



Defense Health Agency

ADMINISTRATIVE INSTRUCTION

NUMBER 1000.01

February 7, 2023

Director, J-1

SUBJECT: Telework Program and Remote Work

References: See Enclosure 1.

1. **PURPOSE.** This Defense Health Agency-Administrative Instruction (DHA-AI), based on the authority of References (a) and (b), and in accordance with the guidance of References (c) through (y):

a. Implements Reference (d), assigns responsibilities, and prescribes procedures for implementing the Defense Health Agency (DHA) Telework Program and Remote Work.

b. Implements the provisions of References (f) and (g), which require DHA to administer a policy for eligible civilian employees and/or members of the Armed Forces to participate in telework.

c. Complements the DHA Continuity of Operations Program (COOP) plan, which allows work to continue during emergencies and closures.

d. Implements, use of telework in the event of an official duty station closure, pandemic health crisis, other event requiring activation of the DHA COOP, or as directed by appropriate higher authority as delegated.

2. **APPLICABILITY.** This DHA-AI applies to the DHA to include: assigned, attached, allotted, or detailed personnel, and DHA Components (activities under the authority, direction, and control of the DHA).

3. **POLICY IMPLEMENTATION.** It is DHA's policy, pursuant to Reference (f), that telework will be:

a. Actively promoted and implemented throughout DHA to support the DoD's commitment to workforce efficiency, emergency preparedness, and quality of life. The DHA Telework and Remote Work Program:

- (1) Facilitates the accomplishment of work.
- (2) Serves as an effective recruitment and retention strategy.
- (3) Enhances DoD's efforts to employ and accommodate people with disabilities.
- (4) Creates cost savings by decreasing the need for office space and parking facilities.
- (5) Enhances employee safety during emergencies.
- (6) Reduces transportation costs and impacts to local infrastructure.
- (7) Offers eligible employees and supervisors flexible work arrangements.

b. Authorized for the maximum number of positions to the extent that mission readiness is not jeopardized. Telework and Remote Work are arrangements, first and foremost, to facilitate the accomplishment of work. They are not a right or entitlement. Not all employees are eligible to telework or qualify for remote work in the same way. Instances when these options may be applicable include, but are not limited to, the following:

(1) For continuous learning, including educational requirements required by law or regulation. Training requested by an employee must conform to the provisions of relevant regulations.

(2) When the official duty station (ODS) is closed during adverse or inclement weather conditions (e.g., snow emergencies, floods, or hurricanes)

(3) When the Office of Personnel and Management (OPM) (Reference (e)), the Federal Executive Board (FEB), or the local installation commander announces government offices are open with the option for unscheduled telework during severe weather conditions or other circumstances that disrupt commuting and compromise employee safety.

c. Periodically exercised to ensure its effectiveness in continuity of operations due to a crisis or national emergency (e.g., pandemic influenza).

d. Used to help create employment and return-to-work opportunities for veterans, people with disabilities, and spouses of Active and Reserve Component members and employees being relocated.

4. CANCELED DOCUMENTS. This DHA-AI cancels DHA-AI 001, Telework Program, December 2, 2014.

5. RESPONSIBILITIES. See Enclosure 2.

6. PROCEDURES. See Enclosure 3.

7. PROPONENT AND WAIVERS. The proponent of this publication is the Director, Administration and Management (J-1). When Activities are unable to comply with this publication the activity may request a waiver that must include a justification, to include an analysis of the risk associated with not granting the waiver. The activity director or senior leader as well requesting employees' manager will submit the waiver request through their supervisory chain to the Director, J-1 to determine if the waiver may be granted by the Director, DHA or their designee.

8. RELEASABILITY. **Cleared for public release.** This DHA-AI is available on the Internet from the Health.mil site at: <https://health.mil/Reference-Center/Policies> and is also available to authorized users from the DHA SharePoint site at: <https://info.health.mil/cos/admin/pubs/SitePages/Home.aspx>.

9. EFFECTIVE DATE. This DHA-AI:

- a. Is effective upon signature.
- b. Will expire 10 years from the date of signature if it has not been reissued or canceled before this date in accordance with Reference (c).

10. FORMS

a. The following Standard Forms (SF) are available at: <https://www.gsa.gov/reference/forms#>; SF-50, Notification for Personnel Action

b. Optional Form (OF) 1164, Claim for Reimbursement for Expenditures on Official Business, is available at: <https://www.gsa.gov/reference/forms>

c. Occupational Safety and Health Administration (OSHA) Form 301, Injuries and Illnesses Incident Report can be found at: <https://www.osha.gov/recordkeeping/forms>

d. The following Department of Labor (DOL) forms can be found at: <https://www.dol.gov/agencies/owcp/FECA/regs/compliance/forms>

(1) CA-1, Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation

(2) CA-2, Notice of Occupational Disease and Claim for Compensation

(3) CA-2a, Notice of Recurrence

e. The following DHA Forms are available at:

https://info.health.mil/cos/admin/DHA_Forms_Management/Lists/DHA%20Forms%20Management/AllItems.aspx

- (1) DHA Form 13, Monthly Telework Activities Log
- (2) DHA Form 25, Use of Personally Identifiable Information/Protected Health Information While Teleworking
- (3) DHA Form 32, Telework Schedule by Location
- (4) DHA Form 219, Telework Agreement

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ENCLOSURE 1

REFERENCES

- (a) DoD Directive 5136.01, "Assistant Secretary of Defense for Health Affairs (ASD(HA))," August 10, 2017, as amended
- (b) DoD Directive 5136.13, "Defense Health Agency (DHA)," March 2, 2022, as amended
- (c) DHA-Procedural Instruction 5025.01, "Publication System," April 1, 2022
- (d) DoD Instruction 1035.01, "Telework Policy," April 7, 2020, as amended
- (e) United States Office of Personnel Management Director Memorandum, "Washington, DC, Area Dismissal and Closure Procedures," December 16, 2016
- (f) United States Code, Title 5, Sections 6501 through 6506 (also known as the Telework Enhancement Act of 2010)
- (g) Section 359 of Public Law 106-346, "Department of Transportation and Related Agencies Appropriations Act 2001," October 23, 2000
- (h) Code of Federal Regulations, Title 5, June 1, 2022, as amended
- (i) DoD Instruction 8500.01, "Cybersecurity," October 7, 2019, as amended
- (j) DoD Chief Information Officer Memorandum, "Encryption of Sensitive Unclassified Data at Rest on Mobile Computing Devices and Removable Storage Media," July 3, 2007
- (k) United States Code, Title 5, Section 552a
- (l) United States Code, Title 15, Section 278g-3
- (m) Joint Publication 1-02, "Department of Defense Dictionary of Military and Associated Terms," November 8, 2010, as amended
- (n) DoD Manual 6025.18, "Implementation of the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule In DoD Health Care Programs," June 10, 2022, as amended
- (o) Department of Defense Instruction, Number 8580.02, "Security of Individually Identifiable Health Information in DoD Health Care Programs," August 12, 2015
- (p) DoD 5400.11-R, "Department of Defense Privacy Program," Incorporating Change 1, December 8, 2020, as amended
- (q) DoD 5200.1-R, "Information Security Program, Marking of Information," February 24, 2012, Incorporating Change 4, Effective July 28, 2020
- (r) DoD, Office of the Chief Management Officer Administrative Instruction, Number 15, "OSD Records and Information Management Program," May 3, 2013, Incorporating Change 2, November 17, 2020, as amended
- (s) Military Health System Information Assurance Policy Guidance, March 5, 2004
- (t) DoD Directive 5400.07, "DoD Freedom of Information Act (FOIA) Program," April 5, 2019
- (u) DoD Instruction 1400.25, Volume 771, "DoD Civilian Personal Management System: Administrative Grievance System," Incorporating Change 1, June 13, 2018, as amended
- (v) United States Office of Personnel Management Publication, "2021 Guide to Telework and Remote Work in the Federal Government," November 2021
- (w) DoDI 5400.11, "DoD Privacy and Civil Liberties Programs," Incorporating Change 1, December 8, 2020, as amended
- (x) DHA Administrative Instruction 029, "Disciplinary and Adverse Actions," May 24, 2018

- (y) DOD Instruction 6055.17 "DOD Emergency Management (EM) Program," February 13, 2017, as amended
- (z) DHA-Procedural Instruction 8140.01, "Acceptable Use of Defense Health Agency Information Technology (IT)," October 16, 2018, as amended
- (aa) United States Code, 2006 Edition, Supplement 5, Title 5
- (ab) National Archives, Federal Records Management, "FAQs About Telework," June 6, 2011
- (ac) Department of State Executive Secretary Memorandum, "Requirements for Executive Branch Employees Teleworking in Foreign Location," June 7, 2016
- (ad) Department of State Foreign Affairs Manual (FAM), 3 FAM 2370, "Domestic Employees Teleworking Overseas (DETO) program," August 11, 2021
- (ae) United States Code, 2019 Edition, Title 5, Section 6502
- (af) United States Code, Title 5, Chapter 81
- (ag) United States Code, Title 5, Section 6329c
- (ah) Code of Federal Regulations, Title 5, Part 630
- (ai) Code of Federal Regulations, Title 5, Part 550
- (aj) DHA-Administrative Instruction 1020.01, "Reasonable Accommodation," November 2, 2020
- (ak) Code of Federal Regulations, Title 5, Part 602
- (al) United States Code, Title 28, Sections 2671-2680 (also known as the Federal Tort Claims Act)

ENCLOSURE 2

RESPONSIBILITIES

1. DIRECTOR, DHA. The Director, DHA will ensure compliance and implementation of this DHA publication.

a. Assign responsibility for DHA components to implement appropriate record-keeping measures for the compliance with the processes outlined in this publication to the Director, Administration & Management (J-1).

b. Exercise authority, as outlined in Reference (b), over DHA components identified under the administrative control of the Director, DHA.

c. Support the DHA Components by ensuring resources are in place to provide human resources advisory services to ensure accurate interpretation.

d. Hold DHA Components responsible for working with the appropriate offices to prevent breaches in telework requirements and execute timely reporting to the appropriate officials if said breaches are identified.

e. Require that DHA Components implement internal controls to adhere to processes and procedures in this publication.

2. ASSISTANT DIRECTORS, DEPUTY ASSISTANT DIRECTORS (DAD), THE CHIEF OF SPECIAL STAFF, AND J-STAFF DIRECTORS, DHA. The Assistant Directors, DADs, Chief of Special Staff, and J-Staff Directors of the DHA will:

a. Promote the DHA Telework and Remote Work Programs and give all eligible employees the opportunity to participate in telework or remote work arrangements.

b. Determine the suitability of positions for remote work arrangements; this responsibility may be delegated.

c. Hold supervisors and managers accountable for implementing their respective Telework and Remote Work Programs in accordance with this AI.

d. Evaluate all teleworkers, remote workers, and non-teleworkers under the same employee performance management system and afford the same professional opportunities, assignments, and treatment about work projects assigned, appraisal of job performance, awards, recognition, training and developmental opportunities, promotions, and retention incentives.

e. Review and approve/disapprove telework and remote work requests within their Directorates in accordance with this DHA AI.

3. CHIEF, HEADQUARTERS SUPPORT DIVISION (HSD) AND HUMAN CAPITAL DIVISION (HCD). The HSD and HCD Chief or designee, will serve as the DHA Telework Management Officer (TMO) as required by Reference (f). The TMO will:

a. Advise the Director, DHA, and DHA Components of the development and implementation of policies, programs, and oversight of the DHA Telework and Remote Work Programs.

b. Develop and interpret DHA policies and standards for the Telework and Remote Work Programs.

c. Provide DHA Component officials with technical assistance and consultative services for Telework and Remote Work Program issues; and report statistics from all Telework Program Coordinators (TPC) as required.

d. Develop and interpret DHA policies and standards for the equitable implementation of telework and remote work.

e. Develop goals and metrics for the DHA Telework Program and assess the Program's progress toward objectives.

f. Establish annual DHA telework participation goals, track employee participation, and monitor goals and progress. Additionally, provide employee telework eligibility and participation data to the Defense Civilian Personnel Advisory Service for submission to the OPM for the annual Status of Telework in Federal Government Report to Congress.

g. Monitor and assess DHA Component telework implementation to ensure compliance with this Instruction, Component-specific guidance, OPM guidelines for telework, and collective bargaining agreements (CBA).

h. Respond to any reporting requirements related to the DHA Telework Program.

4. DIRECTORS, DHA COMPONENTS. DHA Component Directors will:

a. Promote the DHA Telework and Remote Work Programs and give all eligible employees the opportunity to participate in telework or remote work arrangements.

b. Determine the suitability of positions for remote work arrangements; this responsibility may be delegated.

c. Hold supervisors and managers accountable for implementing their respective Telework and Remote Work Programs in accordance with this publication.

d. Incorporate information about the availability of telework, remote work, and related policies into new employee orientation and other training programs.

e. Ensure supervisors and managers are held accountable for evaluating all teleworkers, remote workers, and non-teleworkers under the same employee performance management system and affording the same professional opportunities, assignments, and treatment about work projects assigned, appraisal of job performance, awards, recognition, training and developmental opportunities, promotions, and retention incentives.

f. Designate a Telework Coordinator to manage the DHA Telework Program.

5. DHA TELEWORK COORDINATOR. The DHA Telework Coordinator must:

a. Administer the DHA Telework Program for their respective organizations per this publication and all applicable laws, rules, and regulations;

b. Ensure supervisors are aware of the requirement to notify their employees of their eligibility for telework and remote work.

c. Ensure all employees are notified of their eligibility for telework and remote work; encourage employees to annually review or update their Telework agreements or opt-out of telework and remote work by selecting the appropriate check boxes in the Telework Agreement.

d. Notify and provide new employees with a link to or copy of this publication.

e. Ensure supervisors are aware of the requirement to provide written notification and explanation to ineligible employees who are not authorized to participate in the Telework and Remote Work Programs.

f. Ensure supervisors and managers are aware of their responsibility to account for Telework and Remote Work agreements.

g. Ensure supervisors and managers are aware of the requirement that teleworkers who are designated as emergency employees or mission-critical emergency employees are identified as such in their Telework agreements.

h. Ensure supervisors, managers, and employees are aware of the requirement to complete required training prior to implementing a Telework or Remote Work Agreement.

i. Coordinate with relevant parties on inventories of available computers, laptops, printers, and other office equipment for use in the Telework and Remote Work Program prior to reporting the property as excess;

j. Promote the appeals process as defined in this publication.

k. Report the required telework program information, as requested by the TMO.

l. Maintain all documentation in accordance with National Archives and Records Administration, Reference (ab), requiring Telework agreements to be retained for 1 year after the end of the employee's participation in the program.

m. Ensure employees are provided information on the DHA Telework and Remote Work Programs, including eligibility criteria and application procedures.

n. Ensure official time spent in telework or remote work status is accurately recorded in the time and attendance system.

o. Establish a system to receive feedback from employees about the implementation effectiveness and impact of the Telework and Remote Work Programs.

p. Encourage supervisors and managers to annually review Telework agreements with their employees.

6. SUPERVISORS AND MANAGERS. Supervisors and Managers will:

a. Assist the Telework Coordinator (TC) in administering the Telework and Remote Work Programs and provide copies of approved agreements and notices of agreement terminations to the TC.

b. Complete the required Telework training.

c. Notify all assigned employees of their eligibility to telework, work remotely, or opt-out.

d. Approve, modify, or deny telework or remote work requests, based on Reference (f) and this publication, within 10 business days of receipt the request. Provide written justification to the employee and the DHA Component TC if the request is denied or cancelled.

e. Provide written notification and explanation to employees who are not authorized to participate in the DHA Telework and Remote Work Programs.

f. Annually review approved Telework agreements for all assigned employees.

g. Ensure consistent and fair administration of the Telework and Remote Work Programs policies and procedures.

h. Establish and communicate clear expectations with employees regarding methods of communication, (i.e., customer service, timeframes for returning phone calls, voicemail messages, and email communication), staff meeting attendance, duty hours, and the accurate coding of telework for time and attendance purposes upon approval of a Telework Agreement or Remote Work Agreement.

- i. Evaluate all teleworkers, remote workers, non-teleworkers, and opt-out workers under the same performance management system and afford the same professional opportunities, assignments, and treatment with regards to work projects assigned, periodic appraisal of job performance, awards, recognition, training and developmental opportunities, promotions, and retention incentives as those employees working from organization worksites.
- j. Ensure the most recent personnel action reflects the correct official duty location for each employee approved for remote work. Temporary exceptions may apply as set forth in this publication.
- k. Resolve telework denial and remote work denial appeals or grievances in a timely manner.
- l. Ensure compliance with approved telework and remote work agreements.
- m. Ensure official time spent teleworking or working remotely is properly documented and recorded in the time and attendance system.
- n. Supervisors and managers must review and approve DHA Form 25, "Use of Personally Identifiable Information/Protected Health Information (PII/PHI) While Teleworking", before PII/PHI can be removed from the official worksite in accordance with Reference (z).

7. TELEWORKERS AND REMOTE WORKERS. Teleworkers and Remote Workers will:

- a. Follow the conditions limitations of their approved Telework or Remote Work Agreements.
- b. Follow DHA safety requirements and ensure proper security of DHA equipment, information, and materials.
- c. Provide the same level of support, availability, and accessibility to customers, coworkers, supervisors and managers as if working at a DHA official duty location.
- d. Meet organizational and individual work requirements as established (e.g., customer service, timeframe for returning phone calls, voicemail messages, and email communication), staff meeting attendance, duty hours, and accurately coding time and attendance.
- e. Complete all applicable mandatory training courses.
- f. Ensure appropriate arrangements for the care of dependents while teleworking. Telework is not a substitute for dependent care; however, this publication does not preclude a teleworking employee from having a caregiver in the home who provides care to the dependent(s) while the employee teleworks. Also, a dependent may be permitted in the home provided the dependent does not require constant supervision or care (i.e., older child or adolescent) and the dependent's presence does not disrupt the employee's ability to telework effectively.

g. Ensure the alternate worksite provides adequate connectivity and technology to accomplish work tasks. Employees are expected to provide internet service and other general utility costs at their own expense unless otherwise negotiated within a CBA.

h. Acknowledge, in the applicable Telework or Remote Work agreement forms that the employee has read and understood telework or remote work obligations and expectations and;

i. Understand that travel provisions applicable to employees working at an official duty station also apply to teleworkers and remote workers. A teleworker or remote worker who is directed to travel to another worksite (e.g., official duty station) during their regularly scheduled basic tour of duty would have the travel hours credited as hours of work. Similarly, teleworkers who are required to travel to the official duty location after their regularly scheduled telework basic tour of duty to perform irregular or occasional overtime work are entitled to at least 2 hours of overtime pay or compensatory time off, according to Reference (af) and (ai).

ENCLOSURE 3

PROCEDURES

1. SCOPE. This DHA-AI applies to all DHA federal civilian employees detailed or assigned to DHA.

2. TELEWORK

a. Telework is a work arrangement that allows employees to have regularly scheduled days on which the employee teleworks and regularly scheduled days when the employee works at the agency worksite. This includes any arrangement where an employee performs work activities during any regular, paid hours, from an alternative location mutually agreed to by the employee and the agency (i.e., telework site, home).

b. DHA retains both the discretion and the obligation to determine employee eligibility for telework subject to business-related, operational needs and the limitations described in Reference (e).

3. TELEWORK POLICY

a. DHA fully supports and promotes the use of telework by and for eligible employees. The DHA Telework Program is designed to fully implement Reference (f) and enhance work-life balance for employees.

b. DHA permits telework up to 8 days per biweekly pay period based on the duties of the position.

c. A teleworker's official duty station will remain unchanged if the employee reports physically to the employing office worksite location for 2 full workdays or a combination of workday and some form of personal leave during each biweekly pay period on a regular and recurring basis. If a holiday falls on a teleworker's day to physically report to the employing office worksite, the employee is not required to add an alternate day to physically report to the official worksite for that specific biweekly pay period. Telework should be used as a strategic tool to recruit and retain a diverse workforce and support employee work-life balance.

d. Use of telework is a key component of DHA's ability to operate in situations in which working from the official worksite is unsafe or unavailable. Unscheduled telework will be considered and may be authorized or required during inclement weather, emergency situations that involve national security, extended emergencies, or other unique situations as determined by the OPM or DHA. DHA Components should incorporate telework into their COOP.

e. Employees who telework and/or take advantage of an Alternative Work Schedule (AWS) at two days per pay period, will be considered for shared workspaces within DHA Government space.

4. TELEWORK ELIGIBILITY

a. All DHA employees, regardless of tenure, grade, job series, title, or supervisory designation are presumed eligible for telework unless prohibited by other exclusionary provisions of this regulation or negotiated as part of a CBA.

b. Employees occupying a telework eligible position may telework up to 8 days per pay period based on agency mission and operational requirements, duties of the position and the amount of onsite activities that must be performed. Employees in positions ineligible for telework and those employees performing functions like teleworking employees will be treated as fairly and equitably as those employees that telework. All approved telework arrangements must be documented on DHA Form 219, "Telework Agreement", and must conform to any applicable negotiated labor agreement. DHA Form No. 32 "Telework Schedule by Location" shall also be completed to annotate the alternate duty station (ADS), Alternate Work Schedule (AWS), and leave schedule.

c. Positions may be identified as ineligible for telework based only on the following criteria:

(1) Position duties require daily physical presence and do not include any portable or administrative work that can be accomplished from an alternate office or location.

(2) Position responsibilities require daily access to specialized equipment located at the official worksite and do not include any portable or administrative work that can be accomplished from an alternate office or location.

(3) Position activities require daily access to classified materials and do not include any portable or administrative work that can be accomplished from an alternate office or location.

d. Employees may be identified as ineligible for telework based only on the following criteria:

(1) Performance. An employee may be found ineligible for telework if their performance falls below 'fully successful'. In such circumstances, supervisors and managers are required to initiate corrective action in accordance with Reference (x). The employee's eligibility for telework must be reassessed every 12 months from the date the supervisor or manager determined that the employee's performance fell short.

(2) Conduct. An employee may be found ineligible for telework if the employee was subject to formal disciplinary action, adverse action, or was placed on a leave restriction in the 12 months prior to the request for telework.

e. As specified in Reference (x), an employee is permanently ineligible for telework if the employee has been formally disciplined for the following:

(1) Violation of Reference (v) Subpart G, for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing their official duties; or

(2) Absence Without Leave (AWOL). AWOL is a non-pay status that covers an absence from duty that is not approved. Any DHA employee AWOL for 5 or more days in any calendar year is permanently ineligible for telework or remote work.

f. In certain circumstances, an agency may temporarily designate the location of the agency worksite for an employee's position (i.e., the place where the employee would normally work, absent a Telework agreement) as the official worksite even though the employee is not able to report at least twice each biweekly pay period on a regular and recurring basis to the DHA Components' worksite. The employee must be expected to return to DHA Components' worksite at some point in the future on a regular and recurring basis. It is the responsibility of the employee's immediate supervisor to decide when it no longer is proper to apply the temporary exception. However, if a teleworking employee is not expected to report to the DHA Components' worksite on a regular and recurring basis in the future, the temporary exception would no longer be applicable. Supervisors and managers must periodically review (at least every 3 months) an employee's temporary full-time telework arrangement to ensure any approved temporary exception continues to apply.

g. A supervisor may waive the requirement to periodically review an employee's temporary full-time telework arrangement when:

(1) The employee is recovering from an injury or medical condition;

(2) Emergency conditions prevent an employee from commuting to the official worksite, such as a severe weather emergency or public health crisis;

(3) Employee is on an extended period of approved absence from work, e.g., paid leave;

(4) The employee is in temporary duty travel status away from the official worksite; or

(5) The employee is temporarily detailed to work at a location other than a location covered by a Telework agreement.

(6) Telework should be considered, when appropriate, for reasonable accommodation requests for employees with a disability or for accommodation of religious beliefs. All reasonable accommodation requests, including those for telework, must comply with Reference (v).

5. TELEWORK PROCEDURES

a. Supervisors and managers, and employees eligible for telework will complete telework training and add the completion certificate to their personnel file prior to signing the telework agreement. Comprehensive OPM telework training courses for supervisors and employees are available at: <https://www.telework.gov/training-resources/telework-training/>.

b. Telework agreements remain in effect until a change is initiated, though it is a good practice for supervisors and managers to review telework agreements with employees on an annual basis. Supervisors and managers, or an employee may initiate a change to a Telework agreement with a minimum of 45 calendar days advance written notification, or as required by the terms of a CBA, except in emergency situations where the timeframe may be shorter.

c. Teleworking employees are expected to perform their duties and responsibilities at an acceptable level of competence. In accordance with the terms and provisions of any applicable CBA, participation in telework may be changed, suspended, or terminated by supervisors and managers if an employee no longer meets the eligibility criteria or performance expectations.

d. Supervisors and managers will provide written notice, if possible, usually at least 45 calendar days or as required by the terms of a CBA, before changing, suspending, or terminating a Telework agreement to allow the affected employee to make necessary arrangements. The notice will include the reason, effective date, and any appeals or grievance procedures available to the employee. Employee signature consenting to or acknowledging the modification or termination of the Telework agreement is not required for the modification or termination to take effect.

e. The telework arrangement must be terminated:

(1) If the employee has been officially disciplined for being absent without permission for more than 5 days in any calendar year Reference (x);

(2) If the employee has been officially disciplined for violations of Reference (e) for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.

(3) If telework continues to diminish employee or agency performance, even after attempts to mitigate such diminishment have been attempted; or

(4) If an employee does not comply with the terms of the telework or remote work agreement Reference (ae).

f. Changes (e.g., change in position or change requested by management or employee) will require a new or updated Telework agreement to be completed. A new Telework agreement is not needed for temporary changes in position or supervisor or manager (e.g., due to detail, temporary promotion, or assignments of a short duration).

g. In accordance with this publication and the terms and provisions of any applicable CBA, supervisors and managers reserve the right to call employees back to the office, even on scheduled telework days, with at least a 24-hour notice.

h. Teleworkers and remote workers may participate in flexible and compressed work schedules or other flexible work arrangements.

i. Telework is voluntary for all DHA employees. At a minimum, every employee must decide either to participate in the telework program or affirmatively opt-out of the telework program by completing the DHA Form 219, "Telework Agreement", and giving the form to their immediate supervisor.

6. REASONABLE ACCOMMODATION AND TELEWORK

a. An employee seeking to telework or work remotely as a reasonable accommodation is required to follow the policies and procedures outlined in Reference (aj).

b. It is not a requirement to document or track a Telework agreement or a DHA Component unique remote work agreement approved for a reasonable accommodation. However, a telework or remote work agreement approved for reasonable accommodation **must** be documented in the employee's reasonable accommodation packet.

7. TELEWORK APPEALS

a. An employee may appeal the denial of an employee's request to telework. Appeals are governed by Reference (x) or the applicable negotiated grievance procedure for bargaining unit employees.

b. Employees may appeal the following denials of telework:

(1) A written decision of ineligibility based on the duties of the position or the employee's suitability for telework;

(2) Denial of an employee's request to telework documented by the submission of a Telework Agreement;

(3) Management termination of an existing Telework Agreement; and

(4) Denial of an employee's request to telework without a valid business reason yet, the employee is approved for ad hoc telework.

8. ADDITIONAL GUIDANCE

a. Official Worksite and Pay. An employee's locality rate is based on the location of the employee's "official worksite," as defined and determined under the criteria in Reference (ak). The official worksite for a DHA employee covered by a telework or remote work agreement will be determined and designated as their official worksite for pay purposes on a case-by-case basis using the following criteria:

(1) The official worksite for an employee covered by a telework agreement is the location of the agency worksite for the employee's position (the place where the employee normally reports for work on non-telework days), 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 agency worksite.

(2) The official worksite for an employee covered by a remote work agreement who is not scheduled to report at least twice each bi-weekly pay period on a regular and recurring basis to the agency worksite is the location of the remote work site (i.e., alternative worksite), except in certain temporary situations.

b. Pay During Temporary Full-time Telework Arrangements

(1) In certain temporary situations, such as an extended office closure or other operating status announcement, or where an evacuation order has been issued, a teleworker may be precluded from returning to the agency worksite. In such situations, an agency may continue to treat the agency worksite as the official worksite of the General Schedule employee even though, during that period, the employee is working from the alternative worksite and not returning to the agency worksite at least two days per pay period. In that situation, the agency is unable to offer an agency worksite, but expects employees to return when the event has concluded.

(2) The agency may also permit an employee to telework without returning to the office twice per pay period in a situation where an employee is temporarily recovering from an injury or other medical condition but is expected to return to a normal telework schedule upon recovery.

c. Premium Pay. Typically, the same premium pay rules apply to employees who telework versus those who report into their agency worksites.

9. UNSCHEDULED AND EMERGENCY TELEWORK

a. OPM or DHA authorized officials may announce emergency operating status guidance allowing for unscheduled or required telework beyond that outlined in the OPM early dismissal guidance for weather events.

b. Supervisors and managers may order employees to evacuate from their worksite and perform work from their home, or an alternative location, during inclement weather, public

health crisis, or other emergency without regard to whether the employee has a Telework agreement in place at the time the order to evacuate is issued. Any DHA office (including all DHA Components) COOPs should be followed.

c. Employees with a Telework agreement are expected to telework or take other authorized leave (paid or unpaid), paid time off or a combination of both, as approved by the DHA Component.

d. Teleworkers generally are ineligible for weather and safety leave when a closure is announced, except in rare circumstances:

(1) Weather and safety leave may be granted to a telework-ready employee who, based on their DHA Components judgment, could not have reasonably anticipated the severe weather or other emergency condition so did not take home needed equipment or work.

(2) Weather and safety leave may be granted to a telework-ready employee who is prevented from safely working at the alternate site because of the severe weather or other emergency event (e.g., electrical power or broadband outage, fire, flooding or heating and cooling failures). In this case, the home or other approved telework site is also affected in such a way that work cannot be safely performed. Employees must communicate with supervisors / management as soon as possible when such work disruptions occur. For more detailed guidance relative to weather and safety leave regulations see Reference (ah) and Reference (ae).

(3) Teleworkers who are working in the office when an early departure is announced generally may receive weather and safety leave for time required to commute home (excluding the period for an unpaid lunch break. This means that employees who telework must complete the remaining hours of their workday (if any) either by teleworking or taking leave (paid or unpaid) or other paid time off once the employee arrives home.

e. Time and Attendance (applies to teleworkers and remote workers):

(1) Employees must follow their specific DHA Component procedures for accurately coding time spent teleworking and working remotely.

(2) DHA procedures for requesting and approving overtime, credit hours, and leave apply to all DHA employees, including teleworkers and remote workers.

10. SAFETY

a. DHA encourages teleworkers and remote workers to be proactive in ensuring a safe alternate worksite and safe work habits.

b. As a remote worker or while teleworking from an alternate worksite, DHA employees may be covered by the following, References (af) and (al):

(1) Employees are covered by Reference (z) at their alternate worksite if an injury occurs while performing their official duties.

(2) If an injury occurs, the employee must notify their supervisor immediately, provide details of the incident or injury, and complete the following DOL OSHA forms:

(a) OSHA, Form 301, Log of Work-Related Injuries and Illnesses; and

(b) DOL, FECA Form CA-1, Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation; or

(c) DOL, FECA CA-2 Form(s):

1. Form CA-2, Notice of Occupational Disease and Claim for Compensation;

2. Form CA-2a, Notice of Recurrence;

c. As applicable, for CA-1, Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation situations, employees can access the DOL Employees' Compensation Operations and Management Portal (ECOMP) through the How to File a Form website, available at: <https://www.ecomp.dol.gov/content/help/HowToFile.html>.

d. The Government is not liable for damages to the employee's personal or real property while the employee is teleworking, except to the extent the Government is held liable, in accordance with Reference (al).

11. HANDLING OF RECORDS, DATA DISCLOSURE, REMOTE NETWORK ACCESS

a. The employee will protect Government records from unauthorized disclosure or damage and will comply with the requirements of Reference (k).

b. Classified information may not be taken to or accessed at telework or remote work sites.

c. Pursuant to Reference (k), sensitive non-classified data may be taken to telework sites with supervisory approval and if required, precautions are taken to protect PII, and sensitive non-classified data from unauthorized disclosure.

d. All employees using a wireless connection to access the DHA network remotely must adhere to DHA wireless access policy. External wireless access points are not managed, maintained, or monitored by DHA and are not considered trustworthy. All communications, transactions, or connections to DHA worksites over the internet or through a wireless access point must be done through an encrypted method in accordance with DHA policy.

12. LEAVE AND WORK SCHEDULING FLEXIBILITIES

a. Leave and work scheduling flexibilities can help employees balance their personal needs, but also to maintain productivity by allowing the employee to work around disruption in their workday.

b. Employees must follow DHA policies for requesting leave and work scheduling changes when teleworking and remote working. Similar to when an employee is at the agency worksite, telework and remote work employees can take leave for a portion of the day.

c. Supervisors and managers may choose to allow an employee to adjust their work schedule during a telework day based on the employee's telework agreement (e.g., to attend a medical appointment or deal with a household repair, or to begin and end a workday earlier or later than when the employee commutes to their official worksite).

13. WEATHER AND SAFETY LEAVE. Under Reference (ag) and Reference (ah) part 630, subpart P, teleworking employees are not entitled to weather and safety leave if the employee is not prevented from working safely at their approved telework site during severe weather or other emergency situations. Teleworkers are expected to continue working in such situations, at their alternative worksites, or else request unpaid or paid leave (e.g., annual leave).

14. REMOTE WORK.

a. Remote work is an alternative work arrangement that involves an employee performing their official duties at an approved alternative worksite away from an agency worksite, without regularly returning to the agency worksite during each pay period.

b. DHA fully supports and promotes remote work arrangements for employees occupying remote work eligible positions. The DHA remote work policy as described in this publication is intended to enhance the work-life balance for employees.

c. OPM permits DHA to develop its own agency-specific remote work policies and forms and to implement a strategic and comprehensive framework for such policies. Remote work arrangements are subject to a DHA Component's budget, business, and operational needs; this publication; and the terms and provisions of any applicable CBA. DHA Components must create formal remote work agreement forms to document employee requests, approvals, and denials of remote work opportunities.

d. Remote work is an arrangement under which DHA employees are scheduled to perform their position's job duties at an approved alternate worksite, typically the employee's residence. The remote worksite may be within or outside of the local commuting area of the DHA Component's worksite. Remote work employees will be expected to work at a designated approved location, typically the employee's residence, on a regular and continuing basis.

e. It is the employee's responsibility to determine any income tax implications for maintaining a home office. Employees are encouraged to consult with a qualified tax professional to discuss the tax implications of a remote work arrangement. Tax or other legal implications for the business use of the employee's home will be based on IRS and state and local government rules and restrictions.

f. Remote work arrangements may be used for a variety of business reasons, including, but not limited to:

- (1) Retaining high performing employees who must move for personal reasons and would otherwise leave the DHA;
- (2) Recruiting employees with specialized skills, who may not want or be able to relocate for personal reasons;
- (3) Achieving DHA Component's real estate or other business cost reductions;
- (4) Reducing costs associated with filling vacancies when employees must relocate; and
- (5) Increasing employee work-life balance, resulting in increased morale.

15. REMOTE WORK ELIGIBILITY

a. At a minimum, the following conditions or criteria will be considered when a remote work arrangement is requested or when included in a Job Opportunity Announcement (JOA):

b. As part of the ongoing position management processes, each DHA Component will review positions to determine eligibility for a remote work arrangement. Eligibility must be determined prior to posting a JOA; and

c. A DHA Component office must consider:

- (1) Job duties that only can be performed onsite and the amount of time required to complete such duties in a typical bi-weekly pay period;
- (2) The amount of time required each week to participate in other aspects of the work unit operations such as training, meetings, or collaboration, including collaboration with stakeholders that cannot be conducted virtually;
- (3) The type and frequency of travel associated with the position; and
- (4) Any requirement for accessing classified information.

16. REMOTE WORK PROCEDURES

a. Although remote employees generally are not expected to report to the DHA Component worksite, the supervisors/management can require the presence of a remote employee at the worksite in certain situations, e.g., random drug testing, training, or an official meeting. Supervisors/management should provide as much advance notice as possible.

b. Remote work arrangements should be cost-neutral or low-cost, to the extent practical, after factoring in the net cost savings accrued moving each employee to a remote arrangement. Supervisors and managers should minimize official travel between the remote work location and the DHA Component worksite unless necessary to accomplish mission critical or operational needs or where alternative virtual communication means (e.g., teleconference, virtual meetings) are not suitable or available.

c. When travel is required, clear communication between supervisors and managers, and the employee to ensure an accurate understanding of mutual responsibilities and obligations. When a DHA Component authorizes a remote employee to travel to an office worksite for official duty, the agency will pay travel costs consistent with applicable travel regulations and policies.

(1) Travel expenses must be claimed on an OF-1164, Employee Claims for Reimbursement of Official Expenses. Expense types include privately owned vehicle (POV) mileage, bus fare, bicycle rental, ferry expenses, mass transit, airport shuttle, parking fees, and other expense types outlined in OF-1164.

(2) Mileage is paid at the applicable General Services Administration rate and generally changes on January 1st of each year. If an employee uses the POV in lieu of an authorized/available Government-Owned Vehicle, a reduced mileage rate applies. Fines for parking or traffic violations while performing approved local travel are **not** reimbursable.

(3) Claims for reimbursement must be made within the fiscal year the expense is incurred. Approvals must be obtained prior to submission.

d. Most pay, leave, and work schedule laws and regulations apply uniformly to covered employees in the Federal Government. Remote employees must be treated equitably for appraisals of job performance, training, awards, reassignment, promotions, changes in grade, work requirements, approval of overtime work, flexible and compressed work schedules, and other actions within supervisors/management's discretion. Remote employees are entitled to receive progress reviews and annual performance appraisals from their supervisors/management in accordance with DHA's performance management policies.

17. ESTABLISHING OR CHANGING A REMOTE WORK ARRANGEMENT

a. When creating a job announcement, hiring managers must identify:

(1) Whether the position is eligible for a telework or remote work arrangement; and

(2) Whether a remote work arrangement is required for the position. Candidates accepting a position where a remote work arrangement is required must accept the arrangement as a condition of employment.

b. DHA employees may request to work remotely, to change an existing remote work arrangement, or to terminate their remote work arrangement. Absent urgent circumstances and in accordance with the terms of an applicable CBA, employee requests to change their remote work location or remote work arrangement is limited to once every 6 months. The employee requesting a change must:

(1) Discuss the request with their supervisor. Changing the employee's duty station likely will affect the employee in several ways (e.g., locality pay, Reduction-in-Force competitive area, bargaining unit status, unemployment compensation). Supervisors and managers must address other available workplace flexibilities, including but not limited to, AWS, details, leave options (e.g., extended leave without pay, and shared leave programs) when discussing remote work requests with the employee.

(2) The employee then may submit a request for a remote work arrangement, a change to a remote work arrangement, or termination of a remote work arrangement in writing to the employee's supervisor or manager. The request for remote work must include the proposed duty station and effective date.

c. Supervisors and managers will generally approve requests to set up a remote work arrangement from employees occupying positions that are remote-eligible subject to the eligibility criteria of this publication. Supervisors and managers may consider whether there is a need to limit the geographic location of the duty station for the remote work arrangement due to travel or other mission requirements.

d. Supervisors and managers should consider the following when an employee requests to change or terminate a remote work arrangement:

(1) That the proposed creation or change of a remote work arrangement does not negatively affect the DHA Component's budget or ability to execute its mission; and

(2) Requests to terminate a remote work arrangement may be denied due to space limitations within a DHA Component worksite.

e. An employee becomes permanently ineligible for a remote work arrangement if the employee has been formally disciplined for either:

(1) A violation of Reference (v), Subpart G viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computing device to include cell phones and tablets or while performing official, Federal Government duties; or

(2) AWOL for 5 or more days in any calendar year.

f. Employees on remote work arrangements are subject to the same laws, rules, regulations, and policies that address performance deficiencies and employee misconduct as employees working at the agency worksite.

18. REMOTE WORK APPEALS

a. An employee may appeal the denial of the employee's request for remote work. Appeals are governed by this publication, or the applicable negotiated grievance procedure for bargaining unit employees.

b. Employees may appeal the following denials of remote work:

(1) A written decision of ineligibility based on the duties of the position or the employee's suitability for remote work;

(2) Denial of an employee's request to for remote work documented by the submission of a Telework and Remote Work Agreement;

(3) Management termination of an existing Telework and Remote Work Agreement; and

(4) Denial of an employee's remote work request without a valid business reason yet, the employee is approved for ad hoc remote work.

19. PAY, HOLIDAY, AND TIME AND ATTENDANCE

a. The basic rate of pay of a remote employee is determined by the employee's base pay rate, the applicable locality pay rate and any special pay rate associated with the employee's official duty station of record, as recorded on the employee's OPM SF-50, "Notification of Personnel Action". For remote employees, the official worksite typically is their residence.

b. Teleworker and remote workers are required to follow DHA policies and procedures for requesting and using approved leave. Leave should be requested and approved in accordance with standard leave approval procedures, with leave hours accurately recorded in the time and attendance system.

c. DHA Components will generally not pay relocation expenses related to remote work arrangements such as expenses to relocate to a new official duty station or to return to the DHA Component worksite when such arrangements were requested by the employee and is not the result of a directed reassignment.

d. Remote work employees traveling on official business are eligible for the same travel benefits as non-remote work employees. Supervisors should, whenever possible, minimize

official travel for remote employees. Alternate communication technologies should be leveraged to the greatest extent possible to minimize travel unless necessary.

e. Remote work employees generally will not have an assigned or dedicated workspace at the DHA Component worksite. Performance issues of remote employees will be addressed in accordance with DHA policies, regulations, and applicable CBA provisions. Absent exigent circumstances, supervisors are expected to allow the employee to continue as a remote employee while addressing performance or conduct issues in accordance with DHA policies and in accordance with the terms and provisions of any applicable CBA.

f. All required training and travel for remote employees as determined by the supervisor and managers (e.g., mandatory participation at meetings or conferences at the DHA Component worksite) will be subject to normal training approval requests, applicable travel regulations, and DHA Component funding.

g. Remote work employees may be eligible for Workers' Compensation benefits for work-related injuries or illnesses sustained while in the performance of duty under Federal Employees' Compensation Act, which is administered by the DOL's Office of Workers' Compensation Programs. For further information, see Reference (af).

20. WEATHER AND EMERGENCY PROCEDURES

a. An employee whose residence is considered the employee's official worksite is generally not granted weather and safety leave when the employee's parent office (i.e., the office where the employee would work but for the remote work arrangement) is closed, since the employee is able to safely perform work at an approved location.

b. Weather and safety leave may be appropriate if the employee is unable to safely perform work at the employee's home. Remote employees must follow their agency's policies, procedures, and any applicable collective bargaining requirements, or contact their supervisors for further information and instructions.

21. TERMINATING A REMOTE WORK ARRANGEMENT

a. An agency may determine that a remote work arrangement no longer meets the business needs of the organization. If an agency makes a determination that the remote work arrangement is negatively impacting the employee's performance, the agency may wish to pursue a performance improvement plan that can be done remotely at the remote work site versus requiring the struggling employee to work onsite via a management-directed reassignment.

b. In the event an employee finds that the remote work arrangement is no longer feasible or desirable (but the employee wants to remain employed by the agency), the employee may request termination of the agreement and discussion options for reassignment or relocation to another agency official worksite.

19. EQUIPMENT AND SERVICES

a. All teleworkers and remote workers must be aware that any Government items provided to an employee remain the property of the U.S. Government and must be managed and disposed of in accordance with Government-wide and DHA specific policies and guidance.

b. The alternate worksite must have adequate connectivity and technology to accomplish work tasks. Employees are expected to provide internet service and other general utility costs at their own expense unless otherwise negotiated within a CBA.

20. DHA MONTHLY TELEWORK ACTIVITIES LOG (OPTIONAL). Use of the DHA Form 13 is optional, but may be used at the supervisor's or manager's discretion.

21. DOMESTIC EMPLOYEES TELEWORKING OVERSEAS

a. Domestic Employees Teleworking Overseas (DETO) are overseas work arrangements that allow Federal Executive Branch employees to perform the work requirements and duties of their positions temporarily from approved overseas locations via DETO agreements. Employees have no authorization to telework from a foreign location without approval from DHA and the Department of State (DOS).

b. DHA employees who may be considered for a DETO are those who are the spouse or domestic partner of a sponsoring Foreign Service Officer, Federal Civil Service employee, or DoD employee. To be considered for a DETO, the DHA employee must be on the U.S. Government orders of the sponsoring individual assigned overseas.

c. DETO requests will be considered on a case-by-case basis. Employees must consult with the Office of Human Resources Management as early as possible in the process because DOS approval can take from 6 months to a year, if not longer.

d. Any DETO request must be approved by the applicable DHA Component prior to submission to the DOS and must follow the requirements in this publication, Reference (ac), Reference (ac), and Reference (ad).

e. Before approval, the employee must complete a DETO agreement using the DOS DETO agreement form, fulfill any overseas training requirements, and obtain proper documentation (e.g., passports, visas, work permits) to perform work overseas. The completed DETO agreement must be submitted through the employee's supervisory chain of command for approval. Once approved, it must be submitted to the DOS.

f. A DETO may entail significant costs to the DHA Component, the employee, or both. Therefore, prior to approving a DETO agreement, the applicable DHA Component must be prepared to address any contingencies or problems with the overseas telework arrangement, including situations when the employee or DHA Component may need to terminate the DETO.

g. Upon approval of a DETO agreement, the approved case must be forwarded to the servicing Human Resource Office to change the employee's duty station to the overseas location. Reference (d) governs the availability of overseas allowances, including the termination of locality pay, and other differentials for employees.

h. DOS policy requirements apply to all employees working under a DETO.

ENCLOSURE 4

SENSITIVE INFORMATION

1. Consistent with DoD security and IT policies, no classified documents (hard copy or electronic) may be taken to an employee's ADS when teleworking or printed at the ODS when remote working. As required by References (j) through (k), Government Furnished Equipment (GFE) computers with encryption are required for any recurring telework and remote work arrangement that involves sensitive information. The employee is responsible for the security of all official data and the protection of any GFE property.
2. All files, records, papers, or machine-readable materials created while teleworking and remote working are the property of DHA. Employees will receive prior approval from their supervisor before removing sensitive information from the ODS.
3. Sensitive information will be transported between the employee's ODS and the ADS in opaque envelopes to prevent unintentional disclosure. Only copies (not the originals) of documents containing sensitive information may be taken out of the ODS. These documents must be returned upon completion of the assignment.
4. Sensitive information will not be transported on removable devices including, but not limited to: laptops, personal digital assistants, flash or thumb drives, compact discs (commonly referred to as "CDs"), diskettes, or removable hard drives, without proper encryption. The employee is responsible for safeguarding all sensitive information.
5. A tracking process will be established and maintained by the DHA Component for the transportation of sensitive information, whether on files, records, papers, machine-readable materials, or stored on removable devices. The process will help ensure the accountability of the protection of sensitive information. The tracking process will monitor the following (at a minimum): the file type, the file, records, the spreadsheet on the laptop, the employee transporting the data, the supervisor approving the transport, the date transported, and the date returned.
6. Records containing sensitive information may not be disclosed to anyone, except those who are authorized access as a requirement of their official responsibilities.
7. Teleworking and remote working participants should be aware when sensitive information (used in teleworking and remote working) includes PII/PHI, under Reference (z) respectively, and are required to adhere to the corresponding statutes, regulations, and DoD issuances in

accordance with References (j) through (t).

8. The DHA Privacy and Civil Liberties Office has created the “Telework Program Guide for Safeguarding Personally Identifiable and Protected Health Information” (see Appendix 1) to assist authorized DHA employees (who telework and remote work) with understanding and applying appropriate privacy and security measures to protect PII/PHI.

9. The General Services Administration offers guidelines for equipment and support that agencies may provide to teleworkers and remote workers on page 13845 of Volume 71, Federal Register.

APPENDIX 1

FEB LOCATIONS AND GEOGRAPHIC COVERAGE

<https://www.feb.gov/board-locations/>



**Federal Executive Board Locations
and Geographic Coverage**

Federal Executive Board Location

Counties Served

Albuquerque-Santa Fe, NM

Entire State

Atlanta, GA

Bartow, Banks, Butts, Carroll, Cherokee, Clayton, Cobb, Coweta, Dawson, DeKalb, Douglas, Fannin, Fayette, Floyd, Forsyth, Fulton, Gilmer, Gwinnett, Habersham, Hall, Haralson, Heard, Henry, Jasper, Lamar, Lumpkin, Meriwether, Newton, Paulding, Pickens, Pike, Polk, Rabun, Rockdale, Spaulding, Stephens, Towns, Troup, Union, Upson, Walton and White

Baltimore, MD

Anne Arundel, Baltimore, Baltimore City, Carroll, Cecil, Frederick, Harford, Howard and Queen Anne's

Boston, MA

Bristol, Essex, Middlesex, Norfolk, Plymouth and Suffolk

Buffalo, NY

Erie, Cattaraugus, Chautauqua, Genesee, Livingston, Monroe, Niagara, Orleans, Ontario and Wayne

Chicago, IL

*Illinois counties: Cook, DeKalb, DuPage, Grundy, Kendall, Kane, Lake, McHenry and Will
Indiana counties: Lake and Porter*

Cincinnati, OH

*Ohio counties: Butler, Clermont, Hamilton and Warren
Kentucky counties: Boone, Campbell and Kenton
Indiana counties: Dearborn, Jefferson, Ohio and Ripley*

Cleveland, OH

Allen, Ashland, Ashtabula, Auglaize, Carroll, Columbiana, Crawford, Cuyahoga, Defiance, Erie, Fulton, Geauga, Hancock, Hardin, Harrison, Henry, Holmes, Huron, Lake, Lorain, Lucas, Mahoning, Marion, Medina, Mercer, Ottawa, Paulding, Portage, Putnam, Richland, Sandusky, Seneca, Stark, Summit, Trumbull, Tuscarawas, Van Wert, Wayne, Williams, Wood and Wyandot

Updated 12/13/2010

Pittsburgh, PA

Pennsylvania counties: Allegheny, Armstrong, Beaver, Bedford, Butler, Cambria, Clarion, Crawford, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, Mercer, McKean, Somerset, Venango, Warren, Washington, and Westmoreland

West Virginia counties: Brooke, Gilmer, Hancock, Harrison, Lewis, Marion, Marshall, Monongalia, Ohio, Pleasants, Preston, Taylor, Tyler and Wetzel

Portland, OR

Entire State

Washington counties: Clark, Cowlitz, Klickitat, Skamania, Pacific, and Wahkiakum

St. Louis, MO

Missouri counties: Adair, Audrain, Bollinger, Boone, Butler, Callaway, Cape Girardeau, Cole, Cooper, Crawford, Dent, Franklin, Gasconade, Howard, Iron, Jefferson, Knox, Lewis, Lincoln, Linn, Macon, Madison, Maries, Marion, Miller, Monroe, Montgomery, Morgan, Moniteau, Osage, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Schuyler, Scotland, Sullivan, Shelby, St. Charles, St. Louis, St. Francois, St. Genevieve, Washington, Wayne and Warren

Illinois counties: Adams, Alexander, Bond, Brown, Calhoun, Cass, Champaign, Christian, Clay, Clinton, Coles, Crawford, Douglas, Edgar, Edwards, Effingham, Fayette, Franklin, Gallatin, Greene, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macoupin, Madison, Marion, Massac, Monroe, Montgomery, Morgan, Moultrie, Perry, Pike, Pulaski, Pope, Randolph, Richland, Saline, Schuyler, Scott, Shelby, St. Clair, Union, Wabash, Washington, Wayne, White and Williamson

San Antonio, TX

Bandera, Bastrop, Bexar, Comal, Hidalgo, Kendall, Live Oak, Medina, Nueces, Travis and Val Verde

San Francisco, CA

Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma

Seattle, WA

Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Pierce, Mason, Skagit, Snohomish, Thurston and Whatcom

Twin Cities, MN

Entire State

Wisconsin counties: Ashland, Bayfield, Burnett, Chippewa, Douglas, Eau Claire, Pierce, Polk, Sawyer, St. Croix and Washburn

North Dakota counties: Cass, Grand Forks and Pembina

Updated 12/13/2010

APPENDIX 2

TELEWORK PROGRAM GUIDE FOR SAFEGUARDING PERSONALLY IDENTIFIABLE AND PROTECTED HEALTH INFORMATION

Defense Health Agency Privacy and Civil Liberties

Telework Program Guide for Safeguarding Personally Identifiable and Protected Health Information

General Information

This guide provides the DHA workforce members with an overview of requirements for safeguarding PII and PHI when teleworking. The guide is not the sole source for information about safeguarding PII/PHI while teleworking. It should be used in coordination with other DoD and DHA regulations and guidance.

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- Definitions
- Permissible Use of PII/PHI during Telework Arrangements
- Transporting PII/PHI to an ADS
- Telework Site Security at an ADS
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- Sending E-mail with PII/PHI while Teleworking
- Preventing and Responding to Breaches while Teleworking

- Key References
- DHA Privacy and Civil Liberties Office Contact Information

Section 1. Definitions

Breach: Actual or possible loss of control, unauthorized disclosure, or unauthorized access of personal information where persons other than authorized users gain access or potential access to such information for other than official purposes where one or more individuals will be adversely affected.

DHA Workforce: Civilian and military full-time and part-time employees, volunteers, trainees, students, and other persons whose conduct, in the performance of work for DHA, is under the direct control of DHA, whether or not DHA pays them.

Minimum Necessary: Workforce access to PII/PHI is restricted to what is necessary to complete a work-related duty or job. This “minimum necessary standard” is based on the need-to-know and the need-to-perform assigned duties and responsibilities.

PHI: Individually identifiable health information transmitted or maintained by electronic or any other form or medium, except as otherwise contained in employment records held by DHA in its role as an employer.

PII: Information that can be used to distinguish or trace an individual’s identity, such as their name, Social Security number, date and place of birth, mother’s maiden name, biometric records, including any other personal information linked or linkable to a specified individual.

Telework: An arrangement where a civilian employee and/or member of the Armed Forces performs assigned official duties at an ADS regularly and recurring or on a situational basis (not including while on official travel).

Section 2. Permissible Use of PII/PHI during Telework Arrangements

- DHA teleworkers must ensure they are aware of the requirements in Reference (w) before taking sensitive data, including PII/PHI, offsite from the ODS to an ADS.
- Consistent with the DoD security and IT policies, no classified documents (hard copy or electronic) may be taken by teleworkers to an ADS.
- Teleworkers should obtain prior approval to remove PII/PHI related information from the ODS to an ADS.
- A tracking process shall be established and maintained by the Directorate for the

transportation of sensitive information, whether on files, records, papers, machine-readable materials, or stored on removable devices to ensure the accountability of the protection of sensitive information.

- Tracking shall include, at a minimum: type of file (file, records, a spreadsheet on a laptop, etc.), employee transporting the data, supervisor approving the transport, date transported, and date returned.
- DHA workforce members must only take documents containing the minimum necessary (least amount) of PII/PHI essential to perform their work at an ADS.
- Documents and electronic files should be de-identified (e.g., stripped of identifiable information) before they are taken offsite from the ODS when possible.
- GFE, software, and communications with appropriate security measures should always be used during telework arrangements that involve PII/PHI.

Section 3. Transporting PII/PHI to an ADS

All documents transported between ODSs and approved ADSs must be secured at all times and protected against misuse and/or unauthorized disclosure.

- Teleworkers should never take more information/data than is necessary to perform their duties at the ADS.
 - Teleworkers are only allowed to remove copies of documents containing sensitive information, including PII/PHI, from the ODS.
 - Sensitive information shall not be transported on removable devices, including laptops, Personal Digital Assistants, CDs, diskettes, and removable hard drives without proper encryption as required by DoD policy.
 - Teleworkers should wrap all documents containing sensitive information, including PII and/or PHI, in opaque envelopes or wrappings before transporting outside of DHA buildings to prevent unintentional disclosure during transit.
 - Teleworkers must ensure that all electronic files and records are encrypted.
 - Ensure that portable media, including laptops, Personal Digital Assistants, and CDs, are encrypted and enforce current DoD password standards.
- Disclose passwords through a different medium, such as a separate e-mail or a phone call, never in notes or documents accompanying the actual media.

- While in transit, teleworkers should:
 - Keep records and electronic files under the continuous, direct control of the teleworker whenever the documents are transported from the ODS to ADS(s).
 - Always transport paper records and electronic equipment in closed containers (e.g., zipped/locked briefcases and tote bags).
 - Keep paper records and equipment out of sight, locked in the trunk, and never left unattended in a vehicle where they can be stolen prior to arriving at their remote location.
 - Never leave paper records and electronic equipment unattended when using the Metro or any form of Public Transportation.
 - Keep paper records and equipment in locked, carry-on luggage; it cannot be part of checked luggage when traveling.
 - Never openly review sensitive information while using public transportation or in a car or vanpool where unauthorized persons might be able to view the records.
- If documents need to be mailed, use existing tracking processes that allow a sender and recipient to sign and verify delivery, such as those associated with Federal Express, United States Parcel Service.
- If transporting PII/PHI via courier, the information must be under the courier's control at all times.
- Ensure that transported PII/PHI is delivered only to the appropriate individual(s) authorized to receive the information.

Section 4. Telework Site Security at an ADS

All DHA teleworkers must ensure that PII/PHI is protected from casual or unintentional disclosure. Physical security is essential to maintain irrespective of worksite location. The following safeguards should be considered when working at an ADS:

- Teleworkers must ensure their home complies with the DoD Safety Checklist in accordance with the DHA Telework Program Guidance. The employee and family members should understand that the home worksite is a space set aside for the employee in a secure part of the home, to work without personal disruptions, such as non-business telephone calls and visitors, during working hours.
- Personal computers cannot be used to work on files containing PII/PHI.

- Use an office with locks and/or locked filing cabinets at your telework location when possible.
- Secure the computer, paper documents, and removable media when away from the desk.
- Secure open files containing PII/PHI from those not authorized to access the data.
- Refrain from sharing passwords/Personal Identification Numbers with anyone, including family members.
- Remove your Common Access Card from your computer to prevent unauthorized access to data.
- Copies of documents from the ODS containing sensitive information, including PII/PHI.

Section 5. Sending a Facsimile with PII/PHI from an ADS

- Must be returned upon completion of the assignment.
- According to DHA policy, all documents containing PII/PHI received and/or transmitted by facsimile (fax) will be protected against unauthorized disclosure.
- Ensure that the receiving machine is in a secure location and that the PII/PHI will not be left unattended.
- Always use a cover sheet with a confidentiality disclaimer statement when sending faxes.
- Confirm the recipient's fax number.
- Verify the transmission of all sent faxes.

Section 6. Sending E-mail with PII/PHI while Teleworking

DHA policy requires that only Government-issued e-mail accounts be used to process sensitive information and that any e-mail containing or has an attachment with sensitive information, including PII/PHI, must be encrypted and digitally signed. Additionally, DHA users are cautioned to:

- Review e-mail addresses when replying to and forwarding an e-mail to verify the intended audience and prevent inadvertent disclosures.
- Announce the presence of PII/PHI in the opening line of the text.
- Limit the amount of PII/PHI to the “minimum necessary” in each e-mail.
- For emails containing PII/PHI that will need to be sent to outside recipients, not on the network, workforce members must DoD Safe (or other approved system) to properly transmit the PII/PHI to those with an official need-to-know. Documents are to be encrypted with password prior to upload and decryption keys should be communicated separately.

Section 7. Preventing and Responding to Breaches while Teleworking

Whether civilian, military, contractor, or volunteer, each DHA workforce member is responsible for protecting PII/PHI for all DHA beneficiaries and complying with federal rules and regulations. DHA will apply appropriate sanctions against members of its workforce who fail to comply with the privacy policies and procedures of DHA or DoD regulations in accordance with Administrative Instruction 029 (AI 029) “Disciplinary and Adverse Actions,” (May 24, 2018).

DHA teleworker members must follow established policies and procedures to prevent and respond to privacy and security breaches at their ADS. Breaches can result from administrative, physical, or technical privacy/security incidents or policy violations.

One of the most important safeguards against breaches is to ensure that all employees are aware of how to safeguard data properly. Teleworkers should ensure they are current on their privacy and security training and familiar with the appropriate policies listed referenced in this guidance.

When a breach is discovered, teleworker workforce members must notify their DHA Component Director immediately. Detailed breach response and notification policies can be obtained through the Privacy and Civil Liberties Office.

Being familiar with these policies and procedures is essential to identify, mitigate, and contain a breach’s potential damage.

Section 8. Key References

DoD Chief Information Officer Memorandum, “Encryption of Sensitive Unclassified Data at Rest on Mobile Computing Devices and Removable Storage Media,” July 3, 2007 (Reference (j))

DoD Manual 6025.18, "Implementation of the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule In DoD Health Care Programs," March 13, 2019

Department of Defense Instruction, Number 8580.02, “Security of Individually Identifiable Health Information in DoD Health Care Programs,” August 12, 2015

DoD 5400.11-R, “Department of Defense Privacy Program,” May 14, 2007

DoD 5200.1-R, “Information Security Program: Marking of Information,” February 24, 2012, Incorporating Change 4, Effective July 28, 2020 (Reference (q))

Administrative Instruction 15, “Office of the Secretary of Defense Records Management Program Administrative Procedures,” May 3, 2013, as amended

Military Health System Information Assurance Policy Guidance, March 5, 2004 (Reference (s))

DHA Privacy and Civil Liberties Office Contact Information

Send questions or comments to
Defense Health Agency
Privacy and Civil Liberties Office
7700 Arlington Boulevard
Falls Church, Virginia 22042-5101

E-mail Address:
DHA.PrivacyMail@health.mil

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

ADS	Alternate Duty Station
AWS	Alternative Work Schedule
AWOL	Absence without Leave
CBA	Collective Bargaining Agreement
COOP	Continuity of Operations Program
DAD	Deputy Assistant Director
DCPDS	Defense Civilian Personnel Data System
DETO	Domestic Employees Teleworking Overseas
DHA	Defense Health Agency
DHA-AI	Defense Health Agency-Administrative Instruction
DOS	Department of State
FEB	Federal Executive Board
GFE	Government Furnished Equipment
HSD	Headquarters Support Division
HCD	Human Capital Division
JOA	Job Opportunity Announcement
ODS	Official Duty Station
OF	Optional Form
OPM	Office of Personnel and Management
PHI	protected health information
PII	personally identifiable information
POV	privately owned vehicle
SAMO	Senior Authorized Management Official
SF	Standard Form
SIP	Shelter-In-Place
TC	Telework Coordinator
TMO	Telework Management Officer
VPN	Virtual Private Network

PART II. DEFINITIONS

ADS. A place away from the ODS that has been approved for the performance of officially assigned duties. It may be an employee's home, a telework center, or other approved worksite, including a facility established by the state, local, or county governments or private sector organizations for use by teleworkers.

approving official. A Directorate's senior-level Authorized Management Official, or their designees, who has the authority to approve or deny telework agreements.

AWS. Both flexible work schedules and compressed work schedules.

classified information. According to Reference (q), official information that has been determined to require, in the interests of national security, protection against unauthorized disclosure and has been so designated.

compressed work schedule. A full-time employee must work 80 hours in a biweekly pay period and must be scheduled to work on fewer than 10 workdays. A part-time employee has a fixed schedule of fewer than 80 hours in a biweekly pay period and must be scheduled to work on fewer than 10 workdays.

FEB. Established by the Presidential Directive in 1961 as a forum for communication and collaboration among federal agencies outside of Washington, D.C. The board provided information to assist agencies in making an operating status decision.

flexible work schedule. Flexible hours are part of the workday when employees select arrival and departure times. Once selected, the hours are fixed until a negotiated work schedule change agreement between the employee and the supervisor.

Freedom of Information Act. In accordance with Reference (t), DoD information exempt from mandatory public disclosure under the Freedom of Information Act.

local base commander. The commanding officer responsible for the operation of the base.

ODS. An approved location where the employee regularly performs their duties.

OPM. An independent agency of the U.S. federal government that manages the Government's civilian workforce.

PHI. Individually identifiable health information created, received, or maintained by a covered entity, including DHA, that is transmitted or maintained by electronic or any other form or medium, except as otherwise contained in employment records held by DHA in its role as an employer.

PII. Information can be used to distinguish or trace an individual's identity, including name, Social Security number, date, and place of birth, mother's maiden name, biometric records, and

any other personal information linked or linkable to a specified individual.

Privacy Data. Any record that is contained in a system of records as defined in Reference (k) and information disclosure would constitute an unwarranted invasion of personal privacy.

proprietary information. Information that is provided by a source or sources under the condition that it not be released to other sources.

regular/recurring. An approved telework schedule where eligible employees regularly work at least one day per biweekly pay period at an ADS.

sensitive information. The loss, misuse, or unauthorized access to or modification of information, which could adversely affect the national interest, the conduct of federal programs, or the privacy to which individuals are entitled under “The Privacy Act” in accordance with Reference (k), but which has not been specifically authorized under criteria established by Executive Order or an Act of Congress to be kept secret in the interest of national defense or foreign policy. Examples of sensitive information include, but are not limited to, information in DoD payroll, finance, logistics, and personnel management systems. For this DHA-AI, sensitive information sub-categories include, but are not limited to, the following:

situational/ad hoc. Non-routine, non-regular arrangements. These telework periods have limited durations and occur on an as-needed basis when an assignment is appropriate for telework. They may involve projects or infrequent, sporadic tasks. Special reports or analyses, one-time research projects, COOP, and pandemic exercises are common examples.

telework. Referred to as telecommuting, flex work, and flexible, an arrangement where eligible civilian employees and/or members of the Military Departments perform official assigned duties at an ADS on either a recurring or on a situational/ad hoc/telework situational basis (not including assigned duties while on official travel).

telework agreement. A written agreement completed and signed by an employee and appropriate official(s) in their Component outlines the terms and conditions of the telework arrangement. The telework agreement is good for two years; afterwards, a new agreement must be completed and submitted to supervisor for approval.

unclassified technical data. Data that is not classified, but is subject to export control and is withheld from public disclosure, in accordance with Reference (n).

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