

Reclamation Manual

Directives and Standards

Subject: Remote Work

Purpose: This Directive and Standard (D&S) establishes requirements for proper and consistent implementation and administration of remote work throughout the Bureau of Reclamation. The benefit of this D&S is a consistent management tool to provide employees with the opportunity to perform their duties at a remote work location while also supporting efforts to improve employee productivity and morale, reduce the carbon footprint, reduce office space needs, and serve as a recruitment and retention tool.

Authority: 5 CFR § 550.703; Part 531 of Title 5 Code of Federal Regulations (Locality-Based Comparability Payments); Office of Personnel Management Official Worksite for Location-Based Pay Purposes Draft; Personnel Bulletin (PB) 20-06, Departmental Remote Work Policy; DOI Memorandum, Planned changes to Interior’s Telework and Remote Work Posture, July 27, 2023; PB 14-01, Reasonable Accommodation for Individuals with Disabilities; 370 DM 771, Administrative Grievance Policy; and 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.

Approving Official: Deputy Commissioner – Policy, Administration and Budget

Contact: Human Resources Division, Human Resources Policy Office (84-12000)

1. Introduction.

- A. Remote work is an arrangement under which an employee is scheduled to perform work within or outside the local commuting area of an agency work site on a regular and recurring basis. A remote worker is not required to report to a Department of the Interior or Reclamation worksite at least 2 days per biweekly pay period. These arrangements are formalized by a remote work agreement signed by the remote worker, recommended by the first-line supervisor, and approved by the Reclamation Leadership Team member of the organization.
- B. Remote work arrangements will be considered on a case-by-case basis when it is in the best interest of the Department and Reclamation, cost effective for Reclamation, and the remote work applicant or requestor meets the necessary requirements provided in this D&S.

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2. Applicability.

- A. This D&S applies to all current Reclamation employees requesting a remote work arrangement, with the following exceptions:
- (1) This D&S does not apply to Senior Executive Service (SES) members or Senior Level, and Scientific or Professional (SL/ST) employees.
 - (2) This D&S does not apply to requests for reasonable accommodation. Employees requesting remote work as a reasonable accommodation must coordinate with their supervisor and servicing human resources office.
 - (3) This D&S does not apply to requests that originate from alleged harassing conduct. Employees must contact their servicing human resources office.
 - (4) This D&S does not apply to employees originally selected from a vacancy announcement offering a remote duty location.
- B. This D&S does not apply to employees who telework.

3. General Standards for Remote Work.

A. **Authorized Remote Work Localities.**

Reclamation will limit remote work agreements to the continental United States, Alaska, and Hawaii. Remote work locations will be at a fixed work location.

B. **Position Suitability and Employee Eligibility.**

To the extent that mission requirements are not jeopardized, supervisors may permit eligible employees who exhibit suitable work performance and conduct, occupy positions suitable for remote work, and have access to an appropriate alternative worksite to work remotely. Appendix B, Bureau of Reclamation Remote Work Agreement Evaluation Criteria, must be applied impartially and consistently and be based on appropriate business and organizational needs. While remote work is a workplace flexibility, it is not an employee entitlement and not all positions are suitable nor employees eligible to work remotely. Appendix B must be used to make position suitability and employee eligibility determinations.

C. **Waiting Period for New Employees to Request Remote Work.**

- (1) Reclamation will not consider remote work agreements for employees selected for positions that were not advertised as remote within 6 months of the date the employee entered on duty in the position.
- (2) A request to deviate from this 6-month waiting period must be submitted in writing by the requesting employee to their supervisor. If approved by their

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supervisor, the supervisor will forward the request to the Reclamation Leadership Team member of their organization and include the business case for approving the deviation. The Reclamation Leadership Team member must document their approval/disapproval of the request in writing. The first-line supervisor must be copied on the Reclamation Leadership Team member decision.

D. **Official Work Time.**

Remote workers are expected to use their time performing official duties as if they were in the official office location. Remote workers must only charge time when they are conducting official Reclamation business.

(1) **Dependent Care.**

Remote workers cannot personally care for a dependent while working from a remote worksite, and dependent care must not interfere with the remote worker using their time performing official duties as if they were in the official office location. A dependent is permitted in the remote location, 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.

(2) **Interruption of Workload Completion.**

If there are internet connectivity or information management technology issues, remote workers must advise their supervisor if they do not have enough work to keep them fully employed during the duty day without the use of technology (WiFi, PIV Card, etc). Supervisors must contact their servicing human resources office with questions regarding existing flexibilities not already identified in the remote worker agreement as well as their servicing information resources office for possible resolution of technology problems. Remote workers will not be provided WiFi technology.

E. **Locality Pay.**

Locality pay for remote workers is based on the approved remote official duty station where the employee performs their duties, even if that is the employee's residence. Supervisors must notify employees of any change in pay prior to finalization of the remote work agreement.

F. **Expenses.**

(1) **Relocation Expenses.**

Current employees approved for voluntary remote work according to Paragraph 5 are responsible for all relocation/travel expenses incurred when moving to the remote worksite, which becomes the employee's official duty station. Because the remote work agreement is for the employee's convenience and benefit, in accordance with Federal Travel Regulations (41 CFR 302-2.6(c)), Reclamation is prohibited from paying relocation expenses to the new remote work location.

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(2) **Temporary Duty Travel Expenses.**

Reclamation is responsible for all travel expenses incurred by the remote worker for required temporary duty away from the employee's official worksite.

(3) **Operating Costs.**

Other than the requirements for information technology equipment and non-information technology equipment defined in Paragraph 7, Reclamation assumes no responsibility for any costs associated with the remote worksite, including, but not limited to, home maintenance, insurance, utilities (including any cost increases as a result of remote work), internet or phone service, personal property (e.g., furniture, electronics, pens, paper), or any other item.

(4) **Termination of Remote Work Expenses.**

See Paragraph 6 for requirements related to expenses incurred upon termination of a remote work agreement.

G. Required Reviews.

(1) **Annual Review.**

Supervisors must review and re-certify all remote work agreements annually to ensure the arrangement is still cost effective, meets all policies and directives in place at the time of review and in the best interest of the organization. This review includes updating the information in the Remote Work Evaluation (Appendix B), if applicable, and submitting a new Remote Work Agreement (Appendix C) in accordance with the Remote Approval Process (Appendix E).

(2) **As-Needed Review.**

An employee who anticipates a change in address of their previously approved remote location must submit a new Remote Work request (Appendix A) prior to moving. If the change in address results in a change to the city, state, or locality pay area, the supervisor must update and consider the information in the Remote Work Evaluation (Appendix B). Refer to Remote Approval Instructions (Appendix E) for determination of appropriate approval level.

H. Work-Related Injuries or Illnesses.

Remote workers are covered by the Federal Employees' Compensation Act when injured or suffering from work-related illnesses while conducting official Government business at the remote worksite. Employees must inform their 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.

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4. Remote Work Requests.

A. Employee Remote Work Request.

Reclamation employees must submit a formal written Remote Work Request (Appendix A) to request a new remote work agreement or a change to an existing remote work agreement to their first-line supervisor for consideration prior to the change occurring. Employees must address the following in their remote work request:

- (1) location proposed for remote work;
- (2) benefits to Reclamation for allowing remote work; and
- (3) impact to Reclamation if remote work is not approved.

B. Review and Approval or Disapproval of Remote Work Request.

- (1) The first-line supervisor must consider each request for remote work and complete the Remote Work Evaluation (Appendix B) to document their analysis of the remote work request. The supervisor must be fair and equitable in their review of remote work requests and must base their determination on remote policies and directives, cost benefit analysis and sound business practices and mission-related criteria. Appendix B will be used to assist the first-line supervisor in determining whether to disapprove, or recommend approval, of the remote work request.
- (2) If disapproved, the first-line supervisor will inform the employee of the disapproved remote work request and of their appeal rights, as outlined in Paragraph 6.C.
- (3) If approval is recommended, the supervisor and employee complete a Remote Work Agreement (Appendix C) and Safety Evaluation (Appendix D) and forward to the Reclamation Leadership Team member, or designee, for review and approval and completion in accordance with the Remote Approval Instructions (Appendix E). Communication of the approval will be provided to the employee generally within 21 calendar days of the receipt of the remote request.
- (4) Additional levels of review and approval may be established as determined necessary and as outlined in the Remote Approval Process (Appendix E).

C. Temporary Remote Work Request.

An employee requesting a remote work arrangement for less than 1 year must consult with their supervisor and servicing human resources office. If, after consultation it is determined a remote work situation is warranted, the same procedures established in this D&S will apply.

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5. Remote Work Agreement.

A Remote Work Agreement (Appendix C) is required for all employee requests and approvals to work from a remote location. Supervisors must use the required remote work agreement template provided in Appendix C. Appendix C does not apply to employees originally selected from a vacancy announcement offering a remote duty location.

6. Terminating Remote Work Agreement.

The decision to terminate a remote work arrangement can be made at any time by Reclamation that is based on sound business practices or mission related criteria or by the remote worker for any reason.

A. Termination of Remote Work Agreement by Employee.

If the remote work agreement is terminated by the employee, the employee is responsible for all expenses incurred to relocate to the official office location. A reasonable notice period is recommended.

B. Termination of Remote Work Agreement by Reclamation.

(1) Business Reasons.

A remote work agreement termination by Reclamation because the supervisor determines the agreement no longer meets the needs of the office, Reclamation, the Department, or for other business reasons is subject to a reasonable notice period of no less than 90 calendar days. Reclamation is responsible for applicable expenses incurred to relocate the employee to the official office location.

(2) Conduct or Performance Issues.

If the remote work agreement is terminated based on employee performance or conduct issues, there is no notice period, and the employee may be responsible for expenses incurred to relocate to the official Reclamation office location. If a supervisor identifies conduct or performance issues with a remote worker, the supervisor must immediately contact their Employee Relations Specialist for consultation and guidance on addressing these issues. A remote work agreement may be revoked, and the employee required to return to the official Reclamation office location, if the employee received a decision that would render them ineligible for remote work or if it is determined that remote work was a contributing factor for the employee's performance problem or conduct. The remote worker will not be required to return to the official office location for the purpose of issuing the conduct or performance-based action. Employees are not entitled to paid travel for the purpose of consulting with representatives for such actions at the expense of Reclamation. Consistent with 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.

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C. Appeals.

Employees may appeal the disapproval of a remote work request or the termination of a remote work agreement. Bargaining unit employees may file a grievance through the negotiated grievance procedures, if provided for in their applicable collective bargaining agreement. If there is no collective bargaining unit agreement and/or negotiated grievance procedures in place, bargaining unit employees may file a grievance in accordance with the Department's Administrative Grievance Procedures (370 DM 771), where the use of these procedures has been agreed via a written agreement between the appropriate management and union representatives. Non-bargaining unit employees may file a grievance in accordance with the procedures found in the 370 DM 771. Employees appealing a remote work decision must contact their servicing human resources office.

7. Equipment for Remote Workers.

Reclamation may provide equipment (i.e., non- information technology equipment and information technology equipment) and supplies the supervisor determines necessary for the employee to perform official duties from the approved remote work location. The supervisor must deem the equipment and supplies necessary for the performance of the employee's assigned duties, reasonably available, cost effective, and subject to availability of funding.

A. Reclamation Leadership Team members must establish written instructions governing the provision, assignment, maintenance, and accountability of non-information technology equipment (see definition in Paragraph 10.F) prior to making non-information technology equipment available to remote workers. Written instructions must comply with requirements found in applicable acquisitions circulars, property management directives, and any other Reclamation or higher-level requirements pertaining to non-information technology equipment. Written instructions must include, at minimum, processes that define:

- (1) review and approval by at least the immediate supervisor prior to the purchase or provision of non-information technology equipment;
- (2) proper home use and maintenance of non-information technology equipment; and
- (3) return and disposal of non-information technology equipment at any time during remote work use, at the conclusion of the remote work agreement, or upon separation from Reclamation (note that Reclamation can pay for equipment shipping to and from a remote employee).

B. Reclamation must provide information technology equipment as defined by requirements established in Reclamation D&S IRM 08-18. Personally owned information technology equipment may only be connected to government furnished equipment and used for work purposes when authorized by Reclamation's Associate Chief Information Officer or a designee.

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8. Related Requirements.

- A. Reclamation supervisors and employees, with approved remote work arrangements, will comply with all applicable policies, to include performance and conduct policies, of the Department and Reclamation.
- B. Failure to comply with the above Department and Reclamation requirements may result in termination of the remote work agreement. See Paragraph 6 for additional information regarding the termination of remote work agreements.

9. Appendices.

- A. Appendix A – Remote Work Request Template
- B. Appendix B – Remote Work Agreement Evaluation Criteria
- C. Appendix C – Remote Work Agreement
- D. Appendix D – Remote Worksite Safety Check List
- E. Appendix E – Instructions – Remote Approval Process

10. Definitions.

A. **Commuting Area.**

The geographic area surrounding a Department-owned/leased 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 worksite, the worksite is within the employee's commuting area. (5 CFR 550.703). When determining the “localities where people live and reasonably can be expected to travel back and forth daily to work,” Bureaus/Offices may consider factors such as: commuting time, traffic congestion, weather, competitive areas, travel distance, and availability of public transit (e.g., commuter buses, trains, subways, carpools).

B. **Dependent Care.**

Care of 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 is the employee’s official duty station for pay purposes. If an employee’s residence is approved as the remote work location, the city and state of the residence is the official duty station. Locality pay is addressed in Paragraph 3.E of this document.

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D. Remote Work.

An arrangement in which an employee is scheduled to perform within or outside the local commuting area of an agency worksite and is not expected to report to a department or bureau worksite on a regular and recurring basis. For a remote worker, the approved remote worksite is the employee's official duty station for pay purposes, even if that location is their home.⁶ An employee with a remote work arrangement is not expected to report to a Department-owned/leased worksite at least 2 days per biweekly pay period.

E. Information Technology Equipment.

A standard package of information technology equipment, controlled under unique requirements.

F. Non-Information Technology Equipment.

All other accountable and unaccountable government furnished equipment/property (e.g., chairs, desk lamps, desks) assigned and/or made available to Reclamation employees, regardless of the physical place of use, that is not information technology equipment.

G. 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.

H. Telework.

A work flexibility arrangement under which an employee performs the duties and responsibilities of their position, and other authorized activities, from an approved worksite other than the location from which the employee normally works. Employees who telework report to their duty station on a regular and recurring basis. Telework is not addressed in this D&S.

11. Review Period.

The originating office will review this release every 4 years.