

## HOURS OF DUTY AND LEAVE

1. **REASON FOR ISSUE:** To issue Department of Veterans Affairs (VA) policy regarding hours of duty and leave.
2. **SUMMARY OF CONTENTS/MAJOR CHANGES:** This handbook sets forth mandatory procedures previously contained in numerous other issuances. The pages in this handbook replace the corresponding page numbers in VA Handbook 5011. Revised text is contained in [brackets]. These changes will be incorporated into the electronic version of VA Handbook 5011 that is maintained on the [Office of the Chief Human Capital Officer website](#) and the [VA Publications website](#). The policy change:
  - a. Provides guidance on remote printing and shredding requirements.
  - b. Provides guidance on emergency closure and dismissal impact on telework.
3. **RESPONSIBLE OFFICE:** Worklife and Benefits Service (058), Office of the Chief Human Capital Officer.
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/  
Guy T. Kiyokawa  
Assistant Secretary  
for Enterprise Integration

/s/  
Gina M. Grosso  
Assistant Secretary for  
Human Resources and Administration/  
Operations, Security and Preparedness

**DISTRIBUTION:** Electronic Only

**PARAGRAPH** **PAGE**

**CHAPTER 4. ALTERNATIVE WORKPLACE ARRANGEMENTS (FLEXIPLACE)**

1. <a href="#">PURPOSE</a> .....	II-41
2. <a href="#">COVERAGE</a> .....	II-41
3. <a href="#">EXCLUSIONS</a> .....	II-41
4. <a href="#">RESPONSIBILITIES</a> .....	II-41
5. <a href="#">DEFINITIONS</a> .....	II-42
6. <a href="#">POLICIES AND PROCEDURES</a> .....	II-43
7. <a href="#">TELEWORK CRITERIA</a> .....	II-45
8. <a href="#">PROCESS FOR ESTABLISHING A TELEWORK AGREEMENT</a> .....	II-49
9. <a href="#">PROCEDURES TO REQUEST A TELEWORK AGREEMENT</a> .....	II-49
[10. <a href="#">REFERENCES</a> .....	II-50]

**APPENDICES**

II-A. <a href="#">SAMPLE LETTER - ELIGIBLE TO TELEWORK</a> .....	II-A-1
II-B. <a href="#">SAMPLE LETTER - NOT ELIGIBLE TO TELEWORK</a> .....	II-B-1
II-C. <a href="#">VARIABLE WORK SCHEDULE AGREEMENT</a> .....	II-C-1
II-D. <a href="#">SAMPLE REQUEST FORM FOR ALTERNATE SCHEDULES – VA FORM 0870a</a> .....	II-D-1
II-E. <a href="#">SAMPLE NOTICE ON THE 9-MONTH WORK SCHEDULE REGARDING THE IMPACT ON BENEFITS AND OTHER CONDITIONS OF EMPLOYMENT (NEW EMPLOYEE)</a> .....	II-E-1
II-F. <a href="#">SAMPLE NOTICE ON 9-MONTH WORK SCHEDULE REGARDING THE IMPACT ON BENEFITS, PROBATIONARY STATUS AND OTHER CONDITIONS OF EMPLOYMENT – CONVERSION FROM FULL-TIME TO PART-TIME/CURRENT PART-TIME TO 9-MONTH WORK SCHEDULE</a> .....	II-F-1
II-G. <a href="#">SAMPLE CONSENT FORM FOR APPOINTMENT TO A 9-MONTH/3-MONTH OFF ALTERNATE WORK SCHEDULE AGREEMENT – VA FORM 0870b</a> .....	II-G-1
II-I. <a href="#">PRESCHEDULED PART-TIME TOURS AND THE UTILIZATION OF ADJUSTABLE WORK HOURS (TITLE 38)</a> .....	II-I-1
II-J. <a href="#">MEMORANDUM OF SERVICE LEVEL EXPECTATIONS FOR PART-TIME PHYSICIANS ON ADJUSTABLE WORK HOURS</a> .....	II-J-1
II-K. <a href="#">WORKSHEET FOR DETERMINING PERCENTAGES ON MEMORANDUM OF SERVICE LEVEL</a> .....	II-K-1

- f. 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 remote access request through the Remote Access Self Service Portal; and
  - (3) Requesting permanent and temporary changes to their telework schedules through their supervisors.

## 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. **[Domestic Employee Teleworking Overseas (DETO) Arrangement.** A telework arrangement wherein an employee temporarily performs the work requirements and duties of their domestic civil service position from an approved overseas location. Employees may not telework from a foreign location without an approved DETO agreement.
- g. **DETO Agreement.** A written agreement, in addition to the [VA Form 0740, Telework Agreement](#), which is required for all VA employees conducting official U.S. Government business in a foreign location. DETO agreements are extremely rare but may be approved on a case-by-case basis in accordance with the guidance and procedures specified in VA financial policy Volume XIV, Chapter 6 and U.S. Department of State policy guidelines.]

## PART II

## CHAPTER 4

- [h.] **Mobile Work.** Work which is characterized by routine and regular travel to conduct work in customer or other worksites as opposed to a single authorized alternative worksite. Examples of mobile work include site audits, site inspections, investigations, property management, and traveling between worksites, or on Temporary Duty (Note: Normal commuting time from home to work and from work to home is not counted as hours of work).
- [i.] **Official Duty Station.** The city/town, county, and State in which the employee works as determined by the employing agency.
- [j.] **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 [tele]work as [little] as one day per month or as many as five days per week.
- [k.] **Remote Work.** Work performed on [a] full-time basis anywhere other than a VA facility or using a VA-leased space.

- [l.] **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.
- [m.] **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).
- [n.] **Telework Coordinator.** [A] VA employee designated in each [organization] 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.
- [o.] **Virtual Work.** Work performed on a full-time basis using [a] VA-leased space or at a VA facility other than the facility that hired the employee.

## 6. POLICIES AND PROCEDURES.

- a. VA's policy is 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 [a cost savings] and 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 and/or emails to employees apprising them of their eligibility to participate in telework (see sample letters in appendices A and B of this part). 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.

## PART II

## CHAPTER 4

- 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.

## PART II

## CHAPTER 4

- I. Adequate 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 [or in support of a mission requirement] 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
- m. A new telework agreement should be completed if the employee is assigned to work under a new supervisor [or if the terms of the telework agreement change].
- n. Telework is not intended to serve as a substitute for dependent/elder care. Telework arrangements [which] involve[e] 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.). [A special exception may only be authorized in circumstances such as a pandemic or other emergency. When telework is authorized under such exception, the employee is expected to account for work and non-work hours during the tour of duty and take appropriate leave (paid or unpaid) to account for time away from normal work-related duties. Supervisors and employees should discuss this scenario in advance to determine the limits of the employee's ability and how communication and workflow will be affected.]

## 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 [authorized] 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 calendar days of any probationary period. [However, under emergent or extenuating circumstances there may be authorized exceptions on a case-by-case basis.]
  - (2) The [employee's immediate] supervisor is responsible for determining the requirements and expectations of a telework arrangement to include the appropriate number of days [and which job duties may or may not be

performed remotely by the employee]. 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 [in HR-Smart and the electronic time and attendance system, except for telework agreements that are due to a reasonable accommodation. Due to confidentiality reasons, reasonable accommodation telework agreements will be maintained solely by the supervisor and reasonable accommodations coordinator. The supervisor shall inform the timekeeper and human resources office of the telework schedule so that telework is recorded appropriately in HR Smart and the electronic time and attendance system.]

- (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.



## PART II

## CHAPTER 4

- (2) Position suitability [must] be reviewed by management officials based on the functions and [job] duties of the position rather than the title [alone]. Tasks that can be performed away from the traditional office 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 [determining] 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 [if VA network access is not required, the employee] may simply take approved work [ ] 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, [and if required, printed] remotely, provided the employee agrees to protect Government/VA records from unauthorized disclosure[, loss, compromise] or damage[, ] and will comply with the [security] requirements [in] the [Telework Agreement, all applicable VA and local facility policies], Privacy Act of 1974, 5 U.S.C. § 552a, and all applicable Federal law[s] and regulations, VA Directive and Handbook 6210, and other applicable VA policies. [Any hard copy or printed sensitive material shall be kept securely at the alternative site and retained in accordance with the National Archives and Records Administration, facility Records Management guidelines, and VA and facility sensitive material disposition.]

## PART II

## CHAPTER 4

- (3) Telework may not be suitable for [some] positions. However, these positions may be eligible for telework on an ad hoc basis [or in an emergency situation]. These 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, [Information Security Knowledge Service Portal at: <https://dvagov.sharepoint.com/sites/OITOIS/KnowledgeService/Pages/Home.aspx>] (see [also] VA Directive 6500, Automated Information Systems Security).

## PART II

## CHAPTER 4

## 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, 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 [policy and] legal requirements [in accordance with the] Privacy Act of 1974, 5 U.S.C. § 552a [and the] policies and procedures [set forth in] VA Directive and Handbook 6500) [ ]. Prior notice to the employee is not required to terminate telework arrangements due to security violations.
- (2) If any legal requirements [are made to the] Privacy Act of 1974, 5 U.S.C. § 552a, [or if there are any updates to] VA Directive and Handbook 6500, [or other Departmental policies and procedures,] the employee, upon proper notice, must agree to comply with the changed requirements. Failure to [do] so constitutes a basis for [potential] termination [of the telework agreement.]

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 weather and safety rules apply:

- (1) **Unscheduled Leave and Unscheduled Telework.** In the event of an emergency, Government agencies may be closed to the public [with telework employees continuing to work. Employees are expected to perform unscheduled telework for the entire workday at the alternate work site, take other leave (paid or unpaid) or other time off, or use a combination of telework and leave or other paid time off. Telework program participants do not receive weather and safety leave when a closure is announced unless an exception in subparagraph (4) below applies.]
- (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 [alternate] 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 [alternate] 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.). [Under these circumstances, employees excused from duty may be granted weather and safety leave in accordance with Part III, Chapter 2, paragraph 12u. and Chapter 3 paragraph 9o. of this handbook.]

## PART II

## CHAPTER 4

- 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 the employee can telework on an ad hoc basis. [Exceptions to the telework agreement requirement may be authorized during emergent situations, when one or more employees are evacuated from their worksite and perform work from their home (or at an alternative location mutually agreeable to the supervisor and employee). In these circumstances, the ad hoc telework agreement should be completed as soon as practicable]. An employee approved only for ad hoc telework should telework periodically throughout the year to ensure that the employee 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 [and security] criteria, and submit it to the immediate supervisor.
  - (2) The supervisor and employee will 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 provide GFE may be based on the availability of [equipment and possibly the availability of purchasing] 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 [request OIT to] provide the employee with a docking station. The employee then [is able to use] the same computer at the traditional work site and the telework site.
  - (2) [Remote printing is permitted for employees on approved telework agreements when the ability to create and/or print documents is required as part of the employee's assigned job duties. Supervisors seeking authorized remote printing for a proposed or existing employee must certify the employee's position requires remote printing on the

## PART II

## CHAPTER 4

VA Form 0740, Telework Request/Agreement and obtain a second level supervisory signature, as applicable, in accordance with VA OIT guidelines. Printer supplies such as ink and paper will be provided by the employee's program office. A GFE shredder is also required if the employee will print documents that may contain VA sensitive and/or personally identifiable information that are not deemed official Government records. The shredder is to be issued by the employee's VA program office in addition to the printing supplies. The following guidance applies to remote printing:

- (a) The use of personally owned printers is strictly prohibited.
  - (b) Employees approved for remote printing as part of their assigned job duties must comply with VA and local facility policies regarding information security or the appropriate storage and destruction of printed VA sensitive and personally identifiable information in a remote setting. Remotely printed documents containing VA sensitive and/or individually identifiable information that are not deemed official Government records (i.e., working papers) must be shredded when no longer of use. Shredding is to be done in accordance with VA and local facility policy. GFE shredders will be purchased and assigned to authorized full-time remote or telework staff by their program office.
  - (c) Employees who participate in telework on a less than full-time basis must ensure documents requiring destruction are securely transported to their official duty station to be shredded and disposed of in accordance with VA and local facility policy.
- (3) The supervisor must determine the level of telephonic support necessary for the teleworker. Local and toll-free calls [ ] can be made on employee equipment. Long distance dialing may be supported by OIT provision of a cell phone, calling card, voice over internet protocol or other modality as determined by OIT.
  - (4) 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 [ ] 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.

## **8. PROCESS FOR ESTABLISHING A TELEWORK AGREEMENT.**

- 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 the employee 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 Veterans Health Administration (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, [ ] and collaborate as needed with the facility's Telework Coordinator.

## **9. PROCEDURES TO REQUEST A TELEWORK AGREEMENT.**

- a. Employees may submit a written request to their immediate supervisor to telework. The request must state the specific work schedule, as well as the proposed workdays, hours, etc. as applicable.
- b. The immediate supervisor must meet or confer directly with the requesting employee within ten business days after receipt of a written request to telework to understand fully the nature of and need for the requested flexibility.
- c. The supervisor must carefully consider the request and any supporting information provided by the employee and provide a written decision to the employee within 20 business days after receipt of the initial request, or within the timeframes set forth in an applicable collective bargaining agreement. Supervisors must consider VA's mission-related requirements and the impact on VA operations when rendering a decision. If the supervisor is unable to grant the employee's request due to mission-related requirements and the impact on VA operations, the supervisor should work with the employee to determine if there are alternatives available that are beneficial to VA and the employee.
- d. If the supervisor denies the employee's request to telework the employee has the right to file a grievance in accordance with the procedures outlined in VA Handbook 5021, Part IV, or applicable collective bargaining agreement.

**10. REFERENCES.**

- a. 5 C.F.R., part 531, subpart F, [ ] (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) [ ].
- e. Public Law 104-191, the Health Portability and Accountability Act of 1996 (HIPAA).
- f. Public Law 106-346 Sec. 359 [ ].
- g. Public Law 111-292, Telework Enhancement Act of 2010 [ ].
- h. VA Directive and Handbook 6500, [VA Cybersecurity Program] [ ].
- i. VA Directive 6502, VA Enterprise Privacy Program [ ].