



CC313.01  
EFFECTIVE DATE: 6 February 2013

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**By Order of the Assistant Secretary for Health:**

**Howard K. Koh, M.D., M.P.H.**

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SUBJECT: Telework

1. PURPOSE: This Instruction establishes the policy concerning the use of telework to meet programmatic needs and workplace efficiencies while maintaining readiness.
2. APPLICABILITY: This Instruction applies to all officers in the Commissioned Corps of the U.S. Public Health Service (Corps) on active duty. Officers detailed outside the Department of Health and Human Services (HHS or the Department), shall follow the telework provisions of his/her specific Memorandum of Agreement or the needs of the non-HHS organization to which assigned.
3. AUTHORITY:
  - 3-1. [5 CFR 2635](#), "Standards of Ethical Conduct for Employees of the Executive Branch"
  - 3-2. [31 USC 1348](#), "Telephone and Installation Charges"
  - 3-3. [31 USC 3721](#), "Military Personnel and Civilian Employees Claims Act"
  - 3-4. [37 USC 101](#), "Definitions"
  - 3-5. [37 USC 503](#), "Absence Without Leave or Over Leave"
  - 3-6. [41 USC 423](#), "Restrictions on Disclosing and Obtaining Contractor Bid or Proposal Information or Source Selection Information"
  - 3-7. [42 USC 216](#), "Regulations"
  - 3-8. [CC111.02](#), "Disciplinary Action", dated 26 April 1983
  - 3-9. [CC29.1.5](#), "Absence Without Leave", dated 29 October 2008
4. PROPONENT: The proponent of this Instruction is the Assistant Secretary for Health (ASH). The responsibility for assuring the day-to-day management of the Corps is the Surgeon General (SG).

5. SUMMARY OF REVISIONS AND UPDATES: This is the third issuance of this Instruction within the electronic Commissioned Corps Issuance System (CCIS) and replaces Commissioned Corps Instruction (CCI) 313.01 (Old CC23.5.10), "Use of Alternative Workplaces" dated 29 October 2008.
  - 5-1. Expands and clarifies the definition of worksite.
  - 5-2. Adds requirement for telework training.
  - 5-3. Continuity of Operations (COOP)/Continuity of Government (COG) supersede this Instruction.
  - 5-4. Clarifies which officers are ineligible for telework.
  - 5-5. Removes Corps' restriction on the number of days a Corps officer may work from an alternative worksite, distance from primary duty station and places the responsibility for determining the need/use of telework on the Operating Divisions (OPDIV), Staff Divisions (STAFFDIV) or non-HHS organizations to which Corps officers are assigned.

## 6. POLICY:

## 6-1. Definitions.

- a. Alternative Worksite (AW). A location other than an officer's official or temporary duty station, as stated in an officer's official personnel orders, where the officer's supervisor authorizes the officer to perform his/her official duties. This includes an officer's residence, a Federal Telecommuting Center (FTC), temporary duty station or other approved worksite.
- b. Alternative Work Schedule. Alternative working/duty hours from the standard duty hours of the officer's primary duty station (e.g., 4-10 hour days per week, rotating weekends/weekday shifts, early/late start/end duty hours). Included in this definition is the work hours of an officer can be fixed, or the starting and ending times can be flexible as determined by the officer's supervisor. Therefore, the general concept of flextime applies to Corps officers only in the context of flexible starting and ending times on duty, and not in defining any "basic work requirement". That is, it does not create an entitlement for the officer to work only an 8-hour day, or prohibit management from requiring additional work hours on any given day.
- c. COOP/COG Planning. An effort to ensure that the capability exists to continue essential government functions (Continuity of Operations (COOP), Continuity of Government (COG)) across a wide range of natural disasters or local or national declared emergencies.
- d. Controlled Unclassified Information (CUI). A categorical designation that refers to unclassified information. The designation replaces the term "sensitive but unclassified".
- e. Eligible Officers.
  - (1) Positions/billets eligible for telework are those involving work activities that are portable, do not depend on the Corps officer presence at their official duty station and are conducive to supervisory oversight at the AW. Work activities generally suited for telework include, but are not limited to writing, policy development, research, analysis and data entry.
  - (2) Officers whose performance is satisfactory and who can function independently, are those who occupy positions described in Subsection 6-1(e), and who are not under any current or pending disciplinary or negative administrative action, and/or has no unresolved security issues that might influence telework (e.g., personal conduct, handling protected information, time/attendance or misuse of information technology information systems). All current disciplinary or administrative actions must be discharged (e.g., end of 2 year disciplinary period, etc.) before being eligible for telework.
- f. Emergency Situation Telework. Telework performed at an officer's home or alternative worksite during a crisis situation or emergency event by those officers who perform duties in support of mission requirements during crisis situations or contingencies.
- g. Federal Telework Center (FTC). A facility that provides a geographically convenient office setting with workstations and other facilities and services that are used by personnel from more than one organization.

- h. Government Funded Equipment (GFE). Items procured/owned by the Federal Government (e.g., laptops, computers, printers, cell phones, flash drives, etc.).
- i. Mission-Critical Duties. Duty functions that are identified as critical to performance of the mission.
- j. Official/Primary Duty Station (PDS). The duty station listed in the "Report to" box on the Corps officer's active personnel order Form PHS-7063. Corps officers may, at the discretion of his/her supervisor, utilize telework while in a temporary duty (TDY) status or location.
- k. Official Worksite. Approved location where an officer regularly performs his/her duties.
- l. Safe Haven. Designated location such as an officer's residence or an alternative location mutually agreeable between the OPDIV, STAFFDIV or non-HHS organization to which Corps officers are assigned and the officer when personnel are evacuated from their PDS.
- m. Supervisor. Corps officer or civilian management official responsible for directing and managing a Corps officer's work and for implementing telework agreements per this Instruction.
- n. Telework. The performance of official duties at an AW geographically convenient to that officer on a regular or episodic basis. The officer performs assigned official duties and other authorized activities during any part of regular duty hours at an approved AW. Telework includes remote work where an officer resides and work at a location beyond the local commuting area of his/her official duty station. Telework does not include any part of work done while on official travel or mobile work, that is, work characterized by routine and regular travel to customer or other worksites instead of a single OPDIV, STAFFDIV or non-HHS organization worksite (e.g., site audits, inspections, investigations, and property management).
  - (1) Regular telework. Performance of official duties at an AW on a regular recurring basis (e.g., Every Thursday, first and third Tuesday of each month).
  - (2) Episodic/Situational telework. Performance of official duties at an AW on an occasional, non-routine, case-by-case basis, where the hours worked were not part of a previously approved, ongoing and regular telework schedule (e.g., telework as a result of inclement weather, medical appointment, special work assignments, or to accommodate special circumstances). Types of episodic telework include:
    - (a) Ad hoc telework. Telework that is approved in advance for specific task, (e.g. preparing quarterly progress reports).
    - (b) Unscheduled telework. Telework where an officer performs assigned official duties at home or another approved worksite when Government offices and/or PDS are closed due to an emergency event or open, but severe weather conditions or other circumstances disrupt commuting and compromise officer safety.

- (3) As a temporary regular or episodic arrangement for Corps officers with temporary/limited in duration impairments, conditions or disabilities (e.g., pregnancy, broken leg(s)/arm(s)), as appropriate.

However, many entitlements granted under The Rehabilitation Act of 1973, 29 USC Sections 791 and 794a for civilian employees, do not apply to Corps officer.

- o. Telework Agreement. A written agreement, completed and signed by an officer and the authorized management official(s), that outlines the terms and conditions of the telework arrangement.

6-2. It is the policy of HHS and the Corps, to use telework to the broadest extent possible by eligible officers on a regular and recurring basis. All non-emergent (See subsection 6-11) telework and alternative worksite agreements must be in writing and in accordance with the procedures prescribed in Subsection 8-1. All current telework and alternative worksite agreements shall continue under the stipulations already agreed upon by the supervisor and officer. Upon expiration of current telework agreement, the new agreement shall comply with the procedures prescribed in subsection 8-1.

- a. Telework eligibility criteria shall be applied impartially and consistently without prohibited factors being considered.
- b. Supervisors or commanders should allow maximum flexibility for Corps officers to utilize telework to the extent that mission readiness or accomplishment is not compromised. Regular, routine use of telework programs will allow supervisors, commanders and Corps officers to identify and resolve technology, equipment, communications, workflow and associated issues that could impact the efficiency of mission accomplishment and inhibit the transparency of remote work.

6-3. Telework arrangements in the Federal Government may be full-time (5 days per week) or part-time (less than 5 days per week). Part-time schedules are more common. As with most aspects of the telework program, OPDIV, STAFFDIV and non-HHS organizations to which Corps officers are assigned, may define the types of arrangements and parameters for participation within their telework policies and telework agreements. In exercising this discretion, OPDIV, STAFFDIV and non-HHS organizations should consider individual officer needs while ensuring that telework does not diminish officer performance, OPDIV, STAFFDIV or non-HHS organizations operations and other Corps specific responsibilities (e.g. Continuity of Operations (COOP)/Continuity of Government (COG)).

While some OPDIV, STAFFDIV or non-HHS organizations do allow full-time telework, it is not the norm. OPDIVs, STAFFDIVs or non-HHS organizations Commissioned Corps Liaisons shall, if requested, report on the specific number of officers with full-time telework to the Office of the Surgeon General (OSG) each fiscal year.

6-4. Telework may be authorized by supervisors for the maximum number of officers to the extent that mission objectives are met. Eligible Corps officers, including supervisors, may perform telework when the criteria of this policy are met. The use of telework should not be prioritized or limited by an officer's rank or seniority, but based on the ability of the officer to complete his/her assigned duties.

6-5. Participation in teleworking is a benefit, not an entitlement. The officer's program may impose further restrictions on the use of telework as necessary to carry out their respective missions. Corps officers are not required to utilize telework (except in

emergency situations), but it is strongly encouraged whenever possible based on the needs of the OPDIV, STAFFDIV or non-HHS organization.

- 6-6. Supervisors and all Corps officers participating in telework must complete telework training at least once per fiscal year. This training may be found at [http://www.telework.gov/tools\\_and\\_resources/training/employees/index.aspx](http://www.telework.gov/tools_and_resources/training/employees/index.aspx). The completion certificate shall be included in an officer's AW agreement and/or submitted to his/her eOPF annually. Additionally, an OPDIV, STAFFDIV or non-HHS organization may require additional training. Officers on telework agreements shall comply with any additional training, as required.
- 6-7. Upon mutual consent of the requesting officer and his/her supervisor, 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.
- 6-8. The officer's official duty station or any other government entity 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. Moreover, the Corps officer's program or any other government entity will not pay for internet service or other personal expenses related to telework.
- 6-9. The government assumes no liability for injury that may occur to third parties, or damage to an officer's personal property because of the officer's performing official duties at his/her residence, outside of the stipulations provided in [31 USC 3721](#), "Military Personnel and Civilian Employees Claims Act".
- 6-10. Performance Management. Corps officers that participate in regular telework and Corps officers that do not participate in regular telework shall be treated the same for purposes of:
  - a. Commissioned Officers Effectiveness Reports (COERs);
  - b. Training, recognizing, reassigning, promoting, reducing in grade, retaining and removing officers;
  - c. Work requirements;
  - d. Other acts involving managerial discretion.
- 6-11. Emergency Situations. OPDIV, STAFFDIV and non-HHS organization COOP/COG plan(s) supersedes this Instruction.
  - a. Officers who perform mission critical duties may be required to work from home or an alternative worksite during an emergency situation. Conversely, if an officer is teleworking during an emergency situation, he/she may be required to report to his/her primary duty station or COO/COG site as directed.
  - b. Supervisors will include a description of the emergency duties with the telework agreement if emergency duties are different from the officer's normal duties.
  - c. In the event of a pandemic health crisis or other declared emergency, officers with COOP/COG responsibilities and officers who do not have specific COOP/COG responsibilities, but are trained and equipped to telework, may be asked to telework. These officers should telework on a regular basis to ensure their proficiency and telework's effectiveness in continuing operations.

- d. Officers in positions not typically eligible for telework should telework on a situational basis when feasible.
  - e. Officers approved for regular or situational telework who are not able to report to his/her PDS due to office closure or dismissal from a natural or manmade emergency event (e.g., hurricane, earthquake, wildfire, flood, or act of terrorism) or when the Office of Personnel Management (OPM) announced that Government offices are open with the option for unscheduled telework when weather conditions or other circumstances disrupt commuting and compromise safety, shall telework each regularly scheduled work day during the emergency situation, when the capability to telework is available at the AW. OPM primarily issues statements once per day. Information on closures, dismissals or other relevant information may be obtained by visiting the OPM website [http://www.opm.gov/Operating\\_Status\\_Schedules](http://www.opm.gov/Operating_Status_Schedules). This website primarily deals with the operating status of the Federal Government in the National Capitol Region (NCR), however, is updated for contingencies or operating status of affected areas on a case-by-case basis.
  - f. When government offices are closed to the public, designated officers who are unable to work due to personal situations or other circumstances (e.g., illness, dependent care responsibilities, loss of electrical power, evacuation by local authorities, or the officer cannot access materials necessary to continue work during the emergency) shall attempt to contact his/her supervisor to request leave appropriate for those circumstances.
  - g. When an officer's residence or other approved AW has been designated as a safe haven during an emergency, the supervisor may assign any work necessary, as long as the officer has the skills to perform the assigned work, without regard to the officer's rank or pay grade. In cases where a safe haven is designated, a written telework arrangement does not need to be on file or completed.
  - h. Officers designated as mission-critical should telework on a periodic basis to ensure his/her proficiency and telework's effectiveness in COOP/COG in the event of an emergency or pandemic.
  - i. Officers shall maintain Basic Readiness Standards. Officers on telework shall be required, if authorized by his/her supervisor to respond or deploy, from his/her telework site, as needed, or determined by Presidential or Secretarial declaration.
- 6-12. The following Corps officers are ineligible for telework:
- a. Corps officers who receive Absent Without Leave (AWOL) orders are ineligible for telework for one year from the end date of the AWOL orders.
  - b. Corps officers who have a current or pending administrative action process or who have been officially disciplined pursuant to CCI 111.02, Disciplinary Actions.
  - c. Corps officers who have been officially disciplined for violations of subpart G of the Standards of 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.

- d. Corps officers whose OPDIV, STAFFDIV or non-HHS organization supervisor determines that the officer's request for telework or alternative worksite is not compatible with the officer's primary billet description or needs/mission of the OPDIV, STAFFDIV or non-HHS organization.
  - e. Corps officers whose time and attendance do not meet the acceptable standards of his/her OPDIV, STAFFDIV or non-HHS organization (i.e., frequent tardiness from duty)
- 6-13. Supervisors may suspend or cancel use of telework or alternative worksite agreements to meet the needs of the OPDIV, STAFFDIV or non-HHS organization or the Corps. Cancellation of a telework agreement must be in writing and in accordance with procedures prescribed at Subsection 8-2. Reasons for cancellation of a telework agreement by a supervisor include, but are not limited to:
- a. Demonstrated performance deficiencies;
  - b. Failure to adhere to the provisions of this policy or the Corps officer's telework agreement;
  - c. Assumption of new duties, responsibilities, or assignment; and/or
  - d. Ongoing needs of the office or the Corps
- 6-14. Security Considerations. Officers are responsible for safeguarding all Departmental, OPDIV, STAFFDIV and non-HHS organizational information, protecting GFE and Government Property, and performing assigned duties while teleworking, in support of mission/program requirements. Government-furnished computer equipment, software, and communications, with appropriate security-measures are required for any telework that involves CUI.
- a. Officers in telework arrangements shall not take classified documents (hard copy or electronic) to his/her home or alternative worksite. If classified telework is authorized at an approved secure location, teleworkers shall comply with the procedures of the authority to which their classified work is defined regarding such work.
  - b. Extraction of Personally Identifiable Information (PII) (e.g., Social Security Numbers, Patient Identification Numbers, PHS Serial Numbers, etc.) from HHS, OPDIV, STAFFDIV or non-HHS organizational systems is prohibited unless approved by the appropriate level manager/supervisor and logged/erased in accordance with OMB Memorandum 06-16.
  - c. The use of personal email accounts for PII transmissions is strictly prohibited. PII may only be emailed between Government email accounts and must be encrypted and digitally signed.
  - d. Officers must protect CUI or contractor proprietary data restricted by [41 USC 423](#) (also known as section 27 of the "Office of Federal Procurement Policy Act", as amended).
  - e. Officers must comply with criteria and guidelines established by the Department, OPDIV, STAFFDIV and non-HHS organization Chief Information Officer and their respective components for using both GFE and non-GFE for access to Government information systems and networks to perform telework.



- f. Officers who telework from home must comply with criteria and guidelines established by his/her respective OPDIV, STAFFDIV and non-HHS organization for keeping Government property and information safe and secure. Additional restrictions may apply to officers located outside the Continental United States, as determined by his/her OPDIV, STAFFDIV and non-HHS organization.
  - g. GFE shall be used for official use and authorized purposes only. Family and friends of Corps officers are not authorized to use GFE and materials. GFE must be returned to the OPDIV, STAFFDIV and non-HHS organization component which assigned at the conclusion or revocation of a telework arrangement or at the request of the OPDIV, STAFFDIV and non-HHS organization.
- 6-15. Officers may not use telework as a substitute for providing dependent care (e.g., child care or elder care).
- 6-16. Officers who telework may also have alternative work schedules as determined by his/her supervisor.
- 6-17. Time spent in a telework status must be accounted for and reported in the same manner as if the officer reported to work at his/her regular worksite. Annual leave that falls on a telework day is counted as chargeable annual leave. Any other leave (e.g., paternity, sick, adoption, etc.) that falls on a telework day will be counted as an appropriate leave day. If a Federal holiday falls on a telework day, the telework day may not be exchanged for another day. The officer whose telework day falls on a Federal holiday is granted the day off as is the norm for his/her duty station.
7. RESPONSIBILITIES:
- 7-1. The ASH is responsible for establishing policies related to the use of telework.
  - 7-2. The SG is responsible for the day-to-day operations of the Corps and may establish Personnel Operations Memorandums (POM) related to telework or use of alternative worksites.
  - 7-3. All OPDIV, STAFFDIV and non-HHS organizational Corps liaisons shall maintain an up to date record of officers who are utilizing telework or alternative worksite agreements. Liaisons shall provide the number of officers utilizing telework in their OPDIV, STAFFDIV or non-HHS organization at least once per fiscal year to the OSG, if requested. All liaisons shall forward a copy of the AW agreement for inclusion into the officer's electronic Official Personnel Folder (eOPF).
  - 7-4. Supervisor expectations of an officer's performance should be clearly addressed in the telework agreement. As with on-site personnel, officers shall be held accountable for the results that they produce while teleworking.
    - a. Supervisors shall communicate expectations of telework arrangements, including work assignments, office coverage, and staff communication to teleworking and non-teleworking personnel in the workgroup.
    - b. Supervisors shall put procedures in place to maintain communication across all members of the workgroup.
    - c. Supervisors are responsible for the effective functioning of the workgroup. However, officers are responsible for his/her availability and information sharing with the workgroup. Supervisors and officers are responsible for ensuring the

success of the telework arrangement.

- 7-5. Corps officer participation in telework is voluntary and offers discretionary workplace flexibility. An officer who is participating in telework may be required, if instructed by his/her supervisor, to return to his/her primary duty station based on operational requirements (e.g., to attend a specific meeting, perform a specific task not capable of being performed remotely).
- a. All Corps officers are responsible for the content and procedures indicated in this instruction; to include updating his/her contact information in Corps-related electronic systems (e.g., Direct Access) or other Corps systems as he/she may be directed.
  - b. All Corps officers shall ensure the safety and security of any and all GFE and controlled unclassified information as defined by the Department, OPDIV, STAFFDIV or non-HHS organization to which assigned.
  - c. Upon receipt of the signed AW agreement, the officer shall maintain a copy and forward the original to his/her Commissioned Corps Liaison for inclusion into his/her eOPF.
  - d. As with any supervisory relationship, work assignments to be performed or training to be accomplished while on telework should be discussed, understood, and agreed to in advance of the telework event.
8. PROCEDURES:
- 8-1. All telework agreements must be written and reviewed annually. Supervisor shall maintain a copy of the original agreement and forward the original agreement to the OPDIV, STAFFDIV or non-HHS organization Commissioned Corps Liaison. The agreement must include the following items:
- a. The officer's name, PHS Serial Number (SERNO) and Direct Access Employee ID Number (EMPLID);
  - b. Statement that the officer is participating in telework voluntarily and will meet the guidelines of this Instruction; Statement that the officer's supervisor concurs with the officer's participation and will meet the guidelines of this Instruction;
  - c. The day(s) of the week the officer will telework;
  - d. Statement that the officer will provide his/her start and end times of their workday prior to starting telework for the day;
  - e. The officer's contact information, i.e., home and cell number, work and private e-mail addresses and fax number, if applicable;
  - f. The specific reason for the request for authorization;
  - g. The officer's official duty station address and the AW address;
  - h. The type of work that is performed at the AW, e.g., drafting policy, teleconferencing, performing negotiations, etc.;
  - i. Statement that the officer understands that no government entity is liable for damages to the officer's personal or real property during the course of

- performance of official duties except for claims specifically authorized by Federal Law;
- j. Statement that the officer understands that his program is not responsible for any operating costs that are associated with the use of the officer's residence as an approved AW (e.g. home maintenance, insurance, utilities, office supplies etc.);
  - k. Statement that the officer agrees to ensure the storage of files, removal and non-recovery of temporary files, and appropriate destruction of extraneous materials printed when remotely accessing the Department's network;
  - l. Statement that the officer will apply appropriate safeguards to protect all documents and information from unauthorized exposure;
  - m. Statement that the officer agrees to complete all assigned work in accordance with guidelines and standards established by the supervisor pursuant to discussions with the officer;
  - n. Statement that the officer understands that the privilege to telework can be suspended or cancelled, as appropriate, for failure to comply with or meet the provisions of this agreement or any other reason deemed appropriate by the supervisor/program; and,
  - o. The officer's signature, supervisor's signature and date. If the telework agreement is not approved by the supervisor, the supervisor should provide the reason(s) in writing to the officer.
- 8-2. Cancellation/denial of a telework agreement/request must be in writing. Supervisors shall maintain a copy of the cancellation/denial and forward the original cancellation/denial to the OPDIV, STAFFDIV or non-HHS organization Commissioned Corps Liaison. The cancellation must include:
- a. The officer's name;
  - b. The officer's supervisor's name;
  - c. Statement that the officer or supervisor is cancelling/denying the written telework agreement/request;
  - d. Reasons for the termination/denial of the telework agreement/request;
  - e. The officer's signature;
  - f. The supervisor's signature; and
  - g. Date of cancellation.
- 8-3. Supervisors shall respond to telework requests (approval or denial) within 10 business days of the request.
9. HISTORICAL NOTES: This replaces Commissioned Corps Personnel Instruction (CCI) 313.01 (Old CC23.5.10), "Use of Alternative Workplaces" dated 29 October 2008.
- 9-1. CC23.5.10, "Use of Alternative Workplaces" Dated 17 February 2000.