



DEPARTMENT OF DEFENSE
UNITED STATES SOUTHERN COMMAND
9301 NW 33RD STREET
DORAL, FL 33172-1202

REPLY TO
ATTENTION OF:

SC Regulation 0244

26 August 2019

TELEWORK PROGRAM

1. References.

- a. Telework Enhancement Act of 2010
- b. OPM Guide to Telework in the Federal Government, April 2011
- c. Department of Defense (DOD) Instruction 1035.01, Telework Policy, April 4, 2012
- d. HQDA Army Telework Program, DA Memo 690-8, October 30, 2009

2. Purpose. The purpose of this regulation is to implement a Telework policy for regular, ad hoc, situational, medical, and continuity of operations (COOP) in emergency situations. This regulation applies to all military service members and Army civilian employees assigned to USSOUTHCOM.

3. Background. The Telework Enhancement Act was signed into law on December 9, 2010. The passage and signing of this legislation (Public Law 111-292) was a significant milestone in the history of Federal telework. The Act is a key factor in the Federal Government's ability to achieve greater flexibility in managing its workforce through the use of telework. Well established and implemented telework programs provide agencies a valuable tool to meet mission objectives while helping employees enhance work/life effectiveness. Specifically, telework:

- a. Is a useful strategy to improve Continuity of Operations to help ensure essential Federal functions continue during emergency situations;
- b. Promotes management effectiveness when telework is used to target reductions in management costs and environmental impact and transit costs;
- c. Enhances work-life balance, i.e., telework allows employees to better manage their work and family obligations, retaining a more resilient Federal workforce to better meet agency goals.

4. Policy. Participation in the Telework Program is voluntary. Telework is not an employee or service member entitlement. Telework can be used:

- a. On a regular and recurring basis.
- b. For situational, non-routine, or ad hoc situations:

(1) To perform large projects or tasks that requires concentration and uninterrupted blocks of time for successful completion.

(2) For supervisor or command web-based distance and continuous learning, including educational requirements required by law or regulation. Training requested by an employee/service member is subject to supervisory approval, as applicable, and must conform to the provisions of applicable regulations.

(3) When the traditional worksite is closed; during adverse or inclement weather conditions (e.g., snow emergencies, floods, hurricanes).

5. Telework Eligibility. Determination of eligibility is based on position eligibility, employee/service member qualifications, and equipment availability.

a. The employee's/service member's duty position must be suitable for regular, medical, ad hoc, or situational telework. Examples of appropriate work activities for these types of telework are:

(1) Those which are portable and can be performed effectively outside the traditional worksite either by telephone, computers, or other telecommunications media; work tasks that are reading and writing (e.g. data analysis, writing decisions or reports);

(2) Computer-oriented tasks (e.g. programming, data entry, and word processing); where contact with other employees and customers is predictable or minimal;

(3) Technology needed to perform the job at an alternate worksite is readily available; and the security of work-related data, including sensitive unclassified data protected by the Privacy Act could be adequately ensured.

b. USSOUTHCOM service members and civilian employees who are interested in participating in a regular, ad hoc, situational, or medical telework should first discuss this opportunity with their supervisors. They must complete the DOD Telework Agreement Form 2946 prior to beginning telework. Employees in telework status will complete all assigned work which is consistent with the standards in the employee's performance plan and guidance from the supervisor.

(1) Employees/service members must demonstrate dependability and the ability to handle responsibility; have a proven record of high personal motivation and ability to prioritize work effectively and utilize time management skills. Also, employees must have a performance rating equivalent to a "Success, Level 3" under the Defense Personnel Management Appraisal Program (DPMAP) or Defense Civilian Intelligence Personnel System (DCIPS).

(2) Supervisors and Managers will determine employee/service member eligibility for regular and recurring or situational telework. Review requests for telework based upon mission requirements, employee/service member performance, current disciplinary actions, work habits, and the needs of the organization. They must complete, sign, and maintain a Department of Defense Telework Agreement (DD Form 2946) after an employee's/service member's request for telework is approved. A copy is given to the employee/service member and another copy is retained by the supervisor and manager. A copy is provided to Civilian Personnel for record keeping purposes. Supervisors and Managers have to ensure adequate worksite coverage during business hours for USSOUTHCOM's mission to be carried out efficiently and effectively.

(3) Telework is a reasonable American Disability Act (ADA) accommodation and Section 508 of the Rehabilitation Act of 1973; amended 1998, states that telework may be a solution for employees seeking ADA accommodations. However, employees will not be granted telework solely based on disabilities. Disabling conditions may be considered valid and must be evaluated as part of a reasonable accommodation relating to the individual's disability.

(4) Telework is a feasible alternative to allow medical flexibility in the workplace due to an employee or family member illness or injury. A medical certification is required for participation in the telework program under the medical flexible workplace initiative.

c. The employee's/service member's supervisor will be responsible for completing the Telework Qualification Checklist (Appendix A) and making a recommendation to approve/disapprove their request to participate in the telework program.

(1) The telework arrangement may be terminated by either the supervisor or employee. If the employee's supervisor determines the telework arrangement is adversely affecting the Command's operations, or missions, then he/she will notify the employee the telework arrangement is terminated immediately.

(2) Managers/supervisors retain the right to require the participating employee to report to the traditional worksite on scheduled telework days based on operational or mission needs.

(3) The Telework Program will strictly be used for the performance of official duties. This arrangement will not be used to replace an employee's/service member's arrangements for child and/or elder care.

(4) The Telework Program will not alter the terms and conditions of an employee's appointment that includes his/her salary, benefits, individual rights, or obligations.

(5) All employees/service members assigned to the USSOUTHCOM Telework Program will remain subject to the provisions of the Joint Ethics Regulation, the general principles of Federal employment, and all other Federal and agency standards of conduct while working at the alternative worksite.

d. Emergency Situations. Employees who perform mission—critical duties may be required to work from home or an alternate workplace during an emergency situation. Employees will be required to complete DD Form 2946. To the extent practicable, supervisors will include a description of emergency duties. In the event of a pandemic health crisis or any other emergency situation, employees with COOP responsibilities may be asked to telework.

e. Employees approved for regular and situational telework who are not able to report to their assigned work location due to office closure or dismissal from a natural or manmade emergency event (e.g., hurricane, earthquake, wild fire, snow storm, flooding, and act of terrorism) shall continue to telework each regularly scheduled work day during the emergency situation.

6. Cost

a. USSOUTHCOM will assume no responsibility for any operating costs associated with the service member/employee in the Telework Program who utilizes his or her residence as an alternative worksite.

b. If a telework employee is injured or suffers a work-related illness while conducting official duties at an alternative worksite, appropriated fund teleworkers are covered by the Federal Employees Compensation Act. For work-at-home telework arrangements, the employee will designate one area in his or her home as the official worksite. The government's potential exposure to liability for injuries or illnesses the employee may incur while teleworking is restricted to this official worksite. The employee must immediately notify the supervisor of any accident or injury occurring at the alternative worksite, and the supervisor will investigate any such reports as soon as practicable after receiving notification.

7. Security. Employees/service members participating in the telework program shall not take classified documents (hard copy or electronic) to their homes or alternate worksites. If classified telework is authorized at an approved site, teleworkers shall comply with the USSOUTHCOM Policy Memorandum 09-13, dated 25 Nov 2013 or its successor.

8. Equipment. SCJ6 will determine if the government-furnished equipment (GFE) can be provided and installed at the alternative worksite for employees on ad hoc, COOP, or medical telework. Per reference (c), only GFE configured to protect sensitive unclassified data, including Privacy Act or For Official Use Only data, can be provided and installed for approved telework employees at alternative worksites.

a. Directorates will be responsible for funding/providing all required GFE for telework including, but not limited to, laptops, CAC readers, and Virtual Private Network (VPN) concentrators.

b. Organizational J6 offices will ensure government-furnished equipment and VPN resources are configured in accordance with USSOUTHCOM Policy Memorandum 49-12 or successor and applicable Defense Information Systems Agency (DISA) Security Technical Implementation Guides (STIGs) and U.S. Cyber Command guidance.

c. Employees/service members will be responsible for safeguarding all official information and data on the equipment as required by applicable law and regulation. When applicable, users will sign a USSOUTHCOM VPN user Agreement form that must be staffed to the SCJ6 for approval.

d. The supervisor or safety office of USSOUTHCOM retains the right to inspect the alternative worksite to ensure that all safety standards are met and that the government furnished equipment is properly maintained.

9. Responsibilities.

a. Director/Special Staff Section Chiefs/SDO. Ensure responsibility for the implementation of the Telework Program within their respective organizations; support the telework program; and determine the availability of government-owned information technology to support employees performing official duties away from the traditional worksite.

b. The employee's/service member's supervisor will be responsible for completing the Telework Qualification Checklist (Appendix A) and making a recommendation to approve/disapprove their request to participate in the telework program.

c. Civilian Personnel Office (SCJ14). Establish the procedures for maintaining the Telework Program in accordance with applicable laws, regulations, and command policy. Retain copies of telework agreement forms on file.

d. Employee/Timekeepers. Monitor ATAAPS for employees who are on approved telework. The employee's telework will be entered in ATAAPS using the following codes:

(1) TM - Telework Medical (both medical and situational): Telework that has been approved for a particular employee as deemed necessary by the Command for medical reasons.

(2) TS - Telework Situational: Approved telework performed on occasional, one-time, or irregular basis. Telework of less than one day per pay period is considered situational.

(3) TW - Telework Regular: Approved work schedule for eligible employees who regularly work at least one day per biweekly pay period at an alternative worksite.

10. Telework Agreement. USSOUTHCOM Telework Agreement will govern individual participation in the telework schedule. An employee/service member will initiate consideration for telework by submitting the Telework Request, Determination Form Department of Defense Telework Agreement (Appendix A) through their supervisor to the Civilian Personnel office as part of the telework application process. The Telework Agreement will be completed and signed to document the actual terms and conditions of the telework arrangement.

a. Telework Agreement can be in effect for a period of up to 1 year.

b. At a minimum, the Telework Agreement will be reviewed annually in conjunction with the individual's performance appraisal reviews.

c. An existing telework agreement will require review and re-approval upon the assignment of a new supervisor of record.

11. Liability

a. In the event that a participating employee is using a private network service provider, USSOUTHCOM is not responsible for troubleshooting connectivity issues with, or maintenance of, commercial Internet Service Provider (ISP) applications.

b. USSOUTHCOM is not liable for damages to an employee's/service member's personal or real property while the employee/service member is working at the approved alternative worksite, except to the extent that the government is held liable by the Federal Tort Claims Act or the Military and Civilian Employees Claims Act.

c. USSOUTHCOM is not aware of any specific tax ramification associated with participation in the telework program. As telework participation is voluntary, it is the responsibility of the participating employee to be aware of any tax ramifications that may apply to their specific telework request.

12. Records Management. Records created through the implementation of this regulation will be maintained in accordance with CJCSM 5760.01A, Volume II, Disposition Schedule.

13. Point of contact for this regulation is SCJ14 at COMM 305-437
1278/3358/1129/0799 or DSN 567-1278/3558/1129/0799.

The proponent agency of this regulation is the US Southern Command. Users are invited to send comments and suggested improvements to: HQ USSOUTHCOM ATTN: J14, 9301 NW 33rd St., Doral, FL, 33172-1202

FOR THE COMMANDER

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