

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



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Performing the nonexclusive functions and duties of the
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I. SCOPE AND PURPOSE

In compliance with the January 20, 2025 Presidential Memorandum, [“Return to In-Person Work”](#) and the January 22, 2025 [“Guidance on Presidential Memorandum Return to In-Person Work”](#) from the Office of Personnel Management (OPM), in-person work is the primary work arrangement for Department of Commerce (DOC) employees.

In-Person Work Requirement: DOC employees should work their full schedules at their assigned DOC facilities/traditional worksites.

Telework is defined and authorized by the “Telework Enhancement Act of 2010,” which is now codified within 5 U.S.C. Chapter 65. Telework refers to a work flexibility arrangement under which an employee performs the duties and responsibilities of his/her position, and other authorized activities, from an approved worksite other than the location from which the employee would otherwise work. Remote work is defined as a work arrangement by which an employee completes his/her full schedule, performing the duties and responsibilities of his/her position, from an approved alternative worksite (*e.g.*, home, other alternative location) instead of a DOC facility/traditional worksite.

This policy:

- Applies to all DOC employees meeting the definition of “employee” found in 5 U.S.C. § 2105, except the National Oceanic and Atmospheric Administration (NOAA) Commissioned Officer Corps (5 U.S.C. § 2101(3));
- Covers the rare situations and circumstances when a DOC employee may engage in telework or remote work;
- Clarifies processes and requirements associated with any work an employee performs outside of a DOC facility/traditional worksite;
- Supersedes the December 2021 “DOC Telework and Report Work Plan”; and
- Elaborates on the Department’s January 24, 2025 information memorandum for DOC leadership, [“Return to In-Person Work.”](#)

The Chief Human Capital Officer/Director of the Office of Human Resources Management (OHRM) designates an employee of OHRM as the DOC Telework Managing Officer (TMO), responsible for considering revisions to this policy and serving as a primary point of contact for bureaus and the Office of Personnel Management (OPM) for telework-related matters. For questions about this policy, including supplementary information and templates, bureaus should visit OHRM’s [online resources](#) or contact OPBServices@doc.gov.

II. GENERAL EXEMPTIONS

There are several situations in which an employee may be exempt from completing his/her full schedule at a DOC facility/traditional worksite and may be approved for telework or remote work.

Reasonable Accommodations: As governed by Section 501 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 791 et. seq., and [DAO 215-10, “Reasonable Accommodation Policy,”](#) an

employee may be granted regular and recurring telework or remote work as a reasonable accommodation due to a disability.

Temporary Duty (TDY): When an employee has been authorized to travel and perform work at an alternative location away from his/her official duty station/traditional worksite, the employee is not subject to this policy's in-person work requirement.

Emergency Relocation Group (ERG) Members/Emergency Employees: When an employee has been directed not to work at his/her official duty station/traditional worksite as part of a Continuity of Operations (COOP) exercise or activation, he/she must perform work at the alternative site that has been designated by leadership.

Evacuation: When an employee has been authorized to perform work at an alternative location away from his/her official duty station/traditional worksite due to an evacuation order issued under 5 CFR § 550.409(a), the employee is not subject to this policy's in-person work requirement.

Domestic Employee Teleworking Overseas (DETO): When an employee has been approved by appropriate DOC officials and the Department of State, Chief of Mission to work overseas, he/she is not subject to this policy's in-person work requirement. No employee should telework from a foreign location without an approved DETO Agreement. OHRM can assist bureaus in pursuing such approval.

Spouses of Deployed Individuals: An employee who is the spouse of a deployed military or similar government employee (e.g., Foreign Service Officer) and has an approved agreement to perform work at an alternative location away from a DOC facility/traditional worksite is not subject to this policy's in-person work requirement.

Mobile Work: Due to the nature of a mobile worker's duties, which require routine travel to customer sites and/or non-DOC facilities, a mobile worker does not have a designated traditional worksite and typically uses his/her home as his/her duty station/official worksite. A mobile worker is not considered to be teleworking or engaging in remote work, and he/she may work his/her full schedule without regard to this policy's in-person work requirement.

III. COMPELLING CIRCUMSTANCE EXEMPTIONS

The Secretary, or his/her designee, may approve additional exemptions to this policy's in-person work requirement based on compelling evidence that such exemptions are warranted and in furtherance of DOC mission accomplishment.

For each employee for whom a bureau seeks an exemption, the bureau must submit a formal, written request to OHRM containing the following information:

- Proposed work arrangement for the employee, including clarification of amount of recommended regular and recurring telework or recommendation of remote work;
- Determination that the duties of the position merit objective measures of productivity, which will not be impaired by greater levels of work performed outside of a DOC facility/traditional worksite;

- Description of the critical expertise the employee possesses and anticipated, measurable mission results expected to be realized as a result of the work arrangement; and
- Analysis of recruitment or retention necessity, detailing both the market forces influencing the availability of the employee's expertise and previous recruitment and retention challenges, including failure of other talent flexibilities/authorities to guarantee staffing.

IV. TEMPORARY TRANSITION EXEMPTIONS

With the January 24, 2025 information memorandum for DOC leadership, [“Return to In-Person Work,”](#) DOC's primary work arrangement became in-person work. Some bureaus with significant populations of bargaining unit employees and/or significant numbers of employees engaging in remote work continue to focus on maximizing in-person work. These bureaus must overcome logistical barriers before all of their employees will be able to work their full schedules at assigned DOC facilities/traditional worksites.

In response to such circumstances, the Secretary, or his/her designee, considers and may continue to permit temporary exemptions to this policy's in-person work requirement for entire bureaus, bureau organizations, or subgroups of bureau employees. Such exemptions are intended to provide necessary time for bureaus to engage with unions, address space management issues, assign employees to DOC facilities/traditional worksites, and ensure the availability of sufficient resources to fully and efficiently transition to in-person work.

Bureaus operating under temporary transition exemptions must continue to plan to reach full compliance with this policy, including its in-person work requirements. They must also continue to comply with requests for information, including status updates from the Secretary, or his/her designee, and OHRM.

V. PERMITTED SITUATIONAL TELEWORK

While DOC does not permit regular and recurring telework, there are some limited circumstances in which a supervisor may permit a telework-ready employee to perform limited amounts of work away from his/her assigned DOC facility/traditional worksite.

Situations Impacting the Broader Workforce or Specific Facilities: With supervisory approval, an employee with a valid telework agreement may opt into “unscheduled telework” when designated as an option in the Federal Government or DOC operating status affecting his/her assigned DOC facility/traditional worksite (*e.g.* weather events; facility closures, transit disruptions).

Situations Affecting an Individual Employee: On a case-by-case basis, a supervisor may authorize telework for an individual employee to:

- Recover from an illness or injury that is not otherwise sufficiently disabling to support a request for temporary reasonable accommodation; and
- Efficiently tend to personal situations, including those involving medical care of self or family members.

Cases of situational telework specific to an individual employee should be limited in nature and designed to address temporary situations. An employee must request approval from his/her supervisor, and the request must be approved in writing.

Supervisors should be judicious when exercising their approval discretion for situations affecting individual employees. Any approval of such situational telework totaling more than 52 hours in a leave year (as defined in 5 CFR 630.201) for an individual employee (excluding any situational telework hours associated with weather events or other widespread situations impacting the broader workforce) must be approved, in writing, by a Senior Executive. The approving Senior Executive is responsible for reporting his/her decision to the relevant bureau head and principal human resources manager (PHRM), and PHRMs must report all such approvals to OHRM quarterly.

In addition, supervisors and employees should be aware that DOC will audit the use of situational telework, including to identify cases where the amount and/or frequency of telework indicates a substantial and/or repeated failure to comply with this policy's in-person work requirement.

VI. TELEWORK AND REMOTE WORK ELIGIBILITY

An employee is not eligible to engage in work outside of a DOC facility/traditional worksite—either via one of the exemptions outlined above or as part of permitted situational telework approved by a supervisor—if any of the following is true about the employee or the nature of the employee's position:

- Employee has been disciplined as described in 5 U.S.C. § 6502(a)(2) and/or is not performing as described 5 U.S.C. § 6502(b)(3); or
- Employee's position requires on-site activity, including handling of secure materials, that cannot be conducted outside of a DOC facility/traditional worksite.

Should the performance of an employee fall below the “fully successful” or equivalent threshold, a supervisor should consult with his/her servicing human resources office to determine appropriate next steps, which may include full-time assignment/reassignment of the employee to a DOC facility/traditional worksite.

DOC—through supervisors and other management officials—notifies individual employees of their eligibility to participate in telework or remote work, and DOC considers eligibility for telework or remote work for eligible employees without regard to race, color, religion, sex (including pregnancy), national origin, political affiliation, marital status, disability, genetic information, age, membership in an employee organization, parental status, military service, or other non-merit factors.

VII. TELEWORK AND REMOTE WORK READINESS

Before engaging in work outside of a DOC facility/traditional worksite—either via one of the exemptions outlined above or as part of permitted situational telework approved by a supervisor—an employee who is eligible to engage in telework or remote work must also be telework-ready or

remote work-ready.

To be telework-ready or remote work-ready, an employee must:

- Complete DOC- or bureau-approved telework training, such as “Telework Fundamentals for Employees” or “Telework Fundamentals for Managers”;
- Complete a written telework or remote work agreement signed by both the employee and his/her supervisor; and
- Confirm with his/her supervisor that he/she has the appropriate equipment necessary to perform the duties and responsibilities of his/her position outside of a DOC facility/traditional worksite.

OHRM publishes standard telework and remote work agreement templates for bureau use and customization, as appropriate.

VIII. EQUITABLE TREATMENT

Employees, regardless of whether they engage in telework or remote work, are to be treated the same for the following purposes:

- Periodic appraisals of performance;
- Training, rewarding, reassigning, promoting, and similar personnel actions;
- Work requirements; and
- Other acts involving managerial discretion.

IX. SECURITY REQUIREMENTS

Information Security: When engaging in work outside of a DOC facility/traditional worksite, all employees must abide by applicable physical security requirements and handling requirements regarding Personally Identifiable Information (PII) and other Sensitive and Administratively Controlled Information, including Controlled Unclassified Information (CUI). This includes any requirements set by the Privacy Act of 1974 or Executive Order 13556 as well as any set by DOC, the employees’ respective bureaus, and/or outlined in their telework or remote work agreements. Classified information (Confidential, Secret, or Top Secret) may not be accessed in any manner by employees engaging in telework or remote work.

Information Technology (IT) Security Requirements: When engaging in work outside of a DOC facility/traditional worksite, all employees must abide by applicable IT security requirements. This includes any requirements set by the Office of Chief Information Officer, the employees’ respective bureaus, and/or outlined in their telework or remote work agreements.

X. PAY AND LEAVE

Locality Pay: An employee’s locality rate of pay is based on the employee’s official duty station, which is determined in accordance with 5 CFR § 531.604(b).

- For an employee engaging in telework, including regular and recurring telework, via one of the

exemptions outlined above, the employee must physically report to his/her assigned DOC facility/traditional worksite at least twice each biweekly pay period.

- For a remote worker, his/her duty station is based on the alternative worksite described in his/her remote work agreement. A remote worker may not change his/her alternative worksite without supervisor approval.
- For a DETO, special locality pay is provided under section 9717(b) of the FY2023 National Defense Authorization Act (NDAA).

Leave: The same leave regulations apply to an employee when he/she engages telework or remote work as when he/she works at a DOC facility/traditional worksite. As outlined in OPM's weather and safety leave regulations, implementing the provision of 5 U.S.C. § 6329c, a telework-ready employee will be ineligible for weather and safety leave when a facility closure is announced except when one of the rare circumstances in 5 CFR § 630.1605(a)(2) is applicable. This restriction on weather and safety leave applies to remote workers; a remote worker is expected to work from his/her alternative worksite (e.g., home) regardless of any facility closure. An employee engaging in telework or remote work also may not receive weather and safety leave for hours that he/she is on other preapproved leave or paid time off (5 CFR § 630.1606(c)).

XI. TIME AND ATTENDANCE

An employee and his/her supervisor are responsible for ensuring the accuracy of time and attendance records for work completed outside of a DOC facility/traditional worksite. Appropriate telework codes should be used for hours of telework; appropriate remote work codes should be used for hours of remote work.

All employees and supervisors should be aware that DOC will audit the use of telework and remote work codes, including to identify cases where work arrangements appear inconsistent, or the use of specific codes indicates a potential failure to comply with this policy's requirements. As needed, OHRM may request bureaus report telework and/or remote work data, including aggregations of time and attendance data for employees.

XII. EMPLOYEE/POSITION CODING

In accordance with the March 7, 2023 OPM [memorandum](#), bureaus must use two-letter codes to identify the primary mode of work for all positions. All supervisors should ensure their employees' position descriptions have been assigned an accurate code that will also be processed and stored in the National Finance Center (NFC) system. Codes may be updated via CD-516, Section C, 9B, and processed by servicing human resources offices. As needed, OHRM may request bureaus report on the breakdown of employee/position coding.