

HOURS OF DUTY AND LEAVE

1. **REASON FOR ISSUE:** To revise Department of Veterans Affairs policy regarding telework.
2. **SUMMARY OF CONTENTS/MAJOR CHANGES:** This handbook contains mandatory procedures on hours of duty and leave. The pages in this handbook replace the corresponding page numbers in VA Handbook 5011. Revised text is contained in [brackets]. Chapter 4 of Part II is replaced in its entirety. Local facilities should meet their collective bargaining obligations for implementing this requirement. These changes will be incorporated into the electronic version of VA Handbook 5011 that is maintained on the [Office of Human Resources Management Web site](#). Significant changes include:
 - a. Allows staff to utilize personally owned computer equipment.
 - b. Requires written telework agreements for any telework arrangements, including ad hoc.
 - c. Shortens the process for establishing a telework agreement.
 - d. Requires local telework coordinators to maintain records of approved telework agreements.
3. **RESPONSIBLE OFFICE:** Worklife and Benefits Service (058), Office of the Deputy Assistant Secretary for Human Resources Management.
4. **RELATED DIRECTIVE:** VA Directive 5011, Hours of Duty and Leave.
5. **RESCISSIONS:** None.

CERTIFIED BY:

**BY DIRECTION OF THE SECRETARY
OF VETERANS AFFAIRS:**

/s/Stephen W. Warren
Acting Assistant Secretary for
Information and Technology

/s/Rafael A. Torres
Acting Assistant Secretary for
Human Resources and Administration

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[CHAPTER 4. ALTERNATIVE WORKPLACE ARRANGEMENTS (TELEWORK)]

1. PURPOSE. This chapter sets forth Departmental policies and procedures on alternative workplace arrangements (telework). Telework provides employees with the opportunity to perform their work at locations other than the traditional office setting.

2. COVERAGE. This chapter covers all VA employees in telework suitable positions.

3. EXCLUSIONS

a. Employees who have been officially disciplined for absence without approved leave (AWOL) for more than 5 days in any calendar year after December 9, 2010.

b. Employees who have been officially disciplined for violations 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.

4. RESPONSIBILITIES

a. Under Secretaries, Assistant Secretaries, Other Key Officials, or their designees, are responsible for implementation and administration of telework programs and this policy within their organizations; ensuring that managerial, logistical, organizational, or other barriers to implementation and successful functioning of the telework program are removed and approving or discontinuing telework arrangements in VA Central Office. Each Administration and Staff Office will be required to provide timely employee participation data to meet the Departmental annual reporting requirement. Reporting data will be submitted to the Office of Human Resources Management, Worklife and Benefits Service upon request.

b. Facility Directors are responsible for implementing telework programs and approving or discontinuing telework arrangements for employees under their jurisdiction. The responsibility for approving or discontinuing telework arrangements may be delegated as far down as first level supervisors. The approval of telework arrangements must be coordinated with facility Human Resources Management Officers and Information Security Officers (ISO).

c. The Deputy Assistant Secretary for Human Resources Management will advise management and operating officials on the policies and procedures in this chapter.

d. Supervisors are responsible for determining position suitability and employee eligibility for telework arrangements and for coordinating the completion of the User's Remote Computing Security Agreement with employees. The Agreement is available in the "[VA Remote Access Guidelines](#)." Supervisors must then ensure that the employee coordinates the request for remote access through the ISO. They must also ensure adequate coverage during public business hours, that operations continue to be carried out in an efficient and economical manner, and that participating and non-participating employees are treated equitably.

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e. Employees are responsible for:

(1) Maintaining productivity and for fulfilling their obligation to account for their scheduled daily tour of duty. Participants may be permitted to work at home or other telework worksites full days or a portion of a day. Leave may be requested for the period of time not worked.

(2) Working with their supervisor in completing the User's Remote Computer Security Agreement and coordinating the request for remote access with the facility ISO.

5. DEFINITIONS

a. **Ad Hoc Telework.** Telework that occurs on an occasional, non-routine basis. Telework that occurs to complete short-term special assignments or to accommodate special circumstances even though the telework arrangement may occur continuously for a limited and specific period of time.

b. **Alternative Work Site.** The worksite location where the teleworker works away from the traditional office.

c. **Classified Documents.** Documents that have been officially designated as either Confidential, Secret, or Top Secret.

d. **Continuity of Operations Planning (COOP).** Planning to ensure that the capability exists to continue agency essential functions across a wide range of emergencies, either natural or declared.

e. **Docking Station.** A piece of equipment that is used with an agency issued laptop computer to allow for the convenient and quick connection of peripheral and/or telecommunications.

f. **Official Duty Station.** The city/town, county, and State in which the employee works as determined by the employing agency.

g. **Regular and Recurring Telework.** An approved telework schedule where eligible employees work at an alternative work site on a regular, recurring, and ongoing basis. Employees may work as few as one day per month or as many as five days per week.

h. **Telework.** A flexible work arrangement under which an employee performs the duties and responsibilities of such employee's position, and other authorized activities, from an approved worksite other than the location from which the employee would otherwise work.

i. **Telework Agreement.** A required written agreement, completed and signed by an employee and appropriate officials, outlining the terms and conditions of an alternative workplace arrangement (telework).

j. **Telework Center.** An office typically in a space owned or leased through other Federal government facilities, and/or a facility that provides workstations and other services that are utilized (typically on a fee for use/service basis) by employees from several organizations where an employee

works one or more days in the workweek, and is used as a geographically convenient alternative worksite.

k. **Telework Coordinator.** VA employee designated in each facility to handle the responsibilities of maintaining a record of employees under telework agreements and any other duties requested by management to help manage a facility's telework program.

l. **Virtual Office or Virtual Workplace.** A work environment in which employees work cooperatively from different locations using a computer network (in lieu of a single building or other single physical location) to perform work-related duties. As opposed to a single location site (facility) where workers are housed, the virtual office is typically a collaborative computer network where workers gather electronically to collaborate and/or carry out other work-related activities. The actual physical locations of the employees working in a virtual office can be temporary or permanent and can be nearly anywhere, such as their homes, satellite offices, hotel rooms, corporate offices, shared work spaces, airports, airplanes, or trains.

6. POLICIES AND PROCEDURES

a. It is the policy of VA to encourage the use of alternative workplace arrangements. Managers and supervisors should permit eligible employees to participate in telework to the maximum extent possible provided it does not diminish employee performance or Departmental operations. Telework supports VA goals for improving environmental stewardship and providing employees with greater worklife flexibilities, as well as providing an effective and efficient means to continue performing mission critical functions during local or national incidents.

b. Managers and supervisors must determine whether a position is suitable for telework and whether the employee is eligible to participate in a telework arrangement. Managers and supervisors also must issue notification letters to employees apprising them of their eligibility to participate in telework (see sample letters in appendices A and B). The procedures for the notification may be determined at the local level with appropriate bargaining unit involvement.

c. Telework is not an employee entitlement. An employee's participation in telework is voluntary, and approval will be based on management's determination that telework supports the mission of the organization and does not diminish either employee performance or agency operations. Management may disapprove or terminate an alternative workplace arrangement if it is not compatible with or does not contribute to the organization's mission. Telework notification letters should be provided in writing and include the business-based rationale for the decision. This is a matter for local negotiation.

d. Employees who meet the criteria for telework may participate in telework arrangements in accordance with applicable laws and collective bargaining agreements. Participation in a telework arrangement is subject to supervisory approval. Whenever appropriate, management may consider establishing telework arrangements to meet its needs as well as those of employees. Telework provides managers, supervisors, and employees with alternatives to the traditional worksite in accomplishing work objectives. Telework may be used as a reasonable accommodation for employees with qualifying disabilities under the Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.* Detailed guidance on reasonable accommodation may be found in VA Handbook 5975.1.

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e. The primary intent of the telework program is to support the mission of the office in an alternative work setting. Telework may not be used as an alternative to or in lieu of dependent care.

f. Telework arrangements may be established at approved telework centers, the employee's residence, satellite centers, and other temporary alternative workplace arrangements such as hoteling (workspaces assigned for use by reservation on an as-needed basis), hot desking (locating workspaces assigned on a first come, first served basis), hotel rooms, airports, and virtual offices when determined by work unit supervisors to be consistent with the mission of VA.

g. Prior to initiating, modifying, or terminating a telework arrangement that affects employees in a collective bargaining unit, appropriate labor relations obligations must be fulfilled.

h. It is recommended that telework agreements be reviewed at least annually, but no more than quarterly (unless there are specific concerns with the agreement) to determine the impact on work operations.

i. If management determines that a telework arrangement is not meeting the operational needs of the organization, the arrangement will be modified no sooner than two weeks after the employee is notified, or in accordance with the required notice periods specified in applicable collective bargaining agreements. Supervisor modification or termination of the arrangement requires two weeks notice except where:

- (1) Otherwise specified in a collective bargaining agreement;
- (2) Work-related circumstances require otherwise, e.g., an emergency situation;
- (3) Management determines that the teleworker is not meeting performance criteria;
- (4) The employee breached information security protocol or;

(5) The employee works overtime without prior advanced approval. Employees are not authorized to work overtime unless ordered and approved by the supervisor in advance. Unauthorized overtime will not be credited. Telework agreements may be terminated for employees who work unauthorized overtime. The decision to terminate the agreement should be made on a case-by-case basis based upon the circumstances after discussion with the employee.

j. Equal employment opportunity principles are fully applicable to the operation of this program.

k. Employees with mission-critical duties and those who may be required to telework in the case of a Continuity of Operations (COOP) event, office closure to the public due to adverse or inclement weather, or pandemic health crisis must have an approved telework agreement in place.

l. Guidelines must be established to ensure the equitable distribution of work in the office.

m. Adequate office coverage must be maintained. Teleworkers, therefore, may be required to return to the traditional worksite on scheduled telework days based on the needs of the office. In such instances, a recall to the office for operational reasons is not a termination of the telework agreement. Requests by teleworkers to change their scheduled telework days in a particular week or bi-weekly pay period should be accommodated by the supervisor where practicable, and consistent with mission requirements.

n. A new telework agreement should be completed if the employee is assigned to work under a new supervisor.

o. Telework is not intended to serve as a substitute for dependent/elder care. Telework arrangements involving the employee providing dependent/elder care to any individual shall not be authorized. The opportunity to participate in telework is offered only with the understanding that it is the responsibility of the employee to ensure that a proper work environment is maintained (e.g. dependent/elder care arrangements are made so as not to interfere with the work, personal disruptions such as non-business telephone calls and visitors are kept to a minimum, etc).

7. TELEWORK CRITERIA

a. **Participation.** Employee participation in a telework arrangement is voluntary. Managers should allow eligible employees to telework to the maximum extent practicable without diminished employee or organizational performance.

(1) VA employees selected for telework arrangements must occupy a suitable position and have a performance rating of at least Fully Successful, or equivalent. Employees may be denied eligibility to telework if they do not have a history of being “reliable, responsible, and able to work independently.” Both full-time and part-time employees may participate in a telework arrangement. Telework is not recommended for trainee or intern positions or during the first 90 days of any probationary period.

(2) The supervisor is responsible for determining the requirements and expectations of a telework arrangement to include the appropriate number of days. This should be done in collaboration with the employee. Each arrangement to telework is to be considered individually and documented in a written agreement. The original should be maintained by the supervisor with a copy provided to the employee. A copy must also be provided to the organizational telework coordinator for tracking purposes.

(3) All teleworkers and their immediate supervisors must receive training designed to provide the employee and supervisor with a smooth transition to telework. The training module is available via the Talent Management System.

b. Position Suitability

(1) Management officials are responsible for determining which positions are appropriate for telework arrangements consistent with labor relations obligations.

(2) Position suitability should be reviewed by management officials based on the functions and duties of the position rather than the title. Tasks that can be performed away from the traditional office

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are generally more suited for a telework arrangement. Even positions that are generally not suitable for telework may have tasks that may be deemed suitable. This approach to "job reengineering" can assist in providing appropriate avenues toward telework. Guidelines for position suitability include but are not limited to:

- (a) Work activities must be portable and can be performed effectively outside the traditional office location;
- (b) Job tasks are quantifiable or primarily project-oriented;
- (c) Contact with other employees, the supervisor or manager, and serviced clientele is predictable and normally scheduled;
- (d) The computer technology needed to perform work off-site is currently available or can be acquired;
- (e) Employees may be linked electronically to the traditional office location using Government Furnished Equipment (GFE) or a personal computer via the internet, based on specific guidance contained in VA Directive 6500, or they may simply take approved work requiring no computer to the alternative worksite;
- (f) Classified documents may not be taken to, used, or stored at an employee's home office or telecenter. The employee must return to the traditional office to access and work on such documents or materials; and
- (g) Privacy Act materials, evidence, or sensitive documents (hard copy or electronic) may be accessed remotely provided that the employee agrees to protect Government/VA records from unauthorized disclosure or damage and will comply with the requirements of the Privacy Act of 1974, 5 U.S.C. § 552a, and all applicable Federal law and regulations, VA Directive and Handbook 6210, and other applicable VA policies.

(3) Telework may not be suitable for positions with the following characteristics. However, these positions may be eligible for telework on an ad hoc basis. The positions require on a daily basis:

- (a) Extensive face-to-face contact with supervisors, co-workers, clients, and Veterans;
- (b) Special facilities or equipment that can not readily or economically be provided; or
- (c) Frequent access to classified material and/or sensitive information;

c. Automated Information System Security. Each Administration and Staff Office with a telework program will ensure that Departmental information security policies, established by the Office of Information and Technology, are strictly enforced and that telework employees are informed that periodic remote computer surveillance may be conducted on GFE to ensure information security policy compliance. Technical requirements for computer connections to the VA network by teleworkers will be published and issued by the Chief Information Officer (CIO). Offices sponsoring telework must also

ensure that adequate technological security protections are in place on all electronic devices issued to telework participants. If Federal and VA information security policies, procedures and guidelines are not followed, telework must be terminated. Prior notice to the employee is not required for enforcement and reporting of security violations. Additional security policy information and clarification can be obtained from the VA Office of Information and Technology, Office of Cyber and Information Security (005S). (See VA Directive 6500, Automated Information Systems Security).

d. Security and Privacy Considerations

(1) Classified documents (hard copy or electronic) may not be taken to, used, or stored at an employee's home office or telecenter. The employee must return to the traditional office to access and work on such documents or materials. Privacy Act materials and VA data and systems may be accessed remotely provided that the employee agrees to protect Government/VA records from unauthorized disclosure or damage. The employee must also comply with all legal requirements (for example, Privacy Act of 1974, 5 U.S.C. § 552a), policies and procedures (for example, VA Directive and Handbook 6500) identified by the Administration or Staff Office as necessary to protect the VA data and systems to which the employee will have access under the telework arrangement. Prior notice to the employee is not required to terminate telework arrangements due to security violations.

(2) If any legal requirements (for example, Privacy Act of 1974, 5 U.S.C. § 552a), Departmental or office policies and procedures change (for example, VA Directive and Handbook 6500), the employee, upon proper notice, must agree to comply with the changed requirements. Failure to so agree constitutes a basis for termination of the employee's participation in the program.

e. Emergency Closure and Dismissal Impact on Telework. On a day when the official duty station facility is closed for all or part of a day, the following rules apply:

(1) **Unscheduled Leave or Unscheduled Telework Days.** In the event of an emergency, government agencies may be closed to the public, however employees may request unscheduled leave or unscheduled telework. The employee is not *required* to perform work at the alternate work site unless it is specified in the written telework agreement. However, if the employee *voluntarily* chooses to perform any work at the alternate worksite, the employee is not entitled to additional compensation such as overtime, compensatory time, or credit hours.

(2) **Late Openings.** On a day when an employee is scheduled to work at the alternate worksite and the employee's official duty station facility opens late, the employee is required to perform their full alternate worksite schedule if scheduled to work from that location.

(3) **Late Arrivals and Early Dismissals.** On days when a late arrival or early dismissal occurs, the employee is required to perform their full alternate worksite schedule if scheduled to work from that location.

(4) **Emergency Situations.** On a case-by-case basis, a supervisor may excuse a telework employee from duty during an emergency if the emergency adversely affects the telework site (e.g., disruption of electricity, loss of heat, etc.).

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f. **Ad Hoc Arrangements.** All employees approved for regular and recurring telework are eligible for ad hoc telework. An employee who does not have an agreement for regular and recurring telework must have an ad hoc agreement in place before he or she can telework on an ad hoc basis. An employee approved only for ad hoc telework should telework periodically throughout the year to ensure that he or she is prepared for ad hoc telework. While ad hoc telework is generally used for unforeseeable and unavoidable emergency circumstances, management may approve ad hoc telework for any reason for an employee with an approved telework agreement. The type of assignments that employees are expected to perform should be determined prior to approval of ad hoc telework.

g. **The Alternative Worksite**

(1) An alternative worksite must be suitable for conducting business. Before a telework agreement is approved, the employee must complete the Telework Self-Certification Safety Checklist, included on [VA Form 0740](#), certifying that the location where work will be accomplished meets the safety criteria, and submit it to the immediate supervisor.

(2) The supervisor and employee should identify resources needed to facilitate the work assignment, assuring all property and equipment needs are satisfied in accordance with the telework agreement.

h. **Expenses and Equipment**

(1) Basic computer equipment and software (either GFE or owned by employee (OE)) must be coordinated with Office of Information Technology (OIT) to ensure all information and technology (IT) requirements are satisfied. The decision to purchase or provide GFE is discretionary and may be based on the availability of funds. Where applicable, OE may be used in conjunction with VA OIT approved gateway access that permits secure access to VA systems. An option for GFE may be to provide the employee with a docking station. The employee then uses the same computer at the traditional work site and the telework site.

(2) The supervisor must determine the level of telephonic support necessary for the teleworker. Local and toll free calls (e.g., VANTS conference calls) can be made on employee equipment. Long distance dialing may be supported by OIT provision of a cell phone, Blackberry, personal digital assistant, calling card, voice over internet protocol or other modality as determined by OIT.

(3) Employees will incur the cost of utilities (such as electricity, monthly service charges for telephone, cable or internet service providers) associated with working at home. In some limited situations, VA (thru the office of responsible for the teleworker) may pay for telephone installation when the service is considered essential and the employee agrees that the installed telephone will only be used for work assignments and contact with the VA office.

i. **Liability and Worker's Compensation.** Employees on telework or virtual arrangements are covered under the Federal Tort Claims Act and the Federal Employees' Compensation Act. As with injuries which occur in the traditional office setting, for injuries that occur during telework arrangements, supervisors may only attest to what they reasonably know. In all situations, employees are responsible for informing their immediate supervisor of an injury at the earliest time possible.

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a. Management must first identify an employee's position as suitable for telework, determine whether the employee is eligible to participate in telework, and notify the employee of his or her eligibility in writing, regardless of whether the employee has submitted a request to telework.

b. Eligible employees interested in telework should discuss the matter with their supervisor and, if they would like to telework, submit a request.

c. The supervisor will consider the request and determine whether telework is an appropriate work arrangement. When the supervisor and employee agree that the alternative workplace arrangement is an acceptable option, additional discussions should be held regarding the employee's work schedule, work requirements and job expectations.

d. Upon completion of the mandatory telework training course, including the Information Security Awareness Training and VHA Privacy Policy Training, as applicable, the employee must complete [VA Form 0740, Telework Agreement](#), which lists all terms and conditions for the telework alternative workplace arrangement, coordinate the request for remote access through the ISO in accordance with VA Directive 6500, and collaborate as needed with the facility's Telework Coordinator.

9. REFERENCES

a. 5 CFR, part 531, subpart F, December 29, 1995 (Locality Pay).

b. 5 U.S.C. § 552a, Privacy Act of 1974.

c. 38 U.S.C. § 501, 5701, and 7421(a).

d. Public Law 104-52, § 620 (31 U.S.C. 1348), November 19, 1995.

e. Public Law 104-191, the Health Portability and Accountability Act of 1996 (HIPAA).

f. Public Law 106-346 Sec. 359, October 23, 2000.

g. Public Law 111-292, Telework Enhancement Act of 2010, December 9, 2010.

h. VA Directive and Handbook 6500, Information Security Program, September 18, 2007.

i. VA Directive 6502, VA Enterprise Privacy Program, May 5, 2008.

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**APPENDIX A. SAMPLE LETTER
ELIGIBLE TO TELEWORK**

DATE:

TO: Employee

FROM: Deciding Official

SUBJ: Telework Notification Letter – Employee Eligible to Telework

1. The Telework Enhancement Act of 2010 (Public Law 111-292) requires the Department of Veterans Affairs to determine the eligibility of all employees to participate in telework and notify all employees of their eligibility to telework. In order for an employee to be approved to telework, the employee's position must be identified suitable for telework **and** the employee must be determined eligible to telework. After careful review of your duties and responsibilities I have determined that you are eligible to telework.
2. This decision does **not** grant you permission to telework. Before you may be approved to telework, you must complete employee telework training in the Talent Management System. You must also submit VA Form 740, Telework Request/Agreement, to your supervisor for evaluation.
3. You may begin teleworking only after you have completed the required telework training and have an approved Telework Agreement. Mission needs, availability of equipment and internet access to the VA network will be considered when evaluating your request to telework.

Signature of Decision Official

I acknowledge receipt of this letter.

Signature of Employee

Date

**APPENDIX B. SAMPLE LETTER
NOT ELIGIBLE TO TELEWORK**

DATE:

TO: Employee

FROM: Deciding Official

SUBJ: Telework Notification Letter – Employee **Not** Eligible to Telework

1. The Telework Enhancement Act of 2010 (Public Law 111-292) requires the Department of Veterans Affairs to determine the eligibility of all employees to participate in telework and notify all employees of their eligibility to telework. In order for an employee to be approved to telework, the employee's position must be identified suitable for telework **and** the employee must be determined eligible to telework. After careful review of your duties and responsibilities I have determined that you are not eligible to telework for the following reason(s):

- Your position requires you to be present on-site for the performance of your duties every work day
- Your position requires access every work day to classified and/or sensitive information that cannot be accessed remotely or has not been approved for remote access
- Your position requires the use of special facilities and equipment that VA cannot readily or economically provide at an alternative work location
- Your position requires in-person contact with supervisors, co-workers, Veterans and/or clients every work day
- Your position requires oversight/observation every work day
- You do not have a current performance rating of at least "fully successful" or equivalent
- You have been officially disciplined for being absent without leave (AWOL) for more than 5 days in a calendar year
- You have been officially disciplined for violations 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 (required by law)
- You lack the requisite work history of reliability, responsibility, and ability to work independently.

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Other (Specify):

2. You will be notified in writing if there are changes in this determination.
3. This determination may be grieved under applicable administrative or negotiated grievance procedures.

Signature of Decision Official

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