

FEDERAL HUMAN RESOURCES AZNG TELEWORK

This directive applies to: Arizona National Guard (AZNG) Title 32 (T32) Technicians, Title 5 (T5) National Guard Employees and Active Guard/Reserve (AGR), Full-Time National Guard Duty (FTNGD), and Active Duty Operational Support (ADOS).

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Section 1 - General Information

1.1 Proponent and exception authority: Human Resources Office (HRO) retains responsibility for this directive. The Adjutant General is the authority to approve exceptions to this directive, unless delegated in writing.

1.2 Supersession: This is an original document and does not supersede a previous version.

1.3 Distribution: AZ ANG, ARNG, and JFHQ

1.4 Purpose: The purpose of this document is to outline the procedures for Arizona National Guard (AZNG) Title 32 (T32) Technicians, Title 5 (T5) National Guard Employees and Active Guard/Reserve (AGR), Full-Time National Guard Duty (FTNGD), and Active Duty Operational Support (ADOS), collectively AZNG employees, participation in the Telework program and implements the requirements of Section 359 of Public Law 106-346, Public Law 111-292, Telework Enhancement Act of 2010 and Department of Defense Instruction (DODI) 1035.01.

1.5 Goals: The goals of this organization's telework implementation are:

- 1.5.1 Enhance the AZNG's efforts to employ and accommodate people with disabilities, including but not limited to, employees who have temporary or continuing health problems.
- 1.5.2 Help facilitate scenarios where health considerations or working environment prescribe work accomplishment at an alternate location
- 1.5.3 Assist achieving department mission accomplishment when alternate in-person means are not viable.
- 1.5.4 Reduce traffic congestion and decrease energy consumption and pollution emissions.
- 1.5.5 Complement Continuity of Operations Plans (COOP).

1.6 References:

- 1.6.1 Department of Defense Instruction (DODI) 1035.01, Telework Policy, April 4, 2012.
- 1.6.2 Office of Personnel Management (OPM), Guide to Telework in the Federal Government, April 2011.
- 1.6.3 OPM, Addendum to Guide to Teleworking in the Federal Government, 9 December 2016, "Telework and Dependent Care Policy Guidance".

- 1.6.4 Public Law 111-292 (the Act), "Telework Enhancement Act of 2010," 5 January 2010.
- 1.6.5 Section 359 of Public Law 106-346, "Department of Transportation and Related Agencies Appropriations Act 2001," October 23, 2000.
- 1.6.6 U.S. Federal Labor Relations Authority (FLRA) Decision, 71 FLRA No. 133, April 21, 2020.
- 1.6.7 Army Regulation (AR) 600-8-10, Leaves and Passes, Rapid Action Revision, 4 August 2011.
- 1.6.8 Air Force Instruction (AFI), *Military Leave Program*, 6 June 2019.
- 1.6.9 Chief of the National Guard Bureau Instruction (CNGBI) 1400.25, Vol 630, "National Guard Technician Absence and Leave Program," 06 August 2018.
- 1.6.10 Arizona Department of Emergency and Military Affairs (AZ DEMA) Policy Letter 10.21, *Code of Ethical Conduct*, February 1, 2014.

1.7 Responsibilities:

1.7.1 The Adjutant General (TAG):

- 1.7.1.1 Ensure an established telework program is in effect.
- 1.7.1.2 Establish and approve AZNG telework procedures via this directive.

1.7.2 The Human Resources Officer (HRO):

- 1.7.2.1 Appoint an Agency Telework Coordinator who will manage the AZNG Telework Program.
- 1.7.2.2 Include Telework Program briefing in relevant supervisor and management trainings.

1.7.3 Agency Telework Coordinator:

- 1.7.3.1 Coordinate the implementation of the AZNG Telework program.
- 1.7.3.2 Maintain telework agreements on file for all eligible employees.

- 1.7.3.3 Track who are regular teleworkers, maintain a record of pertinent data, and submit applicable reports to OPM and/or NGB as required.
- 1.7.3.4 Monitor National Guard Bureau (NGB) and Office of Personnel Management (OPM) changes to the telework guidelines.
- 1.7.3.5 Maintain follow-up reports and telework agreements for participating employees.
- 1.7.3.6 Authorized Management Official (AMO) (Directors/O-6 Commanders):
- 1.7.3.7 Ensure all supervisors and employees are briefed on the program and have the opportunity to apply.
- 1.7.3.-8 Ensure telework agreements are completed IAW guidelines.
- 1.7.3.9 Monitor telework program and provide feedback to those supervising telework employees. This feedback can include, but is not limited to program success, failure, needed improvements, etc.
- 1.7.3.8 **Approve/Disapprove all telework agreements.**
 - 1.7.3.8.1 Authorized Management Officials may delegate approval/disapproval authority to O-5/GS-12 supervisors by getting written approval by the AMO's leadership and submitting a delegation memorandum to the Agency Telework Coordinator at: ng.az.azarng.mbx.hro-employee-relations@mail.mil
The delegation will be effective upon receipt by the Agency Telework Coordinator.

1.7.4 Information Management (ARNG G6/ANG Comm Fit):

- 1.7.4.1 Authorize the use of military computer networks, equipment (government furnished or personal), and supplies based on verified need from supervisors and availability of funds and support personnel.
- 1.7.4.2 Establish procedures for teleworkers to connect to the network from offsite locations.
- 1.7.4.3 Determine what equipment (government furnished or personal) and support services can be provided or used based on telework arrangements, verified need from supervisors, and availability of funds and support personnel.
- 1.7.4.4 Provide training on remote access hardware, software, and procedures upon request.

1.7.5 Supervisors/Managers:

- 1.7.5.1 Identify telework opportunities, options, and constraints and discuss and document performance expectations with the employees.
- 1.7.5.2 Ensure they and their employees are aware and of the AZ DEMA *Code of Ethical Conduct* policy.
- 1.7.5.3 Ensure technician employees accurately report telework time in the Automated Time Attendance and Production System (ATAAPS).
- 1.7.5.4 Ensure telework training is accomplished and maintain required documentation.
- 1.7.5.5 Maintain the original approved telework agreement, and provide a copy to the employee and Agency Telework Coordinator at: ng.az.azarnng.mbx.hro-employee-relations@mail.mil.
- 1.7.5.6 Review and evaluate performance and the quality of the employee's work while teleworking.
- 1.7.5.7 Reviewed approved telework agreements annually and resubmitted to the Agency Telework Coordinator between 01 Jan through 31 May of each year.
- 1.7.5.8 A new telework agreement must be approved for respective employees when there is a change in an Authorized Management Official and/or supervisor.
- 1.7.5.9 Track and report telework participation and submit summary data to the HRO upon request. All telework agreement terminations must be reported to the Agency Telework Coordinator immediately.

1.7.6 Telework Employees:

- 1.7.6.1 Complete telework training and submit certificate to supervisor.
- 1.7.6.2 Adhere to telework directive, procedures, and comply with the AZ DEMA *Code of Ethical Conduct* policy.
- 1.7.6.3 Maintain non-telework performance expectations and accomplish position requirements.
- 1.7.6.4 Ensure a telework agreement is certified each year.

- 1.7.6.5 Ensure alternate telework locations are safe working environments. Maintaining a safe/secure telework environment is the sole responsibility of the employee as the AZNG does not provide added security or workplace modifications to telework locations. If an employee believes their telework environment is not safe, they should report to the original duty location.
- 1.7.6.6 Ensure alternate telework locations have reliable internet access. AZNG does not provide compensation for internet services.
- 1.7.6.7 Report any injuries or illness that may preclude or limit teleworking to their supervisor as soon as possible.
- 1.7.6.8 Provide teleworking equipment requirements to their supervisor.
- 1.7.6.9 Obtain appropriate approval before performing teleworking duties that exceed the work agreement.
- 1.7.6.10 Account for and safeguard Government Furnished Equipment (GFE) and workplace information.

Section 2 – Eligibility and Applications

2.1 Determining Eligibility by Supervisors:

2.1.1 Telework **is not a right** and it is not appropriate for every employee or every position.

2.1.2 Positions eligible for regular telework are those involving tasks and work activities that are portable, do not depend on the employees being at the traditional worksite, and are conducive to supervisory oversight at the alternative worksite. Tasks and functions generally suited for telework include, but are not limited to:

2.1.2.1 Projects involving thinking and writing.

2.1.2.2 Policy development.

2.1.2.3 Research involving remote access to information.

2.1.2.4 Analysis (e.g. investigating, program analysis, policy analysis, financial analysis).

2.1.2.5 Report writing.

2.1.2.6 Telephone intensive tasks.

2.1.2.7 Computer-oriented tasks (e.g. programming, data entry, word processing, web page design).

2.1.2.8 Computer based training.

2.1.2.9 Other tasks determined appropriate by supervisor.

2.1.3 Positions generally ineligible for Telework Program

2.1.3.1 Positions generally ineligible for regular or recurring telework (but may be considered for ad hoc or situational telework) are those positions involving tasks that are not suitable to be performed away from the traditional worksite, including tasks that:

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

2.1.3.3 Require frequent or daily access to classified information.

2.1.3.4 Occur during a full-time employee's probationary period, or within the first 12 months of an indefinite or temporary employee's start date.

2.1.3.5 Require resources or equipment unavailable away from the duty station.

2.1.3.6 Employees who have been officially disciplined for being absent without permission within the past calendar year and employees whose conduct has resulted in disciplinary action within the past 12 months, are normally ineligible for telework. Authorized Management Officials may authorize ad hoc teleworking when a situation prohibits the employee to report to the worksite (i.e., state of emergency, natural disaster, pandemic, etc.).

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

2.1.4.1 Demonstrated dependability and the ability to handle responsibility.

2.1.4.2 A proven record of high personal motivation.

2.1.4.3 The ability to prioritize work effectively and use good time management skills.

2.1.4.4 Trustworthiness and conduct (e.g., whether the employee has demonstrated a disregard for office policies or supervisory instructions or has a disciplinary record).

2.1.4.5 In the event of inclement weather, *ad hoc* or situational telework may be an option for all non-mission essential employees, providing that they already have an approved telework agreement on file with the agency.

2.2 Telework Requests:

2.2.1 Participation in a telework program is voluntary. Telework is not an employee right. Supervisors may deny a telework request or terminate a telework agreement at any time.

2.2.2 Employees may request to telework by submitting a DoD Telework Agreement (DD Form 2946, December 2011). Telework training certificates will accompany all telework requests.

2.2.3 Employees are responsible for initiating and completing the DoD Telework Agreement, and submitting to supervisor for consideration.

- 2.2.4 Supervisors/Managers will ensure the “Component-Specific Terms and Conditions” section of the telework agreements states; what type of telework the employee is eligible for (ad hoc vs. regular), general terms descriptions of duties to be performed while teleworking, the approved alternative worksite, and the telework schedule. Personnel, security, and equipment issues should also be addressed, as well as other applicable terms and conditions.
- 2.2.5 Supervisors/Managers will ensure the Safety Checklist and Technology/Equipment Checklist (Telework Agreement (DD Form 2946), Sections II and III) are completed and signed by the employee. Supervisors will validate these sections by signature and date. Supervisor’s signature in Section III indicates telework approval, unless “DENIED” is added.
- 2.2.6 Authorized Management Official approves/disapproves all telework requests, this may be delegated in writing to supervisors/managers. Signature of DD Form 2946, Section I, block 13 indicates approval, unless “DENIED” is added.
- 2.2.7 Denial and termination decisions must be based on business needs or performance. Denials should be provided in a timely manner.
- 2.2.8 Denied telework requests must be sent to the HRO with boxes 1-5 in section 1 of the DD Form 2946 completed by the Authorized Management Official or delegate. The reason(s) for denial must be stated in the Component-Specific Terms and Conditions section. Supervisors/Authorized Management Officials also type “DENIED” in their signature area when denying them.

2.2.9 Appeals.

- 2.2.9.1 Employees covered by a collective bargaining agreement may appeal in accordance with the negotiated grievance procedure unless this subject is specifically excluded.
- 2.2.9.2 Non-Bargaining Unit Employees may appeal in accordance with the current agency grievance procedure.

2.3 Telework Training:

- 2.3.1 Supervisors and employees participating in the AZNG Telework Program are required to complete the applicable telework training through the U.S. Office of Personnel Management. Telework training is a one-time requirement, unless otherwise directed by a supervisor.
- 2.3.1.1 Employee training: <https://www.telework.gov/training-resources/telework-training/virtual-telework-fundamentals-training-courses/employee-course/index.htm>

2.3.1.2 Supervisor training: <https://www.telework.gov/training-resources/telework-training/virtual-telework-fundamentals-training-courses/managers-course/index.htm>

2.3.1.3 T32 Technician and T5 Employee telework training must be self-certified in the Defense Civilian Personnel Advisory Service (DCPDS) system. Instructions for the training in DCPDS are located at:
[https://dema.az.gov/sites/default/files/HRO Important Documents/DCPDS_Training_Self-Service.pdf](https://dema.az.gov/sites/default/files/HRO%20Important%20Documents/DCPDS_Training_Self-Service.pdf)

2.4 Telework Agreements:

2.4.2 Prior to the commencement of any telework arrangements, supervisors and employees must complete and sign the DoD Telework Agreement outlining the terms and conditions of the arrangement.

2.4.3 Supervisors will maintain the original yearly telework agreement for each eligible employee.

2.4.3.1 Telework agreements states what type of telework the employee is eligible for (ad hoc vs. regular) and what they will work on while teleworking in general terms.

2.4.3.1 The telework agreement prescribes the approved alternative worksite and telework schedule. The agreement also addresses personnel, security, and equipment issues.

2.4.4 The completed agreement and training certificates are emailed to JFHQ Human Resources Office (HRO) at ng.az.azarnng.mbx.hro-employee-relations@mail.mil for recording.

2.4.4.1 The Telework Agency Coordinator will keep/file copies of all telework agreements.

2.4.5 A new telework agreement must be approved for respective employees when there is a change in an Authorized Management Official and/or supervisor.

2.4.6 The employee or supervisor may terminate the telework agreement at any time. When possible, advanced written notice terminating the agreement should be provided, however, supervisors may immediately terminate telework agreement when the employee's performance falls below expectations.

2.4.7 Teleworkers should notify their supervisors as soon as possible in the event dependent care prevents or significantly disrupts work accomplishment. Teleworkers should then request approval for appropriate leave while performing dependent care responsibilities.

2.4.8 Failure to comply with the terms of the telework agreement, or diminishment in the employee's performance could result in suspension or termination of an employee's telework agreement.

Section 3 – Attendance and Work Performance

3.1 Certification and Control of Time and Attendance:

- 3.1.1 AZNG T32 Technicians and T5 National Guard Employees. Time spent in a telework status must be accounted for and reported in the same manner as if the employee reported for duty at the traditional worksite. Supervisors will ensure the number of hours each individual spends in a scheduled telework status during the regular daily tour of duty is identified with reason code "TW". For instance, if a technician has a regular daily tour of duty of 8 hours and spends 8 hours in a telework status, 8 hours would be recorded using the "TW" code. Hours spent in a telework status that are outside of the regular daily tour must also be approved in advance by the supervisor and accounted for as compensatory time earned. Ad hoc or situational telework will be coded as "TS". Use the "TM" code for telework that has been approved for a particular employee as deemed necessary by the command for medical reasons.
- 3.1.2 Supervisors can verify an employee's time spent working at an alternative worksite by determining the reasonableness of the work output for the time spent, or by making occasional telephone calls during the employee's scheduled work hours at the alternative worksite.

3.1.3 Leave:

- 3.1.3.1 AGRs must adhere to respective service leave and pass instructions and/or regulations.
- 3.1.3.2 Military Technicians and Title 5 employees must submit leave request in accordance with current Arizona Department of Emergency and Military Affairs (AZ DEMA)/Federal policy/guidelines.

3.2 Performance Management:

- 3.2.1 Employees authorized to telework must have a proven (or expected, for new employees) performance rating of at least "fully successful", or equivalent, to be eligible for participation in the telework program.
- 3.2.2 Teleworkers' performance should be monitored in the same/similar manner, as much as possible, as all employees at the traditional worksite.
- 3.2.3 Teleworkers are required to complete all assigned work, consistent with the approach adopted for non-teleworking employees in the work group. Teleworkers will return phone calls/messages and emails in the same manner as expected at the traditional worksite.

3.2.4 Telework must not adversely affect organizational missions and functions. If supervisors determine an adverse effect, they must immediately modify or terminate the telework arrangement. Supervisors can immediately terminate telework agreements when they deem the arrangement fails to meet the organization's needs or that the employee's performance does not meet the prescribed standard.

3.3 Work Schedules:

3.3.1 The existing rules on hours of duty apply to teleworking employees.

3.3.2 Employees must be accessible and available for during their scheduled work hours.

3.3.3 Employees may participate in both an alternate work schedule and a telework program at the same time. The telework daily schedule should follow the employee's set worksite work-schedule.

3.3.4 Supervisors have the authority to require telework employees to report to their worksites on scheduled telework days.

3.3.5 Supervisors should balance telework with worksite presence to optimize workgroup performance.

3.4 Compensatory Time:

3.4.1 The compensatory time provisions that apply to T32 and T5 employees working at a traditional worksite apply to individuals on a Telework Agreement. T32 and T5 employees may work compensatory time only when approved by the supervisor in advance.

3.5 Official Duty Station:

3.5.1 The Office of Personnel Management Guide to Processing Personnel Actions defines "duty station" as the "city/town, county, and state in which the employee works". For AZNG telework employees, this will be the location of the employee's official worksite, not their telework location.

3.5.2 Locality pay will be based on the location of the employee's official worksite, not their telework site.

3.6 Telework and Travel:

3.6.1 The travel provisions that apply to employees working at a traditional worksite also apply to employees who telework. An employee who is directed to travel to

another worksite during his or her regularly scheduled duty/work day would have the additional travel hours credited as hours of work.

- 3.6.2 Management reserves the right to require employees to report to the traditional worksite on scheduled telework days, based on operational requirements. Commuting time for employees required to report to the traditional worksite on telework days will not be credited as hours of work unless the workday has already started when they are directed to go to the traditional worksite.

3.7 Emergency Dismissal, Closing, or Delay:

- 3.7.1 When AZNG organizations/units are deemed to be "closed for business", employees not designated by the Adjutant General as "mission essential employees," including teleworkers are excused from duty without loss of pay or charge to leave.
- 3.7.2 If a situation arises at the employee's alternative worksite that results in the employee being unable to continue working (e.g., power failure) the employee must report this situation to their immediate supervisor as soon as feasible, but not later than the next duty day. The supervisor should determine action on a case-by-case basis. Depending on the particular circumstances, supervisors may grant the teleworker an excused absence, offer the teleworker the option to take leave, use compensatory time off, or require the employee to report for work at the traditional worksite.
- 3.7.3 If a situation arises where employees reporting to the traditional workplace are allowed to report to work at a delayed reporting time, employees who are teleworking at their home would not be affected, therefore should begin work as scheduled.
- 3.7.4 If the employee knows in advance of a situation that would preclude working at the alternative worksite then; a change in work schedule, leave, or work at the employee's traditional worksite must be scheduled (e.g., scheduled power or communication outages for upgrades).

3.8 Personal Physical Training (PT) Programs

- 3.8.1 Teleworkers who are eligible to participate in a personal physical training (PT) program during duty hours in accordance with DEMA policy letter 20.11 may continue to do so. Eligible teleworkers consider their reported telework location as their work site for the purposes of complying with the DEMA PT policy. All other PT program requirements and limitations still apply. Since teleworkers are not co-located with their supervisors, teleworkers must coordinate PT times prior to participating in the activity and must check in/out with their supervisor when activity is conducted during the employee's shift.

Section 4 - Equipment and Liabilities

4.1 Government Furnished Equipment and Security:

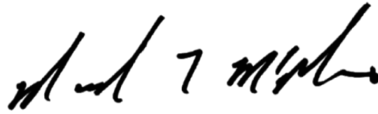
- 4.1.1 Government Furnished Equipment must only be used for official duties only. The teleworker is authorized to use government-furnished equipment and only for activities related to the teleworkers duties. The employee must return all government-furnished equipment and materials to the agency at the conclusion of teleworking arrangements.
- 4.1.2 Teleworkers are responsible for the security of all official data, protection of any government-furnished equipment and property, and accomplishment of the mission of AZNG at the alternative worksite. ***Under no circumstances will the handling of classified data be authorized for teleworkers.***
- 4.1.3 All files, records, papers, or machine-readable materials created while teleworking are the property of AZNG. Records subject to the Privacy Act may not be disclosed to anyone except those authorized access as a requirement of their official responsibilities. Supervisors, managers, and employees shall ensure that appropriate physical, administrative, and technical safeguards are used to protect the security and confidentiality of such records. Only copies, not originals, of Privacy Act documents may be permitted to be taken out of the traditional work site and they may be taken only on temporary basis and not permanently stored out of the traditional work site. Supervisors and/or managers shall ensure that any teleworkers who will be working on Privacy Act materials receive appropriate Privacy Act training.

4.2 Workers' Compensation and Other Liabilities

- 4.2.1 Federal Employees Compensation Act (FECA). Employees who are directly engaged in performing the duties of their jobs are covered by the Federal Employees Compensation Act (FECA), regardless of whether the work is performed on the agency's premises or at an alternative worksite. The employee must notify the supervisor immediately of any accident or injury at the alternative worksite, provide details of the accident or injury, and complete the DOL Form CA-1, Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation.
- 4.2.2 Government Liability Restrictions. For work-at-home arrangements, the employee is required to designate one area in the home as the official work station. The government's potential exposure to liability is restricted to this official work station for the purposes of telework. Employees are responsible for ensuring that their homes comply with safety requirements. The AZNG retains the right to inspect the home worksite, by appointment only, to ensure safety standards are met and government furnished equipment is properly maintained. The government is not

liable for damages to an employee's personal or real property while the employee is working at the approved alternative worksite, except to the extent the government is otherwise liable under the Federal Tort Claims Act (28 U.S.C. § 2671) or the Military and Civilian Employees Claims Act (32 U.S.C. §3701).

The proponent of this directive is the AZNG Human Resources Office. Users are invited to send comments and suggested improvements to the 5636 E. McDowell Road, Phoenix AZ 85008-3495, ATTN: NGAZ-HRZ.

A handwritten signature in black ink, appearing to read "Michael T. McGuire".

MICHAEL T. McGUIRE
Major General, AZ ANG
The Adjutant General

Explanation of Terms.

Ad hoc telework

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

Alternative worksite

A place away from the traditional worksite that has been approved for the performance of officially assigned duties.

Employees

Arizona National Guard (AZNG) Title 32 (T32) Technicians, Title 5 (T5) National Guard Employees and Active Guard/Reserve (AGR), Full-Time National Guard Duty (FTNGD), and Active Duty Operational Support (ADOS).

Regular and recurring telework

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

Mission Essential Employees

Employees whose presence at work is required to assist the agency in meeting its operational needs.

Telework

Any arrangement in which an employee performs officially assigned duties at an alternative worksite on either a regular or recurring, or on an ad hoc, basis (not including while on official travel). Sometimes referred to as 'telecommuting'.

Telework agreement

A written agreement, completed and signed by an employee and appropriate official(s) in his or her section/unit, that outlines the terms and conditions of the telework arrangement.

Telework ready

Personnel have the resources, equipment, and an agreement on file with the telework location and contact information on file, and have some practice with telework with a basic knowledge of what they will accomplish.

Work-at-home telework

An approved arrangement whereby an employee performs his or her official duties in a specified work or office area of his or her home that is suitable for the performance of official government business.

Workplace

Where an employee performs work. It can be their traditional or alternative worksite. This definition clarifies language used in the PT Program.