at the regular worksite.
- As with any supervisory relationship, work assignments to be performed or training to be accomplished while on telework should be mutually understood in advance of telework events.
- Supervisors/commanders shall communicate expectations of telework/remote work arrangements, including work assignments, office coverage, and staff communication to teleworking/remote working and non-teleworking/remote working employees in the workgroup.
- Supervisors/commanders must have procedures in place to maintain communication across all members of a workgroup.
- Supervisors/commanders are responsible for the effective functioning of the workgroup. However, employees are responsible for their availability and information sharing with the workgroup.
- Supervisors/commanders and employees/Service Members are mutually responsible for ensuring the success of the telework or remote work arrangement.

Telework and Remote Work Disapproval and Termination

- A telework or remote work request may be disapproved by the supervisor/commander. A telework arrangement may be terminated at the discretion of the supervisor/commander or at the employee/Service Member's request. Under current policy, an employee/service member's remote work arrangement may also be terminated at the discretion of the supervisor/commander or at the employee/Service Member's request, unless a written agreement exists dictating other terms.



- When terminating a telework or remote work arrangement, appropriate notice should be given, taking into consideration such factors as mission needs, employee/Service Member personal circumstances, as well as any applicable collective bargaining agreement requirements.
- It is important to note that management-initiated terminations of remote work arrangements for employees or Service Members, may result in changes to locality pay and/or create entitlements to PCS allowances. Supervisors are encouraged to consult with their servicing HRO for guidance prior to terminating employee remote work arrangements. Termination of a Service Member's remote work agreement will follow Service policy.
- When an employee/Service Member's request to telework or remote work is disapproved, or a telework or remote work agreement is terminated by the supervisor/commander, reasons for disapproval or termination should be documented in writing and provided to the employee/Service Member.
- Disapproval of telework agreements should be based on business reasons (e.g., telework agreement fails to meet organizational needs, employee/Service Member's performance does not meet prescribed standards/expectations, or other factors outlined previously or in accordance with reference (c) SECNAVINST 12271.1 CH-1 "Department of the Navy Telework Policy."
- Supervisors are encouraged to discuss employee telework disapproval or telework and remote work termination actions with their servicing HRO Labor and Employee Relations Specialist.
- An employee may challenge denied telework eligibility, disapproval or termination of telework or remote work, reasons given for disapproval, and termination of an existing telework or remote work agreement through the administrative or negotiated grievance process, if applicable, or the equal employment opportunity (EEO) complaint process.

Optimizing Facility Space

- Embracing expanded telework and remote work presents opportunities for commands and their facility space planners to evaluate long-established space requirement assumptions and reset space utilization targets to capitalize on reduced demand for centralized administrative space in a telework and remote work environment. Limiting administrative space requirements through workspace sharing or hoteling presents new ways to optimize use of best-condition facilities and significantly improve facility utilization rates through consolidation.

Equipment and Supplies

- Supervisors/commanders should provide the equipment and office supplies necessary for employees/Service Members to conduct official government business while teleworking or remote working. Equipment and supplies may be furnished for employees/Service Members who telework on a situational basis when practicable. Individuals must comply with equipment usage requirements set forth in telework and/or remote work agreements.
- All Government Furnished Information Technology assets will be accounted for within the DON system of records and in accordance with reference (c) SECNAVINST 12271.1 CH-1



“Department of the Navy Telework Policy.” The General Services Administration (GSA) offers guidelines for equipment and support that agencies may provide beginning on page 13845 of Volume 71, No. 52 of the 17 March 2006 Federal Register.

- a) Government Furnished Equipment (GFE) should be approved for employees and Service Members who telework on a regular and recurring basis, and for situational teleworkers when practicable and subject to budgetary constraints. GFE should be approved for employees and Service Members who remote work. For remote workers, this would typically consist of a laptop or desktop computer, but may, at the supervisor’s/commander’s discretion, also include devices such as tablets, smart phones, and peripheral equipment such as printers and external data storage devices. The command will be responsible for the maintenance of GFE.
 - b) Office supplies may be provided to the extent necessary for daily task accomplishment at the discretion of the command.
 - c) Furniture and other property items, such as desks, chairs and file cabinets may be provided, at the supervisor/commander’s discretion, if determined by the approval authority as necessary and if available from current inventory and/or within budgetary constraints. Since a traditional office space/set-up is not generally provided to remote workers, consideration may be given to providing such items for these workers, if determined necessary by the approval authority and subject to budgetary constraints. As government property, such items and all other GFE must be returned to the organization when the telework or remote work agreement ends or they are no longer needed.
 - d) Employees/Service Members must store, file, and manage records consistent with organizational requirements and procedures, and where feasible, teleworking and remote working personnel should create and maintain content electronically and in accordance with reference (k) SECNAV M-5210.1 “DON Records Management Manual.”
 - e) Reference (b) DoDI 1035.01 CH-1 “Telework Policy,” provides that DoD Components may authorize the use of appropriated funds to install telephone lines, broadband, or other necessary telecommunications equipment in a private residence and fund appropriate monthly expenses (e.g., internet service) for individuals who remote work or telework on a regular and recurring basis, when the purpose is for official Government business, consistent with the guidance set forth in section 1348 of title 31, U.S.C. However, this guidance does not require organizations to provide telephone lines, internet service, telecommunications equipment, or other infrastructure, equipment or financial reimbursements. Such authorization should normally not be used in situations where employees already possess and maintain such items/services, or where the telework/remote work arrangement does not significantly benefit the DON.
- The DON is not liable for damages to the employee’s/Service Member’s personal or real



property while the individual is working at home, except to the extent the Government is liable under applicable sections of “The Federal Tort Claims Act” and “The Military Personnel and Civilian Employees Claims Act,” per reference (b) DoDI 1035.01 CH-1 “Telework Policy.”

Domestic Employees Teleworking Overseas (DETO)

DETO Definition:

A DETO is a U.S. Government (USG) direct-hire employee assigned to a domestic position, with an approved agreement to telework from an overseas location for a limited period of time. A DETO may be sponsored or independent. A sponsored DETO is on the USG orders of a family member, whereas an independent DETO is not on the orders of a USG family member.

General Guidance:

- Employees may not telework from a foreign location without a Department of State (DoS) approved DETO arrangement.
- DETO arrangements do not apply to Service Members.
- Arrangements for domestic civilian employees to telework overseas should be rare, due to extensive DoS requirements, long lead times for approval (6 months or more after submission of the request to DoS), as well as significant security, logistical and administrative challenges. Consequently, any DETO request must be approved by the activity head/Commander or equivalent (or their designee), through the Major Claimant Telework Coordinator prior to the DON Telework Program Manager submitting the request to DoS.
- All DETO requests must follow the requirements set forth in references (l) DoS Executive Secretary Memorandum, “Requirements for Executive Branch Employees Teleworking in Foreign Locations” and (m) DoD Memorandum (DCPAS Message # 2020112), “Department of State’s Domestic Employees Teleworking Overseas Policy Guidance.”
- DoS has final approval authority over any DETO arrangement and employees are strictly prohibited from beginning any DETO arrangement until final approval has been received from the DoS. An employee must not work beyond the DoS approved DETO ending date, until and unless an amended DETO agreement is completed, an extension request is submitted and the employee receives final DoS approval for the extension.
- Due to expanded risks of independent DETO arrangements, it is DON policy that independent DETO arrangements are excluded. Exceptions will only be submitted to DoS in rare circumstances with exceptional justification. Exception requests must be submitted through the employee’s chain of command, with the concurrence of the Major Claimant activity head/commander (or their designee), to the DON Telework Program Manager.
- The duration of a DETO arrangement may not exceed the initial overseas assignment



duration of the sponsoring employee. Requests for extensions, in rare and compelling circumstances, require OCHR HQ approval prior to submission to the DoS for final approval. Extension requests must be completed, submitted and routed using the same process as the original DETO request, but must be submitted to the DON Telework Program Manager after Major Claimant (or equivalent) approval and prior to submission to the DoS.

- A DETO arrangement that includes duties involving reporting on or playing any substantive role in policy or administrative issues pertaining to the country or region in which the host bureau or DETO telework location is located are generally ineligible for approval.
- Positions that require access to and/or handling of classified information are generally ineligible for a DETO arrangement, unless the approved alternative worksite is at an embassy/consulate/mission/installation and the required security standards are in place. In such cases, an embassy/consulate/mission/installation will be the employee's approved overseas alternative worksite and the employing organization may be required to cover any costs required to make the workspace available to the DETO.
- In accordance with reference (o), Section 207 of the Foreign Service Act of 1980 (Public Law 96-465), the DoS Chief of Mission (COM) has specific responsibilities for all USG activities, operations, and personnel conducting official USG business in overseas locations. These responsibilities cannot be waived or delegated. Arrangements that will result in a civilian employee, assigned to a domestic position, teleworking in a location that is outside of the United States, must meet additional requirements that apply to the conduct of official USG activities and operations in overseas locations. Those requirements include:

a) DoS COM Approval:

- ***Permanent Activities:*** Permanent activities include official government activities that are required or envisioned for one year or more. If an organization intends to establish a telework arrangement for one year or more, they must obtain DoS COM approval through the National Security Decision Directive-38 (NSDD-38) process.
- ***Temporary Activities:*** Temporary activities include official government activities that are required or envisioned for less than 1 year. If an organization intends to establish a telework arrangement for less than 1 year, they must obtain DoS COM approval through the country clearance process.

b) Organization considerations:

- ***Assignment Location:*** The official worksite for an employee covered by a telework agreement, not scheduled to report at least twice per pay period on a regular and recurring basis to the regular worksite, typically will be the location of the telework site.
- ***Pay and Allowances:*** A domestic employee teleworking overseas, as defined in Section 040 of the Department of State Standardized Regulations (DSSR) reference (p), who is assigned to a position in the United States, but performs his or her duties



from a foreign location by agreement with his or her employing agency, is not eligible to receive overseas allowances in his or her own right.

- **Passport/Visa:** Organizations will need to confirm that the teleworking employee has the proper documentation such as passports, visas, or any additional work permits required by the host country to perform work for the USG overseas.
 - **Local Labor and Tax Laws:** Local labor and tax laws may apply to the employee's work, and the organization and employee must ensure appropriate compliance (e.g., obtain necessary work visas) before the DoS COM will approve the activity.
 - **Contingency Planning:** Organizations should be prepared to address any problems with the telework arrangement, including situations when the employee is no longer able or willing to work from their home, when the employee or organization wants to terminate the telework arrangement and/or when the employee return(s) to the United States, or is ordered to depart the country by the DoS COM.
 - **Other Costs:** Organizations may be responsible for funding security and administrative support for positions located overseas. Organizations may be responsible for funding travel expenses during the course of the telework arrangement if the employee must travel to other installations or return to the United States for official duties such as periodic consultations or training.
- Employees and organizations requesting a DETO arrangement must complete a DETO Agreement using the DON sample agreement, which may be obtained from the Major Claimant Telework Coordinator or DON Telework Program Manager, and follow all instructions on the template. The DETO request package includes a complete DETO Agreement, a copy of current Telework Agreement, a copy of the sponsoring employee's orders, copies of training certificate for any DoS required training, or any other documents required by the DoS at the time of submission. The completed package must be submitted through the employee's chain of command to the Major Claimant Telework Coordinator for coordination and approval. Once approved by the Major Claimant activity head/commander (or their designee), it must be submitted to DON Telework Manager for submission to DoS and for tracking purposes.
 - An Anti-Nepotism Review (ANR), if applicable due to the DETO's relationship to certain categories of DoS employees, must be approved as a part of the entire approval process and in accordance with the DoS Executive Secretary Memorandum, "Requirements for Executive Branch Employees Teleworking in Foreign Locations," reference (l).
 - The DSSR, reference (p), governs allowances and benefits available to U.S. government civilians in foreign area. Under DSSR 031.8, DETOs are ineligible for allowances and differentials in their own right. Sponsored DETOs may be eligible for certain allowances and differentials through their spouse/partner. Once management approves a DETO arrangement the employee is considered "officially stationed" in a foreign area (despite being on their sponsor's orders) and once the organization identifies the foreign location as the new



official worksite/duty location (by having an SF-50 or equivalent non-appropriated fund form processed to reflect that change) then the employee's pay will change to base rate only (locality does not apply in foreign areas).

- After DETO approval, employees must notify their supervisors and organizational Telework Coordinators of the effective commencement date of the DETO arrangement, before or upon arrival at the overseas alternative worksite, to allow the organization to process the SF-50 or equivalent non-appropriated fund form documenting the change in official worksite. At the end of the DETO arrangement, employees must notify their supervisors and organizational Telework Coordinators of the effective date of the termination of the DETO arrangement to allow the organization to process the required SF-50 or equivalent non-appropriated fund form documenting the change in official worksite.
- Title 5 premium compensation may be available. All overtime must be ordered and approved in writing and in advance, and timely reported in the employing organization's timekeeping system. Whether an employee will be eligible or entitled to receive overtime compensation will depend upon the nature of the duties and where the work is performed. The existing rules governing overtime in Title 5 U.S.C. (regulations in 5 C.F.R. § 550.111) and the Fair Labor Standards Act (regulations in 5 C.F.R. § 551.501) apply to telework arrangements with DETOs.
- Sponsored DETO arrangements generally will not require International Cooperative Administrative Support Services (ICASS) to be provided by the DoS COM, as the employee will be receiving support in their status as a "dependent." However, in the rare circumstance that an independent DETO arrangement is approved, as an exception to policy, services required to support the employee in the performance of their duties would require funding by the employing organization and must be included in the DETO Agreement. Examples of potential support services that may be provided by the DoS COM, with reimbursement to DoS by the employing organization, include copying and imaging services, travel services, mail and messenger services, information management, purchasing and contracting, human resources services (e.g., health care), non-residential security guard services, housing, etc. Situations potentially involving ICASS charges must be coordinated in advance with the DON Telework Program Manager.
- Equipment and supplies for the DETO will be provided in accordance with this guide.
- Employees who are approved for a DETO arrangement will not work on or have access to classified information at the alternative work site unless the approved alternative worksite is at the embassy/consulate/mission/installation and the required security standards have been met and are in place.
- Care and judgment must be exercised with regard to records and information that are Sensitive But Unclassified (SBU) and/or subject to the Privacy Act. Organizations allowing employees access to these records offsite must ensure that appropriate administrative, technical, and physical safeguards are maintained to protect the confidentiality and integrity of records.



- The employee will make available any residential alternative worksite for survey by DoS Post Regional Security Officer to ensure that information security requirements are observed and official documents are properly handled.
- Any ICASS costs incurred in relation to the DETO are the responsibility of the employing organization.
- As a U.S. government Executive Branch employee and while teleworking overseas, the employee is subject to DoS COM authority, although the employee will not be included in the DoS Post's staffing pattern or considered part of the Post's regular staffing complement. The DoS COM must be notified and agree to the DETO's employment arrangements prior to the DETO's arrival at the installation through the NSDD-38 process or country clearance procedures.
- The employee or supervisor may cancel the DETO agreement at any time with prior notification of at least 90 days by providing a written notification, which should include the basis for the cancellation. A supervisor may also amend the DETO agreement at any time by providing written justification based on the needs of the office and prior notification of typically at least two pay periods. Nothing in the DETO agreement precludes the employing office from terminating the telework arrangement, with appropriate notice, and requiring the employee to report to the domestic location of the regular worksite.
- Employees whose DETO arrangements are terminated may request Leave Without Pay (LWOP) from their employing organization. Extended LWOP requests are subject to approval by the supervisor and/or organizational leadership in accordance with established and applicable policies.
- The completed DETO agreement should be drafted by the DETO applicant, in consultation with the supervisor/employing organization, for signature by the employee, the supervisor, and the activity head/commander or equivalent to initiate the process, and then be submitted to the Major Claimant Telework Coordinator for coordination and approval. The DON Telework Program Manager should ensure the Major Claimant activity head/commander (or their designee) has signed the agreement prior to submission to DoS. The DON Telework Program Manager is responsible for initiating the DoS coordination and NSDD-38/country clearance approval process, as applicable.
- A completed DETO agreement is not final approval of the DETO arrangement. The signed agreement simply allows the NSDD-38/country clearance process to move forward. The DETO arrangement must not commence and work must not be performed until the DETO arrangement receives approval by the DoS. It is approved only *after* the COM agrees to the DETO arrangement through the NSDD-38 approval process (for DETO arrangements of one year or longer) or through the electronic Country Clearance process (for DETO arrangements of less than one year). Employees are strictly prohibited from beginning any DETO arrangement and commencing any work activities until final approval has been received from the DoS as communicated by the DON Telework Program Manager.



Appendix A: Frequently Asked Questions

1. Q: How do employees and Service Members find out if their positions are eligible for telework and remote work and if they are eligible to participate?

A: Supervisors and commanders are responsible for informing employees of their position eligibility as well as eligibility status. Additionally, employees may review the “Position Telework Indicator” through MyBiz under Position in the Defense Civilian Personnel Data System (DCPDS). Employees may also obtain the information through Total Workforce Management Services (TWMS) under “General Information.”

2. Q: How does Service Member telework and remote work differ from civilian employees?

A: In general, Service Member telework and remote work policy and guidance is aligned with civilian policy and guidance. The Service Chiefs may establish Service-specific policy, guidance, and processes for telework and remote work by their uniformed Service Members. Local commanders can similarly issue command-specific policy for Service Member telework and remote work. These may include Service Member-specific functions and needs, such as command urinalysis, physical fitness testing, uniform inspections, non-judicial punishment, in-person training requirements, telework and remote work approval requirements, and PCS orders for remote work.

3. Q: Can employees who participate in telework and remote work arrangements use their personal home computers if the organization cannot provide laptops due to the numbers of people teleworking?

A: Yes, but use of personally-owned equipment, such as a personal computer (PC), for telework is authorized as a last resort only when GFE is not provided or available and subject to supervisory/commander approval. Hardware interfaces with personal computers must comply with the criteria and guidelines for using personal equipment established by DON Chief Information Officer requirements. Unlike GFE, personal devices cannot be integrated into the network's device management tools. The government cannot ensure that the optimal anti-virus and other software tools are installed on personal devices. The command may provide a CAC reader and software in order to ensure user identification and authentication requirements are met. Employees and Service Members are responsible for the installation, repair, and maintenance of all personal equipment and other incremental costs associated with the residential worksite. Operating costs associated with the employee using their personal residence as the alternative worksite, including home maintenance, insurance, or utilities (e.g., heat, electricity) will not be assumed by the DON.

4. Q: Are civilian employees covered by Workers’ Compensation when injured or suffering from work-related illnesses while conducting official DON business at the telework location?

A: Employees are required to report injuries to their supervisor as soon as possible and must file a claim with the Department of Labor if they feel their injury is work-related. The Office of



Workers' Compensation Program (OWCP) will ultimately determine if the injury/illness is covered.

5. Q: Can the DON continue to drug test their civilian employees while they are on telework or remote work status if drug testing is a condition of their employment?

A: Please consult your Drug Free Workplace Program Coordinator for additional information. It will likely require coordination to establish a process for your employee's specific situation.

6. Q: Can a commander or supervisor mandate an employee or Service Member to telework who is not on a telework agreement?

A: Typically no, but under the following scenarios an agency may order an employee to telework whether or not the position is telework eligible or the employee voluntarily enters into a telework agreement:

1. The agency includes in their Continuity of Operations Plan (COOP) that employees are required to telework and the agency activates the COOP. (COOPs may be amended as necessary on a just-in-time basis.)
2. A pandemic has been declared by the World Health Organization and the DoD Component issues an evacuation order to an alternative worksite (e.g., home).
3. Service Members can be ordered to telework in accordance with Service guidance.

7. Q: Can I telework or remote work with my children in the home?

A: Maybe. Typically, employees may not telework or remote work as a substitute for dependent care, e.g., child or elder care. To clarify, this means that telework/remote work should not be approved solely for the purpose of enabling dependent care. However, telework or remote work can be an important component in establishing a quality work/life balance for employees. If dependents are expected to be present in the home, the telework agreement should clearly outline expectations regarding work hours, breaks, time and attendance documentation, work schedules, leave requests, etc. Employees must still account for work and non-work hours during their tour of duty and take appropriate leave (paid or unpaid) to account for time spent away from normal work-related duties (e.g., to care for a child or other dependent).

8. Q: How will telework or remote working affect my performance evaluation?

A: Performance standards for civilian employees who telework or remote work should be the same as for those working at the regular worksite. Supervisors and commanders shall communicate expectations of telework and remote work arrangements, including work assignments, office coverage, and staff communication to teleworking and non-teleworking personnel in the workgroup. As with on-site personnel, telework/remote workers shall be held accountable for the results they produce while teleworking/remote working.



- 9. Q: I am currently a Federal employee working within the continental United States and the spouse of an active duty member. My spouse is transferring to a foreign country and I will also be moving. Can I keep my current job and remote work from that foreign location?**

A: Possibly, after receiving Department of State (DoS) approval for a Domestic Employees Teleworking Overseas (DETO) arrangement. First, your command would need to determine whether you and your position are eligible for remote work. Additionally, arrangements for domestic civilian employees to telework overseas should be rare, due to extensive DoS requirements, long lead times for approval (6+ months in most instances) as well as significant security, logistical and administrative challenges. Consequently, any DETO request must be approved by the Major Claimant activity head /commander (or their designee). Then, the employee and their command must follow the guidelines outlined in the section entitled “Domestic Employees Teleworking Overseas (DETO)” in this guide.

- 10. Q: I supervise several civilian positions that have been designated as remote work eligible, and they are currently encumbered. Can I mandate those employees transition to remote work?**

A: No. You cannot mandate that civilian employees currently encumbering remote work eligible positions transition to working remotely. Remote work may not at this time be designated as a condition of employment for employee positions without agreement from the employee. A sample of such an agreement is attached to this guide. Any such agreement must be reviewed and approved by the servicing HRO. Entering into such agreements is completely voluntary on the part of current employees.

- 11. Q: I’m a civilian employee that successfully teleworked full-time during the COVID-19 pandemic, but my supervisor has determined that I must return to the regular worksite. Can I be approved to telework full-time (a.k.a remote work)?**

A: Telework and remote work are not entitlements and supervisors are responsible for determining employee and position telework eligibility. If you are requesting work from an alternative worksite full time, you will be considered a remote worker. There are a variety of factors that must be considered in making such determinations. Ultimately, the approved arrangement must be in best interest of the DON to successfully accomplish our mission. You must consult with your supervisor and follow the established procedures within your organization to obtain approval for any such arrangement.

- 12. Q: Management in my organization is clearly supportive of continued, expanded telework. I supervise several positions that I believe can continue teleworking and become permanent remote workers. When should we update their DD Form 2946s/telework agreements? Also, when should we request their SF-50 or equivalent non-appropriated fund form be changed to reflect their new official worksites as remote workers?**



A: If an employee continues teleworking and is not required and does not desire to report to the worksite at least two times per pay period, a remote work agreement is needed. You may not change their telework status without employee's consent and approval from your chain of command in accordance with any applicable policies. You may offer the employee the opportunity request to permanent remote work and seek approval of that request through any applicable policies or procedures. If approved, then a remote work agreement should be executed and an SF-50 or equivalent non-appropriate form processed to reflect the new official worksite. Supervisors should consult their servicing HRO for assistance with changing the employee's official duty location.

13. Q: I have a civilian employee who is approved to work remotely. Can I require them to report to the regular worksite for a conference?

A: Yes. A supervisor can require remote employees to report to the regular worksite for business reasons. Requiring the employee to report to the regular worksite would be similar to directing a non-remote employee to go on official travel for mission needs. It's important to remember that if the employee's official worksite is outside the local commuting area of the regular worksite, the employee would likely be entitled to official travel benefits. It is recommended that any recurring need for the civilian employee to report to the regular worksite (for example for a quarterly in-person meeting, planned seminar, etc.) be discussed as expectations and documented in the telework and/or remote work agreement. If an employee is required to report to the regular worksite on a frequent and recurring basis, the position is not well-suited for remote work.

14. Q: I have a civilian employee who is teleworking and I need them to come in to the regular worksite on one of their scheduled telework days. If I require them to come in, is their travel time to the regular worksite considered duty time or normal commute/personal time?

A: The supervisor is responsible for determining work status and in this situation, it could depend on several factors. For example, if the supervisor directs the employee to come in for the entire day, travel should be considered their normal commute. If the supervisor determines the employee will come in first thing in the morning, to attend a meeting for example, then permits the employee to return home to the alternative worksite for the remainder of the workday, the travel should again be considered normal commute time. However, if the telework day has already begun, and the employee is directed to come in to the regular worksite on short notice, the travel time could be considered as work hours. There is no one-size-fits-all answer to these situations and supervisors must consider mission requirements, efficiency, as well as liability concerns. Supervisors should consult with their servicing HRO Labor and Employee Relations Specialist for guidance when such situations arise.

15. Q: I have a civilian employee who would like to telework and I agree their position is telework eligible up to 100% of the time, and in fact could be remote eligible. However, the employee wants to live outside the local commuting area, in another locality pay area, and wants to establish a telework schedule that requires them to report to the regular worksite (which is in a higher locality pay area) two days per pay period even though the duties really don't require them to report to the regular worksite. They said they will travel to the regular



worksite “on their own dime.” The employee is clearly requesting this solely for the purpose of keeping the higher locality pay, which will more than compensate them for their travel to the regular worksite for two days per pay period. Should I allow this?

A: No. The telework schedule, including any requirement to report to the regular worksite, should be established based on the requirements of the position and not personal requests. If the duties and responsibilities of the position do not require them to report to the regular worksite two days per pay period, then authorizing that schedule solely for the purpose of maintaining a higher locality pay would be a misuse of the telework and remote work programs.

16. Q: My work division can accomplish 100% of their duties and responsibilities remotely and our senior leadership wants to save money by reducing the physical footprint (leased space). Can I change their positions to remote work positions and mandate these current employees work remotely?

A: No. Remote work, while not telework, is generally subject to the requirements of the Telework Enhancement Act. Therefore, you typically may not mandate current employees to work remotely. Employees who desire to transition into remote work situations may be offered the opportunity to do so and may voluntarily enter into remote work agreements that bind both the employee and organization to certain remote working arrangements. A sample of such an agreement is attached to this guide. Any such agreement must be reviewed and approved by the servicing HRO and chain of command. Entering into such agreements is completely voluntary on the part of employees.

17. Q: My work division can accomplish 100% of their duties and responsibilities remotely and we are reducing our physical footprint (leased space). I have a current vacancy and am about to start the recruitment and hiring process. Can I make this position a remote position and mandate that the person who is hired work remotely?

A: Yes. You will need to work closely with your servicing HRO staffing/recruitment team and ensure the position is advertised as such. You will also want to ensure that, during the interview and selection process, you screen for candidates who possess characteristics that will make them successful in a remote work environment and ensure that any candidate you select desires to work remotely. Once selected, the selectee would be expected to enter into a remote work agreement (similar to the sample agreement attached to this guide).




Appendix B: Differentiating Telework and Remote Work

Telework	Remote Work
Documented using a DD 2946 Telework agreement	Documented by a Remote Work agreement (e.g., MOU) in addition to a DD 2946 Telework agreement
Official duty station - employing organization's worksite	Official duty station – home or other approved alternative worksite
Mission assigned to organization's worksite	Mission assigned to remote duty location
Voluntary program for employees, may be initiated or cancelled at employee request or based on mission needs	Remote work is fully at the discretion of management and is a permanent assignment (Exceptions: RIFs, relocation of mission, etc.)
Travel to official duty station is a commute	Travel to organization's worksite is reimbursed for distant remote workers
Mandatory requirement to report to official duty station at least twice each biweekly pay period	No requirement to physically report to organization's worksite on regular basis
Physically located with co-workers and support services at the regular worksite on a regular basis	Physical separation from the regular worksite, co-workers, customers, and onsite support services
Recruited and hired within a commutable distance of the regular worksite	May be recruited and hired as remote worker within or beyond a commutable distance from the regular worksite
Subject to recall to worksite as mission requires	Subject to recall to worksite as mission requires
Reduction in force – competes with peers who are geographically co-located	Reduction in force – retention may be impacted by geographic separation
Permanent or shared workspace at the regular worksite or agency facility	No assigned workspace at the regular worksite or agency facility
Pay and entitlements based on the regular worksite	Pay and entitlements based on the alternative worksite
DETO agreements are not applicable	Domestic U.S. Employee requesting to remote work for overseas assignment requires an approved DETO Agreement



Appendix C: OCHR Remote Work Agreement

	<p style="text-align: center;">DEPARTMENT OF NAVY, OFFICE OF CIVILIAN HUMAN RESOURCES REMOTE WORK AGREEMENT</p>
<p>PRIVACY ACT STATEMENT</p>	
<p>Authority: This information is sought and maintained under authority of the Telework Enhancement Act of 2010 (5 U.S.C. § 6501 et seq.), 5 CFR 531.605, and 5 U.S.C. § 552a. Purpose: The information solicited on this form will be used in combination with DD Form 2946 (DoD Telework Agreement) to ensure eligibility in the Telework Program, to acknowledge understanding of terms and conditions, and to facilitate timely processing of the request. Routine Uses: None Disclosure: Voluntary; however failure to provide the requested information may delay or result in disapproval of your request.</p>	
<p>TERMS OF REMOTE WORK AGREEMENT</p>	
<p>The employee acknowledges that they have requested to remote work from the address listed in block 4 of this form and is not requesting remote work at the bequest of the Department of the Navy nor for any official/mission-related purpose. The employee recognizes that this remote work arrangement is not an employee benefit or entitlement, but is rather an additional workplace flexibility that the Navy may approve to enable the employee to work from a location other than the regular worksite for personal reasons.</p> <p>The employee agrees to comply with all applicable laws, rules, regulations, DoD, Navy and OCHR policies, instructions and guidance. Unless otherwise instructed and/or approved, employee agrees to perform official duties only at the agency approved alternative worksite. The employee additionally accepts the following terms and conditions in exchange for approval to remote work:</p> <p>a) Pay and benefits The employee understands that upon enactment of this agreement their official duty location may be changed to the address indicated in block 4 of this form and their locality pay may change pursuant to 5 C.F.R 531.605. Any change of the official worksite to the alternative worksite will be documented on a Notification of Personnel Action (Standard Form 50). (See "Duty Station" blocks 38 and 39 of SF-50 showing the city/town, county and state in which the official worksite is located.) The employee understands that a change in official duty location may change the amount of locality pay that they will receive for the duration of the remote work arrangement. The employee understands that any change in official duty location may have implications for a Reduction in Force (RIF), as the new location may be a different competitive area than the regular worksite.</p> <p>The employee further understands that any change in duty location is at the bequest and for the personal benefit of the employee, and not a management directed transfer or change in permanent duty station. As such, the employee is not entitled to: 1) travel/transportation expenses, permanent change of station (PCS) household goods moving cost, real estate expenses, or temporary living expenses for themselves and any dependents to the approved remote worksite at the commencement of the remote telework; and 2) travel/transportation expenses, PCS household goods moving costs, real estate expenses, or temporary living expenses back to OCHR Headquarters' regular worksite upon employee termination of the remote work agreement.</p> <p>For the duration of the remote work agreement, if the employee is required by management to travel back to the local commuting area of the organization's regular worksite for any official work related purpose (other than upon termination of this agreement), the employee will be in placed in a temporary (TDY) status for the travel and will be entitled to TDY-related travel expenses pursuant to the Joint Travel Regulations.</p> <p>b) Liability The DON is not liable for damages to an employee's personal or real property while the employee is working at the alternative worksite, except to the extent the Government is held liable by the Federal Tort Claims Act or from claims arising under the Military Personnel and Civilian Employees Claims Act.</p> <p>The employee understands that the U.S government will not be responsible for any operating costs that are associated with the employee using their home as an alternative worksite, for example, home maintenance, insurance, utilities, internet, cable, or phone. The employee agrees to minimally provide high speed internet service to complete official work duties while at the alternative worksite.</p> <p>c) Termination of remote work Either the employee or the supervisor can cancel the remote work agreement. When possible, advance written notice should be provided. Management may terminate the remote work agreement should the employee's performance or conduct not meet the prescribed standard or the remote working arrangement fails to meet organizational needs.</p>	



TELEWORK AND REMOTE WORK GUIDE

d) One year limitation Unless terminated early, this agreement must be reviewed and recertified by the parties annually to validate that arrangements are still effective and in the best interest of the Navy.	
1. Employee (Last Name, First, Middle Initial)	2. Job Title, Pay Plan, Series, Grade
3. Employing Organization Name and Address	4. Requested Remote Worksite Address
5. Employee Signature: I acknowledge I have read, understand and will comply with all provisions outlined in this agreement	Date: (MM/DD/YYYY)
6. Supervisor Recommendation: <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove (Provide explanation below)	
7. Supervisor Signature:	Date: (MM/DD/YYYY)
8. Executive Committee Decision: <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove (Provide explanation below)	
9. Approving Official Signature	Date: (MM/DD/YYYY)