



U.S. Environmental Protection Agency Telework and Remote Work Policy

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I. PURPOSE

The U.S. Environmental Protection Agency is committed to being a model employer. An effective telework policy is central to this commitment. The Telework Enhancement Act of 2010 requires the head of each executive agency to establish a telework policy for eligible employees.

II. SCOPE

This policy addresses situational, medical telework, telework granted as a reasonable accommodation, remote work and domestic employees teleworking overseas. This policy covers all EPA employees, supervisors, and managers in the competitive, excepted, and Senior Executive Service. This policy also covers Senior Level and Scientific and Professional employees, Public Health Service Officers, Schedule C, Administratively Determined employees and non-EPA employees serving on Intergovernmental Personnel Act assignments to the EPA. This policy does not cover agency employees on external details or IPAs to Congress, other agencies, departments, or organizations.

Generally, employees covered by this policy are expected to report to their official worksite on a regular basis and telework may only be approved situationally. Remote work will be granted on a case-by-case basis for compelling reasons (i.e., rare or unusual circumstances) and only with appropriate senior management approval.

Experts, consultants, advisory committee members, and special government employees are exempt from this policy. In general, the duty station assigned will be the appointee's place of residence, but hiring offices will designate a duty station based on the needs of the agency.

This policy applies to bargaining and non-bargaining unit employees.

III. POLICY

The eligibility of employees to participate in telework and remote work is based on: 1) the extent there is sufficient portable work to support the telework or remote work request; 2) the employee meets the eligibility requirements outlined in this policy; and 3) the provisions of this policy are met. Telework and remote work are not entitlements even if the employee otherwise meets eligibility criteria. Since telework and remote work require full and effective collaboration between management and employees, both parties have responsibilities in their successful implementation and operation. An employee's participation in telework or remote work is voluntary. Employees on telework and remote work will receive the same treatment and opportunities as employees who do not have such arrangements (e.g., work assignments, awards and recognition, development opportunities, promotions, etc.) and are expected to perform and accomplish all assignments and responsibilities associated with their position, whether in the office or on an approved telework or remote work agreement.

IV. DEFINITIONS

- a. **Telework:** An arrangement where eligible employees perform the duties and responsibilities of their position during regular, paid hours from an approved worksite other than the official

worksite (e.g., home or telework center). Telework is not an entitlement and the agency may establish the minimum number of days an employee must report to the duty location in accordance with applicable regulations.

- b. **Alternative Work Location or Alternative Worksite (AWL):** The AWL is an approved work location other than the employee's official worksite. An AWL will generally be an employee's residence or other approved worksite and will generally be within the local commuting area, such as a facility established by state, local or county government or private organization for use by teleworkers. Employee requests to work at an AWL outside of the local commuting area may be approved by the appropriate approving official as noted in section VI.
- c. **Local Commuting Area (LCA):** The geographic area usually constituting one area for employment purposes. It includes any population center (or two or more neighboring ones) and the surrounding localities where people live and can reasonably be expected to travel back and forth daily to their official worksite.
- d. **Portable Work:** Work which can be performed either at the employee's official worksite or at another location with equal effectiveness with respect to quality, quantity, timeliness, customer service, and other aspects of accomplishing the employee's responsibilities and EPA's mission. Such work is part of the employee's regular assignments and does not involve a change in duties or the way the assignments are performed without supervisory approval.
- e. **Official Worksite:** The official location of an employee's position of record as determined under 5 CFR 531.605. Official worksite is the "official duty station" as the term is used in Title 5, United States Code, Section 5305(i).
- f. **Position of Record:** An employee's official position defined by grade, occupational series, employing agency, law enforcement officer status and any other condition determining coverage under a pay schedule (other than official worksite), as documented on the employee's most recent Notification of Personnel Action (Standard Form 50 or equivalent) and current position description, excluding any position where the employee is temporarily detailed.
- g. **Regular Office or Worksite:** The office (program, region, lab, other EPA worksite) where the employee reports on a regular and recurring basis, receives direction, returns to if the supervisor recalls the employee, terminates the telework agreement, or the employee chooses to no longer telework.
- h. **Remote Work:** Also known as full-time telework, is work performed while teleworking within or outside the local commuting area of an agency worksite; under a remote work agreement an employee is not expected to report to the agency worksite on a regular and recurring basis.
- i. **Remote Work Location (RWL):** RWL is an approved work location other than the employee's regular office or worksite. A RWL will generally be an employee's residence or other approved worksite. A RWL is generally outside of the local commuting area of the regular office or worksite.

- j. **Telework-Ready Employee:** Any employee who has a telework agreement currently in effect authorizing any type of telework.
- k. **Domestic Employee Teleworking Overseas (DETO):** An overseas remote work arrangement where an EPA employee temporarily performs the work requirements and duties of their domestic position from an approved overseas location via a DETO Agreement.

V. ROLES AND RESPONSIBILITIES

- a. **EPA Telework Managing Officer (TMO):** The Principal Deputy Assistant Administrator for the Office of Mission Support (or designated representative) shall serve as the TMO. The TMO serves as the primary telework point of contact between the agency and the Office of Personnel Management. The TMO is responsible for overall policy development and implementation of the agency's telework policy and programs and serves as an advisor for agency leadership on the full range of telework issues as well as a resource for managers and employees.
- b. **Agency Telework Coordinator:** The Office of Human Resources Strategy in the Office of Mission Support executes the duties of the agency telework coordinator, who is responsible for overseeing the agency's telework program. The coordinator may periodically review telework approvals and disapprovals to ensure consistency of application, direct changes as necessary, and ensure any necessary training is provided as required.
- c. **Program/Regional Office Telework Coordinators:** These individuals are responsible for ensuring all participants are aware of their responsibilities, have taken appropriate training, and have agreements in place. Upon request, these telework coordinators are required to provide participation data including documented approvals and disapprovals to allow monitoring of the program.
- d. **Assistant Administrators, the Chief Financial Officer, the Chief of Staff to the Administrator, the General Counsel, and Regional Administrators or their equivalents or designated representatives:** These executives are responsible for selecting program/regional office telework coordinators and may assign and locate telework coordinator duties anywhere in their respective organizations. However, if a manager does not designate a telework program coordinator, they must ensure the telework program coordinator's responsibilities are appropriately delegated to and performed by at least one person who will serve as a point of contact for the agency's telework coordinator (a primary and a back-up point of contact is allowed). AAs and RAs are responsible for approving remote work requests or assigning a designee to approve on their behalf.
- e. **Office of Human Capital Operations:** OHCO is responsible for ensuring all position descriptions are reviewed for telework eligibility prior to initiating recruitment and reassignment actions and are so noted in job advertisements. OHCO must also document an employee's official worksite via Notification of Personnel Action (Standard Form 50) as required by this policy and 5 CFR 531 subpart F.

- f. **Supervisors and Managers:** Supervisors and managers are responsible for the overall management of telework, including remote work, within their work units, including:
- (1) Completing appropriate telework/remote work training and ensuring subordinates complete training too.
 - (2) Working with their regional human resources officer, program management officer and OHCO to identify positions eligible for telework/remote work and ensuring such designations are identified on position descriptions and in job announcements.
 - (3) Taking into account work-related needs, approving or disapproving new or revised requests to telework within a reasonable timeframe (i.e., normally within 15 calendar days) and in cases of disapproval, providing the rationale to the employee, if requested.
 - (4) Taking into account work-related needs, recommending approval or disapproval of new or revised remote work requests and forwarding for senior management approval, and in cases of disapproval, providing the rationale to the employee, if requested.
 - (5) Reviewing and recertifying employee telework and remote work agreements every 12 months (or earlier if a particular organization's annual recertification time period is sooner, so all employees can be recertified at the same time).
 - (6) Overseeing day-to-day telework/remote work operations, modifying individual telework or remote work agreements to meet mission needs, accomplish workload or changing circumstances, and maintaining records and information necessary for evaluation of the program.
 - (7) Ensuring teleworkers/remote workers agree to comply with all existing security policies and procedures, regarding IT security, personally identifiable information and confidential business information.
 - (8) Ensuring proper use of appropriate telework/remote work time reporting codes to document hours worked.
 - (9) Monitoring performance by ensuring appropriate management controls and reporting procedures are in place before employees begin teleworking or remote work.
 - (10) Teleworkers/remote workers and non-teleworkers/non-remote workers are treated identically for the purposes of monitoring and assessing job performance; however, supervisors and managers may need to use different mechanisms for communicating with teleworking/remote working employees.
 - (11) Initiating a personnel action to be affected by OHCO to change an employee's official worksite as required by this policy and 5 CFR 531 subpart F.
- g. **Employees:** Employees are responsible for the following:
- (1) Completing appropriate telework/remote work training.
 - (2) Completing a telework or remote work agreement and waiting for approval from their supervisor or designated approving official prior to teleworking or remote working.
 - (3) Performing an assessment of the AWL or RWL and answering the required questions on the Self-Certification Safety Checklist.

- (4) Adhering to the telework policy, procedures, terms, and conditions of the approved telework/remote work agreement.
- (5) Notifying their supervisor if modifications are necessary or potentially necessary to their telework/remote work agreement.
- (6) Working with their supervisor to recertify the telework/remote work agreement every 12 months or earlier if requested.
- (7) Being available during scheduled work hours by telephone, email, and other applicable agency-approved technology and communication methods (e.g., MS Teams, etc.) in order to communicate with their supervisor to receive assignments and complete their work in accordance with the supervisor's instructions and to be accessible to co-workers and customers.
- (8) Maintaining communication with the supervisor while teleworking /remote working and working with the supervisor to overcome problems or obstacles as they occur so the work of the organization is accomplished in an effective and timely manner.
- (9) Complying with all existing agency security policies and procedures, including those relating to personally identifiable information and confidential business information.
- (10) Being prepared to telework in the event OPM or the agency announces changes to its operating status, including changes to dismissal and closure procedures.
- (11) Planning ahead, including taking any necessary equipment (e.g., laptops) home prior to a forecasted weather event.
- (12) Reviewing the SF-50 and promptly notifying the supervisor and regional human resources officer (regional staff) or program management officer (program staff) if the duty station on the SF-50 is incorrect.
- (13) If approved for remote work, notifying the supervisor before moving to a different address (i.e., locality pay may be impacted and changes must be documented in the agency's personnel system).
- (14) Arranging for dependent care if dependent care would otherwise interrupt or interfere with the employee's work duties during the time the employee is working at an AWL or RWL or requesting leave or work schedule adjustments for periods when the employee is not able to work due to dependent care responsibilities.
- (15) Complying with all applicable policies and regulations including but not limited to policies governing information technology security and use of government equipment/materials.

VI. TYPES OF TELEWORK

Supervisors and managers may authorize the following types of telework in this section.

As noted in section IV, AWLs are typically located within the LCA. However, supervisors or managers may approve telework for employees outside the LCA if there is a reasonable expectation that the distance from the official worksite will not hinder the employee's ability to report to the worksite on a regular basis and in a timely manner if recalled (i.e., the employee may not use the distance from the official worksite as a basis for a "regular" need to request situational telework or they are unable to report timely if recalled).

- a. **Situational Telework:** This type of telework is appropriate for work or assignments of specific limited duration on an occasional, emergency, or ad hoc basis. Situational telework may not be approved for more than 24 hours in any two consecutive pay periods. Situational telework cannot be used in a routine manner to create a regular telework schedule (i.e., routine days of telework). An employee must have an approved situational telework agreement in place and receive approval in advance each time they wish to telework (this can be done via email, Teams, or phone, but it's best to have a written record of the approval).

Supervisors or managers may also approve a temporary situational arrangement outside the LCA within the 24-hour limit. See section XVII below for an example.

The 24-hour limit does not apply when an employee is in a temporary duty travel status away from the official worksite.

Partial Telework Days. A partial telework day is when the employee works part of their tour of duty at the official worksite and some at the AWL. This is not prohibited but the 24-hour limit applies and requires supervisory approval. The supervisor should also be mindful of the requirements of the work schedule type the employee is on when approving such arrangements. An employee on a fixed schedule can't take time off during the tour of duty without using some form of leave and has a firm start and end time, while an employee on maxiflex can schedule breaks and start and end times in accordance with the agency's work schedules policy or applicable collective bargaining agreement.

Example 1: Gwen is on a maxiflex schedule. She works at the office from 9 a.m. to 3 p.m. She is off for two hours to go to her child's activity, and then gets back on at 5 p.m. and works for two more hours at the AWL.

Example 2: Kirk is on a straight-8 schedule. He works at the office from 8 a.m. to noon, takes two hours of sick leave for a doctor's appointment and finishes the rest of his workday at the AWL until 4:30 p.m.

- b. **Emergency Situational:** This type of situational telework allows supervisors or managers to approve temporary telework arrangements as an exception to the 24-hour situational telework limit for emergency situations preventing the employee from regularly or safely commuting to the official worksite or when early departures are necessary from the worksite (and unscheduled telework is not an option, see below). Exceptions include inclement weather, a severe weather emergency, a pandemic health crisis or local events severely impacting the employee's ability to commute to the official worksite or when employees are directed to depart the worksite early but there is still enough time in the employee's tour of duty to work from the AWL for the rest of the workday. In such cases, supervisors or managers will follow the guidance issued by OPM or local management before granting this type of telework.
- c. **Unscheduled Telework:** This type of situational telework is performed when the agency announces changes to its operating status, including changes to dismissal and closure procedures pursuant to OPM or local management operating status announcements. Any telework-ready employee must perform unscheduled telework. Unscheduled telework is

not subject to the 24-hour limit.

- d. **Medical Telework:** Allows for the continued accomplishment of agency work while an employee has a physician-certified medical condition not affecting the employee's ability to perform their regular work assignment at an AWL. This telework type may not be used for the illness or injury of a family member. This type of telework may be the equivalent of full-time, but it is a temporary telework arrangement and may not exceed 12 months in duration within any 3-year period. Medical documentation justifying the need for medical telework must be provided to the supervisor. The supervisor must maintain the medical documentation in a secure location in accordance with the agency records management requirements. Also, a telework agreement and a safety checklist must be submitted and approved by the supervisor prior to the start of the arrangement.

The initial medical telework arrangement is valid for 90 calendar days (or less depending on the medical documentation) and may be extended in 90-calendar day increments if the medical certification justifies such at each extension (i.e., medical documentation must be submitted every 90 calendar days if warranted). The total maximum allowable time for a medical telework agreement is 12 months within any 3-year period. Employees with medical conditions lasting more than a year should contact the local or national reasonable accommodation coordinator to see if their situation may warrant telework as a reasonable accommodation. Please note, medical telework is not the same as telework as a reasonable accommodation. Medical telework is a temporary arrangement whereas telework as a reasonable accommodation is not subject to time limits if the condition justifying the arrangement persists. Please see the section on reasonable accommodation below.

In limited circumstances for medical telework, supervisors may approve employees to work at an AWL outside the local commuting area. This determination will be made by the supervisor on a case-by-case basis, provided the employee meets all eligibility requirements contained in this policy and the documentation supports the request.

- e. **Reasonable Accommodation under the Telework Program:** Telework can be used to accommodate qualified employees with disabilities under the agency's reasonable accommodation process. Employees seeking to telework as a reasonable accommodation should contact their immediate supervisor or the national or local reasonable accommodation coordinator. Employees teleworking as a reasonable accommodation will follow the general requirements contained in this policy to the extent such requirements are consistent with the reasonable accommodation. Employees must, at a minimum, submit a telework application, training certificate, and safety checklist. Employees approved to telework as a reasonable accommodation are required to have a valid, signed telework agreement.
- f. **EPA Continuity of Operations Plan (COOP):** Telework is an important part of the agency's COOP. It enables employees to work from AWLs or RWLs during emergencies such as a natural disaster, a terrorist attack, disruption to facilities or a pandemic health crisis. It is a key tool in continuing the agency's vital role in the federal government in the face of an emergency. In such an emergency, any employee—with or without a telework or remote work agreement—

may be required to telework. (Note: during any period EPA is operating under COOP, the COOP shall supersede this policy).

- g. **Official Worksite for Pay Purposes:** Generally, if the employee does not physically report to the regular office or worksite at least twice each biweekly pay period, their duty station will change to the AWL and locality pay may be impacted (5 CFR 531.605). An exception to this requirement is not appropriate in all time-limited situations as addressed above. If a supervisor has questions about the designation of the official worksite, they should consult with their local telework coordinator or the national telework coordinator in the Office of Human Resources Strategy.

VII. PORTABLE WORK: DESIGNATING AND NOTIFYING EMPLOYEES

Although many positions may be suitable for some degree of telework, not all aspects of all jobs can be performed effectively at an AWL and therefore, considered portable. Also, the portability of an employee's work can change over time due to project or mission needs. Each supervisor must identify the positions within their organization suitable for telework and those not suitable, and notify each employee, including new employees, of their eligibility to telework based on the portability of their work. Supervisors must use the notification memorandum (*Telework Notification of Ineligibility*) to notify employees of their ineligibility, if applicable. Supervisors are also responsible for working with OHCO to identify new positions eligible for telework and ensuring such designations are identified on position descriptions and in job announcements.

- a. **Work Suitable for Telework:** Portable work performed at another location with equal effectiveness with respect to quality, quantity, timeliness, customer service and other aspects of accomplishing the EPA's mission. Work suitable for telework depends on job content, rather than job series or title, type of appointment or work schedule. It is possible that within identical or related occupational series, one position or portion of a position may be determined to be eligible for telework and another may not, depending on individual job requirements.

Employees may have some duties suitable for telework and others not suitable. For these employees, supervisors will need to determine if telework is appropriate based on the duties/responsibilities the employee will have on the day telework is requested.

- b. **Duties Not Suitable for Telework:** Work that is not portable cannot be performed at another location with equal effectiveness. As with portable work, it is possible that within identical or related occupational series one position or portion of a position may be determined to be eligible for telework and another may not, depending on individual job requirements. Examples of duties not suitable to be performed away from the regular office or worksite include, but are not limited to, the following:

- (1) Requiring face-to-face contact with the supervisor, colleagues, clients or the general public in order to perform their job effectively. These duties cannot otherwise be achieved by e-mail, telephone, video calls, collaboration technology or other electronic means.

- (2) Accessing classified information or a classified installation. Note: Secure materials are those materials where there exists a written policy, at the government, agency or organizational level, restricting use/access outside of a specific government installation or area within a government installation and including sensitive PII.
- (3) Involving the construction, installation, maintenance or repair of EPA facilities.
- (4) Involving the physical protection of EPA facilities or employees.
- (5) Involving other physical presence/site-dependent activity (e.g., emissions testing, site inspections or work that must be performed in a laboratory).

VIII. TELEWORK AND REMOTE WORK AGREEMENTS

The telework or remote work agreement covers the terms and conditions of the arrangement. It also constitutes an agreement by the employee to adhere to applicable guidelines and policies. The telework/remote work agreement includes items such as the voluntary nature of the arrangement; duration of the agreement; hours and days of duty at each work location; leave approval and requests for overtime and compensatory time; performance requirements; and proper use and safeguards of government property and records. When any aspect of the agreement changes (e.g., position, work assignment, supervisor, alternate work location, etc.), the employee and supervisor will reassess the employee's work to determine telework or remote work suitability and continued approval.

Telework and remote work agreements must be renewed every 12 months. Employees who are designated essential for inclement weather or other emergencies or are emergency response employees for COOP purposes must have signed telework agreements in place to facilitate continuity of operations in the event of emergencies. Employees designated for COOP purposes may be required to telework or remote work, irrespective of telework/remote work status or agreement.

IX. EMPLOYEE ELIGIBILITY REQUIREMENTS FOR TELEWORK

a. **Basic Eligibility Requirements:** An EPA employee may be authorized to telework if:

- (1) The employee has sufficient portable work for the amount of telework requested (if the requested amount cannot be authorized, supervisors may approve a lesser amount).
- (2) The telework arrangement does not create any impediment to the effective accomplishment of the employee's and their organization's work.
- (3) The employee agrees to return to the regular office or worksite on a telework day if required to do so by their supervisor.
- (4) The employee continues to comply with the terms of their written and approved telework agreement.
- (5) Arrangements are in place for dependent care, if dependent care would otherwise interrupt or interfere with the employee's work duties during the time the employee is working at an AWL.

b. **Employees may not telework if:**

- (1) The employee has been officially disciplined for being absent without permission

- for more than 5 days in any calendar year; or
- (2) The employee has been officially disciplined for viewing, downloading, or exchanging pornography, including child pornography, on a federal government computer or while performing official federal government duties.

Additionally, the supervisor or management official may terminate the employee's telework arrangement in order to meet the organization or unit's specific operating needs. The supervisor or management official should consult and receive guidance from the servicing labor and employee relations office before terminating the employee's telework arrangement when there are documented misconduct or performance issues, or the employee fails to comply with the provisions in this policy.

- (1) For terminations resulting from organizational or operating needs, the employee may reapply if or when any such issues are resolved in accordance with the requirements in this policy but approval is not guaranteed.
- (2) For terminations resulting from misconduct, performance issues or for the employee's failure to comply with the provisions of this policy, employees may reapply at the supervisor or management official's discretion (except as noted in 5 USC 6502(a)(2)).

X. PREPARING FOR THE TELEWORK ARRANGEMENT

EPA Eligible Employees: All eligible agency employees who wish to telework must meet the following conditions. Failure to comply with any one of the conditions listed below may result in the denial or termination of a telework arrangement:

- (1) Complete the required employee telework training prior to applying for the telework program.
- (2) Submit the "EPA Telework Application/Agreement" and the "Employee Self-Certification Safety Checklist" to their supervisor for approval via the Telework Application.
- (3) Ensure all necessary dependent care arrangements are maintained and do not interfere with the employee's work performance while working at the AWL.
- (4) Have properly working equipment at the AWL to ensure compliance with the EPA's information technology policies and procedures.
- (5) Comply with established pay and administration policies on work schedules.
- (6) Comply with telework time reporting code requirements.
- (7) Comply with established policies for requesting leave.
- (8) Ensure working from the AWL causes no disruption in the efficiency of work, and the employee is available to their customers, co-workers and supervisors or managers. This means, for example, the teleworking employees cannot make their regular teleworking hours unavailable for calls, meetings or virtual meetings in their electronic calendars or put "out of office" messages on e-mail and voice mail systems indicating they are unavailable. All communication must be seamless.
- (9) Use call forwarding technology.
- (10) Maintain organizational requirements regarding communication and accessibility and

respond in a timely manner to their team leaders, supervisors or managers, co-workers, agency customers and the public.

- (11) Be capable of joining and be available to join virtual meetings or conference calls while working at the AWL.
- (12) Safeguard agency equipment (if provided) and use it only for official purposes in accordance with established policies.
- (13) Be willing to telework in case of an emergency.
- (14) Be willing and able to leave the AWL and return to the regular office or worksite if requested by their supervisor.
- (15) Agree to report to the regular worksite as needed, as determined by the agency.
- (16) Participate in the annual recertification process as required by this policy and in any other telework program monitoring or evaluation processes required by the agency or other authoritative entities (e.g., OPM, Government Accountability Office, Congress).

Each new telework agreement will be reviewed on an individual basis. Decisions will be made based on eligibility criteria outlined in this policy. The process for application and re-certification will also follow those processes outlined in this policy.

XI. ESTABLISHING THE TELEWORK AGREEMENT

- a. **Situational Telework:** The following actions are to be taken when establishing a situational telework agreement:
 - (1) The employee and supervisor discuss the type of work to be completed by the employee at an AWL.
 - (2) The employee submits a request using the agency's Telework Application. The form is routed to the immediate supervisor for approval.
 - (3) A separate agreement for each telework episode is not necessary if the employee signed and the supervisor approved an agreement to telework on a situational basis.
 - (4) Employees may request more than one AWL in the telework application. No more than two AWLs may be approved at one time.
 - (5) Temporary situational arrangements outside the LCA require the submission of a new situational telework request via the Telework Application.
 - (6) Employees must obtain information and implement all procedures for accessing the secured operations of the regular office or worksite.
- b. **Medical Telework:** The following actions are to be taken when establishing a medical telework agreement:
 - (1) The employee must submit a physician-certified written statement:
 - a) Providing a description of the diagnosis of the medical condition necessitating the telework arrangement.
 - b) Summarizing the prognosis, including the expected return-to-work date, and, as appropriate, discussing medical management—including how the temporary medical condition might interrupt the employee's work schedule.
 - c) Listing restrictions necessary for work performed at the AWL, if applicable.
 - d) Stating the employee is able to perform the duties of the position at an AWL.

- e) Describing the benefit to the employee's medical condition from working at an AWL or the reduction of health risks to other employees, if any, derived from this arrangement.
- (2) If the temporary AWL will be outside the LCA, the documentation must explain why (e.g., to be closer to the medical providers or family member providing support).
- (3) Medical telework may be authorized for up to 80 hours per pay period for up to 90 calendar days. After 90 calendar days, a medical telework agreement may be extended for up to three additional 90-calendar day periods (i.e., nine months) if the additional medical certification justifies such at each extension (i.e., every 90 calendar days). The total maximum allowable time for a medical telework agreement is 12 months within any three-year period.
- (4) Based on the employee's condition, the supervisor may grant the employee sick leave or approve a combination of sick leave and telework to cover the situation.
- (5) Medical telework is appropriate for employees with non-work-compensable injuries. Employees with work compensable injuries will be managed under applicable workers' compensation regulations.
- (6) The employee submits a request using the agency's Telework Application. The form includes the Safety Checklist.

XII. TYPES OF REMOTE WORK

The following types of remote work may be authorized on a case-by-case basis for compelling reasons as authorized by the appropriate senior managers as described in section XIV below.

a. Remote Work: The employee works remotely full-time and is not expected to report to the regular office or worksite on a regular and recurring basis. Generally, a RWL may only be approved for locations outside the local commuting area, and is limited to the states, commonwealths, territories, and possessions of the United States (see 5 CFR 591.205 for a list of non-foreign areas).

- *Remote Work Situational:* For use by employees with an approved remote work agreement when temporarily working from an alternative work location other than their current remote work location. Situational arrangements must be documented using the appropriate form and checklist and must adhere to the 24-hour limit or exceptions identified in section VI above.

b. DETO: This is a rare type of remote work arrangement where an employee performs their domestic duties from a RWL overseas. These arrangements require senior management and State Department approval.

XIII. REMOTE WORK ELIGIBILITY REQUIREMENTS

Basic Eligibility Requirements: An EPA employee may not be authorized for remote work if they do not meet basic telework eligibility described in section IX.

Eligibility for Remote Work: In addition to the basic telework eligibility requirements, employees seeking approval for remote work must meet other criteria. As with all telework, management reserves the right to determine if authorizing an employee to perform remote work is appropriate. The

approving official (the AA or RA or their designee) can terminate remote work at any time.

Approval for remote work may only be authorized when all of the following criteria are met:

- 100% of the employee's work is portable and there is no expectation for the employee to regularly report to the office worksite each pay period.
- Authorization for remote work will not unduly shift functions or responsibilities to other employees or require reassignment of current work or tasks to other staff (e.g., field work, inspections, mail, or hard copy scanning, addressing facilities issues).
- There is no adverse impact on other offices or programs.
- Tasks or work assignments can be performed at least equally effectively at the RWL.
- Employee's work does not require access to in office resources.
- There will be no foreseen disruption to customer service with any agency customers or stakeholders (e.g., public, states, industry).
- The employee does not have duties or work assignments requiring face-to-face customer service or coworker interface.
- The employee has a demonstrated track record of meeting performance plan objectives and working without close supervision.

Employees may not be approved for remote work if:

- The employee has been officially disciplined for being absent without permission for more than five days in any calendar year; or
- The employee has been officially disciplined for viewing, downloading or exchanging pornography, including child pornography, on a federal government computer or while performing official federal government duties.

Additionally, the supervisor or management official may terminate the employee's remote work arrangement in order to meet the organization or unit's specific operating needs. The supervisor or management official should consult and receive guidance from the servicing labor and employee relations office before terminating the employee's remote work arrangement when there are documented misconduct or performance issues, or the employee fails to comply with the provisions in this policy.

(1) For terminations resulting from organizational or operating needs, the employee may reapply if or when any such issues are resolved in accordance with the requirements in this policy but approval is not guaranteed.

(2) For terminations resulting from misconduct, performance issues or for the employee's failure to comply with the provisions of this policy, employees may reapply at the supervisor or management official's discretion (except as noted in 5 USC 6502(a)(2)).

Restriction on Movement, Transferability and Career Ladder Promotions. The regulations in 5 CFR 330.502 restrict movement for 90 days after a competitive action. This technically applies to the competitive service, but the agency is extending the 90-day restriction on movement to excepted service positions to uphold the merit systems principle of fair and open competition in 5 USC 2301(b).

To adhere to this restriction, the agency may not advertise a position as having a specific duty location and then immediately allow the selected employee to have a different duty location than what was advertised. This restriction on movement does not apply when the vacancy announcement specifically states the position may be remote.

Remote work is not transferable if the employee changes positions (this includes temporary promotions). The employee will need to request approval to remote work when they change positions or may need to report to an agency worksite if the duties of the new position do not allow for remote work. Career ladder promotions generally do not affect remote work.

XIV. REMOTE WORK AUTHORIZATION

Remote work arrangements will not be approved except for compelling reasons (i.e., rare and unusual circumstances.) Approval for remote work is not an entitlement even if the employee meets eligibility requirements. Examples of compelling reasons to approve a remote work arrangement include, but are not limited to, the following:

- The retention of an employee with unique, special or hard to recruit expertise, skills or knowledge (as documented by the official position description or other valid documentation).
- The regular office has experienced documented exceptional difficulty in recruiting or retaining a qualified candidate for a particular position (as documented by at least two external recruitment attempts within the last 24 months and the certificates did not yield sufficiently qualified candidates or high attrition rates in the work unit impacting the unit's ability to meet mission needs and goals).
- To accommodate a military spouse who must relocate (the employee must be on the official government orders of the spouse assigned to a different geographic location).
- A program or region may have a mission need for a position or employee to remote work from a specific location (e.g., to be closer to inspection sites).

The supervisor must initiate, the Administrator (or designee) must concur, and the program's AA/RA (or designee) must approve the remote work request based on a determination the employee meets all required criteria and the pros and cons of the remote work arrangement have been properly considered.

For all remote work, the official worksite is the RWL. If approved and at least 30 calendar days prior to the effective date, supervisors or managers must prepare and submit to OHCO the required personnel documentation (i.e., Request for Personnel Action, Standard Form 52) to change an employee's official worksite to their RWL. The SF-52 must include a copy of the employee's approved remote work agreement, documented approval from the AA/RA (or designee) and concurrence from the Administrator (or designee), and the following information:

- Employee Information
 - The full name, series, grade and title of the employee.
 - A copy of the employee's current position description.
- Position Information

- The position's current official duty station.
- The position's proposed official duty station.

If the request is not approved, the AA/RA (or designee) will notify the employee's supervisor.

General Remote Work: If approved, the relocation is for the convenience and benefit of the employee and the agency will neither pay for nor reimburse any relocation costs incurred by the employee to move to the remote work location or to return to the agency worksite. However, if the supervisor or manager recalls an employee on approved remote work to the office, then the employee is entitled to reimbursement of travel related expenses according to travel policy. Decisions about remote work should be carefully considered. If the supervisor or management later directs the employee to relocate to an agency worksite, even though the agency considers such relocations as for the convenience and benefit of the employee because the initial move was for the convenience and benefit of the employee, the transfer may be characterized as "in the interest of the Government" (5 U.S.C. § 5724) and may obligate the agency to pay relocation costs. Supervisors considering remote work requests should discuss potential relocation costs with the Federal Employee Relocation Center, Office of the Chief Financial Officer. However, if the employee is no longer eligible for remote work due to the limitations in 5 U.S.C. § 6502(a)(2), such as using agency equipment to view illicit content or performance or conduct issues, the agency will not have to pay relocation costs.

The employee must meet all requirements for remote work and must receive a written recommendation for doing so, in advance, from their supervisor or manager. The written recommendation must clearly explain how the employee is fully able to perform all of their duties effectively from the remote location, so approval of the request will not, under any circumstances, diminish the agency's ability to accomplish its mission and meet its operational goals.

When assessing remote work requests, the supervisor or manager must document and consider the following:

- (1) The compelling reason justifying consideration of remote work.
- (2) The employee's current and potential/possible future duties.
- (3) Whether or not the employee is likely to retain remote work eligibility in the future.
- (4) The costs associated with any necessary recall and whether such recall would be cost prohibitive. The cost analysis shall include the following as applicable:
 - Salary costs (regular worksite salary vs. proposed RWL duty station salary).
 - The number and travel cost of:
 - Round trip transportation to the regular work site (in accordance with Federal Travel Regulations).
 - Meals and incidental expenses per day.
 - Hotel cost per night.
 - Miscellaneous trip expenses.
 - Annual planned costs to travel to the agency worksite.
 - Travel costs saved by proposed RWL duty station (based on proximity to customers, etc.).
 - Potential relocation costs.

- Transit subsidy costs at the regular work site and transit subsidy costs at the proposed RWL duty station.
- (5) The degree the employee's work is tied to a specific geographic location or if the proposed RWL will better serve the employee's work assignments (e.g., an On Scene Coordinator with a RWL in a specific location may decrease response times to a location with documented high emergency response needs).
 - (6) The employee's work assignments are independent and require minimal face-to-face collaboration or review.
 - (7) Other relevant factors supporting the remote work request.

Military Spouses: OPM's February 12, 2025, memorandum to agencies, *Guidance on Exempting Military Spouses and Foreign Service Spouses from Agency Return to Office Plans*, allows the agency to appoint military spouses to remote positions or approve remote arrangements under the agency's compelling reasons criteria. This includes military spouses appointed under the Military Spouse Employment Act authorities and other hiring authorities. This covers any spouses of members of the Armed Forces on active duty, as well as spouses of disabled or deceased members of the Armed Forces. The term "active duty" includes any members of the Armed Forces covered by 10 USC § 101(d)(1), as well as any members performing full time National Guard duty as defined in 10 USC § 101(d)(5). For members of reserve components, as described in 10 USC § 10101, "active duty" does not include individuals performing training duties or in attendance at a service school. The definition of spouse of a disabled or deceased member of the Armed Forces is defined in 5 USC 3330d and 5 CFR 315.612. Approval of remote work is not an entitlement. Eligibility criteria and authorization requirements in this policy must be met. The employee must also provide documentation to verify eligibility for this consideration to the Office of Human Capital Operations. Documentation may include, as applicable:

- A copy of the Permanent Change of Station orders.
- Proof of active duty status.
- Proof of marriage.
- Proof the member of the armed forces retired or was released or discharged from active duty with a disability rating of 100 percent.
- DD 1300, *Report of Casualty*.

Management-Initiated Remote Work: A program or region may have a mission need for a position or employee to remote work from a specific location (e.g., to be closer to inspection sites). Thus, such arrangements are not solely for the convenience or at the request of the employee. Generally, management-initiated remote work arrangements are allowed provided eligibility, approval and other documentation requirements are met. Please note, telework is voluntary except in the case of COOP or evacuation (5 CFR 550 Subpart D). Management needs to consider the voluntary nature of telework and remote work before implementing a management-initiated remote work arrangement with an already encumbered position. Remember, remote workers are not expected to report to the regular office or worksite on a regular or recurring basis and the RWL will usually be the employee's residence. If the program or region wants to establish a worksite at another EPA location or federal, state, local or Tribal government office, and the employee will report to the other location on a regular and recurring basis, please refer to [HR Bulletin 20-003B](#), *Worksites Away from the Position of Record*. The region or program may be required to pay relocation costs to move the employee to the RWL or return to the

regular office or worksite if the remote work is terminated.

Designating Positions for Remote Work: For recruitment and retention purposes, program or regional management may designate certain positions as a remote position or remote work eligible in vacancy announcements if eligibility criteria are met and Administrator (or designee) concurrence is obtained prior to posting. The program or region should carefully analyze and document in writing the need, compelling reason, costs, consequences and benefit to the agency's mission or goals for allowing remote work. The written documentation justifying the designation will be kept in the case file for the action. As noted previously, telework and remote work are voluntary. However, if the agency advertises the position as a "remote position" as a condition of accepting the position the employee will need to complete the remote work agreement to work remotely. Or the agency may advertise the position as "remote work eligible" so whoever is selected may choose to work remotely or at the regular office or worksite. Required remote work forms and trainings must be completed prior to the commencement of remote work.

Required Conditions: All eligible agency employees wishing to remote work must meet the following conditions. Failure to comply with any one of the conditions listed below may result in the denial or termination of a remote work arrangement:

- Complete the required employee remote work training prior to applying for remote work.
- Submit the *"EPA Remote Work Application/Agreement"* and the *"Employee Self-Certification Safety Checklist"* to their supervisor for approval.
- Ensure all necessary dependent care arrangements are maintained and do not interfere with the employee's work performance while working at the RWL.
- Have properly working equipment at the RWL to ensure compliance with the EPA's information technology policies and procedures.
- Comply with established pay and administration policies on work schedules.
- Comply with remote work time reporting code requirements.
- Comply with established policies for requesting leave.
- Ensure working from the RWL causes no disruption in the efficiency of work, and the employee is available to customers, co-workers and supervisors or managers. All communication must be seamless.
- The remote work employee must use call forwarding technology.
- Maintain organizational requirements regarding communication and accessibility and respond in a timely manner to their team leaders, supervisors or managers, co-workers, agency customers and the public.
- Be capable and available to join virtual meetings or conference calls while working at the RWL.
- Safeguard any agency equipment and use it only for official purposes in accordance with established policies.
- Be willing to travel to the regular office or worksite if requested by their supervisor.
- Participate in the annual recertification process as required by this policy and in any other telework and remote work program monitoring or evaluation processes required by the agency or other authoritative entities (e.g., OPM, GAO, Congress).

Remote Work for New Employees: The approval of remote work for new employees is at

management's discretion and must be made in accordance with the provisions of this policy. There must be a compelling reason, the basic telework and remote work eligibility criteria must be met, required training and forms completed and appropriate senior management approvals obtained prior to the commencement of remote work (including prior to entering on duty, as applicable). At a minimum, management should consider the employee's:

- Previous federal service, if applicable.
- Length and nature of previous work experience.
- Previous experience teleworking, if any.

XV. ESTABLISHING THE REMOTE WORK AGREEMENT

The supervisor or manager must retain a copy of the signed remote work agreement and a copy must be provided to the employee. A copy of the signed remote work agreement must also be provided to the program or regional office telework coordinator who is responsible for maintaining telework and remote work records in the organization. Should the agency implement an automated remote work application, the employee and supervisor are required to follow the procedures for completing a remote work request and safety checklist in the application.

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

- The employee and supervisor discuss the proposed remote work agreement, the compelling reason justifying the request and the type of work to be completed by the employee at the remote work location.
- The supervisor seeks concurrence from the AA/RA (or designee) about whether the proposal can move forward in the approval process.
- The supervisor conducts a full analysis of the employee's work for portability, impact on operations, and potential cost implications for the agency.
- The employee completes the remote work agreement, safety checklist and the required training.
- The supervisor signs and forwards the remote work package and a detailed justification addressing the compelling reason, costs and other considerations to the regional or assistant administrator (or designee, usually the deputy).
 - The supervisor should follow local remote work request review procedures (e.g., the package may need to be reviewed by the second line supervisor, RHRO/PMO or Senior Resources Official before submission to the RA or AA (or designee)).
- If the request package is sufficient and does not impact the agency's mission, the RA or AA (or designee) should request concurrence from the Administrator (or designee).
- If the Administrator (or designee) concurs on the request, the AA/RA (or designee) may approve the request and will return it to the employee's supervisor.
 - If the request is not approved, the RA or AA returns the package with a brief explanation for the disapproval.
- Once the request package is approved, the supervisor notifies the employee and must submit a personnel action to OHCO to change the employee's official worksite to the remote work location. Any change in duty station may result in a change of pay. Therefore, the employee may not begin remote work until OHCO has documented the change in the employee's official

worksite.

XVI. TRAINING

Training sessions on the basics of telework and remote work will ensure a common understanding of requirements. Participating employees must complete the agency-approved training and obtain a certificate of training before participation. The employee should maintain a record of the required training and present it to the supervisor as necessary when requesting telework or remote work. If the employee completed training via the agency's learning management system, the supervisor should be able to review the employee's record of learning to confirm completion of the applicable training. Supervisors and managers must also complete agency-approved telework training and obtain a certificate of training. Refresher training may be required on occasion by the agency.

XVII. DEPENDENT CARE

Telework or remote work may be used as a flexibility to help employees with dependent care responsibilities meet their family obligations and work responsibilities in accordance with the procedures and limitations in this policy. However, it is not appropriate to use telework if the employee is unable to work due to dependent care responsibilities. Instead, the employee must request leave or work schedule adjustments for periods when the employee is not able to work due to dependent care responsibilities. If dependent care would otherwise interrupt or interfere with the employee's work duties during the time the employee is working at an AWL or RWL, they must arrange for dependent care. If appropriate and an option, employees may also consider requesting work schedule flexibilities to provide additional assistance with meeting their biweekly work requirement. Work schedules is a separate policy from telework, so employees should consult the agency's work schedules policy or applicable CBAs for more information. Hourly limits for dependent care flexibilities will depend on the telework type used. If situational telework is used, the 24-hour limit applies. However, if the telework used for the day falls into a telework category without an hourly limit, the 24-hour limit does not apply.

Example 1: An employee has children in the home on a situational telework day due to a school closure. Other than general oversight and occasional brief breaks to tend to family matters, the employee is able to complete work assignments during the daily tour of duty. Leave or work schedule adjustments aren't necessary.

Example 2: An employee has children in the home while remote working due to a school closure. One child needs more than minimal assistance with a school assignment during the employee's tour of duty. The employee will need to take leave or adjust their work schedule for the time they were unable to work.

Example 3: An employee requested a temporary AWL at their parent's residence so they can help their father provide assistance to their mother post-surgery. The employee may telework when not providing care for their mother and must take leave or adjust their work schedule when taking her to doctor appointments or caring for her when the father must run errands or needs a break during the employee's tour of duty.

XVIII. TIME, ATTENDANCE AND OTHER MISCELLANEOUS ISSUES

- a. **Recording Telework Hours and Control of Time and Attendance:** Proper recording, monitoring and certification of employee work time are critical to the success of the program. Employees are responsible for recording all telework and remote work time into the time and attendance system using the appropriate telework and remote work time reporting codes.
- b. **Telework and Remote Work Time Reporting Codes:** The approved time reporting codes employees must use to document and certify their work hours as follows:
 - (1) **TMREG:** Telework Medical Regular.
 - (2) **TWRAC:** Telework for Reasonable Accommodation.
 - (3) **TWEHR:** Telework Situational.
 - (4) **TWEST:** Telework Situational Emergency.
 - (5) **TWUSH:** Telework – Unscheduled.
 - (6) **RWHME:** Remote Work.
 - (7) **RWSIT:** Remote Work Situational.
- c. **Hours of Duty and Work Schedules:** Employees who telework or remote work will work the same schedule they would work at the regular office or worksite, including compressed or flexible schedules. Circumstances may warrant work schedules to be changed with the supervisor’s approval and in accordance with established procedures. Unstructured arrangements where employees work at the AWL without prior supervisory approval are not permitted. Employees should refer to the agency’s work schedules policy or applicable CBA for more information.
- d. **Overtime during Telework - Eligibility Requirements:** Approval in advance of overtime work is required; overtime work not ordered and approved in advance by the supervisor, in writing, will not be compensated. Detailed information on overtime can be found in the *EPA Premium Pay Manual* (EPA Order 3155.2). An employee working at their AWL or RWL may be directed by the supervisor to perform work requiring more time than the employee’s regularly scheduled number of hours for the day. The supervisor, in making the assignment, may order overtime for the employee. Employees may *not* perform unauthorized overtime work while teleworking or remote working (i.e., overtime not ordered and approved by the supervisor in advance and in writing). The 24-hour situational telework limit does not apply.
- e. **Credit Hours:** An employee on a flexible work schedule may voluntarily elect to work hours beyond their work requirement to earn credit hours with supervisory approval. Employees at AWLs or with remote situational arrangements are allowed to earn credit hours, but it will count against the 24-hour situational telework limit unless there’s an exception per section VI above. This is separate from the statutory 24-hour credit hour carryover limit per pay period. Employees are subject to the credit hour provisions of the agency’s work schedules policy or applicable CBA. Supervisors are responsible for ensuring their employees do not exceed the 24-hour situational telework limit when approving credit hours, if applicable.

Example: Ronald is working on a big project and asks his supervisor if he may continue working

at his AWL for two hours after he leaves the office for the day. The supervisor approves the request. He will earn two credit hours but since he's working situationally at his AWL and there isn't an exception per policy, those two hours of telework will count against the 24-hour situational telework limit. However, if he asks to work an additional hour on another day when he was instructed to depart from the office early and unscheduled telework and the credit hours were approved, the extra hour worked will earn him one credit hour, but it will not count against the 24-hour situational telework limit since the employee was already approved to work at the AWL under an exception to the limit.

- f. **Leave:** Procedures for requesting leave are the same for employees participating in telework/remote work and employees working at the regular office or worksite. Employees are responsible for obtaining leave approval in advance and reporting leave usage appropriately on their timecards. See the *EPA Leave Manual* (EPA Order 3165) for details.
- g. **Workers' Compensation:** Employees who telework/remote work are covered by the Federal Tort Claims Act or the Federal Employees Compensation Act and qualify for continuation of pay for workers' compensation for injuries sustained while performing their official duties. For this reason, it is vital that a specific AWL/RWL be approved in advance and adhered to by the employee.

The supervisor's signature on the request for compensation attests only to what the supervisor can reasonably know, specifically whether the event occurred at the regular office or worksite or at an AWL/RWL during official duty. Typically, supervisors or managers are not present when an employee sustains an injury. Employees, in all situations, bear responsibility for informing their immediate supervisor of an injury at the earliest time possible, seeking appropriate medical attention and filing the appropriate workers' compensation claim form.

Telework arrangements can also result in employees who are currently receiving continuation of pay or worker's compensation returning to work, thus taking them off the workers' compensation rolls. Supervisors may be able to find work such employees are able to perform at home or restructure existing work so some of it may be completed at home.

- h. **Requirement to Return to the Regular Office or Worksite on a Telework Day or Remote Work Day:** Employees participating in the telework/remote work program must be accessible and available for recall to their regular office or worksite for a variety of reasons such as, but not limited to: meetings, briefings, special assignments, training, travel, unscheduled absence of other employees, emergencies or other situations deemed necessary by the supervisor to meet mission, staffing, and workload requirements. Under these circumstances, the following should occur:
 - (1) A supervisor may recall a telework/remote work employee to the regular office or worksite by notifying them at least 24 hours in advance. A supervisor may recall an employee to the regular office or worksite with fewer than 24 hours when recall is essential for the agency to meet its mission and the employee is not prevented from commuting to the regular office or worksite.

Specific to remote work, it is very important for supervisors to consider the cost of travel. If the potential for frequent or recurring recall is high, remote work outside the LCA may not be feasible.

- i. **Travel:** The travel provisions applicable to employees working at the official worksite also apply to employees who telework or remote work. When remote work employees are recalled to the regular office or worksite, they are entitled to travel expenses.
- j. **Prohibited Uses of Remote Work:** Supervisors, managers and approving officials are prohibited from authorizing remote work for employees seeking to engage in activities solely of a personal, non-work-related nature otherwise accommodated through other appropriate processes. Examples include, but are not limited to:
 - Substituting remote work for dependent care (i.e., if dependent care would otherwise interrupt or interfere with the employee’s work duties during the tour of duty, see section VI of this policy for guidance);
 - Allowing an employee to remote work in lieu of leave; and
 - Accommodating an employee’s personal requests legitimately resolved by other appropriate means (e.g., sick leave, annual leave, leave without pay, donated leave, advanced leave, accrued compensatory time, change in work schedule, reassignment, etc.).
- k. **Monitoring Performance:** GAO guidelines require agencies to establish a method providing the supervisor with reasonable assurance employees are working when scheduled. Appropriate management controls and reporting procedures must be in place before employees begins telework/remote workers assignments. Teleworkers/remote workers and non-teleworkers/non-remote workers should be treated identically for the purposes of monitoring and assessing job performance. Some approved techniques, potentially applicable to telework and remote work arrangements, include:
 - (1) Supervisory telephone calls, MS Teams calls or chats, or e-mail messages to an employee during times the employee is scheduled to be on duty.
 - (2) Visits by the supervisor to the employee’s AWL or RWL.
 - (3) Use of performance management systems, including regular workload/accomplishments reports for teleworking and non-teleworking employees, to determine reasonableness of work output for time spent, project schedules, key milestones, quality of the work performed, and team reviews.

XIX. EMERGENCIES: UNSCHEDULED TELEWORK/DISMISSALS/CLOSURES

- a. **Unscheduled Telework/Closures:** In the event of an office closure, telework-ready employees already scheduled to telework on the closure day are required to do so. Telework-ready employees not scheduled to telework on the closure day are required, in coordination with their supervisor, to utilize unscheduled or emergency situational telework to the maximum extent possible, subject to available portable work. If there is insufficient portable work as

determined by the supervisor, the employee may be granted an appropriate category of administrative leave (e.g., weather and safety) to cover all or a portion of the scheduled workday. In the event of a regular office or worksite closure, remote workers are required to work from their RWL.

Employees who are required to work during their regular tour of duty on a day when federal offices are closed to the public (or during delayed arrivals or early dismissals) are not entitled to overtime pay, credit hours, or compensatory time off for performing work during their regularly scheduled hours. Employees reporting to an AWL other than the employee's primary residence during the workweek will follow the closure or dismissal procedures of the AWL.

- b. **Late Arrivals/Early Dismissals at the Regular Office or Worksite:** When the agency announces early closure of or late arrival to the regular office or worksite, telework-ready employees (including remote workers) already scheduled to telework on the early closure or late arrival day are required to work their regularly scheduled non-overtime hours. Telework-ready employees not scheduled to telework on the early closure or late arrival day will be required, in coordination with their supervisor, to utilize unscheduled or emergency situational telework to the maximum extent possible, subject to available portable work as determined by the supervisor. If there is insufficient portable work as determined by the supervisor, the employee may be granted an appropriate category of administrative leave (e.g., weather and safety) for their regularly scheduled non-overtime hours when the regular office or worksite is closed.
- c. Early release for the holidays must be granted to those on telework/remote work to the same extent as granted to those employees working at the regular office or worksite.
- d. **Unscheduled Telework Announced:** In the event the regular office or worksite is open, but there is an announcement of the option for unscheduled telework, telework-ready employees not otherwise scheduled to telework may come into the regular office or worksite or request approval from the supervisor for unscheduled telework or the use of annual, credit, or other leave.
- e. **Other Emergencies or Disruptions to the Regular Office or Worksite:** In the event of a disruption to normal office operations (e.g., national, or local emergency, emergency event involving inclement weather, or any situation with the potential to disrupt normal office operations), employees approved for situational telework are expected to telework if instructed by the supervisor to do so. Remote workers will continue to work their normal hours unless directed otherwise by the supervisor or management or employees are unable to do so due to the emergency (e.g., a hurricane results in an electricity outage at the remote workers RWL). In COOP situations, telework/remote work may be required.
- f. **General Provisions:** It is recommended supervisors and employees coordinate in advance if there is an anticipated event with the potential to disrupt normal office operations to ensure employees have portable work and the necessary equipment to perform telework during a regular office or worksite closure to the extent possible.

As with scheduled telework, an employee performing unscheduled telework must have sufficient portable work to perform throughout the workday when teleworking. An employee who does not have enough portable work must report to the regular office or worksite if it is open, contact their supervisor for additional work, request annual leave, credit time, or other leave, or adjust their work schedule (if applicable).

When severe weather or other circumstances prevent work from the AWL (e.g., loss of electricity, employee must evacuate, infrastructure/connectivity and dependent care issues) or there is a lack of portable work as determined by the supervisor, and the regular office or worksite is closed to employees, a telework-ready employee may be granted an appropriate category of administrative leave (e.g., weather and safety) by their supervisor.

Remote workers prevented from working due to the emergency may be granted an appropriate category of administrative leave (e.g., weather and safety) based on the circumstances of the emergency (e.g., loss of electricity, employee must evacuate, infrastructure or connectivity issues).

Please refer to applicable guidance issued by OCFO and OMS.

XX. MODIFICATION AND TERMINATION OF THE TELEWORK/REMOTE WORK AGREEMENT

Telework or remote work agreements may be modified, adjusted, or terminated at any time by management based upon an employee's failure to adhere to telework and remote work requirements or based upon any other consideration affecting employee eligibility. Telework agreements may also be modified, adjusted, or terminated without prejudice at any time when requested by the employee. Remote work agreements may be modified, adjusted or terminated at any time when requested by the employee and approved by the appropriate management official. All changes must be documented in writing. Before removing an employee from telework or remote work for performance or conduct issues, supervisors should consult their servicing labor and employee relations office for guidance.

Management shall provide notice when terminating a telework agreement to allow the affected employee to make necessary arrangements. The reason for termination will be documented, signed by the supervisor, manager or approving official, and furnished to the affected employee. Consent or acknowledgement via signature by the affected employee is not required for the termination of telework to take effect.

For remote workers, the supervisor shall typically provide a 15-calendar day notice, when feasible, before modifying or terminating a remote work agreement to allow the affected employee to make necessary arrangements. After the 15-day notice, the employee will typically have up to 30 calendar days to report to the regular office or worksite. Also, locality pay will be governed by the new duty station. The reason for discontinuing remote work will be documented, signed by the supervisor or approving official, and furnished to the affected employee. Consent or acknowledgement via signature by the affected employee is not required for the termination of remote work to take effect.

When any significant aspect of an employee's work changes (e.g., position, work assigned, AWL/RWL), the supervisor will reassess the portability and suitability of employee's work for continued telework approval.

XXI. DOMESTIC EMPLOYEES TELEWORKING OVERSEAS (DETO)

General Provisions: A DETO is a type of remote work arrangement allowing an agency employee to telework from an overseas location on a temporary basis. The agency may not approve permanent DETO arrangements (i.e., overseas remote work without a not-to-exceed date). The employee's overseas residence will generally be the RWL. The employee is expected to return to the regular office or worksite when the DETO arrangement ends. These types of arrangements are rare and additional criteria beyond normal remote work requirements must be met. Also, the arrangement must be cleared through the State Department. The Chief of Mission, State Department, has authority over Executive branch employees working overseas.

A DETO is not an entitlement. The program or regional office requesting a DETO may not take any personnel actions violating merit system principles in order to provide an advantage to an employee requesting a DETO (e.g., reassigning an employee into a position with more promotion potential because the duties of the successor position are fully portable). Every required form, approval and clearance required by EPA and the State Department must be completed before a DETO arrangement can begin. Approval from the COM at the relevant U.S. Embassy is required before any DETO arrangement can begin. An employee cannot begin teleworking from a foreign country while awaiting COM approval.

General Criteria: A program or regional office may consider requesting a DETO arrangement when an EPA employee's spouse is required to temporarily report to an overseas location by order of the U.S. government (civil service or military). This circumstance is generally sufficient as a "compelling reason" for consideration. This is known as a "sponsored" DETO arrangement. The EPA employee must be on the government orders of the spouse assigned overseas. Other types of DETO arrangements known as "independent" arrangements (i.e., an employee is not on government orders of a spouse) may not be approved. For example, temporarily relocating to another country to take care of an elderly relative.

Eligibility: A DETO may be approved for non-probationary/non-trial period, permanent full-time or part-time agency employees who have worked at EPA for at least one year. The employee's work must be fully portable and meet the remote work criteria in this policy.

The following positions are not eligible for DETO arrangements:

- Supervisory;
- Managerial;
- Senior Executive Service;
- Senior Level (SL) or Scientific/Professional (ST);
- Access to or handling of classified materials is required;
- Positions ineligible for telework as noted in this policy; and
- If the duties of the position require reporting on or performing a substantive role in the

policy or administrative issues pertaining to the location of the foreign RWL.

Authorizing a DETO: The program or regional office is responsible for securing all necessary approvals within EPA and the State Department.

The employee must request a DETO arrangement with their supervisor or manager. If the supervisor or manager concurs, the employee must complete a remote work agreement for the DETO arrangement.

1. DETO arrangements can be costly, and the approving region or program is responsible for these costs. The supervisor or manager of the employee requesting a DETO arrangement should consult the Office of International and Tribal Affairs as soon as practicable in the DETO process to better understand State Department procedures and potential costs.
2. The supervisor or manager must develop a justification including the following information:
 - a. The reason for the DETO.
 - b. How the DETO arrangement meets the general remote work and DETO criteria in this policy (including outside the LCA criteria).
 - c. Cost considerations for travel, recall, U.S. Embassy fees, etc.
 - d. How the supervisor or manager plans to effectively monitor the employee while the employee is overseas and in a different time zone.
 - e. The benefit to the agency for allowing a DETO arrangement.
 - f. Supporting documentation (i.e., orders from the federal organization related to the spouse's move overseas).
3. The DETO agreement and justification must be approved by the employee's DAA or DRA (or designee), the Administrator (or designee) and the AA of OMS. The AA of OMS will also consult the following for concurrence and about security or other concerns related to the DETO:
 - a. The Office of Homeland Security.
 - b. Security Management Division and the Chief Information Officer.
4. Once the EPA remote work agreement has been approved, the supervisor or manager must work with and through OITA to secure clearance through the State Department.
 - a. For overseas arrangements of less than one year, approval must be obtained through the e-Country Clearance process (<https://myservices.servicenowservices.com/ecc>).
 - b. For overseas arrangements longer than one year (including extensions of arrangements previously approved through Country Clearance), the National Security Decision Directive 38 process must be followed (<https://nsdd38.state.gov/>).
5. The employee must also meet any overseas training requirements and have proper documentation such as passports, visas, and a work permit to perform work for the federal government overseas.
6. Once approvals from EPA and the State Department have been obtained, the documentation verifying approval and a SF-52 should be sent to OHCO to change the employee's duty station when they arrive overseas. OHCO will not effect any change in duty station without a complete approval package.
 - a. The employee is responsible for notifying the supervisor of arrival at the overseas location so the personnel action can be effected timely.

- b. The employee must complete the safety checklist for their overseas RWL and return it to their supervisor or local telework coordinator within two pay periods of the employee starting the DETO.

Conditions of a DETO: The employee is treated like a domestic employee with respect to position duties and responsibilities related to work assignments, time and attendance and performance. The employee is expected to attend meetings, communicate with management and customers, and otherwise fulfill the duties of their position. The employee may not perform work at any other location than the approved RWL cited in the remote work agreement.

Pay and Leave:

- The National Defense Authorization Act for Fiscal Year 2023, section 9717, authorized locality pay for civil service employees on a DETO. DETO locality pay went into effect on February 21, 2023.
- A civil service employee whose position is not covered by Title 5 locality pay may not receive DETO locality pay.
- Employees entitled to locality pay will receive the *lesser* of the following:
 - The locality pay the employee would be paid if they had they not moved overseas; or
 - The current rate of overseas locality pay the employee would be paid if they were an eligible member of the Foreign Service (under current law, this pay is two-thirds of the locality pay authorized for a duty station within the District of Columbia).
- DETO locality pay is basic pay for the same purposes as Title 5 locality pay, e.g., retirement and life insurance.
- DETO locality pay is included as part of basic pay in applying Title 5 overtime pay and other premium pay rules. The adjusted rate of basic pay for a GS-15, step 10, used in establishing an employee's premium pay cap under 5 U.S.C. 5547 would include the DETO locality payment.
- A DETO receives the highest applicable rate of pay—which could be the DETO locality rate, a special rate under 5 U.S.C. 5305 (based on the DETO's overseas position and location and not any special rate associated with the former U.S. or domestic duty station), or a retained rate under 5 U.S.C. 5363. Consistent with the treatment of Title 5 locality pay, DETO locality pay is not paid on top of a special rate or a retained rate.
- EPA's standard policies and guidance regarding time and attendance apply. Employees must regularly communicate with their supervisor or timekeeper each pay period to ensure time and attendance is accurate.
- Overtime must be ordered and approved in writing and in advance.
- Employees are subject to the overtime and premium pay entitlements and limitations applicable to their positions (i.e., based on the position's designation as Fair Labor Standards Act exempt or non-exempt).
- Employees are only entitled to U.S. holidays and are expected to work during regular duty hours or use other paid leave (e.g., annual leave, credit hours, etc.) for local holidays of the overseas location. They are not entitled to premium pay or compensatory time when working on a local holiday.
- Employees are required to work during regular duty hours or use other paid leave if the domestic regular office or worksite has a closure (e.g., emergency, weather, etc.).
- Employees may be eligible for workers' compensation benefits for disability or death

resulting from injury sustained in the performance of duty when qualifying criteria are met under the Federal Employees' Compensation Act.

Documenting Actions Related to DETO Locality Pay:

The agency must follow the DETO coding and reporting requirements in OPM's [guidance](#), *Recent Pay and Leave-Related Legislative Changes*, dated March 30, 2023.

Training and Travel:

- Employees traveling on official business away from the duty station reflected on their SF-50 as part of the DETO position's duties are eligible for temporary duty travel. TDY travel should be minimized, and alternate technology used instead, to the extent practicable. Travel expenses (e.g., per diem) must be documented in an official travel authorization.
- Distance learning options generally should be used as the first option to meet training needs.

Termination of a DETO:

- The duration of a DETO arrangement may not exceed the initial overseas assignment duration of the spouse's orders.
- Additional time may be requested by presenting an amended remote work agreement (following the same approval requirements as the original) and seeking permission from the State Department through the NSDD 38 approval process.
- The supervisor may cancel or amend the DETO by providing written justification based on the needs of the office, misconduct or unacceptable performance at any time with prior notification of at least 30 calendar days.
- The employee may cancel the DETO agreement at any time with prior notification of at least 30 calendar days.
- An employee may request an adjustment of the DETO agreement by providing a written justification to the supervisor or manager for consideration and approval.
- Nothing in this policy impacts the State Department's authority to determine who may telework overseas.
- The outside the LCA termination and modification procedures in section XX apply.
- Upon termination of a DETO arrangement, the employee is generally expected to return to the domestic regular office or worksite. However, options to accommodate the employee's circumstances may be considered (e.g., extended leave, including leave without pay or resignation). The supervisor or manager should consult their regional human resources officer or program management officer for guidance on next steps.
- The supervisor or manager is responsible for submitting a SF-52 to OHCO to change the employee's duty station once a DETO arrangement ends.

XXII. REPORTING

As OPM and other federal organizations seek telework reports, the agency's TMO and agency telework coordinator will serve as the primary liaisons between EPA, OPM, and other federal organizations. The agency telework coordinators will serve as the agency's central coordinating point and will work with program/regional telework coordinators across the agency to prepare comprehensive telework information.

XXIII. FACILITIES AND EQUIPMENT

- a. **AWL/RWL Office Space:** Requirements will vary depending on the nature of the work and the equipment needed to perform the work. At a minimum, employees should have adequate internet speed and be able to easily access the intranet, agency systems, communicate by telephone, email, and established collaboration tools (currently Microsoft O365 suite) with the supervisor, coworkers, and serviced clients when working from their AWL or RWL. In addition, employees are responsible for verifying and ensuring their work areas comply with health and safety requirements (see the "*Employee Self-Certification Safety Checklist*"). AWL/RWL work areas must be clean and free of obstructions, in compliance with all building codes, and free of hazardous materials. An employee's request to telework or remote work may be disapproved or rescinded based on safety problems or the presence of hazardous materials. A supervisor or designated safety official may inspect the home office or other AWL/RWL for compliance with health and safety requirements when deemed appropriate.
- b. **Government-Furnished Equipment:** The agency is under no obligation to provide GFE to its employees solely for the purpose of teleworking/remote working, but most employees will receive a government-issued laptop at a minimum. Supervisors may authorize additional GFE for the individual teleworker/remote worker where legally permissible, as necessary to meet mission needs, and if budget permits.

Employees who have an agency-issued laptop or mobile phone assigned to them should use such equipment while teleworking/remote working and shall take reasonable safeguards against theft and damage when they do so. Government issued mobile phones may be monitored to ensure they are being utilized in connection with agency business. All agency-issued equipment and supplies remain the property of the agency and the EPA remains responsible for service and maintenance of the equipment. The EPA is also under no obligation to service or maintain equipment belonging to the employee, even if the employee uses it for agency work.

For remote workers, when GFE needs repairs or upgrades, the agency will make all reasonable efforts to initiate repairs and upgrades remotely. However, should on-site assistance be required, employees must either return to their regular office or worksite or make other arrangements with their supervisor to ensure repairs and upgrades can be made expeditiously. In consultation with the employee, supervisors or managers will make determinations over questions such as the employee's duty status, appropriate work assignments and potential temporary equipment during the interim period between when repairs and upgrades are required and when they are completed.

If an employee furnishes their own equipment/workstation at the AWL or RWL, the government will not reimburse the employee for the purchasing costs of the equipment/workstation. In addition, the employee is responsible for the maintenance, repair, and replacement of privately-owned equipment. The agency will not reimburse the employee for such costs, including broadband.

- c. **Utilities and Office Supplies:** The EPA may not reimburse employees for the utility costs (e.g.,

heating, air conditioning, lighting, and the operation of government-furnished computers) for AWLs/RWLs. Utility costs include the monthly service charges for telephone or specific telephone charges. Teleworking and remote working employees should use agency meeting and conferencing tools, communication options, or government-issued mobile phones to conduct official government business with customers and contacts in other locations. The agency will also not reimburse employees for miscellaneous office supplies. Employees requiring pens, paper, paper clips, notebooks, etc., may use the supplies provided by the agency; however, there should be no expectation of reimbursement for items purchased or for the agency to ship goods to an employee's AWL or RWL.

Note: Consistent with the agency's Records Management Policy, official agency business should first and foremost be done on official EPA information systems. The Federal Records Act prohibits the creation or sending of a federal record using a non-EPA electronic messaging account unless the individual creating or sending the record either: (1) copies their EPA email account at the time of initial creation or transmission of the record, or (2) forwards a complete copy of the record to their EPA email account within 20 days of the original creation or transmission of the record.

XXIV. INFORMATION SECURITY

The EPA Chief Information Officer issues and maintains information security directives for protecting EPA information and information systems to include when users are teleworking/remote working and accessing systems remotely. These directives outline the responsibilities of each program office, region or other organization, and users in protecting EPA systems and information. Other pertinent supporting information security directives may be issued by users' program offices, regions, or other organizations.

Users agree their responsibilities, as described in the agency's information security directives, apply while on telework/remote work status. Teleworkers/remote workers must minimize security risks to all agency information and systems.

The AWL/RWL workplace and workstation and other devices used with agency information must be configured to ensure all agency information in any form or format is properly protected at all times and in accordance with all agency directives.

XXV. RECORDS MANAGEMENT

When working at an AWL or RWL, agency employees must continue to comply with the agency's records management policy and any other applicable policies related to using, creating, maintaining, and disposing of records. Employees shall also comply with the Federal Records Act, Freedom of Information Act, the terms of any litigation hold, discovery in litigation, and any requests for records by the Office of the Inspector General. Any record removed from the regular office or worksite for telework/remote work assignments remains the property of the agency and any information generated from telework/remote work assignments is the property of the agency. Employees are responsible for maintaining the integrity of their records and for producing records on demand. All agency records must continue to be maintained in appropriate record-keeping systems while working

at the AWL or RWL.

Disposal of Telework Program Records: EPA Records Schedule 0039, Alternate Worksite Records, authorizes the disposal of records related to requests or applications to participate in an alternate worksite program (i.e., telework). This includes agreements between the agency and an employee, records relating to the safety of the worksite, the installation and use of equipment, hardware and software, and the use of secure, classified information or data subject to the Privacy Act.

XXVI. POLICY UPDATING PROVISION

In accordance with the Telework Enhancement Act of 2010, this provision authorizes the AA for OMS, who has been re-delegated management authority for the agency's directives system, the ability to independently update the agency telework policy as required by other relevant federal organizations, including, but not limited to, the Office of Management and Budget, OPM, the Federal Emergency Management Agency, the National Archives and Records Administration, and the GSA. The AA for OMS may also re-delegate the authority to update the policy to the director of the Office of Human Resources Strategy. This authority also may be re-delegated further as appropriate.

XXVII. WAIVER

Any request to waive the requirements of this policy must be submitted in writing by the AA/RA (or designee) and approved by the Administrator (or designee).

XXVIII. MATERIALS SUPERSEDED

- EPA Order 3110.32, *Telework Policy* (November 17, 2021).
- EPA Order 3110.32A, *Remote Work Policy* (November 17, 2021).

XXIX. REFERENCES

1. The Telework Enhancement Act of 2010
2. Public Law 106-346, § 359: Requires all Executive agencies to establish telework policies
3. Public Law 105-277, Omnibus Appropriation Act, Title IV, § 630: Requires funds set aside for Executive agency employees to use telework centers
4. 5 USC 65: Telework
5. 5 CFR 351: Reduction in Force
6. 5 CFR 315.612: Noncompetitive appointment of certain military spouses
7. 5 CFR Part 530: Pay Rates and Systems (General)
8. 5 CFR Part 531: Pay Under the General Schedule
9. 5 CFR Part 550: Pay Administration
10. 5 USC Section 5305(i): Special Pay Authority-New Official Duty Station
11. 5 USC 5702: Per diem; employees traveling on official business
12. 5 USC 3330d: Appointment of military and Department of Defense civilian spouses
13. EPA Delegation 1-17 A (September 13, 2011) *Domestic Travel*.
14. Presidential Memorandum "Return to In-Person Work" (January 20, 2025)

15. *Guidance on Presidential Memorandum Return to In-Person Work* (January 22, 2025), OPM
16. *Guide to Telework and Remote Work in the Federal Government* (November 2021), OPM
17. *Governmentwide Dismissal and Closure Procedures* (December 2022), OPM
18. *Guidance on Exempting Military Spouses and Foreign Service Spouses from Agency Return to Office Plans* (February 12, 2025), OPM

XXX. APPENDICES

Telework

- Telework Agreement
- Telework Safety Checklist
- Telework Annual Recertification
- Telework Discontinuation
- Telework Notification of Ineligibility

Remote Work

- Remote Work Agreement
- Remote Work Safety Checklist
- Remote Work Annual Recertification
- Discontinuation of Remote Work