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POLICY DIRECTIVE #2020-03

16 March 2020

SUBJECT: Telework Program

1. Effective 16 March 2020, Initial Publication.
2. Applicability. This policy directive applies to all full-time Hawaii National Guard (HING) Title 5 Employees, T32 Dual Status Technicians, and Active Guard/Reserve (AGR) Title 32 Soldiers/Airmen.
3. Purpose. The Telework Policy, required by Public Law 106-346, is a Command Policy, established to enable full-time employees of the federal government to function by assisting in performing their duties at alternative work sites. This program is expected to enhance the Hawaii National Guard's effort to recruit and retain high quality employees and improve their quality of life. It will benefit our society in terms of cleaner air, reduced energy consumption, and decreased traffic congestion. **This is a management tool. It is not an entitlement and does not change employment terms and conditions.** This directive establishes guidelines for participation in the telework program without diminished employee performance or agency operations.
4. References.
 - a. Section 6501 of Public Law No. 111-292, Telework Enhancement Act of 2010.
 - b. Section 359 of Public Law No. 106-346, Department of Transportation and Related Agencies Appropriation Act 2010.
 - c. Section 620 of Public Law No. 104-52, Treasury, Postal Service and General Government Appropriations Act, 1996, 30 Sept. 96.
 - d. DoD Telework Policy and Guide for Civilian Employees, 22 Oct. 01.
 - e. DoDD 1035.1, Telework Policy for Department of Defense, 9 Sept. 02.
 - f. DoD Instruction 1035-1, Telework Policy, 4 April 2012.

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- g. Telework Guide, April 2011.
- h. All States (Log Number P02-0042) DoD Telework Policy and Guide, 11 June 03.
- i. AFI 65-601, Vol 1, para 4.24.6, Budget Guidance and Procedures, 24 Dec. 02.

5. Policy.

a. DoD/HING policy. Telework is a management option. It is not an employee entitlement and does not change employment terms and conditions. Therefore, either the employee or the supervisor may terminate the telework arrangement at will. If it is determined that an arrangement is having an adverse impact on work operations or performance, the supervisor will provide notice to the employee that the arrangement will be terminated and utilize the DD Form 2946 to indicate the termination. Reason(s) for termination must be based on business reasons (e.g., the telework agreement fails to meet the organization's needs or the employee's performance does not meet the prescribed standard). The supervisor will assess the employee's teleworking performance on a quarterly basis.

b. Mission Impact. Teleworking must not adversely effect organizational missions and functions. If managers determine there is an adverse effect, they must immediately modify or terminate the telecommuting arrangement.

c. Bargaining unit employees may dispute the denial of telework, the reasons given for a denial and the termination of an existing telework agreement through their negotiated grievance procedures. Non-bargaining unit employees may dispute the denial of a request to telework through the administrative grievance procedure unless specifically excluded.

d. All employees who telework on a regular, recurring, situational, or ad hoc basis must complete a DD Form 2946. The form will be signed and dated by the employee and the authorized management official and reviewed by the HING HRO, the Adjutant General's designated approving authority. The employee's supervisor will maintain a copy of the signed agreement. All telework agreements will address:

- (1) The employee's telework location.
- (2) The supervisor's expectations of a teleworker's performance and work assignments to be performed.
- (3) Whether the employee will telework when the conventional worksite is closed due to weather or other emergency situations.

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(4) Instructions on whether sensitive, unclassified data is authorized for use at the telework location. A description of the proper encryption, storage, safeguarding and return of such information and data must be annotated on the DD Form 2946.

(5) Employees should designate one section of their home as the telework location, provide a diagram of this location, and complete the self-certification safety checklist on Section II of DD Form 2946.

e. Employees participating in telework programs must be accessible and available for immediate recall to their regular offices for operational requirements including meetings, briefings, special assignments, emergencies, and duties that must be performed in the office. Supervisors have the authority to require telework employees to report to their conventional worksites on scheduled telework days.

f. Prior to teleworking, the employee and supervisor must complete telework training at <https://www.telework.gov/training-resources/>. Both the employee and supervisor must print out the certificate of training and attach copies to the completed DD Form 2946 that is submitted to HRO. Employees currently teleworking under an approved telework agreement must also complete this training.

g. Performance management is conducted using the same process as employees that do not telework.

(1) Supervisors must establish performance standards.

(2) Managers will annotate work assignments and expectations on the DD Form 2946. Employees are accountable for the results they produce while teleworking.

h. 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.

i. Telework may not be used to replace appropriate arrangements for dependent care.

j. Requests by teleworkers to change their scheduled telework day(s) in a particular week or biweekly pay period should be accommodated by the supervisor where practical and consistent with mission requirements. Permanent changes of the telework agreement must be reflected by approval of a new DD Form 2946.

k. Telework agreements shall be reviewed by the supervisor and teleworker and revalidated every year or when a new relationship is established between the employee and their supervisor.

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l. The policies for requesting annual leave, sick leave, or leave without pay remain unchanged. Time spent in a telework status must be accounted for and reported on the employee's timecard. The timekeeping code of "TW" will be used for an approved telework scheduled for eligible employees who regularly work at least one day per biweekly pay period at an alternative worksite. The "TS" code will be used for approved telework performed on an occasional, one-time, or irregular basis. The "TM" code will be used for telework that has been approved for a particular employee as deemed necessary by the command for medical reasons.

m. Employees are authorized to work from their personal residences, or other approved alternative locations. Employees must address issues of their own personal safety to be effective while teleworking from a home office or other alternative worksite. Work-related injuries and/or damages at the alternative worksite may be covered by the Military Personnel and Civilian Employees Claims Act, the Federal Tort Claims Act, or the Federal Employees' Compensation Act (Workers' Compensation), as appropriate.

n. Employees may work part of the day at their approved alternative worksite and part of the day at the conventional worksite to accommodate work schedules and personal commitments (e.g. to attend a training course or a medical appointment located near the employee's alternative worksite prior to reporting to the conventional worksite).

o. The official worksite for an employee covered by a telework agreement is the location of the conventional worksite for the employee's position (e.g. the place where the employee would normally work absent a telework agreement), as long as the employee is scheduled to report physically at least twice each biweekly pay period on a regular and recurring basis to the conventional worksite.

(1) When an employee's worksite is changed from the official worksite to the telework location in a permanent arrangement, a Standard Form 50 must be completed by the appropriate civilian personnel center.

(a) Employees are compensated based on the location of their official worksite (e.g., when the telework location is the employee's official worksite, locality pay is based on the location of the telework site, not the conventional worksite).

(b) Employees are entitled to reimbursement for official business travel to the conventional worksite when the employee teleworks full-time from a location outside of the local commuting area, and his or her alternative worksite has been determined as his or her official duty station.

(2) The division chief or directorate may reassign an employee to the telework site in certain temporary situations, such as when an employee is recovering from an

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injury or medical condition, or the employee is affected by an emergency situation that prevents him/her from commuting to the conventional worksite.

p. An employee who is approved for work-at-home telework must sign a safety checklist prior to commencement of teleworking (see Section II, DD Form 2946).

q. Telework must be consistent with DoD/HING security and information technology policies:

(1) No classified documents (hard copy or electronic) may be taken by teleworkers to alternative worksites.

(2) Where employees telework on a situational basis, personally owned computers can be used to work on limited amounts of sensitive but unclassified (SBU) material, 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 department information from personally owned computer hard drives.

(3) Teleworkers are responsible for the security of all official information, protection of any Government Furnished Equipment (GFE), and carrying out the mission of the HING at the alternative worksite.

r. The HING assumes no responsibility for any operating costs associated with an employee using his or her personal equipment and residence as an alternative work site. This includes, but is not limited to, home maintenance, insurance, and utilities.

s. Time spent in telework status must be accounted for and reported in the same manner as if the employee reported for duty at the conventional worksite.

t. 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.

u. The employee is covered by the Federal Employees Compensation Act (FECA) when injured or suffering from work-related illnesses while conducting official Government business.

v. Employees who telework continue to be bound by the Department of Defense standards of conduct while working at the alternative worksite and using GFE.

6. Determining Eligibility.

a. The TAG has not designated any positions eligible for telework.

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However, the TAG will consider requests for telework on a case by case basis provided the position meets the criteria listed below.

b. Positions that involve tasks and work activities that are portable, do not depend on the employees being at the conventional worksite, and are conducive to supervisory oversight at the alternative worksite. Tasks and functions generally suited for telework include, but are not limited to:

- (1) Projects involving thinking and writing.
- (2) Policy development.
- (3) Research.
- (4) Analysis (e.g. investigating, program analysis, policy analysis, financial analysis).
- (5) Report writing.
- (6) Telephone-intensive tasks.
- (7) Computer-oriented tasks (e.g. programming, data entry, word processing, webpage design).
- (8) Computer based training.
- (9) Other tasks determined appropriate by the supervisor.

7. Program Goals and Objectives.

a. Telework is a management tool that allows the HING to authorize personnel to voluntarily work away from the conventional worksite. Telework is a complimentary way of doing business, which moves the worksite to the employee instead of moving the employee to the worksite.

b. Telework, as a management tool, authorizes managers and commanders to allow HING technicians and AGRs to work in an official capacity for pay while away from the conventional worksite. The alternate worksite must have the necessary tools and environment to enable the teleworker to accomplish assigned duties.

c. Telework can benefit the Agency as it is a tool to encourage employees to remain in Federal Service and allows the Agency to remain responsive to mission needs at all times. Telework is a viable option to improve the environment by reducing air pollution

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that results from traffic congestion. Employees are often more productive and generate better quality work because of the quiet environment and minimal interruptions. Supervisors experience improved employee commitment to ensuring that office coverage is maintained, quality of work is improved, and the employer/employee relations is strengthened. Employees who are injured, recuperating, or physically limited may be able to work at home and complete work assignments while minimizing sick leave use.

8. Telework Agreement.

a. Prior to the commencement of any telework arrangement, employees must request telework in writing to their supervisors. Supervisors and employees must complete and sign a Telework Agreement (DD Form 2946) that outlines the terms and conditions of the arrangement.

b. The telework agreement prescribes the approved alternative worksite and telework schedule, and addresses personnel, security, and property issues. It also records the anticipated reduction in commuting miles for the teleworker.

c. The employee, supervisor, or HRO, 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 or performance, the HRO or supervisor will provide notice to the employee that the arrangement will be terminated. The transition back to conventional worksite will be in accordance with established administrative procedures and identified in the termination notice to the teleworker.

9. Certification and Control of Time and Attendance.

a. 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 conventional worksite. Timekeepers will record the numbers of hours each individual spends in a telework status during the regular daily tour of duty. The appropriate type hour code depends on the type of telework (e.g. ad hoc, medical, etc.) (see paragraph 1-4.1. above). Hours spent in a telework status that are outside of the regular daily tour must also be approved in advance by the supervisor and accounted for as compensatory time earned.

b. Supervisors can verify an employee's time spent working at an alternative worksite by determining the reasonableness of the work output for the time spent, or by making occasional telephone calls during the employee's scheduled work hours at the alternative worksite.

10. Performance Management.

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a. An employee must have a proven or expected performance rating of "fully acceptable" or equivalent, (new employees are eligible after receipt of their first official "fully acceptable" rating) to be eligible for participation, and for ongoing participation, in the telework program.

b. Teleworkers' performance should be monitored in the same manner as all employees at the conventional 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.

c. 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.

11. Work Schedules. An employee approved to participate in the telework program must be on an agency approved work schedule. In the event the supervisor and employee agree that additional hours are advantageous to the Government, the telework agreement may be modified provided the work schedule changes are approved by HRO. The compensatory time provisions that apply to employees working at a conventional worksite apply to employees on a telework agreement. Employees may accrue compensatory time/overtime only when approved by the supervisor in advance.

12. Official Duty Station. Chapter 23 of the Office of Personnel Management Guide to Processing Personnel actions defines "duty station" as the "city/town, county, and State in which the employee works". For HING employees, this will be the location of the employee's worksite, previously defined as conventional worksite. The guide further 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/her duties"

13. Telework and Travel

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

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

14. Emergency Dismissal, Closing or Delay.

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a. Emergency dismissal or closure procedures for employees (including employees teleworking from an alternative worksite) apply not just in adverse weather conditions (snow emergencies, severe icing conditions, floods, earthquakes, and hurricanes), but in various emergency situations including air pollution, disruption of power and/or water, and interruption of public transportation.

b. In severe situations where Federal agencies are to be "closed", employees not designated as "mission essential" employees (including teleworking employees at an alternative worksite) are excused from duty without loss of pay or charge to leave. Teleworkers will observe the same closedown arrangements as employees at the conventional worksite.

c. 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 will determine action on a case-by-case basis. Depending on the particular circumstances, supervisors may grant the teleworker excused absence, offer the teleworker the option to take annual leave or compensatory time off, if applicable, or require the employee to report for work at the conventional worksite. If a similar occurrence causes employees at the conventional 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.

d. If a situation arises where employees at the conventional worksite are allowed to report to work at a delayed reporting time, employees who are teleworking at their home would not be affected; however, the employee who works at an alternative worksite, outside of their home, would be required to report in according with the published announcement of the delay.

e. 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 conventional worksite must be scheduled.

15. Physical Fitness Program (PFP). Teleworkers are authorized to participate in a physical fitness program while teleworking. All rules and guidelines that apply in the conventional worksite apply at the alternate worksite. Members using this option must review the HING Physical Fitness Program (PFP) Policy and ensure they have approval from their supervisor to participate in PFP prior to teleworking. Technicians are reminded, as is identified in the PFP Policy, that injuries may not be covered by Workers' Compensation (Federal Employees Compensation Act) - the Department of Labor (DOL) will make this determination. However, any injury must be reported to supervisors immediately. All injuries must be documented and reported by electronic submission to the DOL and Office of Worker's Compensation Program (OWCP) via website <https://www.ecomp.dol.gov/#> within 24 hours.

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16. Training. Supervisors and employees participating in the HING Telework Program must complete telework training at <https://www.telework.gov/training-resources/>. The most successful telework arrangements include initial training for both supervisors and employees.

17. Employee Grievances. An employee may submit a grievance using Agency administrative procedures or the appropriate Collective Bargaining Agreement if he or she disputes the reason(s) given by a supervisor/HRO for not approving a telework arrangement.

18. Security Issues. All files, records, papers, or machine-readable materials created while teleworking are considered Government property and the property of HING. Records subject to the Privacy Act may not be disclosed to anyone except those authorized access as a requirement of their official responsibilities. Supervisors, managers and employees 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 conventional worksite and they may be taken only on a temporary basis and not permanently stored out of the conventional worksite. Supervisors and/or managers shall ensure that any teleworker working on Privacy Act materials receive appropriate Privacy Act training. Teleworkers are responsible for the security of all official data, protection of any GFE and property, and accomplishment of the mission of HING at the alternative worksite.

19. Workers Compensation and Other Liabilities

a. Employees who are directly engaged in performing the duties of their jobs are covered by the FECA, regardless of whether the work is performed on the agency's premises or at an alternative worksite.

b. The employee must notify the supervisor immediately of any accident or injury at the alternative worksite and provide details of the accident or injury. All injuries must be documented and reported by electronic submission to the DOL and Office of Workers' Compensation Programs (OWCP) via website <https://www.ecomp.dol.gov/#>.

c. For work-at-home arrangements, the employee is required to designate one area in the home as the official workstation. The Government's potential exposure to liability is restricted to this official workstation for the purposes of telework. Each employee with an approved Telework Agreement for work-at-home telework must sign a safety checklist (page 2, DD Form 2946) 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

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Employees Claims Act. Occupational Safety and Health Administration (OSHA) rules govern Federal employee workplace safety.

d. An employee on the Workers' Compensation roll who is a candidate for vocational rehabilitation may use telework as an option. It is a management decision, however, as to whether a light duty position would be developed for an injured employee. If an employer wishes to provide a position suitable for telework, it cannot require the use of one's personal residence or resources to perform work. If an employee finds the home-based worksite not conducive to work, the teleworker would upon approval of the DOL, generally be able to withdraw from the vocational rehabilitation trial and apply for a resumption of Workers' Compensation benefits.

20. Responsibilities.

a. TAG:

(1) Establish and approve state telework policy.

(2) Identify positions that may be eligible for telework. (The TAG has not designated any positions eligible for telework, however, the TAG will consider requests for telework on a case-by-case basis.)

b. HRO:

(1) Manage the HING Telework Program.

(2) Educate all new employees and supervisors about the Telework Program.

(3) Conduct liaison with NGB.

(4) Approval authority for all telework requests.

c. NGHI-G6(DCSIM) and 154th Communications Flight:

(1) Establish procedures for teleworkers to connect to the network from offsite locations.

(2) Determine what equipment and support services can be provided or utilized based on the circumstance surrounding the telework arrangements.

d. HIARNG/HIANG: Directorates, Administrative Officers, Commanders or their designees:

(1) Ensure all supervisors and employees are aware of the program.

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- (2) Have all telework plans and complete telework contract IAW with guidelines.
- (3) Monitor telework performance and provide feedback IAW employee performance management procedures.
- (4) Approve the use of Government furnished equipment and supplies for use by the teleworker.
- (5) Receive approval for the use of appropriated funds to pay for services, or supplies for the purposes of telecommuting.

e. Immediate supervisor:

- (1) Research and discuss telework opportunities, options and constraints with all employees. Use DD Form 2946 to document all telework actions: <http://www.dtic.mil/whs/directives/forms/eforms/dd2946.pdf>.
- (2) Prepare required documents and obtain necessary signatures.
- (3) Review, validate and approve the telework agreement at the end of each week of telework services, and document on the DD Form 2946.
- (4) Quality control of the teleworker's completed product.
- (5) Maintain the approved telework agreement with a copy to the teleworker.
- (6) Complete supervisor's online training at: <https://www.telework.gov/training-resources/> and provide a copy to HRO with the DD Form 2946.

f. Teleworkers:

- (1) Research and discuss telework opportunities, options and constraints with Immediate supervisor. Use DD Form 2946 to document all telework actions: <http://www.dtic.mil/whs/directives/forms/eforms/dd2946.pdf> at the beginning of each calendar week of telework service.
- (2) Ensure that alternate worksites are safe environments.
- (3) Report any injuries while teleworking to their immediate supervisor as soon as possible.
- (4) Are subject to applicable laws, regulations and instructions. The period of jurisdiction coincides with the duty hours specified in the applicable work agreement.

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(5) Obtain appropriate approval before performing teleworking duties that exceed the work agreement.

(6) Teleworking will not be used for PME training/upgrade training purposes.

(7) Update the DD Form 2946 at the beginning and ending of each calendar week of telework service for supervisor review/approval.

(8) Complete employee's on-line training at: <https://www.telework.gov/training-resources/> and provide a copy to your immediate supervisor for submission with DD Form 2946.

21. Definitions.

a. Ad hoc Telework. Approved telework performed on an occasional, one-time or irregular basis (less than one day per pay period).

b. Alternative worksite. A place away from the conventional work site that has been approved for the performance of officially assigned duties. It may be an employee's home or other approved work site. Conventional worksite refers to the location where an employee would work absent a telework arrangement.

c. Continuity of Operations (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.

d. Conventional Worksite. Location where an employee would work absent an alternative worksite arrangement.

e. Designated Approving Authority (DAA). A Director, Group Commander, or higher position in the supervisory reporting chain of command.

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

g. Eligible Employees. Full-time employees; technician and AGR members.

h. Government Furnished Equipment (GFE). Equipment such as a computer supplied by the government for telework use.

i. Mission-Critical Duties. Job position functions that are identified as critical to performance of the mission.

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j. **Situational Telework.** Telework that occurs on an occasional non-routine or ad hoc basis. Telework that occurs to complete short-term special assignments or to accommodate special circumstances is also considered situational even though the telework may occur continuously for a specific period.

k. **Regular and Recurring Telework.** An approved work schedule where eligible employees regularly work at least one day per biweekly pay period at an alternative worksite.

l. **Sensitive but Unclassified (SBU).** Is a designation of information in the United States federal government that, though unclassified, often requires strict controls over its distribution.

m. **Telework.** Is a voluntary work arrangement where an employee performs assigned official duties and other authorized activities during any part of regular paid hours at an approved alternative worksite on a regular and recurring or a situational basis. Telework includes remote work where an employee resides and works at a location beyond the local commuting area of the employing organization's worksite.

n. **Telework Agreement.** A written agreement, completed and signed by an employee and the authorized management official(s), via the DD Form 2946 (Encl), that outlines the terms and conditions of the telework arrangement.

o. **Telework Site.** An alternative worksite location where an employee performs assigned official duties.

p. **Unscheduled Telework.** An arrangement where an employee on an approved telework agreement performs assigned official duties at home or other approved worksite when government offices are closed due to an emergency event or, are open, but severe weather conditions or other circumstances disrupt commuting and compromise employee safety.

22. **Proponent.** Forward all agreements and/or questions to Mr. John Yim, HRO Telework Coordinator at (808) 672-1555 or email at john.k.yim4.civ@mail.mil.

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