

FDA Staff Manual Guides, Volume III – General Administration

Personnel - Personnel Relations and Services

Domestic Employees Teleworking Overseas Program

Effective Date: 01/13/2023

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1. Purpose

This Staff Manual Guide (SMG) establishes Food and Drug Administration (FDA) -wide processes and procedures to manage and implement the U.S. Office of Personnel Management (OPM), U.S. Department of State (DoS), and U.S. Department of Health and Human Services (HHS), Domestic Employees Teleworking Overseas (DETO) program. This SMG applies FDA-wide to all employees who are on the official travel orders of their spouse or domestic partner, who is currently assigned to an overseas duty

location under U.S. Chief of Mission (COM) or to a Geographic Combatant Command (GCC). An approved DETO arrangement allows an employee to carry out the duties of a full or part time domestic position remotely from an approved overseas duty location.

DETO is defined as a limited-duration workplace flexibility option wherein the FDA employee appointed under Title 5, Title 21, or Title 42, is an Eligible Family Member (EFM) (DoS FAM Definition of EFM) accompanying his/her spouse or domestic partner on a U.S. Government (USG) assignment to an overseas location¹. Only FDA employees who have been specifically authorized by FDA and DoS to participate in the DETO program may do so. By necessity, this will require the employee to telework/work remotely from the overseas duty location authorized under the DETO program. The employee approved to participate in DETO must sign a Domestic Employees Teleworking Overseas (DETO) Agreement and must be approved by a National Security Decision Directive (NSDD-38). If the employee is accompanying their spouse or domestic partner on a U.S. Department of Defense (DoD) assignment to a GCC, an approved Security Memorandum of Understanding (MOU) between the DoS and the DoD must be in place. The procedures and approvals obtained, as outlined in this SMG, allow the employee to perform their domestic work duties from an overseas duty location and must be completed prior to the employee being allowed to commence domestic work duties from the approved overseas duty location.

2. Background

DETO arrangements are rare in the Federal Government due to increased security concerns and costs to employing agencies. FDA will consider requests for DETO arrangements on a case-by-case basis. Employees should consult with their direct supervisor, and relevant Center and Office leadership as early as possible in the process, as DoS approval can take anywhere from six months to one year. U.S. Public Health Service Commissioned Corps Officers should also contact their Center/Office Commissioned Corps Liaison as early as possible in the process.

Before approval and deployment, the employee must meet overseas training requirements and have proper documentation such as passport, visa, and work permit to perform work for the federal government overseas, as outlined in the Procedures section below. A DETO arrangement may entail significant costs to the agency, the employee, or both, including security and administrative support costs. FDA must be prepared to address any problems with the arrangement, including situations when the employee or agency wants to terminate the DETO arrangement, or the employee returns to the U.S.

¹ See 3 FAM 2370 Domestic Employee Teleworking Overseas (DETO), <https://fam.state.gov/fam/03fam/03fam2370.html>.

An approved DETO arrangement does not entitle an FDA employee to space, IT equipment or other resources at the U.S. Embassy beyond those resources extended to them as an EFM (when FDA employee is accompanying spouse or domestic partner assigned under U.S. COM). Generally, the FDA employee should not expect the U.S. Embassy to provide office space or other resources.

DoS policy requirements ([see link](#)) apply to all Federal Executive Branch agencies in addition to the requirements of the Telework Enhancement Act of 2010 and HHS and FDA telework policies.

3. Policy

A request for a DETO arrangement is predicated on an FDA employee's spouse or domestic partner who is assigned under U.S. COM or under U.S. GCC and FDA Center or Office's desire to retain an employee and provide the approval for them to carry out their duties of a full or part time domestic position remotely from an approved overseas duty location to accompany their spouse or domestic partner.

This SMG describes the FDA policies and procedures for meeting HHS policy and DoS requirements for requesting approval for participation in the DETO program.

Scope: Sponsored DETOs are the only DETOs allowed at FDA and HHS. This means, only an FDA Civil Service employee or a U.S. Public Health Service Commissioned Corps Officer who is the spouse or domestic partner of a sponsoring Federal Civil Service employee, DoD employee, or uniformed service member assigned overseas can request approval to be a DETO. For purposes of this SMG, U.S. Public Health Service Commissioned Corps Officers are treated as "employees" when executing a DETO arrangement. This SMG applies to non-bargaining unit employees and bargaining unit employees. With respect to bargaining unit employees, to the extent that provisions of this DETO SMG are in specific conflict with the Memorandum of Understanding Regarding Workplace Flexibilities Between the National Treasury Employees Union and the Department of Health and Human Services (referred to as "Workplace Flexibilities MOU")² or the Collective Bargaining Agreement (CBA)³, the provisions of the Workplace Flexibilities MOU, CBA, or both will govern.

² Memorandum of Understanding Regarding Workplace Flexibilities Between the National Treasury Employees Union and the Department of Health and Human Services, signed October 21, 2022.

³ Department of Health and Human Services/Consolidated Collective Bargaining Agreement (CCBA), revised March 6, 2014

An FDA employee must be on USG orders of a sponsoring employee assigned overseas under U.S. COM or assigned to U.S. GCC. FDA and HHS do not allow DETO arrangements for their employees who are not on orders of a USG sponsoring employee (i.e., “independent DETO”), due to the expanded risks and costs of independent DETO arrangements.

Generally, only FDA employees who are accompanying his/her spouse or domestic partner to an overseas assignment for a period of at least two years should request approval for DETO program. FDA generally does not approve DETO assignments for less than two years. Assignments of less than two years are subject to other (non-DETO) FDA policies and procedures. FDA’s Office of Global Policy and Strategy (OGPS) must consult with the COM and seek approval for a DETO arrangement through the NSDD-38 process before the DETO may begin to work from the approved overseas duty location, as outlined in the Procedures section below.

This SMG applies only to FDA employees seeking to work overseas to accompany his/her spouse or domestic partner to an overseas assignment under the specific DETO requirements described in this SMG. This SMG is not a broader policy on FDA employees working overseas.

Refer to [Attachment A](#) for key facts on FDA policy on DETO arrangements.

4. Responsibilities

DETO (employee): Works with FDA supervisor to provide the information necessary to request a DETO arrangement, including relevant information from their spouse or domestic partner. U.S. Public Health Service Commissioner Corps Officers should follow the procedures outlined below, and also notify the Center Commissioned Corps Liaison as early as possible to ensure any necessary U.S. Public Health Service requirements are completed. Once at the approved overseas duty location, a DETO is responsible for reporting to their supervisor and adhering to the work arrangement agreed to in the DETO Agreement.

The host agency for the DETO’s spouse or domestic partner is responsible for obtaining any required medical clearance, passport and/or visa for the DETO. A DETO is not to use the U.S. Embassy for any other services, resources or privileges, including work-related needs, other than those provided to them as an EFM (DoS FAM Definition of EFM), unless specifically authorized by the U.S. Embassy. While a U.S. Embassy might agree to provide office space or other resources in a particular case, the FDA employee should not expect to receive them in most cases.

Once DETO is at the overseas duty location, the COM at the U.S. Mission abroad has responsibility for the security of the DETO in the overseas duty location as they do for all EFMs. The DETO status designates the employee as an active USG employee with another agency – who normally does not require any additional embassy provided resources.

Center/Office DETO Supervisor: Works with the employee to request the required DETO arrangement approvals from their FDA Center/Office. An employee's supervisor will pursue and support a DETO arrangement based on their interest in retaining the employee and if it is deemed the employee is able to perform their duties and responsibilities from an overseas location. Once FDA and DoS approve a DETO arrangement and a DETO is working at the approved overseas duty location, the DETO supervisor maintains the employer/employee supervisory relationship, including assuring check ins, conducting performance reviews, approving time and attendance, requests for leave, and performs all other supervisory functions they would normally perform for the employee if the employee were based in the U.S. The supervisor ensures that employee is adhering to the DETO Agreement signed by the employee.

FDA Center/Office: Provides Center/Office approval for the employee. The Center/Office must provide the proper justification for a DETO arrangement, including the value of the employee's work for the FDA, that it is amenable to a DETO arrangement, why the employee is expected to maintain a high level of performance, and that the employee working from an overseas duty location is not expected to hamper distance-based supervision.

FDA Center or Office will consider DETO arrangement requests on a case-by-case basis, based on the availability of resources, funding, and other business decisions. An employee is not entitled to a DETO arrangement approval.

FDA Center/Office is responsible for overseeing the DETO arrangement request through clearance at the different Office of the Commissioner (OC) levels, including submitting requests for review and approval, and addressing any questions that arise from the OC level review.

Office of the Commissioner, Office of Policy, Legislation and International Affairs, Office of Global Policy and Strategy, Office of Global Operations (OC/OPLIA/OGPS/OGO): Oversees the DoS DETO submission, review and approval process, including submitting NSDD-38 requests, tracking approvals, and addressing any issues that arise from DoS review. OGPS will notify HHS of new FDA DETO requests, approved DETOs, and completed or terminated DETOs.

Office of the Commissioner, Office of Operations, Chief Operating Officer (COO):

Makes decisions about whether employee can use FDA equipment at overseas duty location, and if they can, the type of equipment they should use (i.e., loaner or standard). The COO's decision is based on the Office of Information Security's risk assessment, and the DETO length of assignment.

Office of the Commissioner, Office of Digital Transformation, Office of Information Security (OC/ODT/OIS):

Provides location-specific cybersecurity and counterintelligence risk level associated with potential DETO assignment and provides recommendation to COO on FDA equipment that should be used by DETO in the overseas duty location. If COO approves loaner equipment, OIS's Foreign Travel Security and Support Operations Team will issue equipment to employee. In addition, OIS will provide a security briefing to the employee before they go on the DETO assignment and will coordinate periodically with the employee once they are at overseas duty location to maintain awareness of current cybersecurity and/or counterintelligence concerns and to mitigate any issues that may arise.

Office of the Commissioner, Office of Operations, Office of Enterprise Management Services, Division of Human Capital (OC/OO/OEMS/DHC):

the Human Capital Liaison in DHC reviews DETO arrangement request from FDA Center/Office and routes the request to OEMS Executive Officer for agency approval.

Office of the Commissioner, Office of Operations, Office of Talent Solutions (OC/OO/OTS):

Changes the employee's duty location to the overseas location upon approval of a DETO arrangement, and from the overseas location to the U.S. duty location at the completion of a DETO arrangement when requested by the employee's Center/Office Human Resource liaison.

Department of State Regional Bureau and Office of Management/Strategy and Solutions (M/SS) (At DoS Headquarters):

The Regional Bureau can provide guidance and relay any potential concerns, delays in processing, or problems with the proposed DETO arrangement.

The DoS Regional Bureau Executive Office must provide their approval via the DETO Agreement signature page (see [Attachment B](#)). DoS will upload this document into the NSDD-38 portal.

M/SS is the office within the DoS that is responsible for COM authority and for transmission of the request for NSDD-38 through a U.S. Embassy cable. M/SS will coordinate with OGPS to assure all the information in the request for an NSDD-38 is

complete prior to its submission to the U.S. Embassy. M/SS will also inform the OGPS of the NSDD-38 approval, disapproval, or requirement for additional information.

NOTE: OGPS will manage all interactions between FDA and DoS.

Department of State U.S. Mission Abroad: The Management Officer/Section at the U.S. Mission abroad will review and coordinate the DETO request with the COM and the DoS Regional Security Officer (RSO) and provide guidance and advice to process the proposed DETO arrangements.

For DETO's whose spouse or domestic partner is assigned to an overseas assignment under U.S. COM authority, the Management Office/Section will present the DETO as the EFM of a diplomatic agent or member of the Mission's official administrative and technical staff to the host government, and report the DETO as an EFM, and not as part of the Mission staffing complement.

NOTE: The DETO will receive privileges and immunities based on his/her EFM status. The DETO will not be eligible for any benefits in his or her own right. DoS will not include DETOs in the annual Mission head count.

The COM at the U.S. Mission abroad has ultimate responsibility for the direction, coordination, security, and supervision of all USG executive branch employees in that country. The COM also provides final review and approval for the NSDD-38 request and DETO arrangements and has overall authority to approve or deny DETO requests and will disapprove requests that, in their view, expose the USG to unnecessary risks or will place an unsustainable burden on the Mission.

NOTE: For the steps above, FDA does not have direct interaction with the U.S. Mission abroad. FDA engages with DoS Headquarters to ensure DoS has all the required documentation from FDA to submit the DETO request cable for U.S. Mission review and approval.

U.S. Department of Health and Human Services, Office of Global Affairs (HHS/OGA): Kept informed by OGPS of active and completed FDA DETOs.

5. Procedures

Employee should initiate a conversation with supervisor to discuss a DETO arrangement request at least four to six months prior to the expected date of arrival at the overseas duty location when employee's spouse or domestic partner is assigned by their agency to a U.S. overseas assignment under COM. For DoD assignment of a DETO spouse or

domestic partner to a GCC, the employee should initiate the process at least eight months and up to twelve months prior to the expected date of arrival at the overseas duty location. U.S. Public Health Service Commissioned Corps Officers should follow the procedures outlined below and also notify the Center Commissioned Corps Liaison as early as possible to ensure any necessary U.S. Public Health Service requirements are completed.

For an overview of DETO review and approval procedures, refer to the DETO Checklist ([Attachment C](#)).

A. FDA Review and Approval Process

1. Center/Office Review and Approval

- a. Employee submits request for DETO arrangement to their supervisor.
- b. Supervisor reviews employee's request and determines eligibility and feasibility by reviewing the terms of the DETO Agreement (see [Attachment B](#)). Supervisor writes memo using Model DETO Request Memo (see [Attachment D](#)) to request Center/Office leadership approval for DETO arrangement. Supervisor submits the DETO Request Memo, along with supporting documentation from employee's spouse such as work order, travel and housing approvals, and other documentation to Center/Office Management Office/Executive Officer. Center/Office Management Office/Executive Officer will route the request to Center/Office Director for review and approval.
- c. If Center/Office Director provides approval, they will sign the DETO Request Memo (see [Attachment D](#)), and they will consult to obtain approval from OIS before providing Center/Office approval for the DETO Agreement (see [Attachment B](#)).

2. Office of Commissioner (OC) Review and Approval

- a. Center/Office Executive Officer sends the DETO arrangement request to OC Office of Digital Transformation, Office of Information Security (OC/ODT/OIS) via email at Foreigntravelbriefings@fda.hhs.gov for review and risk determination. DETO request package to OIS should include Center/Office signed DETO Request Memo, other supporting documentation (see section A.1.b. above), and DETO Arrangement Clearance Form (see [Attachment E](#)) along with information about location/post of proposed DETO, any specific IT/resource needs, and what FDA IT systems the employee needs continued access to, and the DETO Arrangement Clearance Form.

- i. Center/Office, Management Office/Executive Officer or other Center/Office leadership (e.g., Center/Office Director) should also contact the Chief Information Security Officer (CISO) and the Director of Counterintelligence and Insider Threat to have a discussion about initial considerations for security risk evaluation.
 - ii. The CISO and Director of Counterintelligence and Insider Threat will conduct a cybersecurity and counterintelligence risk assessment, brief the COO on their findings, and provide a recommendation to the COO regarding whether the employee will be permitted to use standard or loaner FDA equipment.
 - iii. The COO will make a decision about the type of FDA equipment (loaner or standard) the employee can use and will inform OIS of their decision.
 - iv. The CISO and Director of Counterintelligence and Insider Threat will contact Center/Office leadership to provide their findings on the risk assessment and inform them of COO decision on use of FDA equipment for the employee. If the COO has approved use of loaner equipment, the Foreign Travel Security and Support Operations Team will coordinate directly with the employee on equipment provision. If COO disapproves use of FDA equipment, and in effect, disapproves of the DETO arrangement request, the DETO review and approval process will come to an end. Note, in most cases, COO and OIS will approve standard equipment, or equipment employee is already using, for DETO assignments rather than loaner equipment. OIS will document their concurrence by signing the DETO Arrangement Clearance Form (see [Attachment E](#)). Center/Office is responsible for addressing any issues that arise from OIS' review.
- b. Center/Officer Executive Officer will send the DETO arrangement request to the OC OEMS Human Capital Liaison (OO-OEMS-Division-of-Human-Capital@fda.hhs.gov) for review, with a request for concurrence from the OGPS Associate Commissioner, with a copy to ogps-deto@fda.hhs.gov. If employee is a U.S. Public Health Service Commissioned Corps Officer, Center/Officer Executive Officer should copy the Center Commissioner Corps Liaison for awareness. DETO request packages submitted to OEMS must include Center/Office signed DETO Request Memo, and other supporting documentation, and DETO Arrangement Clearance Form (see [Attachment E](#)) documenting OIS review. OC OEMS Human Capital Liaison will route the DETO arrangement request to the OC OEMS Executive Officer for final review and approval.

- c. The OC OEMS Executive Officer will review and approve the DETO arrangement for the agency and will document their approval by signing the DETO Arrangement Clearance Form (see [Attachment E](#)).
- d. If the OC OEMS Executive Officer approves the DETO arrangement, the OEMS Human Capital Liaison will communicate the final OC approval, and provide the signed DETO Arrangement Clearance Form (see [Attachment E](#)) to the Center/Office Management Office/Executive Officer, with a copy to OGPS Associate Commissioner, ogps-deto@fda.hhs.gov, and to the Center Commissioned Corps Liaison if employee is a U.S. Public Health Service Commissioned Corps Officer.
- e. Once OIS and the OC OEMS Executive Officer provide approval/concurrence for the DETO arrangement request, the employee should contact OGPS (ogps-deto@fda.hhs.gov) to request the latest version of the DETO Agreement. The employee will complete the Agreement, and the employee, their supervisor and the Center/Office Executive Officer or Director will sign the DETO Agreement.
- f. OGPS OGO Director will notify the HHS Office of Global Affairs (OGA) of FDA's internal approval for DETO and plan to request DoS approval.

B. Department of State (DoS) Review and Approval Process

1. DoS DETO and NSDD-38 Process

- a. Once the OC OEMS Executive Officer approves the DETO arrangement, OGPS will initiate the DoS DETO, and NSDD-38 process.
- b. Center/Office Management Office/Executive Officer will submit all required documentation to OGPS Office of Global Operations (OGO) (ogps-deto@fda.hhs.gov) for processing, including the completed and signed DETO Agreement (see [Attachment B](#)), DETO Request Memo (see [Attachment D](#)), the FDA telework agreement signed by the employee and their supervisor, and the employee's position description.
- c. OGPS will send the DoS Regional Bureau point of contact (POC) the DETO arrangement request, including the required documentation for review and consideration.
- d. The DoS Regional Bureau POC will send the DETO arrangement request to the U.S. Embassy that is associated with prospective overseas duty location of the employee for review and consideration.

- e. The U.S. Embassy will notify the Regional Bureau POC to proceed with NSDD-38 application. The DoS Management/Strategy and Solutions (M/SS) POC will inform OGPS to initiate the NSDD-38 application.
- f. OGPS will utilize information from the DETO Agreement (see [Attachment B](#)) and the DETO Request Memo to complete the NSDD-38 application.
- g. M/SS POC will review OGPS's application and transmit the request to the COM at the U.S. Embassy for review and approval. The COM must be consulted and approve the DETO arrangement through the NSDD-38 process before the DETO may begin to work from the approved overseas duty location.
- h. If the COM approves the DETO arrangement, the M/SS POC submits a cable of the approval to the U.S Embassy. OGPS will be informed of the U.S. Embassy approval and will forward the cable to the Center/Office Management Office/Executive Officer who will then notify the employee, and their supervisor.
- i. For employees whose spouse or domestic partner is assigned to a GCC and residing in military assigned housing, a signed security and safety MOU between DoS and DoD must be established (see section 5.C. Department of Defense (DoD), Geographic Combatant Command (GCC) DETO, below)

NOTE: OGPS Office of Global Operations will provide updates to Center/Office on status of DoS' review of the DETO arrangement request when updates from State, Post or other parties are received. Centers/Offices can also request an update by contacting OGPS via e-mail (ogps-deto@fda.hhs.gov).

C. Department of Defense (DoD), Geographic Combatant Command (GCC) DETO

- 1. DoS Mission RSO will consult military base as a result of receiving DETO request package on the additional requirements for DETOs residing on DoD installations or DoD provided housing overseas.
- 2. DoS and DoD will establish a security and safety MOU prior to employee commencing work duties. FDA will track the process for awareness purposes but is not involved in facilitating the establishment of the MOU.
 - a. A local security and safety inspection is required for the military housing conducted by the U.S. Embassy Diplomatic Security and the DoD GCC point of contact.
 - b. All upgrades noted in the inspection must be completed and in compliance with DoS security standards SECCA

- c. If the DoD residence does not meet security standards for working – then FDA, and/or employee will cover costs, if they decide to do so, to ensure appropriate DoS security requirements are met. Residence upgrade decisions are made by FDA Center or Office when DoS RSO communicates with the local DoD housing to determine whether there is satisfactory security in place. DoS RSO conducts assessment and informs FDA on needed security enhancements.
- d. The security and safety MOU is signed by DoD, the U.S. Embassy, and Diplomatic Security, once the residence meets applicable standards. The MOU terms articulate that the residence provided on base meets appropriate security requirements (for DoS) and if there are any upgrades needs, DoD will usually ensure upgrades are made.

Note: if DOD or DoS identifies a need for upgrades, FDA or the employee is responsible for covering costs, and Center/Office has discretion whether it will pay for the upgrade costs based on availability of resources, funds, and other business decisions. If the request for upgrades can't be met by Center/Office, then the DETO arrangement request will be terminated, and the employee **MUST** end their employment with FDA if the employee expects to accompany their spouse or domestic partner on the overseas assignment (as a family member and not as an FDA employee).

3. The DETO cannot commence their work duties until the security and safety MOU is fully executed and the NSDD-38 has been approved by COM.

NOTE: DETOs whose spouse or domestic partner is assigned to a GCC are military spouses/domestic partners and not presented to the host government. They fall under the regulations related to family members of military personnel assigned to a GCC.

D. Pre-Deployment Process

1. Employee or supervisor is responsible for the following tasks prior to employee's deployment:
 - a. Equipment Support: If the COO approves the employee to use standard equipment (e.g., laptop, mobile phone), then employee can use equipment already in their possession. If the COO approves the use of loaner equipment, the Foreign Travel Security and Support Operations Team (Foreigntravelbriefings@fda.hhs.gov) will contact the employee for the provision of such equipment. Note: only COO approved equipment (whether standard or loaner equipment), and in certain cases, issued by the Foreign Travel Security and Support Operations Team, can be used for the DETO

assignment. Employees should not transport outside of the U.S. FDA equipment not approved by COO or issued by OIS for overseas use. In many cases, employees will use their standard equipment due to assignment length.

- b. Note: the provision of internet access in a residence is a personal cost and is NOT reimbursable.
- c. Training: Employee is to complete any telework training and any other FDA and DoS required trainings, see [Attachment F](#) for more information.
- d. Travel documents
 - i. The spouse or domestic partner's host agency is responsible for securing the employee's travel documents including a Diplomatic Passport and Visa.
NOTE: FDA is not responsible for securing Diplomatic Passport or Visa for employee.
 - ii. Diplomatic Passport – As ordinary practice, a DETO will not be assigned on official travel for the FDA.
- e. Medical Clearance: employee will need to coordinate with spouse or domestic partner's host agency to ensure employee has a valid DoS Medical Clearance.

- 2. Upon approval of a DETO arrangement from DoS, the Center/Office Management Office/Executive Officer will notify the Center/Office Human Resource liaison of overseas location start date. Center/Office Human Resource liaison will route a request to Office of the Commissioner, Office of Operations, Office of Talent Solutions (OC/OO/OTS) to request a change in the employee's duty location to the overseas location. The change in duty station will also change the employee's locality pay. The employee will lose locality pay. DoS Standardized Regulations (see [link](#)) govern the availability of overseas allowances and differentials for employees. If the employee is a U.S. Public Health Service Commissioned Corps Officer, the Center Commissioned Corps Liaison will change the duty station location. Public Health Service Commissioned Corps Officers will continue to receive their entitlements. If the U.S. Public Health Service Commissioner Corps Officer is in government furnished housing, they will lose their locality pay, which is the U.S. Public Health Service Basic Allowance Housing (BAH).

E. Actions While at Foreign Duty Location

- 1. Once employee is at overseas duty location:
 - a. Employee notifies their supervisor of the commencement date of their work.

- b. Supervisor maintains the employer/employee supervisory relationship, including conducting check ins, conducting performance reviews, approving time and attendance, requests for leave, etc.
 - c. OIS will contact employee periodically to discuss current and evolving cybersecurity and counterintelligence challenges and to develop mitigation methods.
2. OGPS Office of Global Operations (OGO) reports DETOs to HHS/OGA on a bi-annual basis (see [Attachment G](#) for HHS/OGA reporting requirements).

NOTE: NSDD-38 is valid for a period of two years. If DETO requires an extension, OGPS must submit an amended DETO Agreement (see [Attachment B](#)) and a new request through the NSDD-38 system.

F. Post-Deployment Process

1. Center/Office Management Office/Executive Officer is responsible for the following at the completion of the DETO arrangement:
 - a. Notify Center/Office Human Resource liaison of overseas location end date. Center/Office Human Resource Liaison will notify OC/OO/OTS to request change duty location.
 - b. Notify the Center/Office Commissioned Corps Liaison at least 60 days in advance of overseas location end date, if the employee is a U.S. Public Health Service Commissioned Corps Officer.
2. Employee should return any OIS issued loaner equipment within 5 duty days of their return to the U.S. to the U.S. Foreign Travel Security and Support Services Team. The team will provide assistance with data retrieval, as needed, upon return of loaner equipment.
3. OTS will complete a SF-50 personnel action to change the duty station to U.S. duty station.
4. Center/Office Commissioned Corps Liaison will complete a Request for Personnel Action 1662 form for U.S. Public Health Service Commissioned Corps Officers.
5. Supervisor will notify OGPS of employee's change of duty station date.
6. OGPS will notify DoS that NSDD-38 is no longer needed and should be abolished.

6. References

- A. 3 FAM 2370 DOMESTIC EMPLOYEE TELEWORKING OVERSEAS (DETO) (see [link](#))
- B. 3 FAM 1600 DOMESTIC PARTNERS (see [link](#))
- C. 3 FAM 7120 (EFM) DEFINITIONS (see [link](#))
- D. The Department of State’s Authority Regarding Domestic Employees Teleworking Overseas (see [link](#))
- E. Department of State Standardized Regulations (DSSR) (see [link](#))
- F. Joint Travel Regulations (JTR) (see [link](#))
- G. Commissioned Corps Instruction 313.01 Telework (see [link](#))
- H. HHS Instruction 990-1, Workplace Flexibilities (see [link](#))
- I. eCFR: 41 CFR Subtitle F -- Federal Travel Regulation System ([see link](#))

7. Effective Date.

The effective date of this guide is January 13, 2023.

8. Document History - SMG 3116.5, “Domestic Employees Teleworking Overseas Program”

| Status (I, R, C) | Date Approved | Location of Change History | Contact | Approving Official |
|------------------|---------------|----------------------------|------------|---|
| Initial | 01/03/2023 | N/A | OPLIA/OGPS | Mark Abdoo, Associate Commissioner for Office of Global Policy and Strategy |

SMG 3116.5 Attachment A

DETO Arrangement – Key Facts

1. FDA typically will only consider DETO requests for assignments that are at least two years.
2. Domestic positions with any duties or responsibilities that involve reporting on or playing any substantive role in policy or administrative issues pertaining to the country from which the DETO will telework are ineligible for a DETO arrangement per 3 FAM 2371.3.
3. In general, FDA does not encourage work-related travel for DETOs who are at a foreign post, but if there is any work-related travel, it will be managed and funded by DETO's FDA Center/Office. The U.S. Mission will not manage nor fund a DETOs work related travel.
4. If there is an FDA Foreign Office at the location of the DETO, a DETO is not required to work with or through an FDA Foreign Office any differently than if they were based in the U.S.
5. Once in country, a DETO is not to interact with government officials or the public in the country from which the DETO will be working from remotely in an official capacity.
6. Approved DETOs usually cannot work from a U.S. Embassy. Their home residence must have the proper security, space and internet accessibility to allow them to conduct their work.

SMG 3116.5 Attachment B

Domestic Employees Teleworking Overseas (DETO) Agreement

(Created by the Department of State as a Guide to Agencies)

Between the Department of State, the Bureau of (name of employing bureau), the Bureau of (name of host bureau where employee will telework from) and sponsored Employee (employee's name) for a DETO Arrangement.

Privacy Act Statement

Authority: This information is sought and maintained under authority of the Telework Enhancement Act of 2010 (5 U.S.C. 6501 et. Seq.), 5 CFR 531.605, and 22 U.S.C. 2581.

Purpose: The information solicited on this form will be used to ensure eligibility in the Telework program, to validate the employee's performance of a home safety check and to facilitate timely processing of the request.

Routine Uses: The information on this form may be shared with members of Congress from a record of an individual in response to an inquiry from the Congressional office made at the request of that individual; to auditors in the performance of the duties of the Government Accountability Office; and to an entity under contract to the Department of State to fulfill an agency function. More information on the Routine Uses for the system can be found in Systems of Records Notice, State-31, Human Resources Records.

Disclosure: The information requested on this form is voluntary but failure to provide the requested information may delay or result in disapproval of your Telework request.

The supervisor and the sponsored employee should each keep a copy of the agreement for reference. Note: Once the agreement is finalized and the sponsored employee begins work from abroad, a SF-50 personnel action must be processed to change the location of the position and locality pay.

Reminder: The DETO Standard Operating Procedures (SOPs) (available on GTM/ER/WLD's intranet site) provide guidance on implementing a DETO arrangement, including preparing a DETO Agreement that includes all language in this standard DETO Agreement template, and additional steps that must be taken to implement a DETO arrangement.

1. Voluntary Participation

The Domestic Employee Teleworking Overseas (DETO) arrangement is a workplace flexibility option that the Department may approve to allow sponsored direct-hire employees assigned to domestic positions to accomplish duties/work from an overseas location. The sponsored employee voluntarily agrees to work at the agency-approved

alternate work site indicated below and agrees to comply with all applicable Department policies and procedures, including those set forth at 3 FAM 2370 and the DETO SOPs.

Sponsored employee information follows:

| | |
|---|--|
| Employee's Name: | |
| Employee's Title: | |
| Employee's Grade: | |
| Employee's Supervisor: | |
| Employee's Home Office in the U.S.: | |
| Name of Sponsoring Employee (spouse): | |
| Title of Sponsoring Employee at Post: | |
| Location of Post: | |
| Corresponding to Location of Post: ⁴ | |
| Date of Arrival at Post: | |
| DETO Start Date*: | |
| DETO End Date: | |

*DETO start date subject to having a fully signed DETO Agreement and COM approval, either via NSDD 38 or electronic Country Clearance (eCC).

2. Pay and Allowances

Civil Service employees are not eligible for domestic locality pay, pursuant to 5 C.F.R 531.605(d)(3), while on the DETO arrangement. DETOs are not entitled to receive domestic locality pay because the DETO's duty station is the overseas alternate worksite. Foreign Service employees are paid based on the overseas FS pay scale, which includes Overseas Comparability Pay (OCP). (Eligibility for overseas/foreign allowances and

⁴ For example, if the post of assignment is Paris, the corresponding Regional Bureau would be EUR

differentials is governed by 5 U.S.C. 5921 et seq., the Department of State Standardized Regulations, and Foreign Affairs Manual.)

DETOs are domestically assigned and are not authorized to receive overseas/foreign allowances. Travel entitlements are governed by the Foreign Affairs Manual, the Foreign Affairs Handbook, and other applicable statutes, regulations, and guidance and may vary based on factors such as the duty station.

Notification of start and end date:

Employees must notify their supervisor, Human Resources provider and employing bureau telework coordinator of the effective commencement date of the DETO arrangement before or upon their arrival at the overseas alternate worksite (or as soon as known) to allow the employing bureau to process the SF-50 (Notice of Personnel Action) documenting the change in duty station pursuant to 3 FAM 2371.10. The employee agrees that they will not commence telework from overseas until both this agreement is approved, and they have received Chief of Mission approval (either through the NSDD-38 process or through eCC).

At the end of the term of the DETO arrangement, the employee must inform their supervisor (and employing bureau telework coordinator) of the effective date of the termination of the DETO arrangement to allow the employing bureau to process the required SF-50 personnel action documenting the change in duty station back to Washington, DC. In addition, the employee agrees that they may not telework from post beyond the term of their sponsoring employee's assignment/tour of duty, or when the DETO arrangement has expired.

By signing this agreement, the employee agrees to the following:

- The employee will be required to repay any pay, allowance, or differential payments to which they are not entitled to receive. This repayment obligation cannot be waived.

The Department agrees that a DETO arrangement is not a basis for changing the employee's salary or benefits based on the Civil Service grade of the position or Foreign Service rank.

3. Overseas Duty Station or Alternate Work Site

The employee's official assigned (domestic) position of record is located at:

(Enter address in Washington, DC, for example)

The employee's approved overseas alternate worksite (overseas duty station). Please provide address, city and country if it is the embassy/post or U.S. Government-provided residence from which the employee will be teleworking:

(Enter address or if not known, indicate that it will be U.S. Government assigned housing)

If the employee will be working from a residence or facility not under Chief of Mission security responsibility (e.g., a Department of Defense residence or installation), the employing agency must have a local security and safety agreement with the housing or workspace provider in place that addresses the provision of security services. Post RSO may have to do a housing inspection prior to the DETO work arrangement going into effect.

Post management reserves the option to inspect alternate work sites (including embassy-provided housing) during normal working hours with prior notice for purposes of compliance with the Office of Safety and Health Administration (OSHA) rules and regulations.

4. Official Duties

Unless otherwise instructed, employee agrees to perform official duties only at the regular worksite (i.e., the regular office or location of record for the employee's assigned position) or at the agency approved overseas alternate worksite (overseas duty station).

Employee agrees not to conduct personal business during normal working hours at the alternate work site and to adhere to Department policies and procedures for requesting and taking leave.

a. Enter Your Work Requirements or Position Duties.

Please be sure to include any regional duties or interactions and provide an explanation of the prospective duties related to those countries and/or the region. Feel free to attach a page if additional space is needed.

(Describe)

b. Regional Duties

Answer the following questions.

- i. Will the DETO travel on official business to other countries in the region on a TDY basis? If yes, please specify which ones.

[Please note, if TDY travel for official business is required, the bureau bears the TDY costs.]

- ii. Will the DETO interact with government officials or the general public in the country from which the DETO will telework? If yes, please explain the nature of such interaction.

(Describe)

By signing this agreement, the employee acknowledges the following:

- Positions with duties that include reporting on or playing any substantive role in the policy or administrative issues pertaining to the country in which the DETO duty station is located are ineligible for a DETO arrangement.

If the COM, the employing bureau, and/or the relevant regional bureau(s) assess that the DETO arrangement could raise foreign relations issues or any other concerns described in [3 FAM 2371.8\(c\)](#), whether due to the DETO's duties relating to the region, a nexus between the DETO's duties and the host country's policies, or other issues (e.g., concerning other countries or regions that may pose a conflict of interest), or any other factor, the DETO agreement must address such concerns, including the countries or region(s) concerned. The justification must be included in the NSDD 38 web-application or eCC request that will require official approval by COM.

5. Work Schedule and Hours of Duty

Agency and employee agree upon the following telework schedule. To the extent this schedule incorporates an alternative work schedule (AWS), this schedule must be consistent with the bureau's policies on AWS (flexible or compressed), found in 3 FAM 2330 (Hours of Work).

Form DS-1901 may be used via myData to apply.

Employee will receive federal holidays and is not entitled to local holidays of the overseas location (host country). If the alternate worksite is the embassy or other

worksite that is closed due to a local holiday, the employee must work from another worksite approved by the supervisor (e.g., the employee's home) or use annual leave, leave without pay, or previously earned credit hours or compensatory time off. Employee is not entitled to excused absences for Washington-region or other domestic closures/emergencies and agrees to work their regular hours at the approved alternate worksite during any such events (or use annual leave, leave without pay, or previously earned credit hours or compensatory time off).

Day(s) working at the alternate work site:

Week 1 (first week of each pay period)

Monday: From ___ am to ___ pm

Tuesday: From ___ am to ___ pm

Wednesday: From ___ am to ___ pm

Thursday: From ___ am to ___ pm

Friday: From ___ am to ___ pm

Saturday: From ___ am to ___ pm

Sunday: From ___ am to ___ pm

Week 2 (second week of each pay period)

Monday: From ___ am to ___ pm

Tuesday: From ___ am to ___ pm

Wednesday: From ___ am to ___ pm

Thursday: From ___ am to ___ pm

Friday: From ___ am to ___ pm

Saturday: From ___ am to ___ pm

Sunday: From ___ am to ___ pm

For full-time employees, each day includes a ___ minute/hour lunch (30 minutes to 1 hour). For full-time employees, the schedule should clearly indicate 40 hours per week, not inclusive of lunch.

6. Time and Attendance

Supervisor agrees to ensure the DETO's (employee's) timekeeper has a copy of the employee's work schedule. Employee agrees to submit notice of hours worked at the alternate worksite on a biweekly basis to their supervisor/timekeeper, and the supervisor agrees to certify the hours worked, consistent with the (home) employing bureau's policies.

By signing this agreement, the employee agrees to the following:

- Employee must request and use leave in accordance with the Department's leave policies and procedures (including any office-specific procedures), including for time

relating to the employee's travel to the overseas duty station and personal transition time, as needed. Lack of compliance may result in disciplinary action.

7. Overtime

The supervisor may pre-authorize overtime if additional hours of work are necessary. The existing rules governing overtime in Title 5 U.S.C. and the Fair Labor Standards Act apply to DETO arrangements.

All overtime must be approved in writing in advance.

8. Administrative Support/Equipment

Employee will be enrolled in the current IRM-approved remote work technology for access to the Department's unclassified systems, Department email, and any other required systems, as appropriate.

The Department is not obligated to provide any equipment to the teleworker; however, the employing bureau may provide the DETO with equipment and/or supplies such as EMD laptop or cell phone. The employing bureau and DETO should coordinate directly on matters relating to such equipment and supplies.

If applicable, please list below any equipment, IT, or supply-related support that the Bureau will provide to the employee to enable them to carry out their official duties:

(Describe)

9. ICASS

For ICASS services and workload counts unrelated to this telework agreement, post will provide the employee the same level of administrative support as provided to spouses of direct-hire American officers. This includes services such as: CLO services, mail privileges, and accreditation.

DETO arrangements are generally expected to have a minimal impact on the ICASS platform at missions abroad. For any additional services required to support the employee's official duties (e.g. requests for embassy workspace/equipment at post) a subscription for the relevant ICASS cost centers to be funded by the DETO's employing bureau would be required.

Projected costs (using the DETO "Cost Estimate" Template from CGFS/ICASS) and bureau funding sources are listed in the box below:

(Describe)

By signing this agreement, the employee agrees to the following:

- Unless ICASS support services are specifically addressed, administrative support will be limited to that ordinarily provided to spouses of direct-hire American officers at post.

10. Security and Records Management

Employees who are approved for a DETO arrangement will not work on or have access to classified information at the alternate work site unless the approved alternate worksite is at the embassy/consulate and the required security standards have been met and are in place. DETOs will comply with current standards for remote operations as set forth in 12 FAM 620.

Care and judgment must be exercised with regard to records and information that are Sensitive But Unclassified (SBU) and/or subject to the Privacy Act. Offices allowing employees access to these records offsite must ensure that appropriate administrative, technical, and physical safeguards are maintained to protect the confidentiality and integrity of records (see 12 FAM 540).

By signing this agreement, the employee agrees to the following:

- Employee will protect U.S. government or agency records from unauthorized disclosure or damage and will comply with requirements of the Privacy Act of 1974, 5 U.S.C. 552a.

11. Medical

Pursuant to 16 FAM 122.2, as a family member at post, the employee will obtain a medical clearance from the Bureau of Medical Services.

12. Liability

By signing this agreement, the employee agrees to the following:

- The U.S. government will not be responsible for damages to an employee's personal or real property while the employee is working at the approved alternate work site, except to the extent the U.S. government is responsible under applicable law.

13. Work Area and Alternate Work Site Costs

The employee agrees to complete Form DS-1963, Safety Checklist for Home Based Telecommuters, certifying conformance with safety standards at the alternate site. The employee must provide a copy of this form to the employing bureau's Telework Coordinator no later than 30 days after commencement of work at the overseas location.

By signing this agreement, the employee acknowledges the following:

- The U.S. government will not be responsible for any operating costs that are associated with the employee using their home as an alternate work site, for example, home maintenance, insurance, or utilities. Work-related long-distance (domestic and international) phone calls will be reimbursed by the agency in accordance with applicable law, regulations, and policies.

14. Injury Compensation

By signing this agreement, the employee acknowledges the following:

- The U.S. Department of Labor's Office of Workers' Compensation Programs (OWCP) provides eligibility for coverage to federal civilian employees for on-the-job injury or illness and to eligible survivors in the event of a work-related death. The employee agrees to notify the supervisor immediately of any accident or injury that occurs at the alternate work site and to complete any required workers' compensation claim forms. The supervisor agrees to take appropriate action immediately, pursuant to the Supervisor's Report instructions on the FECA claim form.

15. Work Assignments/Performance

By signing this agreement, the employee agrees to the following:

- The employee will complete all assigned work according to procedures mutually agreed upon by the employee and the supervisor and according to guidelines and standards in the Employee Evaluation Report or performance plan and appraisal, as applicable. The employee understands that a decline in performance may be grounds for canceling the alternate work site arrangement.

16. Standards of Conduct

By signing this agreement, the employee agrees to the following:

- The employee is bound by agency standards of conduct while working at the alternate work site. Nothing in this agreement precludes the agency from taking any appropriate disciplinary or adverse action against an employee who fails to comply with the provisions of this agreement or regulations contained in 3 FAM 2370.

17. Anti-Nepotism Review (ANR)

By signing this agreement, the employee acknowledges to the following:

- Particular procedures are required when the DETO candidate is the spouse of the Chief of Mission or other Senior Post/Acting official, and if required per 3 FAM 8326, 3 FAM 8327, and 3 FAM 2371.4, an anti-nepotism review (ANR) will be completed before COM approval for this DETO arrangement can be submitted.

18. Chief of Mission Authority (COM)

As a U.S. government Executive Branch employee, while teleworking overseas, the employee is under COM authority and security responsibility, although the employee will not be included in Post's staffing pattern or considered part of Post's regular staffing complement. The COM must be notified and agree to the DETO's employment arrangements prior to the DETO's arrival at post through the NSDD 38 (if over a year) or country clearance procedures (if the arrangement is less than a year).

If the DETO is the spouse, or relative of the COM, the DETO is still subject to COM authority. In these cases, the Under Secretary for Management (M) must approve a memorandum endorsing the DETO arrangement and approving the performance of work by the DETO at Post under COM authority. Upon M's approval, the NSDD 38 or country clearance will be sent to the COM. Refer to the Department's DETO SOP for specific steps.

19. Duration

This telework arrangement cannot exceed the duration of the sponsoring spouse's assignment abroad in:

(Fill in Country/Post)

This foreign assignment is scheduled to conclude on or about:

(Enter month/year spouse's assignment)

If the sponsoring spouse's foreign assignment is extended through an amendment of orders, then an extension for this DETO agreement may be requested by presenting an amended DETO agreement and seeking permission from the COM through the NSDD 38 approval process. For Foreign Service DETOs, domestic assignments can be for three (3) years if both the employing bureau and the DETO employee agree.

20. Cancellation and Amendment

An employing bureau supervisor may cancel or amend the DETO Agreement by providing written justification based on the needs of the office or due to performance issues at any time with prior notification of at least two (2) pay periods.

A DETO may cancel a DETO Agreement at any time with prior notification to their supervisor of at least two (2) pay periods. Once so notified by the employee, the supervisor must notify the bureau DETO coordinator, who is in turn responsible for notifying M/SS to ensure that the NSDD 38 action is terminated.

An employee may also request an adjustment of their DETO Agreement by providing a written justification to their employing bureau supervisor for consideration and approval.

Employees whose DETO arrangements are terminated may request LWOP. All extended LWOP requests are first subject to supervisor and bureau approval. For FS applicants, additional approval is required from GTM/CDA. For CS applicants, LWOP requests for over one year are subject to additional approval by GTM/CSTM.

By signing this agreement, the employee acknowledges to the following:

- A decline in performance below the satisfactory or fully successful level may result in the cancellation of this DETO if the supervisor determines that the deficient performance cannot be adequately addressed while remaining on the DETO, with required notice of at least two pay periods.

DETO Agreement Signature Page

Between the Department of State, the Bureau of (employing bureau), the Bureau of (name of host bureau) and (employee's name)

NOTE: A completed agreement is not final approval of the DETO arrangement. The signed agreement simply

allows the NSDD-38 or electronic Country Clearance process to move forward. The DETO arrangement must not commence until COM approval is obtained through the NSDD 38 approval process (for DETO arrangements of one year or longer) or through the electronic Country Clearance process (for DETO arrangements of less than one year).

Summary process: Once the DETO agreement has been fully signed and the NSDD 38/eCC approval process has been completed, meaning that post has sent its response cable with the COM approval, the DETO request process is complete. At that time, the DETO employee can start work from the overseas location.

| | |
|--|--|
| _____ Print Employee's Name | _____ Employee's Signature & Date |
| _____ Print Supervisor's Name | _____ Supervisor's Signature & Date |
| _____ Print Employing Bureau EX Director's Name Date | _____ Executive Director Signature & Date |
| _____ Print Host Bureau EX Director's Name Date | _____ Executive Director Signature & Date |
| _____ Print Host Post Management Counselor's Name | _____ Signature & Date ⁵ |

⁵ If the DETO is a relative of the post management official, the DCM should sign on behalf of the post management official. If the DETO is a relative of the DCM, the COM should sign on behalf of the post management official. For a DETO who is a relative of the COM, the post management official may sign

(*If FS) Print GTM/CDA Director Name

GTM/CDA Director Signature & Date

the DETO agreement but refer to the Department's DETO SOPs for additional steps for these arrangements.

SMG 3116.5 Attachment C

DETO Checklist See SMG for Detailed Guidance

FDA Review and Approval Process

Center/Office Review and Approval

Accompanying Spouse/Domestic Partner assigned under U.S. Chief of Mission (COM) – Initiate tasks below at least four to six months prior to expected date of arrival.

Accompanying Spouse/Domestic Partner assigned to U.S. Geographic Combatant Command (GCC) – Initiate tasks below at least eight to twelve months prior to expected date of arrival.

| Date | Task |
|------|--|
| | Employee submits DETO request to Supervisor. Supervisor determines eligibility by reviewing the terms of the DETO Agreement. * U.S. Public Health Service (USPHS) Officers should also notify the Center Commissioned Corps Liaison as early as possible to ensure they complete any necessary USPHS requirements. |
| | Supervisor completes and submits the DETO Request Memo and supporting documentation from employee's spouse or domestic partner such as work order, travel and housing approvals/documentation, and other documentation to Center/Office Management Office/Executive Officer for routing to Center/Office Director for review and approval. |
| | If Center/Office Director provides approval, they will sign the DETO Request Memo (see Attachment D), and consult to obtain approval from OIS before providing approval for Center/Office to sign the DETO Agreement (see Attachment B). |
| | Center/Office Management Office/Executive Officer will send DETO arrangement request to OC for review and approval. |

Office of Commissioner (OC) Review and Approval

| Date | Task |
|------|---|
| | Center/Office Executive Officer sends the DETO arrangement request to OC/OD/OIS for review and approval and documents OIS risk determination via DETO Arrangement Clearance Form. |
| | Center/Office Executive Officer sends the DETO arrangement request to OC/OO/OEMS Human Capital Liaison for Executive Officer review and approval with a request for concurrence from OGPS Associate Commissioner. If USPHS Officer, a copy should be sent to the Center Commissioner Corps Liaison for awareness. |
| | OC OEMS Human Capital Liaison will route the package to OC OEMS Executive Officer for review and approval. OC OEMS Executive Officer will provide final agency review and approval and will document their approval by signing the DETO Arrangement Clearance form (see Attachment E). |
| | OEMS Human Capital Liaison will communicate the OC approval, including the signed DETO Arrangement Clearance Form (see Attachment E) to the Center/Office Management Office, with a copy to OGPS and to the Center Commissioned Corps Liaison if employee is a USPHS Officer. |
| | Once OIS and the OC OEMS Executive Officer provide approval/concurrence for the DETO arrangement request, the employee will contact OGPS (ogps-deto@fda.hhs.gov) to request the latest version of the DETO Agreement for completion. The employee will complete the DETO Agreement and the employee, their supervisor and the Center/Office Executive Officer or Director Center/Office Director will sign the Agreement. |
| | OGPS will notify HHS OGA of FDA DETO approval and plan to request DoS approval. |

Department of State (DoS) Review and Approval Process

OGPS will initiate DoS DETO and NSDD-38 process after OC OEMS Executive Officer approves the DETO arrangement request.

| Date | Accompanying Spouse/Domestic Partner assigned under U.S. Chief of Mission (COM) | Accompanying Spouse/Domestic Partner assigned to U.S. Geographic Combatant Command (GCC) |
|------|---|---|
| | Center/Office Management Office submits required documentation to OGPS to submit to DoS. OGPS will send the DoS Regional Bureau point of contact (POC) the DETO arrangement request, including the required documentation for review and consideration. | Note: There are additional steps for FDA employees accompanying Spouse/Domestic Partner assigned to GCC – DoS Mission RSO consults military base as a result of receiving DETO request package on the additional requirements for DETOs residing on DoD installations or DoD provided housing overseas. |

| Date | Accompanying Spouse/Domestic Partner assigned under U.S. Chief of Mission (COM) | Accompanying Spouse/Domestic Partner assigned to U.S. Geographic Combatant Command (GCC) |
|------|--|--|
| | Note: See steps 5.B.2.d-g for more information on the DoS review process. | DoS and DoD will establish a security and safety MOU prior to employee commencing work duties. FDA will track process for awareness purposes but is not involved in facilitating the establishment of the MOU. The employee cannot commence their work duties until the security and safety MOU is fully executed and the NSDD-38 has been approved by COM. |
| | OGPS receives U.S. Embassy approval of the DETO via cable and forwards a copy of the cable to the Center/Office Management Office who then notify the employee and their supervisor. | The signed security and safety MOU between DoS and DoD must be uploaded into NSDD-38 system. |

Pre- Deployment Process

| Date | Task |
|------|---|
| | <p>Equipment/IT Support</p> <p>If the COO approves the employee to use standard equipment (e.g., laptop, mobile phone), then employee can use equipment already in their possession. If the COO approves the use of loaner equipment, the Foreign Travel Security and Support Operations Team (Foreigntravelbriefings@fda.hhs.gov) will contact the DETO employee for the provision of such equipment.</p> |
| | Employee should complete any telework training and any other FDA and DoS required trainings (see Attachment F). |
| | Confirm employee has appropriate travel documents including passport/s and visas. Employee will need to work with spouse or domestic partner's host agency to obtain Diplomatic Passport and Visa. |
| | Confirm employee has a valid DoS Medical Clearance. Employee will work with spouse or domestic partner's host agency to ensure this is completed. |
| | Center/Office Management Office/Executive Officer submits request to Center/Office Human Resource liaison who will submit request to OC/OO/OTS to complete SF-50 form to change the employee's duty station to the overseas duty station |
| | OTS completes a SF-50 form to change the duty station to the overseas duty location. |

| Date | Task |
|------|---|
| | If the employee is a USPHS Officer, the Center Commissioned Corps Liaison will complete the Request for Personnel Action 1662 form to change the duty station location. |

Actions While at Foreign Duty Location

Accompanying Spouse/Domestic Partner assigned under U.S. COM and to a U.S. GCC

| Date | Task |
|------|--|
| | Employee to notify supervisor work commencement date. |
| | OGPS Office of Global Operations (OGO) reports DETOs to OGA on a bi-annual basis during the staffing plan call |
| | NSDD-38 is valid for a period of two years. If DETO requires an extension, OGPS must present an amended DETO agreement along with a request through the NSDD-38 system |
| | Supervisor maintains the employer/employee supervisory relationship, including conducting check ins, conducting performance reviews, approving time and attendance, requests for leave, etc. |
| | OIS will contact employee periodically to discuss current and evolving cybersecurity and counterintelligence challenges and to develop mitigation methods. |

Post Deployment Process

Accompanying Spouse/Domestic Partner assigned under U.S. COM and to a U.S. GCC

| Date | Task |
|------|--|
| | Center/Office Management Office/Executive Officer notifies Center/Office Human Resource liaison of DETO's overseas location end date. Human Resource Liaison will notify OC/OO/OTS to change duty location. If the employee is a USPHS Officer, Center/Office Management Office/Executive Officer will notify Center Commissioned Corps Liaison at least 60 days in overseas location end date. |
| | OTS completes a personnel action (SF-50) to change DETO's duty station. If the employee is a USPHS Officer, the Center/Office Commissioned Corps Liaison will complete a Request for Personnel Action 1662 form. |

| Date | Task |
|-------------|--|
| | FDA Supervisor will notify OGPS of the date of the employee's change of duty station |
| | OGPS will notify DoS that NSDD-38 is no longer needed and should be abolished |
| | Employee to return OIS issued loaner equipment within 5 duty days of their return to the U.S. to the U.S. Foreign Travel Security and Support Services Team. |

SMG 3116.5 Attachment D

Model DETO Request Memo

Date: 1/13/2023

From: {Employee's Supervisor and organizational title}

Through: [Insert Office or Division Director Name and organizational title]

To: {Insert Center Director approving official's name and organizational title}

Subject: Domestic Employee Teleworking Overseas Request for {Insert Employee's Name}

I am requesting approval for {Insert Employee title and name} in the {Insert Division/Office name of organization structure} to telework from {Insert Post City and Country name} under the HHS Domestic Employees Teleworking Overseas (DETO) policy.

Describe employee's relationship (spouse, domestic partner, or other dependent relationship) and indicate what Federal agency the individual with the assignment to the post identified above. Describe/name the position of this individual indicating length of tour and its start date.

Example: His/her spouse is assigned to an official {agency name} mission-critical position as an attaché by the (USG Department/Agency) in (City, Country) for a three-year tour beginning in January 2021. The position term is for 3 years with a possibility of an extension of up to 2 years. {FDA Employee's first name} has requested approval to continue working for the Food and Drug Administration (FDA) as a sponsored DETO as his/her spouse is a federal employee who is on orders from {name of agency sending family to post}. {FDA employee name} and his/her family are accompanying {employee pronoun and relationship – e.g., her spouse} on his/her official travel orders as eligible family member (EFM) because her spouse has been assigned to a U.S. Mission Abroad and is subject to the Chief of Mission (COM) authority in {Insert country name}.

This request is not due to personal preferences of living location and is not comparable to independent DETOs such as staff requests for personal travel abroad or to relocate due to a personal preference. Approval of {insert employee's name} sponsored DETO request would allow a highly trained, extremely efficient, and valuable employee to be retained by the FDA, while also allowing his/her family to stay together during {employee pronoun and relationship – e.g., her spouse} {agency name} overseas assignment.

{Describe employee's position, length of service with the Agency, role position plays in the Agency and how this position may be accomplished remotely}

{Describe impact of work, any evidence of demonstrated independent work, honors, awards, etc. that show value of this employee to continue a working relationship with the agency during this family's overseas tour and how a loss of the Employee would impact FDA Center/Office.}

{Describe any office/team relationships of the employee or other work-related engagements and indicate how they may continue even with this DETO arrangement. Explain whether/how Employee's job can be conducted remotely, any examples or evidence demonstrated this has been done currently or in the past and successfully. Describe how Employee's accomplishments support remote work and why/how Employee is well-suited for telework}

{Describe employee's value and performance history to the office/organization that would continue under this arrangement}.

I support {insert staff name} request and am requesting {insert Center/Office name} support in working through the NSDD-38 process to secure approval for {insert staff name} to continue working for FDA from {insert city and country name}. If approved, I will work with him/her to ensure that we fulfill the requirements for an appropriate telework agreement, required trainings, travel arrangements, security requirements and standards. His/Her spouse's travel orders cover emergency evacuation, all family members will travel on U.S. government issued diplomatic passports, {insert agency name} will handle medical clearance and all visa requirements (work visas are not required as {insert staff name} would not be working in the local economy), and there are no labor/tax law issues as s/he will be paying taxes based on permanent residency ({insert state of residency}). Additionally, while {insert staff name} would likely not be granted working space in the U.S. Embassy, his/her home has space for a home office and the proximity to the Embassy also provides him/her easy access to additional support as needed.

Thank you for your consideration,

Supervisor's Signature

organizational title

Office Name

SMG 3116.5 Attachment E

DETO Arrangement Clearance Form

Employee's Name: _____

Employee's FDA Center/Office: _____

Employee's Supervisor and organizational title: _____

Requesting Center/Office: _____

Prepared by: (Name, Organization, Phone number) _____

Purpose: (Center/Office) request for DETO arrangement approval from the Office of the Commissioner

| Office of the Commissioner Organization (Clearance to be obtained in sequence) | Concur | Concur (only if recommended changes are addressed) | Do not concur (reasons denial attached) | Clearance Date |
|--|---------------|---|--|-----------------------|
| Office of Digital Transformation (OC/ODT/OIS) | | | | |
| Office of Executive Officer (OC/OO/OEMS) | | | | |

Concurrence has been obtained from all affected offices: **Yes / No**

SMG 3116.5 Attachment F

FDA, HHS, and DoS Overseas Training Requirements

As of April 1, 2022, the Department of State has updated their mandatory training requirements for all U.S. government personnel who are overseas and under the security responsibility of the Secretary of State.

Required Trainings

1. **FDA Counterintelligence Briefing:** offered through FDA OIS and is a 45 minute in person briefing. This training is required. OIS will contact employee to provide the briefing before employee goes on the DETO assignment. For additional information, contact foreigntravelbriefings@fda.hhs.gov.
2. **Promoting International Religious Freedom Training:** offered through HHS LMS. This training is required.

Optional Trainings: the courses below are available to an employee through their sponsoring spouse or domestic partner's host agency and are generally optional as a DETO employee is not on "official duty overseas" and will generally not be located at an overseas U.S. Embassy. FDA is NOT responsible to pay for the courses for the employee. The costs, if any, should be borne by the spouse or domestic partner's host agency who has assigned the spouse or domestic partner overseas.

3. **Foreign Affairs Counter Threat (FACT) Training (CT650)** is now required for any USG personnel on official duty abroad for 90 or more cumulative days in a 12-month period - except for those exempted - as described in 13 FAM 301.4-2(B). Note: this training is required ONLY if the DETO will be physically located at the U.S. Embassy, otherwise it is not required.
4. **Counter Threat Awareness Training (CTAT) (CT401)**, previously High Threat Security Overseas Seminar (HTSOS), is now required for any USG personnel on official duty overseas for 89 or less cumulative days in a 12-month period - except for those exempted, as described in 13 FAM 301.4-3(B).
5. **Security Overseas Seminar (SOS) course (MQ911)** is now required for any USG personnel on official duty abroad for 45 or more cumulative days in a 12-month period - except for those exempted, as described in 13 FAM 301.4-4(B). Note: This training is available through the sponsoring spouse or domestic partner's agency, but it's not a requirement.
6. **Introduction to Working in an Embassy (PN113)** is now required for any USG personnel on official duty overseas who will spend 30 days or more in a 12-month period overseas, are required to complete the distance learning course, Introduction to Working in an Embassy (PN113).
For the complete list of updates visit the updated FAM reference

Work with your Administrative Office to submit OPM Standard Form SF-182 and vendor

payment information to the Foreign Service Institute Registrar:

- Email: FSIRegistrarHT401@state.gov (for HTSOS)
- Email: FSIRegistrarFACT@state.gov (for FACT)
- Fax: 703-746-2562
- Phone: 703-302-7137/7144

All travelers to other countries should sign up with the Department of State Smart Traveler Enrollment Program (STEP), <https://step.state.gov/step>, to receive the latest

travel updates, local safety and security information, and to be reachable in case of an emergency. In an Emergency, call Overseas Citizen Services, from the U.S. & Canada

1-888-407-4747, from Overseas +1-202-501-4444. To locate the nearest U.S.

Embassy or Consulate, <https://www.usembassy.gov/>.

The Office of National Security also provides a Foreign Travel Checklist as employees prepare to travel overseas. Those personnel taking electronic Government Furnished Equipment (GFE) must follow the HHS Chief Information Officer (CIO) memorandum December 27, 2018: Use of GFE during Foreign Travel

The HHS Office of National Security (ONS) provides general travel tips in the Foreign Travel Security Awareness Training (Course ID: 00082909) and/or the Foreign Travel Brief. This briefing, while a benefit to all HHS employees, satisfies the mandate about receiving a foreign travel briefing for anyone with access to national security information or in a sensitive position. Any HHS employee is free to view this briefing.

SMG 3116.5 Attachment G

FDA DETO Reporting to HHS

The OGPS Office of Global Operations Director will include the following information related to FDA DETOs to U.S. Department of Health and Human Service, Office of Global Affairs (HHS/OGA) during bi-annual staffing plan calls:

1. Name of FDA Center/Office
2. Name of Division
3. Name of the DETO (first name, last name)
4. Name of Sponsoring Spouse (first name, last name)
5. Sponsoring Spouse, type of assignment (US. Mission or GCC)
6. Duty Station of sponsoring spouse
7. DETOs telework site
8. Sponsoring Spouse Assignment Start Date
9. Sponsoring Spouse assignment end date
10. DETO start date
11. DETO end date (2 years after start date)