



EFFECTIVE DATE: **CC23.5.10**
29 October 2008

By Order of the Assistant Secretary for Health:

ADM Joxel Garcia, USPHS

SUBJECT: Use of Alternative Workplaces

1. PURPOSE: The purpose of this Instruction is to set forth policy concerning the voluntary use of a workplace, other than a temporary or permanent duty station, to meet program needs and workplace efficiencies.
2. APPLICABILITY: This issuance applies to all Regular and Reserve Corps officers on extended active duty and to officers called to active duty for short tours of duty or limited tours of duty.
3. AUTHORITY:
 - 3-1. [42 USC 216](#)
 - 3-2. [Public Law 106-346](#), Section 359
 - 3-3. [68 FR 70507](#)
 - 3-4. On 24 July 2003, the Secretary of Health and Human Services (Secretary) delegated the authorities necessary to administer the Commissioned Corps of the U.S. Public Health Service (Corps) to the Assistant Secretary for Health (ASH).
4. PROPONENT: The proponent of this Instruction is the ASH. The responsibility for assuring the day-to-day management of the Corps is the Surgeon General.
5. SUMMARY OF REVISIONS AND UPDATES: This is the first issuance of this Instruction within the electronic Commissioned Corps Issuance System (eCCIS) and replaces CC23.5.10, "Use of Alternative Workplaces", dated 17 February 2000. This issuance replaces the information from the previous INSTRUCTION of the Commissioned Corps Personnel Manual (CCPM), and creates a stand alone Instruction within the eCCIS.

6. POLICY:

6-1. Definitions:

a. Alternative Workplace (AW)

(1) A location other than an officer's permanent or temporary duty station, as set in an officer's official personnel orders, at which the officer's supervisor authorizes the officer to perform his/her official duties.

(2) This includes an officer's residence in the local commuting area for his/her permanent or temporary duty station or a Federal Telecommuting Center (FTC). FTC's are established under agreements with the General Services Administration (GSA).

b. Regular AW is performed on a regularly scheduled basis (e.g., every Thursday).

c. Episodic AW is performed less frequently than regular AW. Set in advance for specific tasks (e.g., monthly financial statements, quarterly progress reports, etc.) or in response to specific events (e.g., authorized convalescent leave from an injury or illness, during the renovation of the officer's office, building or office closure, or during a weather emergency, etc.).

d. Telecommuting, a form of AW, is working at home by using a computer terminal electronically linked (e.g., access to government or official e-mail or access to government or official servers and/or electronic files) to one's place of employment. Telecommuting is primarily utilized by personnel in administrative type billets; however, clinical providers may use an alternative workplace to accomplish work such as audits, quality assurance or other similar administrative tasks, to include continuing education requirements.

6-2. Participation in AW is a benefit, not an entitlement. Department of Health and Human Services (HHS) Operating Division (OPDIV), Staff Division (STAFFDIV), or non-HHS organization management may impose further restrictions on the use of AW as necessary to carry out their respective missions.

6-3. Upon mutual consent of the requesting officer and the OPDIV/STAFFDIV or non-HHS organization, an officer may perform official duties at his/her residence. However, an officer's private residence cannot be an official duty station, either permanent or temporary.

6-4. The government is not obligated to fund expenses that may be incurred by the officer in the performance of his/her official duties at the officer's residence, including, but not limited to, computers, printers, telephone lines or secure storage areas.

6-5. The government assumes no liability for injury that may occur to third parties, or to damage to an officer's personal property as a result of the officer's performing official duties at his/her residence.

6-6. Authorization to use AW. An officer may be authorized, but not required, to use an AW under one of the following circumstances:

- a. When regularly scheduled telecommuting will add to an officer's productivity and in the case of the FTC, reduce the commuting distance for the officer. Management may authorize the use of an AW under this section, not to exceed 2 days per week. Such an authorization may be granted for a period not to exceed 1 year.
 - b. All requests for AW must be accompanied by a memorandum described in Section 8.
 - c. Successive authorizations may be granted with each new authorization requiring a new authorizing memorandum, signed by both parties and processed under Section 8.
 - d. It is in the interest of the program to have the officer complete a project away from the normal duty station. The determining factors must be in the interest and needs of the program. Under this paragraph, use of an AW may not exceed 14 days for a particular project, or 30 cumulative days per fiscal year.
- 6-7. Episodic AW shall be approved on a case-by-case basis.
- 6-8. AW days generally are not subject to change; if an officer takes leave on a normal AW day, the AW day will not be rescheduled. If a holiday falls on an AW day, the AW day will not be rescheduled. Normal leave rules apply and all absences from the workplace during work hours must be reported, documented and approved according to regular leave procedures.
- 6-9. Sufficient office coverage in all functional areas will be assured through scheduling. Annual leave and sick leave take precedence over AW and the officer may be required to report to his/her normal duty station during the required period of decreased office coverage.
- 6-10. When working at an AW site, the officer must be able to return to his/her official duty station within 2 hours if so requested by his/her supervisor. The officer's supervisor may terminate the AW agreement at any time for non-performance of duty and/or mission requirements of the OPDIV/STAFFDIV or non-HHS organization.
- 6-11. In the event of technical difficulties (e.g., computer or phone problems that interfere with work), the officer should notify his/her supervisor as soon as possible. At the supervisor's discretion, the officer may be required to return to his/her duty station.
- 6-12. Offsite use of classified, sensitive, or personally identifiable information must conform to applicable laws, regulations, and HHS policy (e.g., Privacy Act of 1974, Health Insurance Portability and Accountability Act, etc.) and must be specifically approved in writing by the officer's supervisor prior to removal from the duty station.
7. **RESPONSIBILITIES:** The ASH is responsible for establishing policies related to the use of AW.
8. **PROCEDURES:**

- 8-1. Authorization for the use of an AW must be documented by a memorandum from the officer's supervisor to the officer prior to the commencement of duties at the AW. A copy of the memorandum must be retained by the officer for his/her personal records.
- 8-2. The officer's supervisor must forward the original memorandum signed by both parties (officer's supervisor and officer) to the OPDIV/STAFFDIV or non-HHS organization Commissioned Corps Liaison within 5 working days. The Commissioned Corps Liaison will review the memorandum for compliance with this Instruction and a copy must be faxed or mailed to the Director, Office of Commissioned Corps Operations, and placed into the officer's electronic Official Personnel Folder (eOPF).
- 8-3. The memorandum must include the following items:
 - a. Officer's full name and PHS Serial Number (SERNO);
 - b. Full address of the alternative worksite;
 - c. Duration of the authorization (not to exceed limits specified in this Instruction);
 - d. How the officer may be contacted (home and cell phone number, work and private e-mail address or pager number);
 - e. Any specific provisions for the particular assignment (e.g., daily updates, attendance at teleconferences, and duty hours); and
 - f. The specific reason for the request for authorization.
- 8-4. The officer's supervisor is responsible for monitoring the officer's performance while the officer is at the AW. The supervisor must ensure that an officer working at an AW is readily accessible to management officials, coworkers and customers.
9. HISTORICAL NOTES: This is the first issuance of this Instruction within the eCCIS and replaces CC23.5.10, "Use of Alternative Workplaces," dated 17 February 2000. This issuance replaces the information from the previous INSTRUCTION of the CCPM, and creates a stand alone Instruction within the eCCIS.