



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

July 23, 2021

PERSONNEL BULLETIN NO: 20-06

SUBJECT: Departmental Remote Work Policy

1. Purpose. This Personnel Bulletin (PB) establishes the policy guidelines and requirements for implementing employee-initiated requests for remote work arrangements within the Department of the Interior (DOI or Department).

2. Effective Date. This PB is effective on August 23, 2021.

3. Authorities.

- A. Title 5 of the United States Code (U.S.C.), Chapter 55
- B. Title 5 of the U.S.C., Chapter 57
- C. Title 5 of the U.S.C., Chapter 63
- D. Title 5 of the U.S.C., Chapter 65
- E. Title 5 of the U.S.C., Chapter 81
- F. Title 31 of the U.S.C., Chapter 13, Section 1348
- G. Title 31 of the U.S.C., Chapter 13, Section 1347 (a)(1)
- H. Title 40 of the U.S.C., Chapter 5, Section 587
- I. Part 531 of Title 5 Code of Federal Regulations (CFR)
- J. Part 550 of Title 5 CFR
- K. Part 630 of Title 5 CFR
- L. Part 2635 of Title 5 CFR
- M. Part 1630 of Title 29 CFR
- N. Part 302 of Title 41 CFR
- O. PB 19-02, Telework Program, dated June 14, 2019
- P. PB 14-01, Reasonable Accommodation for Individuals with Disabilities, dated February 20, 2014
- Q. 370 DM 771, Administrative Grievance Procedures
- R. U.S. State Department Memorandum: Requirements for Executive Branch Employees Teleworking in Foreign Locations, dated June 7, 2016
- S. U.S. Government Accountability Office Comptroller Decision 225, 227 (1993)
- T. Office of Management and Budget Memorandum M-21-25, Integrating Planning for A Safe Increased Return of Federal Employees and Contractors to Physical Workplaces with Post-Reentry Personnel Policies and Work Environment, dated June 10, 2021

4. Coverage. This policy applies to all DOI employees (including supervisors) except for Senior Executive Service (SES) members, Senior Level, and Scientific or Professional (SL/ST)

employees and supersedes any other Departmental or Bureau/Office policies or procedures that conflict with this policy. Bureaus/Offices are required to establish written procedures prior to approving employee-initiated remote work requests and implementing remote work arrangements consistent with the guidelines and requirements established in this PB. The Bureau/Office procedures must be forwarded to the Director of the Department's Office of Human Capital for concurrence prior to implementation.

5. Definitions.

A. Commuting Area. The geographic area surrounding a DOI worksite that encompasses the localities where people live and reasonably can be expected to travel back and forth daily to work, as established by the employing agency based on the generally held expectations of the local community. When an employee's residence is within the standard commuting area for a work site, the work site is within the employee's commuting area. When an employee's residence is outside the standard commuting area for a proposed new work site, the employee's commuting area is deemed to include the expanded area surrounding the employee's residence and including all destinations that can be reached via a commuting trip that is not significantly more burdensome than the current commuting trip. This excludes a commuting trip from a residence where the employee planned to stay only temporarily until they could find a more permanent residence closer to their work site. For this purpose, a commuting trip to a new work site is considered significantly more burdensome if it would compel the employee to change their place of residence in order to continue employment, taking into account commuting time and distance, availability of public transportation, cost, and any other relevant factors. (5 CFR § 550.703).

B. Dependent Care. The support and nurturing of persons who cannot meet their own needs such as children, elders, or other dependent adults.

C. Official Duty Station. The official worksite where the employee regularly performs their duties as determined under 5 CFR §531.605. For a remote worker, the approved remote work location (i.e., non-DOI worksite) is the employee's official duty station for location-based pay entitlements (e.g., locality payments and cost of living allowances).

D. Remote Work. An arrangement under which an employee is scheduled to perform work ***within or outside the local commuting area*** of an agency worksite and is not expected to report to an agency worksite on a regular and recurring basis. For a remote worker, the approved remote worksite is the employee's official duty station for location-based pay entitlements (e.g., locality payments and cost-of-living allowances), even if that location is their home. Unlike a teleworker, a remote worker is not required to report to a DOI worksite at least two days per biweekly pay period. Also referred to as "virtual work."

E. Remote Worker. Employee who has been approved to regularly work from a location other than a "brick and mortar" worksite provided by the agency and who is not required report to a DOI worksite on a regular basis. A remote worker is not considered a teleworker.

F. Telework. A work flexibility arrangement under which an employee performs the duties and responsibilities of their position, and other authorized activities, from an approved alternate worksite other than the location from which the employee normally works. The key difference

between a telework and remote work arrangement is how the official duty station is determined for the employee. For a teleworker, the official duty station is the regular worksite—the DOI worksite where the employee must physically report at least two full workdays per bi-weekly pay period. For a remote worker, the approved remote worksite (i.e., non-DOI worksite) is the employee’s official duty station. This distinction is important because a remote worker receives locality pay and other entitlements based on the approved remote worksite.

6. Responsibilities. In their implementing procedures, Bureaus/Offices may add responsibilities to each of the below roles and/or identify additional roles within their organizational structures.

A. Deputy Assistant Secretary for Human Capital and Diversity is responsible for:

- (1) Overseeing policy guidelines and developing requirements for implementing remote work arrangements within the Department.
- (2) Advising Departmental leadership on the administration and effectiveness of the DOI Remote Work Program.

B. Office of the Chief Information Officer is responsible for:

- (1) Developing strategies and providing guidance for enterprise information technology capabilities and data security required to support remote work arrangements.
- (2) Overseeing the evaluation of new and emerging technologies that facilitate remote work and approving them for Department-wide use, as appropriate.
- (3) Establishing criteria and guidelines for using and protecting Government furnished equipment (GFE) and non-GFE, including personally-owned equipment to access DOI information systems and networks from a remote location and what printing is permitted from the remote worksite.
- (4) Reviewing and approving employee requests for overseas remote work arrangements.

C. Bureau Directors and Equivalent Office Heads are responsible for:

- (1) Ensuring that their organizations are in full compliance with the requirements of this policy.
- (2) Establishing implementing procedures to govern the appropriate use of remote work arrangements as a work flexibility arrangement, to include integrating remote work arrangements into continuity of operations (COOP) plans.
- (3) Holding subordinate supervisors and managers accountable for implementing remote work arrangements in accordance with this policy guidance and applicable Bureau/Office implementing procedures.

(4) Reviewing and approving employee requests for remote work arrangements, as applicable (including requested overseas arrangements).

D. Supervisors are responsible for:

(1) Reviewing and approving remote work agreements with employees who request to and are permitted such arrangements; and terminating remote work agreements when arrangements fail to meet organizational needs.

(2) Establishing and communicating clear expectations with employees approved for remote work arrangements regarding methods of communication (e.g., customer service, time frames for returning phone calls, email communication), meeting attendance, duty hours, and requesting leave.

(3) Establishing clearly defined performance standards and using existing quality and quantity standards to evaluate work performance of a remote worker. Managing remote workers is similar to managing employees in the official worksite in that performance is measured by results.

(4) Treating remote workers similarly as non-remote workers concerning performance appraisals, work assignments and requirements, awards and recognition, training and developmental opportunities, promotions, retention, and other employment matters involving management discretion; and treating employees equitably when implementing remote work arrangements in their organization.

(5) Ensuring employees protect and secure agency records and sensitive information consistent with established DOI policies.

(6) Reviewing and recertifying remote work arrangements on an annual basis to validate whether the arrangement is still effective and in the best interest of the agency.

E. Remote Workers are responsible for:

(1) Providing the same level of support, availability, accessibility to customers, coworkers, and supervisor as if working at the regular worksite. This includes, but is not limited to, meeting organizational and individual work requirements, participating in staff meetings, working assigned duty hours, and responding to phone calls, emails, and voicemail in a timely manner.

(2) Ensuring there is no diminishment of individual performance or agency requirements.

(3) Complying with their approved remote work agreement and adhering to Departmental/Bureau/Office policies while working at the remote worksite. These policies include but are not limited to: Standards of Ethical Conduct for Employees of the Executive Branch and other applicable ethics laws and regulations; Acceptable Use of the Internet; Conduct and Discipline; Time and Attendance; and Records Management.

(4) Properly protecting and securing GFE, agency records, and sensitive information in compliance with Departmental policies and guidance.

(5) Ensuring the remote worksite is safe, free from hazards, and provides an adequate work environment with regard to connectivity, technology, and privacy (as appropriate). Employees are expected to provide internet service and other general utility costs at their own expense.

(6) Ensuring appropriate arrangements for the care of dependents while working from the remote location.

7. Policy. Remote work arrangements are an effective flexibility that can help DOI retain valued talent. However, a remote work arrangement is not an employee entitlement. Employee-initiated requests for such arrangements will be considered when it is in the best interest of the agency and is cost-effective for the Bureau/Office. Remote work arrangements create certain pay entitlements (e.g., payment of employee travel to the regular “brick and mortar” worksite) and should only be permitted when there is a clear benefit to the agency.

A. Remote Work Policy Guidelines. These guidelines establish the minimum requirements for implementing remote work arrangements. Bureaus/Offices may supplement these minimum requirements in their implementing procedures, as appropriate.

- (1) Position Suitability. The first consideration in determining the appropriateness of a remote work arrangement is whether the duties of the position can be performed effectively from a remote worksite. Positions that are more oriented toward research, writing, and analysis, and that produce tangible work products are generally a good fit for remote work arrangements. *At a minimum*, positions suitable for remote work must have quantifiable, project-oriented, or other portable job tasks that can be performed at the approved remote worksite; off-site access to needed technology; and work materials that can be appropriately secured/safeguarded at the remote worksite.
- (2) Employee Eligibility. In general, employees eligible for remote work arrangements must be able to accomplish work requirements without close on-site supervision or continual in-person interaction with other staff. The feasibility of how the employee will interact from the remote location with their supervisor, co-workers, and internal and external stakeholders must be considered in determining whether the employee can perform all work requirements effectively. *At a minimum*, employees eligible for remote work must maintain a performance rating of Fully Successful or higher; and have had no official disciplinary action (e.g., written reprimand, suspension, removal, reduction in grade/pay) taken against them in the last two years.
- (3) Remote Work Request and Approval Process. Each Bureau/Office will determine their respective remote work request approval process. At a minimum, the process must include a determination whether the employee is eligible for remote work and the duties of the position are suitable for remote work; and a requirement that a written request, justifying the requested arrangement, be submitted. Requests will be

evaluated in a fair and equitable manner, ensuring the decision to approve/deny is based on sound business or mission-related criteria.

- (a) In reviewing an employee's request for a remote work arrangement, management must evaluate potential costs involved with the requested arrangement and compare these costs to the usual costs incurred at the regular worksite. Remote work arrangements should generally be cost neutral or result in lower costs.
- (b) At a minimum, employee requests for remote work arrangements should have the concurrence of the immediate supervisor and the final authority to approve the request should be elevated to the Bureau Director/equivalent Office Director (or may be delegated to Bureau Deputy Director/equivalent Office Deputy Director) for the first year after the effective date of this policy. Thereafter, Bureaus/Offices may delegate this authority to another high-level management official within the Bureau/Office.
- (c) Decisions regarding requests for remote work arrangements are solely within the discretion of management and must be evaluated on a case-by-case basis.
- (d) Bureaus/Offices should review remote work arrangement requests and provide a written decision on the request within a timely manner—generally, within 21 calendar days. Decisions to deny a requested remote work arrangement should address the mission-related rationale for the decision.
- (e) When submitting a remote work request, the following factors should generally be addressed, as appropriate:
 - How the remote work arrangement is in the best interest of the agency
 - Potential impact to the Bureau/Office and/or work unit should the arrangement be approved (or denied)
 - Whether the position requires special or unique competencies
 - Whether efforts to use other pay and human resources flexibilities have been considered and why they would not be effective
 - What characteristics/competencies make this employee an ideal remote worker
 - Whether the duties of the position are suitable for a remote work arrangement
 - Whether the remote work arrangement is cost neutral

B. Remote Work Agreement. If an employee is approved to work remotely, the arrangement must be documented in writing. Bureaus/Offices must develop a remote work agreement that outlines the expectations between the Bureau/Office and employee. The agreement should be signed by the employee, the immediate supervisor, and the higher-level management official designated in the Bureau/Office implementing procedures. A sample remote work agreement may be found in the Appendix of this PB.

- (1) All remote work agreements must be reviewed on an annual basis by the employee and supervisor to determine whether the arrangement is still in the best interest of the agency. If any changes are needed, a new agreement should be prepared and executed as soon as possible.
- (2) The employee or the supervisor may terminate the remote work arrangement at any time if it no longer meets the needs of the office, for a decline in performance or productivity, for misconduct, for non-compliance with the terms of the remote work agreement, or for other reasons. For management-initiated terminations, the employee must receive advanced written notification of the decision to terminate the remote work arrangement at least 90 days before the effective date of the termination. For employee-initiated terminations, such requests must be made in writing with advance notice of at least 90 days, generally.
- (3) Employee requests to change the terms of a current remote work arrangement (e.g., employee is approved to be a remote worker in Boulder City, CO but then wants to move to Tallahassee, FL) must be approved in advance and require the employee to submit a new remote work agreement to document the new agreement terms. A new remote work agreement must be approved before the employee implements the requested change.
- (4) Employees may grieve the denial of a remote work arrangement or the termination of an existing remote agreement. Bargaining unit employees may file a grievance through negotiated grievance procedures, if provided for in their applicable collective bargaining agreement. If there is no collective bargaining agreement and/or negotiated grievance procedures in place, bargaining unit employees may be permitted to file in accordance with the Department's Administrative Grievance Procedures 370 DM 711 where the use of these procedures has been agreed to via a written agreement between the appropriate management and union representatives. Non-bargaining unit employees may file a grievance in accordance with the Department's Administrative Grievance Procedures.

C. Other Requirements and Conditions for Remote Work.

- (1) Locality Pay. Remote work arrangements usually involve a change in duty station where the employee's duty station is designated as the remote work location (i.e., where the employee performs their official duties), even if that is the employee's home. Such changes may affect an employee's pay (5 CFR § 531.604). Servicing Human Resources Offices (SHROs), supervisors, or their designees, will notify an employee of any change in pay prior to a remote work agreement being executed.
- (2) Relocation Expenses. An employee-requested relocation to a remote work location is for the employee's own convenience and benefit. Therefore, pursuant to Federal Travel Regulations (41 CFR Chapter 302), the agency is prohibited from paying relocation expenses to a new remote work location.

- (a) Consistent with GSA Federal Travel Regulations, if approved to work remotely, the employee agrees to waive any rights to moving expenses if directed to return to the regular worksite based on a decline in performance or for misconduct. Accordingly, the employee is responsible for incurring such expenses when directed to return to the regular worksite due to a decline in performance or for misconduct.
- (b) If, after approving an employee's location or relocation to a remote worksite, the agency later directs the employee's move to another official worksite outside of the employee's commuting area (e.g., return to a DOI-provided worksite) for reasons unrelated to poor performance or misconduct, the agency may be required to cover applicable expenses such as moving expenses if the employee accepts the directed reassignment.

(3) Temporary Duty (TDY) Travel Expenses. Payment of TDY travel expenses is determined by the employee's official worksite. The agency is responsible for travel expenses incurred by the remote worker for TDY travel away from the employee's official worksite. Therefore, management should consider the cost of business travel from the employee's requested remote location to other worksites/locations, as well as any travel to DOI office locations. Depending on the travel distance and frequency of travel, payment of TDY expenses may increase significantly.

(4) Remote Location Utility Costs. Remote work may increase certain costs to the employee. The Department assumes no responsibility for any costs associated with the employee's home residence, including home maintenance, insurance, utilities, internet access, and telecommunication costs.

(5) Equipping for Remote Work. To the extent permitted by Bureau/Office policies and procedures, Bureaus/Offices will provide the equipment and supplies the supervisor determines necessary for the employee to perform official duties from the approved remote location. The equipment and supplies should be deemed necessary for the performance of the employee's assigned duties, reasonably available, cost effective, and subject to availability of funding. The Bureau/Office agrees to service and maintain any GFE issued to the remote worker. Bureaus/Offices should identify what equipment/supplies will be provided to the remote worker in the remote work agreement.

(6) Designated Workspace. Remote workers must have a designated workspace that is safe and conducive for the performance of their duties at the approved remote worksite. At a minimum, an employee must have access to high-speed internet be able to send, receive and respond to electronic mail and instant messaging chats and participate in video conferencing, as applicable; and communicate via telephone. Management maintains the right to make on-site inspections of the employee's remote work site. Such inspections will be by appointment during the remote worker's normal tour of duty and with advance notice of at least 24 hours.

(7) Dependent Care. Remote workers are expected to use their time performing official duties as if they were in the official office location. Generally, employees cannot

personally care for a dependent while working from the remote worksite and are responsible for securing appropriate arrangements for any dependents who are unable to care for themselves independently. This does not preclude a remote worker from having a caregiver in the home who provides care to the dependent(s) while the employee is on duty, provided the arrangement does not disrupt the employee's ability to work effectively. Also, a dependent may be permitted in the home, provided they do not require constant supervision or care (e.g. older child or adolescent) and their presence does not disrupt the employee's ability to work effectively.

(8) Dependent Care Arrangements During Weather or Emergency Events. If a remote worker cannot arrange for appropriate dependent care because of a weather or emergency event affecting the remote worksite, any time spent providing personal care to dependents cannot be considered hours of work. The employee is expected to accurately account for work and non-work hours during their tour of duty and to take the appropriate leave (paid or unpaid) to account for any time spent away from normal work-related duties during their scheduled tour of duty.

(9) Work-Related Injuries or Illnesses. Remote workers may be covered by the Federal Employees' Compensation Act for an on-the-job injury or occupational illness sustained while conducting official Government business at the remote worksite. Employees must inform their immediate supervisor of any on-the-job injury or occupational illness sustained at the remote worksite at the earliest time possible and provide their supervisor all relevant medical documentation related to the injury or illness. Accidents and on-the-job injuries must be reported using the Safety Management Information System to enable Bureau/Office Safety Managers to track and report incidents. Remote workers must also visit the Department of Labor's Employees' Compensation Operations & Management Portal to file a workers' compensation claim with the Office of Workers' Compensation Programs.

(10) Reasonable Accommodation. Consistent with applicable law and Departmental reasonable accommodation policy, employees may request a remote work arrangement as a reasonable accommodation, and the Department must process such requests in accordance with applicable law and Departmental policy.

D. Remote Work Overseas. Employee requests for remote work arrangements outside of the United States and its territories and possessions require extensive coordination within DOI and with the U.S. State Department (at least three to six months of preparation) and should only be considered in limited circumstances. Bureaus/Offices must carefully consider the implications of permitting an employee to conduct official government business outside of the jurisdiction of the United States. When considering such requests, Bureaus/Offices must address issues such as, but not limited to, how the employee will adhere to the Department of State's Chief of Mission's security requirements and standards; whether the employee has the proper documentation such as passports, visas, etc. required to perform work in the foreign location; whether the employee will derive protections and immunities provided for through bilateral or multilateral agreements; and contingency planning should problems arise with the overseas remote work arrangement.

In addition to the normal review/approval process, requests for overseas remote work arrangements must be approved by *the Bureau Director (or Equivalent Office Head), the Office of the Chief Information Officer, and the U.S. State Department*. The U.S. Department of State has established an approval process for such overseas arrangements:

- (1) Requests of Less than One Year. Bureaus/Offices intending to establish an overseas remote work arrangement for a period of less than one year must obtain Chief of Mission approval through the country clearance process. Unclassified country requests must be sent through the State Department's automated eCountry Clearance (eCC) system at <https://ecc.state.gov/security/EccLogin.aspx>. A Chief of Mission is the principal officer in charge of diplomatic mission of the U.S. or of a U.S. office abroad which is designated by the Secretary of State. The Chief of Mission is often an Ambassador. Extensions of these arrangements such that the total duration of the arrangement would be more than one year will require a National Security Decision Directive 38 (NSDD 38) request (see Paragraph 7.D(2) for additional information).
- (2) Requests of One Year or More. Activities that require or envision a DOI employee conducting official business in a foreign country for one year or more are considered permanent. If a Bureau/Office intends to establish an overseas remote work arrangement for one year or more, it must follow the procedures outlined in the NSDD 38. NSDD 38 requests must be submitted via the online application at <https://nsdd38.state.gov/>. Requests should be submitted by the DOI official responsible for funding the arrangement, on behalf of the employee in the employing agency.

8. Labor-Management Obligations. Bureaus/Offices are reminded to fulfill their labor-management obligations, as appropriate, in implementing the requirements set forth in this PB.

9. Inquiries. Any Department employee or employee representative seeking further information concerning this policy may contact their SHRO. SHROs may contact the Department's Office of Human Capital concerning questions related to this policy.

Jennifer A. Ackerman
Director, Office of Human Capital
Deputy Chief Human Capital Officer

Appendix

Appendix

Sample Remote Work Agreement

This agreement is voluntarily made between _____ (employee's name) and the (*Insert Bureau/Office Name*). On _____ (month, day, year) _____ (employee's name) will change their official duty station from _____ (city, state) to their new official remote worksite, _____ (city, state).

By signing this Agreement, I certify that I have read the (*Insert Bureau/Office Policy Name*) and will comply with the requirements.

I understand all costs associated with a move to the new official worksite are the responsibility of the employee.

I understand the decision to allow an employee to work remotely is not an employee entitlement, and the decision is at the discretion of the supervisor and (*Insert Bureau/Office Name*) management.

I understand all pay entitlements (including locality-based pay) are based on the official worksite identified above. I understand certain benefits and state taxes may be affected by this locality. I understand that the annual salary (including locality) for my official remote worksite is _____.

I understand this action is to fulfill specific business needs of (*Insert Bureau/Office Name*). If the work conducted under this agreement does not meet management's expectations, I will be required, within a reasonable notice period of generally 90 days, to return to the official office location of _____, or I agree to voluntarily separate at the time freely, and without coercion. I understand that I will be responsible for moving expenses if directed to return to the regular worksite based on decline in performance or for misconduct.

I also understand that this agreement will be assessed annually, though it can be reevaluated at any time.

With this approved remote work arrangement, I understand my benefits, retirement, etc. could be impacted. I understand I am responsible for reviewing my Leave and Earnings Statement and ensure accuracy of information.

I understand the costs for which my Bureau/Office will be responsible for paying are: [insert the office equipment/services the Bureau/Office will furnish the employee]; telephone service through the government-issued phone (if applicable); and any required temporary duty travel away from the official remote worksite.

I understand all Bureau/Office equipment will be returned to (insert) in the event of my separation.

Additional Comments:

Employee Signature and Date

First-Level Supervisor Signature and Date

(Insert Bureau/Office Approving Official Name) Signature and Date

Annual Renewal/Review of Remote Work Arrangement

Review Date	Supervisor Signature	Employee Signature