Domestic Employees Teleworking Overseas (DETO) at the NIH

As telework and remote work become increasingly prevalent in today’s workforce, the NIH provides the following guidance on Domestic Employees Teleworking Overseas (DETO). This information is an overview only. To discuss specific situations, please contact OHR/Compensation and Policy Division at (301) 496-0377.

Overview

Per recent Presidential Directive and legislation, Executive Branch employees conducting official business in foreign areas are subject to Chief of Mission (COM) authority and their presence at post must be approved via the National Security Decision Directive 38 (NSDD 38) or Country Clearance process. Domestic employees teleworking in their positions overseas fall under this category.

ICs must be able to justify how this arrangement supports the Agency’s strategic goal and objectives and why this function cannot be accomplished from the United States or through the use of TDY, contract or other personnel. The circumstances will vary from case to case, and the IC should carefully consider whether this will be a feasible working arrangement in any given situation.

Process

Prospective DETOs should start the process at least 3 to 6 months prior to the desired start date of the arrangement. Agencies will need to confirm that the employee has completed the proper training and has the proper documentation such as passports, visas, or any additional work permits required to perform work for the federal government overseas. Agencies should be prepared to address any problems with the arrangement, including situations when the employee is no longer able or willing to work from their home, when the employee or agency wants to terminate the arrangement and/or when the employee return(s) to the United States. Agencies may be responsible for funding security and administrative support for these arrangements.

Upon approval of a DETO, the approved case must be forwarded to OHR/Client Services Division in order to change the duty location to the overseas location. As a result, the employee will lose their locality pay. Overseas allowances and differentials for civilian employees are governed by the Department of State Standardized Regulations (DSSR). Employees, as defined in the DSSR, may be eligible for its overseas allowances and differentials.
Tenure

The length of time that employee will be working remotely in the overseas location determines whether their activities are considered temporary or permanent.

Temporary Activities: Temporary activities include official government activities that are required for less than 1 year. It is the responsibility of the traveler or travel arranger/coordinator to obtain Country Clearance via State Department's Electronic Country Clearance System (eCC) in these cases. Prior to submitting the eCC request, a telework agreement must be approved by all required parties and the arrangement should be vetted with the respective regional bureau executive office which will consult with the country post. The Country Clearance request is the final step in the required approval process for DETO arrangements for less than one year. More information is available at: https://ecc.state.gov/security/EccLogin.aspx.

Permanent Activities: Permanent activities include official government activities that are required or envisioned for 1 year or more. In these cases NIH must follow procedures outlined in the National Security Decision Directive 38 (NSDD 38). NSDD-38 provides that all agencies with staffs operating under the authority of COMs will ensure that "the Chief of Mission's approval is sought on any proposed changes in the size, composition, or mandate of such staff elements." All issues should be addressed and resolved prior to the NSDD 38 submission. Issues of consideration could include work space at the Embassy, residential security requirements, and/or equipment. NSDD 38 requests must be submitted via the online application at: https://nsdd38.state.gov/

Please contact the Compensation and Policy Division at (301) 496-0377 for questions regarding these types of situations.