

Personnel Management

Telecommuting

FOR THE GOVERNOR:

WILLIAM H. WADE II
Major General
The Adjutant General

OFFICIAL:

STUART D. EWING
Captain, CA ANG
Human Resources Officer



flicts with other applicable directives, HR will be responsible for resolving the conflict.

Applicability. California National Guard Full-time Personnel Regulation (CNGFPR) applies to all California Army and California Air National Guard technician and AGR employees and to commanders, managers and supervisors (military or civilian) with authority or responsibility over full-time personnel management.

Proponent and Exception Authority. The proponent of this regulation is the Joint Force Headquarters, J-1, Directorate for Human Resources. The proponent has authority to approve exceptions to this regulation when they are consistent with controlling laws and regulation.

Supplementation. Supplementation of this regulation is prohibited.

Suggested Improvements. Users of this regulation are invited to send comments and suggested improvements to Joint Force Headquarters, Directorate for Human Resources, 9800 Goethe Road, Sacramento, CA 95826-9101.

Distribution. Distribution of the regulation is Army - A and Air Force - AF.

History. None

Summary. This regulation establishes and implements the procedures for requesting and monitoring telework work arrangements between commanders, supervisors, Soldiers, and Airmen of the California National Guard. It applies to all AGR and Federal Technician members of the California Army and Air National Guard. It specifies responsibilities, work-site requirements, and the contents of formal telework agreements. In the event this regulation con-

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1. Purpose.

a. Telework is a management tool that allows members of the California National Guard to work away from their official duty location. Telework allows for completion of duty requirements while authorizing employees to work in an alternate location. Telework is normally accomplished through the use of telephone, facsimile, computer and modem.

b. When telework is found to be a valid option, it can improve individual performance, reduce commuting miles, increase productivity, and/or create savings for the agency. Telework is designed to provide time and surroundings that contribute to a members ability to complete specific projects or recurring work necessary to benefit the agency, unit, or work center. It is not designed to provide training time for individuals.

c. Telework is a privilege granted by the Adjutant General. Telework is not a right for the member/employee. It requires a great deal of mutual trust between the approval authority and individual. Authorization and approval for telework will only be granted when it is in the best interest of the organization and the mission. No reimbursement for travel expenses will be authorized in connection with this duty status, to include compensatory time for travel. Participants approved for the telework option will use the pre-authorized work agreement for accountability of duty and authorization.

d. The establishment and continuation of this program will not be construed as establishing a “past practice” or a condition of employment which would otherwise violate management rights established by 5 USC 7106.

2. Definitions.

Telework: A mutually agreed upon work option exercised by a supervisor and employee that allows the employee to accomplish work at an alternate work site. It is a management tool which allows a written pre-authorization for members and employees of the California National Guard to work in an official capacity for pay away from the typical official duty location.

CNG Form 690-34, Telework Project Agreement: A contract between the supervisor and employee that contains the details necessary to establish the telework arrangement. Work schedule, project description, deliverables (project product), and oversight requirements will all be specified in the work agreement.

CNG Form 690-35: Telework Project Checklist.

Telework Alternate Worksite: A worksite other than the member’s assigned duty location.

3. Policy.

a. **Work Schedules:** The Adjutant General has established the basic workweek for the California National Guard (Army and Air) locations as Monday through Friday, 0800-1630, five (5) 8-hour workdays. Commanders and key managers are responsible for having their functions remain open to provide 100% internal and external customer service during these days and hours. Coverage by key staff during normal duty hours is also necessary to maintain the ability to make key management decisions. Unique missions may require this ability be maintained during additional and irregular hours of operation.

b. **Telework:** The Adjutant General authorizes commanders and key managers to explore opportunities for employees, Soldiers and Airmen to telework in order to improve individual performance, reduce commuting miles, or create savings for the agency. Telework is a privilege, not a right for employees and California National Guard Soldiers and Airmen. It is designed primarily to provide time and surroundings that contribute to a member’s ability to complete specific projects or recurring work necessary to benefit the agency, unit, or work center. It is not designed to provide training time for individuals.

c. The limited number of full-time support (FTS) members available to meet normal workweek requirements at the official duty locations limits the opportunities for FTS members to telework.

d. Under no circumstance will a teleworker perform all their duties by telework nor use any telework time to complete AFSC/MOS upgrade, Professional Military Education (PME, NCOES, NCO Academy, OES, Airmen Leadership Course, etc.)

e. The telework project or work product requirements and other details of the telework arrangement will be clearly spelled out in a written telework agreement signed by the employee, supervisor, commander, and final approving official.

f. The teleworker’s alternate work site must have the appropriate tools and environment to enable the member to complete assigned projects.

g. All data, documents, or products developed during the performance of telework are the sole property of the CNG and will be prepared, maintained, and managed in accordance with command guidance, if it is to be a permanent record. No classified material will be used or created while teleworking.

h. The telework agreement will include the determination of the percentage of telework time to be authorized for a member. No employee/member will be authorized to perform all duty by telework. It is the intent that CNG members normally participate in a military environment by performing duty in uniform at their official duty location. The telework option is to be authorized only when deemed to be in the best interest of the CNG.

i. The approval authority, immediate supervisor, or teleworker may terminate participation in telework at any time.

4. Roles and Responsibilities.

a. The Adjutant General delegates the authority to approve or disapprove telework agreements to the Directorate for Human Resources.

b. *The Directorate for Human Resources* is responsible for:

(1) Ensuring all elements of the telework agreements are complete and present a clear picture of the working arrangement and work product expectations.

(2) Returning a copy of the approved/disapproved Telework Agreement to the requestor.

(3) Maintaining the original approved work agreement, and providing a copy to the requestor.

c. *Unit commanders or headquarters directors* are responsible for:

(1) Recommending the telework project to the approval authority.

(2) Preparing required documentation and obtaining any necessary signatures from the teleworker.

(3) Ensuring project details (e.g., scope of work, deliverables, etc.) are mutually agreed upon before beginning work.

(4) Monitoring the quantity and quality of work completed under telework agreements to ensure the resulting work product enhances unit or work center effectiveness and is not detrimental to team cohesiveness.

(5) Maintaining the original approved work agreement, and providing a copy to the teleworker.

d. *Army and Air National Guard Senior Information Management Personnel*: At the request of unit commanders, the senior ARNG or ANG Information Systems Management Officer may authorize their use of government information systems for telework. However, consideration must be given to the security of information and cost of providing necessary communications and computer systems services before allowing personnel to work from an alternate work location. Use of Government owned equipment and supplies by the teleworker are subject to appropriate rules, directives, and limitations, to include the placement of government-owned computers, computer software, and telecommunications equipment in alternative work locations.

e. *The Designated Approval Authority (DAA)* has ultimate responsibility for authorizing use of military computer networks, computer equipment, and computer supplies. For the CNG, the DAA is the Deputy Chief of Staff for Information Management (DCSIM) who is the approval/disapproval official. For the ANG, DAA authority has been delegated to the Wing/Group Commander.

(1) The DAA is responsible for approving the use of Government owned equipment and related supplies for use by the teleworker IAW appropriate regulatory guidance and availability. (For the CA ANG, use AFI 33-112, Computer Systems Management. For the CNG use CA ARNG 25-1, Computer Systems Management.) The decision to use appropriated funds to pay for equipment, services, or supplies for the purposes of telework rests with the DAA. Government equipment may be provided from excess computer assets pending disposition or turn-in in order to minimize costs and avoid purchase of new equipment for this purpose.

(2) The DAA retains ownership and control of all hardware, software, and data associated with, or generated by, government owned systems. All equipment will be accounted for on a hand receipt and inventoried semi-annually. The DCSIM retains this responsibility for the CNG.

(3) Government provided equipment for telework is FOR OFFICIAL USE ONLY (FOUO). The appropriate supporting Help Desk will provide initial assistance and direction to the teleworker for problems associated with equipment hardware, software, and warranty/repair guidance. The equipment is for authorized use by the teleworker only.

f. *Immediate supervisors* are responsible for:

(1) Determining the alternate work location is an economical option to having the individual work in the office.

(2) Insuring the teleworker's use of data connectivity does not overburden the communication systems available and the cost to provide the service to the teleworker is fully justified.

(3) Developing a comprehensive telework project plan to include the scope of work, product to be delivered, and time schedules the teleworker can support.

(4) Maintaining all original documents concerning the telework process.

(5) Completing the telework work agreement, checklist, and duty forms.

(6) Forwarding the telework agreement or request through appropriate chain of command to the final approving official and ensuring approval is obtained prior to beginning the telework.

(7) Ensuring the teleworker does not exceed the scope of the approved work agreement. Immediate supervisors may modify an existing work agreement, but the final approving authority must approve the modification prior to expanding or redefining the work agreement project.

(8) Completing CNG Form 690-34, Telework Project Agreement and CNG Form 690-35, Telework Project Checklist, and maintaining copy.

(9) Verifying and signing CNG Form 690-34, CNG Telework Project Agreement, and submitting appropriate pay documents to compensate the teleworker for work completed.

g. **Teleworkers** are subject to applicable laws, regulations and instructions for the period that coincides with the duty hours specified in the approved work agreement. Teleworkers are responsible for:

(1) Initiating a request to telework and providing sufficient information to the supervisor so a comprehensive telework agreement can be written. The information should include a complete description of the telework project, work product and the time and resources necessary to complete the job.

(2) Providing telework equipment requirements to the supervisor.

(3) Ensuring the alternate work locations are safe environments.

(4) Never exceeding the scope of work described in the work agreement without receiving concurrence from the final approval authority and a modified work agreement.

(5) Documenting duty performed on CNG Form 690-34 and submitting it in a timely manner to the immediate supervisor.

(6) Teleworkers may not use privately owned equipment for telework purposes.

(7) Software use must conform to copyright law and any contractual agreements. The teleworker will protect software and government information on government computer equipment from modification, destruction, or inappropriate release.

(8) The teleworker will not install any hardware or software on a government system without express approval of the DAA. The system will be provided with necessary tools and software to perform the agreed to project. If the situation should arise that additional items (peripherals, software, etc.) are required, the teleworker must request the additional items through normal channels using the supporting help desk. The use of unauthorized freeware and/or shareware is not authorized.

(9) The teleworker will follow Report of Survey procedures for damaged, lost, or stolen government equipment. For the CA ANG, procedures are outlined in AFI 33-112, Automatic Data Processing Equipment (ADPE) Management and AFI 33-114, Command, Control, Communications, and Computer (C4) Software Management.

(10) If telework requirements terminate, the teleworker must immediately return government owned hardware, software, and data.

h. **Telework Agreements.** Prior to the commencement of telework, the teleworker, supervisor, and approval authority must complete and sign CNG Form 690-34, Telework Project Agreement, and review a CNG Form 690-35, *Telework Project Checklist*.

5. Compensation.

a. Teleworkers will be compensated in accordance with their duty status: i.e., technician, FTNGD (which includes AGR and ADSW) and comply with the associated pay regulations and directives.

b. Travel and per diem payments for telework are not authorized.

c. Before beginning a project, authorization for reimbursement of incidental and minor out-of-pocket expenses, (e.g., postage, long distance telephone calls, consumable supplies) may be approved by the approval authority. A statement of this authorization will be included in the telework work agreement allowing the teleworker to use the Standard Form (SF) 1164, Claim for Reimbursement for Expenditures on Official Business. The normal procedures and dollar limits associated with the SF 1164 apply.

6. Safety.

Teleworkers are responsible for ensuring the authorized alternate work location is a safe environment. The authorized teleworker will report any injuries while teleworking to their supervisor as soon as possible. The supervisor will follow OWCP and Line of Duty reporting procedures for accidents or injuries.

7. General Obligations.

a. Military members (AGR) authorized to telework are subject to the appropriate codes of military justice (Uniform Code of Military Justice (UCMJ) or State Military Code) while teleworking. The period of military jurisdiction will coincide with the duty hours specified.

b. Federal technicians authorized to telework are subject to the appropriate standards of conduct and Personnel Regulations while teleworking. The period of jurisdiction will coincide with the duty hours specified in the approved Telework Agreement.

8. Security.

a. Teleworkers must comply with all government security procedures and ensure security measures are in place to protect equipment and data from physical and virus damage, theft, loss, or access by unauthorized individuals.

b. Access to sensitive-but unclassified (SBU) (e.g. Privacy Act, FOUO material,) documents, data, records, etc., on government equipment must be consistent with appropriate directives and instructions.

c. The unit tasked with network management for the authorized teleworker will provide monitoring service for teleworker computer systems. Teleworkers will be briefed and provided a written statement of understanding with the following: *"This is a Department of Defense computer system for authorized use only. DoD computer systems may be monitored for all lawful purposes including: ensuring that their use is authorized, for management of the system, to minimize unauthorized access, and to verify security procedures, survivability, and operational security. Using this system constitutes consent to monitoring. All information, including personal information, placed on or sent over this system may be obtained during monitoring. Unauthorized use could result in criminal prosecution."*

d. Software use must conform to copyright law and any contractual agreements. The teleworker will protect software and government information on government computer equipment from modification, destruction, or inappropriate release.