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Human Resource Office
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HUMAN RESOURCES OFFICE MARYLAND NATIONAL GUARD



FULL-TIME SUPPORT TELEWORK PROGRAM

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MARYLAND NATIONAL GUARD FULL-TIME SUPPORT TELEWORK POLICY

A. PURPOSE

This Policy implements the requirements of Public Law No. 106-346, Section 359 which requires each Executive Agency to establish a policy under which eligible employees of the agency may participate in teleworking to the maximum extent possible without diminished employee performance.

In implementing P.L. No. 106-346, this Policy is designed to actively promote telework as a legitimate flexibility for managers and their employees throughout the Maryland National Guard (MDNG), and to:

- a. improve the recruitment and retention of high-quality employees through enhancements to employees' quality of life;
- b. increase employee satisfaction and productivity;
- c. reduce absenteeism;
- d. enhance the efforts to accommodate people with disabilities, including employees who have temporary health problems, or who might otherwise have to retire on disability;
- e. reduce traffic congestion and decrease energy consumption and pollution emissions;
- f. reduce office space, parking facilities, and transportation costs, including costs associated with payment of the transit subsidy; and
- g. complement Continuity of Operations Plans.

B. SCOPE

This Policy applies to military technicians, AGR, and non-dual status technicians employed by the Maryland National Guard.

C. DEFINITIONS

Alternative worksite means a place away from the traditional worksite that has been approved for the performance of officially assigned duties. It may be an employee's home, a telecenter, or other approved worksite including a facility established by state, local, or county governments or private sector organizations for use by teleworkers. There must be connectivity to the primary office site and the setting must be conducive to accomplishing work requirements.

Agency Telework Coordinator reports directly to the Deputy Human Resources Officer and assesses the agency's overall telework program.

Designated Approving Authority (DAA) is a Director, Group Commander, or higher position in the supervisory reporting chain.

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

Situational telework means approved telework performed on an occasional, one-time, or irregular basis. Telework of less than one day per pay period is considered situational. The opportunity to use this type of telework may be the result of a medical condition, reasonable accommodation, or the need to be focused on a special project. Other situations may develop that make it beneficial for the employee and supervisor to agree on a situational telework opportunity such as a national emergency or Continuity of Operations Program Plan.

Telecenter is one type of alternative work center. A telecenter should provide a business like work setting that allows the employee to work closer to home. Some employees may prefer to work in a telecenter rather than at home because they find the professional atmosphere is more conducive to effective job performance, or because their home is not suitable for setting up an office. A telecenter may be a MDNG Distance Learning Site or the MDANG Computer Learning Center.

Telework refers to any pre-approved arrangement in which an employee performs officially assigned duties at an alternative worksite on either a regular, or on a situational basis (not including while on official travel).

Telework agreement means a written agreement, completed and signed by an employee and appropriate official(s) in his or her supervisory chain, that outlines the terms and conditions of the telework.

Traditional worksite refers to the location where an employee would work absent a telework arrangement.

Work-at-home telework means a pre-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.

D. POLICY STATEMENT

It is MDNG policy that:

- a. the **maximum number of positions** be identified as eligible for regular telework;
- b. the **maximum number of employees** who exhibit characteristics suitable for telework, and who occupy positions identified as eligible for teleworking, be permitted to telework subject to mission accomplishment considerations;
- c. an employee who teleworks on a regular basis must sign a **MDNG Telework Agreement** prior to commencement of teleworking;
- d. a telework arrangement **is not a right** and may be terminated at will by either the employee or the supervisor;
- e. participation in the program will be terminated if an **employee's performance** does not meet the prescribed standard or if the teleworking arrangement fails to meet organizational needs;
- f. employees may be approved both to telework and to work an **alternative work schedule**;
- g. supervisors may approve "**situational telework**", as defined in this Policy;
- h. telework is appropriate for supervisory-approved web-based **distance and continuous learning**;
- i. telework may not be used to replace appropriate arrangements for **dependent care**;
- j. consistent with **DoD security** and information technology policies:
 - i. **no classified documents** (hard copy or electronic) may be taken by teleworkers to alternative worksites;
 - ii. Government-furnished computer equipment, software, and communications, with **appropriate security measures**, are required for any regular telework

arrangement that involves sensitive unclassified data, including Privacy Act data, or For Official Use Only (FOUO) data;

- iii. where employees telework on a situational basis, **personal computers** can be used to work on limited amounts of sensitive material, (unclassified and below), on the basis that the teleworker must delete the files as soon as they are no longer required, and verify in writing that he or she has deleted all files containing Agency information from personally owned computer hard drives;
 - iv. employees who telework may be approved by the Designated Approving Authority (DAA) to use their personal computers and equipment for work on non-sensitive, unclassified data consistent with DoD policy. Personal computers may not directly access Agency systems or networks remotely. However, Outlook Web Access for agency email, and web enabled services such as publicly available forms, libraries and services are authorized. The employee is responsible for the installation, repair and maintenance of all personal equipment;
 - v. providing and/or installing **Government-furnished equipment** at alternative worksites is a matter for determination by the DAA. If the DAA determines that the issuance of Government-furnished equipment is appropriate, the Agency will be responsible for the service and maintenance of Government-owned equipment. Remote access software may be installed onto Government-furnished computers to enable access to agency systems and networks;
 - vi. Government-furnished equipment must only be used for **authorized purposes**, and family members and friends of teleworkers are not authorized to use any Government-furnished equipment. The employee must return all Government-furnished equipment and materials to the agency at the conclusion of teleworking arrangements or at the agency's request;
 - vii. teleworkers are responsible for the **security** of all official information, protection of any Government-furnished equipment and property, and carrying out the mission of the Agency at the alternative work site;
- k. where it is determined by the DAA that Government equipment will be provided to the teleworker, **excess property** should be the first source of supply before considering the purchase of new equipment;
- l. MDNG assumes **no responsibility for any operating costs** associated with an employee using his or her personal equipment, and residence as an alternative worksite. This includes home maintenance, insurance, internet connectivity, home or cell phone charges and utilities;

- m. an employee who is approved for work-at-home telework must sign a **self-certification safety checklist** prior to commencement of teleworking;
- n. **time spent in a teleworking status** must be accounted for and reported in the manner specified in the MD National Guard Telework Guide;
- o. an employee who is approved for telework is required to satisfactorily 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 standards;
- p. **compensatory time** provisions that apply to employees working at a traditional worksite apply to employees who telework. Employees may work compensatory only when ordered and approved in advance by the supervisor. Instances in which employees perform compensatory work without prior supervisory approval may be cause for administrative action;
- q. **management reserves the right** to require employees to report to the traditional worksite on scheduled telework days, based on operational requirements;
- r. the Government is not liable for damages to the employee's personal or real property while the employee is working at the approved alternative worksite, except to the extent the Government is liable under the Federal Tort Claims Act or the Military and Civilian Employees Claims Act;
- s. the employee is covered by either the Federal Employees Compensation Act (FECA), or normal line-of-duty injury reporting procedures, when injured or suffering from work-related illnesses while conducting official Government business;
- t. employees who telework continue to be bound by the **Department of Defense and agency standards of conduct** while working at the alternative worksite and using Government-furnished equipment; and

- u. telework may be permitted as a **reasonable accommodation** for an employee with a disability.

E. DETERMINING ELIGIBILITY

Positions eligible for telework are those involving tasks and work activities that are portable, do not depend on the employees being at the traditional worksite, and are conducive to supervisory oversight at the alternative worksite. Positions shall not be excluded as eligible on the basis of occupation, series, grade or supervisory status.

Tasks and functions generally suited for telework include, but are not limited to:

- a. critical thinking and writing;
- b. policy development;
- c. research;
- d. analysis (e.g. investigating, program analysis, policy analysis, financial analysis);
- e. report writing;
- f. telephone-intensive tasks;
- g. computer-oriented tasks (e.g. programming, data entry, word processing, web page design); and
- h. data processing.

Positions not generally eligible for telework are those positions involving tasks that are not suitable to be performed away from the traditional worksite, including tasks that:

- a. require the employee to have daily face-to-face contact with the supervisor, colleagues, clients, customers or the general public in order to perform his or her job effectively, which cannot otherwise be achieved via email, telephone, fax or similar electronic means;

- b. require daily access to classified information; or
- c. are part of trainee or entry level positions.

An employee suitable for telework is an employee whose demonstrated personal characteristics are well-suited to telework, as determined by the supervisor, including, as a minimum:

- a. demonstrated dependability and the ability to handle responsibility;
- b. a proven record of high personal motivation;
- c. doesn't need or thrive on interaction with co-workers;
- d. is conscientious;
- e. fully trained;
- f. trustworthy;
- g. requires minimal supervision;
- h. highly disciplined;
- i. meets deadlines and suspenses;
- j. the ability to prioritize work effectively and utilize good time management skills;
- k. a proven or expected minimum performance rating of "fully successful", or equivalent; and
- l. is committed to the success of the telework agreement.

A supervisor suitable for supervising teleworkers is an supervisor whose demonstrated supervisory skills are well-suited to telework, as determined by the manager, including, as a minimum:

- a. is comfortable with evaluating work performance by measuring results and assessing work products instead of relying upon direct observation;
- b. monitors the employee's work products on a regular basis and provides feedback and direction as needed;
- c. is an effective communicator and can clearly define tasks and expectations;
and
- d. takes appropriate action when the telecommuting agreement is violated in order to maintain the integrity and effectiveness of the telecommuting program.

Trial period employees are not eligible for telework because trial periods are established to allow supervisors an opportunity to personally observe and evaluate employee performance and conduct.

F. RESPONSIBILITIES

The Human Resources Officer shall:

- a. oversee the MDNG Telework Program; and
- b. reserve overall approval authority for any action initiated under the telework program.

The Deputy Human Resources Officer will serve as the focal point of the MDNG Telework Program, and shall:

- a. administer a telework program in accordance with public law, this policy and any other relevant Agency regulations;
- b. develop Agency policy on teleworking;
- c. oversee and coordinate Agency implementation and administration of the Telework Program;
- d. designate an Agency Telework Coordinator to administer and oversee implementation of the telework program;

- e. coordinate information on Agency telework initiatives;
- f. advise on the feasibility of telework arrangements; and
- g. prepare consolidated reports on participation rates in the Agency's Telework Program, and other data, on an annual and as required basis.

The Agency Telework Coordinator shall:

- a. assess the Agency's overall telework program: and
- b. provide statistical information to the Deputy Human Resources Officer.

The Designated Approving Authority (DAA) shall:

- a. review and approve telework plans and forward to the Agency Telework Coordinator;
- b. ensure supervisors are properly trained and capable to manage the telework program; and
- c. determine suitability of positions and employees for telework

The Human Resources Development Specialist shall:

- a. develop and implement a mandatory supervisor training program for managing teleworkers; and
- b. track supervisory participation.

The MDARNG Occupational Health Nurse/MDANG Occupational Health and Safety Manager shall:

- a. provide written guidelines on how to avoid alternative worksite injuries; and
- b. conduct any necessary inspections of approved alternate worksites.

Supervisors shall:

- a. enforce the Agency's telework policy
- b. review positions and employees for suitability to telework;

- c. routinely review and enforce safety standards with teleworkers;
- d. measure and report the individual success of each telework arrangement: and
- e. attend any required training before initiating any telework agreements.

Teleworkers shall:

- a. develop their telework plan and submit for approval;
- b. execute all necessary agreements to telework;
- c. comply with all agreements and agency policy; and
- d. keep their supervisor advised of their status.

It is expected that there could be changes and supplements to the specific content of this new policy. As the implementation of these changes affect existing agreements, bear in mind that telework is not a right and management has the prerogative to amend and/or cancel any agreement at any time in the interest of mission, effectiveness, and efficiency. The intent will continue to be the accomplishment of these objectives through the support of a telework program that is right for the Maryland National Guard and its technician and AGR members.

FOR THE ADJUTANT GENERAL:



CHARLES C. BLACKISTON III
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