

MARYLAND NATIONAL GUARD FULL-TIME SUPPORT TELEWORK GUIDE

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Chapter 1

GENERAL INFORMATION

1.1 Background

This Telework Guide is designed to provide guidance to managers and employees in implementing the Maryland National Guard (MDNG) Telework Program, pursuant to Public Law No. 106-346, Section 359, and the Maryland National Guard Telework Policy.

Telework (also known as flexiplace, telecommuting, work-at-home) has emerged over the last decade in Federal Government employment both on an informal basis and pursuant to specific agency policies and regulations. In the early 1990s, following a successful home-based flexiplace pilot program by the Office of Personnel Management (OPM) and the General Services Administration (GSA), agencies were given the authority to permit employees to work at locations other than the traditional worksite.

Congress subsequently initiated an interagency Telecommuting Center Pilot Project in 1993, with a \$5 million appropriation to GSA to acquire and equip four pilot telecommuting centers (telework centers) in the Washington Metropolitan area. Since then, additional centers have been added in the Washington, D.C., area, and in other areas around the country.

DoD, from 1996-1998, conducted a telecommuting pilot project to encourage all DoD Components to test the feasibility of using the GSA telework centers. The interest in alternative or flexible workplace arrangements has increased as a result of a greater demand by employees for a better balance of their work and family/personal lives, increased stress associated with long commutes, increased air pollution, rising costs of office space, and advances in computer and telecommunications capabilities.

This Telework Guide provides advice to managers, supervisors and employees on the Telework Program and should be read in conjunction with the Maryland National Guard Telework Policy. It does not attempt to provide answers to every possible question on telework, nor anticipate every potential situation that may occur in a telework arrangement.

1.2 Nature of the Program

To work effectively, the MDNG Telework Program relies on the integrity and work ethic of participating employees and the active oversight of supervisors. It is incumbent upon the supervisor to closely monitor the work products of the employee, and upon the employee to exhibit honesty and trustworthiness in complying with the telework agreement. The supervisor must ensure that the employee is producing quality products and the employee must exert the same level of effort he or she does at the normal worksite. The program requires this mutual commitment to accomplishing the mission of the organization and to uphold the telework agreement. There may be periods of time (Annual Training, Year End Closeout, Inspections, Contingency and Emergency Operations) when teleworking would be detrimental to the effectiveness of a particular office, unit or organization depending on current mission and

operational requirements. It is vital that there is continuous communication between teleworkers, supervisors, Designated Approving Authorities and Commanders, to ensure that the right people are present and ready for duty to meet the mission requirements of the Maryland National Guard. Needless to say, telework is not appropriate in all situations or for all employees. The program is a privilege extended to expand work options for employees for whom this type of arrangement is appropriate. Telework operates on trust and integrity and offers a creative way to accomplish the work of the agency.

The keys to successful telework lie in the functions and tasks which the employee will be performing at the remote worksite, in the caliber and commitment of the employee, and in the oversight and monitoring of the supervisor.

1.3 Beneficial Aspects of Telework

Telework is designed to be beneficial for employees, supervisors, managers, and the community. Some of the benefits that may result from telework include:

- a. reduced commuting time and decreased traffic congestion, air pollution, energy consumption and costs associated with transportation, parking and road maintenance;
- b. improved employee morale due to a decrease in commuting-related stress and greater flexibility in balancing work and family demands;
- c. increased productivity fostered by a quieter work environment removed from the distractions and interruptions of the normal work setting; and
- d. possible continued work production when commuting is hindered or when the primary worksite is closed due to foul weather, natural disasters, or building-related problems.

Chapter 2

IMPLEMENTATION OF THE MDNG TELEWORK PROGRAM

2.1 Basic Principles for Teleworking in the MDNG

The following basic principles govern the operation of the telework program within the MDNG:

- a. telework is a management option rather than an employee entitlement. Supervisors are responsible for reviewing positions to determine if a position is appropriate for telework and if an employee is well-suited for working independently away from the normal worksite;
- b. supervisors have the authority to approve or deny each employee's participation in the telework program;
- c. telework is an individual supervisor-approved work option so employees have no automatic right to continue in the program in the event of a change of supervisor or position;

- d. participation in the telework program is voluntary and employees will not be required to participate;
- e. telework for bargaining unit employees may be implemented only after appropriate labor relations obligations have been fulfilled;
- f. a written telework agreement is required for all participants;
- g. when the telework agreement has been violated, supervisors may suspend telework privileges and, depending on the severity of the infringement, may propose disciplinary action;
- h. teleworkers may not care for children or other dependents or perform household chores or other personal activities while in a telework status. Working at home is not a substitute for child care, elder care, or personal leave; and
- i. an employee's off-site work must not adversely affect the organization's mission and functions. If, at any time, it is determined that an employee's participation in the telework program is having an adverse impact on work operations or mission accomplishment, the supervisor shall terminate or modify the employee's participation immediately.

2.2 Types of Telework

The MDNG offers two types of telework arrangements, "regular" and "situational", based on the recognition that organizational and employee needs may vary considerably, and should be considered on a case-by-case basis. Some situations require occasional or infrequent arrangements while others are more conducive to longer periods or regularly scheduled arrangements. The intent in offering two types of telework is to provide managers, supervisors, and employees with maximum flexibility to establish an arrangement that is responsive to their particular situation.

Regular Telework

Regular telework means an approved work schedule where eligible employees regularly work at least one day per biweekly pay period at an alternative worksite.

Reasons for regular and recurring telework arrangements include the recruitment and retention of high-quality employees; improved employee morale and a better balance of work and personal lives; reductions in commuting related stress and costs; improvements in access or as a reasonable accommodation for disabled employees; reductions in office space and associated costs; the need for convalescence from a short-term injury or illness, periods when the work office is not usable (e.g., during office renovation), or assignment to a special project. (Note: As indicated in the basic policy, telework is not a substitute for dependent care and is not to be used to replace care arrangements.)

All eligible employees who telework on a regular basis will be required to sign a MDNG

Telework Agreement. Teleworkers who work at home must also sign a MDNG Self-certification Safety Checklist.

Employees who telework must be available to work at the traditional worksite on telework days on an occasional basis if necessitated by work requirements. Conversely, requests by the employee to change his or her scheduled telework day in a particular week or biweekly pay period should be accommodated by the supervisor wherever practicable, consistent with mission requirements.

Situational Telework

Situational telework means approved telework performed at an alternative worksite on an occasional, one-time, or irregular basis. Telework of less than one regularly scheduled workday per pay period is considered situational.

This provides an ideal arrangement for employees who, at infrequent times, have to work on projects or assignments that require intense concentration. Work assignments in this situation may include a specific project or report, such as drafting a local directive, preparing a brief or arguments, preparing an organization's budget submission, reviewing grant proposals, or preparing a research paper. Such situations may occur throughout the year or be a one-time event. Situational telework may also cover short-term assignments, for example, for employees recovering from injury or illness. Supervisor approved web-based distance and continuous learning are excellent examples of situational telework.

For situational telework, supervisors and managers will require a formal MDNG Telework Agreement and Self-certification Safety Checklist if the employee is teleworking from home, to be completed prior to the employee commencing telework. Approval for situational telework, including signing of a MDNG Telework Agreement for situational telework, does not confer eligibility for regular and recurring telework.

The manager will establish and retain a record of the number of employees who undertake approved situational telework and the incidence of such telework.

2.3 Alternative Worksites

Work-at-Home

Work-at-home telework means an approved arrangement whereby an employee performs his or her official duties in a specified work or office area of his or her home that is suitable for the performance of official Government business.

Advantages of teleworking from home include:

- savings in time and reduced stress by avoiding the commute to the traditional worksite, resulting in more and higher quality time with family, and a healthier lifestyle;
- savings in commuting costs;
- convenience;

- familiar environment; and
- enabling work at peak productivity times.

The opportunity to participate in a work-at-home arrangement is offered with the understanding that it is the responsibility of the employee to ensure that a proper work environment is maintained (e.g. dependent care arrangements are maintained and do not interfere with the home office, personal disruptions such as non-business telephone calls and visitors are kept to a minimum).

The employee and his/her family should understand that the home worksite is just that, a space approved for the employee to work. Telework is not a substitute for dependent care.

Before commencing teleworking, work-at-home teleworkers must complete and sign a MDNG Self-certification Safety Checklist that proclaims their home safe for an official home worksite. The goal is to ensure that all the requirements to do official work are met in an environment that allows the tasks to be performed safely.

Work-at-home telework arrangements may increase an employee's home utility costs. The Maryland National Guard assumes no responsibility for any operating costs associated with the employee using his or her personal residence as an alternative worksite, including home maintenance, insurance, or utilities (e.g., heating, electricity, water, cell phone charges). Furthermore, employees on a work-at-home telework arrangement who are approved to use their own equipment are responsible for the repair and maintenance of that equipment.

The preferred method to conduct telephonic business while teleworking will be through Agency remote access systems. Charges for long distance telephone calls will only be reimbursed in the rare instance that remote access is unavailable. Under 31 U.S.C. Section 1348, reimbursement of long-distance (domestic and international) telephone expenses is allowed if incurred as a result of official duties. Employees shall complete Standard Form (SF) 1164, Claim for Reimbursement for Expenditures on Official Business, and have it approved by their supervisor with a copy of the telephone charges. Teleworkers may be provided with agency-appropriated calling cards if duties require making long distance calls on a regular basis.

Maintenance of any Government-furnished equipment may require the work-at-home teleworker to transport Government-furnished equipment to the traditional worksite for repairs.

Other Approved Worksites

Other approved worksites include any other worksite funded or maintained by the Maryland National Guard from which the employee is approved to telework. These include facilities established by state, local or county governments or private sector organizations for use by teleworkers (which has been approved for use by MDNG employees), National Guard Bureau Distance Learning Centers, and the Warfield Air National Guard Computer Learning Center. If a teleworker is approved to utilize these facilities by their supervisor, appropriate arrangements must be coordinated with the full time staff of those facilities for security and availability purposes.

2.4 Telework Agreement

Prior to the commencement of telework arrangements, supervisors and employees must complete and sign a MDNG Telework Agreement that outlines the terms and conditions of the arrangement.

The MDNG Telework Agreement prescribes the approved alternative worksite and telework schedule, and addresses personnel, security, and equipment issues. It also records the anticipated reduction in commuting miles for the teleworker.

The employee or supervisor may terminate the telework agreement by giving advance written notice. If, at any time, it is determined that an arrangement is having an adverse impact on work operations, performance or mission accomplishment, the supervisor will provide notice to the employee that the arrangement will be terminated. The transition back to the traditional worksite will occur no later than 2 weeks following notification.

2.5 Employee Grievances

If an employee disputes the reason(s) given by a supervisor for not approving him or her for telework, or for terminating his or her telework agreement, the employee may submit a grievance using the agency administrative or negotiated grievance procedure, as appropriate.

2.6 Certification and Control of Time and Attendance

The assigned hours of work while teleworking form part of the employee's regular tour of duty. Time spent in a telework status must be accounted for and reported in the same manner as if the employee reported for duty at the traditional worksite. Technician timekeepers will record the numbers of hours each individual spends in a telework status during the regular daily tour of duty by entering a type hour code into the automated time and attendance system. Codes are dependant on the type of telework performed and are as follows: "TW" for regular telework, "TS" for situational telework, and "TM" for telework performed while recuperating from an injury, illness or medical procedure. For instance, if an employee has a regular daily tour of duty of 10 hours and spends 10 hours in a regular telework status, 10 hours is recorded using the "TW" code. The appropriate telework code is entered on the Army Guard employee's Time and Attendance excel spreadsheet. Air Guard employees will have their "type hour" code entered as appropriate (RG for GS, RF for WG/WS) on the employee Time Sheet, and the appropriate telework code entered under the E/H OTH block. Hours spent in a telework status that are outside of the regular daily tour must also be accounted for and reported. Employees in a telework status must adhere to their approved work schedules. Compensatory time must be ordered and approved in advance by the supervisor.

Supervisors can verify an employee's time spent working at an alternative worksite by any of the following methods: Determining the reasonableness of the work output for the time spent, by making occasional telephone calls during the employee's scheduled work hours at the alternative worksite, or by exchange of email if so equipped. The technique for determining reasonableness

of work output for the time spent is consistent with managing by results (refer to the section below on performance management).

2.7 Performance Management

An employee must have a proven performance rating of "fully successful" or equivalent, to be eligible for participation, and for ongoing participation, in the Telework program.

Teleworkers' performance should be monitored in the same manner as all employees' at the traditional worksite. The performance standards should be based on a results-oriented approach and should describe the quantity and quality of expected work products and the method of evaluation. This will include frequent reviews of work products to assure that an acceptable level of output results during the time spent teleworking.

Teleworkers are required to complete all assigned work, consistent with the approach adopted for all other employees in the work group, and according to standards and guidelines in the employee's performance plan.

2.8 Work Schedules

The existing rules on hours of duty apply to teleworking employees. Management determines the employee's work schedule, including the days and times that the employee will work in the traditional worksite and at the alternative worksite, consistent with the requirements of the work group and provisions of existing regulations, Government-wide policy and applicable bargaining agreements. The assigned telework hours can parallel those in the traditional worksite or be specific to the alternative worksite. Employees who work an alternative work schedule, that is, a flexible work schedule or a compressed work schedule, may also telework.

Teleworking employees will spend part of the workweek at the traditional worksite to improve communication, minimize isolation, and use facilities not available off-site. Managers are encouraged to develop flexible procedures that allow individual supervisors to determine the best balance for the mission and individual situations.

Employees may request to participate in short-term telework arrangements for the purposes of recuperating from surgery or injury, complications associated with pregnancy, etc. Requests for this type of arrangement must be carefully considered by managers to determine if the employee is capable of performing duties away from the traditional worksite during this period. This type of telework arrangement is not an appropriate substitution for taking sick or other approved leave as necessary.

2.9 Child/Family Member Care and Personal Business when Teleworking from Home

Employees who telework from their home site are required to spend their time performing their official duties, just as they would if they were in the normal work setting. Employees may not provide child care or care for family members who require assistance or monitoring while in a duty status.

Employees who are approved for telework have a responsibility to ensure that a proper work environment is maintained (e.g., dependent care arrangements are made so as to not interfere with work, personal disruptions such as non-business telephone calls and visitors are kept to a minimum, etc.). The employee and his or her family must understand that the home office is a space set aside for the employee to work. Family responsibilities must not interfere with work time at home. An employee's failure to fulfill his or her responsibility to separate work from personal matters will be grounds for termination of participation in the telework program.

2.10 Official Duty Station

A teleworker's official duty station for such purposes as special salary rates, locality pay adjustments, and travel, is established at agency discretion. Although the Office of Personnel Management has not issued regulations or formal guidance on determining official duty stations for employees in telework situations, OPM's "Guide to Processing Personnel Actions" (GPPA) provides guidance on documenting duty station changes.

Chapter 23 of the GPPA defines "duty station" as the "city/town, county, and State in which the employee works. For most employees, this will be the location of the employee's worksite." The guide states, "The location of an employee's worksite is the location of the employee's desk or the place where the employee normally performs his or her duties." Components should make duty station determinations under telework arrangements within the framework of these GPPA citations. For AGR employees, the BAH rate will be that of the assigned duty station.

2.11 Telework and Travel

The travel provisions that apply to employees working at a traditional worksite also apply to employees who telework. A teleworker who is directed to travel to another worksite (including the traditional worksite) during his or her regularly scheduled basic tour of duty would have the travel hours credited as hours of work. Similarly, as for all employees, teleworkers who are directed to travel back to the traditional worksite after their regularly scheduled basic tour of duty for irregular or occasional overtime work, are entitled to at least 2 hours of compensatory time off (5 CFR 550.112(h)).

Management reserves the right to require employees to report to the traditional worksite on scheduled telework days, based on operational requirements.

2.12 Emergency Dismissal or Closing

Emergency dismissal or closure procedures for employees (including employees teleworking from an alternative worksite) are prescribed by our agency in the Maryland Military Department Regulation 5-8. These procedures apply not just in adverse weather conditions (snow emergencies, severe icing conditions, floods, earthquakes, and hurricanes), but also in all kinds of emergency situations including air pollution, disruption of power and/or water, and interruption of public transportation.

If a situation arises at the employee's alternative worksite that results in the employee being unable to continue working (e.g., power failure), the supervisor should determine action on a case-by-case basis. Depending on the particular circumstances, supervisors may offer the teleworker the option to take leave or use compensatory time off, if applicable, or require the employee to report for work at the traditional worksite. If a similar occurrence causes employees at the traditional worksite to be unable to continue working, e.g., part of a large organization is dismissed due to a lack of heat or cooling, employees who are teleworking would not be affected and would not need to be excused from duty.

If the employee knows in advance of a situation that would preclude working at the alternative worksite, a change in work schedule, leave, or work at the employee's traditional worksite must be scheduled.

2.13 Training

Supervisors and employees participating in the MDNG Telework Program are encouraged to undertake training in telework, as experience shows that the most successful telework arrangements include initial training for both supervisors and employees. The HRO will offer telework specific training during their Technician Personnel Management Course, and consider other training upon request.

All teleworkers using automation from home will complete Information Assurance training with their respective services before engaging in telework. Annual refresher training will be required during the term of the telework agreement. Failure to annually certify will result in the immediate termination of the telework agreement. Please contact either the MDARNG DOIM or MDANG 175th Communications Squadron for specific details.

2.14 Tax Information

Generally, employees who telework from home cannot claim additional tax deductions as a result of using an area of their home for work. Employees should consult their tax advisor or the Internal Revenue Service for information on tax laws and interpretations that address their specific circumstances.

Chapter 3

EQUIPMENT

The Designated Approving Authorities (DAAs) may determine the range of equipment required by a teleworker, the source of this equipment and responsibility for its installation, service, and maintenance subject to the following:

- a. providing and/or installing Government-furnished equipment, including separate phone lines, at alternative worksites is solely at the discretion of the DAA. Laptops and docking stations are useful options for teleworkers;

- b. supervisors should ensure that Government-furnished equipment assigned to teleworkers is properly accounted for;
- c. the employee continues to be bound by the Department of Defense standards of conduct while working at the alternative worksite and using Government-furnished equipment;
- d. the agency is responsible for the service and maintenance of all Government-furnished equipment and software, and employees may be required to bring such equipment into the traditional worksite for maintenance;
- e. the employee must protect all Government-furnished equipment and software from possible theft and environmental damage. In cases of damage to unsecured equipment by non-employees, the employee will be held liable for repair or replacement of the equipment or software in compliance with applicable regulations on negligence;
- f. if the DAA decides to approve Government-furnished equipment and does not have enough office equipment to support its teleworkers due to shortages, the requirement can often be satisfied through excess property (Refer to Part 101-43.001-6 of the Federal Procurement Management Regulation (FPMR) regarding "Utilization of Personal Property". The Property manager for the agency will be consulted and involved in any decisions concerning excess equipment availability. Excess property should be the first source of supply before considering purchasing equipment;
- g. office supplies, such as paper, toner, printer ink etc., will be available to the teleworker for use at the alternative worksite in the same way as in the traditional workplace if they are utilizing Government-furnished equipment; and
- h. employees who use telework centers will be provided access to basic office equipment (e.g., computer, modem, telephone, fax, copier). Telework centers are responsible for the installation and maintenance of telework center equipment. Employees are prohibited from using telework center equipment for personal use.

Chapter 4

SECURITY ISSUES

All files, records, papers, or machine-readable materials created while teleworking are the property of DoD. Records subject to the Privacy Act may not be disclosed to anyone except those authorized access as a requirement of their official responsibilities. Teleworkers shall ensure that appropriate physical, administrative, and technical safeguards are used to protect the security and confidentiality of such records. **Only copies, not originals, of Privacy Act documents may be permitted to be taken out of the traditional worksite and they may be taken only on temporary basis and not permanently stored out of the traditional worksite.** Teleworkers who will be working on Privacy Act materials will receive the appropriate Privacy Act training.

The Agency will provide anti-virus and firewall software as necessary to teleworkers for their personal computers. All information system security tools must be used during the course of telework. Teleworkers are responsible for the security of all official data, protection of any Government-furnished equipment and property, and accomplishment of the mission of DoD at the alternative worksite.

Chapter 5

WORKERS' COMPENSATION, LINE OF DUTY INJURY AND OTHER LIABILITIES

Employees who are directly engaged in performing the duties of their jobs are covered by the Federal Employees Compensation Act (FECA) or military line of duty injury procedures, regardless of whether the work is performed on the agency's premises or at an alternative worksite. The employee must notify the supervisor immediately of any accident or injury at the alternative worksite and provide them with sufficient details of the situation. The supervisor will follow normal worker's compensation or line of duty reporting procedures for any accident or injury just as if it occurred at the traditional worksite.

For work at home arrangements, the employee is required to designate one area in the home as the official work station. The Government's potential exposure to liability is restricted to this official work station for the purposes of telework. Each employee with an approved MDNG Telework Agreement for work-at-home telework must sign a MDNG Self-certification Safety Checklist that proclaims the home safe. Employees are responsible for ensuring that their homes comply with safety requirements.

The Government is not liable for damages to an employee's personal or real property while the employee is working at the approved alternative worksite, except to the extent the Government is held liable by the Federal Tort Claims Act or the Military and Civilian Employees Claims Act. Occupational Safety and Health Administration rules govern Federal employee workplace safety.