

NGNJ JFHQ REG 1035-01

Telework Program

Joint Force Headquarters
New Jersey National Guard
Joint Base McGuire Dix Lakehurst (JBMDL), NJ
01 January 2019

UNCLASSIFIED

Joint Force Headquarters
New Jersey National Guard
3650 Saylor's Pond Road
JBMDL, NJ 08640
01 October 2018

NGNJ JFHQ REG 1035-01

Effective Date 01 January 2019

Human Resources Office

New Jersey National Guard Telework Program

By Order of the Governor:

JEMAL J. BEALE
Brigadier General, NJARNG
The Adjutant General

Official:

LOLA D. WASHINGTON
Colonel, NJANG
Director, J1-HRO

Summary. This regulation establishes policies and procedures for the Telework Program.

Applicability. This regulation applies to all NGNJ Permanent and Indefinite Technicians/Employees (Title 32 and Title 5) and Career Status Active Guard Reserve (AGR) Soldiers and Airmen. Probationary and Temporary Employees and Initial Tour AGR are excluded from this policy. In accordance with the Telework Enhancement Act, certain positions may be excluded as ineligible on the basis of occupation, series, grade, supervisory status, organizational requirements. Recurring telework is not appropriate for most AGR positions. The mission of the AGR Program is "Organizing, Administering, Recruiting, Instructing or Training of the National Guard." Recurring telework would be contrary to this mission as our AGR force needs to be available to support our Traditional Drilling Guardsman (TDG) Soldiers.

Proponent and exception authority. The proponent of this regulation is the Human Resources Office. Interim changes to this regulation are not official unless they are authenticated by The Adjutant General.

Supplementation. Supplementation of this regulation and establishment of forms other than those approved by The Adjutant General are prohibited without prior approval from the NGNJ-J1-HRO.

Suggested improvements. Users are invited to send comments to NGNJ-J1-HRO.

Distribution. This publication is available in electronic media only.

NGNJ JFHQ REG 1035-01 - 01 January 2019

UNCLASSIFIED

Table of Contents (Listed by paragraph and page number}

Chapter 1

General, page 5

Purpose • 1-1, page 5

References • 1-2, page 5

Explanation of Abbreviations and Terms • 1-3, page 5

Background and Scope • 1-4, page 5

Policy Statement • 1-5, page 6

Responsibilities • 1-6, page 7

Telework Eligibility • 1-7, page 9

Chapter 2

Implementation of the Telework Program, page 10

Telework Agreement • 2-1, page 10

Certification and Control of Time and Attendance • 2-2, page 10

Performance Management • 2-3, page 10

Work Schedules • 2-4, page 11

Compensatory Time and Overtime • 2-5, page 11

Official Duty Station • 2-6, page 11

Telework and Travel • 2-7, page 11

Emergency Dismissal, Closing or Delay • 2-8, page 11

Personal Physical Training (PT) Programs • 2-9, page 12

Training • 2-10, page 12

Employee Grievances and Appeal Procedure • 2-11, page 12

Disciplinary and Adverse Action • 2-12, page 12

Standards of Conduct • 2-13, page 13

Termination of Agreement • 2-14,

Chapter 3

Equipment, Network Access and Security for Teleworkers, page 13

Equipment • 3-1, page 13

Security • 3-2, page 14

Physical Security • 3-3, page 14

Logical Security • 3-4, page 14

Chapter 4

Workers' Compensation page 15

Federal Employees Compensation Act (FECA) • 4-1, page 15

Government Liability Restrictions • 4-2, page 15

Workers' Compensation and Vocational Rehabilitation • 4-3, page 16

Glossary, page 16

Appendixes

- A. Telework Agreement, *page 22-27*
- B. Employee Telework Follow-Up/Progress Reporting Checklist, *page 28*
- C. Supervisor Telework Follow-Up/Progress Reporting Checklist, *page 29*
- D. References, *page 30*
- E. Management/ATC Controls, *page 31*

Chapter 1 General

1-1. Purpose

This policy implements the requirements of Section 359 of Public Law (P.L.) No. 106-346 and DoDI 1035.01 which requires each Department of Defense (DoD) component to develop, implement and operate telework programs that are appropriate within their respective organizations in accordance with P.L. and DoD policies. Section 359 of P.L. No. 106-346 requires that 25 percent of the eligible Federal workforce must be offered the opportunity to telework. The policy called for an additional 25 percent of the eligible Federal workforce to be offered the opportunity to telework each successive year, thus permitting every eligible employee the opportunity to telework by the end of Fiscal Year 2004. Any implementation of telework regulations or other guidance developed by DoD Components must comply with this policy, as well as the law from which it is derived. In implementing P.L. No. 106-346, this policy is designed to actively promote telework as a legitimate flexibility for managers and their employees throughout DoD and to:

- a. Promote National Guard New Jersey (NGNJ) as an employer of choice.
- b. Improve the recruitment and retention of high-quality employees through quality of life enhancements.
- c. Enhance the NGNJ efforts to employ and accommodate people with disabilities, including employees who have temporary or continuing health problems, or who might otherwise have to retire on disability.
- d. Reduce traffic congestion and decrease energy consumption and pollution emissions.
- e. Reduce office space, parking facilities, and transportation costs.
- f. Ensure safety when weather conditions make commuting hazardous, or similar circumstances that compromise employee safety.
- g. Supplement plans for continuity of operations, this is an integral aspect of the National Guard's readiness factoring in the very nature of our business. As the operating environment changes, it's important to have a plan for contingencies like viruses, pandemics and other unforeseen disasters, both natural and through deliberate actions (e.g., snowstorm, hurricane, acts of terrorism, etc.). It is imperative that the telework program be structured with continuity of operations in mind.

1-2. References

Required and related publications are listed in Appendix D.

1-3. Explanation of Abbreviations and Terms

Abbreviations and special terms used in the regulation are explained in the Glossary.

1-4. Background and Scope

- a. Telework is a management tool that allows the NGNJ the flexibility to authorize personnel to work away from their official duty location.
- b. The alternate worksites must have the necessary tools and environment to enable the teleworker to accomplish assigned duties.

c. Telework is a privilege for eligible personnel as well as a benefit and convenience to the government. It may be utilized for continuity of operations in the event of any kind of emergency, natural disaster, or situation of reduced resources.

1-5. Policy Statement

a. Telework is not an entitlement. Management is responsible for deciding if the position is appropriate for off-site work and for evaluating both the content of the work and the performance of the employee. If the immediate supervisor, or others within the Chain of Command, believe the telework arrangement is not beneficial to the agency, they have the right to terminate an employee's participation.

b. All eligible personnel must sign a Telework Agreement prior to commencement of teleworking. Employees who do not intend to telework regularly are required to have a Situational Telework Agreement on file in case of unforeseen circumstances where telework may be necessary.

c. Final approval for regular and recurring telework will be determined by the NGNJ Director of Human Resources (NGNJ-J1-HRO).

d. Participation in the program will be terminated if an employee's performance does not meet the expectations of their Performance Appraisal Application (PAA) for employees and respective Officer/ Enlisted evaluations for AGR personnel.

e. Employees may be approved to telework and/or work an alternative work schedule.

f. *Telework* is appropriate for supervisory-approved Distance Learning (DL).

g. Telework will NOT be used as a substitute for child or other dependent care, the teleworker shall continue to make arrangements for child or dependent care to the same extent as if the teleworker was in the regular work site.

h. Telework is consistent with the DoD Security and Information Technology policy.

(1) Classified documents, information, and systems (hard copy or electronic) may NOT be taken by teleworkers to alternative worksites. Classified work should only be done in an appropriately secure environment using appropriate classified equipment.

(2) Employees who telework must utilize government computers. Storage or processing of sensitive and critical information is not authorized on personal or home computers at any time. Personal Identifiable Information (PII) must be saved in encrypted folders only on government computers. Use of personal computers is prohibited for telework.

(3) Government-furnished equipment must only be used for official duties, and family members and friends of teleworkers are not authorized to use any government-furnished equipment. Web searches are for official websites in the course of duties. The employee must return all government-furnished equipment and materials to the agency at the conclusion of teleworking arrangements.

(4) Teleworkers are responsible for the security of all official information, protection of any government-furnished equipment and property, and carrying out the mission of the NGNJ at the alternative work site. Employees must properly secure government equipment when left unattended. The employee is responsible for any misuse of government work, information, or government email access related to their teleworking.

i. The NGNJ assumes no responsibility for any operating costs associated with an employee using his or her personal equipment, and residence as an alternative

worksite. This includes home maintenance, insurance, and utilities.

j. An employee who is approved for telework must sign the Safety Checklist (DD Form 2946, Section II, page 25) (Appendix A) prior to commencement of telework.

k. 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 worksite.

l. An employees approved for telework are required to satisfactorily complete all assigned tasks during duty hours.

m. Employees may work Compensatory Time or Overtime (subject to eligibility) only when approved in advance by the supervisor using NGB Form 46-14. Instances in which Employees perform Compensatory Time/Overtime without approval may be cause for administrative or disciplinary action.

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

o. The government is not liable for damages to the employee's personal or real property while the employee is working at the approved alternative worksite.

p. Employees are covered by the Federal Employees Compensation Act (FECA) when injured or suffering from work-related illnesses while conducting official government business during telework. Refer to Paragraph 4-1 for additional information.

1-6. Responsibilities

a. The Adjutant General (TAG)

(1) Approve and establish a state telework policy.

(2) Delegate the authority to approve telework agreements to the NGNJ Director of Human Resources (NGNJ-J1-HRO).

b. Human Resource Officer (HRO)

(1) Serve as TAG's Program Manager

(2) Appoint Agency Telework Coordinators (ATC) who will manage the NGNJ Telework Program.

(3) Train all eligible personnel on the Telework Program.

(4) Submit usage report to National Guard Bureau (NGB) as requested.

(5) Maintain documentation on file showing the individuals who are participating in the Telework Program.

(6) Investigate complaints or abuse of the Telework Program.

(7) Distribute and collect annual progress reports for eligible personnel.

c. Agency Telework Coordinator (ATC)

(1) Coordinate the implementation of the NGNJ Telework policy.

(2) Maintain Regular and Situational Telework Agreements on file for all eligible personnel.

(3) Track NGB changes to the telework guidelines.

(4) Track regular teleworkers, maintain a record of pertinent data, and submit applicable reports to NGB as required.

(5) Maintain follow-up reports, Telework Agreements, and Safety Checklists for eligible personnel.

d. Labor Relations Specialist

Inform the Union(s) of any changes and the status of the program on a regular basis.

e. Information Technology J6/ANG Communications Flight

(1) Establish procedures for teleworkers to connect to the network from alternative worksites.

(2) Determine necessary equipment and support services to be provided or utilized based on circumstances surrounding the telework arrangements.

(3) Provide guidance on remote access hardware, software, and procedures upon request.

f. Directorates/Commanders

(1) Ensure all eligible and qualified personnel are aware of the program and have the opportunity to participate.

(2) Review and submit all telework agreements (DD Form 2946) to ensure compliance with this policy.

(3) Monitor telework performance implementation and provide feedback to supervisors.

(4) Approve use of government-furnished equipment and supplies for use by the Teleworker.

g. Immediate Supervisor

(1) Discuss telework opportunities, options, and constraints with eligible personnel.

(2) Complete the following telework documents and forward the originals through the Chain of Command to the HRO's ATC:

(a) NGNJ Telework Agreement (DD Form 2946).

(b) Current performance evaluation (Employee/ AGR) as per Paragraph 2-3a.

(c) Current DoD Cyber Awareness Certificate.

(d) Certificates of Completion from OPM mandated Telework training requirements as per Paragraph 2-10—Telework Fundamentals-Employee Training and Telework Fundamentals-Managers' Training.

(3) Maintain a copy of the approved telework agreement and provide a copy to the employee.

(4) Monitor 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) Update and review annually the Telework Progress Reporting Checklists in Appendixes B-C and submit to the applicable ATC.

(6) Ensure methods are in place to maintain open communication across members of their workgroup. Telephone or cellular phone and government-furnished computer with internet access are needed.

(7) Situational telework should be scheduled, when possible, one pay period in advance to afford the employee and his/her work center ample time to ensure all telework requirements are completed.

h. Teleworkers

(1) Discuss telework opportunities, options and constraints with supervisor.

(2) Ensure that alternate work locations are safe environments.

(3) Provide teleworking equipment requirements to the supervisor.

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

(5) Maintain a current telework agreement (DD Form 2946) detailing agency and workgroup continuity of operations plans and individual expectations identified by your supervisor.

(6) Immediately report any work related injuries while teleworking to their supervisor.

1-7. Telework Eligibility

Positions eligible for regular telework are those involving tasks and work activities that are portable, do not depend on the employees being at the conventional worksite, and are conducive to supervisory oversight at the alternative worksite. Employees without current performance evaluations are not eligible to participate in the telework program. Situational Telework is appropriate for special projects and policy writing. Situational Telework may be utilized, on a case-by-case basis, for employees at all levels recovering from short-term injury or illness when it does not violate the parameters of the employee's recovery plan. Applicants for AGR Telework must meet eligibility requirements as detailed below and in paragraphs 2.3 and 2.4. AGR employees injured while performing situational telework will immediately report any work related injuries to their supervisor.

- a. Tasks and functions generally suited for telework include, but are not limited to:
 - (1) Policy development.
 - (2) Research.
 - (3) Analysis (e.g. investigating, program analysis, policy analysis, financial analysis).
 - (4) Report writing.
 - (5) Telephone-intensive tasks.
 - (6) Computer-oriented tasks (e.g. programming, data entry, word processing, web page design).
 - (7) Computer based training.
 - (8) Other tasks determined appropriate by supervisor.
- b. An employee suitable for telework is an employee whose demonstrated personal characteristics are well suited to telework, as determined by the immediate supervisor or Chain of Command, including, as a minimum:
 - (1) Demonstrated dependability.
 - (2) Ability to handle responsibility.
 - (3) The ability to prioritize work effectively.
 - (4) Excellent time management skills.
 - (5) Self-motivated/self-starter.
 - (6) Strong written and verbal communication skills.
 - (7) Work well with limited supervision.
 - (8) Self-disciplined.
 - (9) Strong performance record and job knowledge.
 - (10) A proven performance rating of at least "fully successful" or equivalent.
- c. Positions not generally eligible for regular or recurring telework (but may be considered for situational telecommuting) are those positions involving tasks that are not suitable to be performed away from the conventional worksite. Consideration must be taken to determine whether the job purpose and respective duties are location-

specific. For example, “Secretary/Administrative Assistant” and “Warehouse Manager” are job functions that are not suitable for telecommuting; the job duties must be performed on-site. Other job functions not generally suitable for telework are tasks that:

- (1) 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 or similar electronic means.
- (2) Require daily access to classified data, materials, and systems.
- (3) Require resources or equipment unavailable away from the duty station.

Chapter 2 Implementation of the Telework Program

2-1. Telework Agreement

- a. Prior to the commencement of any telework arrangements, supervisors and employees/ will complete all telework documents as per Paragraph 1-6 f (2).
- b. The Telework Agreement (DD Form 2946 located in Appendix A) prescribes the approved alternative worksite and telework schedule, and addresses personnel, security, and equipment issues. It also records the anticipated reduction in commuting miles for the teleworker. Prior arrangements must be made if utilizing alternate sites (i.e., armories or other remote locations) to ensure site leadership approval.

2-2. Certification and Control of Time and Attendance

- a. Time spent in a telework status must be accounted for and reported in the same manner as if the employee reported for duty at the conventional worksite. For employees, timekeepers will record the numbers of hours each individual spends in a telework status during the regular daily tour of duty by entering the type hour code-- Regular (TW), Situational (TS) and Medical (TM)--into the Automated Time and Attendance Production System (ATAAPS). 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 or overtime earned.
- b. Supervisors must correctly report time and attendance to ensure employees are paid for work performed and account for absences.

2-3. Performance Management

- a. An employee must have a current performance evaluation (Employee/ AGR) of at least "fully successful" or equivalent, to be eligible for participation, and for ongoing participation, in the Telework Program.
- b. Teleworkers' performance should be monitored in the same manner as all employees at the conventional worksite.
- c. Teleworkers are required to complete all assigned work, consistent with the approach adopted for all other employees in the work group. Teleworkers will participate in conference calls as required and respond to phone calls/messages and

emails, in the same manner as expected at the conventional worksite.

2-4. Work Schedules

- a. Supervisors should periodically review work schedules to meet employee and organizational requirements and must coordinate absences from either office or alternative worksite.
- b. The existing rules on hours of duty apply to teleworking employees.
- c. Employees who work an Alternative or Compressed Work Schedule may telework.

2-5. Compensatory Time and Overtime

The Compensatory Time and Overtime provisions that apply to employees working at a conventional worksite apply to employees on a Telework Agreement. Employees may work Compensatory Time and Overtime only when approved in advance by the supervisor. Compensatory Time and Overtime is not authorized for AGR personnel.

2-6. Official Duty Station

The official duty station will be the location of the employee's worksite as identified by the respective hiring document (current AGR Orders/ current SF-50).

2-7. Telework and Travel

- a. Organizational expectations and travel regulations that apply to employees working at a conventional worksite also apply to employees who telework.
- b. Management reserves the right to require employees to report to the conventional worksite on scheduled telework days, based on operational requirements. Commuting time for employees required to report to the conventional 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 conventional worksite.

2-8. Emergency Dismissal, Closing or Delay

- a. In situations where Federal or State agencies are directed to be shutdown (i.e. furlough), employees not designated as 'essential' are excused from duty without loss of pay or charge to leave. Teleworkers will observe the same shutdown arrangements as the employees at the conventional worksite only if their supervisor determines the alternative worksite is adversely affected as the conventional worksite has been affected on a case-by-case basis.
- b. If a situation arises at the employee's alternative worksite that results in the employee being unable to continue working (e.g., power failure), the supervisor should determine action on a case-by-case basis. Depending on the particular circumstances, supervisors may grant the teleworker excused absence, offer the teleworker the option to take accrued leave or use compensatory time off or credit hours, if applicable, or require the employee to report for work at the conventional worksite. If a similar occurrence causes employees at the conventional worksite to be unable to continue working (e.g., part of a large organization is dismissed due to a lack of heat or cooling) employees who are teleworking would not be affected and would not need to be excused from duty.
- c. If a situation arises where employees at the conventional workplace are allowed

to report to work at a delayed reporting time, employees who are teleworking at their home would not be affected; however, the employee who works at an alternative workplace, outside of their home, would be required to report IAW the published announcement of the delay.

d. If the employee knows in advance of a situation that would preclude working at the alternative worksite, a change in work schedule, leave, or work at the employee's conventional worksite must be scheduled (e.g., scheduled power or communication outages for upgrades).

e. If inclement weather forces a delay or closing of a conventional worksite, employees can be directed to telework if preparations have been made in advance (bringing work materials or government computer home the day before) on a case-by-case basis. Refer to the Severe Weather Emergency Operations for NGNJ Forces FTSS Standard Operating Procedures for guidance.

f. An employee who has an approved Situational or Recurring Telework Agreement on file with the ATC may be required to telework if the supervisor determines the efficiency of the organization will benefit by that decision.

2-9. Personal Physical Training (PT) Programs

Subject to supervisory approval and mission requirements, teleworkers are authorized to participate in the NGNJ Physical Training (PT) Program IAW NGNJ Physical Training Policy Memorandum, Air Force Instruction (AFI) 36-2905 and Field Manual (FM) 7-22.

2-10. Training

Supervisors and employees participating in the Telework Program are required to complete the initial telework training requirements located on OPM's telework.gov website. Certificates of Completion must be submitted with the Telework Agreement. For additional information contact the respective ATC.

2-11. Employee Grievances and Appeal/Procedure

Telework is not an entitlement. If an employee disputes the reason(s) given by a supervisor for not approving him/her for telework, or for terminating his/her telework agreement, the employee may submit a grievance using the agency administrative process contained in the Collective Bargaining Agreement (CBA), as appropriate. AGRs will work through their chain of command on any grievances regarding telework.

2-12. Disciplinary and Adverse Action

a. Employee Chief National Guard Bureau Instruction (CNGBI) and Technician Personnel Regulations (TPR) and/or applicable military regulations governing AGRs will be the guide for disciplinary and/or adverse actions when an individual violates work rules, regulations and policies.

b. Individuals on an approved telework program are expected to perform their duties as if they were working at their conventional work location.

c. When a supervisor suspects abuse of the program, i.e. not producing work, not being available at the telework location, misuse of government equipment, or not putting in the required work hours, that supervisor may stop the individual from using the Telework Program. Actions will only be taken against the individual(s) abusing the

program. Disciplinary and/or adverse actions may also be taken under applicable CNGBI or TPR.

2-13. Standards of Conduct

The employee acknowledges that he/she continues to be bound by the Department of Defense standards of conduct located at http://ogc.osd.mil/defense_ethics/ethics_counselors/resources/dod_guidance.html while working at the alternative worksite and using government-furnished equipment. Approved telework is subject to periodic monitoring or auditing at the discretion of the supervisor. The employee agrees not to conduct personal business while on an approved telework duty status.

2-14. Termination of Telework Agreement

- a. Management may terminate the telework agreement at any time and is not required to provide advanced notice.
- b. Management will utilize the NGNJ Telework – Notice of Telework Arrangement Cancellation (DD Form 2946, Section IV, page 4) (Appendix A)

Chapter 3

Equipment, Network Access and Security for Teleworkers

This chapter includes data that applies to the NJ National Guard network. Technical information will be provided by and coordinated with the J6 for the NJARNG Information Management and the NJANG Communications Flight.

3-1. Equipment

- a. Government owned equipment is the only means for supporting the telework program. The government does not authorize the use of personal computers for telework and is not responsible for any operational costs associated with the employee using his or her personal residence as an alternative worksite, including home maintenance, insurance, computers or utilities.
- b. Supervisors in coordination with J6/ANG Communications Flight will ensure that government equipment assigned to teleworkers is properly accounted for by maintaining a list by serial number of government equipment used at alternative worksite.
- c. Teleworkers continue to be bound by the DoD standards of conduct while working at the alternative worksite and using government-furnished equipment.
- d. The J6/ANG Communications Flight cannot install or support any software or hardware on a personally owned computer/device. The government will not pay for personal telephones or internet capabilities as part of the telework program.
- e. The employee is responsible for the installation, repair and maintenance of internet capabilities as well as associated costs necessary to implement the telework site
- f. The J6/ANG Communications Flight is responsible for the maintenance of all government-furnished equipment. The employee is required to bring such equipment into the office for maintenance. The employee must return all government-furnished equipment and materials to the agency at the conclusion of teleworking arrangements or

at the DCSIM/Command Flight request.

3-2. Security

a. To secure access to Information Technology (IT) systems IAW DoD Policy (CTO 07-015) all applications and devices will be configured to only allow authentication via CAC/PKI credentials for CAC holders. All IT systems utilizing usernames and passwords via AKO for authentication must convert to PKI-based authentication for CAC holders. All files, records, papers, or machine-readable materials created while teleworking are the property of NJNG. Records subject to the Privacy Act may not be disclosed to anyone except those authorized access as a requirement of their official responsibilities. Supervisors and employees will ensure that appropriate physical, administrative, and technical safeguards are used to protect the security and confidentiality of such records. No Privacy Act documents may be taken out of the employee's conventional worksite. Supervisors will ensure that any teleworkers who will be working on Privacy Act materials receive appropriate Information Assurance training. Teleworkers are responsible for the security of all official data, protection of any government-furnished equipment and property. Under no circumstances will the handling of classified data, materials, and systems be authorized for teleworkers at their alternative worksite.

b. No classified data, materials, and systems (hard copy or electronic) may be taken to an employee's alternative worksite or emailed to unsecured or personal networks. Sensitive But Unclassified (SBU) material including Privacy Act and For Official Use Only (FOUO) can only be installed and viewed on a government-furnished computer. The employee is responsible for the security of all official data, protection of any government-furnished equipment and property, and carrying out the mission of NGNJ at the alternative worksite. Government-furnished equipment will only be used for official duties and family members and friends of teleworkers are not authorized to use any government equipment.

3-3. Physical Security

The employee must protect all government-furnished equipment and software from possible theft and environmental damage. In cases of loss or damage due to negligence, the employee will be held liable for repair or replacement of the equipment or software if negligence is determined.

3-4. Logical Security

a. Government data must be protected. Telework increases the risk of exposing Controlled Unclassified Information (CUI) to unauthorized parties because the authorized teleworker is conducting business outside of a protected facility and utilizing non-DoD certified networks for data transmission. The authorized teleworker is responsible for the protection and processing of that data. Non-Government Furnished Equipment (GFE), such as a personally owned computer, is NOT AUTHORIZED to store or process CUI data. CUI data includes, but is not limited to: Personally Identifying Information (PII) as defined by The Privacy Act of 1974, Personal Health Information (PHI) as defined by the Health Information Portability and Accountability Act (HIPAA) of 1996, and Operations Security (OPSEC). Personally Identifiable Information

(PII) is any information about an individual that is directly linked or linkable to an individual. This includes, but is not limited to, education, financial transactions, medical history as defined by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), criminal or employment history, and information that can be used to distinguish or trace an individual's identity, such as name, social security number, date and place of birth, mother's maiden name, biometric records, etc. Should PII or equipment containing PII become lost or compromised, the individual discovering the loss must report that loss immediately through his/her chain-of-command to the J6/ANG Communications Flight. In order to protect government data, anti-virus software must be installed and current with the latest update (*.dat) file. Teleworkers are responsible for coordinating with J6/ANG Communications Flight to ensure their systems have the current updates.

b. Government laptops and removable storage device media used outside of the NJARNG or NJANG network may be scanned for viruses upon introduction back into the network upon request.

c. Use of personal computers and laptops on the NJARNG and NJANG networks is prohibited.

d. The use of flash storage drives is prohibited. Only government or agency authorized removable media can be used on government computers IAW DoD policies and procedures.

Chapter 4

Workers' Compensation and Other Liabilities

4-1. Federal Employees Compensation Act (FECA)

Employees who are approved for telework must acknowledge and agree that they are responsible for a safe and healthy alternative worksite. In addition, the employee must acknowledge and agree that he/she is covered under FECA only if injured in the course of performing official duties at the approved alternative worksite. The employee must notify the supervisor immediately of any accident or injury at the alternative worksite, and submit a form CA-1 (for traumatic injury) or form CA-2 (for occupational disease claim through ECOMP. After an official FECA case number is received, the employee may also file form CA-7 (Claim for Compensation). An employee on the workers' compensation rolls, may upon approval by the Department of Labor (DOL), use telework as an option.

4-2. 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. Each employee with an approved Telework Agreement for work-at-home telework must sign a Safety Checklist (DD Form 2946, Section II, page 25) (Appendix A) that proclaims the home is authorized for telework. Employees are responsible for ensuring that their homes comply with safety requirements. The government is not liable for damages to an employee's personal or real property while the employee is working at the approved alternative worksite, except to the extent the government is

otherwise liable under the Federal Tort Claims Act (28 U.S.C. §2671 et.seq) or the Military and Civilian Employees Claims (32 U.S.C. §370 I et.seq).

4-3. Workers' Compensation

An employee receiving workers' compensation may request telework as an option. It is a management decision, however, as to whether a light duty position would be developed for an injured employee– if the employer made a modified job offer and it met all the OWCP requirements, the employee would have to accept the job offer or potentially lose benefits.

GLOSSARY

Section I

Terms

Agency Telework Coordinator (ATC)

The individuals within the HR agency responsible for managing the NGNJ Telework policy and procedures.

Alternative work schedule

A scheduling arrangement that permits a variation from the employee's core hours in starting and departure times, but does not alter the total number of hours worked in a week.

Alternative worksite

A place away from the conventional worksite that has been approved for the performance of officially assigned duties. It is primarily an employee's home but can be another approved worksite (see sec. 2-1, b). Conventional worksite refers to the location where an employee would work absent a telework arrangement.

Compensatory Time

If overtime work is required, employees are entitled to compensatory time off equal to the time spent in overtime work, subject to management controls. Compensatory time may be earned in quarter (15 minute) increments. Compensatory time may be earned by employees in a training status outside regular working hours and is considered as hours of work, provided the time spent in training is at the discretion of the training facility, and the purpose of the training is to improve the Employee's performance. NGB Form 46-14 will be used to request advance approval of compensatory time. In case of emergency, a verbal approval is acceptable if it is followed by NGB Form 46-14. Except in unforeseen or emergency situations, compensatory time will be requested and approved in advance.

Compressed Work Schedule

Allows an employee to work a traditional workweek in less than the traditional number of workdays. For example, a full-time employee scheduled for 40 hours per week could work four 10-hour days instead of five 8-hour days.

Eligible personnel

All NGNJ Permanent and Indefinite Employees (Title 32 and Title 5) and Career Status Active Guard Reserve (AGR) Soldiers and Airmen.

Essential Personnel

Personnel who are required to support Unit missions or required functions. Those individuals will not be excused in an early dismissal or base closure situation. Personnel designated as essential will not be entitled to any additional pay or time-off unless work is in excess of their normal duty day.

For Official Use Only

A document control designation, but not a classification. This designation is used by Department of Defense and a number of other federal agencies to identify information or material that, although unclassified, may not be appropriate for public release

Overtime

Overtime is officially ordered work in excess of a scheduled work day or a 40-hour work week. Overtime must be strictly controlled and monitored by supervisors, managers, HROs, Air National Guard Comptroller, and United States Property and Fiscal Officer so that total overtime worked remains within the budget set by the Army National Guard and Air National Guard. NGB Form 46-14 will be used to request advance approval of overtime. In case of emergency, a verbal approval is acceptable if it is followed by NGB Form 46-14. Except in unforeseen or emergency situations, overtime will be requested and approved in advance.

Personally Identifiable Information (PII)

Information that can be used on its own or with other information to identify, contact, or locate a single person.

Public Key Infrastructure (PKI)

An IT infrastructure that enables users of an unsecured network (such as the Internet) to securely and privately exchange data.

Regular and recurring telework

An approved work schedule where eligible employees regularly work at an alternative worksite on a schedule that is mutually agreed upon by both the supervisor and employee. In cases where an employee will not be at the official duty station at least one day per working week, the respective Service Chief (Air/Army/DJS) must review and approve.

Sensitive But Unclassified (SBU)

A designation of information in the United States federal government that, though unclassified, often requires strict controls over its distribution.

Situational telework

Refers to approved telework performed on an occasional, one-time, or irregular basis to include medical situations with approved documentation.

Telework

Any arrangement in which an employee performs officially assigned duties at an alternative worksite on either a regular, recurring, or on a situational basis (not including while on official travel). Sometimes called '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 (see Appendix A).

Unsecured networks

Networks that can be accessed without a password; access points have to be compliant with New Jersey's Virtual Private Network (VPN) protocol. Public networks are often open and unsecured. Although these provide free wireless internet access, using public internet comes with potential risks. If your home internet is open, you should consider securing wireless access to protect your data and avoid legal trouble.

Workplace

Where an employee performs work, it can be their official duty location or alternative worksite.

Section II

Abbreviations

AFMAN

Air Force Manual

AGR

Active Guard Reserve

ATAAPS

Automated Time and Attendance Production System

ATC

Agency Telework Coordinator

CAC

Common Access Card

CBA

Collective Bargaining Agreement

CNGBI

Chief National Guard Bureau Instruction

CPMS

Civilian Personnel Management Service

CUI

Controlled Unclassified Information

DCPAS

Defense Civilian Personnel Advisory Services

J6

Information Technology

DL

Distance Learning

DMAVA

Department of Military and Veterans Affairs

DoDI

Department of Defense Instruction

DoD

Department of Defense

DoL

Department of Labor

ECOMP

Employees' Compensation Operations and Management Portal

FECA

Federal Employee Compensation Act

FTSS

Fulltime Support Staff

GFE

Government-furnished equipment

HRO

Human Resource Officer

HIPAA

Health Insurance Portability and Accountability Act

IAW

In Accordance With

JA

Judge Advocate

NGB

National Guard Bureau

NJANG

New Jersey Air National Guard

NJARNG

New Jersey Army National Guard

NGNJ

National Guard New Jersey

OPM

Office of Personnel Management

OWCP

Office of Worker's Compensation Program

PAA

Performance Appraisal Application

P.L.

Public Law

PII

Personal Identifiable Information

PKI

Public Key infrastructure

SBU

Sensitive But Unclassified

TAG

The Adjutant General

TDG

Traditional Drilling Guardsman

TPR

Technician Personnel Regulation

TM

Medical Telework timecard code

TS

Situational Telework timecard code

TW

Regular Telework timecard code

APPENDIX A

DOD TELEWORK AGREEMENT

DEPARTMENT OF DEFENSE TELEWORK AGREEMENT	
PRIVACY ACT STATEMENT AUTHORITY: 10 U.S.C. 113, Secretary of Defense; DoD Instruction 1035.01, Telework Policy. PRINCIPAL PURPOSE(S): Information is collected to register individuals as participants in the DoD alternative workplace program; to manage and document the duties of participants; and to fund, evaluate and report on program activity. The records may be used by Information Technology offices to determine equipment needs, to ensure appropriate safeguards are in place to protect government information, and for assessing and managing technological risks and vulnerabilities. ROUTINE USE(S): None. DISCLOSURE: Voluntary; however, failure to provide the requested information may result in your inability to be a participant in the telework program.	
TERMS OF TELEWORK AGREEMENT	
<p>The terms of this agreement must be read in conjunction with Department of Defense (DoD) telework policy, available on the DoD Issuances Web Site at http://www.dtic.mil/whs/directives/ or on the Civilian Personnel Management Service Web Site at www.cpmc.osd.mil and any additional guidance provided by the employing organization. Signatories certify they will abide by this agreement, DoD telework policy, and all supplemental terms established by the employing organization.</p> <p>1. Work schedules and hours of duty may be modified as necessary, but are subject to local management procedures and approval and/or collective bargaining agreement requirements. A copy of the employee's approved work schedule should be kept on file with the signed telework agreement. In emergency situations (as indicated in Section I, Block 12 of the telework agreement), the teleworker's work hours may be subject to change. Emergency schedules will be set based on mission needs.</p> <p>2. If the employee reports to the regular worksite at least twice per pay period, the regular worksite is the official worksite as defined in part 531.805, subpart F of title 5, Code of Federal Regulations.</p> <p>3. If the employee does not report to the regular worksite at least twice each biweekly pay period, the official worksite is the location of the employee's telework site. Exceptions to the twice each biweekly pay period requirement may be made during emergencies (including a pandemic) and for short-term situations (e.g., special projects, medical accommodation).</p> <p>4. All pay (to include locality pay or local market supplement), leave, and travel entitlements are based on the employee's official worksite as documented on a Notice of Personnel Action.</p> <p>5. Prior to signing this Telework Agreement, the supervisor and employee will discuss:</p> <ul style="list-style-type: none">a. Office procedures (e.g., procedures for reporting to duty, procedures for measuring and reviewing work, time and attendance, procedures for maintaining office communications);b. Safety, technology and equipment requirements; andc. Performance expectations. <p>6. Employee will not work in excess of the prescheduled tour of duty (e.g., overtime, holiday work, or Sunday work) unless he or she receives permission from the supervisor. By signing this form, the employee acknowledges that failure to obtain proper approval for overtime work may result in cancellation of the telework agreement and may also include appropriate disciplinary action.</p> <p>7. If designated employee (as indicated in Section I, Block 12 of this agreement) is unable to work due to illness or dependent care responsibilities, the employee must take appropriate leave. Supervisors may, on a case-by-case basis, administratively excuse the designated teleworker from teleworking if circumstances, such as a power failure or weather related emergency, prevent the employee from working at the telework site. To the extent practicable, managers will include a description of emergency duties with this agreement if emergency duties are different from the employee's prescribed duties and responsibilities.</p>	<p>8. Teleworkers may be required to return to the regular worksite on scheduled telework days based on operational requirements. In situations where the employee is called to return to the office outside normal work hours, the recall shall be handled in accordance with established policy and/or collective bargaining agreements, if applicable.</p> <p>9. If the employee uses Government-furnished equipment (GFE), the employee will use and protect the equipment in accordance with the DoD Component's procedures. GFE will be serviced and maintained by the Government.</p> <p>10. The employee agrees to comply with the terms of computer software license and copyright agreements, computer virus and protection requirements and procedures.</p> <p>11. No classified documents (hard copy or electronic) may be taken to, or created at, an employee's alternative worksite. If classified telework is authorized at an approved alternative secure location, teleworkers must comply with the procedures established by DoD 5200.01-R and the DoD Component regarding such work. For Official Use Only (FOUO) and controlled unclassified information (CUI) data may be taken to alternative worksites if necessary precautions are taken to protect the data, consistent with DoD regulations.</p> <p>12. When CUI including competition sensitive or source selection data is authorized for use at the telework location, criteria for the proper encryption and safeguarding of such information and data must be consistent with Enclosure 3, subparagraphs 3.f.(1) through (3) of DoDI 1035.01, Telework Policy. Component specific instructions must be included in the space allowed for Component specific comments or cite the appropriate Component references that contain these instructions.</p> <p>13. The supervisor will determine how frequently, if at all, backup copies of data onto network drives or removable disks must be made to protect against loss of data. The supervisor may also require the employee to periodically send backup copies to the main work facility.</p> <p>14. The employee may be reimbursed for authorized expenses (e.g., installation of broadband or telephone lines) incurred while conducting business for the Government, as provided by statute and implementing regulations and as articulated in this agreement. (Approved authorizations are filed with this agreement.)</p> <p>15. The employee will apply approved safeguards to protect Government records from unauthorized disclosure or damage and will comply with Privacy Act requirements set forth in the Privacy Act of 1974, and codified at section 552a of title 5, United States Code. The use of personal email accounts for transmission of Personally Identifiable information (PII) is strictly prohibited. PII may only be emailed between government email accounts and must be encrypted and digitally signed.</p> <p>16. The DoD Component may inspect the home worksite, by appointment only, if the DoD Component has reason to suspect that safety standards are not being met and GFE is not being properly maintained.</p> <p>17. The DoD Component will not be responsible for operating, maintenance, or any other costs (e.g., utilities) associated with the use of the employee's residence.</p> <p>18. The DoD Component is not liable for damages to an employee's personal or real property while the employee is working at home, except to the extent the Government is held liable by the Federal Tort Claims Act or from claims arising under the Military Personnel and Civilian Employees Claims Act.</p>

TERMS OF TELEWORK AGREEMENT (Continued)

19. Employees paid from appropriated funds are covered under the Federal Employee's Compensation Act if injured in the course of performing official duties while at the official alternative worksite. Employees paid from nonappropriated funds are covered under the Longshore and Harbor Workers' Compensation Act. Any accident or injury occurring at the alternative workplace must be brought to the immediate attention of the supervisors who will investigate all reports as soon as practical following notification.

20. The employee acknowledges that telework is not a substitute for dependent care.

21. The employee acknowledges that telework is a discretionary alternative workplace arrangement. The employee may be required to work at the regular worksite on scheduled telework day(s) if necessary to accomplish the mission.

22. Either the employee or the supervisor can cancel the telework agreement. When possible, advance written notice should be provided. Management will terminate the telework agreement should the employee's performance or conduct not meet the prescribed standard or the teleworking arrangement fail to meet organizational needs.

23. The employee continues to be covered by DoD Component standards of conduct while working at the alternative worksite.

24. The employee has assessed the telework location against the attached safety checklist and certifies the location meets all safety requirements.

25. DoD Component-specific conditions may be included below.

COMPONENT-SPECIFIC TERMS AND CONDITIONS

Blank area for component-specific terms and conditions.

SECTION II - SAFETY CHECKLIST

SAFETY FEATURE	(X) YES	NO
1. Temperature, ventilation, lighting, and noise levels are adequate for maintaining a home office.	<input type="checkbox"/>	<input type="checkbox"/>
2. Electrical equipment is free of recognized hazards that would cause physical harm (frayed, exposed, or loose wires; loose fixtures; bare conductors; etc.).	<input type="checkbox"/>	<input type="checkbox"/>
3. Electrical system allows for grounding of electrical equipment (three-prong receptacles).	<input type="checkbox"/>	<input type="checkbox"/>
4. Office (including doorways) is free of obstructions to permit visibility and movement.	<input type="checkbox"/>	<input type="checkbox"/>
5. File cabinets and storage closets are arranged so drawers and doors do not enter into walkways.	<input type="checkbox"/>	<input type="checkbox"/>
6. Phone lines, electrical cords, and surge protectors are secured under a desk or alongside a baseboard.	<input type="checkbox"/>	<input type="checkbox"/>
7. If material containing asbestos is present, it is in good condition.	<input type="checkbox"/>	<input type="checkbox"/>
8. Office space is free of excessive amount of combustibles, floors are in good repair, and carpets are well secured.	<input type="checkbox"/>	<input type="checkbox"/>
I verify that this safety checklist is accurate and that my home office is a reasonably safe place to work.		
9. EMPLOYEE SIGNATURE 	10. DATE (YYYYMMDD) 	

SECTION III - TECHNOLOGY/EQUIPMENT CHECKLIST			
(1) TECHNOLOGY/EQUIPMENT <i>(Indicate all that apply)</i>	(2) REQUIREMENT <i>(Y or N)</i>	(3) OWNERSHIP: AGENCY OR PERSONAL <i>(A or P)</i>	(4) REIMBURSEMENT BY COMPONENT <i>(Y or N)</i>
1. COMPUTER EQUIPMENT			
a. LAPTOP			
b. DESKTOP			
c. PDA			
d. OTHER:			
2. ACCESS			
a. IPASS/VPN ACCOUNT			
b. CITRIX - WEB ACCESS			
c. OTHER:			
3. CONNECTIVITY			
a. DIAL-IN			
b. BROADBAND			
4. REQUIRED ACCESS CAPABILITIES			
a. SHARED DRIVES (e.g., H or P Drive)			
b. EMAIL			
c. COMPONENT INTRANET			
d. OTHER APPLICATIONS:			
5. OTHER EQUIPMENT/SUPPLIES			
a. COPIER			
b. SCANNER			
c. PRINTER			
d. FAX MACHINE			
e. CELL PHONE			
f. PAPER SUPPLIES			
g. OTHER:			
6. SUPERVISOR'S SIGNATURE		7. DATE (YYYYMMDD)	
8. EMPLOYEE SIGNATURE		9. DATE (YYYYMMDD)	

SECTION IV - NOTICE OF TELEWORK ARRANGEMENT CANCELLATION

(Complete this section when the telework agreement is cancelled.)

1. CANCELLATION DATE (YYYYMMDD)

2. INITIATED BY (X one)

EMPLOYEE

MANAGEMENT

3. REASON(S) FOR CANCELLATION

4. GOVERNMENT-FURNISHED EQUIPMENT/PROPERTY RETURNED
LIST PROPERTY AND DATE OF RETURN:

YES

NO

5. SUPERVISOR'S SIGNATURE

6. DATE (YYYYMMDD)

7. EMPLOYEE SIGNATURE

8. DATE (YYYYMMDD)

APPENDIX B

EMPLOYEE TELEWORK

FOLLOW-UP/PROGRESS REPORTING CHECKLIST

Directors, managers, supervisors and employees must follow-up annually to determine the success of each telework arrangement. Please forward copies of these surveys to the HRO, Attn: Agency Telework Coordinator.

Name of Employee: _____

Yes or No: Has Telework

Increased the accomplishment of your mission at your facility?

Increased your satisfaction, morale, and productivity?

Reduced your absenteeism or tardiness?

Decreased your energy consumption and pollution emissions? If so, can you estimate fuel saved in the space below?

Reduced your need for office space, parking facilities, and transportation costs, including costs associated with payment of the transit subsidy?

What have been other positive experiences with this telework arrangement? _____

What have been any negative experiences with this telework arrangement? _____

How are you measuring the success of this telework arrangement? _____

Do you recommend that this telework arrangement continue? _____

APPENDIX C

SUPERVISOR TELEWORK

FOLLOW-UP/PROGRESS REPORTING CHECKLIST

Directors, managers, supervisors and employees/ must follow-up annually to determine the success of each telework arrangement. Please forward copies of these surveys to the HRO, Attn: Agency Telework Coordinator.

Name of employee Teleworking _____

Yes or No: Has Telework

Increased the accomplishment of your mission at your facility?

Improved the recruitment and retention of high-quality employees through enhancement to employee's quality of life?

Increased employee satisfaction, morale, and productivity?

Reduced absenteeism?

Enhanced the efforts to accommodate people with disabilities, including employees who had had temporary or continuing health problems, or who might otherwise have had to retire on disability?

Decreased energy consumption and pollution emissions?

Reduced the need for office space, parking facilities, and transportation costs, including costs associated with commuting?

What have been other positive experiences with this telework arrangement? _____

What have been any negative experiences with this telework arrangement? _____

How are you measuring the success of this telework arrangement? _____

Do you recommend that this telework arrangement continue? _____

APPENDIX D

REFERENCES

- a. Section 359 of Public Law No. 106-346, para 1-1
- b. Telework Policy, DoD 1035.01, April 3, 2007, para 1-1
- c. Presidential Executive Memorandum dated July 26, 2000, "Employing People with Significant Disabilities to Fill Federal Agency Jobs that can be Performed at Alternative Work Sites, Including the Home", para 1-1
- d. CNGBN 1408, July 18, 2018, para 2-5
- d. Severe Weather Emergency Operations for NGNJ Forces FTSS Standard Operating Procedures, para
- e. DoD Standards of Conduct, para 2-13
- f. DoD Policy CTO 0-015, para 3-2
- g. Health Insurance Portability and Accountability Act of 1996 (HIPAA), para 3-4
- h. Federal Employees' Compensation Act (FECA), para 4-1

APPENDIX E

Management/ATC Controls

1. Is there an Agency Telework Coordinator, appointed by the HRO, who manages the NGNJ Telework Program; trains all employees on the Telework Program, submits usage report to NGB as requested; keeps documentation on file showing the individuals who are participating in the program, investigates complaints or abuse of the program and distributes and collects annual progress reports for each employee, supervisor, and directorate?
2. Does the HRO Labor Relations Manager work with the union to insure this Joint Regulation and program conform to the Collective Bargaining Agreement and keeps the union informed of any changes and the status of the program on a regular basis?
3. Does the immediate supervisor maintain the original approved work agreement and provide a copy to the employee or supervisor?
4. Does the immediate supervisor review and monitor the quality of the employee work performed while teleworking and update and review annually the Telework Progress Reporting Checklist in Appendixes B-C with the employee?
5. Do all teleworkers have a Safety Checklist filled out and have a Telework Agreement on file stating what type of telework they are eligible for (situational vs. regular and recurring) and what they will work on while teleworking in general terms?
6. Are all supervisors, managers, and supervisors identifying personnel who meet the criteria of paragraph 1-7?
7. Do timekeepers record the numbers of hours each individual spends in a telework status during the regular daily tour of duty by entering a type hour code--Regular (TW), Situational (TS) and Medical (TM)--into the automated time and attendance system as appropriate?
8. Do teleworkers who participate in the Telework Program have a current proven or expected performance evaluation of at least "fully successful" or equivalent? Well-developed job objectives in the individual's performance evaluation allows for logical thorough tracking of the employee's level of success throughout the rating period. Regular communication between the employee and supervisor ensures that the employee is on track and allows the supervisor to address any concerns that may occur.
9. Does the employee protect all government-furnished equipment and software from possible theft and environmental damage? In cases of loss or damage (i.e. theft or damage from leaving a government asset unattended), is the employee held liable for repair or replacement of the equipment or software in compliance with applicable regulations if negligence is involved?
10. Is government data protected (PII)? Telework can expose SBU data to public and unsecure networks.
11. The employee acknowledges that he/she continues to be bound by the Department of Defense standards of conduct located at http://ogc.osd.mil/defense_ethics/ethics_counselors/resources/dod_guidance.html while working at the alternative worksite and using government-furnished equipment. Approved telework is subject to periodic monitoring or auditing at the discretion of the supervisor. The employee agrees not to conduct personal business while on an approved telework duty status.