

2021 Guide to Telework and Remote Work in the Federal Government

Leveraging Telework and Remote Work in the Federal Government to Better Meet Our Human Capital Needs and Improve Mission Delivery



Introduction and Background

Telework: Benefiting Employer and Employee Alike

Telework has existed in the Federal Government for many years. At least since the Telework Enhancement Act of 2010 ([Public Law 111-292](#)) became law, executive branch departments and agencies (“agencies”) have demonstrated that telework is an efficient and effective way of working to deliver on agency missions. Never has the importance of a robust telework program been more apparent than during the COVID-19 pandemic. The COVID-19 pandemic forced even more adoption of telework and sparked a nationwide focus on telework as an important tool for safely and efficiently delivering mission-critical services in the public and private sectors during both short- and long-term emergencies.

We know the benefits of telework for organizations and employers. A robust and well-practiced telework program improves employee performance and engagement and supports mission productivity and efficiency. Telework can serve as a critical workplace flexibility that enables agencies to meet mission-critical needs of the organization. And it can help Federal workers balance work and personal responsibilities and make use of beneficial work environments, thereby enhancing employee satisfaction and wellbeing, aiding retention, and serving as a draw to potential applicants.

We also have an imperative to plan for a variety of contingencies, be them severe weather events, public health emergencies, and more. It’s critical that the Federal government – and our workforce – remain flexible, resilient, and ready to continue our critical work on behalf of the American public, no matter the challenge. And as we saw during the past twenty months, never was the need for this increased flexibility and resiliency more important.

The COVID-19 Pandemic Has Transformed the Federal Workplace As We Know It

The COVID-19 pandemic forced changes to the workplace. Many employees learned how to perform the functions of their job in a new way during a difficult time, meeting the challenges head-on. Agencies demonstrated that they have been able to carry out their missions effectively. Accordingly, agencies now have an opportunity to revisit how they were operating prior to the pandemic and leverage lessons learned during the pandemic to integrate telework and remote work into their strategic workforce plans. As we look to the future, OPM is encouraging agencies to strategically leverage workplace flexibilities such as telework, remote work, and alternative/flexible work schedules as tools to help attract, recruit, and retain the best possible workforce.

Updated Guidance for Federal Agencies

In response to growing interest in telework and remote work, OPM is issuing supplemental policy guidance to provide agencies with practical resources and information to assist them in evaluating how to leverage these tools to meet mission-critical needs for organizations and balance the needs of a changing workforce at the same time.

While this updated guidance focuses on assisting agencies in updating their current policies, we expect to continue our examination of telework and remote work policies over the coming years as agency operations evolve, and as the Federal Government further defines a broad vision for the “Future of Work.” The Federal Government, as the nation’s largest employer, is well-positioned to leverage telework, remote work, and other workplace flexibilities to adapt to the changing needs of the workforce of the future. OPM is excited to help lead the way in modernizing the way the Federal government does business to best serve the American people.

How To Use This Guide

This *2021 Guide to Telework and Remote Work in the Federal Government* is designed to replace the contents of OPM’s 2011 *Guide to Telework in the Federal Government*. This new guide offers resources to help contextualize the continued evolution of telework and remote work as critical workplace flexibilities given the increased adoption of these flexibilities as a result of the COVID-19 pandemic.

This guide is composed of two distinct parts that cover:

Part 1 – Technical Guide on Telework: An overview of telework arrangements, laws, agency roles and responsibilities, and guidance to develop agency telework policies

Part 2 – Technical Guide on Remote Work: A review of implications, considerations, and strategies for the appropriate use of remote work arrangements

Though presented separately, these two parts may be used in conjunction with one another as an interdependent resource intended to provide comprehensive flexible workplace guidance for Federal agencies, Telework Managing Officers (TMOs), telework program coordinators, managers, supervisors, and employees. When deployed effectively, telework and remote work can work in tandem to help agencies achieve their goals.

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Part 1 - Technical Guide on Telework:
An Overview of Telework Arrangements, Laws, Agency Roles and
Responsibilities, and Guidance to Develop Agency Telework Policies

Legislative Background

[The Telework Enhancement Act](#) (the Act), was signed into law on December 9, 2010. The passage and signing of this legislation ([Public Law 111-292](#)) was a significant milestone in the history of Federal telework. The law specifies roles, responsibilities, and expectations for all Federal executive agencies regarding telework policies; employee eligibility and participation; program implementation; and reporting. The Act also assigns specific duties to OPM; General Services Administration (GSA); Office of Management and Budget (OMB); Department of Homeland Security (DHS), including the Federal Emergency Management Agency (FEMA); National Archives and Records Administration (NARA); and others. The specific agencies named in the Act are charged with directing overall policy in their areas of expertise and providing policy guidance to Federal executive agencies on an ongoing basis. The Act established baseline expectations for the Federal telework program, and agencies have been diligent in implementing its requirements seamlessly and effectively. This prior experience helped the Federal government to move more quickly to maximum telework at the start of the pandemic.

Agency Roles and Responsibilities under the Act

Of all legislation related to telework to date, the Act provides the most comprehensive view of what is expected of Federal agencies regarding telework. All Federal executive agencies are responsible to fulfill several requirements identified in the Act. Several specific agencies have additional duties to provide oversight, guidance, and overall support with the implementation of telework programs.

Every Federal Executive agency must:

- establish a policy under which eligible employees may be authorized to telework
[\(5 U.S.C. 6502\(a\)\(1\)\(A\)\)](#)
- while developing telework policies, consult with OPM as needed for policy guidance in various areas such as performance management, pay and leave, recruitment, and retention, etc.
[\(5 U.S.C. 6504\(a\)\)](#)
- determine employee eligibility to participate in telework [\(5 U.S.C. 6502\(a\)\(1\)\(B\)\)](#)
- notify all employees of their eligibility to telework [\(5 U.S.C. 6502\(a\)\(1\)\(C\)\)](#)
- require each eligible employee authorized to telework to enter a written telework agreement with their supervisor as a pre-condition to participation [\(5 U.S.C. 6502\(b\)\(2\)\)](#)
- provide an interactive telework training program to eligible employees and their managers and require that the program be successfully completed by employees prior to entering a written

telework agreement [\(5 U.S.C. 6503\(a\)\(1\), \(2\)\)](#)

- effectively manage teleworkers so that telework does not diminish employee performance or agency operations, in accordance with OPM performance management guidelines [\(5 U.S.C. 6502\(b\)\(1\)\)](#) and take appropriate steps if it has [\(5 U.S.C. 6502\(b\)\(1\), 6503\(a\)\(4\)\)](#)
- deny or revoke telework for employees who have been disciplined for specified misconduct [\(5 U.S.C. 6502\(a\)\(2\)\)](#)
- deny telework for employees handling secure materials inappropriate for telework or whose work requires on-site activity (except in an emergency as determined by the head of the agency) [\(5 U.S.C. 6502\(b\)\(4\)\)](#)
- effectively manage teleworkers to maintain compliance with their telework agreements, as required by [5 U.S.C. 6502\(b\)\(3\)](#), and take appropriate steps to terminate the arrangement if non-compliance is not promptly corrected
- remind supervisors and managers to treat teleworkers with the same equity the agency treats non-teleworkers for purposes of performance appraisals, training, work requirements, etc. [\(5 U.S.C. 6503\(a\)\(3\)\)](#)
- designate a Telework Managing Officer (TMO) to serve as the primary point of contact with OPM on telework matters on behalf of the agency [\(5 U.S.C. 6505\)](#)
- incorporate telework into Continuity of Operations (COOP) plans, with the understanding that, during an actual COOP event, the COOP plan will supersede any telework policy [\(5 U.S.C. 6504\(d\)\)](#)

When fulfilling the requirements of the Act, Federal agencies must:

- satisfy appropriate collective bargaining obligations, as needed, regarding agency telework policies

OPM is required to:

- provide consultation, policy, and policy guidance to the agencies on telework in the areas of pay and leave; agency closure; performance management; official worksite; recruitment and retention; and accommodations for persons with disabilities [\(5 U.S.C. 6504\(b\)\(1\)\)](#)
- assist each agency in establishing appropriate qualitative and quantitative measures and teleworking goals [\(5 U.S.C. 6504\(b\)\(2\)\)](#)
- consult with the **General Services Administration (GSA)** on policy and policy guidance for

telework in the areas of telework centers, travel, technology, equipment, and dependent care
[\(5 U.S.C. 6504\(b\)\(3\)\(B\)\)](#)

- consult with the **Federal Emergency Management Agency (FEMA)** on policy and policy guidance for telework in the areas of continuation of operations and long-term emergencies
[\(5 U.S.C. 6504\(b\)\(3\)\(A\)\)](#)
- consult with the **National Archives and Records Administration (NARA)** on policy and policy guidance for telework in the areas of efficient and effective records management; and preservation of records, including Presidential and Vice-Presidential records
[\(5 U.S.C. 6504\(b\)\(3\)\(C\)\)](#)

OPM is also responsible for maintaining a central telework website that includes telework links, announcements, and guidance developed by OPM or submitted by FEMA and GSA (OPM is required to post FEMA and GSA guidance no later than 10 business days from receiving it) [\(5 U.S.C. 6504\(e\)\)](#). This central website may be accessed at www.telework.gov. OPM provides timely and practical information to agencies, managers, employees, and other interested parties to effectively implement telework programs and arrangements, as well as information of interest to the general public.

OPM, in collaboration with each agency, is required to compile and submit an annual report on the telework programs of each agency [\(5 U.S.C. 6506\)](#). The initial report after the law's enactment established the baseline for the annual [Status of Telework in the Federal Government Report to Congress](#). OPM is also tasked with researching the utilization of telework by public- and private-sector entities that identify successful practices and recommendations for the Federal government.

OMB is required to:

- consult with the **Department of Homeland Security (DHS)** and the **National Institute of Standards and Technology (NIST)**, to issue guidelines to ensure the adequacy of information and security protections for information and information systems used while teleworking
[\(5 U.S.C. 6504\(c\)\)](#)
- issue policy guidance requiring each agency, when purchasing computer systems, to purchase systems that enable and support telework, unless the agency head determines that there is a mission-specific reason not to do so. [\(5 U.S.C. 6504\(f\)\)](#)

What is Telework?

Definition of Telework

The use of the term “*telework*” as an alternative work arrangement in the Federal Government dates as far back as the 1970s. Prior to the Act, various terms were used, in many cases interchangeably, to describe telework. Some of the most recognized terms used include *virtual work* or *telecommuting*. Sometimes, employees or managers may improperly use the terms “remote work” and “telework” interchangeably. As noted throughout this document, these are distinct work arrangements – with differing statutory frameworks and policy implications.

The Act is the first legislative action to establish “*telework*” as an official term. The official definition of “*telework*” in the Act, and now codified at [5 U.S.C. 6501\(3\)](#), is as follows:

"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."

In practice, telework is a work arrangement that allows employees to have regularly scheduled days on which they telework and regularly scheduled days when they work in their agency worksite. This includes any arrangement where an employee conducts work activities during any regular, paid hours, from an alternative location mutually agreeable to the employee and the agency (i.e., telework site, home).

Key Terms

The key terms described below are used throughout this guide (both the telework and remote work portions) to provide some consistency and a distinction between various terms used in current statutes and regulations related to telework, pay, and official travel. It may be helpful to refer to this section for clarification of terms when using this guide.

- **Agency worksite** refers to an official Federal agency location where work activities are based, generally considered a centralized location of an employee’s assigned organization. The term *regular worksite* is also used to describe agency worksite. (For example, see [5 CFR 531.605\(d\)](#).)
- **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).
- **Official worksite** is the agency worksite for most employees, including a teleworker. For a remote

worker, the official worksite is the alternative worksite to which the agency and the employee agreed (e.g., the employee's residence). The official worksite is generally the location of an employee's duty station as documented on an employee's Standard Form 50. See ['Pay, Leave and Work Schedule Flexibilities'](#) section for guidance on official worksite determinations for certain pay purposes.

- **Telework** is an arrangement in which an employee, under a written telework agreement, is scheduled to perform their work at an agency worksite on a regular and recurring basis.¹
- **Remote work** is an arrangement in which an employee, under a written remote work agreement, is scheduled to perform their work at an alternative worksite and is not expected to perform work at an agency worksite on a regular and recurring basis. A remote worker's official worksite may be within or outside the local commuting area of an agency worksite. See [Part 2](#) of this guide for implications, considerations, and strategies for the appropriate use of remote work arrangements.

Types of Telework Arrangements

Federal agencies have discretion to define types of arrangements and parameters for participation within their telework policies and telework agreements. In exercising this discretion, however, it is a good practice, as a retention device (and a potential positive feature from a recruiting perspective) for agencies to consider individual employee needs and preferences, so long as telework does not diminish employee performance or agency operations. Although most Federal employees engage in telework arrangements where they combine working from an agency worksite with working from an approved alternative worksite (e.g., an employee's residence), requests for remote work arrangements where the employee works primarily from an approved alternative worksite (e.g., an employee's residence) and rarely if ever reports to an agency worksite are becoming increasingly common. [Part 1](#) of this guide primarily covers telework arrangements, and remote work arrangements are discussed in greater detail in [Part 2](#).

¹ This definition of telework does **not** include any part of work done while on official travel or mobile work. Mobile work is work which is characterized by routine and regular travel to conduct work in customer or other worksites as opposed to a single authorized alternative worksite. Examples of mobile work include site audits, site inspections, investigations, property management, and work performed while commuting, traveling between worksites, or on Temporary Duty (TDY).

Telework Arrangements: Routine vs. Situational Telework

The Telework Enhancement Act specifically identifies the following categories of participation and requires that agencies report on the specific number of employees each year that telework:

- 3 or more days per pay period (denotes a bi-weekly pay period)²
- 1 or 2 days per pay period
- once per month
- on an occasional, episodic, or short-term basis (i.e., situational telework such as ad-hoc or unscheduled telework as described above).

To meet this requirement OPM generally defines two categories of telework:

- 1) routine telework in which telework occurs as part of an ongoing regular schedule; and
- 2) situational telework in which telework is approved on a case-by-case basis and the hours worked were **not** part of a previously approved, ongoing, and regular telework schedule.

Within these general categories, agencies may find it useful to develop and collect data on more granular sub-categories of telework. The creation of such sub-categories of telework is permissible as long as the agency is able to report cumulative telework data within the routine and situational telework categories and in accordance with the three patterns specified in the Act ([5 U.S.C. 6506\(b\)\(2\)\(A\)](#)).

Comparison of routine telework and situational telework:

- Routine Telework
 - Arrangement often thought of as the “typical” telework experience
 - Approved to telework on a schedule that is regular and recurring, most often on an agreed-upon day or days during a bi-weekly pay period
 - The regularly scheduled telework day(s) are usually specified in a written telework agreement between the employee and employee's supervisor

² For reporting purposes, the routine telework category “3 or more days per pay period” is not inclusive of remote work arrangements. OPM collects and reports data on remote work as a separate category for analysis purposes.

- Situational Telework
 - Arrangement where employee is approved by their supervisors to telework on a case-by-case basis as the need arises
 - The availability of situational telework is usually specified in a written telework agreement between the employee and employee's supervisor
 - Various scenarios in which an employee can be approved for this type of telework
 - Examples include, but are not limited to:
 - an employee with a short-term need for uninterrupted time to complete work on a complex project
 - an employee with dependent care responsibilities
 - an employee recovering from illness or an injury who is able to perform work, but temporarily unable to physically report to the agency worksite
 - an employee who opts for unscheduled telework when OPM announces the Federal Government operating status, in the area of the employee's agency worksite, as "Open with Option for Unscheduled Leave or Unscheduled Telework"³

Additionally, note that any employee who wishes to telework (regardless of which type) must first successfully complete an interactive telework training program provided by the agency and must enter into a written agreement with their supervisor. Supervisors of teleworking employees must also complete telework training before entering into a telework agreement. The completion of training is intended to ensure both teleworkers and supervisors of teleworkers are familiar with relevant policies and appropriate practices associated with telework.

Telework Fundamentals

It is important to remember telework is primarily an arrangement established to facilitate the accomplishment of work. While employees and agencies alike enjoy positive outcomes resulting from telework, agencies retain

³ By definition, "unscheduled telework" is a specific form of situational or ad-hoc telework. Agencies and employees are encouraged to consult the OPM publication, [Governmentwide Dismissal and Closure Procedures](#), for answers to questions about "unscheduled telework" during dismissal or closure situations.

both the discretion and the obligation to determine employee eligibility for telework subject to business-related, operational needs and the limitations described in the Act. Agencies, however, are encouraged to re-evaluate their telework policies in light of the experiences gained during the pandemic. Agencies should strive to fully integrate telework into their culture, providing all employees (other than those legally prohibited from doing so) the opportunity to telework at least occasionally.

Generally, the provisions of the Telework Enhancement Act apply to all employees of Federal executive agencies, subject to any limitations described in the law or individual agency telework policy requirements, and legally binding collective bargaining agreements. Although the Act requires Federal agencies to establish telework policies ‘under which eligible employees of the agency may be authorized to telework,’ and thus, by implication, to determine which positions are appropriate for telework, it does not mandate telework, or confer a legal right or entitlement on an individual employee to participate in an agency telework program. Conversely, the Act does not obligate an employee to participate in an agency telework program. Accordingly, employee participation in a telework program is voluntary.

Once an employee is participating in a telework program, however, that participation will have consequences for the employee under the weather and safety leave provisions of the Administrative Leave Act, and OPM’s regulations implementing those provisions. For example, if an employee is participating in a telework program, they will be expected to work during the duration of an emergency event, or else request to use unpaid or paid leave (e.g., annual leave) – even if such events fall on days when the employee would not normally telework ([5 CFR 630.1605](#)). Similarly, when OPM promulgates the final regulations implementing the investigative leave provisions of the Administrative Leave Act, and the period provided for agencies to take required steps has elapsed, it will be possible for an agency to require an employee who is placed by an agency on investigative leave and who is participating in a telework program to perform duties through telework similar to those performed at the office ([5 U.S.C. 6502\(c\)](#)).⁴

⁴ There are also situations where employee may be compelled to work from home – whether or not they are teleworkers. For example, during a pandemic, an agency may issue an evacuation order and identify the employee’s home as their safe haven working location ([5 CFR 550.409\(a\)](#)). Similarly, during a catastrophic event that disrupts agency operations, and results in the invocation of an agency’s Continuity of Operations Plan ([5 U.S.C. 6504\(d\)\(2\)](#)), an employee may be directed to report to an alternate work location, which could be their home. These situations are not true “telework” arrangements as they are not triggered by participation in a telework agreement (indeed, the employee’s position may not generally be eligible for telework).

Telework Policy Development

The Telework Enhancement Act provides Federal agencies broad authority and discretion to establish and implement telework policies that authorize employees to telework. A well-written telework policy and good communication are essential elements of a successful telework program. At minimum, an effective telework policy should define program parameters and outline specific standards for how telework will be conducted at the agency or organization. An agency policy should outline program goals and objectives, as well as the benefits to the organization and employees. Program parameters should be defined, including the rules and process for program participation, and policies should comply with all relevant Federal statutes, regulations, and applicable collective

A well-written telework policy is the foundation for a good telework program. For any agency seeking to revisit or strengthen its telework policies, there are two main objectives:

1. The policy should be written in such a way that it can be clearly understood and easily used.
2. The policy should incorporate content fundamental to the development and support of an effective telework program.

The sections below outline specific criteria that should be included in an effective policy.

Clarity and Usability

Policies should:

- use concrete, familiar words and not jargon, unexplained abbreviations, or other difficult terminology (i.e., keep your employees and their supervisors in mind, many of whom may be unfamiliar with telework)
- avoid ambiguous terms and redundancies
- be organized logically (e.g., in preparing the various sections, do not skip around from topic to topic but instead organize the material by category for ease of reference)

Agencies are directed to think about how to incorporate teleworkers into their Continuity of Government Plans (COOP) to leverage additional employees in meeting critical missions during a COOP event ([5 U.S.C. 6504\(d\)\(1\)](#)). But the COOP Plan will supersede telework policies in the event of any conflict between the two. Additional details on mandatory telework in response to an emergency are discussed in the '[Continuity of Operations Plan \(COOP\)](#)' section of this guide ([5 U.S.C. 6504\(d\)\(2\)](#)). Finally, agencies are directed, pursuant to [40 U.S.C. 587\(c\)\(2\)](#), to consider whether a need for facilities can be met by initiating or expanding the use of voluntary alternative work arrangements such as telework.

- be designed and written to serve as a useful, practical resource for employees, managers, supervisors of teleworkers, TMOs, telework coordinators, Human Resource Specialists, employee representatives, and any other staff with a need to know about the agency's telework program
- incorporate guidance and input from various intra-agency stakeholders (e.g., Chief Information Officer, Chief Financial Officer, etc.)

Content Fundamental to Develop and Support a Telework Program

The policy should include content critical to the success of a telework program. Generally, content should cover issues related to: a) program implementation (i.e., content that supports effective program development), b) participant responsibilities (i.e., content that defines the roles and responsibilities of various participants in telework such as employees, managers, supervisors, and TMOs), and c) program operations (content that details the day-to-day activities or information necessary to support program success).

Specifically, regarding **Program Implementation**, the telework policy should:

- include a statement of purpose (e.g., that identifies the intended benefits or outcomes of telework such as emergency preparedness, workforce efficiency, quality of work-life balance, employee engagement and wellbeing, cost savings, workplace optimization, environmental sustainability, etc.)
- contain clear definitions of a) telework, b) eligibility, c) agency worksite, and d) alternative worksite
- reference governing telework legislation such as [Public Law 106-346](#) and [Public Law 111-292](#) (Telework Enhancement Act of 2010)
- reference citations and appendices when reference is made to internal or external sources such as authorities, documents, and related policies (if the telework policy is to be included on a web-based system such as Intranet for employee access, you may wish to include hyperlinks to these references for easier accessibility)
- include language that reflects the Act's intent that all employees of the agency meeting the definition of "employee" as defined in [section 2105 of Title 5 of the United States Code](#) are covered by the policy (including, for example, which employees are eligible)
- state that employee participation in a telework arrangement is voluntary, but that, once an employee enters a telework agreement, there may be times that the employee will be obligated to work from home beyond the employee's normal telework schedule
- emphasize that a telework arrangement should facilitate, not impede, the accomplishment of work

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- include information about how to identify telework-eligible positions, including how to apply the limitations on participation described in the Act, e.g., identifying any legal bars to permitting an employee to telework, considering the nature of the work to be performed, and assessing whether permitting a particular employee – or employees in a particular position – to telework would diminish employee performance or agency operations
- reference agency emergency policies (e.g., office closures prompted by snow, a more serious natural disaster, a pandemic, COOP events) and the expectations that will be imposed upon given employees, with respect to the operating status announcements for these events, if an employee enters a telework arrangement with the agency
- reference agency information technology (IT) and cybersecurity guidelines
- reference the [Federal Employees' Compensation Act](#) (FECA)
- highlight the importance of employee safety while working at alternative worksites
- identify aspects of the employment arrangement that could possibly be modified when an employee participates in telework (e.g., teleworkers may be allowed to begin the workday earlier and end earlier than on those days when they commute)

Regarding **Participant Responsibilities**, the telework policy should:

- define the responsibilities of supervisors and managers of teleworkers
- define the responsibilities of teleworking employees
- define the responsibilities of TMOs and telework coordinators
- emphasize teleworker responsibilities to avoid any negative impact from the arrangement on the work of other members of the work group (e.g., co-workers, supervisors)
- outline what support, materials, and equipment the agency will provide for teleworkers (agencies should consult with their counsel with respect to the appropriations law implications for specific arrangements)
- assign clearly stated responsibilities for record keeping and reporting requirements, not only for the daily operational aspects but also for reporting to OPM in the aggregate each year (e.g., the annual [Status of Telework in the Federal Government Report to the Congress](#))

Regarding **Program Operations**, the telework policy should:

- describe procedures for establishing a telework arrangement (e.g., application, approval levels, timeline for approval/denial, training requirements, written agreement, etc.)

- note the applicability of any negotiated grievance procedure or other complaint procedures available to bargaining unit employees and, for non-bargaining unit employees, the agency administrative grievance procedure that would cover decisions regarding participation in telework
- establish that the performance of teleworkers will be evaluated consistent with the agency's regular performance management system (i.e., teleworkers should be treated the same as non-teleworkers regarding performance management)
- emphasize that teleworkers will receive the same treatment and opportunities as non-teleworkers (e.g., work assignments, awards and recognition, development opportunities, promotions, etc.)
- address expectations regarding communication between employees and supervisors; employees and co-workers; employees and customers/clients; and others (e.g., whether the communication will be via telephone, email, other technologies, or a combination, and how often the communication should take place)
- identify specific agency requirements for training of employees prior to entering a written telework agreement and beginning to telework
- identify agency expectations regarding telework training for managers and supervisors of teleworkers
- address unexpected contingencies that could impact the telework arrangement, including by:
 - clearly defining requirements of teleworking employees during emergency events that involve early dismissal, late arrival, or closure of Federal offices to the public pursuant to OPM or agency operating status announcements
 - describing what explicit procedures should be followed when emergency events occur that may involve closure at the agency worksite
 - discussing what happens if the alternative worksite is also affected
 - also describing procedures are to be followed in case of the employee's illness, or if an employee is recalled during a telework day to the agency worksite to meet business-related needs, etc. (for example, will the agency allow a substitution day for the telework day missed?)
- identify procedures for changing or modifying telework arrangements (e.g., work schedules or location of alternative worksites)
- require that the written telework agreement be reviewed at regular intervals as determined by the agency
- describe procedures for termination of or withdrawal from a telework agreement

- include clear and specific requirements for record keeping and reporting, both for individual teleworkers and to keep track of telework in the agency for reporting purposes each year (i.e., annual report to Congress)
 - OPM recommends that the agency describe in the policy the system and workflow being used to capture participation of the various types of telework (i.e., bi-weekly work report, time, and attendance system; payroll provider, etc.) and provide specific instructions to managers and employees that this information must be carefully and consistently collected either manually or electronically for reporting purposes
- include clear and specific requirements for evaluation of the telework program, both for the individual teleworker and for the agency in general

Telework Eligibility

Because both the positions Federal employees encumber and the responsibilities of those positions can differ greatly from agency to agency, Federal agencies have broad authority and discretion to make their own telework eligibility determinations for employees – but not unfettered authority or discretion. As a practical matter, the agency’s latitude may be determined by the Telework Enhancement Act, decisions of the Federal Labor Relations Authority interpreting that Act (as well as management rights under the Federal Service Labor Management Relations Statute), and governmentwide and agency regulations.

Within the parameters of existing statute and legal precedent, agencies should make their determinations, based upon operational needs. Agencies should make sure the process and criteria used to make decisions about who teleworks are written down, applied equitably and consistently, and as transparent as possible. The criteria for their decisions should be detailed in the agency telework policy (and may also be covered in applicable collective bargaining agreements, which should be applied in accordance with law and governmentwide regulation). But agencies should anticipate particular decisions regarding an individual’s eligibility may be challenged (e.g., frequency of telework days).

Overall, the eligibility of a given position for telework should be grounded in a determination whether the position’s duties and responsibilities may be performed at an alternative worksite without diminution of employee performance or agency operations and that process should be as transparent as possible. The Act includes language that says that telework should not diminish employee performance, so an agency should have

processes in place to determine whether employees are succeeding in using telework. In making these decisions, individual agencies are in the best position to define what it means to “ensure that telework does not diminish employee performance or agency operations.” There is no “one-size-fits-all” approach to making eligibility determinations and notifying employees of eligibility. Agencies could consider restructuring jobs not currently eligible for telework in a way that would allow incumbents (except those who are legally prohibited) to telework at least on a situational basis, and OPM encourages such innovation where it is possible. A workforce that is entirely telework-eligible would be best positioned to withstand emergencies and other disruptions to normal business operations, although OPM is aware that such arrangements may not be possible for some lines of work. For additional information about telework eligibility, please refer to our website, www.telework.gov.

Notify Staff of Telework Eligibility

Agencies are also required to notify employees of their eligibility to telework. This can take several forms including mass or agency-wide emails, personal communications, agency intranet announcements, training efforts, electronic personnel files, agency newsletters, agency meetings/briefings, and new employee orientation. Generally speaking, given the high level of interaction and trust between employees and their immediate supervisors, and the supervisor’s direct role in monitoring and assessing employees’ performance, agencies should consider how to best leverage direct supervisors in this role. As mentioned below, agencies should consider providing additional training and support to supervisors on agency-specific policies, as well as effective team management in a telework-ready environment.

Ineligibility Under the Act

The Act specifies two categories of employees who may not be deemed eligible under any circumstances: (1) an employee who “has been officially disciplined for being absent without permission for more than 5 days in any calendar year,” and (2) an employee who “has been officially disciplined for violations of subpart G of the 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\(a\)\(2\)\(A\),\(B\)](#)).

Generally, agencies have written policies that govern disciplinary and adverse actions. These actions can range from oral admonishments, to written letters of reprimand, and to suspension, termination, or removal actions. These policies also often put time limits on maintaining documentation of specific actions. The term “official discipline” should be understood as a disciplinary action that results in the placement of a document in an

employee's official personnel file (OPF). In OPM's view, the bar on participation would remain in effect as long as the document stays in the employee's OPF. Based on this reasoning, suspension and removal actions (i.e., that are specifically related to the two categories of employees described in the law as ineligible) which result in a document that permanently remains in the OPF would translate to a permanent prohibition on telework participation. In other words, an employee would be permanently barred from telework for either of the disciplinary actions called out in the Act.

In defining the term "day" for the purpose of determining when an employee has been absent without leave (AWOL) for more than 5 days in any calendar year, agencies should define the term "day" to be associated with an employee's tour of duty that is established by their agency under [5 U.S.C. 6101\(a\)\(3\)](#), [6122](#), and [6127](#). Under these references, an agency is required to establish the administrative workweek, including the number of hours an employee works in each day. For example, for an employee working 8 hours per day for 5 days a week, a work "day" is defined as 8 hours. Therefore, if an employee is absent for any amount of time in excess of five distinct (eight-hour) days, the employee is ineligible to telework under the Act. For an employee working on a compressed work schedule of 4 10-hour days per week, a workday is defined as 10 hours, and if the employee is absent for any amount of time in excess of five distinct (10-hour) days in any calendar year, the employee is ineligible to telework. An employee may not telework when they have been AWOL for more than 5 days and have been officially disciplined for such AWOL. A 'day' counts toward the over 5-day eligibility requirement only when the AWOL occurs on 5 full workdays, and any portion of an additional workday.

Training

The Act requires agencies to "ensure that – (1) an interactive telework training program is provided to -- (A) employees eligible to participate in the telework program of the agency; and (B) all managers of teleworkers. . ." ([5 U.S.C. 6503\(a\)](#)). Maintaining strong performance in a telework environment requires employees and their supervisors to be well trained not only on their agency's telework policy, criteria for eligibility, roles and responsibilities, and expectations for maintaining high performance, but also on the support that is available to help them develop new ways to collaborate and communicate, such as working on or managing a team in a telework-ready environment. While agencies may provide their own telework training program for employees, OPM has offered and will continue to provide basic telework training modules for employees and managers on www.telework.gov. As a recommended practice, agencies that establish their own training programs may

periodically assess program effectiveness to determine whether they are meeting their telework goals and overcoming any barriers (e.g., manager resistance or cultural barriers).

Telework Agreements

The Act requires every telework participant to have a written agreement (regardless of whether telework is regular and recurring, or situational). The written agreement is "entered into between an agency manager and an employee authorized to telework," "outlines the specific work arrangement that is agreed to," and "is mandatory in order for any employee to participate in telework" ([5 U.S.C. 6502\(b\)\(2\)](#)). It is important to remember that the Act requires that an employee successfully complete telework training before being allowed to enter into a written agreement and telework.

Telework Agreement Contents

Many agency policies and collective bargaining agreements currently describe specific requirements for the telework agreement or make agreement templates available to employees and managers. For agencies seeking to develop or revise agreement forms, it might be helpful to consider this bulleted outline when drafting specific content. The following are recommended tips based on successful practices in order to help guide agencies in this process; *they are not specifically required in the Act*:

- Term of the agreement: consider a one-year renewable agreement, or even a six-month agreement in telework situations that may need to be revised more frequently
- Type of telework specified by the agreement: describe if the agreement is for regular, recurring telework, or situational/ad-hoc/episodic telework
- Schedule: specify days of the week and the hours to be worked during telework days
- Requirements: outline any additional requirements (e.g., technology) beyond the prerequisites to telework outlined in the Act (e.g., training, written agreement)
- Expectations: clarify any assumptions, for example, regarding alternative worksite (e.g., if expected to work only from their residence) and frequency and modes of communication (e.g., email vs. telephone, core hours for contact, speed for returning calls)
- Equipment and other expenses: determine and specify equipment and/or expenses that will be covered by the agency, employee, or shared
- Expectations for telework during an office closure: describe OPM's weather and safety leave regulations, which state employees who voluntarily participate in an agency telework program and

have an established telework agreement in place are generally expected to telework during a Government closure or other operating status emergency announced by OPM or an agency

- Information security: provide a summary for data security procedures in the agreement
- Safety: provide a self-certification safety checklist to telework employees as a guide when preparing the alternative worksite for telework (example Safety checklist provided in *Appendix 2*)
- Termination/modification: explain that the agreement can be terminated or modified and outline the conditions for termination/modification.

To summarize, telework agreements should be well-written, jargon-free, practical, clear regarding responsibilities, roles, and expectations, and reflect and be consistent with applicable law and the agency's telework policy. See [Appendix 1](#) for an example of a telework agreement form.

Terminating a Telework Agreement

The Telework Enhancement Act requires termination of a telework agreement under a number of circumstances. The telework arrangement must be terminated:

- If 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\(a\)\(2\)\(A\)](#));
- If the employee has been officially disciplined for violations of subpart G of the 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\(a\)\(2\)\(B\)](#));
- If telework continues to diminish employee or agency performance, even after attempts to mitigate such diminishment have been attempted; or
- If an employee does not comply with the terms of the written agreement ([5 U.S.C. 6502\(b\)\(3\)](#)).

Telework denial or termination decisions should be based on the statute and the operational needs of the organization, in accordance with the requirements of the Act and the agency's telework policy. When deciding to terminate a telework agreement, a manager should be able to document and demonstrate the reasons for the termination. In the case of termination for diminution of employee or agency performance, ([5 U.S.C. 6502\(b\)\(1\)](#)), the agency should be able to document and demonstrate that:

- The employee's teleworking directly and negatively impacts the employee's performance or the performance of the work group/organization; and

- Remediation can best be accomplished by terminating the telework arrangement.

If terminating an employee’s agreement is the appropriate action to take, there are a few things to remember:

- Terminations should be based on the provisions of the Telework Enhancement Act and, where discretion is possible, sound reasoning.
- Be fair, consistent, and equitable, making sure that decisions are transparent and supported by the Act and agency policies and rules.
- Terminations should be in writing and timely.
- In conjunction with labor relations specialists and agency counsel, consult any applicable collective bargaining agreement to verify that the agency has complied with any requirements the agreement may place on the agency regarding the termination of a telework agreement.

Terminating a remote work agreement comes with additional implications. Those considerations are discussed in [Part 2](#).

Telework Managing Officer (TMO)

The Act requires the head of each Executive agency to designate a Telework Managing Officer (TMO) within “the Office of the Chief Human Capital Officer or other comparable office with similar functions.” This placement ideally brings management of telework programs into the circle of top leadership and ensures alignment with strategic decision-making.

Key elements of the TMO’s roles and responsibilities include the following:

- Facilitates agency compliance with the requirements of the Telework Enhancement Act
- Leads the agency in creating a vision of telework as a strategic management tool that supports and aligns with the agency's operational goals and mission
- Gains leadership buy-in and emphasizes the importance of leaders leading by example
- Helps managers and employees understand the purpose for implementing a telework program and the benefits to the organization
- Provides key stakeholders a clear understanding of what the agency is trying to achieve in order to obtain acceptance of and compliance with telework policies and practices

- Works collaboratively with OPM to satisfy mandatory annual data collection and reporting requirements

Reporting

Each year, OPM prepares and submits a report to Congress that addresses the telework programs of each agency. This annual collaboration often begins with a Call for Telework Data from OPM to the agencies and culminates in the [*Status of Telework in the Federal Government Report to Congress*](#). The report includes various types of information important to understanding agency progress in their telework programs, including:

- the degree of participation by employees of each agency in teleworking during the period covered by the report (for some agencies, this will also include the degree of participation by bureau, division, component, or other major administrative unit)
- the method for gathering telework data in each agency
- the reasons for positive or negative variations in telework participation if the total number of employees teleworking is 10% higher or lower than the previous year in any agency
- the agency goal for increasing telework participation to the extent practicable or necessary
- an explanation of whether or not an agency met its goals for the last reporting period and, if not, what actions are being taken to identify and eliminate any barriers
- an assessment of the progress each agency has made in meeting agency participation rate goals and other agency 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
- successful practices in agency telework programs

In addition to the items that are required by the Act, in 2016, OPM added questions on cost savings achieved through telework programs to the “core” telework Data Call items to assist with assessing the benefits and costs of agency telework programs.

In 2012, OPM implemented telework [data standards](#) to support the goal of collecting automated telework data. According to these data standards, agencies are required to collect and report distinct data on routine and situational telework under the following data elements:

- Routine Telework Hours In Pay Period – Number of hours worked as part of a previously approved,

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ongoing, and regular telework schedule.

- Routine Telework Instances In Pay Period - Number of instances during the pay period that an employee teleworked, and where those instances were part of a previously approved, ongoing and regular telework schedule.
- Situational Telework Hours In Pay Period - Number of hours during the pay period that an employee teleworked, and where those hours were **not** part of a previously approved, ongoing and regular telework schedule.
- Situational Telework Instances In Pay Period - Number of instances during the pay period that an employee teleworked, and where those instances were **not** part of a previously approved, ongoing and regular telework schedule (e.g., telework as a result of inclement weather, doctor appointment, or special work assignments).

This telework eligibility and usage data is collected, summarized, and reported to OPM via the monthly Enterprise Human Resources Integration (EHRI) system HR-Status data feed and bi-weekly EHRI payroll data feed. OPM intends to use this data to meet OPM’s annual reporting requirements to Congress under the Telework Enhancement Act of 2010, as well as analyze the data to demonstrate links between telework and outcomes, including employee engagement. The automated data collection across the Government will reduce the manual reporting burden for agencies.

Additional Guidance

Continuity of Operations, Evacuation Pay Authority, and Governmentwide Dismissal And Closure Procedures

Continuity of Operations

The Act states that “each executive agency shall incorporate telework into the continuity of operations plan of that agency.” The U.S. Department of Homeland Security's [Federal Continuity Directive 1 \(FCD 1\), Federal Executive Branch National Continuity Program and Requirements \(January 2017\)](#) defines Continuity of Operations (COOP) as “an effort within the Executive Office of the President and individual Departments and Agencies to ensure that essential functions continue to be performed during disruption of normal operations.” Although the cadre of employees who are called upon to work following an event that results in the invocation of an agency’s COOP Plan is generally small, telework and COOP share a basic objective: to put the agency in the best position to perform and maintain agency functions from an alternative worksite. For that reason, having a vigorous and well-practiced telework program can help those who may be called upon to work from alternative locations during a COOP event to be better prepared to support the agency’s primary mission essential functions from their designated alternative locations. Moreover, the agency may choose to incorporate teleworkers into their COOP plans by requiring them to remain on call for work as the agency moves beyond essential functions and begins restoring normal operations. Just as teleworkers are now expected to telework during an office closure or other operating status announcement, an agency operating under a COOP Plan may require teleworkers to resume working when the agency is ready for their contributions.

Evacuation Pay Authority

The evacuation pay authority found at [5 CFR part 550, subpart D](#), enables an agency to require an employee to evacuate from their assigned worksite and perform work from a designated safe haven. In the case of a pandemic evacuation, where the objective is social distancing, the safe haven could include the employee’s home or an alternative location mutually agreeable to the agency and the employee ([5 CFR 550.409\(a\)](#)). An evacuation order to work from home or another alternative location may be issued “without regard to whether the agency and the employee have a telework agreement in place at the time the order to evacuate is issued.” “An evacuated employee at a safe haven may be assigned to perform any work considered necessary or required to be performed during the period of evacuation without regard to their grade, level, or title,” so long

as the employee has “the necessary knowledge and skills to perform the assigned work.” Although the evacuation pay authority is quite distinct from an agency telework program, which is a voluntary workplace flexibility, having a vigorous and well-practiced telework program can better prepare an agency and its employees to be productive during an evacuation during a pandemic health crisis or other emergency necessitating the performance of duties from a safe haven.

Governmentwide Dismissal and Closure Procedures

OPM’s Governmentwide Dismissal and Closure Procedures (“Procedures”) guide agencies in managing their employees in response to emergencies, severe weather conditions, natural disasters, and other incidents that cause disruptions of Government operations. The Procedures state that all telework program participants will be ineligible for weather and safety leave when an office closure is announced except in rare circumstances. Therefore, employees participating in a telework program must telework, take other leave (paid or unpaid) or paid time off (as approved by the agency), or a combination of both, unless an exception applies during an office closure. For further information, please see [OPM’s Governmentwide Dismissal and Closure Procedures](#).

Agency Responsibilities

Telework should be a part of the emergency planning of all agencies. Telework allows employees to conduct some or all of their work at an alternative worksite away from the agency worksite. Practicing telework is invaluable to the agency if a situation arises where the agency invokes its COOP Plan, orders an evacuation, or announces an office closure due to severe weather or other operating status announcements.

To ensure successful use of telework in the event of a COOP event, each Federal agency should:

- Include information in its COOP Plan indicating where members of the Emergency Relocation Group (ERG) should report and how eligible teleworkers not part of the ERG will be notified if and when the agency chooses to direct them to resume working from their telework locations.
- Use the experience drawn from its interactive telework training program to train employees who may be called upon to work during an ERG.
- Conduct an annual telework exercise where employees participate in a telework day, in order to test the organization’s capability.

A key to successful use of telework in the event of an emergency that does not rise to the level of the invocation of a COOP Plan or an agency evacuation (i.e., an office closure) is an effective routine telework program. An

agency should:

- Engage as many employees as possible in the telework program, with a written telework agreement in place, and prepare them to telework in the event of an office closure.
- Provide the ability to practice telework on a regular basis to ensure effectiveness during an emergency.
- Notify those emergency employees who are expected to report to an agency worksite to work during an office closure or other operating status announcement, due to the nature of their duties.

Manager Responsibilities

- Understand the agency's emergency plans (continuity plan, pandemic plan, etc.) and management roles in executing the plan.
- Support requests for telework to the greatest extent possible and put systems in place to support successful telework in such an event.
- Communicate expectations to both emergency and non-emergency employees regarding their roles and responsibilities.
- Allow employees who might telework in case of an emergency to telework regularly to support functionality.
- At least annually, review and as needed update the written telework agreement.

Teleworker Responsibilities

- Maintain a current written telework agreement.
- Practice telework regularly to support effectiveness.
- Be familiar with the agency's emergency plans (COOP Plan, pandemic evacuation plan, etc.).

Telework and Pandemic Emergencies

The Federal workforce has teleworked at previously unprecedented levels during the COVID-19 pandemic. Pandemics have occurred intermittently over centuries, and other emergencies have created disruptions in normal work patterns. Accordingly, Federal agencies should be prepared to face new pandemics and other disruptive emergencies in the future. Maximum telework is one mechanism for supporting essential Federal functions during future emergency situations that may arise. The use of telework during the COVID-19 emergency allowed Federal agencies to help slow the spread of the disease by keeping face-to-face contact to

a minimum (often referred to as "social distancing"), while maintaining operations as close to normal as possible.

Telework can be an important tool in several different ways:

1. As a pandemic or epidemic approach and intensifies in a geographic area, telework can be used in advance of any formal evacuation orders and requirements to work at home.
2. If an evacuation is ordered, and designated employees must work at home, agencies which have prepared for and tested telework capabilities as part of their normal HR flexibilities program, will be in a far better position to meet mission needs.
3. Telework can be used as employees begin to reenter physical workplaces, to limit the number of employees who report back to the normal worksite at one time, reducing risk of further community spread until vaccines and other remedies become available.

Agencies must implement and maintain a robust IT system with the necessary infrastructure (including bandwidth and VPN access) to accommodate a sudden spike in remote usage of agency systems, as well as the accompanying technical support personnel to resolve remote connectivity issues. Agencies also must maintain a robust routine telework program. As many employees as possible should have telework capability; meaning that they have current telework arrangements, connectivity, and equipment commensurate with their work needs, and frequent opportunities to telework so that systems are tested and known to be functional.

Information Systems and Continuity of Operations

The identification, protection, and ready availability of essential records, databases, and hardcopy documents needed to support essential functions under the full spectrum of all-hazards emergencies are critical elements of a successful continuity plan and program. "Essential records" refers to information systems technology, applications and infrastructure, electronic and hardcopy documents, references, and records needed to support the continued performance of essential functions during a continuity activation. The National Institute of Standards and Technology ([NIST](https://www.nist.gov)) develops and issues standards, guidelines, and other publications to assist Federal agencies in implementing agency-wide programs to provide information security for the information and systems that support the operations and assets of the agency, including those provided or managed by another agency, contractor, or other sources.

Pay, Leave, and Work Schedule Flexibilities

Official Worksite and Pay⁵

A General Schedule employee's locality rate is based on the location of the employee's "official worksite," as defined in [5 CFR 531.602](#) and determined under the criteria in [5 CFR 531.605](#). An agency must determine and designate the official worksite for pay purposes for a General Schedule employee covered by a telework or remote work agreement on a case-by-case basis using the following criteria:

- the official worksite for an employee covered by a telework agreement is the location of the agency worksite for the employee's position (the place where the employee normally reports for work on non-telework days), as long as the employee is scheduled to report physically at least twice each bi-weekly pay period on a regular and recurring basis to the agency worksite
- the official worksite for an employee covered by a remote work agreement who is not scheduled to report at least twice each bi-weekly pay period on a regular and recurring basis to the agency worksite is the location of the remote work site (i.e., alternative worksite), except in certain temporary situations
- in the case of an employee whose work location varies on a recurring basis (e.g., mobile worker), the employee need not report at least twice each bi-weekly pay period to the agency worksite established by the agency as long as the employee is performing work within the same geographic area (established for the purpose of a given pay entitlement) as the employee's agency worksite
 - For example, if a mobile employee with a varying work location works at least twice each bi-weekly pay period on a regular and recurring basis in the same locality pay area for the agency worksite, the employee need not report at least twice each bi-weekly pay period to that agency worksite to maintain entitlement to the locality payment for that area

OPM has prescribed regulations governing the locality pay program for General Schedule employees and other categories of employees to whom locality payments are extended. Those regulations, [5 CFR 531.602](#), define a 'telework agreement' as a formal oral or written agreement between a supervisor and an employee to permit the employee to work at an alternative worksite (i.e., telework) instead of the agency worksite. However, the

⁵ The rules and guidance above apply to employees covered by title 5 locality pay, special rates, and nonforeign area cost-of-living allowances (see [5 CFR 531.605](#), [530.302](#) and [591.201](#)). For an employee under a pay system that is not covered by the locality pay, special rate, and nonforeign area cost-of-living allowance regulations, an employee's official worksite or duty station, for location-based pay purposes must be determined based on the rules governing that pay system.

subsequently enacted Telework Enhancement Act states that all telework agreements must be in writing and are mandatory in order for any employee to participate in telework. A written telework agreement is particularly important when establishing an employee's approved alternative worksite and official worksite.⁶

Pay During Temporary Full-time Telework Arrangements⁷

In certain temporary situations, such as an extended office closure or other operating status announcement, or where an evacuation order has been issued, a teleworker may be precluded from returning to the agency worksite. In such situations, an agency may continue to treat the agency worksite as the official worksite of the General Schedule employee even though, during that period, the employee is working from the alternative worksite and not returning to the agency worksite at least two days per pay period. In that situation, the agency is unable to offer an agency worksite, but expects employees to return when the event has concluded. The agency may also permit an employee to telework without returning to the office twice per pay period in a situation where an employee is temporarily recovering from an injury or other medical condition but is expected to return to a normal telework schedule upon recovery.

Examples of appropriate temporary situations include:

- Recovery from an injury or medical condition;
- Emergency situations preventing an employee from regularly commuting to the agency worksite, such as 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 agency worksite twice each biweekly pay period on a regular and recurring basis not possible. If the employing agency 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) during which the employee will not be able to report to the agency worksite at least twice a pay period;
- A period during which the employee is in temporary duty travel status away from the official worksite; or

⁶ See also [5 CFR 550.409\(a\)](#) regarding an agency's authority to place an employee under an evacuation order to perform work at home when there is no telework agreement in place prior to the evacuation order.

⁷ See [footnote 3](#).

- A period during which an employee is temporarily detailed to work at a location other than a location covered by a telework agreement.

This exception is intended to address certain situations where the employee is temporarily unable to report to the agency worksite for reasons beyond the employee's control. The temporary exception should generally be used only in cases where: (1) the employee is expected to return to work at the agency worksite in the near future, or (2) the employee is expected to continue teleworking and will be able to report to the agency worksite at least twice each bi-weekly pay period on a regular and recurring basis in the near future.

For more information on official worksite, please view [OPM's Fact Sheet on Official Worksite for Location-Based Pay Purposes](#).

Premium Pay

Typically, the same premium pay rules apply to employees who telework versus those who report into their agency worksites.

- *GS Night Pay* - Night pay is a 10 percent differential paid to employees for **regularly scheduled work** performed at night (i.e., between the hours of 6 p.m. and 6 a.m.). Regularly scheduled work is typically work that is scheduled before the beginning of the administrative workweek. An employee, however, is entitled to night pay when they are temporarily assigned during the administrative workweek to a daily tour that includes night work. This temporary change in schedule is distinguished from a period of irregular or occasional overtime. Night work must be assigned – a teleworker may not earn night pay by electing to work at night. Night pay is computed as a percentage of the employee's rate of basic pay (including any applicable locality payment or special rate supplement).
 - Please view [OPM's Fact Sheet on Night Pay for General Schedule Employees](#) for more information on night pay.
- *Sunday Premium Pay* - An employee is entitled to 25 percent of their rate of basic pay for work performed during a **regularly scheduled** basic 8-hour tour of duty that begins or ends on a Sunday. A teleworker must be regularly scheduled to work on a Sunday (and actually perform Sunday work) for the teleworker to be eligible for Sunday premium pay.
 - Please view [OPM's Fact Sheet on Sunday Premium Pay](#) for more information on Sunday premium pay.

Leave and Work Scheduling Flexibilities

An employee must follow their agency's telework policy for requesting leave and work scheduling changes when teleworking.

Similar to when an employee is at their agency worksite, an employee can take leave for a portion of the day. Agencies may choose to allow an employee to adjust their work schedule during a telework day based on the employee's telework agreement (e.g., to attend a medical appointment or deal with a household repair, or to begin and end a workday earlier or later than when the employee commutes to their official worksite). Both leave and work scheduling flexibilities can assist the employee not only to balance their personal needs, but also to maintain productivity by allowing the employee to work around disruption in their workday.

For additional information on leave administration, please visit [OPM's Pay and Leave Policy, Data, and Oversight](#) webpage.

Weather and Safety Leave

Under provisions of the Administrative Leave Act of 2016 ([section 1138 of Public Law 114-328](#)), OPM is authorized to regulate certain types of leave, including a new type of leave called “weather and safety leave,” previously granted as administrative leave or excused absence. The statutory provisions for weather and safety leave are codified at [5 U.S.C. 6329c](#), and OPM has promulgated implementing regulations for this authority under [5 CFR part 630, subpart P](#).

OPM's weather and safety leave regulations implement a congressional policy to enable the Government to continue to be productive during severe weather or other emergency situations. The regulations establish an expectation that teleworkers will continue working in such situations, at their alternative worksites, or else request unpaid or paid leave (e.g., annual leave). Pursuant to OPM's regulations and guidance, agencies are advised to ensure all eligible employees are “telework-ready” and prepared to telework during events or circumstances that disrupt or prevent commuting or reporting to the office. A “telework-ready” employee is an eligible employee who voluntarily participates in an agency telework program and has an established arrangement with their agency under which the employee is approved to telework, including on a routine or situational basis. An employee who is approved to telework on a situational basis is considered to be continuously participating in a telework program even if there are extended periods during which the employee does not perform telework.

It is important to note that, under [5 U.S.C. 6329c](#) and [5 CFR part 630, subpart P](#), agencies are not able to provide weather and safety leave to a telework program participant who is not prevented from working safely at an approved telework site during severe weather or other emergency situations. Generally, employees who are telework program participants will not receive weather and safety leave, since they are not usually prevented from performing work at an approved alternative worksite due to a weather or other safety-related emergency. OPM regulations and procedures describe a few limited exceptions under which telework program participants may be granted weather and safety leave. In addition, given recent agency actions to improve cybersecurity practices, we strongly encourage agencies to take steps to foster appropriate preparation by telework-ready employees so they are able to effectively telework and have access to agency IT systems and networks, as may be necessary, should an emergency or weather condition so warrant.

For additional information on weather and safety leave, please refer to [OPM's Governmentwide Dismissal and Closure Procedures](#).

Conduct

Employees, whether teleworking or working in the office, are held accountable for their performance and conduct. Employees should remember that workplace policies and performance expectations are the same regardless of the employee's location.

Performance Management

Effective performance management is important to the success of the telework program. The Act specifies in [section 6502\(b\)\(3\)](#) that an agency's telework policy shall "provide that an employee may not be authorized to telework if the performance of that employee does not comply with the terms of the written agreement between the agency manager and that employee." In addition, the Act imposes a continuing obligation to "ensure that telework does not diminish employee performance or agency operations" ([5 U.S.C. 6502\(b\)\(1\)](#)). When agencies make decisions regarding telework eligibility and participation, sound business and performance management principles must be considered, consistent with the requirements of the Act.

When implementing the telework program, managers should keep in mind that performance standards for teleworking employees must be the same as performance standards for non-teleworking employees. Also, management expectations for performance should be clearly addressed in an employee's performance plan, regardless of whether or not the employee is a teleworker. When an employee participates in telework, expectations related to accountability do not differ by virtue of the telework arrangement. Following clear and consistent performance management principles and techniques should result in a successful transition for managers and their employees moving to telework arrangements. Resources for performance management are available from OPM at its [Performance Management Policy, Data, and Oversight](#) webpage.

See section on [‘Performance Management’ in Part 2](#) on remote work for other considerations.

Security and Information Technology

Federal agencies and staff are responsible for the security of Federal Government property, information, and information systems. Telework does not change this responsibility. If not properly implemented, telework may introduce vulnerabilities into agency systems and networks.

Security measures in a telework environment should cover information systems and technology, and all other aspects of the information systems used by the employee, including paper files, other media, storage devices, and telecommunications equipment (e.g., laptops, PDAs, and cell phones). It is important to remember that the fact that an employee is working from a residence or other approved alternative does not change the employee's fundamental responsibility to protect and manage the records and other sensitive information stored on telework devices and transmitted across external networks. Employees who telework from home must keep Government property and information safe, secure, and separated from their personal property and information.

The National Institute of Standards and Technology (NIST) is responsible for developing standards and guidelines, including minimum requirements, for providing adequate information security for all Federal agency operations and assets. [The Federal Information Security Modernization Act of 2014](#) amends the Federal Information Security Management Act of 2002 (FISMA) and provides several modifications that modernize Federal security practices to address evolving security concerns. Agencies should refer to the [NIST Computer Security Resource Center](#) site for more information.

Recruitment and Retention

Federal agency recruitment and retention efforts are addressed in the Act as a policy area of special consideration and are directly affected by the use of telework as a management tool. The implementation of the Act provides a unique opportunity to leverage telework as a human capital management tool. Telework can be an attractive flexibility to applicants and thus enhance the candidate pool available to the agency. Additionally, the ability to telework during some days of the pay period may encourage applicants who live further away or for whom commuting is physically challenging to consider accepting a position to which they might be reluctant to commute every day. The ability to telework on some days of the pay period may also extend the Federal careers of employees approaching retirement, thereby helping to facilitate a smooth and continuous transition of institutional knowledge and technical competencies.

Accommodations for Employees with Disabilities

A reasonable accommodation is defined as any change in the work environment (or in the way things are usually done) to help a person with a disability apply for a job, perform the duties of a job, or enjoy the benefits and privileges of employment. Reasonable accommodations may include, but are not limited to: (a) making existing facilities readily accessible to individuals with disabilities; (b) job restructuring, modification of work schedules or place of work, extended leave, work from home, reassignment to a vacant position; and (c) acquisition or modification of equipment or devices, including computer software and hardware, appropriate adjustments or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations.

Allowing an employee to work at an alternative worksite may be a reasonable accommodation where, for example, commuting every day is demonstrated to be aggravating to the person's disability and the job, or parts of the job, can be performed from an alternative worksite without causing significant difficulty or expense. Although an agency with a robust, well-functioning telework policy may find that such a policy enhances the agency's ability to manage employees who work from home as a form of reasonable accommodation for qualified persons with disabilities, it is important to remember that such requests are analyzed and evaluated on their own facts and under a different statutory authority than the agency telework policy.

Reasonable accommodations are governed by [section 501 of the Rehabilitation Act of 1973 \(Rehabilitation Act\)](#), which was made applicable to Federal employees pursuant to the [Americans with Disabilities Act](#). The

Rehabilitation Act requires Federal employers to provide requested “reasonable accommodations” to employees with disabilities, unless to do so would cause an “undue hardship.” The determination as to whether an employee may be granted the accommodation requested should be made through a flexible “interactive process” between the employer and the employee. [Executive Order 13164](#), *Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation*, requires all Federal agencies to develop a Reasonable Accommodation Policy. Therefore, agencies should refer to their Reasonable Accommodation Policy and consult with their Reasonable Accommodation Managers (RAMs) when considering reasonable accommodation requests. For example, depending upon the facts of a particular accommodation request, an agency that might have determined that a particular position should be ineligible for telework, might be required nevertheless to permit an employee with a disability within the meaning of the Rehabilitation Act to work from home to some degree.

It is important for agencies and managers to distinguish between ordinary requests to telework and requests to work from home as a form of reasonable accommodation. If there is any ambiguity about the type of request that has been made, managers and supervisors should clarify that ambiguity at the outset. It is often very fruitful for agency managers and supervisors to consult with the agency’s RAM and/or the agency’s counsel as part of the interactive process established by the Rehabilitation Act, in order to fully understand managers’ and supervisors’ responsibilities under the law.

For more information on reasonable accommodation and the interactive process, see *The U.S. Equal Employment Opportunity Commission’s (EEOC) [Revised Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the Americans With Disabilities Act](#)*. The EEOC has also provided guidance that focuses more specifically on the use of work from home as a reasonable accommodation in some circumstances. See the [Equal Employment Opportunity Commission \(EEOC\) Guidance on Work At Home/Telework as a Reasonable Accommodation](#) for more information.

Telework and Dependent Care

When used appropriately, telework, along with other workplace flexibilities, can facilitate an employee's ability to manage both work and dependent care. However, it is important to remember that telework is not meant to be a substitute for dependent care. Employees may not telework with the intent of or for the sole purpose of meeting their dependent care responsibilities while performing official duties. While performing official duties, teleworkers are expected to arrange for dependent care just as they would if they were working at an agency worksite; however, telework may be used as part of a more flexible work arrangement.

Although telework is not a substitute for dependent care, it can be a very valuable flexibility to employees with caregiving responsibilities, by eliminating time required to commute and expanding employees' options in arranging dependent care. Some agencies have adopted policies that bar employees from teleworking when individuals requiring care (e.g., children or elders) are present. We encourage such agencies to reconsider such policies in the light of the experiences during the COVID-19 pandemic, during which employees across the Federal Government have successfully teleworked in a variety of challenging contexts, including as it relates to dependent care. Although the presence of dependents in the household need not be an absolute bar to teleworking, employees should not be engaging in dependent care activities when performing official duties. Instead, the employee should take leave, or, if the agency has adopted a maxi flex schedule as described below, and the supervisor is willing, reach an understanding as to how the employee will complete a full workday while attending to dependent care responsibilities.

Agencies and managers should recognize that employees use a variety of dependent care options, including agency on-site child care centers to achieve close proximity to young children, as well as home-based supervision or child care arrangements (e.g., nanny, in-home babysitting by a family member or friend), which may be more cost effective or convenient. For teleworkers with in-home dependent care arrangements, it is important to remember that telework is official work time and a tool for accomplishing work. Employees are reminded that while teleworking, all workplace policies remain in place, including telework start/end times, rules regarding time and attendance, and employee expectations concerning performance and conduct. Based on experience gained during the COVID-19 pandemic, agencies may wish to explore maxi flex schedules for teleworkers, especially those with care-giving responsibilities. Under a maxi flex schedule, employees are able to balance care-giving responsibilities and work responsibilities throughout an entire day. This provides the employee with greater work scheduling flexibility than is provided under a traditional 8-hour daily schedule, which requires the use of paid leave (i.e., annual leave) to account for non-work periods during the employee's

tour of duty. Instead of requiring an employee to work 10 workdays in a bi-weekly pay period, an agency could vary the length of the work week, and permit longer hours on fewer days to further assist employees with care-giving responsibilities, rather than having to forego care-giving responsibilities or take annual leave to comply with the strictures of a traditional 8-hour schedule or throughout an entire pay period. Rather than having to work 10 workdays in a biweekly pay period, an agency could vary the length of the work week, and permit longer hours on fewer days.

Telework and Dependent Care During Emergency Situations

Agencies should address in their telework policies potential situations that may prevent or impact an employee's ability to effectively perform their duties at home during an office closure or other operating status announcement. This includes policies regarding the conditions under which employees may telework, even if they have a young child or other person requiring the presence of a caregiver in the home.

An agency that has a general bar on teleworking when there are young children or other persons requiring care and supervision should consider adjusting its policies to allow, as a special exception, telework in those circumstances. Under such an exception policy, a teleworking employee would be expected to account for work and non-work hours during their tour of duty and take appropriate leave (paid or unpaid) to account for time spent away from normal work-related duties (e.g., to care for small children).

Mail Management

[Federal Management Regulation Part 102-192.70](#) requires agencies to have a security policy for employees receiving incoming mail and sending outgoing mail at an alternative worksite such as a Government-owned or leased alternative site, telework center, or employee residence.

The General Services Administration (GSA) recommends all incoming mail must be screened at a Federal facility before sending to employees at alternative worksites. The security policy should be coordinated with the Physical Security Officer and address threats from chemical, biological, radiological, nuclear materials, and explosive devices or materials.

Appendix 1: Example Document – Telework Agreement

The telework agreement form below is a basic template that can be tailored to match an agency's needs.

Generally, a telework agreement would include things like:

- a listing of an agency's policies on telework and a signature indicating understanding and agreement to abide by those policies
- a listing of telework schedule
- 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

Date/Reason for Request: / / ☐ New ☐ Revision ☐ Annual Review		Proposed Start Date:	
Employee's Business Telephone:		Employee Telework Worksite Telephone and FAX number (if applicable):	
Type of Telework: (check all that apply) ☐ Routine ☐ Situational ☐ Unscheduled Telework		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 employee will work from the telework worksite.	
		Week 1: ☐ Monday ☐ Tuesday ☐ Wednesday ☐ Thursday ☐ Friday	Week 2: ☐ Monday ☐ Tuesday ☐ Wednesday ☐ Thursday ☐ Friday

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Location of Telework site City State	
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. [xxxx characters]	
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.	
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.)	
(Employee should save the request/agreement form under a new file name (e.g., Jane Doe Telework Agreement) and email request/agreement to their supervisor)	
Supervisor Approval: ☐ Approve (which may include working with employee to modify request as applicable to mission accomplishment) ☐ Disapprove (If disapprove, indicate reason(s)) ____ Date of Decision	Reason for disapproval: [xxxx characters]

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.

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Supervisor’s Signature

Date (mm/dd/yyyy)

Employee’s Signature

Date (mm/dd/yyyy)

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 check list 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 he/she 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 or waived in accordance with HR Handbook.	

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

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

Telework Agreement – 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. [AGENCY] 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 work site 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 "[AGENCY] Wireless Access Policy" posted on the

internal intranet website. External wireless access points are not managed, maintained, or monitored by [AGENCY] 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 [AGENCY] 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 2: Example Document – Safety Checklist

Depending on the requirements of the agency, the telework policy may require the employee to complete a safety checklist self-certifying the home office (or other work environment) is free from hazards. If this is a requirement, the intent of the safety checklist must only be for program purposes, such as acquainting the employee with workplace safety.

Safety Checklist for the Home Work Space

Participating employees may use the following checklist to assist them in a survey of the overall safety and adequacy of their telework site. 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.
- ☐ Always power down computers after the workday is over and always turn off all electrical equipment

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during thunderstorms.

- ☐ 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)

**Part 2 – Technical Guide on Remote Work:
A Review of Implications, Considerations, and Strategies for
the Appropriate Use of Remote Work Arrangements**

Introduction

The business practice of allowing remote work is becoming a standard practice that spans both the public and private sector. When applied strategically, it can provide organizations with a competitive advantage in recruiting new talent and help prevent the loss of valued employees who need to move away from the agency worksite for personal reasons. Remote work is an alternative work arrangement that involves an employee performing their official duties at an approved alternative worksite away from an agency worksite, without regularly returning to the agency worksite during each pay period. Since the Office of Personnel Management (OPM) began tracking remote work as a discrete category in 2013, the frequency of its use has increased across the Federal Government as more and more agencies take advantage of this HR management tool to recruit and retain high-quality talent from geographically dispersed labor markets, reduce costs associated with real estate, and optimize performance and productivity through practices that help agencies sustain continuity of operations when one location is adversely affected by an emergency event.

Federal agencies can use this policy guidance to:

- Assess current trends in work practices to determine if using remote work arrangements among certain employees will advance organizational effectiveness
- Supplement or update existing remote work policies and inform new agency policies related to remote work
- Determine which candidates—individuals, positions, functions, or teams within an agency—should be considered for remote work arrangements
- Gain awareness of the various policy and cost implications of remote work arrangements

Availability, Utilization Rates, and Implications for Remote work

Remote work has become more widely offered among organizations of all sizes over the last year. More than a quarter of U.S. employers offer remote work arrangements. This upward trend is expected to continue to grow as public and private organizations re-evaluate the effectiveness of work from home during the COVID-19 public health emergency. In a recent survey conducted by Global Workplace Analytics, nearly half of the survey participants (47 percent) have already announced plans to have all or part of the workforce continue to work from home on a regular basis when the pandemic crisis is over.⁸ OPM is providing this supplemental policy guidance to assist Federal agencies that may want to explore expanded remote work opportunities as a strategy to deliver against agency mission and attract and retain a talented and skilled workforce.

The potential benefits of remote work in the Federal Government include:

- Retention of highly talented employees who must move outside of an agency's geographic location for personal reasons (e.g., military spouses, those who must care for a relative or loved one who lives elsewhere)
- Recruitment of employees outside an agency's geographic location with specialized skills, who may not want or be able to relocate for personal reasons
- Agency cost savings related to transit subsidy benefits, locality pay, real estate, and other facility expenses, paired with employee cost savings related to commuting and local cost of living expenses
- Increased employee productivity and engagement, and greater ability to support continuity of operations
- More attractive job opportunities for individuals with mobility-related or other qualifying disabilities

Though the benefits are high, agencies need to consider the following possible challenges associated with remote work, including:

- Challenges associated with performance management, where a supervisor may need to adjust methods of communication to assure frequent and productive engagement with all employees across increasingly hybrid (onsite and remote) work environments.
- The need for increased frequency of ongoing communication on tasks and projects between the supervisor and employee(s), where casual onsite interactions and collaboration will not be occurring

⁸ The Future of Home Office Cost Sharing, Global Workplace Analytics, October 2020

regularly

- Loss of valuable social interaction, relationship building, and serendipitous exchanges about work when employees do not regularly work together at an agency worksite
- The challenge of sustaining quality customer service (e.g., accessibility, attentiveness, availability) with fewer employees on site
- The potential need for reorganization of work for other staff and potential subsequent negative perception of fairness or equity
- Additional travel costs to the agency when the employee is expected to report to the agency facility

Remote work arrangements can help organizations recruit new employees with hard-to-find skillsets or help agencies retain current employees who move due to spouse relocation, dependent care, upcoming retirement, or other life events. However, these types of flexible work arrangements require a little more intentionality, thought, and planning because they raise various logistical and policy issues, including reassignment of official worksite, pay, and reimbursement for travel, etc., which to date have created certain disincentives for agencies to approve them in all but limited or very rare instances. Because of the policy and potential costs implications of remote work arrangements, agencies should evaluate and consider such requests (especially those submitted primarily for the convenience of the employee), on a case-by-case basis, highlighting the cost effectiveness and business benefits to the agency or organization.

Establishing a Remote work Policy

A remote work policy can include many of the features found in the agency telework policy. However, remote work arrangements in the Federal Government raise additional policy and cultural concerns that an agency may want to address as a separate policy to the agency's existing telework policy and using a separate form of agreement. This guide provides information about a variety of policy issues related to work that can be incorporated into agency policies. This guidance is not designed to be overly prescriptive. Instead, the aim of this guidance is to provide helpful direction as agencies create, review, or modify existing policies and procedures. Agencies retain both the discretion to decide whether to offer remote work, and, if so, the authority to determine employee eligibility for remote work subject to business-related operational needs.

A first step in determining whether an agency should adopt remote work as an additional flexibility beyond traditional telework is to define the goal. What is it that the agency hopes to achieve by incorporating remote

work for one or more employees into its existing work workplace flexibility programs? For example, will the focus of the policy address a short-term demand (i.e., the COVID-19 pandemic health crisis or the need to attract a specific skillset that is in demand) or a long-term goal of promoting organizational agility, continuity and productivity during a future crisis? Will the policy be more structured and broadly available, or targeted to address recruitment or retention of certain high-performing or talented individual employees? Perhaps the goal is to reduce real estate and facility costs or to introduce more workplace flexibility into the culture of the agency or organization. Whatever the goal, an agency should conduct an analysis and discussion of both the benefits and costs of establishing a remote work program.

When developing a remote work policy, it is important to understand that not every position has major duties and responsibilities that can be accomplished effectively in a remote work environment, and not every employee is suited for remote work or to manage remote workers. It may also be important to consider how a remote work arrangement may uniquely impact the dynamics of the organization in ways that may not be present in a regular telework environment. For example, approval of some remote work arrangements may cause resentment among non-remote workers that may have requested but were not approved for remote work arrangements. Terminating a remote work arrangement poses special problems not present when a telework arrangement is terminated, because the employee may no longer live within commuting distance of an agency worksite. The agency should consider how such a situation should be managed when creating a remote agreement with an employee. The answer may turn on whether the position was posted as one in which the employee could work remotely or whether the employee in the position had worked at the agency worksite and then requested a remote arrangement for personal reasons. It may be helpful to establish policies that 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.

Some key questions to consider in the development of remote work policy include:

- How will a remote work arrangement benefit the employee, the team, the organization, and the manager?
- How will the employee continue to access the resources they need to do the job?
- Does anyone else need to know when or where the employee is working in order to do their job?
- How will the employee communicate their availability with co-workers, members of the team, and customers/clients on a regular basis?
- How will the employee communicate work progress on an ongoing basis to their supervisor, their

team, and other stakeholders?

- What kind of flexibility is the employee willing to offer in return for a remote work arrangement? For example, would it be worthwhile to have the employee modify work hours to be available for a conversation or meeting across time zones?
- Are there work processes that will need to be revised to incorporate remote work arrangements effectively?
- Would another form of flexibility help to achieve the employee's goals if a remote work arrangement is not feasible? For example, an agency might be willing to consider an expanded telework arrangement under which the employee returns to the agency worksite less frequently.
- Will the agency review and assess the effectiveness of the remote work agreement periodically? If so, how frequently?
- What are the policies and procedures for reporting to the agency worksite? OPM recommends bringing remote workers into the agency worksite at least biannually in order to build camaraderie, commitment to the agency's mission, and productive communication among employees.
- 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 getting work done?
- How will the expenses of returning an employee to the worksite be handled in the event the arrangement is terminated? (The answer may turn on who initiated the remote work arrangement, and what the remote work agreement provides.)

Is Remote Work the Right Work Arrangement?

While technological advancements and the availability of new collaboration tools make it easier for remote workers to remain engaged and connected to the main office and members of the team, remote work arrangements may not make sense for every agency, function, or team, or be appropriate for every position or individual. Agencies, managers, and supervisors should consider the demands of the job and whether it is feasible for an employee to effectively perform all or most of their job functions at the remote work site while still delivering on mission objectives, maintaining agency operations, and meeting customer needs. In exercising this discretion, agencies should consider individual employee needs while ensuring that remote work does not diminish employee performance or agency operations. Remote work, like traditional telework, is primarily a

flexible work arrangement established to facilitate the accomplishment of work; but it involves more complex considerations.

Policy Considerations

Remote Work Policy Development

The same Federal human resource laws and regulations apply to employees, regardless of where the work is performed. This is particularly true for pay, leave, work schedules, and performance management policies and regulations. However, a remote work arrangement shifts the work environment in ways that require thoughtful and deliberate consideration about various HR policy issues. It is not enough to simply state, “the rules just apply the same.” The change in location may cause a change in location-based pay. The agreement itself should address any such change to compensation and what costs will be reimbursed, if any. The change in work environment and loss of an onsite employee may mean that workflows will need to be reviewed and possibly adjusted. A thoughtful and comprehensive remote work policy that clearly defines responsibilities, work expectations, lines of communication, and feedback is an important step to overcoming challenges.

When drafting specific agency remote work policies that allow for remote work arrangements, agencies should consult, review, and incorporate (as applicable) current agency practices and policies that apply to all employees, regardless of the worksite. When remote work is initiated at the employee’s request to accommodate an employee’s personal circumstances, an agency, in consultation with counsel and human resources staff, should consider building in provisions that the parties agree will apply, should the arrangement not succeed. For example, the agency may wish to consider, including an agreement on the employee’s part not to seek relocation costs if the arrangement fails because of a deterioration in the employee’s performance.

To further contribute to the policy development process, agencies should address the topics in the following sections as they relate to remote work arrangements.

Pay, Leave, and Work Schedules

As previously mentioned, most pay, leave, and work schedule laws and regulations apply uniformly to covered employees in the Federal Government. Agency-specific policies should address many of these personnel

authorities such as established and permissible work schedules, requesting periods of absence(s) (either paid or unpaid) from the employee's scheduled tour of duty, and the earning and reporting of any premium payments for work performed. As these personnel authorities are not distinct or unique to remote work arrangements, a summary of each of the authorities is provided below.

Official Worksite

As provided in *Part 1*, section '[Pay, Leave and Work Schedule Flexibilities](#),' certain location-based pay entitlements (such as title 5 locality payments, special rate supplements, and non-foreign area cost-of-living allowances) are based on the location of the employee's official worksite associated with the employee's position of record. The official worksite generally is the location where the employee regularly performs their duties and is generally documented as the employee's duty station on the employee's Notification of Personnel Action (Standard Form 50 or equivalent).

Remote work arrangements, in which a General Schedule or other employee covered by title 5 locality pay, special rates, and nonforeign area cost-of-living allowances, does not report to the agency worksite at least twice each biweekly pay period on a regular recurring basis (and for which a temporary exception to this requirement has not been approved), will require a documented change in official worksite to the alternative worksite. Depending on the location, this change may impact the employee's pay and the agency's budget—positively or negatively. The change in official worksite thus may be a significant consideration when deciding to approve or deny a remote work arrangement.

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 certain circumstances, based upon the approved travel itinerary. Compensatory time off for travel is not considered premium pay. It is earned by an employee for time spent in a travel status away from the employee's official worksite when such time is not otherwise compensable. Compensable refers to periods of time creditable as hours of work for the purpose of determining a specific pay entitlement. For example, certain travel time may be creditable as hours of work under the overtime pay provisions in title 5, [5 CFR 550.112\(g\)](#), or under the FLSA ([5 CFR 551.422](#)). An agency's remote work policy should address when, and if, remote workers are eligible for compensatory time off for travel.

Please view [OPM's Fact Sheet on Compensatory Time Off for Travel](#) for more information.

Severance Pay

An employee is eligible for severance pay if removed from Federal service by “involuntary separation” ([5 CFR 550.703\(b\)](#)) for reasons other than inefficiency. In addition, a separation is considered “involuntary” for purposes of this provision if an employee declines to accept reassignment outside their commuting area if the employee’s position description or other written agreement does not provide for such a reassignment. (Id.) Severance pay is authorized for full-time and part-time employees who are involuntarily separated from Federal service and who meet other conditions of eligibility.

If the 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 agency 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, an agency should consult with its human resources staff and counsel to revise the position description that will apply, once remote work begins, to provide for potential reassignment in the event of a diminishment of performance and to state that any such reassignment shall not be considered involuntary, and will thus preclude a severance payment, should the employee separate instead of accepting the reassignment.

Please view [OPM’s Fact Sheet on Severance Pay](#) for more information.

Weather and Emergency Procedures

An employee whose residence is considered the employee’s official worksite is generally not granted weather and safety leave when the employee’s parent office (i.e., the office where the employee would work but for the remote work arrangement) is closed, since the employee is able to safely perform work at an approved location. Weather and safety leave may be appropriate if the employee is unable to safely perform work at the employee’s home. Remote employees must follow their agency’s policies, procedures, and any applicable collective bargaining requirements, or contact their supervisors for further information and instructions. See section on [‘Telework and Continuity of Operations’ in Part 1](#) – *General Technical Guide on Telework* for additional guidance or visit www.telework.gov.

Work Schedules

As for other employees, work schedules for remote employees should be clearly defined with established working hours, core business hours, and, if applicable within the agency-specific policy, flexible time bands

within which an employee may vary their arrival and departure from the work site. Agency work schedule policies should provide clear guidance on when to track official hours of work, including bona fide and official breaks and unpaid meal periods. If an employee will not be available during established working hours, they should notify their manager or supervisor requesting a period of absence (paid or unpaid). Employees are responsible for accurately reporting their working hours, including any appropriate telework or remote work hours. As a reminder, OPM tracks remote work in the annual Status of Telework in the Federal Government Report to Congress.

Travel/Relocation (General Services Administration)

Federal Travel/Relocation policies and regulations fall under the purview of the General Services Administration. Federal agencies 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, which are not the focus of this section, are not under the authority of the FTR and are outlined under individual agency guidance. As noted above, when remote work is initiated at the employee's request to accommodate an employee's personal circumstances, an agency, in consultation with counsel and human resources staff, should consider building in provisions that address relocation costs more specifically.

Temporary Duty Travel (TDY) and relocation reimbursement are applied based upon the location of the employee's permanent worksite (PDS), which is found on the employee's SF-50 form. In short, if the employee travels outside their official station as defined in the [FTR Section 300-3.1](#), travel and/or relocation regulations will apply.

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.

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Agencies should read “position of record” and “duty station” as the location stated on the employee’s SF-50 form. Agencies considering remote work arrangements, especially remote work that occurs outside the local commuting area of the agency worksite must take into consideration how often the employee needs to physically come into their agency worksite. If the remote worker resides within 50 miles of the office location, then TDY and relocation benefits will not apply. However, the employee could be reimbursed for local travel costs based on agency policy.

If an employee’s position of record is located outside of the local commuting area of the agency worksite, then reimbursement applies each time the employee needs to travel back to the office in person. Relocation reimbursement may apply if the agency chooses to relocate the employee back to the agency worksite. As noted above, where the remote work arrangement is initiated at the employee’s request, the agency, in consultation with counsel and human resources staff, may wish to consider addressing this topic in the written agreement between the agency and the worker.

Therefore, when considering employees for remote work arrangements, agencies should assess the complete benefits and potential costs, which include cost of periodic travel to the agency worksite. If possible, agencies should also estimate travel costs to other locations where the employee is reasonably expected to travel from their permanent remote work site as compared to travel costs from the agency worksite.

Examples:

- If an employee’s regular office location is in Washington, DC, and their remote work site is approved for Alexandria, Virginia, (i.e., the alternative worksite to which the agency and the employee agreed (e.g., the employee’s residence)) then the employee would not receive temporary duty travel and/or relocation reimbursement for travel to the Washington, DC, office. Local travel costs could be reimbursed based on agency policy.
- However, if the employee’s office is in Washington, DC, and their approved remote work site is in Chicago, Illinois, they would receive reimbursement of travel expenses if they had to travel back to Washington, DC for official duties, and may receive relocation benefits if the agency requests they relocate to work from the agency’s DC office permanently.

Once an agency approves an employee to become a remote worker, the agency should be aware that required relocation costs are likely to be much greater than the cost of occasional trips back to the office. Therefore,

unless there are major problems with the remote work arrangement or major changes to an employee's position, which would be documented as personnel actions such as a Reduction in Force (RIF) or the initiation of Performance Improvement Plans (PIP), agencies should assess to the best of their ability whether the arrangement is beneficial to all parties prior to approving the move to a remote work arrangement, as it can be expensive and disruptive to change it.

Candidates for Remote work

Agencies are encouraged to consider remote work as part of an overall strategic workforce plan. This may include identifying particular positions or functions that employees can perform more efficiently and effectively if working remotely. Moreover, an agency remote work policy should establish a clear process by which an employee can make a request to work remotely on a full-time basis. Such a policy should include requirements to conduct a formal and complete assessment of benefits and cost to determine if the arrangement is workable and cost effective for the Government and the organization. As noted previously, there are various reasons why an employee may request or be offered a remote work opportunity including:

- As a retention tool to maintain talent or institutional knowledge.
- To acquire the knowledge needed for difficult to hire mission-critical talent or hard to find skillsets.
- To help the agency achieve cost savings with real estate reductions (e.g., office closure).
- To help an employee balance work and family responsibilities (e.g., spouse required to relocate for their employment).
- To meet the demands of a changing workforce that demands more flexibility.

Remote work requires more than simply working at an alternative worksite, and this is especially true for a remote work arrangement where the employee is rarely if ever at the agency worksite. Such alternative work arrangements come with challenges and require what may be a new skill set for the employee unfamiliar with working in dispersed or virtual teams. Not every position or every employee will be suited for remote work. Agencies may want to consider multiple factors, including individual work style preferences, team dynamics, and job characteristics, when making decisions about candidates for remote work. Employees are also advised to conduct an honest self-evaluation when determining if they are suited for working in an environment where there is reduced interaction with managers or members of the team. Employees may want to talk to other remote workers to gain information to help decide if remote work is a viable option.

Promising candidates for remote work are self-directed and require minimal supervision. Additionally, while such employees must be able to work independently, they must also be responsive to the organization, team, and customers. That means keeping a high profile (not out of sight, out of mind), keeping supervisors and co-workers informed about the status of projects pending and completed, and pitching in to help when needed. They should also be comfortable not having day-to-day contact with colleagues. Establishing and maintaining a culture that supports remote workers will help the agency recruit the right candidates for remote work positions. For some agencies, this might involve a requirement that all candidates for remote work must first work onsite for a period of time to form essential relationships, learn how the organization functions, or to meet other business objectives.

Business Needs, Office Coverage, and Employee Equity

Most Federal employees have concerns about balancing work and personal responsibilities whether they work at the agency worksite or from an approved alternative worksite. Therefore, from a policy perspective, agencies are encouraged to review and consider requests to work full-time away from the agency worksite very carefully, and with an open mind. This review should include potential costs implications and any impact on the mission needs of the organization.

A remote work arrangement is not an employee right or entitlement, however. Agencies have the discretion to support or deny any request for remote work. An approach to remote work determinations, centered on the nature of required job tasks and duties can help to maximize equity and make it easier for agencies to explain why some people have certain options available to them based on what they do. This can be especially important in deciding which job tasks are best suited for a remote work arrangement. Establishing a remote work policy that sets clear guidelines about the availability of remote work based on jobs rather than the personal preference of their manager, can help to alleviate concerns about fairness. And if a request is denied, a supervisor should be prepared to articulate why it is denied, and any concerns related to how the request would unduly interfere with the agency's ability to manage its work or agency operations. Agencies are encouraged to establish policies and procedures for evaluating and approving/denying such requests.

But, ultimately, because agencies are not required to permit remote arrangements at all, they may be selective about who is permitted to do remote work (see Candidates for Remote Work, above), may impose conditions on granting it, and may approach approvals on a case-by-case basis, taking into account the needs of the agency.

Additional Policy Guidance

Data Collection and Reporting

Accurate data collection is critical to understand and improve an agency's remote work practices. Under [OPM's data standards](#) that were released in 2012, agencies are required to report remote work as part of the bi-weekly Payroll Data Feed provided to the OPM Enterprise Human Resources Integration (EHRI) Data Warehouse. Current data standards direct agencies to include remote work in their reported, "Routine Telework Hours In Pay Period" and "Routine Telework Instances In Pay Period". See the section ['Reporting' in Part 1](#) for more information.

For OPM's annual data call, OPM requires agencies to report remote workers as a separate category to the extent possible. Tracking employees who work on a full-time basis away from the agency worksite, as a separate category provides OPM with the flexibility needed to more readily identify geographically dispersed work arrangements from other work arrangements. Additionally, reporting remote work as a separate category will enable OPM to identify ongoing trends that may require additional guidance.

Performance Management

Managers often express concerns about managing teleworkers and remote workers due to perceived loss of control over efficient business operations. To some degree, remote work may pose greater challenges for effective performance management of remote workers for supervisors. To successfully navigate within the structures and procedures of a fully virtual work environment, managers must be more deliberate about how and when they communicate with employees who rarely report to the office. They also must understand how to measure and account for performance against established performance standards for the position while building connections with employees when they cannot see them. Effective communication between managers and remote workers can help to establish an environment of trust and accountability while still giving employees a feeling of independence.

Managers should be trained on fair and equitable performance management for hybrid teams, including raising awareness among supervisors that evaluation of an employee's performance should be based on factors such as accountability for results or quality of the work, and should not be affected by whether an employee is working in the office, teleworking, based remotely, or working a flexible work schedule. Additionally, it is important to maintain open lines of communication and provide all employees with objective feedback regarding performance expectations. Any management decisions regarding remote work eligibility and participation

should focus on the performance standards for the position and methods for making sure performance against those standards can continue to be accurately assessed.

Managers should also review the agency's collective bargaining agreement(s) and meet any applicable requirements.

Time and Attendance

An agency remote work policy should establish clear roles and responsibilities as well as effective lines of communication for accurate tracking of time and attendance while, simultaneously, curbing the perception of micromanagement. Managers and supervisors are required to obtain reasonable assurance that employees who work remotely are working when scheduled and that time and attendance information accurately reflects time worked as well as absences requested and approved from the scheduled tour of duty.

Training

As a best practice, Federal agencies should adopt training requirements for remote work arrangements that are at least as rigorous as training provided to teleworkers, with any additional training that the agency believes is appropriate. The Telework Enhancement Act requires agencies to provide an interactive telework training program for employees eligible to participate in telework and supervisors of telework employees.

See the [‘Training’ section in Part 1](#) for additional information about the training requirements under the Telework Enhancement Act.

Terminating a Remote Work Arrangement

An agency may determine that a remote work arrangement no longer meets the business needs of the organization. However, terminating a remote work arrangement, particularly if the employee resides outside the local commuting area of the agency worksite may require additional considerations. In an approved remote work arrangement, the remote work site (e.g., home) becomes the employee’s official worksite for pay and other purposes. If an agency makes a determination that the remote work arrangement is negatively impacting the employee’s performance, the agency may wish to pursue a performance improvement plan that can be done remotely at the remote work site versus requiring the struggling employee to work onsite via a management-directed reassignment. Careful consideration should be given to weigh all available options, including reassignment and possible separation.

However, if the decision is made to terminate the remote work arrangement for business reasons, there may be costs implications for the agency to consider. If that determination is made for reasons other than inefficiency (i.e., unacceptable performance or conduct), agencies have the option to reassign or involuntarily separate the employee. If an employee's position of record is located outside of the official station for the agency worksite, relocation reimbursement may apply if the agency chooses to relocate the employee back to the agency worksite (for more information, please refer to the [‘Travel/Relocation’](#) section). It is important to clearly indicate these features in the agency policy addressing remote work.

In the event an employee finds that the remote work arrangement is no longer feasible or desirable (but the employee wants to remain employed by the agency), the agency remote work policy should make clear the process to request termination of the agreement and any options available to be reassigned or relocated to another agency official worksite.

See section on [‘Terminating a Telework Agreement’ in Part 1](#) for other considerations.

Equipment and Services

Agencies should outline in their remote work policy the equipment and services provided by the agency and the equipment and services provided by employees. These provisions will vary among agencies, according to specific guidance, allowances, and restrictions.

All remote workers must be aware that any Government items provided to an employee remain the property of the U.S. Government and must be managed and disposed of in accordance with Governmentwide and agency specific policies and guidance. As a general principle, the Government may not provide items that are used significantly for non-official activity ([GAO B-326021 decision](#)).

Agencies should use agency property and excess property to the greatest extent practicable before acquiring new property ([FMR 102-36](#)).

Property and services include:

Federal Personal Property

- IT equipment- These items typically include at least a laptop or desktop computer, but they may also

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include devices such as tablets and smart phones, and peripheral equipment such as printers and external data storage devices.

- Supplies- Items provided may include printer paper, pens and pencils, and stationary items to the extent required.
- Furniture and other items of property- Items such as desks and file cabinets may be provided if determined to be necessary.

As with their agency telework policies, agencies have the discretion to determine what equipment and services will be provided by the agency and what equipment and services will be the responsibility of the employee.

When considering how to manage the office supply needs of your remote workers here are a few options to consider:

- Ship Supplies. Agencies may wish to ship standard office supplies on a regular basis to remote workers.
- Offer Reimbursement. Employees would be reimbursed for office supplies purchased for official work after providing a receipt. A best practice would be to establish a policy that outlines which expenses will be reimbursed, and a procedure for tracking and recording reimbursed expenses.

Services Related to Federal Property

- Access to internet or telecommunications- Such services may be reimbursed if essential for performing official duties from the approved alternative worksite.
- Repairs to agency equipment- Agency policies and remote work guidance may allow repairs to be made to equipment or, alternatively, determine if replacement is more economical or efficient.
- Other considerations:
 - Mail service- The agency may provide arrangements for incoming or outgoing official mail, to the extent warranted. For more information, see the guidance on [mail management](#).
 - Personally-owned items - These items include all the miscellaneous equipment and supplies needed for the employee's official work, but which are not provided by the agency. For example, some agencies allow employees to install apps or programs on personal IT (phones, laptops, etc.) equipment to allow access to agency systems. The use of these programs or apps on personal devices will be governed by the agency policy.

Safety

Depending on the requirements of the agency, the remote policy may require the employee to complete a safety checklist self-certifying the home office (or other work environment) is free from hazards. This may be especially critical in a remote work arrangement where the employee never or rarely reports to an agency worksite. If this is a requirement, the intent of the safety checklist must only be for program purposes, such as acquainting the employee with workplace safety.

The intent of the checklist must not be for legal and liability purposes. In accordance with [Federal Employees' Compensation Act \(FECA\) Bulletin 98-9 \(1998\)](#), providing guidance for determining whether employees injured while working at alternative worksites meet the “performance of duty” criterion for coverage under FECA, employees who are directly engaged in performing the duties of their jobs are covered by FECA, regardless of whether the work is performed on the agency’s premises or at an alternative worksite.

See [‘Appendix 2’ in Part 1](#) for safety checklist example.

Security Information

The agency remote work policy should outline any special considerations that remote workers are expected to follow regarding security and confidentiality of information, including computer data and file security. Security measures in a remote work environment should cover information systems and technology, and all other aspects of the information systems used by the employee, including paper files, other media, storage devices, and telecommunications equipment (e.g., laptops, PDAs, and cell phones). Regardless of the worksite, it is the responsibility of the employee to safeguard all sensitive information. Employees who engage in any type of remote work need to keep Government property and information safe, secure, and separated from their personal property and information, but this is especially critical in a remote work environment. Federal employees should follow agency policies for managing records in a remote environment, such as returning files to the agency’s filing system and managing copies of records created in the course of remote working. With the exception of agency-specific policies, the general records management responsibilities of a Federal employee do not change in the remote environment. For more information about an employee’s records management responsibilities in a remote environment, please refer to the [National Archives’ Frequently Asked Questions about Telework](#).

Tax Implications

Tax or other legal implications for the business use of the employee's home will be based on IRS and state and local government rules and restrictions. It is the employee's responsibility to determine any income tax implications for maintaining a home office. Employees are encouraged to consult with a qualified tax professional to discuss the tax implications of a remote work arrangement.

Worker's Compensation

Federal employees who sustain an injury in the performance of duty are covered by the Federal Employees' Compensation Act (FECA) [5 U.S.C. 8101](#) et seq. The Department of Labor's (DOL) Office of Workers' Compensation Programs (OWCP) administers the Federal workers' compensation program for the entire Federal Government; detailed information about filing a FECA claim is found on the [DOL OWCP Division of Federal Employees' Compensation website](#). FECA provides a wide variety of benefits including wage loss compensation for partial or total disability; medical benefits; schedule awards for permanent impairment of specified parts of the body; and vocational rehabilitation.

Employees who work remotely are covered by FECA whether they are working at home or at a satellite Government office. In a home office (whether the home office is local or outside the commuting area where they are assigned organizationally), the employee is covered under FECA at their workstation while performing assigned duties or performing employment activities incident to those duties. A workstation would generally consist of a location in the home where the employee performs work assignments such as a desk with a phone and internet access. Injuries sustained while performing activities that are not immediately directed toward the actual performance of assigned duties are not covered. Unlike a traditional office setting, an employee removes him or herself from the performance of assigned duties as soon as they walk away from that desk to use the bathroom, get a cup of coffee, or seek fresh air.

Although an employee has the burden of establishing injury in the performance of duty, eyewitnesses are not required. All of the same traditional checkpoints of establishing that an injury occurred apply to remote work as well. OWCP procedures would require the claims examiner to request detailed information about the remote work arrangement and how/when the injury was reported.

In summary, employees who are directly engaged in performing the duties of their jobs are covered by the FECA, regardless of whether the work is performed on the agency's premises or at an approved alternative worksite.

There is no waiver or statement (such as a "safety checklist") that can be signed by the employee to negate this coverage.

Labor Relations Considerations

Union Coverage/Collective Bargaining

Subject to the requirements and limitations of the law, agencies have discretion to determine the eligibility criteria for employees who are approved for remote work arrangements. The criteria should be detailed in agency policy and may also be covered in applicable collective bargaining agreements, to the extent consistent with applicable law.

Managers should be familiar with their agency's remote work policy and applicable collective bargaining agreements. When making changes to an agency's remote work policy, drafting a new remote work policy, or changing an employee's status as a remote worker, agencies should consult with their human resources offices and counsel as to any collective bargaining obligations.

Changing an employee's status to or from a remote worker could affect their bargaining unit coverage. The employee's status depends on the bargaining unit's description found in the Certification of Representative issued by the Federal Labor Relations Authority (FLRA).

As noted above, before implementation of a remote work arrangement, it is important to consult the agency's labor relations staff and review the certification for appropriate coverage of an employee who is approved for remote work. Disputes pertaining to the scope of a Certification of Representative are resolved by the FLRA.

Reduction in Force (RIF)

When an agency is required to reshape its workforce due to budgetary constraints or eliminating excess positions, Reduction in Force (RIF) may be a viable option. When preparing for a RIF, the agency defines the "Competitive Area" that establishes the geographical and organizational limits for RIF competition. At its option, an agency may establish a competitive area larger than the minimum standard.

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The presence of remote workers, especially those who may be located in a different geographical area, in an agency's workforce may affect how the minimum competitive area is structured. If an agency wants to redefine a competitive area within 90 days of the RIF effective date, the agency must obtain OPM's approval for the change.

For more information on RIF please visit [OPM's Workforce Restructuring Policy, Data, and Oversight](#) webpage.

Overseas Remote Work

Technological advancements have made it possible for a greater number of employees to work seamlessly and more productively from almost anywhere in the world and at almost any time. These new collaboration tools coupled with the passage of the Telework Enhancement Act have highlighted the use of telework as a viable work flexibility to expand opportunities for employees to effectively perform their work from almost anywhere. However, Federal employees are prohibited from "teleworking"⁹ from an alternative location outside of the continental United States without official approval from the employee's agency and the Department of State. Working for a Federal agency overseas is defined by the Department of State as *Domestic Employees Teleworking Overseas* (DETO).

DETO arrangements fall under the statutory authority of the Department of State and apply to all Federal employees. In June 2016 the Department issued guidance in a Memorandum to Executive Branch Agencies dated June 6, 2016 outlining specific requirements that must be met in order to obtain approval for a domestic employee to telework in a foreign country, which falls under Chief of Mission (COM) authority. These requirements are in addition to OPM-issued governmentwide remote work policy, and the requirements of the agency remote work policy by which overseas remote work requests are evaluated and approved/disapproved on a case-by-case basis. They may result in additional costs and increased security risk to agencies. Agencies that are contemplating such arrangements, are strongly encouraged to establish an agency DETO (Domestic Employee Teleworking Overseas) policy governing these arrangements and to familiarize themselves with the requirements for gaining approval from the Department of State through the NSDD 38 approval process, if one year or more, or the Country Clearance process, if less than one year.

⁹ We use the term "telework" here, as this is the term the State Department uses to describe working from an alternative location out of the continental United States.

For additional information regarding DETO policy guidance, please visit the [U.S. Department of State DETO web page](#) or contact DETOPolicy@State.gov.

Conclusion

As the landscape of remote work in the Federal Government continues to evolve, OPM remains committed to supporting robust Federal work programs that yield benefits for employees, agencies, and the community. This guidance is intended to chart the course for agencies, managers, supervisors, and employees to improve their understanding and implementation of remote work. When implemented as a strategic management tool, robust and well-practiced remote work programs can improve employee performance and engagement, and maximize organizational mission productivity, efficiency, and government stewardship.

For additional information on remote work, please visit www.telework.gov.

Appendix 1: Example Document – Remote work Agreement

The remote work agreement form below is a basic template that can be tailored to match agency’s needs.

Generally, a remote work agreement would include things like:

- a listing of the agency’s policies on remote work, including any applicable collective bargaining 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

Remote Work Agreement

Date/Reason for Request: ☐ Employee Request (please attach reason for request) ☐ Management established worksite / /	Proposed Start Date:
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 worksite, agreements on office communication, checking voice mail and email, or contacting the supervisor.]	

Supervisor Approval: ☐ Approve (which may include working with employee to modify request as applicable to mission accomplishment) ☐ Disapprove Upon request, management will provide a written explanation, generally within ten work days. _____ Date of Decision	
Employees Business Telephone:	
Employee's approved bi-weekly work schedule or AWS schedule: Week 1 : ☐ Monday ☐ Tuesday ☐ Wednesday ☐ Thursday ☐ Friday	Week 2 : ☐ Monday ☐ Tuesday ☐ Wednesday ☐ Thursday ☐ Friday

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 he/she 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:		

Item	Yes	No
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.



U.S. Office of Personnel Management

Employee Services

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