

Department of Homeland Security
DHS Directives System
Directive Number: 123-05
Revision Number: 01
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Telework Directive

I. Purpose

This Directive establishes the Department of Homeland Security (DHS) telework policy.

II. Scope

- A. This Directive applies to all civilian DHS employees meeting the definition of “employee” as defined in title 5, United States Code (U.S.C.) § 2105.
- B. This Directive supersedes Directive 123-05, Telework Directive.

III. Authority

Public Law (P.L.) 111-292, “[Telework Enhancement Act of 2010](#),” December 9, 2010, as codified in Chapter 65 of Title 5 of the United States Code.

IV. Responsibilities

- A. **DHS Chief Human Capital Officer (CHCO):**
 - 1. Establishes the DHS policy and guidance related to telework, consistent with all applicable laws, regulations, Executive Orders, and DHS policies.
 - 2. Ensures all DHS Components comply with this Directive.
 - 3. Designates a DHS Telework Managing Officer (TMO) to implement the telework program DHS-wide.
 - 4. Comply with 5 U.S.C. § 6506 (d), submitting an annual report to the Chief Human Capital Officer’s Council.
- B. **Component Heads or Their Designees:**
 - 1. Support telework within their respective Components, consistent with accomplishing their missions.

2. Establish Component-specific telework guidelines to implement this Directive within their respective Components.
3. Ensure telework implementation is coordinated among all Component program offices with a shared responsibility for an effective telework program.
4. Designate a Component representative to serve as the telework point of contact for the DHS TMO on all matters related to telework.
5. Ensure employees are notified of their eligibility to telework.
6. Establish specific parameters regarding the process for recalling employees to their regular worksite, to include the amount of notice to be provided to an employee.

C. **Executive Director, Headquarters Human Resources Management and Services** assumes the responsibilities listed under section IV.B. for all support Components with the exception of the National Protection and Programs Directorate (NPPD), the Office of Inspector General (OIG), and the Federal Law Enforcement Training Center (FLETC).

D. **Heads of NPPD, OIG, and FLETC** assume the responsibilities listed under section IV.B. for their respective support Component.

E. **DHS Telework Managing Officer (TMO):**

1. Serves as an advisor for agency leadership, including the CHCO, on telework issues.
2. Serves as the primary point of contact for the U.S. Office of Personnel Management (OPM) on telework issues.
3. Serves as a resource for managers and employees on telework matters.
4. Monitors and assesses Component telework implementation, and provides consultative assistance to Components on matters related to telework.
5. Develops and administers a DHS-wide tracking system for compliance with internal and external telework reporting requirements, and prepares reports for OPM and other oversight agencies.

V. Policy and Requirements

- A. **Telework Availability:** It is DHS policy to make telework available to eligible employees to the maximum extent possible without diminished employee performance or agency operations.
- B. **Telework Benefits:** Telework can be an effective strategy for accomplishing the DHS mission and maximizing government operations during emergencies; recruiting and retaining talent; enabling employees to better manage their work and family/life obligations; and achieving cost savings for both the Department and employees. Telework can also benefit the environment by decreasing energy consumption, traffic congestion, and pollution.
- C. **Continuity of Operations:** Telework is an integral part of DHS plans for continuing operations during all emergencies and events, including pandemic health crises, localized acts of nature, accidents, technology-related emergencies, and natural or man-made disasters. During any period that DHS is operating under a continuity of operations plan, that plan supersedes this Directive.
- D. **Management Approval:** Telework participation is not an employee entitlement or right. Telework is an additional method that management may utilize to accomplish work; therefore, telework participation is within the discretion of management, consistent with DHS and Component telework policies.
- E. **Voluntary Participation:** Employee participation in the Telework Program is voluntary. While participation in the Telework Program is voluntary, once an employee elects to telework, compliance with the requirements of a written telework agreement is not. An employee covered by a telework agreement may telework outside of his/her normal schedule because of a mission imperative, or during temporary emergency or closure situations, provided such requirement is addressed in the telework agreement.
- F. **Notification of Telework Eligibility:** Supervisors notify employees of their eligibility to telework.
- G. **Telework Eligibility:** All DHS positions are eligible to be considered for telework except for those that require on a daily basis:
1. Direct handling of secure materials determined to be inappropriate for telework by the Component Head, and/or
 2. Performance of on-site activity that cannot be handled remotely or at an alternate worksite.
- H. **Limitations on Telework Eligibility:** Employees who are subject to the limitations included in 5 U.S.C. § 6502 (a)(2) are ineligible for telework,

independent of the duties of their position.

I. **Telework Participation:**

1. To be able to telework, an employee's position is identified by management as "telework eligible" and the employee is approved by his/her supervisor or other designated approving official for telework participation.
2. Components may establish additional Component-specific participation criteria (performance, conduct, etc.).

J. **Telework Agreements:** In accordance with 5 U.S.C. § 6502 (b)(2), a signed agreement between the supervisor and employee is needed for participation in any telework arrangement.

K. **Denial or Termination of Telework Agreements and Appeals:** Components are mandated to report to the Office of the Chief Human Capital Officer all denials or terminations of telework agreements, including the reasons for the denials or terminations. Denials or termination of telework agreement must be in writing and include the basis for denial or termination, which is limited to participation criteria and/or business-related, operational needs, and, in the case of termination, failure to meet the terms and conditions of the telework agreement. If the employee wishes to appeal the denial or termination, he/she uses either the negotiated grievance procedure (if in a bargaining unit and if applicable) or the administrative grievance procedure.

L. **Dependent Care:** Telework is not a substitute for dependent care. Teleworkers make other arrangements for dependent care.

M. **Telework Training:** In accordance with 5 U.S.C. § 6503, eligible employees and supervisors of eligible employees must complete telework training before the employee's telework commences. Employees who have been teleworking on a regular basis before the effective date of this Directive may be exempted from this requirement.

N. **Equal Treatment:** In accordance with 5 U.S.C. § 6503 (a)(3), teleworkers and non-teleworkers are treated the same for purposes of work requirements, performance management, awards and recognition, training opportunities, promotion, and other acts of managerial discretion.

O. **Return to Regular Worksite:** Management reserves the right to require a teleworker to return to the regular worksite on his/her scheduled telework day(s), based on business-related, operational needs.

P. **Supplemental Telework Guidance**: Telework guidance developed by DHS Components, support Components, or individual offices, comply with this Directive.

VI. Questions

Address questions or concerns regarding this Directive to the Office of the Chief Human Capital Officer.



Chip Fulghum
Acting Deputy Under Secretary for Management

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Date