

Approved: 7-5-2011
Expires: 7-5-2012

SUBJECT: DOE-FLEX: DOE'S TELEWORK PROGRAM

1. PURPOSE. This is to establish the requirements and responsibilities for the Department's telework program. The goals are to reduce energy consumption and emissions by avoiding commuting to work, improve balancing an employee's worklife needs, and ensure continuity of operations during emergency situations without sacrificing productivity.
2. CANCELLATION. None.
3. APPLICABILITY.
 - a. Departmental Applicability. Except for exemptions provided for in paragraph 3.c., this directive applies to all Departmental elements and employees in all pay plans.

The Administrator of National Nuclear Security Administration (NNSA) must assure that NNSA employees comply with their respective responsibilities under this directive. Nothing in this Order will be construed to interfere with the NNSA Administrator's authority under section 3212(d) of Public Law (P.L.) 106-65 to establish Administration-specific policies, unless disapproved by the Secretary.

In accordance with the responsibilities and authorities assigned by Executive Order 12344, codified at 50 USC sections 2406 and 2511 and to ensure consistency through the joint Navy/DOE Naval Nuclear Propulsion Program, the Deputy Administrator for Naval Reactors (Director) will implement and oversee requirements and practices pertaining to this directive for activities under the Director's cognizance, as deemed appropriate.

- b. DOE Contractors. This program does not apply to contractors.
- c. Equivalencies/Exemptions for DOE N 314.1.
 - (1) Requests for exemption to this Order must be submitted in memorandum form to the Director, Office of Human Capital Management, Office of the Chief Human Capital Officer for non-NNSA elements. For NNSA elements, requests for exemption to this order should be submitted to the Director, Human Capital Management Programs. The memorandum must include the basis for the exemption, identify the requirement for which the exemption is sought, and request a timeframe, as applicable.
 - (2) Bonneville Power Administration is exempt.

4. REQUIREMENTS.a. General.

- (1) All supervisors and employees must have an appropriate telework agreement in place in order to telework.
- (2) Certifying officials must ensure that any time that is reported for pay purposes, including regular tours of duty or overtime, compensatory time, or credit hours earned, in which an employee teleworks, includes the proper telework reason code in the DOE time and attendance system.
- (3) Telework will be an integral part of the Department's Continuity of Operations (COOP) Plans at all levels. When activated, COOP Plans supersede this directive.
- (4) The Department will, at a minimum, establish an annual participation goal. Other goals may be established periodically in support of related Departmental programs.
- (5) The Office of the Chief Human Capital Officer will coordinate with other applicable program offices to periodically evaluate how well the Department is achieving its goals; the impact that telework is having on emergency readiness, energy use, recruitment and retention, employee performance, productivity, and employee attitudes and opinions on teleworking; and identify best practices.
- (6) Servicing human resources staffs, in conjunction with their serviced organizations, will provide the information needed to be responsive to Departmental reporting requirements.

b. Eligibility. Telework is not an employee right. All employees are eligible to telework unless excluded for one of the following reasons. If eligible, participation is subject to an authorized manager's determination as to the type of arrangement(s), situation(s), and frequency that an employee or group of employees may telework, and management ensuring that participation does not diminish an employee's performance or DOE operations.

- (1) Their capability to access their Departmental element's network does not meet the network security requirements and no other work of equal or higher priority that is acceptable to the supervisor can be performed at an alternative worksite.
- (2) Their position involves only work that is performed at off-site locations and/or while traveling between worksites, such as the transport of nuclear materials.

- (3) Their position involves work that is normally required to be performed on-site every day; e.g., work involving the handling of classified information or regular and recurring face-to-face contact; however, if an employee is authorized to perform work off-site during emergency situations, then the employee must be on a situational telework agreement that is limited to emergency situations in order to perform the work.
- (4) The employee is designated as an essential person who must be on site during emergency situations in order to perform his/her duties; this exclusion does not include an employee who may telework on a nonemergency basis, but is designated as an emergency employee who may be required to perform work on-site during emergency situations.
- (5) The employee has not been in an organization long enough to know his/her duties and/or organizational relationships sufficiently well enough to perform independently or successfully unless in his/her office.
- (6) The employee's performance is evaluated at less than the Meets Expectations (ME) level or equivalent Fully Successful level; if the employee is improving while subject to a Performance Assistance or Improvement Plan, an employee may be authorized to telework during an emergency situation.
- (7) The employee has been officially disciplined for being absent without permission for more than 5 days in any calendar year or for violation of subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.

c. Training.

- (1) All supervisors and managers of employees who telework must complete available telework training for supervisors.
- (2) All employees, except those who have been covered by a telework agreement prior to December 9, 2010, must complete available training on teleworking before they can telework.

5. RESPONSIBILITIES.

- a. Secretary. Designate the Department's Telework Managing Officer.
- b. Office of the Chief Human Capital Officer.
 - (1) Issue implementing guidance.

- (2) Determine the Department's telework goals.
 - (3) Periodically evaluate the effectiveness of the Department's telework program.
 - (4) Coordinate the collection and reporting of data that is responsive to Departmental reporting requirements.
- c. Office of the Chief Information Officer.
- (1) Coordinate the Department's information technology infrastructure to ensure that eligible employees have adequate access to electronic files and communications from alternative worksites.
 - (2) Work collaboratively with the Office of the Chief Human Capital Officer to provide support for the Department's telework program.
 - (3) In coordination with the Associate Administrator for Information Management and Chief Information Officer, NNSA, ensure that all information technology acquisitions meet the requirements to support telework established by the Office of Management and Budget (OMB) and the National Institute of Standards and Technology (NIST).
 - (4) Coordinate with the Office of Procurement and Assistance Management, Office of Management, and the Associate Administrator for Acquisition and Project Management, NNSA, to ensure that language establishing standards for IT acquisitions in support of telework is included in all contracts and purchase orders acquiring information technologies.
- d. Continuity of Operations (COOP) Manager. Work collaboratively with the Office of the Chief Human Capital Officer to ensure that telework is an integrated part of the Department's COOP Plan.
- e. Heads of Departmental Elements.
- (1) Establish a telework plan for the Departmental element.
 - (2) Establish a Telework Coordinator who will assist in the administration of the Departmental element's telework plan and with the Departmental reporting requirements.
 - (3) Identify barriers to a successful telework program and take action to eliminate or mitigate those barriers.

f. Supervisors/Managers.

- (1) For each position or group of similarly situated positions, determine whether any portion of priority work can be performed at an alternative worksite and, if so, the type of telework arrangement(s), situation(s), and frequency that an eligible employee may telework.
- (2) Notify all employees of their eligibility or ineligibility to telework in writing; if ineligible, provide the business reason based on the exclusions in this policy (note: even though an employee is eligible to telework, when that may be done is subject to management discretion based on mission requirements, office coverage, etc.).
- (3) Determine if and what resources will be provided eligible employees who can telework under normal and/or emergency work situations.
- (4) Treat teleworkers the same as non-teleworkers.
- (5) Ensure that participation does not diminish an employee's performance or DOE operations.
- (6) Ensure that program information, including personally identifiable information, and information and communications systems are adequately protected.

6. REFERENCES.

- a. Telework Enhancement Act of 2010, Public Law (P.L.) 111-292.
- b. Section 359 of P.L. 106-346.
- c. DOE O 206.1, Department of Energy Privacy Program.
- d. DOE Desk Reference on DOE-Flex.
- e. The Office of Personnel Management *Guide to Telework in the Federal Government* and telework web site at www.telework.gov.

7. CONTACT. Office of Strategic Planning and Policy, Office of the Chief Human Capital Officer, 202-586-3372.

BY ORDER OF THE SECRETARY OF ENERGY:



DANIEL B. PONEMAN
Deputy Secretary