

U.S. DEPARTMENT OF COMMERCE TELEWORK AND REMOTE WORK PLAN



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I. SCOPE

This telework and remote work policy applies to all Department of Commerce (DOC) employees except for those employed by the U.S. Patent and Trademark Office (USPTO) and the National Oceanic and Atmospheric Administration (NOAA) Commissioned Officer Corps (Title 5, United States Code (U.S.C.) §§ 2105 and 2101(1) and (3)).

II. PURPOSE

The policy provides broad DOC-wide policy guidance and direction for bureaus/operating units (OU) to use when designing, developing, and administering their specific telework and remote work implementation plan(s). The policy promotes: (1) recruiting and retaining the best possible workforce; (2) continuing operations during emergency conditions (such as in a pandemic); (3) reducing management costs related to employee turnover and absenteeism; (4) reducing real estate and transit costs; and (5) enhancing work/life balance by allowing employees to better manage their work and personal obligations.

III. COVERAGE

The policy covers the workplace flexibility arrangement of telework and remote work.

IV. EXCLUDED

Excluded from the policy is work performed while on temporary duty (TDY); mobile work, as defined in this policy; arrangements requested/approved through Department Administrative Order (DAO) 215-10, "[Reasonable Accommodation Policy](#)"; and work performed at an alternative location due to an evacuation order.

V. LABOR-MANAGEMENT RELATIONS

This policy is in effect when signed by the Director, Office of Human Resources Management and Chief Human Capital Officer (Director). The policy does not modify any telework past practice or collective bargaining agreement (CBA) between a bureau/OU and its union(s) consistent with Federal law or Government-wide rule or regulation. In bureaus/OUTs where a labor organization (union) represents employees, management is obligated to notify the union, and upon request, negotiate over impact and implementation (I&I) of the policy, as required by law.

VI. THE TELEWORK ENHANCEMENT ACT of 2010

On December 9, 2010, President Obama signed [Public Law 111-292, the Telework Enhancement Act \(Act\) of 2010](#). Telework is defined and authorized by the Telework Enhancement Act of 2010, which is now codified within 5 U.S.C. Chapter 65. The Act expands participation in telework and is a key factor in the Federal Government's ability to achieve greater flexibility in managing its workforce using telework. It requires agencies to establish a policy under which eligible employees may be authorized to telework; to determine the telework eligibility for all employees of the agency; and to notify all employees of their eligibility. The Act outlines three preconditions for participation: the employee (1) is deemed eligible, (2) is trained in telework, and (3) has an approved written telework agreement.

The Act makes a distinction between “eligibility” and “participation.” To participate, an employee must first be identified as eligible. An employee is assumed eligible under the Act unless: (1) they have been officially disciplined for being absent without permission for more than 5 days in any calendar year. The days do not have to be consecutive, just within the same year. The offense could have occurred at any time during their employment with the Federal Government. (See footnote 1 in Section VIII for definition of Officially Disciplined); (2) the employee has been officially disciplined for violations of subpart G of the Standards of Ethical Conduct of Employees of the Executive Branch for reviewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties (see [5 U.S.C. §§ 6502\(a\)\(2\)\(A\) and \(B\)](#)); or (3) the employee's performance does not comply with the terms of the telework agreement between management and the employee (see [5 U.S.C. § 6502\(b\)\(3\)](#)).

An employee can meet the eligibility criteria in accordance with the Act, but the duties of their position may not be conducive or appropriate for teleworking. In such cases, the employee is not eligible to telework based upon the duties of their current position.

Note: Although remote work (as defined in the policy) is not considered to be telework within the meaning of the Act, the Department has determined that remote workers must meet the eligibility requirements for telework under the Act to work remotely.

VII. DEFINITIONS

Act of God – An act of God means an act of nature, including hurricanes, tornadoes, floods, wildfires, earthquakes, landslides, snowstorms, and avalanches ([Title 5, Code of Federal Regulations \(CFR\) § 630.1602](#)).

Approving Official – Designated by the head of each bureau/OU, the official authorized to approve individual telework agreements. In some cases, the approving official and the supervisor are the same person.

Alternative Worksite – Is generally considered an employee's approved telework site, or for a remote worker, the approved remote site (e.g. an employee's residence).

Domestic Employee Teleworking Overseas (DETO) – Overseas work arrangement where a Federal executive branch employee temporarily performs the work requirements and duties of their domestic Civil Service or Foreign Service (FS) position from an approved overseas location via a DETO Agreement. Employees have no authorization to telework from a foreign location without an approved DETO Agreement. DETO agreements are not needed for U.S. territories or possessions; however, the employee’s locality pay changes.

Eligible to Telework – All employees are considered eligible to telework, unless: (1) the employee has been officially disciplined for being absent without permission for more than 5 days in any calendar year (5 U.S.C. § 6502(a)(2)(A)) (there are no exceptions); (2) the employee has been officially disciplined for violations of 5 CFR Part 2635 (Standards of Ethical Conduct for Employees of the Executive Branch) for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties (5 U.S.C. § 6502(a)(2)(B)) (there are no exceptions); or (3) the employee’s performance does not comply with the terms of the telework agreement between the supervisor and the employee (5 U.S.C. § 6502(b)(3)).

ERG Member – Emergency Relocation Group member. A person (including alternates) who may be required to work during a Continuity of Operations (COOP) exercise or activation where they may report to an alternative site, or may be required to perform duties through telework, in order to perform agency essential function or other COOP required function(s).

Essential Functions – Functions that enable the Federal Government to provide vital services, exercise civil authority, maintain the safety and well-being of the general populace, and sustain the industrial/economic base in an emergency.

Evacuation Order – An agency may order one or more employees to evacuate their worksite and work from their homes (or alternative location mutually agreeable to the agency and employee) during a pandemic health crisis without regard to whether the agency and employee have a telework agreement in place when the order to evacuate is issued ([Title 5, CFR § 550.409\(a\)](#)). Under these circumstances, an agency may designate the employee’s home (or alternative location mutually agreeable to the agency and employee) as a safe haven, and provide evacuation payments to the employee. An agency must compute the evacuation payments, and determine the time period during which such payments will be made ([Title 5, CFR § 550.404](#)). An evacuated employee at a safe haven may be assigned to perform any work considered necessary or required to be performed during the evacuation period without regard to the employee’s grade/band, level, or title. The employee must have the necessary knowledge and skills to perform the assigned work. Failure or refusal to perform assigned work can be a basis for terminating evacuation payments, and disciplinary action. An evacuation order can be issued for up to 180 days and reissued if the situation still warrants one.

Hoteling – A telework arrangement in which employees are not assigned permanent space in their designated traditional worksite, but share offices and conference space as necessary when working at the traditional worksite. Such space is assigned by reservation, much like a hotel. Bureaus/OUs should consider using hoteling or other office sharing arrangement for employees who telework 4 days a week or more in a pay period.

Mobile Worker – An employee who, by the nature of their duties, do not have a designated traditional physical worksite, and typically use their home as their duty station. Due to the nature of their work, they **are not** considered telework-ready employees.

Note: This is different from ‘hoteling’ arrangements, in which frequent teleworkers use shared space when they are working at their designated traditional worksite.

Official Duty Station (aka Official Worksite) – It is the bureau/OU worksite for most employees, including a teleworker. For a remote worker, the official worksite is the alternative worksite to which the bureau/OU and the employee agreed (e.g. the employee’s residence). The official worksite is generally the location of the employee’s duty station as documented on an employee’s Standard Form (SF) 50, Notice of Personnel Action. The location of an employee’s position of record where the employee regularly performs their duties.

If the employee’s work involves recurring travel or their work location varies on a recurring basis, the duty station is the location where the work activities of the employee’s position of record are based. An employee’s official duty station determines the appropriate locality pay area for pay purposes for General Schedule or equivalent employees. It also impacts other expenses such as relocation and travel expenses under the Federal Travel Regulations (FTR), as well as local travel expenses.

Official Time – As defined in and authorized by [Title 5, United States Code \(U.S.C.\) § 7131](#).

Operating Status Announcements – Are generally issued when weather or other emergency conditions prevent Federal employees from safely traveling to or safely performing work at an approved work location ([5 U.S.C. 6329c\(b\)](#)). The inability to safely travel to an approved work location may result in “closure” of a Federal office (i.e., closed to the public and non-emergency employees) for the full day or authorization of a delayed arrival. Authorization of early departure may be based on unsafe conditions at the work location or unsafe travel conditions affecting travel from the work location, both of which make it unsafe for the employee to continue to perform work at the location. Depending on the conditions that affect a workday, the various operating status announcements have different procedures and application to an employee’s workday.

Regular/Recurring Telework – Telework occurs as part of an ongoing regular schedule such that the employee typically teleworks on the same day(s) and works at the traditional worksite on the other days during each biweekly pay period. Employees must receive supervisor/manager approval for the schedule (and any modifications to it), but do not need to obtain additional separate approval for each day they telework.

Remote Worker – An alternative work arrangement by which an employee is scheduled to perform the duties and responsibilities of their position, and other authorized activities, from an approved alternative worksite (e.g., home, other alternative location) other than the employee’s traditional worksite, either within or outside of the locality pay area of the traditional worksite and does NOT physically report to the traditional worksite twice each bi-weekly pay period on a regular/recurring basis. The employee’s official duty station must be changed to the alternative worksite for pay purposes, relocation expenses, travel expenses, etc., and must be documented on

the employee's SF-50, Notification of Personnel Action, even if the alternative worksite is within the same locality pay area as the traditional worksite.

Note: All remote work outside the U.S. requires approval from the Department of State, Chief of Mission. See "DETO" definition.

Situational Telework – Approved telework performed on an occasional, one-time, or irregular basis. An employee may be approved to telework on a situational basis (not regular/recurring), but must have successfully completed the required DOC telework training or approved bureau/OU specific training via the [Commerce Learning Center \(CLC\)](#) or other system capable of tracking when employees have successfully completed the course. An employee must have a telework agreement in place before participating. "Unscheduled telework" is a specific form of situational telework. (See "Unscheduled Telework" definition)

Telework – Official definition in 5 U.S.C. § 6501(3), "The term 'telework' or 'teleworking' refers to a work flexibility 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." The employee must be scheduled to physically report to the bureau/OU traditional worksite at least twice each bi-weekly pay period on a regular/recurring basis. The employee must physically report to the traditional worksite unless excused by their supervisor for legitimate reasons (e.g., approved leave, meeting at an offsite location). The duty station of the employee remains the duty station of the traditional worksite.

Telework Agreement – A signed written agreement between the employee and their supervisor/manager which provides the terms of the telework arrangement and contains the requirements under Section XIII of this policy.

Telework Eligible Position – A position is an eligible position unless the official duties require on a daily basis (every workday) the direct handling of secure materials determined to be inappropriate for telework by the head of the bureau/OU; **or** the employee performs on-site activities that cannot be performed at an alternative worksite.

Telework-Ready Employee – An employee who occupies a telework-eligible position and has completed the required telework training; has a signed individual telework agreement; and has the necessary equipment, etc. at the alternative worksite to perform the duties and responsibilities of their position during their period of telework. This includes employees under a regular/recurring agreement and those under a situational agreement.

Temporary Duty (TDY) Location – A place, away from an employees' official duty station, where the employee is authorized to travel.

Traditional Worksite (aka agency worksite, regular worksite) – The official bureau/OU physical location where work activities are based, generally considered a centralized location of an employee's assigned organization. This is the physical location where the employee would work absent a telework or remote work arrangement.

Traditional Workers – Individuals who do not have a voluntary telework agreement and perform the duties and responsibilities of their position at the traditional worksite.

Unscheduled Telework – Is a form of “situational” telework in which eligible telework-ready employees may telework when an operating status announcement includes “unscheduled telework.” Employees must follow their bureau/operating unit’s policies and procedures (including required notification of the employee's supervisor) and subject to any applicable collective bargaining requirements (as consistent with law).

VIII. POLICY

The DOC recognizes that a well-managed, widely used telework program has the potential to lead to benefits such as: (1) improved marketability (as a more competitive and inclusive employer); (2) reduced commuting time (that can contribute to an improved quality of work/life balance); (3) cost savings (in areas such as recruitment and retention of employees); and (4) an improved Continuity of Operations Plan (COOP). The DOC supports and encourages telework as a major element in its efforts to reduce its facility space requirements, thereby reducing its energy consumption, greenhouse gas emissions, surface ozone, rent, and other operating costs.

The DOC telework policy allows for remote work, but emphasizes it is not an employee’s right to remote work even if the duties/responsibilities of their position are conducive for this type of arrangement. Supervisors/managers need to consider equity in the office, bureau/OU, and the DOC as a whole. Supervisors/managers need to consider the current and future financial impact of a different locality pay area on pay, possible relocation expenses under the FTR if the remote work arrangement is not successful, and travel expenses under FTR when a remote worker is required to report to the traditional worksite to attend meetings, team-building sessions, conferences, etc.

Close and ongoing communications between employees and management in all aspects of telework/remote work are essential for a successful work arrangement. The policy acknowledges that the employees and management are equally responsible for contributing to the success of the specific telework/remote work agreement.

The policy gives bureaus/OUTs maximum flexibility to support telework on a day-to-day basis and in periods where the traditional worksite is unavailable or less available to part of the workforce. The policy allows for remote work, but cautions supervisors/managers on approving it solely on the portability of the duties and responsibilities of the position. Decisions must be made holistically, considering equity among employees, economic impact to the traditional worksite area, and current and future financial obligations and risks.

A. General Policy

Participation in telework and remote work is open to all eligible employees without regard to race, color, religion, sex (including pregnancy and gender identity), national origin, political affiliation, sexual orientation, marital status, disability, genetic information, age, membership in an employee organization, parental status, military service, or other non-merit factors.

It is DOC policy to allow eligible employees to work at alternative worksites (i.e., home, or other approved location) in lieu of their traditional worksite during an agreed upon regular/recurring time of their regular tour of duty, or on a situational basis, if the employee's duties are conducive for teleworking/remote working, and the employee has an approved telework/remote work agreement in place. Supervisors/managers are encouraged to support telework for eligible employees of at least 4 days each biweekly pay period.

Employees who telework must physically report to the traditional worksite on a regular/recurring basis at least twice each biweekly pay period to maintain the duty station of the traditional worksite for pay purposes etc., even if their alternative worksite is within the locality pay area of the traditional worksite.

To carry out this policy to the maximum extent, the bureaus/OUs must establish a Telework Implementation Plan (Plan) consistent with this policy, and have the option to include remote work. The plan must be filed with the Office of Human Resources Management (OHRM). If a bureau/OU Plan is not filed, the bureau/OU will be considered as operating under the DOC Telework and Remote Work Plan.

An employee's decision to telework or remote work is voluntary unless it is a condition of employment (i.e., the employee is designated as an "emergency employee"), or is required to perform an agency essential function or other required function(s) as part of a COOP team, or is issued an evacuation order. In these instances, an employee may be required to work at home or at another approved alternative worksite.

B. Types of Telework

There are two types of telework: (1) routine telework in which telework occurs as part of an ongoing, regular schedule; and (2) situational telework that is approved on a case-by-case basis, where the hours worked are not part of a previously approved regular/recurring telework schedule. This situational telework includes "unscheduled telework" in which DOC office(s) are open but under an "Unscheduled Telework" operating status announcement by the Office of Personnel Management (OPM) or other appropriate authority.

Teleworkers must be scheduled to physically report to the traditional worksite on a regular/recurring basis at least twice each biweekly pay period regardless of whether their alternative worksite is within or not within the locality pay area. The employee must physically report to the traditional worksite unless excused by their supervisor for legitimate reasons (e.g., approved leave, meeting at an offsite location).

C. Eligibility

All DOC employees (except USPTO and NOAA Commissioned Officer Corps) who meet the definition of "employee" as defined in [5 U.S.C. § 2105](#) are covered by the policy, in accordance with the Act.

Exceptions. Employees who occupy positions for which telework/remote work is permitted may telework/remote work under this policy, unless they fall within the following categories:

1. The employee has been officially disciplined¹ for being absent without permission for more than 5 days in any calendar year. The days do not have to be consecutive, just within the same year. The offense could have occurred at any time during an employee's employment with the Federal Government.
2. The employee has been officially disciplined for violations of 5 CFR Part 2635 (Standards of Ethical Conduct for Employees of the Executive Branch) for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties² (see 5 U.S.C. §§ 6502(a)(2)(A) and (B));
3. The performance of the employee does not comply with the terms of the telework/remote work agreement between the supervisor and that employee³ (5 U.S.C. § 6502(b)(3)).

Precluded Due to the Nature of Work of the Position. While employees may be eligible because they meet the above requirements, they may be precluded from teleworking/remote working if the official duties of the position require on a daily basis (i.e., every workday):

1. Direct handling of secure materials determined to be inappropriate for telework by the agency head.
2. On-site activity that cannot be handled at an alternative worksite; or
3. Being a mobile worker (not eligible for telework due to the nature of their work).

D. Teleworking/Remote Working and Care for Elders, Children, or Other Dependents

If the elders, children, or other dependents residing with a teleworking/remote working employee can care for themselves for part of the workday, then their presence at the alternative worksite would not interfere with the employee performing their duties and responsibilities.

Teleworking/remote working employees who are responsible for caring for dependents at their home or other alternative worksite should coordinate with their supervisors to establish flexible schedules, to request appropriate leave, or to otherwise account for time spent engaging in dependent care.

¹ Definition of Officially Disciplined – A disciplinary action resulting in placement of a document in an employee's Official Personnel Folder (OPF); the ban on telework participation remains in effect as long as the document stays in an employee's OPF. A suspension or termination related to the items mentioned in PL 111-292 resulting in a document (SF-50) that permanently remains in the OPF would result in a permanent ban in telework participation.

² There are no exceptions for VIII.C.a.1 or VIII.C.a.2., above.

³ The length of this prohibition is up to the approving official.

E. Teleworkers, Remote Workers, Traditional Workers Are Treated the Same for Certain Purposes

1. Periodic appraisals of job performance of employees.
2. Training, rewarding, reassigning, promoting, reducing in grade, retaining, and removing employees.
3. Work requirements; and
4. Other acts involving managerial discretion.

F. Performance Standards

Performance standards for telework-ready employees and remote workers must be the same as performance standards for traditional work employees. Expectations for performance should be clearly addressed in each employee's performance plan, and the performance plan should be reviewed to ensure the standards do not create inequities or inconsistencies between telework-ready/remote workers and traditional work employees. All employees are held accountable for the results they produce.

G. Performance of Teleworkers/Remote Workers

An employee will not be authorized to telework if their performance does not comply with the terms of the telework agreement (5 U.S.C. § 6502(b)(3)). While remote work is not specifically covered under 5 U.S.C. § 6502(b)(3), it is the policy of the Department that employees will not be authorized to remote work if their performance does not comply with the terms of their remote work agreement.

H. Remote Work

Remote work is not an entitlement, even if the duties of the position are conducive to this type of arrangement. These employees have received approval from their bureau/OU to perform the duties of their position at an alternative worksite (i.e., their home) 100 percent of the time without a requirement to physically report to the traditional worksite at least twice each bi-weekly pay period on a regular/recurring basis each pay period. The alternative worksite location becomes their official duty station for locality pay purposes, travel expenses, relocation expenses, etc., and must be documented on the employee's SF-50, Notification of Personnel Action, even if the alternative worksite is within the locality pay area of the traditional worksite.

1. Approval Process. Bureaus/OU have authority to determine the review and approval process. However, it is recommended that policies make clear the criteria by which remote work arrangements will be evaluated and approved/disapproved to avoid claims of favoritism or unfair or inequitable practices. In the absence of a bureau/OU remote work policy, the bureau/OU must have the approving official be no lower than the first level senior executive service employee in the employee's chain of command.

It is recommended that bureau/OUTs consult with the Office of General Counsel (OGC) regarding remote work agreements when the alternative worksite is outside of

the local commuting area of the traditional worksite, to ensure proper language is contained in the agreement to protect the Department if there is a need to terminate the remote work agreement.

Below are some items to consider in the review process:

- What is the percentage of the workforce that can reasonably work remotely without impact to mission or customer service?
- How will a remote work arrangement benefit the employee, the team, the organization, and the manager?
- How will remote workers communicate work progress on an ongoing basis to their supervisor, team members and other stakeholders?
- Are there work processes that need to be revised to incorporate remote work arrangements effectively?
- How will remote workers continue to access the resources they need to do their job?
- What support will employees need to meet job expectations in a remote work environment?
- How will managers interact with remote employees to ascertain whether employees are accomplishing their work at an acceptable level?
- What is the potential impact of the organization's physical footprint and plans for accommodating long-term fluctuations in the numbers of remote workers?
- What are the budgetary implications of a potential change of locality pay (i.e., locality payments, special rate supplements, and non-foreign area cost-of-living allowances)?
- What is the frequency with which remote workers will be required to visit the traditional worksite, and what are the budgetary implications of the associated travel costs (travel expenses under the Federal Travel Regulation (FTR) for employees working outside of the locality pay area, as well as reimbursement for local travel for employees working within the locality pay area but 50 miles or more away from the traditional worksite)?
Note: OPM recommends bringing remote workers into the traditional worksite at least biannually in order to build camaraderie, commitment to the mission, and productive communication among employees.
- What is the plan for accommodating remote workers with on-site workstations on those occasions when they are required to visit the traditional worksite;
- What are the budgetary (and associated mission-impacting) implications of potentially having to pay an employee's relocation expenses should management terminate the remote work arrangement?
- What is the proximity and access to a sensitive compartmented information facility (SCIF), as applicable?
- What is the proximity to an approved drug testing facility, as applicable?

2. Changing the Alternative Worksite. Remote workers may not change their alternative worksite without prior approval from their supervisor/manager. A change in worksite could require a change of duty station, which is a personnel action,

requiring supervisory approval and documentation. An employee cannot independently change their duty station or enter into a remote work status simply by moving out of the local commuting area.

3. Providing Equipment. If the Job Opportunity Announcement (JOA) specified that the work would be performed remotely, then the bureau/OU must provide the employee with the equipment needed to effectively perform the duties of the position. If the bureau/OU is permitting remote work at the employee's request, the bureau/OU has the latitude to decide what equipment to offer; and it should be documented in the agreement.
4. Relocation Expenses. While the bureau/OU is generally not required to cover relocation expenses for employee-driven requests to work remotely on a full-time basis, relocation reimbursement **may apply** if the bureau/OU chooses to relocate the employee back to the traditional worksite. Responsibility for relocation expenses should be covered in the remote agreement, especially if the arrangement was initiated at the employee's request. It is recommended that the bureau/OU consult with the OGC about the payment of relocation expenses and the responsibility thereof, when the remote work agreement is terminated
5. Severance Pay. Remote work agreements should address severance pay. If a separated employee otherwise meets the conditions for severance pay eligibility in [5 CFR § 550.704](#), they may be entitled to severance pay as computed under [5 CFR § 550.707](#) unless the bureau/OU and employee enter into a written agreement in advance that provides otherwise. When a remote work arrangement is initiated at the request of an employee for personal reasons, it is recommended that the bureau/OU consult with the OGC regarding severance pay language in the agreement.
6. Travel/Relocation (General Services Administration). Remote work agreements should address travel/relocation expenses. Federal Travel/Relocation policies and regulations fall under the purview of the General Services Administration. Bureaus/OUs must be aware that remote workers may be entitled to receive travel and relocation benefits under the Federal Travel Regulation (FTR), [CFR 41, Chapters 300-304](#), depending on their location. Local travel costs, are not under the authority of the FTR and are provided under DOC Travel Policy.

When remote work is initiated at the employee's request to accommodate their personal circumstances it is recommended that the bureau/OU consult with the OGC about the payment of relocation expenses and the responsibility thereof, when the remote work agreement is terminated.

The FTR defines official station as:

Official station—An area defined by the agency that includes the location where the employee regularly performs their duties or an invitational traveler's home or regular place of business (see §301-1.2). The area may be a mileage radius around a particular point, a geographic boundary, or any other definite domain, provided no

part of the area is more than 50 miles from where the employee regularly performs their duties or from an invitational traveler's home or regular place of business. If the employee's work involves recurring travel or varies on a recurring basis, the location where the work activities of the employee's position of record are based is considered the regular place of work.

7. Compensatory Time Off for Travel. Remote work agreements should address compensatory time off for travel. Employees who are officially ordered to travel away from their official worksite may be afforded compensatory time off for travel, in accordance with applicable law and regulations, based upon the approved travel itinerary.
8. Coding Time & Attendance (T&A). Remote work is not telework; therefore, is not coded as telework on a T&A record.

I. Domestic Employees Teleworking Overseas

On June 7, 2016, the Department of State (DOS) distributed an Executive Secretary Memorandum, "Requirements for Executive Branch Employees Teleworking in Foreign Locations," known as a DETO (Domestic Employee Teleworking Overseas) Agreement. Specifically, unless exempted by Presidential directive or legislation, Executive Branch Federal employees conducting official U.S. Government business in foreign countries are subject to the DOS's Chief of Mission authority, and their presence at an overseas post must be preapproved from the Chief of Mission. Employees have no authorization to work from a foreign location without an approved DETO Agreement and Official Chief of Mission approval. DETO agreements are not needed for U.S. territories and possessions; however, the employee's locality pay changes.

There are two types of DETOs: 1) Sponsored DETO – when a DOC employee is on U.S. Government orders of a spouse or partner; 2) Individual DETO – when a DOC employee is NOT on a U.S. Government order of a spouse or partner.

It is DOC policy that **only Sponsored DETO Agreements** will be considered, and the DETO must not incur any additional costs to the bureau/OU than it would otherwise cost for the employee to work at their normal location. Individual DETOs are not authorized. Before submitting a request for a Sponsored DETO to the DOS, the request must be approved by the Office of the Chief Information Officer (OCIO), the Office of Security (OSY), Employment and Labor Law Division/Office of the General Counsel, and OHRM.

Once DOC approvals are provided, the Head of the Bureau/OU must submit a request to the Director, requesting the DETO be submitted to the DOS for approval, along with the DOC approvals, the signed DETO Agreement, and the employee's position description or statement of duties. OHRM will draft a memo to the Executive Director of the DOS Regional Bureau. Upon approval of the Executive Director of the DOS Regional Bureau, the DOS will send the request to the Chief of Mission. Only after Chief of Mission approval, the employee submits a request through either the NSDD38 electronic system (for DETOs of 1 year or more), or through the e-country clearance system (for DETOs of less than 1 year).

The overseas duty station (overseas alternative worksite) must be documented on their SF-50, Notification of Personnel Action. Locality pay is only for the lower 48 states and Washington, D.C., plus Alaska, Hawaii, and the U.S. territories and possessions. DETO employees are not eligible for locality pay; they receive their appropriate GS/equivalent base pay. They are also not eligible for danger pay, or any other pay entitlements that a non-DETO employee would receive if assigned to the same overseas area.

The Department of State's policy that can be used as a guide is 3 Foreign Affairs Manual (FAM) 2370.

J. Pay and Leave

1. Locality Pay. An employee's locality rate of pay is based on the employee's official duty station (aka official worksite) and is determined in accordance with [5 CFR § 531.604\(b\)](#). The bureau/OU must determine and designate the official duty station for an employee covered by a telework or remote work agreement using the criteria in VIII. N., below.
2. Premium Pay. The same premium pay rules apply to employees when they telework and remote work as when they work at the traditional worksite.

Telework-ready and remote work employees who perform work while under an Operating Status of *closed, delayed arrival, early departure, etc.* are not entitled to receive overtime pay, credit hours, or compensatory time off in lieu of overtime payment for performing work during their regularly scheduled hours.

3. Leave. The same leave regulations apply to employees when they telework and remote work as when they work at the traditional worksite. Employees must follow the same procedures as traditional work employees for requesting and obtaining leave approval, in compliance with their office procedures, or the terms of an applicable CBA.

K. Weather and Safety Leave

OPM's weather and safety leave regulations, implementing the provision of [5 U.S.C. § 6329c](#), the Administrative Leave Act of 2016, section (b), "Leave for Weather and Safety Issues," states that all telework program participants will be ineligible for weather and safety leave when a closure is announced except in rare circumstances when one of the exceptions under [5 CFR § 630.1605\(a\)\(2\)](#) is applicable. Since the rationale for teleworkers is the same for remote workers the following applies:

1. Bureaus/OUs cannot provide weather and safety leave to a telework-ready or a remote worker who is able to continue working safely at an approved alternative worksite during severe weather or other emergency situations. Generally, telework-ready and remote work employees will not receive weather and safety leave, since they are not usually prevented from performing work at an approved location due to a weather or other safety-related emergency.

2. Written agreements must indicate, in accordance with bureau/OU policy and any applicable CBAs, that telework-ready and remote work employees are required to work from their alternative worksite, if their alternative worksite is their home, when their traditional worksite is closed by other than Federal law/Executive order. Telework-ready and remote work employees must follow their written agreements.
3. On a case-by-case basis, the supervisor should excuse a telework-ready or remote work employee from duty without charge to paid personal leave or loss of pay during an emergency, if the employee is prevented from working when: (1) the emergency adversely affects the alternative worksite (e.g., disruption of electricity, or network connection problems that prevent telework); or (2) the telework-ready or remote work employee's duties are such that they cannot continue to work without contact with individuals at the traditional worksite, and those individuals are not present.
4. If the telework-ready or remote work employee faces a personal reason that prevents them from working successfully at the alternative worksite, the employee may request the appropriate leave (annual, sick, compensatory, credit hours, compensatory time for travel). The employee also may request to change their alternative work schedule, if applicable.
5. Systems are to be in place to support telework/remote work in an emergency, including a communication process to notify COOP personnel, emergency, and non-emergency employees of the activation of the bureau/OU's emergency plan, and the bureau/OU's "operating status" during the emergency.
6. As with traditional worksite employees, telework and remote work employees may not receive weather and safety leave for hours during which they are on other preapproved leave (paid or unpaid) or paid time off ([5 CFR 630.1606\(c\)](#)).

L. Operating Status Announcement and Telework/Remote Work

In the Washington, D.C. area, OPM-issued operating status announcements apply to employees working in all executive agencies with offices located inside the Washington Capital Beltway. Employees working in offices located outside of the Washington Capital Beltway must follow the operating status announcements issued by their bureau/OU. While Federal Executive Boards (FEBs) do not cover the entire United States, FEBs are currently located in 28 metropolitan areas that are major centers of Federal activity. In these areas, the FEB provides up-to-date, accurate, and consistent information so Federal field office heads can make informed decisions on operating status announcements for their employees in those areas.

1. Unscheduled Telework. This type of telework allows telework-ready employees to work from home or at an approved alternative location upon notification to their supervisor in accordance with the terms of the written agreement, and/or applicable CBA.

2. Federal/DOC Offices Are Closed. Telework-ready employees working from home must work when Federal/DOC offices in their local commuting area are closed (other than for Federal holidays or holidays declared by Executive order), even if it is not the employee's regularly scheduled telework day. Telework-ready also includes employees under a situational telework agreement. However, on a case-by-case basis, weather and safety leave may be provided if the employee is unable to continue working. (See Section VIII.K.3 above.)
3. Early Dismissal/Delayed Arrival. Teleworkers working from their homes, are not dismissed from duty for any part of the workday. However, on a case-by-case basis, supervisors may grant weather and safety leave for all or part of the day if the employee is unable to continue working. (See Section VIII.K.3 above.)

Note: Remote workers must work from their alternative worksite during any of the above operating announcements, unless their duties are such that they cannot continue to work without contact with individuals at the traditional worksite, and those individuals are not present. Remote workers must discuss other possible work duties with their supervisors and receive approval for weather and safety leave.

M. Emergency at the Alternative Worksite

When an emergency affects only the alternative worksite for a major portion of the workday, the telework-ready employee may be expected to report to the traditional worksite, or to another approved alternative worksite, or request approval of paid personal leave, as applicable (i.e., annual, compensatory time, compensatory time off for travel, credit hours, etc.). However, on a case-by-case basis, the supervisor may grant an appropriate form of excused absence if the employee is unable to continue working. (See Section VIII.K.3.) The supervisor may also grant an appropriate form of excused absence if the remote worker is unable to continue working.

N. The Official Duty Station

The location of an employee's position of record where the employee regularly performs their duties. If the employee's work involves recurring travel or their work location varies on a recurring basis, the duty station is the location where the work activities of the employee's position of record are based, as approved by their supervisor/manager. An employee's official duty station determines the appropriate locality pay area for pay purposes for General Schedule or equivalent employees ([Title 5, CFR § 531.605](#)). It also impacts other expenses such as relocation and travel expenses under the FTR.

1. Documentation. The official duty station must be documented on the employee's SF-50, Notification of Personnel Action.
2. Temporary Details. There is no change to the official duty station for employees temporarily detailed to a position in a different location without a change in the permanent position of record. They maintain the locality pay area of the permanent

position of record. For additional information on official duty stations, please see http://www.opm.gov/oca/pay/html/Official_Duty_Station.asp.

O. Determining the Official Duty Station

The official duty station is the location of the traditional worksite as long as the employee is scheduled to physically report to the bureau/OU traditional worksite at least **twice each biweekly pay period** on a regular/recurring basis. The employee must physically report to the traditional worksite unless excused by their supervisor for legitimate reasons (e.g., approved leave, meeting at an offsite location).

1. The official duty station is the alternative worksite (i.e., home or other alternative worksite) if the employee does NOT meet the requirement above and report at least twice each biweekly pay period on a regular/recurring basis to the traditional worksite, unless excused by their supervisor for a legitimate reason. This is true even if the alternative worksite is within the same locality pay area.

When an employee does not meet the requirement above and report to the traditional worksite at least twice each biweekly pay period on a regular/recurring basis, unless excused by their supervisor for a legitimate reason, the employee is not a teleworker, they are a remote worker.

2. In the case of an employee whose work location varies on a recurring basis, the employee does not need to report at least twice each bi-weekly pay period at the traditional worksite as long as the employee is regularly performing work within the locality pay area for the traditional worksite.

Note: Employees occupying Senior Executive Service (SES) positions, Senior Level (SL) positions, and Scientific or Professional (ST) positions do not receive locality pay. Therefore, there are no pay implications if these employees work the entire 80 hours of the pay period in a different locality pay area than their official duty station. They continue to receive the same pay.

P. Exception to a Change in the Duty Station Rule for a Temporary Situation

In certain temporary situations, a bureau/OU may continue to designate the location of the traditional worksite as the official duty station of a teleworker, even though the employee is not able to report to the traditional worksite at least twice each biweekly pay period on a regular/recurring basis.

Note: The fact that an employee may receive lesser pay or benefits if the official duty station is changed to the temporary worksite location is not a basis or justification for using this exception.

The intent of this exception is to address temporary situations in which an employee is expected to return to their regular worksite when the temporary situation or agreed upon time period has concluded.

In making these determinations, supervisors/managers need to consider pay equity between the employee receiving this exception and other employees who are working in the same locality pay area as either their traditional worksite location or their permanent alternative worksite location. The temporary exception should generally be used only in cases where: (1) the employee is expected to return to their regular worksite (i.e. telework location, remote work location, traditional worksite) in the near future, or (2) the employee is expected to continue working at the temporary worksite but will be able to report to the regular worksite at least twice each biweekly pay period on a regular/recurring basis in the near future. Examples of appropriate temporary situations include:

- Recovery from an injury or medical condition;
- Emergencies that prevent an employee from regularly commuting to the traditional worksite or working at their alternative worksite, such as in a severe weather emergency or a pandemic health crisis. (For instance, in the aftermath of a hurricane or flood, an employee may be forced to temporarily relocate, making commuting to the regular worksite twice each biweekly pay period on a regular/recurring basis not possible. If the employing bureau/OU sets up telework arrangements for the employee, a temporary exception to the twice-a-pay-period requirement would be appropriate.);
- An extended period of approved absence from work (e.g., paid leave);
- A period in which the employee is in TDY status away from their regular worksite; or
- A period during which the employee is temporarily detailed to work at a location other than their regular worksite.

Q. Establishing the Work Schedule

Work schedules identify the days and times an employee will work while teleworking or remote working in the same manner as identified for working at the traditional worksite. Normally, telework and remote work schedules parallel those at the traditional worksite; however, they can differ to meet the needs of the organization and participating employees' needs. Work schedules may also include fixed times during the day for supervisor–employee telephone conversations, team meetings, etc. that may be helpful to ensure ongoing communication, and should be similar to the basic level of interaction with those at the traditional worksite. For additional information on hours of duty, please visit DOC's "[Alternative work schedules](#)."

IX. THE BUREAU/OPERATING UNIT TELEWORK IMPLEMENTATION PLAN

Prior to implementing a bureau/OU telework program, the bureau/OU must submit a Telework Implementation Plan (Plan) to OHRM for compliance review/approval. If a bureau/OU Plan is not filed, the bureau/OU will be considered as operating under this DOC Telework and Remote Work Plan.

Each bureau/OU Plan must:

1. Indicate that the Telework Assessment Tool (See Appendix A) is a tool for use by the appropriate management official and the employee in helping to determine the appropriateness of the employee teleworking. It should be provided to employees prior

to their submission of a request to telework.

2. Indicate that the duration of the written agreement is to be established by the employee and the approving official. The agreement must include the duration of the individual telework agreement.
3. Encourage supervisors/managers to permit telework-ready employees to telework on a regular/recurring and/or situational basis for at least 4 days per biweekly pay period. Each situation must be evaluated on the unique facts of the situation.
4. Indicate procedures for notifying each employee of their eligibility or ineligibility to telework. All employees are assumed eligible to telework unless they fall under one of the three statutory bars to telework or are determined to be precluded from teleworking due to the nature of their position. Such determinations must be made position-by-position, based on the duties of the position and the needs of the service.
5. Advise employees that agreeing to an individual telework agreement is voluntary unless telework is a condition of employment (emergency or COOP designation). Note: There are situations when an employee without a telework agreement may be required to work from an alternative worksite (e.g., home) such as under evacuation orders⁴. This is not considered telework under the terms of this policy. Under an evacuation order, the employee may be required to do any work for which the employee is qualified.
6. Require the agreement to provide that an employee may not be authorized to telework if their performance does not comply with the terms of the agreement between the approving official and themselves.
7. Require the agreement to stipulate that the employee must be performing at the Fully Successful (or equivalent) level or better to telework. This can be assumed to be true for employees without a DOC rating of record; however, once they receive a rating of record, the Fully Successful or equivalent level or better must be met to continue teleworking.
8. Advise telework-ready employees they are required to work when their traditional worksite is closed for reasons other than a Federal holiday or Executive order, even if it is not their regular telework day.
9. Establish policies for addressing requests from employees to become remote workers, and governing the conditions of that arrangement.
10. Establish a communications process to notify employees designated as COOP emergency relocation group (ERG) members or “emergency” personnel about telework flexibilities.
11. Establish and include a process for approving telework or remote work arrangements (e.g., applications, approval levels, timelines for approval/denial, training requirements,

⁴ See Section VII, Definitions, “Evacuation Order.”

and written agreements).

12. Identify process for changing/modifying telework arrangements (schedules or locations).
13. Require the employee to successfully complete the required training prior to approval of their written agreement.
14. Bureaus/OUTs may use Telework Fundamentals for Managers and/or Fundamentals for Employees as the required training. Bureaus/OUTs may also develop their own interactive telework training programs consistent with Department policy. The programs must permit the tracking of all students who take the course by showing when the course was taken, the name of the student, and the date of successful completion. Although prior clearance and approval are not required, the bureau/OU **must** submit the program to OHRM for oversight purposes.
15. Require an employee wishing to telework to sign an agreement that includes all the mandatory requirements listed in XIII.A and any other conditions agreed to by the supervisor and employee, or consistent with the terms of an applicable CBA. Describe the process for obtaining authorization and the level of authorization required for the expenditure of funds to cover expenses associated with approved telework arrangements.
16. State that telework-ready and remote work employees will receive the same treatment and opportunities as traditional work employees (e.g., work assignments, awards and recognition, development opportunities, promotions, etc.).
17. Require that all hours teleworked be recorded under the appropriate telework category each pay period in the designated T&A system.
18. Include a process for providing orientation and training for new telework-ready employees and their supervisors regarding policy, bureau/OU specific programs, and their responsibilities.
19. Specify how to contact the bureau/OU telework coordinator.
20. Include language indicating that all employees designated as “emergency” or with COOP responsibility, must have an approved individual telework agreement.
21. Include bureau/OU information technology (IT) and cybersecurity guidelines.
22. Establish procedures for administering and evaluating the telework program.

X. ACCOMMODATIONS FOR EMPLOYEES WITH DISABILITIES

It is important to distinguish between ordinary requests to telework and requests from persons with disabilities for reasonable accommodation. Approving officials/supervisors should consult [DAO 215-10, “Reasonable Accommodation Policy,”](#) and the Disability Program Manager as

part of the interactive process established by the Rehabilitation Act, in order to fully understand supervisors' responsibilities under the law.

As governed by Section 501 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 791 et. seq., the Rehabilitation Act and [DAO 215-10](#), the determination as to whether an employee may be granted telework as a reasonable accommodation due to a disability should be made through the Reasonable Accommodation Coordinator, the employee's first-line supervisor, and the employee.

XI. MANDATORY TELEWORK TRAINING

A. Approving Officials Complete Telework Training

All approving officials must successfully complete the appropriate DOC-approved training programs prior to approving a written telework agreement.

B. Employees Complete Telework Training

All employees who want to telework must successfully complete the appropriate DOC-approved training before approval of their written agreement. Upon successful completion of the training, the employee must provide proof of successful completion of the course to their approving official.

C. Employees Complete Security Training

All employees are required to complete all mandatory IT security training, including the annual training.

XII. PREPARING FOR THE INDIVIDUAL TELEWORK/REMOTE WORK AGREEMENT

The following actions are to be taken when establishing a written agreement:

A. Employee Submits a Completed Telework/Remote Work Agreement

The interested employee submits a completed telework/remote agreement and telework safety checklist in accordance with their bureau/OU policy or the terms of an applicable CBA. (See Appendix B, "Telework Request/Agreement," Appendix C, "Remote Work Agreement," for a sample templates, and Appendix D, "Safety Checklist (telework and remote work)."

B. Employee and Supervisor Discuss Proposed Telework/Remote Agreement

The employee and supervisor/manager discuss the proposed agreement and communications (phone calls, emails, virtual meetings, etc.) between the employee and supervisor/manager.

Supervisors may utilize Appendix E, “Telework Agreement – Supervisor Checklist,” and Appendix F, “Remote Worker Agreement – Supervisor Checklist.”

XIII. INDIVIDUAL TELEWORK AGREEMENTS⁵

The written agreement provides the framework for the discussion that needs to take place between the employee and the supervisor/manager before the employee signs the agreement.

A. Mandatory Requirements

1. Indicate the duration of the agreement in the written agreement.
2. All written agreements must contain a notice clearly informing the employee they are required to telework whenever their traditional worksite is closed (other than for Federal holidays or Executive orders), even if it is not their regularly scheduled telework day.
3. All written agreements must contain notification that when the appropriate authority announces, “Unscheduled Leave” or “Unscheduled Telework,” telework-ready employees may elect either option by notifying their supervisor consistent with the employee’s written agreement or the terms of an applicable CBA. Employees are to be reminded that if they elect to perform unexpected telework, they must have a sufficient amount of work to complete in their period of telework. If the employee does not have enough work, they may either take unscheduled leave for the entire workday or use unscheduled leave to account for hours not worked.
4. The agreement must provide that an employee is not authorized to telework if their performance does not comply with the terms of the written telework agreement.
5. The purpose of the telework may not be to perform official time.⁶ The employee must first be performing management-assigned duties before any official time request can be considered. The agreement must set forth the expectations, i.e., management-assigned work, agreed upon by management and the employee, so the employee has prior knowledge of these expectations.
6. Management may find it necessary to require a non-emergency, telework-ready employee to report for an assignment that requires presence at the worksite (e.g., providing a presentation or performing administrative duties at a pre-scheduled conference). This should not be a last-minute surprise, but a special work circumstance that both the supervisor and employee know about, discuss, and plan in advance as the special work requires.

⁵ Please see Section VIII.H. “Remote Work” for guidance on remote work agreements as well as Appendix C, “Remote Work Agreement,” Appendix D, “Safety Checklist (Telework and Remote work),” and Appendix F, “Remote Worker Agreement – Supervisory Checklist.”

⁶ See Section VII, Definitions, “Official Time.”

Note: Management will be required to compensate “remote” workers for their travel, even when their alternative worksite is within the locality pay area of the traditional worksite, if their alternative worksite is more than 50 miles from the traditional worksite

7. Days may be specified or flexible due to business necessity or an employee’s request. Hours to be worked are to be annotated and in accordance with the traditional worksite reporting times.
8. Clarify any assumptions regarding work locations (e.g., if expected to work from home only) as well as frequency and modes of communication (e.g., email vs. telephone, core hours for contact, speed of returning calls).
9. Be clear if the employee is designated as an “emergency employee” or part of COOP and expected to work during a COOP event such as a national or local emergency, or a COOP exercise. All COOP and ERG members must have a telework agreement on file and be prepared to telework at any time.
10. Outline any additional requirements (technology, specific software, data security, etc.)

B. Modifications and Termination

1. Telework is a workplace flexibility (unless designated as a condition of employment), not a legal right and does not change the terms and conditions of employment. The operational needs of the bureau/OU are paramount; employees who telework do not have an automatic right to continue to telework. In accordance with the Act, an employee may not be authorized to continue teleworking if their performance does not comply with the terms of the written agreement between the approving official and the employee.

Note: It is recommended that the bureau/OU consult with the OGC about the payment of relocation expenses and the responsibility thereof, prior to the termination of a remote work agreement, as applicable.

2. Management shall provide sufficient notice, when feasible, before modifying or terminating a written agreement to allow the affected employee to make necessary arrangements. The reason for termination **must** be documented, signed by the approving official, and provided to the employee. Consent or acknowledgement via signature by the affected employee is not required for the termination of telework to take effect.
3. The employee may request to modify the current agreement (e.g., change the regular teleworking day) by submitting a new Telework Application/Agreement and Modification of Telework Agreement with only the requested change indicated.

XIV. TERMINATION OF AGREEMENTS AND APPEALS PROCESS

A. Telework and Remote Requests and Agreements May Be Denied or Terminated

Telework and remote work requests and agreements may be terminated or denied by the approving official in accordance with the terms of an applicable CBA and as long as the denial or termination decision is based on operational needs, conduct, or performance in accordance with the law and any applicable CBAs, not personal reasons or mere managerial preferences. (See Appendix G, “Optional Telework Termination Form”)

B. Immediate Denial

The approving official must immediately deny or terminate telework agreements as applicable, if the employee fails to be eligible due to 5 U.S.C. §§ 6502(A)(2) or (B)(3). It is also the policy of the Department to apply the same eligibility criteria to remote workers; therefore, the approving official must immediately deny or terminate a remote work agreement, as applicable, if the employee fails to meet the eligibility requirements described in 5 U.S.C. §§6502(A)(2) or (B)(3).

C. Written Justification

The approving official must provide written justification to the affected employee, to include information about when or if the employee would be eligible to reapply, and if applicable, what actions the employee should take to improve their chance of future approval. Approving officials are to provide employees, and maintain copies of, signed written denials or terminations of telework agreements.

D. Termination by the Employee

An employee may terminate their written telework agreement by written notice to the approving official. The employee may terminate their written remote work agreement in accordance with the terms of the agreement.

E. Administrative Grievance Procedures

Telework-ready and remote employees not covered by a negotiated grievance procedure must use the administrative grievance procedure in [DAO 202-771, “Administrative Grievance Procedure,”](#) to appeal issues relating to their telework/remote work status or other telework/remote work matters.

F. Negotiated Grievance Procedure (NGP)

Employees covered by an NGP that does not specifically exclude this matter must use the applicable NGP.

G. Discrimination

Employees who believe they are the victims of prohibited discrimination may utilize the Equal Employment Opportunity Commission's complaint procedures or the applicable negotiated grievance procedures (NGP), as appropriate.

XV. PROGRAM OVERSIGHT AND RESPONSIBILITIES

A. Office of Human Resources Management (OHRM)

OHRM is responsible for oversight of the Department of Commerce Telework and Remote Work Plan and for any reporting requirements to OPM. OHRM will review and monitor the various plans to ensure consistency across the bureaus/OU's with implementing the program.

B. Bureau/Operating Unit (OU)

Each bureau/OU is responsible for the development, funding, administration (including providing a designated Telework Coordinator), operation, and evaluation of its telework Plan. The evaluation should be accomplished in collaboration with the exclusive representative, if any. Each bureau/OU will develop a telework Plan consistent with this broad DOC Telework and Remote Work Plan and submit it to OHRM for compliance review/approval. When a bureau/OU lacks a telework Plan, the bureau/OU will be covered under the DOC's Telework and Remote Work Plan.

C. Supervisors/Managers

Supervisors/managers are responsible for the overall management and success of teleworking/remote working, if applicable, in their work units, including day-to-day operations. They are encouraged to permit employees to telework on a regular/recurring and/or situational basis for at least 4 days per biweekly pay period when requested by eligible employees. Supervisors/managers may also approve remote work requests in accordance with the terms of this DOC Telework and Remote Work Plan and the applicable bureau/OU Implementation Plan. Each request must be evaluated on the unique facts of the situation, the duties of the position, the needs of the office, budget implications, etc. Telework-ready and remote work employees and their approving officials are responsible for annually reviewing the written agreement to ensure it is current. The date of the review must be documented.

D. Telework Managing Officer (TMO)

The TMO shall be an SES official of the DOC with direct access to the Secretary of Commerce, and who has policy and program oversight of the DOC-wide telework program. The TMO serves as an advisor for DOC leadership.

E. Telework Program Manager (TPM)

The TPM shall be located in OHRM, and is a resource for Telework Coordinators, supervisors, approving officials, and employees. The TPM is responsible for responding to all inquiries from bureaus/OU's, and from other organizations such as OPM and the Office of Management and Budget (OMB). The TPM will maintain and forward data from all bureaus/OU's to the TMO, including an explanation of whether or not the bureau/OU is working satisfactorily toward the requirements detailed in this policy and, if not, what actions are being taken to identify and eliminate barriers to maximizing telework.

F. Telework Coordinators (TC)

The TCs provide bureau/OU policy and procedural guidance as well as advice and assistance to their bureau/OU-level personnel tasked with policy and implementation plan development. In addition, they work with senior-level managers in establishing and obtaining bureau/OU telework goals, objectives, and reporting requirements. The TC will, in partnership with the approving official and the exclusive representative, if applicable, establish a procedure for notifying each employee of their eligibility or ineligibility to telework, and coordinate a process for approving and tracking telework and remote work arrangements. The TC will answer questions and provide guidance to employees and supervisors as well as an orientation for new teleworkers.

The TCs will develop and maintain a reporting system that captures telework and remote work participation, terminations, and denials. The TCs are responsible for providing the following information to the TPM upon request:

1. The degree of participation by employees of each bureau/OU during the period covered by the report.
2. The method for gathering telework/remote work data in each bureau/OU.
3. The reasons for positive or negative variations in telework participation if the total number of employees teleworking is 10 percent higher or lower than in the previous year of the reporting activity.
4. The bureau/OU goal for increasing telework participation if applicable.
5. An explanation of whether a bureau/OU met its established goal(s) for the last reporting period and, if not, what actions are being taken to identify and eliminate barriers.
6. An assessment of progress made in meeting participation rate goal(s) and other telework goal(s) (i.e., the impact of telework on recruitment and retention, performance, etc.).
7. A description of best practices, if applicable.
8. A central file of all approved written agreements for the bureau/OU.

XVI. REPORTING REQUIREMENTS

The bureau/OUTs, via their TC, are required to respond to TPM requests for a variety of reporting requirements/initiatives. Below is information that might be requested, though it is not inclusive.

1. The degree of participation by employees of each bureau/OU teleworking during the period covered by the report.
2. The method for gathering telework data in each bureau/OU.
3. The reasons for positive or negative variation in telework participation if the number of bureau/OU employees teleworking is 10 percent higher or lower than in the previous year.
4. The bureau/OU goal for increasing telework participation to the extent practicable or necessary.
5. An explanation of whether or not a bureau/OU met its goals for the last reporting period and, if not, what actions are being taken to identify and eliminate barriers.
6. An assessment of the progress made in meeting bureau/OU participation-rate goals and other goals related to telework, such as the impact of telework on emergency readiness, energy use, recruitment and retention, performance, productivity, and employee attitudes and opinions regarding telework.
7. Best practices in the bureau/OU.

XVII. IT SECURITY REQUIREMENTS FOR TELEWORK-READY EMPLOYEES

Telework-ready and remote work employees must abide by the IT security requirements conveyed in the Commerce Information Technology Security Program Policy, Commerce Information Technology Requirements, Frequently Asked Questions, and IT Security Policy memos. The Telework/Remote Work Agreement signed by the employee and their supervisor may describe additional security requirements. DOC IT security documentation can be found at: http://home.commerce.gov/CIO/ITSITnew/IT_Security_Program_Documentation.html

Telework-ready and remote work employees must abide by bureau/OU-specified IT security requirements. Supervisors are responsible for ensuring that employees agree to comply with all existing IT security requirements and to ensure that employees are accountable.

XVIII. POLICY ON INFORMATION TECHNOLOGY SECURITY

The DOC's CIO is responsible for issuing and maintaining IT and eGov policies and minimum implementation standards, including remote access and safeguarding of sensitive information. These policies and minimum implementation standards outline responsibilities of bureau/OU CIOs as well as teleworkers/remote workers to enable an effective working environment for the

employee and the protection of DOC systems from undue risk. Operating unit CIOs, with the support of their IT security officers, are responsible for establishing teleworking IT security procedures specific to their bureau/OU and providing secure telecommuting resources and operational controls commensurate with the sensitivity of the data processed (along with policies and minimum implementation standards provided by the CIO). The DOC's policy on remote access is at

https://connection.commerce.gov/sites/connection.commerce.gov/files/media/files/2014/citr-008_remote_access.pdf

Supervisors are responsible for ensuring that telework-ready and remote work employees agree to comply with all existing security policies and procedures, including IT security. Telework-ready employees also agree that their responsibilities, described in Section 3.3.9 of the DOC's "IT Security Policy and Minimum Implementation Standards," remain in effect while on telework/remote work status. Other pertinent bureau/OU policies on IT security may also exist; supervisors are responsible for ensuring that employees agree to follow all applicable policies.

The workplace and workstation must be set up to accomplish secure information processing, including the proper storage of Sensitive Information in both electronic and paper form. The telework-ready and remote work employee, following bureau/OU policies, must minimize security vulnerabilities to the workstation and the DOC network.

XIX. PROTECTING THE SECURITY AND CONFIDENTIALITY OF RECORDS

All telework-ready and remote work employees must ensure that records subject to the Privacy Act of 1974, or which have sensitive Personally Identifiable Information (PII) or Business Identifiable Information (BII), are not disclosed to anyone except those who have been authorized access to such information to perform their duties. Bureaus/OUTs must ensure that appropriate physical, administrative, and technical safeguards are used to protect the security and confidentiality of such records.

A. Disclosure of Records from an Agency System of Records

1. Telework-ready and remote work employees are responsible for ensuring that their disclosure of a record (information) from any agency system of record complies with the Privacy Act of 1974.
2. The Privacy Act of 1974 defines a 'system of records' as a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual. Department of Commerce system of record notices (SORNs) are posted at <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=PAI&browsePath=2005&isCollapsed=false&leafLevelBrowse=false&yrcord=0>.
3. The Privacy Act of 1974 prohibits the disclosure of a record (information) from an agency system of record that is not identified as a routine use in that system's SORN,

does not comply with an exemption identified in the SORN, or does not comply with 1 of the 12 exceptions to the non-disclosure-(to third parties)-without-consent rule.

4. A Privacy Act incident occurs when an officer or employee of the agency, who by virtue of their employment or official position, has possession of or access to agency records that contain individually identifiable information, the disclosure of which is prohibited by [5 U.S.C. § 552a](#) (or regulations established thereunder), and discloses the material in any manner to any person or agency not entitled to receive it. Knowing misuse or release of information protected by the Privacy Act of 1974 can subject an employee to fines and/or criminal sanctions.
5. Telework-ready and remote work employees must immediately report a suspected or confirmed Privacy Act incident to their bureau/OU privacy officer or the Computer Incident Response Team (CIRT) and immediate supervisor.

B. Proper Handling of PII and BII

1. Telework-ready and remote work employees are responsible for the safeguarding of PII and BII.
2. PII is information that can be used to distinguish or trace an individual's identity, such as name, social security number, biometric records, etc., alone, or when combined with other personal or identifying information, which is linked or linkable to a specific individual, such as date and place of birth, mother's maiden name, etc. Sensitive PII, if lost, compromised, or disclosed without authorization, could result in substantial harm, embarrassment, inconvenience, or unfairness to an individual.
3. Types of PII considered sensitive when associated with an individual are: social security number (including truncated form), place of birth, date of birth, mother's maiden name, biometric information, medical information (except brief references to absences from work), personal financial information, credit card or purchase card account numbers, passport numbers, potentially sensitive employment information (e.g., personnel ratings, disciplinary actions, and results of background investigations), criminal history, and any information that may stigmatize or adversely affect an individual. The DOC's IT Privacy Policy provides that breaches of sensitive PII are subject to notification/reporting requirements.
4. When deciding whether PII is sensitive or non-sensitive, it is important to consider the type of information, obligations, or expectations regarding the protection of information, risk (probability and consequences) of loss or compromise of information, and context of information. Context is particularly important. The same types of information can be sensitive or non-sensitive depending upon the context. For example, a list of names and phone numbers for the Department softball roster is very different from a list of names and phone numbers for individuals being treated for an infectious disease. It is important to use good judgment when deciding whether PII is sensitive or non-sensitive. When in doubt, treat PII as sensitive.

5. The Department's policy states that if sensitive PII must be electronically transmitted, it must be protected by secure methodologies such as encryption, Public Key Infrastructure, or secure socket layers. Federal Information Processing Standards (FIPS) Publication 140-2, "Security Requirements for Cryptographic Modules" provides the standard to which encryption methodologies must conform. The transmission of sensitive PII, even if protected by secure means, must be kept to a minimum. Check with your bureau/OU's Office of the Chief Information Officer to determine methods or services they are using to support the electronic transmission of sensitive PII.
6. In addition to sensitive PII, telework-ready and remote work employees must ensure the safeguarding of BII. BII is information that is defined in the Freedom of Information Act as "trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential." "Commercial" is not confined to records that reveal "basic commercial operations" but includes any records (information) in which the submitter has a "commercial interest" and can include information submitted by a non-profit entity. Terms for BII that must be protected from disclosure include "confidential business information," "confidential commercial information," and "proprietary information."
7. Sensitive PII and BII can be stored on Government systems only, and saved, stored, or hosted only on DOC-authorized equipment (including contractor-owned equipment or a system that is approved to be used as a Government system). Computers that are personally-owned may not be used to save, store, or host sensitive PII and BII that is collected or maintained by the Department.
8. Sensitive PII and BII must be sent encrypted as an email attachment and encrypted on mobile computers, media (e.g., CDs, DVDs, USB drives), and devices (e.g., laptops, hard drives). When faxing sensitive PII and BII, an advisory statement about the contents must be included on the cover sheet, and the recipient must be notified immediately before and after transmission. Exception: According to the Commerce Acquisition Manual (CAM) 1313.301, cardholders shall not transmit credit card information over a facsimile machine. When mailing sensitive PII and BII, it must be physically secured when in transit. Do not mail or send by courier sensitive PII and BII on CDs, DVDs, hard drives, flash drives, USB drives, floppy disks, or other removable media unless the data is encrypted. Sensitive PII and BII must be sealed in an opaque envelop or container and mailed using First Class or Priority Mail, or a commercial delivery service (e.g., Federal Express or DHL). Appropriate methods must be used to destroy sensitive paper PII and BII (e.g., shredding, using a burn bag) and securely delete sensitive electronic PII and BII (e.g., empty the Windows recycle bin).
9. Telework-ready employees, remote work employees, and supervisors are responsible for complying with all bureau/OU guidelines on reporting PII and BII incidents. The OMB Memorandum M-07-16 defines a PII incident as the loss of control, compromise, unauthorized disclosure, unauthorized acquisition, unauthorized access, or any similar term referring to situations where persons other than authorized users, and for other than authorized purpose(s), have access or potential access to PII, whether physical or electronic. All employees, including telework-ready and remote work employees must immediately report a suspected or confirmed PII and BII incident to their bureau/OU privacy officer or CIRT and immediate supervisor.

XX. PRIVACY ACT, SENSITIVE, AND HIGHLY SENSITIVE INFORMATION

A. Decisions on Proper Use and Handling of Sensitive Information.

These decisions will be made by the approving official who permits the employee to work at home or another alternative worksite. A telework/remote work agreement will be signed by the employee and their approving official that contains the specific data types allowed to be accessed. Information is generally categorized into the following groups: Non-Sensitive Information; Sensitive Information; and Classified National Security Information.

B. Physical Security Standards

The physical security standard for PII and other Sensitive and Administratively Controlled Information must be addressed prior to allowing telework. Chapter 35 of the OSY Security Manual provides minimum physical security standards for the office environment that are also applicable during telework/remote work. At a minimum, Controlled Unclassified Information (CUI), including PII, should be afforded protection to prevent unauthorized access of the information.

C. Controlled Unclassified Information (CUI) Registry

The National Archives and Records Administration's CUI Office developed the CUI Registry, which allows anyone to access the Safeguarding and Dissemination requirements for CUI that must be afforded to information like PII (privacy) and other unclassified information. The registry may not be all inclusive, as only those categories of unclassified information that have a law, regulation, or Government-wide policy governing dissemination and/or safeguarding are provided. Therefore, any Sensitive and Administratively Controlled Information in hard-copy form that does not fall within the parameters of the manual, or the registry, should be brought to the attention of the Information and Personnel Security Division of the OSY.

Teleworkers, remote workers, and supervisors should visit <http://www.archives.gov/cui/registry/category-list.html> prior to allowing hard copy PII and other administratively controlled information outside the workplace for telework/remote work purposes.

Controlled Unclassified Information, established by Executive Order 13556, is legally protected and covered under the Sensitive Information category.

D. Highly Sensitive Information

This information is subject to the most stringent security and access control rules, such as courier authorization, hand-to-hand transmission, or agency-specific rules not included in the DOC Telework and Remote Work Plan. Classified information that requires Secret or Top Secret security clearances for protecting national security information is included in this

category. Classified information (Confidential, Secret, or Top Secret) may only be transmitted or removed from official worksites by classified networks or authorized official couriers. This type of information may not be used or accessed in any manner by teleworkers or remote workers.

XXI. EMERGENCY EMPLOYEES AND COOP TEAM MEMBERS

Employees designated as an “emergency” employee and those designated as a COOP ERG or other COOP team member may be required to report to the traditional worksite, an alternative worksite, or telework from home, based on the nature of the emergency.

These employees may be required to telework during emergency closures or other emergencies, including pandemics and for COOP exercises, on any day, even if that day is not a regular telework day or a day with specific approval for situational/episodic telework. COOP team members may also be required to perform duties outside of their usual or customary duties to ensure continuation of agency-essential missions or activities.

If an employee is designated as an “emergency” employee, or COOP ERG, or other member, the supervisor, along with the employee, should make advance and/or situational decisions as to whether the employee must physically report for duty at the traditional worksite, or may work from home or another approved alternative worksite.

For example, if the purpose of the employee reporting for duty at the traditional worksite is to provide policy guidance or to notify specific individuals of emergency requirements, this could be accomplished from home, provided the employee has access to the resources necessary to perform the required services. However, in some cases, the only way to obtain the services of the employee may be through telework from an alternative worksite.

For example, if inclement weather or other emergency situation results in a transportation shutdown, but phone lines remain working, the employee may be able to work from home rather than reporting to the traditional worksite or alternative site (i.e., the COOP site).

During any period that the DOC is operating under a designated COOP event, including an exercise, the COOP plan shall supersede any telework policy (Public Law 111-292 Section 6504(d)(2)).

APPENDIX A: TELEWORK ASSESSMENT TOOL

The decision to telework should be based on the ability of an employee to work in a setting that may be in his/her home or a Federal facility other than the regular office, without immediate supervision. The following tool is to be used by the supervisor as a basis for discussing the option and appropriateness of telework for a particular employee. Employees are also required to use the assessment tool to help in determining if telework is suitable for their positions.

Please rate yourself or your employee, using the following scale:

5 – Always 4 – Usually 3 – Sometimes 2 – Rarely 1 – Never

1. Employee works without regular monitoring/supervision.
2. Employee is comfortable working alone.
3. Employee independently identifies required work products.
4. Employee successfully plans work production schedule.
5. Employee communicates hindrances to successful completion of a task or project in sufficient time to allow for alterations that improve the opportunity for success.
6. Employee is knowledgeable about your organization's procedures/policies.
7. Employee is fully aware of Department information technology security.
8. Employee meets deadlines.
9. If telework will be in the employee's residence, the residence has an appropriate work environment.
10. Employee is willing to provide his/her own equipment if Government-furnished equipment is not available.
11. Employee is computer literate.
12. Employee has successfully completed the appropriate Commerce online teleworking training course.

APPENDIX B: TELEWORK REQUEST/AGREEMENT

The below telework agreement is a basic template that can be tailored to meet bureau/operating unit (OU) needs. Generally, a telework agreement would include things like:

- a listing of the bureau/OU policies on telework, including any applicable collective bargaining unit agreement, and a signature indicating understanding and agreement to abide by those policies
- a listing of telework work schedules
- technology used to facilitate the telework
- any other policy provision or aspect of the agreement that the organization, the manager, or the employee feels should be put in writing

Telework Request/Agreement

<p align="center">Date/Reason for Request:</p> <p align="center">/ /</p> <p><input type="checkbox"/> New <input type="checkbox"/> Revision <input type="checkbox"/> Annual Review</p>	<p align="center">Proposed Start Date</p>
<p>Employee’s Business Telephone:</p>	<p>Employee’s Telework Worksite Telephone and FAX number (if applicable):</p>
<p>Type of Telework: (Check all that apply)</p> <p><input type="checkbox"/> Routine</p> <p><input type="checkbox"/> Situational</p> <p><input type="checkbox"/> Unscheduled Telework</p> <p><input type="checkbox"/> COOP/Emergency Purposes</p>	<p>Telework Day(s) (complete if Type of Telework is Routine.) All work schedule flexibilities currently permitted may be continued in a telework arrangement. Please identify each day the employee will work from the telework worksite.</p>
<p>Week 1</p> <p><input type="checkbox"/> Monday</p> <p><input type="checkbox"/> Tuesday</p> <p><input type="checkbox"/> Wednesday</p> <p><input type="checkbox"/> Thursday</p> <p><input type="checkbox"/> Friday</p>	<p>Week 2</p> <p><input type="checkbox"/> Monday</p> <p><input type="checkbox"/> Tuesday</p> <p><input type="checkbox"/> Wednesday</p> <p><input type="checkbox"/> Thursday</p> <p><input type="checkbox"/> Friday</p>

Location of Telework Site: City _____ State _____	
<p>Assignments and Communication: This includes work assignments, agreements on checking voice mail and email or contacting the supervisor. Employees are expected to come into the office as needed for temporary changes. The supervisor will judiciously utilize this provision and work with employees to strike the right balance to include, when possible, providing alternative days/times to replace changes to regular telework schedules. Supervisors should also be flexible when possible in situations where employees need modifications for unexpected or urgent personal matters.</p>	
<p>Weather and Safety Leave. A telework participant must be prepared to perform work during an emergency to include a status announcement issued by the Office of Personnel Management, the head of their agency, or a recommendation communicated by the Federal Executive Board. See OPM's Governmentwide Dismissal and Closure Procedures for guidance and procedures related to operating status announcements and telework.</p>	
Weekly mileage saving: miles per week (Enter the number of miles not driven weekly due to approved schedule. For example, number of miles usually driven to work, to meet carpool, or to public transportation venue.)	
Supervisor Approval: <input type="checkbox"/> Approve (which may include working with employee to modify request as applicable to mission accomplishment) <input type="checkbox"/> Disapprove (If disapprove, indicate reason(s)) Date of Decision _____	Reason for Disapproval:

By signing this agreement, employees with telework agreements in place acknowledge that they are expected by law to telework during their regular tour of duty on the day when the OPM Director (or other appropriate agency official) issues an announcement that Federal offices are closed (e.g., major snow storm, hurricane, interruptions in transportation), even if that day is not a regular telework day or a day with specific situational approval. Employees who cannot

perform their duties must request leave (paid or unpaid). Weather and safety leave may be provided under limited circumstances.

Supervisor's Signature

Date (mm/dd/yyyy)

Employee's Signature

Date (mm/dd/yyyy)

APPENDIX C: REMOTE WORK AGREEMENT

The below remote work agreement is a basic template that can be tailored to meet bureau/operating unit (OU) needs. Generally, a remote work agreement would include things like:

- a listing of the bureau/OU policies on remote work, including any applicable collective bargaining unit agreement, and a signature indicating understanding and agreement to abide by those policies
- a listing of remote work schedules
- technology used to facilitate the remote work
- any other policy provision or aspect of the agreement that the organization, the manager, or the employee feels should be put in writing
- information pertaining to relocation expenses upon termination of agreement
- eligibility/terms for severance pay
- eligibility terms for compensatory time for travel

Remote Work Agreement

Date/Reason for Request:	Proposed Start Date
<input type="checkbox"/> Employee Request (please attach reason for request) <input type="checkbox"/> Management established worksite / /	
Location of Official Worksite City _____ State _____ Note: Official worksite is used to determine pay, RIF competitive area, travel reimbursement, and/or unemployment compensation.)	
Assignments and communication: [This includes work assignment clarification related to remote work site, agreements on office communication, checking voice mail and email, or contacting the supervisor.]	
Supervisor Approval <input type="checkbox"/> Approve (which may include working with the employee to modify request as applicable to mission accomplishment) <input type="checkbox"/> Disapprove	
Upon request, management will provide a written explanation, generally within 10 work days.	

Date of Decision _____

Employee Business Telephone:

Employee's Approved Bi-Weekly Work
Schedule or Alternative Work Schedule
(AWS)

Week 1

Monday

Tuesday

Wednesday

Thursday

Friday

Week 2

Monday

Tuesday

Wednesday

Thursday

Friday

APPENDIX D: SAFETY CHECKLIST (Telework and Remote Work) – HOME WORK SPACE

Participating employees may use the following checklist to assist them in a survey of the overall safety and adequacy of their alternative worksite. The following are only recommendations, and do not encompass every situation that may be encountered. Employees are encouraged to obtain professional assistance with issues concerning appropriate electrical service and circuit capacity for residential worksites.

- Practice a fire evacuation plan for use in the event of an emergency.
- Check your smoke detectors regularly and replace batteries once a year.
- Always have a working fire extinguisher conveniently located in your home, and check the charge regularly.
- Computers can be heavy. Always place them on sturdy, level, well maintained furniture.
- Use a sturdy chair that provides good support and can be adjusted.
- Choose office chairs that provide good supporting backrests and allow adjustments to fit you comfortably.
- Locate your computer to eliminate noticeable glare from windows and lighting. Place computer monitor at height that is comfortable and does not require neck or back strain. Locate computer keyboards at heights that do not require wrist strain or place the keyboard on an adjustable surface.
- Install sufficient lighting in locations that reduce glare at the work surface.
- Arrange file cabinets so that open drawers do not block aisles.
- Be sure to leave aisle space where possible to reduce tripping hazards.
- Always make sure electrical equipment is connected to grounded outlets.
- Avoid fire hazards by never overloading electrical circuits.
- Inspect and repair carpeting with frayed edges or loose seams. Avoid using throw rugs that can cause tripping hazards in your work space.
- Locate computers, phones and other electrical equipment in a manner that keeps power cords out of walkways.
- Keep your work area clean and avoid clutter, which can cause fire and tripping hazards.
- Do not allow non-government employees to operate or repair government owned equipment.
- Always keep government files and information in a secure place and do not advertise your home office to strangers.
- Always use proper lifting techniques when moving or lifting heavy equipment and furniture.
- Always report accidents and injuries immediately to your supervisor.

Employee's Signature

Date (mm/dd/yyyy)

APPENDIX E: TELEWORK AGREEMENT – SUPERVISOR CHECKLIST

Supervisors must use this checklist to ensure that telework requirements are met and that covered employees understand the policies and procedures of the telework program. The Telework Agreement is not final until the checklist items are complete. After an item is completed, list the date on the line next to it.

Checklist Item	Date Completed
1. Telework Guidelines have been explained to the employee and signed by supervisor and employee (attached).	
2. The provisions governing premium pay have been explained to the employee including that they must receive the supervisor’s approval in advance of working overtime.	
3. Performance expectations have been discussed with the employee. Performance Standards are in place and have been signed.	
4. Policies and procedures covering classified, secure and privacy data including PII have been explained to the employee.	
5. The employee has been given and signed the Safety Checklist , which identifies safety and adequacy issues that employees should consider when working from home (attached).	
6. Equipment issued to the employee has been documented.	
7. Telework Training completed.	

Also, identify any Government equipment/property that will be provided at the telework site, as applicable:

Item	Yes	No
Computer:		
Docking Station:		
Printer:		
Monitor:		
Keyboard:		

Mouse:		
Other Item #1:		
Other Item #2:		
Other Item #3:		
Other Item #4:		

Telework Guidelines

Voluntary Participation. The employee voluntarily agrees to work at the agency-approved telework site indicated above and agrees to follow all applicable policies and procedures. This is a flexibility that may be used by management to accomplish work needs. However, an employee may not be forced to enter into a telework agreement.

Official Worksite. In accordance with [5 CFR 531.605](#), the official worksite for a General Schedule teleworker remains the location of the agency worksite (i.e., the agency worksite where they would normally work, not the telework location) The employee generally should be scheduled to be at the agency worksite at least twice each biweekly pay period on a regular and recurring basis. See HR Handbook for guidance on remote workers for employees who do not report to an agency worksite on a regular basis (change of official worksite may affect pay, RIF competitive area, travel reimbursement, and/or unemployment compensation).

Official Duties. The employee will perform official duties only at the agency worksite or agency-approved telework site (i.e., alternative worksite). The employee may not conduct personal business while in official duty status at the telework site.

Time and Attendance. The employee will follow established office procedures for requesting and obtaining approval of leave. The supervisor must certify biweekly time and attendance for hours worked at the agency worksite and the telework site.

Overtime. Supervisors are responsible for ensuring that teleworkers perform overtime work only for additional work for which compensation for overtime payments or compensatory time off (as appropriate) is warranted. Employees not covered (i.e., exempt) from the Fair Labor Standards Act (FLSA) are only compensated for overtime work under the appropriate statutory and regulatory authorities when that work is ordered or approved in advance, in writing, by the supervisor. Supervisors should closely monitor teleworkers who are FLSA non-exempt (i.e., covered) employees to ensure that suffered or permitted overtime work is either prohibited or minimized.

Equipment. The employee is responsible for protecting any Government furnished equipment (GFE), and use of such equipment is governed by the Policy on Personal Use of Government Office Equipment. [Bureau/OU Name] will maintain and service GFE. The employee may be required to bring the equipment into the agency worksite for service.

Liability. The Government will not be liable for damages to an employee's personal or real property while the employee is working at the approved alternative worksite, except to the extent

the Federal Tort Claims Act or the Military Personnel and Civilian Employees Claims Act is applicable.

Telework Site. The employee will provide a work area adequate for performance of official duties. The employee agrees to review workspace that is located in a personal residence for conformance with the suggested safety checklist. The Government will not be responsible for any operating costs that are associated with the employee using their personal residence as a telework site (e.g., home maintenance, insurance, or utilities). However, the employee does not relinquish any entitlement to reimbursement for authorized expenses incurred while conducting business for the Government, as provided by statute and implementing regulations. When authorized and approved in advance, the Government will be responsible for costs associated with ordinary and authorized use of a workstation in a tele-center.

Injury Compensation. The employee may file a claim under Federal Employees' Compensation Act if injured in the course of actually performing official duties at the official worksite or the telework site. The employee must notify the supervisor immediately of any accident or injury that occurs at the telework site. The supervisor will investigate such a report immediately.

Work Assignments. 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's performance plan. The supervisor and employee will agree on terms of reporting work progress and accomplishments from the telework site in accordance with the guidelines and standards in the employee's performance plan.

Performance. Employees who are performing at less than the Fully Successful level are not eligible to telework. Teleworkers will be evaluated pursuant to the same performance standards that would apply if they were not teleworking.

Disclosure. The employee will protect Government records from unauthorized disclosure or damage and will comply with requirements of the Privacy Act of 1974, [5 U.S.C. 552a](#).

Classified Information. Classified information may not be taken to or accessed at telework sites.

Sensitive and Personally Identifiable Information (PII). Privacy Act, PII and sensitive non-classified data may be taken to telework sites only with supervisory approval and if required precautions are taken to protect the data. The employee will protect Privacy Act, PII, and sensitive non-classified data from unauthorized disclosure.

Standards of Conduct. The employee agrees they are bound by [AGENCY] standards of conduct while working at the telework site.

Cancellation. After appropriate notice to the supervisor, the employee may terminate the telework arrangements. After appropriate notice to the employee, the supervisor may terminate the telework arrangements.

Computer Use. All employees using wireless connections to access the network remotely must adhere to the “[Bureau/OU] Wireless Access Policy” posted on the internal intranet website. External wireless access points are not managed, maintained, or monitored by [Bureau/OU] and are not considered trustworthy. All communications, transactions, or connections to an [AGENCY] resource over the internet or through a wireless access point must be conducted via an encrypted method such as Citrix, Cisco AnyConnect, VPN, or other access as [Bureau/OU] may designate.

Transit Subsidy. Telework does not change an employee’s eligibility to participate in the Transit Subsidy Program. Employees must be mindful of the requirements under the transit subsidy program and any impact that reduced commuting costs may have on the amount of subsidy they are entitled to receive. Employees have an obligation to notify the agency of any reduction in use of transit as a result of telework to enable the agency to adjust the subsidy.

Waste, Fraud, and Abuse. All employees have a responsibility to report waste, fraud, and abuse within the Agency to the Office of the Inspector General (OIG).

Supervisor’s Signature

Date (mm/dd/yyyy)

Employee’s Signature

Date (mm/dd/yyyy)

APPENDIX F: REMOTE WORKER AGREEMENT – SUPERVISOR CHECKLIST

Supervisors must use this checklist to ensure that remote work requirements are met and that covered employees understand the policies and procedures of the remote work program. A Remote Worker Agreement is not final until the checklist is complete. After an item is completed, list the date on the line next to it.

Checklist Item	Date Completed
1. Remote Guidelines have been explained to the employee and signed by supervisor and employee (attached).	
2. The provisions governing premium pay have been explained to the employee including that they must receive the supervisor’s approval in advance of working overtime.	
3. Performance expectations have been discussed with the employee. Performance Standards are in place and have been signed.	
4. Policies and procedures covering classified, secure and privacy data including PII have been explained to the employee.	
5. The provisions governing changes to the terms and conditions of the remote work agreement have been explained to the employee, including that they must receive the supervisor’s approval in advance of any changes to the location of the duty station (i.e., remote work site). Failure to obtain management approval may result in termination of the remote work agreement.	
6. The employee has been given and signed the Safety Checklist, which identifies safety and adequacy issues that employees should consider when working from home (attached).	

Also, identify any Government equipment/property that will be provided for the remote site below, as applicable:

Item	Yes	No
Computer:		
Docking Station:		
Printer:		
Monitor:		
Keyboard:		
Mouse:		
Other Item #1:		
Other Item #2:		
Other Item #3:		
Other Item #4:		

Remote Worker Guidelines

Applicability. The Remote Worker Policy applies to current and future remote workers. A remote work arrangement may be initiated by an employee for the convenience of the employee or by the agency.

Duty Station. All pay and travel entitlements are based on the official worksite.

Salary and Benefits. Approving a remote worksite may affect pay, RIF competitive area, travel reimbursement, and/or unemployment compensation.

Official Worksite. In accordance with 5 CFR 531.605, the official worksite is the location where the General Schedule employee regularly performs their duties. If the employee is not scheduled to report to the agency worksite at least twice each biweekly pay period on a regular and recurring basis (i.e., is a remote worker), the employee’s official worksite for location-based pay purposes is the alternative work location under the remote work agreement.

Official Duties. The employee will perform only official duties at the official remote worksite. The employee may not conduct personal business while in official duty status at the remote site.

Time and Attendance. The employee will follow established office procedures for requesting and obtaining approval of leave. The supervisor must certify biweekly time and attendance for hours worked at the remote worksite.

Work Schedule. Work schedule (AWS or fixed) will follow established Agency/office procedures for setting, requesting and approval of available work schedule options. Identified work schedule ensures supervisor, co-workers, customers, etc., can interact with remote employee during the identified work schedule timeframes.

Overtime. Supervisors are responsible for ensuring that remote workers work overtime only when the supervisor authorizes and intends to make overtime payment (including compensatory time off, as appropriate). Both Fair Labor Standards Act (FLSA) exempt and non-exempt employees must be paid overtime (or compensatory time, under certain circumstances) when overtime hours are ordered and approved in advance in writing by a supervisor with the authority to authorize overtime. Employees agree that failure to obtain proper prior approval for overtime work may result in supervisor taking appropriate action to address.

APPENDIX G: OPTIONAL TELEWORK TERMINATION FORM

The telework option is a privilege and not an employee right. As such, it falls under the supervisor’s discretion to determine how work should be accomplished with the organization. Termination of the telework agreement can be either voluntary or involuntary.

This is notification that the telework agreement, which was signed on _____ is no longer in effect and is hereby terminated.

Termination is based on (check one):

Voluntary Withdrawal

Involuntary Withdrawal

If telework is involuntarily terminated, the decision is based on:

Requirements of the current work assignment

Reassignment or change in duties

Failure to maintain employee eligibility standards

Breach in Information Technology Security policies and/or procedures

Other (please specify):

Receipt Acknowledged

Employee’s Signature and Date: _____

Supervisor’s Signature and Date: _____