Telework and Remote Work Frequently Asked Questions (FAQs):

Presidential Memorandum, *"Return to In-Person Work," January 20, 2025*, directed Heads of all departments and agencies in the executive branch of Government shall, as soon as practicable, take all necessary steps to terminate remote work arrangements and require employees to return to work in-person at their respective duty stations on a full-time basis, provided that the department and agency heads shall make exemptions they deem necessary.

Telework

Routine telework is only authorized for employees with an approved deferred resignation request, approved reasonable accommodation, or an approved Return-to-Office (RTO) exemption by the Secretary of War (SECWAR).

What is telework?

Telework is an alternative workplace arrangement under which an employee or Service member performs the duties and responsibilities of the assigned position and other authorized activities from an approved alternative worksite but is required to report to the agency's worksite on a regular and recurring basis.

How will the teleworker's official worksite be determined?

The official worksite for a teleworker is the location of the regular worksite for the employee's or Service member's position (i.e., the agency worksite where the employee or Service member would usually work absent a telework agreement) as long as the employee physically reports at least twice each biweekly pay period on a regular and recurring basis to the agency worksite. The employee must report for a full workday, 2 times per pay period.

What constitutes a "day" for reporting to the agency worksite two days per pay period?

An employee must report to the agency worksite twice per pay period according to their approved tour of duty (work schedule). For example, an employee working 8 hours per day for 5 days a week, a work "day" is defined as 8 hours. For an employee working on a compressed work schedule of 4-10 hour days per week, a work day is defined as 10 hours.

Can an exception be made to reporting to the agency worksite twice per pay period?

Yes, but only under limited and temporary circumstances. A supervisor may make an exception to the twice per pay period requirement in certain temporary situations, but only if the employee is expected to return to their worksite in the near future. The following are appropriate temporary circumstances where a change in duty station is not required (see 5 CFR 531.605(d)(2)):

- An extended office closure or other operating status announcement, national or local emergency, a public health crisis, the activation of a COOP, an issued order of evacuation, or any similar scenario when an employee may be unable to commute to or otherwise be unable to return to the regular worksite.
- Recovery from an injury or medical condition or other extended period of approved absence from work during which the employee will not be able to report to the regular worksite at least twice a bi-weekly pay period.
- A period during which the employee is in temporary duty travel status away from the regular worksite.
- A period during which an employee accepts a detail to work at a location other than the alternative worksite on the telework agreement.
- A period during which OPM announces the Federal Government operating status, in the area of the employee's regular worksite, as, "Open with an Option for Unscheduled Leave or Unscheduled Telework.

Is telework an employee entitlement?

There is no entitlement to telework or remote work. Telework is a strategic management tool and workplace flexibility established to facilitate the accomplishment of work while balancing the needs of the workforce. Components should not treat telework as an exception to a traditional full-time in-person work schedule or as a performance management tool or incentive.

Can an employee be forced to telework?

No. Employee participation in a telework program is voluntary. However, once an employee participates in a telework program, that participation will have implications for the employee, such as the expectation that the employee will telework following the current weather and safety leave policies under OPM's weather and safety leave regulations. All telework program participants and remote workers are ineligible for weather and safety leave when a closure is announced except in rare circumstances when one of the exceptions under 5 CFR 630.1605(a)(2) applies in situations where the employee is unable to travel to the agency worksite safely.

Is it possible for a manager to decline a telework request even if the employee has an approved return-to-office exemption?

Yes. Each Component will determine the eligibility requirements for all employees or Service members to participate in telework.

Supervisors must restrict telework according to Section 6502 of Title 5, U.S.C. if the employee or Service member has been officially disciplined for the following disqualifying misconduct:

- Being absent without permission for more than 5 days in any calendar year.
- Viewing, downloading, or exchanging pornographic material on a government computer or while performing Federal Government duties.

Do I need to have a signed telework agreement before I can telework?

Yes. Section 6502(b)(2) of Title 5, U.S.C. mandates a written agreement for any employee to participate in telework. Therefore, every telework participant must complete a DD Form 2946, annually, regardless of whether telework is routine or situational.

Can an employee telework while dependents are present in the home?

Telework is permissible while a dependent is present at the alternative worksite. When performing official duties, teleworkers must not engage in dependent care activities. Teleworkers must account for work and non-work hours during their tour of duty and request appropriate paid or unpaid leave to account for time spent away from normal work-related duties to care for a child or other person requiring care or supervision.

How does an employee who is approved to telework due to recovery from a medical injury code their timecard?

An employee that is approved for situational telework to recover from a medical injury will code their timecard as Situational Telework (TS). An employee who has been approved for routine telework to recover from a medical injury will code their timecard as Routine Telework (TW). The employee can confirm their approved arrangement by reviewing their signed telework agreement (DD Form 2946). An employee who has a permanent arrangement to work from home full-time will code their timecard as Remote Work (TR). If the employee is approved for a remote work arrangement, a signed remote work agreement must be on file and personnel action will need to be processed, to document the change in the employee's duty location, as their approved remote work location.

Should agencies provide additional resources to telework employees such as office equipment, extra monitors, phones, headsets, chairs, and standing desks?

Components may provide office equipment to assist employees in performing their duties. Equipment provided to employees shall remain the property of the U.S. Government and must be handled per Government-wide and DoW-specific policies and guidance.

What kind of telework training is offered for supervisors?

The official website of the Federal Government's telework program can be found at OPM.gov. This site provides training and resources for supervisors and employees and serves as a tool to support the successful implementation of Federal agencies telework programs. Telework training is mandatory for supervisors and employees who participate in the telework program.

Are civilian employees covered by Workers' Compensation when injured or suffering from work related illnesses while conducting official DoW business at the telework/remote work location?

Employees who sustain an injury or suffer from work-related illnesses while conducting official government business at the telework/remote work location are covered by the Federal Employees' Compensation Act (FECA) 5 U.S.C. 8101or the Longshore and Harbor Worker's Compensation Act 5.U.S.C. 8171. Employees should notify their supervisor if they are injured while teleworking. Employees may pursue claims in accordance with Volume 810 of DoWI 1400.25.

Does DoD Instruction 1035.01 apply to contractors?

DoD Instruction 1035.01 does not apply to Federal contractors. However, Federal statute or regulation does not prohibit Federal contractors from teleworking.

Remote Work

Remote work is only authorized when an employee has an approved deferred resignation request, approved reasonable accommodation, approved RTO exemption by the SECWAR, or meets the military spouse exemption.

What is remote work?

Remote Work is an alternative work arrangement in which an employee or Service member works from an approved alternative worksite (within or outside the locality pay area) of an agency worksite and is not expected to return to an agency worksite on a regular basis during each pay period.

Who qualifies as a military spouse for the remote work exemption from the return-to-office directive?

A military spouse is defined as:

- A spouse of a Service member on active duty, including Reserve Components serving on active duty or full-time National Guard duty (excluding training duties or service school attendance).
- A spouse of a veteran with a 100% disability rating at the time of separation or retirement.
- A widow/widower of a Service member who died on active duty and has not remarried.
- A spouse of a U.S. Foreign Service member on an overseas assignment.

What does the law mean "at the time of separation or retirement" and who determines the disability effective date?

The Department of Veterans Affairs determines the 100% disability rating, and it must be effective the day after discharge. For example: the active-duty member is discharged 30 Jun 2021; on 1 July 2021, the member is rated 100% disabled by the VA; the spouse qualifies for the remote work exemption.

Are military spouses required to return to in-person work under the Presidential Memorandum on Return to In-Person Work?

No. Eligible military spouses are categorically exempt from the return-to-office directive for remote work arrangements only. They may continue remote work arrangements or provide documentation that meets the categorical exemption eligibility if the military spouse was not previously on a remote work arrangement. The position must be classified as eligible for remote work.

How is remote work eligibility determined?

Supervisors will assess whether the duties and responsibilities of the position can be performed remotely and consider the impact on the mission. In addition, the employee must qualify for an RTO exemption.

What is the official worksite for remote workers?

The official worksite for a remote worker will be their home or other approved alternative location away from the agency worksite, where an employee is authorized to work and regularly perform their official duties and responsibilities.

Is an agreement required for an employee to participate in remote work?

Yes. Similar to telework, an annual written agreement is required for an employee to participate in remote work. Every remote worker must have a signed Remote Work Agreement approved by their supervisor.

Is telework training required for remote workers?

Yes. Supervisors, employees, and Service members authorized to work remotely are required to complete OPM's annual telework training and any Component-specific training before entering into a remote work agreement (https://www.opm.gov/telework/telework-training/) .

Can remote work agreements be terminated?

Yes. The supervisor may terminate a remote work agreement if it no longer meets mission requirements, the needs of the workgroup, or due to misconduct or non-compliance with the terms of the remote work agreement or other business-based reasons. The employee or Service member may also request to terminate a remote work agreement. Both parties should consider cost implications as outlined in the remote work agreement.

Can employees appeal remote work denials or terminations?

Yes. Employees may appeal denials or terminations through their component administrative grievance procedures or collectively bargained grievance procedures for bargaining unit employees, if applicable. Service members may request reconsideration through their appropriate chain of command.

If an employee is authorized to work remotely from one location, can they work remotely from a different location?

A remote worker is only authorized to work from the approved alternative location, as indicated in the remote work agreement. If an employee would like to temporarily work from a different location not listed on the remote work agreement, changes in work locations must be approved in writing by the supervisor before an employee performs remote work at a new alternate location. A permanent change to a new alternate work location should be requested in writing and submitted to the supervisor for approval 30 days in advance.

Can remote workers still be required to report to the office?

Yes. If a remote worker is approved to work remotely, they are not required to report to the office on a regular and recurring basis during each pay period. However, agencies can require employees to report to the office occasionally as needed to meet mission requirements or to carry out the functions of their duties and responsibilities. Agencies should consider travel costs when the remote worker's position of record is outside the local commuting area of the agency worksite.

Is travel paid if a remote worker is required to report to the office?

Reimbursements for travel expenses are made in accordance with the Federal Travel Regulations Section 300-3.1. Temporary Duty Travel (TDY) is applied based on the employee's permanent worksite location, as documented on the employee's SF-50, Notification of Personnel Action. Local travel may be provided, as indicated by the Components' local travel policy. Agencies should evaluate the travel costs associated with this requirement before approving any remote agreements.

Does an agency have to provide office space for a remote worker?

No. Remote workers should not have an assigned or dedicated workspace at the agency worksite.

Domestic Employee Teleworking Overseas (DETO)

What is a DETO?

A Domestic Employee Teleworking Overseas (DETO) is a United States Government employee assigned to a domestic position with an alternative work arrangement permitting a remote worksite from an overseas location for a limited period of time.

Who can approve a DETO?

The State Department must approve all DETO requests. DoW Components may develop their internal procedures to determine DETO eligibility. However, the Chief of Mission (COM) within each country where the work will take place has the ultimate authority to approve the arrangement. The circumstances of approvals will vary from country to country as well as from case to case.

Are DETO arrangements categorized as remote work?

No. DETOs are categorized as telework per the statutory changes to the National Defense Authorization Act for Fiscal Year 2022 (P.L. 117-81 § 6202), which required Federal agencies to establish DETO (Domestic Employee Teleworking Overseas) policies within their agency 'telework requirements' and to determine within those policies the circumstances in which an employee would be permitted to perform official duties from an approved overseas location temporarily. This provision amended 5 U.S.C. 6502 (the Telework Enhancement Act) to require all Executive agencies to include DETO policies within their telework policies.

What is the processing time for a review of a DETO request?

On average, DETO requests can take up to 6-9 months to review for final determination.

Is a DETO agreement required?

The requirements for DETO arrangements are the same as the requirements for telework. However, in addition to DoW requirements, Department of State requirements will also apply to all employees working under a DETO agreement.

Can a DETO agreement be amended?

Yes. Supervisors may amend DETO agreements at any time by providing written justification based on the office's needs and with prior notification of 90 days. Amended agreements must be routed through the State Department's National Security Decision Directive 38 approval process for final approval determination by the COM.

Can a DETO agreement be terminated before its prescribed termination date?

Yes. Either the employee or supervisor may cancel a DETO agreement before its prescribed termination date. The notice of cancelation must be submitted, in writing, 90 calendar days before the effective date.