

U.S. DEPARTMENT OF AGRICULTURE
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SUBJECT: Telework and Remote Work Programs	DATE: November 22, 2021
OPI: Office of Human Resource Management	EXPIRATION DATE: November 22, 2026

<u>Section</u>	<u>Page</u>
1. Purpose	1
2. Special Instructions/Cancellations	2
3. Scope	2
4. Telework Policy	2
5. Telework Procedures	5
6. Remote Work Policy	9
7. Remote Work Procedures	10
8. Establishing or Changing a Work Employment Arrangement	11
9. Pay, Holiday, and Time and Attendance	12
10. Domestic Employees Teleworking Overseas	13
11. Roles and Responsibilities	14
12. Inquiries	18
Appendix A – Acronyms and Abbreviations	A-1
Appendix B – Definitions	B-1
Appendix C – Authorities and References	C-1

1. PURPOSE

- a. This Departmental Regulation (DR) sets forth the authority, policy, and responsibilities for managing the Telework and Remote Work Programs within the United States Department of Agriculture (USDA).
- b. Effective use of telework and remote work enables USDA to recruit and retain a diverse workforce. Telework and remote work also may result in tangible savings in terms of reduced real estate and physical space demands, utilities, and transit subsidy costs.

2. SPECIAL INSTRUCTIONS/CANCELLATIONS

- a. This DR supersedes the Step 1 interim telework guidance provided in Secretary Vilsack's memorandum, *Building a Model Workplace with Expanded Telework and Work Flexibilities – Our First Steps*, dated March 11, 2021, which repealed DR 4080-811-002, *USDA Telework Program*, dated January 4, 2018.
- b. All USDA organizations must ensure compliance with the provisions of this regulation and applicable labor relations obligations.
- c. Supplemental Guidance. To the extent the implementation of this directive may affect bargaining unit employees' conditions of employment, management must fulfill its statutory labor relations obligations prior to the directive being implemented. Consequently, Mission Areas, agencies, and staff offices may supplement this directive through the collective bargaining process, with the sole exception of an agency demonstrating a compelling need under the Federal Labor Relation Authority's regulation set forth in [5 Code of Federal Regulations \(CFR\) § 2424.50](#), *Illustrative Criteria*.

3. SCOPE

- a. This DR applies to all USDA Mission Areas, agencies, staff offices, organizations, and employees.
- b. This DR requires close collaboration from Departmental, Mission Area, agency, and staff office leadership and across all support functions.

4. TELEWORK POLICY

- a. USDA fully supports and promotes the use of telework for and by eligible employees. The USDA Telework Program is designed to fully implement the [Telework Enhancement Act of 2010](#) and enhance work-life balance for employees.
- b. USDA permits telework up to 8 days per biweekly pay period based on the duties of the position.
- c. A teleworker's official duty station will remain unchanged if they report physically to their employing office worksite location for 2 full workdays or a combination of workday and some form of personal leave each biweekly pay period on a regular and recurring basis. If a holiday falls on a teleworker's day to physically report to the employing office worksite, it is not required to add an alternate day to the employee's requirement to physically report to the employing office worksite for that specific biweekly pay period.

- d. Telework should be used as a strategic tool to recruit and retain a diverse workforce and support employee work-life balance.
- e. Use of telework is a key component of USDA's ability to operate in situations in which working from the official worksite is unsafe or unavailable. Unscheduled telework will be considered and may be authorized or required during inclement weather, emergency situations that involve national security, extended emergencies, or other unique situations as determined by the Office of Personnel Management (OPM) or USDA. Mission Area, agencies, and staff offices should incorporate telework into their Continuity of Operations Plan (COOP).
- f. Eligibility
 - (1) All USDA employees, regardless of tenure, grade, job series, title, or supervisory designation are presumed eligible for telework unless prohibited by other exclusionary provisions of this regulation or negotiated as part of a collective bargaining agreement (CBA).
 - (2) Employees occupying a telework eligible position may telework up to 8 days per pay period based on the duties of the position and the amount of onsite activities that must be performed. Employees, in positions ineligible for telework and those performing similar functions will be treated as fairly and equitably as those that telework. All approved telework arrangements must be documented on an [Agriculture Department \(AD\) 3018](#), *USDA Telework Agreement* form and must conform to any applicable negotiated labor agreement.
 - (3) Positions may be identified as ineligible for telework based only on the following criteria:
 - (a) Position duties require daily physical presence and do not include any portable or administrative work that can be accomplished from an alternate office or location.
 - (b) Position responsibilities require daily access to specialized equipment located at the official worksite and do not include any portable or administrative work that can be accomplished from an alternate office or location.
 - (c) Position activities require daily access to classified materials and do not include any portable or administrative work that can be accomplished from an alternate office or location.
 - (4) Employees may be identified as ineligible for telework based only on the following criteria:
 - (a) Performance. An employee may be found ineligible for telework if their performance falls below fully successful. In such circumstances, supervisors

are required to initiate corrective action in accordance with [DR 4040-430](#), *Employee Performance and Awards*. The employee's eligibility for telework must be reassessed every 12 months from the date the supervisor determined that the performance fell short.

- (b) **Conduct.** An employee may be found ineligible for telework if the employee was subject to formal disciplinary action, adverse action, or was placed on a leave restriction within the previous 12 months.
- (c) **Permanent Ineligibility.** As specified in the *Telework Enhancement Act*, an employee is permanently ineligible for telework if they have been formally disciplined for the following:
 - 1 Violation of [5 CFR Part 2635](#), Subpart G, *Misuse of Position*, of the *Standards for Ethical Conduct for Employees of the Executive Branch* for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing their official duties; or
 - 2 Absence Without Leave (AWOL). AWOL is a non-pay status that covers an absence from duty that is not approved. Any USDA employee AWOL for 5 or more days in any calendar year is permanently ineligible.
- (d) **Temporary Eligibility.** In certain circumstances, an agency may temporarily designate the location of the agency worksite for an employee's position (i.e., the place where the employee would normally work, absent a Telework agreement) as the official worksite even though the employee is not able to report at least twice each biweekly pay period on a regular and recurring basis to the Mission Area, agency, or staff office worksite. The employee must be expected to return to the Mission Area, agency, or staff office worksite at some point in the future on a regular and recurring basis. It is the responsibility of the employee's immediate supervisor to decide when it no longer is proper to apply the temporary exception. However, if a teleworking employee is not expected to report to the Mission Area, agency, or staff office worksite on a regular and recurring basis in the future, the temporary exception would no longer be applicable. Supervisors must periodically review (at least every 3 months) an employee's temporary full-time telework arrangement to ensure any approved temporary exception continues to apply. A supervisor may waive this requirement on a temporary basis in situations such as:
 - 1 Recovery from an injury or medical condition;
 - 2 Emergency conditions that prevent an employee from commuting to the official worksite, such as a severe weather emergency or public health crisis;

- 3 An extended period of approved absence from work, e.g., paid leave;
 - 4 A period during which the employee is in temporary duty travel status away from the official worksite; or
 - 5 A period during which an employee is temporarily detailed to work at a location other than a location covered by a Telework agreement.
- (e) Telework should be considered, when appropriate, for reasonable accommodation requests for employees with a disability or for accommodation of religious beliefs. All reasonable accommodation requests, including those for telework, must comply with [DR 4300-008](#), *Reasonable Accommodations and Personal Assistance Services for Employees and Applicants with Disabilities*.

5. TELEWORK PROCEDURES

a. Telework Participation

- (1) Telework agreements remain in effect until a change is initiated, though it is a good practice for supervisors to review telework agreements with employees on an annual basis. Either management or an employee may initiate a change to a Telework agreement with a minimum of 45 calendar days advance written notification, or as required by the terms of a CBA, except in emergency situations where the timeframe may be shorter.
 - (a) Teleworking employees are expected to perform their duties and responsibilities at an acceptable level of competence. In accordance with the terms and provisions of any applicable CBA, participation in telework may be changed, suspended, or terminated by management if an employee no longer meets the eligibility criteria or performance expectations.
 - (b) Management will provide sufficient written notice if possible, usually at least 45 calendar days, or as required by the terms of a CBA, before changing, suspending, or terminating a Telework agreement to allow the affected employee to make necessary arrangements. The notice will include the reason, effective date, and any appeals or grievance procedures available to the employee. Consent or acknowledgement via signature by the employee is not required for the modification or termination to take effect.
 - (c) Changes (e.g., change in position or change requested by management or employee) will require a new or updated Telework agreement to be completed. A new Telework agreement is not needed for temporary changes in position or supervisor (e.g., due to detail, temporary promotion, or assignments of a short duration).

- (2) In accordance with this DR and the terms and provisions of any applicable CBA, management reserves the right to call employees back to the office, even on scheduled telework days, with at least a 24-hour notice.
 - (3) Teleworkers and remote workers may participate in flexible and compressed work schedules or other flexible work arrangements.
 - (4) Telework is voluntary for all USDA employees. At a minimum, every employee must decide either to participate in the telework program or affirmatively opt out of the telework program by completing the AD-3018 form and giving it to their immediate supervisor.
- b. **Unscheduled and Emergency Telework**
- (1) OPM or USDA authorized officials may announce emergency operating status guidance allowing for unscheduled or required telework beyond that outlined in the OPM early dismissal guidance for weather events.
 - (2) Management may order employees to evacuate from their worksite and perform work from their home, or an alternative location, during inclement weather, public health crisis, or other emergency without regard to whether the employee has a Telework agreement in place at the time the order to evacuate is issued. Departmental and Mission Area, agency, or staff office COOPs should be followed.
 - (3) Employees with a Telework agreement are expected to telework or take other authorized leave (paid or unpaid), paid time off or a combination of both, as approved by the Mission Area, agency, or staff office.
 - (4) Teleworkers generally are ineligible for weather and safety leave when a closure is announced, except in rare circumstances:
 - (a) Weather and safety leave may be granted to a telework-ready employee who, in the Mission Area, agency, or staff office's judgment, could not have reasonably anticipated the severe weather or other emergency condition so did not take home needed equipment or work.
 - (b) Weather and safety leave may be granted to a telework-ready employee who is prevented from safely working at the alternate site because of the severe weather or other emergency event (e.g., electrical power or broadband outage, fire, flooding or heating and cooling failures). In this case, the home or other approved telework site is also affected in such a way that work cannot be safely performed. Employees must communicate with their supervisors as soon as possible when such work disruptions occur. For more detailed guidance relative to weather and safety leave regulations see [5 CFR § 630.1603](#), *Authorization*, and OPM's [Governmentwide Dismissal and Closure Procedures](#).

- (c) Teleworkers who are working in the office when an early departure is announced generally may receive weather and safety leave for time required to commute home (excluding the period for an unpaid lunch break. This means that telework participants must complete the remaining hours of their workday (if any) either by teleworking or taking leave (paid or unpaid) or other paid time off once they arrive home.
- c. Time and Attendance (applies to teleworkers and remote workers)
- (1) Employees must follow their Mission Area, agency, or staff office-specific procedures for accurately coding time spent teleworking and working remotely.
 - (2) USDA procedures for requesting and approving overtime, credit hours, and leave apply to all USDA employees, including teleworkers and remote workers.
- d. Safety
- (1) USDA encourages teleworkers and remote workers to be proactive in ensuring a safe alternate worksite and safe work habits.
 - (2) As a remote worker or while teleworking from an alternate worksite, USDA employees may be covered by the following:
 - (a) *Federal Tort Claims Act (FTCA)*, [28 United States Code \(U.S.C.\) §§ 2671-2680](#), *Tort Claims Procedure*; and
 - (b) *Federal Employees' Compensation Act (FECA)*, [5 U.S.C. Chapter 81](#), *Compensation for Work Injuries*.
 - (3) Employees are covered by FECA at their alternate worksite if an injury occurs while performing their official duties.
 - (4) If an injury occurs, the employee must notify their supervisor immediately, provide details of the incident or injury, and complete the following Department of Labor (DOL), Occupational Safety and Health Administration (OSHA) forms:
 - (a) OSHA, [Form 301](#), *Log of Work-Related Injuries and Illnesses*; and
 - (b) DOL, FECA [Form CA-1](#), *Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation*; or
 - (c) DOL, FECA CA-2 Form(s):
 - 1 [Form CA-2](#), *Notice of Occupational Disease and Claim for Compensation*; and

2 [Form CA-2a](#), *Notice of Recurrence*; and

- (d) As applicable, for *Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation (CA-1)* situations, employees can access the DOL Employees' Compensation Operations and Management Portal (ECOMP) through the [How to File a Form](#) website.
- (5) The Government is not liable for damages to the employee's personal or real property while the employee is teleworking, except to the extent the Government is held liable by the FTCA.
- e. Reasonable Accommodation and Medical Telework
 - (1) An employee seeking to telework or work remotely as a reasonable accommodation is required to follow the policies and procedures outlined in DR 4300-008.
 - (2) It is not a requirement to document or track a Telework agreement or a Mission Area, agency or staff office unique remote work agreement approved for a reasonable accommodation. However, written documentation in another format may be needed to document the efficacy of the organization's reasonable accommodation arrangement with the employee.
- f. Telework Appeals
 - (1) Appeals of the denial of an employee's request to telework are governed by [DR 4070-771-001](#), *Administrative Grievance System*, or the applicable negotiated grievance procedure for bargaining unit employees.
 - (2) Employees may appeal the following denials of telework:
 - (a) A written decision of ineligibility based on the duties of the position or the employee's suitability for telework;
 - (b) Denial of an employee's request to telework documented by the submission of a Telework agreement;
 - (c) Management termination of an existing Telework agreement; and
 - (d) Denial of an employee's request to telework without a valid business reason yet, the employee is approved for ad hoc telework.

6. REMOTE WORK POLICY

- a. USDA fully supports and promotes remote work arrangements for and by employees occupying remote work eligible positions. The USDA remote work policy as described in this DR is intended to enhance the work-life balance for employees.

- b. OPM permits Mission Areas, agencies, and staff offices to develop their own agency-specific remote work policies and forms and to implement a strategic and comprehensive framework for such policies. While employees and organizations benefit from remote work arrangements, such arrangements are subject to a Mission Area, agency, or staff office's budget, business and operational needs, this DR, and the terms and provisions of any applicable CBA. USDA organizations must create formal remote work agreement forms to document employee requests, approvals and denials of remote work opportunities.
- c. Remote work is an arrangement under which USDA employees are scheduled to perform their position's job duties at an approved alternate worksite, typically the employee's residence. The remote worksite may be within or outside of the local commuting area of the Mission Area, agency, or staff office's worksite. Remote work employees will be expected to work at a designated approved location, typically the employee's residence, on a regular and continuing basis.
- d. Remote work arrangements may be used for a variety of business reasons, including, but not limited to:
 - (1) Retaining high performing employees who must move for personal reasons and would otherwise leave the USDA;
 - (2) Recruiting employees with specialized skills, who may not want or be able to relocate for personal reasons;
 - (3) Achieving Mission Area, agency, or staff office real estate or other business cost reductions;
 - (4) Reducing costs associated with filling vacancies when employees must relocate; and
 - (5) Increasing employee work-life balance, resulting in increased morale.
- e. Remote Work Eligibility. At a minimum, the following conditions or criteria will be considered when a remote work arrangement is requested or when included in a Job Opportunity Announcement (JOA):
 - (1) As part of the ongoing position management processes, each USDA Mission Area, agency, or staff office will review positions to determine eligibility for a remote work arrangement. Eligibility must be determined prior to posting a JOA; and
 - (2) A Mission Area, agency, or staff office must consider:
 - (a) Job duties that only can be performed onsite and the amount of time required to complete such duties in a typical bi-weekly pay period;

- (b) The amount of time required each week to participate in other aspects of the work unit operations such as training, meetings, or collaboration, including collaboration with stakeholders that cannot be conducted virtually;
- (c) The type and frequency of travel associated with the position; and
- (d) Any requirement for accessing classified information.

7. REMOTE WORK PROCEDURES

- a. Although remote employees generally are not expected to report to the Mission Area, agency, or staff office worksite, the supervisor can require the presence of a remote employee at the worksite in certain situations, e.g., random drug testing, training, or an official meeting. Supervisors should provide as much advance notice as possible.
- b. Remote work arrangements should be cost-neutral or low-cost, to the extent practical, after factoring in the net cost savings accrued moving each employee to a remote arrangement. Supervisors should minimize official travel between the remote work location and the Mission Area, agency, or staff office worksite unless necessary to accomplish mission critical or operational needs or where alternative virtual communication means (e.g., teleconference, virtual meetings) are not suitable or available.
- c. When travel is required, clear communication between the employee and supervisor will ensure an accurate understanding of mutual responsibilities and obligations. When a Mission Area, agency, or staff office authorizes a remote employee to travel to an office worksite for official duty, the agency will pay travel costs consistent with applicable travel regulations and policies.
- d. Remote employees must be treated equitably for appraisals of job performance, training, awards, reassignment, promotions, changes in grade, work requirements, approval of overtime work, flexible and compressed work schedules, and other actions within management's discretion. Remote employees are entitled to receive progress reviews and annual performance appraisals from their supervisors in accordance with USDA's performance management policies.

8. ESTABLISHING OR CHANGING A REMOTE WORK ARRANGEMENT

- a. When creating a JOA, hiring managers must identify:
 - (1) Whether the position is eligible for a telework or remote work arrangement; and

- (2) Whether a remote work arrangement is required for the position. Candidates accepting a position where a remote work arrangement is required must accept the arrangement as a condition of employment.
- b. USDA employees may request to work remotely, to change an existing remote work arrangement, or to terminate their remote work arrangement. Absent urgent circumstances and in accordance with the terms of an applicable CBA, employee requests to change their remote work location or remote work arrangement is limited to once every 6 months. The employee requesting a change must:
 - (1) Discuss the request with their supervisor. Changing the employee's duty station likely will affect the employee in several ways (e.g., locality pay, Reduction-in-Force (RIF) competitive area, bargaining unit status, unemployment compensation). When discussing such requests with the employee, management must address other available workplace flexibilities, including but not limited to, alternative work schedules, details, leave options (e.g., extended leave without pay (LWOP), and shared leave programs.
 - (2) The employee then may submit a request for a remote work arrangement, change to a remote work arrangement, or termination of a remote work arrangement in writing. The request must include the proposed duty station and effective date.
 - c. To the extent the eligibility criteria in Section 6e(2) of this directive are met, supervisors normally will approve requests to set up a remote work arrangement from employees occupying positions that are remote-eligible. Supervisors may consider, however, whether there is a need to limit the geographic location of the duty station for the remote work arrangement due to travel or other mission requirements.
 - d. Supervisory considerations of employee requests to change or terminate a remote work arrangement include:
 - (1) That the proposed creation or change of a remote work arrangement does not negatively affect the Mission Area, agency, or staff office's budget or ability to execute its mission; and
 - (2) Requests to terminate a remote work arrangement may be denied due to space limitations within a Mission Area, agency, or staff office worksite.
 - e. Generally, to the extent the eligibility criteria in Section 6e(2) of this directive are present, employees may be considered eligible for a remote work arrangement. However, as with telework, an employee becomes permanently ineligible for a remote work arrangement if they have been formally disciplined for either:
 - (1) A violation of Subpart G, *Misuse of Position*, of the *Standards for Ethical Conduct for Employees of the Executive Branch* for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computing

device to include cell phones and tablets or while performing official, Federal Government duties; or

- (2) Absence without leave (AWOL) for 5 or more days in any calendar year.
- f. Performance and Conduct. Employees on remote work arrangements are subject to the same laws, rules, regulations, and policies that address performance deficiencies and employee misconduct.
- g. In USDA, appeals to a denial of a request for a remote work arrangement are governed by DR 4070-771-001 or the applicable negotiated grievance procedure for bargaining unit employees.

9. PAY, HOLIDAY, AND TIME AND ATTENDANCE

- a. The basic rate of pay of a remote employee is determined by the employee's base pay rate, the applicable locality pay rate and any special pay rate associated with the employee's official duty station of record, as recorded on the employee's OPM [Standard Form \(SF\)-50, Notification of Personnel Action](#). For remote employees, the official worksite typically is their residence.
- b. Teleworker and remote workers are required to follow Departmental policies and procedures for requesting and using approved leave. Leave should be requested and approved in accordance with standard leave approval procedures, with leave hours accurately recorded in the time and attendance system.
- c. Mission Areas, agencies, and staff offices generally should not pay relocation expenses related to remote work arrangements such as expenses to relocate to a new official duty station or to return to the Mission Area, agency, or staff office worksite when such arrangements were requested by the employee and is not the result of a directed reassignment.
- d. Remote work employees traveling on official business are eligible for the same travel benefits as non-remote work employees. Supervisors should, whenever possible, minimize official travel for remote employees. Alternate communication technologies should be leveraged to the greatest extent possible to minimize travel unless necessary.
- e. Remote work employees generally will not have an assigned or dedicated workspace at the Mission Area, agency, or staff office worksite. Performance issues of remote employees will be addressed in accordance with USDA policies, regulations, and applicable CBA provisions. Absent exigent circumstances, supervisors are expected to allow the employee to continue as a remote employee while addressing performance or conduct issues in accordance with USDA policies and in accordance with the terms and provisions of any applicable CBA.

- f. All required training and travel for remote employees as determined by the supervisor (e.g., mandatory participation at meetings or conferences at the Mission Area, agency, or staff office worksite) will be subject to normal training approval requests, applicable travel regulations, and Mission Area, agency, or staff office funding.
- g. Remote work employees may be eligible for Workers' Compensation benefits for work-related injuries or illnesses sustained while in the performance of duty under FECA, which is administered by the DOL's Office of Workers' Compensation Programs (OWCP). For further information, see [5 U.S.C. 81](#).

10. DOMESTIC EMPLOYEES TELEWORKING OVERSEAS

- a. Domestic Employees Teleworking Overseas (DETO) are overseas work arrangements that allow Federal Executive Branch employees to perform the work requirements and duties of their positions temporarily from approved overseas locations via DETO agreements. Employees have no authorization to telework from a foreign location without approval from USDA and the Department of State (DOS).
- b. USDA employees who may be considered for a DETO are those who are the spouse or domestic partner of a sponsoring Foreign Service Officer, Federal Civil Service employee, Department of Defense (DoD) employee, or uniformed service member assigned overseas. To be considered for a DETO, the USDA employee must be on the U.S. Government orders of the sponsoring individual assigned overseas.
- c. DETO requests will be considered on a case-by-case basis. Employees must consult with the OHRM as early as possible in the process because DOS approval can take from 6 months to a year, if not longer.
- d. Any DETO request must be approved by the applicable Mission Area, agency, or staff office prior to submission to the DOS and must follow the requirements in this DR, the DOS Executive Secretary Memorandum, *Requirements for Executive Branch Employees Teleworking in Foreign Locations*, dated June 7, 2016, and the DOS Foreign Affairs Manual (FAM), [3 FAM 2370](#), *Domestic Employee Teleworking Overseas (DETO)* policy guidance, dated August 11, 2021.
- e. Before approval, the employee must complete a DETO agreement using the DOS DETO agreement form, fulfill any overseas training requirements, and obtain proper documentation (e.g., passports, visas, work permits) to perform work overseas. The completed DETO agreement must be submitted through the employee's supervisory chain of command for approval. Once approved, it must be submitted to the DOS.
- f. A DETO may entail significant costs to the Mission Area, agency, or staff office, the employee, or both. Therefore, prior to approving a DETO agreement, the applicable Mission Area, agency, or staff office must be prepared to address any contingencies or

problems with the overseas telework arrangement, including situations when the employee or Mission Area, agency, or staff office may need to terminate the DETO.

- g. Upon approval of a DETO agreement, the approved case must be forwarded to the servicing Human Resource Office to change the employee's duty station to the overseas location. The DOS regulation 3 FAM 2370 governs the availability of overseas allowances, including the termination of locality pay, and other differentials for employees.
- h. DOS policy requirements apply to all employees working under a DETO.

11. ROLES AND RESPONSIBILITIES

- a. The Director, Office of Human Resource Management (OHRM) serving as the USDA Chief Human Capital Officer (CHCO), or designee, will serve as the Telework Management Officer (TMO), as required by the *Telework Enhancement Act of 2010*. The TMO will:
 - (1) Advise the Secretary of Agriculture, Mission Area and Agency Heads, and Staff Office Directors of the development and implementation of policies, programs, and oversight of the USDA Telework and Remote Work Programs;
 - (2) Develop and interpret USDA policies and standards for the Telework and Remote Work Programs;
 - (3) Provide Mission Area, agency, and staff office officials with technical assistance and consultative services for Telework and Remote Work Program issues; and report statistics from all Telework Program Coordinators (TPC) as required; and
 - (4) Develop and interpret USDA policies and standards for the equitable implementation of remote work.
- b. Mission Area and Agency Heads, and Staff Office Directors will:
 - (1) Promote the USDA Telework and Remote Work Programs and give all eligible employees the opportunity to participate in telework or remote work arrangements;
 - (2) Determine the suitability of positions for remote work arrangements; this responsibility may be delegated;
 - (3) Hold supervisors and managers accountable for implementing their respective Telework and Remote Work Programs in accordance with this DR;
 - (4) Incorporate information about the availability of telework, remote work, and related policies into new employee orientation and other training programs;

- (5) Ensure supervisors and managers are held accountable for evaluating all teleworkers, remote workers, and non-teleworkers under the same employee performance management system and affording the same professional opportunities, assignments, and treatment about work projects assigned, appraisal of job performance, awards, recognition, training and developmental opportunities, promotions, and retention incentives; and
 - (6) Designate a Telework Program Coordinator to manage the program.
- c. TPCs will:
- (1) Administer the USDA Telework Program for their respective organizations per this DR and all applicable laws, rules, and regulations;
 - (2) Ensure supervisors are aware of the requirement to notify their employees;
 - (3) Ensure all employees are notified of their eligibility to telework and encourage them to annually review or update their *Telework agreements* or opt-out by selecting the AD-3018 Opt-Out Section check boxes;
 - (4) Notify and provide new employees with a link to or copy of this policy.
 - (5) Ensure supervisors are aware of the requirement to provide written notification and explanation to ineligible employees who are not authorized to participate in the Telework and Remote Work Programs;
 - (6) Ensure supervisors are aware of their responsibility to account for Telework agreements;
 - (7) Ensure supervisors are aware of the requirement that teleworkers who are designated as emergency employees or mission-critical emergency employees are identified as such in their Telework agreements;
 - (8) Ensure managers are aware of the requirement for teleworkers and supervisors to complete required training prior to implementing a Telework arrangement;
 - (9) Coordinate with relevant parties on inventories of available computers, laptops, printers, and other office equipment for use in the Telework Program prior to reporting the property as excess;
 - (10) Promote the appeals process as defined in this DR;
 - (11) Report the required telework program information, as requested by the TMO;

- (12) Maintain all documentation in accordance with National Archives and Records Administration (NARA), [General Records Schedule \(GRS\) 22.2](#), Section 080, *Supervisor's personnel files*, which requires Telework agreements to be retained for 1 year after the end of the employee's participation in the program;
 - (13) Ensure employees are provided information on the USDA Telework and Remote Work Programs, including eligibility criteria and application procedures;
 - (14) Ensure employees and supervisors accurately record official time spent in telework or remote work status in the time and attendance system.
 - (15) Establish a system to receive feedback from employees about the implementation effectiveness and impact of the Telework and Remote Work Programs; and
 - (16) Encourage supervisors to review Telework agreements with their employees annually.
- d. USDA Supervisors and Managers will:
- (1) Assist the TPC in administering the Telework and Remote Work Programs including providing copies of approved agreements and notices of agreement terminations;
 - (2) Complete the required Telework training in AgLearn or other specified training system;
 - (3) Notify all assigned employees of their eligibility to telework, work remotely, or opt-out;
 - (4) Within 10 business days of receipt of a telework or remote work request, meet with the employee to approve, modify, or deny the request based on the *Telework Enhancement Act of 2010* and this DR. If the request is denied or terminated, provide written justification to the employee and the Mission Area, agency, or staff office TPC;
 - (5) Provide written notification and explanation to employees who are not authorized to participate in the USDA Telework and Remote Work Programs;
 - (6) Review approved Telework agreements for all assigned employees annually;
 - (7) Ensure consistent and fair administration of the Telework and Remote Work Programs policies and procedures in their areas of responsibility;
 - (8) Upon approval of a Telework agreement or Remote Work agreement, establish and communicate clear expectations with employees regarding methods of communication, (i.e., customer service, timeframes for returning phone calls,

voicemail messages, and email communication), staff meeting attendance, duty hours, and the accurate coding of telework for time and attendance purposes;

- (9) Evaluate all teleworkers, remote workers and opt-out workers under the same performance management system and afford the same professional opportunities, assignments, and treatment with regards to work projects assigned, periodic appraisal of job performance, awards, recognition, training and developmental opportunities, promotions, and retention incentives as those employees working from organization worksites;
 - (10) Ensure a personnel action is effected to document the correct official duty location for each employee approved for remote work. Temporary exceptions may apply as set out in Section 4f(4)(d), *Temporary Eligibility*, above;
 - (11) Resolve telework denial and remote work denial appeals or grievances in a timely manner;
 - (12) Ensure compliance with approved telework and remote work agreements in their areas of responsibility; and
 - (13) Ensure official time spent teleworking or working remotely is properly documented and recorded in the time and attendance system.
- e. Teleworkers and Remote Workers will:
- (1) Follow the conditions of their approved telework or remote work agreements;
 - (2) Follow USDA safety requirements and ensure proper security of USDA equipment, information, and materials;
 - (3) Provide the same level of support, availability, and accessibility to customers, coworkers, and their supervisor(s) as if working at a USDA official duty location;
 - (4) Meet organizational and individual work requirements as established (e.g., customer service, timeframe for returning phone calls, voicemail messages, and email communication), staff meeting attendance, duty hours, and accurately coding time and attendance;
 - (5) Complete all applicable mandatory training courses;
 - (6) Ensure appropriate arrangements for the care of dependents while teleworking. Telework is not a substitute for dependent care. However, this DR does not preclude a teleworking employee from having a caregiver in the home who provides care to the dependent(s) while the employee teleworks. Also, a dependent may be permitted in the home provided they do not require constant supervision or

care (i.e., older child or adolescent) and their presence does not disrupt the ability to telework effectively;

- (7) Ensure the alternate worksite provides adequate connectivity and technology to accomplish work tasks. Employees are expected to provide internet service and other general utility costs at their own expense unless otherwise negotiated within a CBA;
- (8) Acknowledge, in the applicable Telework or organizational remote work agreement forms that they are bound by the *Standards of Ethical Conduct for Employees of the Executive Branch* while teleworking or working remotely; and
- (9) Understand that travel provisions applicable to employees working at an official duty station also apply to teleworkers and remote workers. A teleworker or remote worker who is directed to travel to another worksite (e.g., official duty station) during their regularly scheduled basic tour of duty would have the travel hours credited as hours of work. Similarly, teleworkers who are required to travel to the official duty location after their regularly scheduled telework basic tour of duty to perform irregular or occasional overtime work are entitled to at least 2 hours of overtime pay or compensatory time off ([5 CFR § 550.112 \(h\)](#), *Call-back overtime work*, and [5 CFR 551.401\(e\)](#)).

12. INQUIRIES

Direct all inquiries about this DR to your employing organization's servicing human resources office. Organizational human resource directors or CHCOs will manage all inquiries coming from their employees. Any inquiries that cannot be satisfactorily responded to may be sent to the USDA CHCO for further discussion and resolution.

-END-

APPENDIX A

ACRONYMS AND ABBREVIATIONS

AD	Agriculture Department (Departmental Form Prefix)
AWOL	Absence Without Leave
CBA	Collective Bargaining Agreement
CFR	Code of Federal Regulations
CHCO	Chief Human Capital Officer
COOP	Continuity of Operations Plan
CUI	Controlled Unclassified Information
DETO	Domestic Employees Teleworking Overseas
DM	Departmental Manual
DoD	Department of Defense
DOL	Department of Labor
DOS	Department of State
DR	Departmental Regulation
ECOMP	Employees' Compensation Operations and Management Portal (DOL)
FAM	Foreign Affairs Manual (DOS)
FECA	Federal Employees Compensation Act
GPPA	Guide to Processing Personnel Actions
GRS	General Records Schedule
JOA	Job Opportunity Announcement
LWOP	Leave Without Pay
NARA	National Archives and Records Administration
OHRM	Office of Human Resource Management
OMB	Office of Management and Budget
OPM	Office of Personnel Management
OSHA	Occupational Safety and Health Agency
OWCP	Office of Workers' Compensation Program
PII	Personally Identifiable Information
P.L.	Public Law
RIF	Reduction in Force
SF	Standard Form
TDY	Temporary Duty
TMO	Telework Management Officer
TPC	Telework Program Coordinator
U.S.	United States
U.S.C.	United States Code
USDA	United States Department of Agriculture

APPENDIX B

DEFINITIONS

Alternate Worksite. A work location, other than the official worksite, that satisfies all requisite Federal health and safety laws, rules, and regulations pertaining to the workplace, where an employee performs their official duties. Supervisors may authorize telework from several alternate worksites. Temporary authorizations or changes in the location of designated alternative worksites do not require a new AD-3018, *USDA Telework Agreement*.

Locality Pay Area. An Office of Management and Budget (OMB) defined metropolitan statistical area or combined statistical area that determines certain location-based pay entitlements based on the employee's official duty station as documented on the employee's SF-50, *Notification of Personnel Action*.

Mobile Work. Work that is characterized by routine and regular travel to conduct work in a customer's or other worksite as opposed to a single authorized alternate worksite. Examples include site audits, site inspections, investigations, property management, and work performed while commuting, traveling between worksites, or on Temporary Duty (TDY). Mobile work is not considered telework; however, mobile workers may be eligible to participate in telework, as applicable.

Official Duty Station. For the purposes of this Departmental Regulation, the terms "Duty Station", "Official Duty Station", and "Official Worksite" are synonymous. The official duty station is the management-approved location where employees regularly perform their official duties. If an employee physically reports to the employing Mission Area, agency, or staff office official worksite at least twice in a bi-weekly pay period, the employing Mission Area, agency, or staff office official worksite will be designated as the employee's official duty station. If the employee's work involves recurring travel or the employee's work location varies (mobile work) on a recurring basis, the official worksite is the location where the work activities of the employee's position of record are based, as determined by the employing Mission Area, agency, or staff office, subject to the requirement that the official worksite must be in a locality pay area in which the employee is required to regularly perform work. A Mission Area, agency, or staff office must document an employee's official duty station on the employee's *Notification of Personnel Action* (Standard Form 50 (SF-50) or equivalent). Once the official duty station has been officially recorded on the SF-50, *Notification of Personnel Action* (OPM, *Guide to Processing Personnel Actions*, [GPPA, Chapter 23, Change in Duty Station](#)), it cannot be changed without prior approval of the employing Mission Area, agency, or staff office accompanied by processing a formal, documented personnel action.

Opt-Out. A telework-eligible and ready employee who voluntarily declines to participate in the USDA Telework Program. Employees who opt-out must sign and check the voluntary opt-out box on the AD-3018, *USDA Telework Agreement*.

Remote Work. A workforce flexibility arrangement under which an employee is scheduled to perform work within or outside the local commuting area of their Mission Area, agency, or staff office's worksite and is not required to report to the Mission Area, agency, or staff office worksite on a regular and recurring basis.

Remote Work Arrangement. A work arrangement in which:

- a. The employee performs assigned official duties and other authorized activities at an approved alternate work location, typically the employee's residence, within or outside of the local commuting area of the Mission Area, agency, or staff office worksite;
- b. On a regular and continuing basis;
- c. Is not required to physically report to the Mission Area, agency, or staff office worksite on any frequent, regular, or recurring basis; and
- d. The approved alternate worksite is, for pay and other purposes, the employee's official duty station, as indicated on the employee's SF-50, per [5 CFR § 531.605](#), *Determining an employee's official worksite*.

Remote Work Eligibility. A determination that a position's required duties and tasks can be completed away from the Mission Area, agency, or staff office's worksite with no frequent, regular, or recurring requirement to be physically present at the Mission Area, agency, or staff office worksite.

Routine Telework. Regularly scheduled telework that occurs no less than 1 day and no more than 8 days (without exception) scheduled per biweekly pay period, on a recurring basis and is part of an approved work schedule.

Situational Telework (also referred to as *ad hoc*, episodic, unscheduled, and intermittent). Telework that is approved on a case-by-case basis, where the hours worked were not part of a previously approved, ongoing, and regular, telework schedule.

Telework. A work arrangement in which an employee performs and completes official duties and responsibilities from an alternate worksite. Telework may be authorized for an entire duty day or a portion of one. Telework does not include the following:

- a. Work performed while on official travel status;
- b. Work performed while commuting to or from work;
- c. Remote work; or
- d. Mobile work.

Telework Agreement (AD-3018). A written agreement records the terms and conditions of the telework arrangement, as approved by the supervisor.

Telework-Ready. Refers to all eligible employees with an approved telework agreement and who are prepared and equipped to telework. If unable to telework when required, use of paid or unpaid leave may be required.

Teleworker. An eligible employee with an approved telework agreement who performs their official duties at an alternate worksite.

Unscheduled Telework. Telework that is authorized in response to specific duty status announcements issued by OPM or other authorized USDA officials for use during period of inclement weather, a pandemic or public health crisis, or other emergency situations, or with prior supervisory approval, telework used to maintain productivity during short-term disruptions to normal operating procedures.

APPENDIX C

AUTHORITIES AND REFERENCES

Authorization, [5 CFR § 630.1603](#)

Basic Principles, [5 CFR § 551.401](#)

Computation of Overtime Work, [5 CFR § 550.112](#)

Criteria for Determining Compelling Need for Agency Rules and Regulations, [5 CFR § 2424.50](#), *Illustrative Criteria*

Department of Transportation Appropriations Act of 2001, [Public Law \(P.L.\) Number 106-346, Section 359](#), October 23, 2000

Determining an Employee's Official Worksite, [5 CFR § 531.605](#)

Evacuation Payments During a Pandemic Health Crisis, [5 CFR § 550.409](#)

Federal Employment Compensation Act (FECA), [5 U.S.C. Subpart G, Ch. 81](#), *Compensation for Work Injuries*

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DOL, Employees' Compensation Operations and Management Portal (ECOMP), [How to File a Form](#) website

DOL, [Form CA-1](#), *Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation*, Rev. October 2018

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OPM, [Guide to Telework in the Federal Government](#), April 2011 OPM,

OPM, Memorandum to Heads of Executive Departments and Agencies, [Establishing Telecommuting Policies](#), February 9, 2001

OPM, [SF-50](#), *Notification of Personnel Action*, Rev. July 1991

Standards of Ethical Conduct for Employees of the Executive Branch, [5 CFR Part 2635](#), as amended

Telework Enhancement Act of 2010, [P.L. Number 111-292](#), [December 9, 2010](#)

Tort Claims Procedure, [28 U.S.C. §§ 2671-2680](#)

Treasury, Postal Service, and General Government Appropriations Act of 1996, [P.L. Number 104-52](#), November 19, 1995

USDA, [AD-3018](#), *USDA Telework Agreement*, November 2021 (as amended)

USDA, AD-xxxx, *USDA Remote Work Agreement*, forthcoming

USDA, [DM 4300-002](#), *Reasonable Accommodation Procedures*, July 5, 2002

USDA, [DR 3440-002](#), *Control and Protection of "Sensitive Security Information,"* January 30, 2003

USDA, [DR 3440-003](#), *Controlled Unclassified Information (CUI) Program*, September 13, 2021

USDA, [DR 3445-001](#), *Media Protection*, October 30, 2019

USDA, [DR 3515-002](#), *Privacy Policy and Compliance for Personally Identifiable Information (PII)*, October 30, 2020

USDA, [DR 4040-430](#), *Employee Performance and Awards*, June 24, 2020

USDA, [DR 4070-771-001](#), *Administrative Grievance System*, November 27, 2020

USDA, [DR 4300-008](#), *Reasonable Accommodations and Personal Assistance Services for Employees and Applicants with Disabilities*, October 27, 2020

USDA, [DR 4430-004](#), *Workers' Compensation Program*, March 8, 2016

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