



DEPARTMENT OF THE NAVY
COMMANDER
NAVAL EDUCATION AND TRAINING COMMAND
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NETCSTAFFINST 5330.1C
N1CP
14 Mar 2024

NETC STAFF INSTRUCTION 5330.1C

From: Commander, Naval Education and Training Command

Subj: NAVAL EDUCATION AND TRAINING COMMAND WORKFORCE TELEWORK PROGRAM

Ref: (a) 5 U.S.C. §6501-6506
(b) DoD Instruction 1035.01 of 8 January 2024
(c) SECNAVINST 12271.1
(d) SECNAVINST 5510.36B
(e) OPNAVINST 5239.1E
(f) NETCINST 1035.1C
(g) NETCINST 5200.2C
(h) NETCINST 5211.3B
(i) NETCSTAFFINST 7410.1D
(j) MyBiz+ Update Telework in MyBiz+ User Guide

1. Purpose. To establish policy, assign responsibilities, and identify requirements for the Naval Education and Training Command (NETC) Headquarters (HQ) staff telework program based on the guidelines provided in references (a) through (j). The intent is to allow eligible federal civilian and military personnel at NETC HQ to telework in accordance with all references and without diminished organizational mission accomplishment.

2. Cancellation. NETCSTAFFINST 5330.1B.

3. Scope. This instruction applies to all NETC HQ federal civilian employees and military personnel. This instruction is not applicable to contractor employees. Bargaining unit employees will follow the telework terms, conditions, and negotiated processes outlined in their corresponding collective bargaining agreement.

4. Background

a. Reference (a) is the telework chapter of Title 5 of the U.S. Code. Reference (b) is the Department of Defense (DoD) policy on telework. Reference (c) is Department of the Navy

(DON) policy on telework. Reference (d) is the DON information security program policy. Reference (e) is the U.S. Navy cybersecurity program. Reference (f) implements the NETC telework program. Reference (g) improves effectiveness of NETC training and education information technology governance entities. Reference (h) establishes policy and guidance for creating and sending electronic mail (e-mail) containing personally identifiable information, establishes policy regarding signature blocks for official e-mail sent from a Navy and Marine Corps Intranet (NMCI) account, and provides guidance regarding DoD and DON prohibition (except in very limited circumstances) on the use of personal messaging accounts to conduct official business. Reference (i) provides supplemental guidance for timekeeping and leave for civilian personnel at NETC HQ. Reference (j) provides instructions on how to update employee's telework in MyBiz+.

b. Prior to Coronavirus 2019 (COVID-19), most force development (FD) employees worked on-site in an office 5 days per week. As a result of the protective measures implemented during the COVID-19 pandemic, teleworking became widely utilized across the DON, as well as the FD domain. Out of necessity, the FD domain immediately began to embrace a telework posture for the majority of employees, proving to be very beneficial. As NETC HQ evolves for the future, a hybrid work environment which capitalizes on the benefits of both telework and on-site work will set the conditions for success within the FD domain. The policy set forth in this instruction was derived from employee and leadership input to capitalize on lessons learned and continue to enhance the work environment.

5. Policy. NETC HQ fosters a robust telework environment aligned with mission needs and policies in references (a) through (j). Our telework program enhances efficiency, readiness, and employee well-being. While not an entitlement, it proves valuable for recruitment and retention.

6. Eligibility. NETC offers telework modes that provide managers, supervisors, and employee's optimal flexibility in work arrangements that support accomplishment of mission requirements. Supervisors will first determine and identify positions that are eligible for telework, and for positions that are determined to be telework eligible, the supervisor will then

determine eligibility of employees to participate in telework based on outlined guidance, and employees will be notified of their eligibility to telework. Decisions on requests for reasonable accommodation (RA) that involve telework must follow DON RA procedures. For RA actions, consultation with the equal employment opportunity (EEO) and RA coordinator office and Office of General Counsel (OGC) are advised, and are required if an RA request is to be denied in whole or in part. Consideration of a RA request requires an individualized assessment of the request. The DON RA processes take precedence over the processes in this instruction.

a. Employee eligibility is discretionary and determined by the supervisor, consistent with this instruction, referenced directives, and criteria contained herein, to include the duties of the particular position and the telework capabilities of the individual employee.

b. Flexibility should be allowed for employees to telework to the extent that neither mission readiness nor mission accomplishment are compromised.

c. Telework is not an entitlement and not all employees or positions are eligible. There are many individual, position, or mission requirements that may require a supervisor to determine a position or employee is ineligible for telework. The factors to consider include, but are not limited to:

(1) Employee is in a position that requires direct handling of classified material on a daily basis.

(2) Employee is in a position that requires, on a daily basis, an on-site activity or face-to-face personal contact that cannot be handled remotely or at an alternate workplace (e.g., hands-on contact with machinery, customers, equipment, etc.).

(3) Employees whose performance or conduct warrants more close supervisory direction; whose rating of record is below fully successful; whose conduct has resulted in corrective action (oral counseling, reprimand, etc.) within the past 12 months; or who have unresolved security issues that might influence telework eligibility or capability (e.g., based on personal conduct, handling protected information, or misuse of information technology systems).

(4) Employee who is not fully task-qualified to perform the functions of their job. This may include personnel in upgrade training, trainees and trainers, developmental personnel, and interns.

d. Employees shall not be authorized to telework if:

(1) The employee has been officially disciplined for being absent without permission for more than 5 days in any calendar year, or has been officially disciplined for violations of subpart G of the Standards of Ethical Conduct of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a federal government computer or while performing federal government duties.

(2) The employee is on a performance improvement plan (PIP). Additionally, supervisors of employees on a PIP must ensure appropriate training, mentorship and leadership, etc., are in place at the duty location to facilitate a positive improvement environment for the employee.

(3) The employee is subject to continuity of operations (COOP) activation. In such cases, the employee must report to their regular official agency worksite or, with supervisory approval, be provided with an alternative worksite in a designated agency location or offered administrative leave until such time as official alternative worksite location is available.

e. The limitations on eligibility, even in emergency or other unforeseen situations (pandemic, hurricane, national emergency, etc.), set forth in this paragraph are not intended to constitute an exhaustive list of reasons to limit or restrict telework. Supervisors are highly encouraged to support telework and should consult human resources (HR) and legal advisors when considering other limitations.

7. Approval levels. Unless in an approved leave or official travel status, all personnel assigned to NETC HQ must report to their official NETC worksite a minimum of 2 days per week. Supervisors, branch heads, or department heads may designate that the reporting is more often than the 2 days per week based

on mission requirements and the productivity of the work center. Within this construct, the following are the approval levels based on the frequency of telework.

a. Direct Supervisors: Determine telework eligibility of positions, and, when delegated such authority, approve telework requests consistent with this guidance and the applicable delegation.

b. Division directors (DD) or special assistants (SA): May approve telework, in the local commuting area, ensuring employees report, regardless of work schedule, at least 2 days per week. DDs and SAs may also approve variations within the week as long as the employees are reporting 2 full days per week (e.g., employee may report physically for 4 half days or 1 full day and 2 half days per week). DDs or SAs may delegate all or a portion of their telework approval authority in writing down to the direct supervisor level. DDs or SAs may approve short-term (less than 30 days) of full time telework or remote work for specific situations (medical need, recovery, family care, leave location, etc.). Short-term approvals must be documented in writing, with the employee acknowledging that the position is not eligible for remote work, that the exception is only for a temporary period, that the employee's locality pay will not change while on temporary remote work, and the employee will be responsible for the cost of any travel to remote location and return to the of normal duty location. DDs or SAs may also recommend approval or denial of telework requests exceeding their authority to approve. DDs or SAs will act as appeal officials for telework requests that are denied by officials to which they delegated approval authority.

c. Chief of Staff (COS): Approve telework in the local commuting area on a full-time basis (does not report to a NETC official worksite) or any non-short-term request to telework for more than 3 days per week. Additionally, this level maintains the approval authority for full-time remote work, where the employee telework location outside the local commuting area is documented in their Defense Civilian Personnel Data System (DCPDS) record (paid the locality for the assigned telework location). Requests for telework that would not require the twice-weekly reporting, full-time, and remote telework requests must be sent to NETC HQ HR staff (N1CP) and endorsed by the DD

or SA. NETC N1CP will accept the request and coordinate the package for review by the COS, comptroller, OGC or Force Judge Advocate (FJA), and other offices as needed.

8. Participation. Employee participation in telework is voluntary except in certain emergency situations.

a. The requirement to telework in response to emergency situations must be reflected in the employee's Telework Agreement (DD 2946).

(1) Emergency situations that affect a single activity or building may result in the requirement to telework.

(2) When an employee's regular worksite is unavailable during an emergency, employees not eligible for telework and telework eligible employees who are not telework ready may be:

(a) Authorized an accessible alternative worksite from which to work; or

(b) Granted weather and safety leave, when appropriate.

b. Operating status announcements requiring unscheduled telework may be made by Office of Personnel Management (OPM), DoD, or other authorized official.

c. NETC employees performing mission critical functions may be required to telework.

d. During an emergency (pandemic, hurricane, national emergency, etc.), supervisors shall review employees or positions previously determined to be ineligible for telework based on criteria set forth in paragraphs 6c(1) through 6c(4), and determine whether those employees or positions may be required to situationally telework during the period of the emergency. Such emergencies do not affect the telework eligibility of those disqualified from telework under paragraph 6d.

9. Responsibilities. Individuals with responsibility for telework programs shall take necessary action to implement the provisions outlined in references (a) through (c) and this instruction.

a. HR Director will:

(1) Update and revise telework policy based on guidance and direction from higher authorities (OPM, DoD, DON, etc.).

(2) Grant access to DCPDS MyWorkplace hierarchy tool for maintenance of employee telework eligibility status. The position hierarchy is required for supervisors and managers to view and update an employee's telework eligibility record.

(3) Maintain telework program metrics for effective measurement, assessment, and compliance evaluation as required by Congress, OPM, DoD, and DON.

(4) Designate a telework program manager within NETC N1CP.

b. NETC HQ Telework Program Manager will:

(1) Serve as the advisor for the NETC HQ's telework program, responsible for telework program advocacy.

(2) Provide policy development and implementation related to Agency telework programs.

(3) Review, provide, and interpret DoD, DON, and NETC policies on telework.

(4) Advise supervisors and employees on the proper execution of their telework policy, procedures, and responsibilities.

(5) Coordinate with NETC N1CP to provide telework policy and guidance in new employee orientation materials for all employees to ensure they are aware of their responsibilities should telework be offered or requested.

(6) Coordinate with supervisors and OGC to provide advisory services on denials of requests to telework, terminations of telework agreements for adverse reasons, and for situations involving issues outside of those addressed herein.

(7) Advise managers and employees on telework matters.

c. COS will:

(1) Make approval or denial decisions on requests to telework for more than 3 days per week, for remote work, other than short-term remote work, and for telework requests from direct supervisees.

(2) Coordinate and consult with HQ offices, as needed (HR, comptroller, OGC, FJA, etc.), to obtain any advice related to possible decision impact.

d. DDs or SAs will:

(1) Approve, deny, or recommend denial of requests to telework for all federal civilian and military employees per the guidance in this instruction. A telework agreement will be completed any time an employee submits a request to telework. An electronic DD 2946 in Total Workforce Management System (TWMS) may be used if desired. Denial of an employee's request to telework will be documented using a DD 2946. Justification for the denial or termination of telework must be based on mission requirements, task competence, job performance, or needs of the workgroup (e.g., office coverage or hours of customer service). Denials should include when the employee may reapply, or actions the employee should take to improve their probability of approval, when practicable. When considering denial of telework, DDs or SAs are required to consult with HR and OGC or FJA, as applicable.

(2) DDs or SAs may terminate an employee's telework eligibility or approval at any time, based on criteria established in this instruction. Prior to terminating, DD or SA shall consult with HR and OGC or FJA.

e. Supervisors will:

(1) Complete telework training in TWMS for DON supervisors prior to approving employee telework agreements and accomplish this training every 2 years.

(2) Review telework agreements and DD 2946, and ensure teleworking employees complete telework training at a minimum of every 2 years. The telework agreements must be reviewed and discussed by the employee and supervisor every 2 years.

(3) Review all positions for eligibility and suitability for telework. Consider situational telework eligibility for positions that may require on-site presence, but could benefit from occasional telework to complete some tasks, training, etc.

(4) Notify employees of their eligibility to participate in the telework program. For employees not fully task qualified, the supervisor must monitor the training and evaluate when or if the employee is eligible to perform their duties in a telework environment.

(5) Apply the same performance management standards for both teleworkers and non-teleworkers, and ensure an equitable work environment for performance reviews, pay decisions, and promotions for both teleworkers and non-teleworkers.

(6) Ensure equity and fairness are applied in the same manner that other personnel related issues are handled, including distribution of assignments among all employees in the work unit, whether working at the NETC worksite or at appropriate alternative worksites.

(7) Ensure that telework does not place an undue hardship or extra workload on other employees. In such a situation, the telework arrangement should be modified consistent with mission needs and legitimate business reasons.

(8) Identify employees with mission-critical duties, those who may be required to telework in the case of a COOP event, office closure due to adverse or inclement weather, or pandemic health crisis, and ensure they have a completed and approved DD 2946 on file. The telework agreement should address the telework location and work expectations. To the extent

practicable, supervisors will include a description of emergency duties with the telework agreement if emergency duties are different from the employee's normal duties.

(9) Use appropriate work tracking and communication tools regardless of supervisor or employee telework status.

(10) Hold personnel accountable for government furnished equipment.

(11) For civilian employees, supervisors must update and maintain employee eligibility via MyWorkplace. Reference (j) is found in the MyBiz+ Help Tab, under User Guides for Managers and Supervisors.

(12) Supervisors will follow RA guidelines when telework is requested as an accommodation. No RA for telework shall be denied, in whole or part, without consulting with NETC EEO or RA coordinator and NETC OGC.

f. Telework eligible personnel desiring or approved to telework will:

(1) Complete and submit DD 2946 to the supervisor for review and approval at the appropriate level.

(2) Maintain a safe and professional work environment while teleworking.

(3) Complete the TWMS telework training for DON employees before the commencement of telework and every 2 years while actively teleworking.

(4) Satisfactorily complete all assigned work per standards and guidelines in the employee's performance plan. Employees must ensure availability for calls, discussion, e-mails, meetings, and execution of duties is no different from being in the physical office or worksite.

(5) Assume responsibility for operational costs incurred from working at their alternative worksite. NETC assumes no responsibility for any operating costs associated with the employee using their personal equipment and residence as an alternate worksite. This includes home maintenance, insurance,

and utilities (including, but not limited to, telephone, cable, and internet). All computer functionality requirements will require NMCI compliant equipment, and such equipment will be issued to the employee prior to the start of telework. The teleworker must use only NMCI equipment in the conduct of official business requiring access to controlled unclassified data, including personally identifiable information, and is responsible for testing the equipment prior to the commencement of teleworking. Unauthorized disclosure of classified information or controlled unclassified information on a personal device may result in confiscation and destruction of the device and administrative or disciplinary action.

(6) Adhere to DoD, DON, and NMCI information assurance policies and guidelines, and ensure that equipment is used in compliance with those directives while under a telework agreement. Employee will immediately notify their supervisor of any technological problems, and contact the NMCI help desk to resolve the problem. If the problem is not resolved immediately, the employee and supervisor will determine an appropriate course of action for the employee to work either from the alternate worksite or return to the official worksite.

(7) Ensure the teleworking posture results in no mission or customer support degradation. Phones must be forwarded to alternative worksite and answered in the same manner regardless of duty location. Signature blocks and out of office messages indicating teleworking status to account for telework time are not permitted.

(8) Be knowledgeable in the proper utilization of Microsoft Teams, and be ready and able to interface with customers, co-workers, and supervisors at any time while teleworking. Ensure proper use of camera (if available or issued).

(9) Upon reasonable notice (24 hours prior), local teleworking employees are required to report to the traditional worksite on scheduled telework days, based on operational needs and requirements, at the discretion of the supervisor or higher level leadership. The reasonable notice period can be less for emergent operational needs.

(10) Request leave as appropriate for circumstances where the employee is unable to work due to injury, illness, or dependent care responsibilities. Employees approved for telework may not use telework as a substitute for dependent care (e.g., child or elder care).

(11) Terminate a voluntary telework agreement at any time, if the employee determines telework participation is no longer desired.

(12) Employees may challenge a denied telework eligibility status or a denied telework request, the reasons given for a denial, or the termination of an existing telework agreement through the Navy's administrative or negotiated grievance procedures. If an employee believes the action was based on unlawful discrimination, they may initiate a complaint via the EEO complaint process. Additional venues for redress (Inspector General, Office of Special Counsel, etc.) may also be available to employees. Employees and supervisors may utilize alternative dispute resolution (ADR) to resolve telework disputes through DON Workplace ADR program in conjunction with the above complaint process, where applicable.

g. NETC EEO (N00E) will provide advice and assistance, as needed, on telework eligibility or denial determinations, and on RA requests.

h. NETC OGC (N00D) and FJA (N00J) will provide legal advice and reviews on telework eligibility or denial determinations, and on RA requests.

10. Work Schedules, Compensation, and Time and Attendance

a. Telework is official time (hours of duty) and is not to be used for any purposes other than official duties. Unless on approved leave or excused absence, employees who telework must be at their alternative worksite during their scheduled work hours.

b. The governing rules, regulations, and policies concerning time and attendance, leave, compensatory time, and overtime remain in effect, regardless of whether the employee works at the NETC worksite or appropriate alternative worksite.

(1) AWS includes compressed and flexible work schedules. NETC employees may work an approved AWS while teleworking without restriction to either arrangement (telework or AWS) if consistent with organizational and work team needs. Information related to acceptable civilian work schedule guidance and options are found in reference (i).

(2) Premium pay provisions that apply to work at the traditional worksite also apply to employees who telework. Employees may work overtime only when specifically ordered and approved in advance by the supervisor. Instances in which employees perform overtime work without prior supervisory approval may receive administrative or disciplinary action.

c. Supervisors will establish procedures for documenting hours of work and approved leave for teleworkers to ensure telework hours are appropriately coded as regular and recurring or situational. Time spent in a telework status must be accounted for and reported in the Standard Labor Data Collection and Distribution Application System.

11. Records Management

a. Records created as a result of this instruction, regardless of format or media, must be maintained and dispositioned per the records disposition schedules located on the DON Assistant for Administration, Directives and Records Management Division portal page at <https://portal.secnav.navy.mil/orgs/DUSNM/DONAA/DRM/Records-and-Information-Management/Approved%20Record%20Schedules/Forms/AllItems.aspx>.

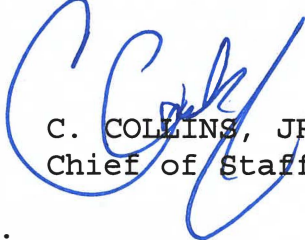
b. For questions concerning the management of records related to this instruction or the records disposition schedules, please contact the local records manager.

12. Review and Effective Date. Per Office of the Chief of Naval Operations (OPNAV) Instruction (OPNAVINST) 5215.17A, NETC will review this instruction annually around the anniversary of its issuance date to ensure applicability, currency, and consistency with Federal, DoD, Secretary of the Navy, and Navy policy and statutory authority using OPNAV 5215/40 (Review of Instruction). This instruction will be in effect for 10 years, unless revised or cancelled in the interim, and will be reissued by the 10-year anniversary date if it is still required, unless

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it meets one of the exceptions in OPNAVINST 5215.17A, paragraph 9. Otherwise, if the instruction is no longer required, it will be processed for cancellation as soon as the need for cancellation is known following the guidance in OPNAV Manual 5215.1 of May 2016.

13. Forms. The following form is available for download from the DoD Forms Management Program web site (<https://www.esd.whs.mil/Directives/forms/>): DD Form 2946 (DoD Telework Agreement)



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Chief of Staff

Releasability and distribution:

This instruction is cleared for public release and is available electronically on the NETC public web site (www.netc.navy.mil) or by e-mail at netc-directives@us.navy.mil.