



STATE OF OHIO
ADJUTANT GENERAL'S DEPARTMENT
2825 West Dublin Granville Road
Columbus, Ohio 43235-2789

NGOH-TAG

29 AUG 2023

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Ohio National Guard Telework Policy (HRO Policy # 23-006)

1. **References:**

- a. 5 USC Sections 6501-6506.
- b. DoDI 1035.01, Telework Policy, 4 April 2012, Change 1, 7 April 2021.
- c. DoD Instruction 5400.11, "DoD Privacy and Civil Liberties Programs," 29 January 2019.
- d. Section 552a of title 5, United States Code (also known as the "Privacy Act of 1974").
- e. DoD Manual 5400.07, "DoD Freedom of Information Act (FOIA) Program," 25 January 2017.
- f. Office of Management and Budget Memorandum 07-16, "Safeguarding Against and Responding to the Breach of Personally Identifiable Information," 27 May 2007.
- g. Office of Management and Budget Memorandum 06-16, "Protection of Sensitive Agency Information, 23 June 2006.
- h. Section 423 of title 41, United States Code (also known as section 27 of the "Office of Federal Procurement Policy Act, as amended").
- i. Federal Acquisition Regulation, current edition.

2. **Compliance:** The DoD Telework Policy implements the legal requirement for executive agencies to establish policies under which employees may participate in telework, without diminished employee performance. This memorandum outlines the telework policy for the Ohio National Guard (OHNG).

3. **Cancellation:** This policy supersedes HRO Policy #21-018, Ohio National Guard Telework Policy, and rescinds HRO Policy #21-025, Ohio National Guard Full-Time Workforce Return to Work Plan, HRO Policy #20-021, Ohio National Guard Spread-Mitigation Policy for the Federal Full-time Workforce, and the Ohio National Guard COVID-19 Mission Command Guidance for Weather and Safety Leave, dated 20 March 2020.

4. **Applicability:** This policy applies to all federal employees of the OHNG (henceforth referred to as "employees"). Employees includes Title 32 Dual-Status Technicians (MILTECHs) and Title 5 National Guard Employees (NGEs). Commanders and supervisors will use this policy to implement a similar telework environment for full-time military members but there is not a requirement to submit telework agreements for full-time military members. Full-time military members includes personnel performing Full-Time National Guard Duty (FTNGD), such as Title 32 Active Guard Reserve (AGR) duty and all other forms of FTNGD. FTNGD includes - but is not limited to - Operational Support (FTNGD-OS), Counter-Drug (FTNGD-CD), and Other Training Duty (FTNGD-OTD). Probationary MILTECHs, probationary NGEs, and FTNGD personnel, whose FTNGD orders do not exceed one year, will be permitted to telework in only rare circumstances. This policy does **NOT** apply to state of Ohio employees.

5. **Background:** Telework is a voluntary work-flexibility arrangement under which an employee performs his / her duties from an approved alternate worksite location (i.e. a location that differs from the member's normal, assigned worksite location) on either a regular and recurring or a situational basis.

a. **Mandatory Telework:** Under normal conditions, employees may not be ordered to telework; however, under emergency conditions, employees may be ordered to telework, as further described in paragraph 11 of this policy.

b. **Approved Locations:** Alternate worksite locations include an employee's home of record, OHNG bases, armories, or other government-owned facilities. Employees may only telework from the location designated on their approved telework requests. Employees may not change their telework location without submitting a new request and receiving approval. The HRO must approve requests for remote work where an employee does not have a defined telework worksite.

c. **Normal Travel:** Telework does not include any part of work done while on official travel or mobile work, such as work characterized by routine and regular travel to customer or other worksites, instead of a single defined worksite. In other words, telework agreements are not required for employees on TDY or for employees who travel to other sites regularly, as a normal part of their duties (e.g. inspectors, auditors, etc.).

6. **Policy:** Commanders and supervisors are authorized and encouraged to use telework as a management tool for all segments of the federal workforce. Before doing so however, they must thoroughly review telework requests from the perspective of mission readiness and mission accomplishment. While the employee's quality of life may be used as a criterion, when deciding whether to approve such requests, mission readiness and mission accomplishment must be at the forefront and the most heavily weighted factor for these decisions. With that in mind, all commanders and supervisors shall adhere to the guidance and procedures in this policy when reviewing telework requests, when implementing telework agreements, and when generally using telework as a management tool. General eligibility and approval guidelines follow:

a. **Discretionary vs. Entitlement:** Telework is a workplace-flexibility / management tool. Furthermore, use of telework is at the sole discretion of commanders and supervisors. Telework is not an entitlement and does not change employment or service-agreement terms and / or conditions.

b. Employees who work with classified information, on a daily-basis, must telework from a secure site and will only be authorized to do so on a case-by-case basis and for a limited time.

c. Employees in positions that require, on a daily-basis, on-site activity, or face-to-face personal contacts, which cannot be performed remotely or at an alternative worksite (e.g., hands-on contact with machinery, equipment, or vehicles) would not generally be candidates for telework. These employees may, however, be eligible for situational telework in specific circumstances: e.g., to accomplish relevant, duty-related administrative requirements or on-line training that is required for their position.

d. Employees, whose performance was officially appraised below fully successful, will not ordinarily be authorized to telework; however, if they are permitted to do so, their supervisors shall explain how they will be appropriately supervised.

e. No employee, who has been coded as (charged with) Absence Without Leave (AWOL), within the previous calendar year, will be granted teleworking privileges.

f. No employee, upon whom any adverse action or disciplinary action (formal or informal), has been imposed / implemented, within the previous calendar year, will be granted teleworking privileges. No employee, who is the subject of an investigation or inquiry, which could lead to an adverse or disciplinary action or is pending such action, will be granted teleworking privileges.

g. Telework is an eight-hour (or more, depending on the approved work schedule) workday.

h. Telework is not a substitute for dependent or childcare.

7. **Work Schedules:** Commanders and supervisors will ensure work-centers have coverage appropriate to meet customer service needs. Telework will not be scheduled outside existing hours of duty or outside the employee's approved work schedule. See the current OHNG Work Schedule Policy for Federal Workforce Members for additional details. Employees will not telework more than two days per week and will not telework on the first and last days of their assigned work schedules (e.g., teleworking on Monday and Friday is prohibited).

8. **Telework Agreements:** All telework eligible technicians must have a telework agreement on file. The DD Form 2946 shall be signed and dated by the employee after the required training has been completed. The supervisor and HRO shall maintain copies of the agreement and training certification. Telework arrangements (agreements) may be made as part of an employee's ongoing work schedule or on a case-by-case basis, to accommodate a specific agency or employee need. Except for emergency situations, approved by The Adjutant General (TAG), or his designated official, all telework agreements require supervisors and employees to undergo specific telework training, complete and execute DoD telework agreements (via DD Form 2946), and obtain approval from an authorized management official. Additionally, no telework agreement may exceed two calendar years from the agreed start date, as annotated on DD Form 2946, after which a new agreement must be completed, submitted, and approved. There are three types of telework:

a. **Regular and Recurring:** Regular and recurring telework may be requested and approved as part of an ongoing, regular, and recurring schedule. Under this type of agreement / arrangement, employees may be approved to telework for one or two days per work week from their homes of record or other alternate worksite locations. Telework day(s) will not "float" throughout the week but, will be a regular part of the work schedule (e.g., every Monday, every Tuesday and Thursday, etc.).

b. **Medical:** Medical telework may be requested in situations where the purpose of the telework is to address a short or long-term disability. Medical telework may only be approved after the employee receives an approved request for a reasonable accommodation under the agency's Reasonable Accommodation Policy.

c. **Situational:** Situational telework may be requested and approved on a case-by-case basis, in which the hours worked are not part of a previously approved, ongoing, and regular telework schedule (e.g., because of inclement weather, medical appointments, special work assignments, or to accommodate other special circumstances). Telework is considered "situational," even when it may occur continuously for a specified period, and is also referred to as episodic, intermittent, unscheduled, or ad hoc telework.

(1) **Specified Period:** Employees may be approved to telework for a specified, finite period-of-time, to accommodate a specific employee or agency's need. For example, an employee may be required to remain at home for six weeks, after

recovering from foot surgery; however, the employee's duties may be performed remotely. In this example, a telework agreement may be approved for the six-week period, for which the member is required to remain at home. Any additional telework, beyond that six-week period, however, must be requested, approved, and implemented separately, in this example.

(2) **Intermittent / Episodic / Ad Hoc:** Employees may be approved to telework intermittently, on a case-by-case basis, for up to a two-year period. If approved for this type of agreement, an employee may work from an approved alternate worksite intermittently, as the need arises, with supervisor approval, e.g., during the two-year agreement, the employee may work from an alternate worksite, for a specified period, to complete a special project or to accommodate a specific employee need, such as, the one described in the previous paragraph or, for example, due to poor commuting conditions (e.g. hazardous weather), etc. Each instance of intermittent telework, during the two-year agreement, must be approved by the employee's supervisor.

(3) Supervisors must document, in writing, each instance of approved intermittent telework, described in paragraph 7c (2), and maintain local records for a period of two years, for audit purposes. Acceptable forms of written documentation include, but is not limited to, requests and approvals via email, memorandums for record; etc.

9. **Operating costs:** The OHNG is not responsible for any operating costs associated with the employee's use of his or her home as an alternate worksite. This includes, but is not limited to, home renovations, insurance, internet connectivity, utilities, and / or home or cell phone reimbursement. The employee must also acknowledge and agree that the OHNG will not be liable for damages to an employee's personal or real property, while he or she is working at the approved alternative worksite. Employees may use general office supplies (e.g., pens, notepads) procured by the agency.

10. **Request Procedures:** Employees may request either a "regular and recurring" or "situational" telework arrangement by completing DD Form 2946 (DoD Telework Agreement). Employees will provide a justification for telework, as well as, a detailed outline of the work that will be accomplished, how he or she will remain productive, a description of the alternative work site, and how communication will be maintained with the supervisor and customers. This request will be submitted to the employee's immediate supervisor for review and signature in Section III, Block 6, of the DD Form 2946. After the employee's supervisor reviews, the request will be sent to the appropriate management official for approval or disapproval. The approving official must sign the employee's DD Form 2946 in Section I, Block 13. The approving officials are:

a. The employee's Group Commander in the grade of Col / O6 for Air National Guard employees.

b. The employee's Director or MSC AO for Army National Guard employees.

c. Requests for exceptions to the provisions of this policy, must be approved by the first general officer in the employee's chain of command for Army employees and Wing Commanders for Air employees, unless the request is made under the agency's reasonable accommodations policy.

11. **Other Required Documentation / Acknowledgments:** In addition to DD Form 2946, supervisors and employees will complete all required and applicable Telework training (see websites below) and provide the corresponding training certificates to the HRO, as part of the request packet. Additionally, employees and supervisory chains will ensure, acknowledge, and / or provide documentary verification for the following:

a. **Telework required training websites:**

(1) **Supervisor Training:** <https://www.telework.gov/training-resources/telework-training/virtual-telework-fundamentals-training-courses/managers-course/index.htm>

(2) **Employee Training:** <https://www.telework.gov/training-resources/telework-training/virtual-telework-fundamentals-training-courses/employee-course/index.htm>

b. **Alternative worksite required conditions:** Supervisors are required to confirm the proposed Telework site is safe and acceptable by conducting an inspection prior to recommending approval of a telework agreement for voluntary telework. The worksite inspection may be performed virtually or in-person and must validate compliance with all items in Section II of DD Form 2946. All employees must certify that they are responsible for ensuring a safe and healthy alternative worksite and that they agree to all other terms of the telework agreement, as enumerated in DD Form 2946. By signing DD Form 2946, employees and their supervisors are attesting that the employee's proposed alternative worksite meets the required conditions of an alternative worksite. This requirement may be waived for employees who are directed to perform telework.

c. **Accidents, Injuries, Illnesses:** The employee must notify his or her supervisor immediately of any accidents, injuries, or illnesses that occur at the alternative workplace, while performing assigned duties and complete any applicable, required documentation. The supervisor will investigate such reports and, if deemed necessary, arrange an on-site investigation after coordinating with the employee. Neither the OHNG nor the United States Government, will be liable for accidents that occur outside of the specific work area in an employee's home of record.

d. **Telework Denial or Termination:** Commanders and supervisors may deny requests for telework. They may also terminate previously approved telework agreements with two pay periods advance notice. Employees may also request termination of a telework agreement, except when ordered to telework under the

provisions of paragraph 11 of this policy. Terminations may be without prior notice; however, all telework denials and terminations must be documented in writing, as described below:

(1) **Written Termination:** Whether supervisors are denying or terminating telework agreements or employees are requesting the termination of an approved telework agreement, all such denials and terminations must be documented in writing, using page 4 of DD Form 2946, "DoD Telework Agreement" (enclosed).

(2) **Basis:** All denials and terminations must provide the basis for the denial or termination. The basis may include, but is-not-limited to, such reasons as: mission changes, employee performance or conduct, needs of the employee's workgroup or work center, employee's duties are not conducive to telework, etc. When applicable, supervisors should also include information about when the employee may reapply, or actions that the employee should take to improve his or her chances of approval.

f. **Recall.** Supervisors may recall employees from telework in situations where the employee's presence is required in the employee's official workplace (e.g., meetings, training). Supervisors must notify the employee prior to the end of the employee's scheduled duty day on the day prior to the expected report time. Supervisors should grant the employee an alternate telework day, when possible, if recalls are required.

12. Continuity of Operations Plan (COOP) / Declared Emergencies: Under certain mission-critical and emergency conditions, TAG or his designated official may order employees to perform situational telework for a short or even extended period-of-time, regardless of whether those employees have existing telework agreements. Under these conditions, the procedural requirements of this policy are waived (i.e., those listed in paragraphs 9, 10c, 10e, and 10f above). In the event of and in preparation for such conditions, however, commanders and supervisors should take the following actions, **when time permits and / or as directed by TAG or his designated official:**

a. **Extended emergency telework:** If an emergency order to telework is anticipated to last for an extended period-of-time, supervisors will take action to comply with all procedural requirements of this policy.

b. **Prior to an emergency:** Identify all employees who would meet the criteria for telework (e.g., as described in paragraph 5.a. above), in preparation for emergency situations that would require TAG to order employees to telework.

c. **Emergency preparedness:** After identifying all employees by position, who meet the telework criteria, commanders and supervisors are highly encouraged to implement the requirements for two-year situational (intermittent / episodic / ad hoc) telework agreements for these employees. These agreements need only be enacted in an emergency, but having them on file prior to an emergency, could significantly ease administrative burdens during that emergency.

13. **Accountability:** Time spent in a telework status must be accounted for and reported in the same manner as if the employee reported for duty at his or her regular worksite. Supervisors should verify work output through regular contact with the employee (e.g., telephone calls, emails, etc.) and / or by determining the reasonableness of work output, compared to time spent teleworking. Supervisors will use the follow two methods to ensure employees are available and productive:

a. **Telephone.** Teleworking employees will have a telephone number in their email signature block and published in DMDC MilConnect. Employees will respond to calls and voicemails sent to their published phone numbers.

b. **Microsoft (MS) Teams.** Teleworking employees will login to MS Teams and be available to communicate using this web-based platform.

14. **Timekeeping for Federal Employees:** Hours spent in a telework status must be documented using the appropriate Standard Labor Data Collection and Distribution (SCDLADA) codes. When using SLDCADA, the type-hour code will be "RG" and the environmental code will be one of the following:

- a. Telework situational / ad hoc: TS;
- b. Telework situational / medical: TM; or
- c. Telework regular & recurring schedule: TW.

15. **Security Considerations:** Employees are responsible for safeguarding all OHNG information, protecting Government-furnished computer equipment (GFE), and Government property, and performing assigned duties while teleworking in support of OHNG mission requirements. All GFE, software, and communications, with appropriate security measures, are required for any telework arrangement that involves CUI data.

a. Employees, in telework arrangements, shall not take classified documents (hard copy or electronic) to their homes or alternative worksites. If classified telework is authorized at an approved alternative secure location, teleworkers shall comply with the procedures established by the OHNG regarding such work.

b. Employees must protect CUI, including Privacy Act or For Official Use Only data, consistent with the guidance set forth in DoD Instruction 5400.11, section 552a, of title 5, U.S.C. (also known as the Privacy Act of 1974), and DoD Manual 5400.07, as well as OHNG policy.

(1) Teleworking employees who access Personally Identifiable Information (PII) may only do so on encrypted GFE requiring two-factor authentication for access, in accordance with Office of Management and Budget (OMB) Memorandum 07-16.

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(2) Extraction of PII from DoD systems onto GFE, used for teleworking, is prohibited unless approved by a manager and logged and erased in accordance with the requirements of OMB Memorandum 06-16.

(3) The use of personal e-mail accounts for PII transmission, is prohibited. PII may only be e-mailed between Government email accounts and must be encrypted and digitally signed.

c. Employees must protect CUI or contractor proprietary data restricted by section 423 of title 41, U.S.C. (also known as section 27 of the "Office of Federal Procurement Policy Act, as amended") or data otherwise restricted by the Federal Acquisition Regulation or the Defense Federal Acquisition Regulation Supplement or other acquisition policies.

d. Employees must comply with criteria and guidelines established by the DoD-CIO and OHNG for using both GFE and non-GFE and for access to DoD information systems and networks to perform telework.

e. Employees who telework from home must comply with criteria and guidelines established by OHNG for keeping Government property and information safe and secure.

f. The GFE shall be used for official use and authorized purposes only. Family members, and friends of employees, are not authorized to use GFE and materials. The GFE must be returned to the OHNG at the conclusion of teleworking arrangements or at the OHNG's request.

16. **Applicability and renewal.** This policy applies to all full-time employees of the Ohio National Guard. The policy will be reviewed annually 1 October.

17. **Points of Contact:** Questions, concerning this policy, may be directed to the Labor Relations Distribution List at: ng.oh.oharng.list.j1-hro-lr@army.mil.

Encl
DD Form 2946



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The Adjutant General

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