



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT  
Washington, DC 20415

The Director

CPM 2021-17

July 23, 2021

Memorandum for Chief Human Capital Officers

From: Kiran A. Ahuja  
Director

Subject: Additional Guidance on Post-Reentry Personnel Policies and Work Environment

On June 10, 2021, the Office of Management and Budget (OMB), Office of Personnel Management (OPM), and General Services Administration (GSA) issued memorandum [M-21-25](#) to assist agencies in planning for a safe increased return of Federal employees and contractors to physical workplaces with post-reentry personnel policies and work environment. To further assist agencies, OPM is issuing a set of frequently asked questions covering telework, remote work, and other human resources policies related to reentry and a fact sheet providing guidance and example scenarios for determining official worksites, location-based pay entitlements, and travel benefits for employees under telework and remote work arrangements. OPM developed this guidance in coordination with GSA and with input from a Chief Human Capital Officers Council working group on the future of work.

As noted in M-21-25, agencies can, where appropriate, deploy personnel policies such as telework and remote work effectively and efficiently as strategic management tools for attracting, retaining, and engaging talent to advance agency missions, including in the context of changes in workplaces nationwide as a result of the pandemic and in response to long-term workforce trends. As agencies consider personnel policies and associated flexibilities in their post-reentry work environments, informed by consultation with agency leadership, supervisors, employees, and employee representatives, we strongly encourage agency travel and human resources offices to collaborate when establishing telework and remote work policies that may affect location-based pay entitlements and travel benefits.

**Additional Information**

For additional information on telework and remote work policies, agency headquarters-level human resources offices may contact OPM at [TeleworkPolicy@opm.gov](mailto:TeleworkPolicy@opm.gov). For additional information on official worksite and location-based pay, agency headquarters-level human resources offices may contact OPM at [pay-leave-policy@opm.gov](mailto:pay-leave-policy@opm.gov). For additional information on travel policy, please contact your agency travel office or GSA at [travelpolicy@gsa.gov](mailto:travelpolicy@gsa.gov). Component-level human resources offices must contact their agency headquarters for assistance. Employees must contact their agency human resources offices for further information on this memorandum.

cc: Deputy Chief Human Capital Officers and Human Resources Directors

Attachments:

Frequently Asked Questions on Reentry and Post-Reentry Personnel Policies and Workplace Environment

Telework and Remote Work Example Scenarios: Official Worksite, Pay, and Travel Guidance

## **Frequently Asked Questions on Reentry and Post-Reentry Personnel Policies and Workplace Environment**

OPM is issuing this guidance to assist agencies in applying existing statutory and regulatory provisions as they plan for the safe, increased return of Federal employees to physical workplaces (“reentry”) and the post-reentry work environment. This guidance is constrained by provisions of current law. OPM encourages agencies to communicate with OPM regarding potential regulatory changes that will facilitate a smoother transition to agencies’ planned post-reentry work environment.

### **Telework**

#### **Q 1. How should I adjust my agency’s telework and work scheduling policies in light of the changes that have occurred during the COVID-19 pandemic (“pandemic”)?**

- A. In light of the steps agencies undertook at the outset of the pandemic, OPM expects that many more Federal employees will be eligible to telework on a regular basis post-reentry. Agencies should start re-assessing schedules for and frequency of telework, based upon the experiences of the last 15 months, and re-establish them in a way that best meets mission needs (including the agency’s ability to compete for qualified candidates and retain talent). Supervisors may see mission delivery, productivity, or employee engagement benefits in extending flexibilities related to telework and alternative work schedules. An employee may wish to return to their pre-pandemic schedule, operate under a new schedule, or telework only situationally. Agencies should work through these decisions in accordance with agency policies looking not only at the primary functions of the job, but also at other responsibilities that may be amenable to being performed during occasional or regularly scheduled telework days. Agencies may wish to take this opportunity to adjust their telework policies to reflect a new understanding about how telework has worked at their agencies.

#### **Q 2. How can telework eligibility determinations be made fairly and equitably?**

- A. After determining telework eligibility for all current employees, agencies should make any ongoing determinations of telework eligibility based on job functions, and not managerial preference *per se*. Agencies should make an appropriate telework eligibility determination for each new employee or position (and re-assess any previous determinations that an employee is ineligible), in accordance with the agency policy, taking into account the limitations established in 5 U.S.C. 6502(a) and (b), and otherwise using equitable, function-based criteria. Agencies should similarly apply equitable, function-based criteria to determine the number of days an employee may telework. In making these determinations, agencies should apply the following factors:
1. Determine telework eligibility for all new employees
  2. In general, treat employees performing similar functions similarly
  3. Assess workforce data on an ongoing basis to ensure that telework eligibility determinations are being made in accordance with agency policy and applicable law, fairly and equitably, and in a manner that effectively meets the agency’s mission needs.

### Q 3. What telework options can I make available to employees?

A. In practice, telework has tended to fall into these categories.

- *Routine telework.* Under this option, telework occurs as part of an ongoing regular schedule such that employees typically telework on some days and work at their agency worksite on other days during each pay period. They must obtain managerial approval for the schedule (and any modifications to it), but do not need to obtain additional separate approval for each day they telework.
- *Situational telework.* Under this option, employees telework occasionally (i.e., it is not part of an ongoing and regular telework schedule) and agencies' policies may require managerial approval each time they telework.

Agencies may also approve remote work arrangements. Remote work is a special type of alternative work arrangement by 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. Employees must obtain managerial approval for remote work arrangements. Given budget implications, equity considerations, and other factors, agency remote work policies should clearly outline the level of approval required to institute or execute a remote work agreement or position.

### Q 4. Are telework and remote work entitlements of employment?

A. No. Existing Federal statutes, including the [Telework Enhancement Act of 2010](#), do not extend any legal rights or entitlements to telework or remote work to any employee. Instead, telework is a strategic management tool and workplace flexibility established to facilitate the accomplishment of work, while balancing the needs of the workforce. Similarly, remote work is a human capital tool that can be used to recruit and retain a diverse workforce. Agencies should not treat telework as an exception to a traditional full-time in-person work schedule, or as a performance management tool or incentive. Rather, agencies should leverage their experiences with expanded telework during the pandemic to institutionalize telework programs as a routine way of doing business.

### Q 5. Can telework be revoked?

A. Yes. The [Telework Enhancement Act of 2010](#) allows for termination of a telework agreement if an employee does not comply with the terms of the written agreement, or, if the performance of the employee falls below a certain standard (usually, fully successful). In addition, the Act specifies two categories of employees who may not be deemed eligible for telework under any circumstances: an employee who "has been officially disciplined for being absent without permission for more than five days in any calendar year" and an employee who "has been officially disciplined for violations of subpart G of the [Standards of Ethical Conduct of Employees of the Executive Branch](#) for reviewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties" ([5 U.S.C. 6502\(a\)\(2\)\(A\)\(B\)](#)). Generally, agencies have written policies that govern disciplinary and adverse actions, and there may be other forms of misconduct that an agency may use as a basis for terminating a telework agreement.

When deciding to terminate a telework agreement, a manager should be able to document and demonstrate that:

- The employee's teleworking directly and negatively impacts the employee's performance or the performance of the work group/organization.
- Continuation of telework will interfere with remediation of the standards such as the employee's ability to attain or return to a fully successful performance level.
- The employee's conduct violates the requirements established in the [Telework Enhancement Act](#) or agency policy and thus results in ineligibility for telework.

Also, as a general rule, a manager should provide official notice to the employee before termination of a telework agreement. The notice should follow some basic principles:

- Be in writing.
- Provide an explanation.
- Be timely.
- Include an effective date.
- Follow agency policies and procedures for denial/termination of telework requests.
- Include any appeals/grievance procedures available to the employee.
- Consult with agency employee and labor relations specialists regarding legal requirements and CBA provisions.

#### **Q 6. Can an employee be required to telework on a short or long-term basis?**

- A. No. The decision whether to participate in an agency telework program, as described in the Telework Enhancement Act, is voluntary, and left to the employee (assuming he or she is eligible to telework). If an employee decides to enter into a telework agreement, however, his or her participation in an agency telework program may have consequences for subsequent work requirements. For example, pursuant to [OPM regulations on weather and safety leave](#) issued under the Administrative Leave Act, an employee who has entered into a telework agreement is generally required to work when there is a weather or safety event that prevents reporting to the regular workplace.

We note that there are other scenarios where an employee may be directed to work from a location other than his or her home office. Because these are not incident to the normal agency telework programs, we do not generally refer to these practices as "telework" within the meaning of the Telework Enhancement Act. For example, a catastrophic event that disrupts agency operations may result in the activation of an agency's Continuity of Operations Plan (COOP), and direction to members of the COOP team to relocate to and work from an alternative location. In that case, the employee is working from an alternate workplace under the agency COOP, and not pursuant to the agency's telework program. Nevertheless, involving more employees in telework and having them practice telework throughout the year is valuable preparation for a COOP event.

Similarly, in the event of a physical disaster or military event, an agency may order employees to evacuate and relocate pursuant to OPM regulations at 5 CFR 550.401-408. And in the event of a pandemic, an agency may order employees to evacuate to their homes pursuant to 5 CFR 550.409. As with the first example, such orders are undertaken pursuant to OPM regulations, not an agency telework program, and thus are not dependent upon an employee having entered into a telework

agreement, but effective use of these authorities can be enhanced by involving more employees in telework and having them practice telework throughout the year.

**Q 7. Is there a difference between remote work and telework?**

- A. Yes. For purposes of OPM's guidance, telework refers to arrangements where the employee is expected to report to work both at an agency worksite and alternative worksite on a regular and recurring basis each pay period. Remote work does not involve an expectation that the employee regularly reports to the agency worksite each pay period. Remote work is an arrangement that an agency, in its discretion, may choose to undertake, if the arrangement is consistent with the agency's needs and the duties of the given position. A remote work arrangement may be initiated by the agency posting the position as one that will be performed remotely or by an employee requesting the privilege of working remotely. Agencies may determine whether to grant such requests on a case-by-case basis. The remote work agreement must accurately document the employee's worksite to enable accurate determination of locality pay. Given budget implications, equity considerations, and other factors, agency remote work policies should clearly outline the level of approval required to institute or execute a remote work agreement or position.

OPM will be publishing a Remote Work Guide to further explain the implications, considerations, and strategies for the appropriate use of remote work.

**Q 8. Who has the discretion to authorize an employee to engage in remote work?**

- A. Under current law, remote work is left to the discretion of agency heads, pursuant to their inherent authority to direct the affairs of their agency. See 5 U.S.C. 301, 302. Agencies should follow the procedures set forth by their human capital offices to consider employee requests for remote work. Note that there may be several cost implications for the agency and for employees who are approved for remote work (e.g., change in locality pay, travel expenses, etc.). Agencies should assess all benefits and costs before approving a remote work arrangement. Given budget implications, equity considerations, and other factors, agency remote work policies should clearly outline the level of approval required to institute or execute a remote work agreement or position.

**Q 9. What policy considerations, budgetary impact, and implications should agencies consider when evaluating employee requests for remote work?**

- A. An agency should decide, at the outset, whether it will permit remote work. If it does, and believes requests for remote work may recur, it should establish a clear process by which an employee can make a request to work remotely. The agency policy could include requirements to conduct a formal and complete assessment of benefits and costs to determine if the arrangement is cost effective for the Government and the agency. There are various reasons why an employer might decide to approve remote work, including:
- As a retention tool to maintain talent or institutional knowledge.
  - To acquire the knowledge needed for difficult to hire mission-critical talent or hard to find skillsets.
  - To help the agency achieve cost savings with real estate reductions (e.g., office closure, reduced footprint).

- To help an employee balance work and family responsibilities (e.g., spouse required to relocate for their employment, parents with children whose schools may not be reopened).
- To meet the demands of a changing workforce that wishes to have more flexibility.
- To recruit diverse talent from areas of the country for which Federal employment has traditionally required relocation.

Additionally, if the agency contemplates making these opportunities available more than occasionally, the agency should consider establishing policies that make clear the criteria by which remote work arrangements will be evaluated and approved/disapproved to avoid perceptions of favoritism or unfair practices.

See OPM's [Evaluation Guide: Evidence-Based Strategies to Capture the Benefits and Costs of Work-Life Programs](#) to learn more about Agency considerations prior to implementing telework and remote work.

#### **Q 10. Are there limits on what locations are appropriate for remote work?**

- A. As there is no obligation to permit remote work at all, the agency may set whatever parameters it wishes as to the locations in which remote work may be performed. As with telework, the agency may establish standards that must be met with respect to equipment and security of agency documents. The location will also have implications for certain location-based pay entitlements (i.e., locality payments, special rate supplements, and non-foreign area cost-of-living allowances) that are based on the location of the employee's [official worksite](#). Agencies considering remote work arrangements, especially remote work that occurs outside the local commuting area of the agency worksite, must also take into consideration how often the agency will want the employee to physically visit the agency worksite. If the remote worker resides within the local commuting area of the agency worksite, then TDY and relocation benefits will not apply. However, the agency could adopt a policy concerning reimbursement for local travel costs. If an employee's position of record is located outside of the local commuting area of the agency worksite, then reimbursement will apply each time the employee needs to travel back to the office in person.

While agencies are not generally required to cover relocation expenses for employee-driven requests to work remotely on a full-time basis, relocation reimbursement may apply if the agency chooses to relocate the employee back to the agency worksite. Agencies are advised to cover this topic in the remote work agreement, especially if the arrangement was initiated at the employee's request. For example, the agency could specify that relocation will be at the employee's expense if the relocation is the result of a deterioration in the employee's performance. These provisions will vary among agencies, according to specific guidance, allowances, and restrictions.

For policy guidance related to [travel](#) and [relocation](#) benefits, contact GSA.

#### **Q 11. How do employee preferences and performance factor into approving remote work arrangements?**

- A. Alternative work arrangements require more than simply working offsite, and this is especially true for a remote work arrangement where the employee is rarely, if ever, at the agency worksite. Such alternative work arrangements come with challenges and require new skill sets for the employee unfamiliar with working in dispersed or virtual teams, and for supervisors unfamiliar with managing

dispersed or virtual teams, so not every position or every employee is suited for this arrangement. Agencies may want to consider multiple factors, including individual work style preferences, team dynamics, and job characteristics, when making decisions about whether to permit remote work in particular instances. In addition to any formal evaluations required by their agency, agencies should advise employees in their remote work policies to conduct an honest self-evaluation when determining whether they would benefit from working in an environment where there is reduced in-person or on-site interaction with managers or members of the team. Employees may want to talk to other remote workers to gain information to help decide if remote work is a viable option.

When implementing the telework program and any remote work program for the agency, managers should keep in mind that the performance standards for a teleworking employee or remote worker must be the same as performance standards for employees in the same position who do not work from an alternative location. Also, management expectations for performance should be clearly addressed in an employee's performance plan, regardless of whether the employee is working onsite or at an alternative location. When an employee participates in telework or remote work, expectations related to accountability do not differ by virtue of the alternative arrangement. Following clear and consistent performance management principles and techniques should result in a seamless transition for managers and their employees moving to alternative work arrangements.

Federal agencies offer a wide range of resources to assist Federal Agencies in performance management:

- OPM offers [guidance to managers](#) regarding employee performance management.
- [Telework.gov](#) contains information about performance and results-oriented management approaches under telework or remote work.
- [Performance Management Plus](#): An online course for employees, supervisors and HR professionals that leverages employee and supervisor relationships to reinforce key performance management principles and processes.
- [Managing in a Virtual Environment](#): The first part of this video series focuses on developing a successful telework strategy to ensure program success. The second part demonstrates how effective performance management can lead to organizational success in a virtual environment.

**Q 12. Should agencies provide additional resources to telework or remote work employees such as office equipment, extra monitors, phones, headsets, chairs, and standing desks?**

- A. If the position was posted as one for which work would be performed remotely, then the agency should provide the incumbent with the equipment needed to effectively perform the duties of the position. If the agency is permitting remote work at the incumbent's request, the agency has latitude to decide what equipment to offer. Similarly, because participation in telework is voluntary, and initiated at the employee's request, agency policies may vary as to what is supplied for telework. Of course, agencies should consult with their Chief Information Officers or equivalents about security requirements with respect to information technology, which may determine who should be permitted to acquire such equipment. Where possible, agencies should also outline in their remote work and telework policies the equipment and services the agency will provide and the equipment and services employees will be expected to provide, under various circumstances. These provisions will vary among agencies, according to specific guidance, allowances, and restrictions.



All teleworkers and remote workers must be made aware that any Government items provided to an employee remain the property of the U.S. Government and must be managed and handled in accordance with Government-wide and agency-specific policies and guidance. The general principle is that the Government may not provide items that are used significantly for non-official activity (see [GAO B-326021](#) decision).

Agencies should use agency property and excess property to the greatest extent practicable before acquiring new property ([FMR 102-36](#)). Agencies should address in their telework and remote work policies the disposition of Government-provided resources.

[Telework.gov](#) also describes critical IT, property, and security considerations related to telework.

**Q 13. What, if any, additional training should agencies consider offering to teleworkers and remote workers?**

- A. The [Telework Enhancement Act of 2010](#) requires agencies to ensure that "an interactive telework training program is provided to employees eligible to participate in the telework program of the agency; and all managers of teleworkers..." While OPM offers [basic telework training modules for employees and managers](#) on [Telework.gov](#), agencies may also provide their own telework training opportunities that are specific to the needs of their workforce.

Agencies are free to develop their own training requirements for remote work.

Additionally, maintaining strong performance in an alternative location environment requires employees and their supervisors to be well trained not only on their agency's policies, criteria for eligibility, roles and responsibilities, and expectations for maintaining acceptable performance, but also on the support that is available to help supervisors and their staff develop new ways to collaborate and communicate.

**Q 14. What are the general considerations for telework and dependent care during emergency situations?**

- A. Agencies should address in their telework policies potential situations that may prevent or impact an employee's ability to effectively perform their duties at home. This includes policies regarding the conditions under which employees may telework when they have a young child or other person requiring the presence of a caregiver in the home.

An agency that has a general bar on teleworking when there are young children or other persons requiring care and supervision by the employee in the home should reevaluate that policy in light of its experience during the pandemic. In many instances, these policies assume a rigid adherence to specific work hours. Agencies may want to consider offering teleworking employees with dependent care responsibilities a maxiflex work schedule, which is a type of flexible work schedule (FWS) that, when combined with telework, provides the most flexibility to employees who need to address the dual demands of work and caregiving, as well as other personal responsibilities. Providing teleworking employees with flexibility concerning their hours of work may allow them to meet the obligations of their job while teleworking even while also having child care or other family-related responsibilities. Where the agency mission requires more rigid work schedules (for example,

where coverage of specific customer service shifts is required), agencies may choose to adjust their policies to allow telework on an exceptions basis, such as when normal caregivers are not available (due to a short-term illness or school closure). Under such an exception policy, a teleworking employee would be expected to account for work and non-work hours during their tour of duty and take appropriate leave (paid or unpaid) to account for time spent away from normal work-related duties (e.g., to care for small children).

For additional information, [Options for Telework Eligible Employees with Caregiving Responsibilities](#) provides information specific to the current COVID-19 pandemic that can be used in conjunction with the general principles detailed in [Telework and Dependent Care Guidance](#).

**Q 15. What are some telework policy considerations to help guide agencies in crafting their post reentry policies?**

A. Telework policy considerations that may help guide agencies in crafting their post reentry policies include:

1. Make telework determinations based on the functions of the job, and not mere managerial preference;
2. Treat employees with similar work functions across work units similarly when determining telework eligibility;
3. To the extent possible, try to align telework programs with employee needs and the business goals of each work unit to avoid a one-size fits all approach to telework participation;
4. When possible, have consistent telework policies across locations;
5. When possible, consider restructuring jobs so that all employees, theoretically, could be eligible for at least situational or occasional telework;
6. Make all employees aware of the agency's telework policy and criteria for telework participation;
7. Require all teleworkers and supervisors of teleworkers complete appropriate training before entering into a telework agreement;
8. Provide adequate telework training to supervisors on how to assess and manage the performance of teleworkers; and
9. If appropriate, allow some or all teleworkers to meet emergency operations or COOP duties through telework rather than reporting to the normal or designated COOP site. Encourage mission essential and non-mission essential employees to practice telework to help the agency prepare to meet emergency situations.

**Official Worksites for Location-Based Pay Purposes**

Notes:

- The FAQs in this section provide guidance on [official worksites only for the purpose of determining the cited location-based pay entitlements](#). The OPM regulations cited in these FAQs use the term “official worksite” to describe the specific location of the employee’s position of record for location-based pay purposes, which may be the location of the agency worksite or the alternative worksite. The cited regulations also use the term “regular worksite” to describe the location where the employee would normally work absent a telework agreement, which is generally synonymous with the term “agency worksite” used elsewhere in these FAQs.

- For an employee under a pay system that is not covered by the cited regulations, an employee's official worksite for location-based pay purposes must be determined based on the rules governing that pay system.

**Q 16. An agency approves telework for an employee under a telework agreement that requires the employee to report to the agency worksite for the employee's position (i.e., the place where the employee would normally work absent a telework agreement) on a regular and recurring basis.**

**How will the employee's official worksite that is the basis for General Schedule locality pay and other location-based pay be determined?**

- A. The official worksite for a General Schedule employee covered by a telework agreement is the location of the agency worksite for the employee's position (i.e., the place where the employee would normally work absent a telework agreement), as long as the employee is scheduled to report physically at least twice each biweekly pay period on a regular and recurring basis to that agency worksite. It is up to an agency to determine how often an employee reports into the agency worksite. If an employee is not scheduled to report to the agency worksite at least twice each biweekly pay period on a regular and recurring basis (i.e., is a remote worker), the employee's official worksite for location-based pay purposes is the alternative work location under the remote work agreement. Certain temporary exceptions may apply ([5 CFR 531.605\(d\)](#), [5 CFR 530.302](#), and [5 CFR 591.201](#) and [OPM's Official Worksite for Location-Based Pay Purposes fact sheet](#)).

**Q 17. An agency suspends the requirement to report to the official worksite for a teleworker on a temporary basis due to the pandemic or for other temporary situations.**

**How will the employee's official worksite that is the basis for General Schedule locality pay and other location-based pay be determined?**

- A. In certain temporary situations, an agency may designate the location of the agency worksite for a General Schedule employee's position (i.e., the place where the employee would normally work absent a telework agreement) as the official worksite for location-based pay purposes even though the employee is not able to report at least twice each biweekly pay period on a regular and recurring basis to the agency worksite ([5 CFR 531.605\(d\)](#), [5 CFR 530.302](#), and [5 CFR 591.201](#) and OPM's fact sheet [Official Worksite for Location-Based Pay Purposes](#)).
- The current pandemic is an example of an appropriate temporary situation for which an agency may apply this exception to the twice-a-pay-period reporting standard if the telework employee is expected to return to the agency worksite at some point in the future on a regular and recurring basis.
  - An agency may also apply this exception during the current pandemic to any new or current employee if the employee's position is based out of an office in a different geographic location and the employee would be working at that office in the absence of the pandemic and the employee signs a telework agreement.
  - It is the responsibility of the agency to determine when it is no longer appropriate to apply the temporary exception. There is no time limit in the regulations on what

is considered a temporary situation. An agency should consider any applicable OPM or OMB guidance in making these determinations.

- However, if a teleworking employee is not expected to report to the agency worksite on a regular and recurring basis in the future, the temporary exception would no longer be appropriate. See the next FAQ. Agencies may want to review periodically an employee's temporary full-time telework arrangement to certify that any approved temporary exception continues to apply.

**Q 18. An agency approves remote work for an employee on a permanent basis as part of a strategic analysis of its mission needs or to meet the personal needs of an employee that are not inconsistent with the agency's mission. As a remote worker, the employee is not required to report to the regular worksite at least twice each biweekly pay period on a regular and recurring basis. A temporary exception under 5 CFR 531.605(d)(2) does not apply for this employee, because the employee is already working full time at a remote location on a permanent basis (subject to the remote work agreement and any related agency policy).**

**How will the employee's official worksite that is the basis for General Schedule locality pay and other location-based pay be determined?**

- A. As provided in [5 CFR 531.605\(d\)\(3\)](#), if a General Schedule employee is covered by a remote work agreement under which the employee works from home or other specified alternative location full-time and is not required to report to the agency worksite at least twice each biweekly pay period on a regular and recurring basis, there is no need for a temporary exception, and the employee's official worksite is the employee's home or other worksite. An agency must document changes to an employee's official worksite on the employee's Notification of Personnel Action ([Standard Form 50](#) or equivalent). (See "Duty Station" blocks 38 and 39 of the Standard Form 50 showing the city/county and state in which the official worksite is located.) ([5 CFR 530.302](#) and [5 CFR 591.201](#)).

## Hours of Work

**Q 19. What flexibilities do agencies have to provide flexible hours of work to employees?**

- A. Under chapter 61 of title 5, United States Code, agencies have discretionary authority to allow use flexible work schedules. Under a flexible work schedule, a full-time employee may complete their 80-hour biweekly basic work requirement by determining their own work schedule (i.e., work starting and stopping times and breaks) within the limits set by the agency. An agency may limit the number of basic work requirement hours an employee may work on a daily basis (such as, no more than 10 hours per day) or in a workweek. Also, agency-established limits include core hours when an employee is required by the agency to be present for work and flexible hours (or "flexible time bands") during which the employee may choose to vary their arrival and departure times. (As a minimum requirement, a flexible work schedule must have at least 2 core hours on each of 2 workdays within a biweekly pay period.) An agency may determine whether an unpaid meal break is generally required as part of a flexible work schedule. Under certain flexible work schedules (e.g., maxiflex), an employee may have longer workdays and work less than 10 workdays biweekly or have shorter workdays and work more than the 10 workdays biweekly (e.g., work on Saturday). A flexible work schedule can help an employee to balance work and personal responsibilities/preferences. For

example, an employee may wish to adjust working hours to accommodate doctor appointments, dependent care issues, or other family issues. Bargaining unit employees may participate in flexible work schedules only to the extent provided for in a collective bargaining agreement. (See [OPM Handbook on Alternative Work Schedules](#) and OPM's fact sheet [Alternative Flexible Work Schedules](#).)

**Q 20. Can agencies allow employees to work any 8 hours in a day to meet their work hours requirements?**

- A. An agency may approve a flexible work schedule that has an 8-hour daily basic work requirement but allows work to be performed during flexible time bands (e.g., 6:00 am and 10:00 p.m.) during periods chosen by the employee, except that the employee must work during designated core hours. An agency could establish a flexible time band that covers the entire day. In determining flexible time bands, an agency should consider the effects—positive and negative—on the accomplishment of the agency mission.

**Q 21. Can agencies allow employees to work any 40 hours in a week to meet their work hours requirements?**

- A. An agency may approve a flexible work schedule that has a 40-hour weekly basic work requirement but allows the employee to vary by day the work hours performed (e.g., an employee could work for 5 days as follows: 10 hours, 7 hours, 8 hours, 9 hours, and 6 hours). The employee must work during designated core hours and may not work outside of established flexible time bands. To avoid being required to pay premium pay, an agency would likely not allow an employee to voluntarily choose to perform basic work requirement hours on Sunday or a holiday. But in appropriate circumstances an agency could establish flexible time bands that cover all hours on Monday through Saturday (excluding holidays). In determining flexible time bands, an agency should consider the effects on the accomplishment of the agency mission.

**Q 22. Can agencies allow employees to work any 80 hours in a pay period to meet their work hours requirements?**

- A. An agency may approve a flexible work schedule that has an 80-hour biweekly basic work requirement but allows the employee to vary by day and/or week the work hours performed. For example, an employee could work 44 hours over 5 days in one week and 36 hours over 4 days in the second week. Also, an employee could be allowed to choose to have shorter workdays and work more than the normal 10 workdays biweekly (e.g., work on Saturday). An agency could establish a maxiflex schedule with minimal core hours (2 core hours on each of 2 workdays in the biweekly pay period) and flexible time bands that cover all hours on Monday through Saturday (excluding holidays). In determining flexible time bands, an agency should consider the effects on the accomplishment of the agency mission.

**Q 23. If agencies offer maximum flexibility over hours of work, will employees who work more than 8 hours a day or 40 hours in a week be entitled to overtime pay?**

- A. For employees on a flexible work schedule, overtime work hours must be officially ordered in advance by an authorized agency official. Hours that an employee works beyond the normal 8-hour daily and 40-hour weekly overtime thresholds at the employee's choice are not overtime hours of

work (5 U.S.C. 6121(6)). Hours worked voluntarily by an employee beyond those overtime thresholds are non-overtime basic work requirement hours if performed within agency-established limits. However, if an employee exceeds those overtime thresholds because of work officially ordered in advance by an authorized agency official, the employee would be entitled to overtime pay for those work hours. Any overtime hours of work may not be included as part of an employee's basic work requirement hours (5 U.S.C. 6121(3)).

An agency may adopt policies allowing employees to earn credit hours for hours worked voluntarily in excess of the employee's daily or weekly basic work requirement, resulting in hours in excess of the employee's biweekly basic work requirement (e.g., 80 hours for a full-time employee). The accumulated balance of credit hours for a full-time employee that may be carried over into the next pay period may not exceed 24 hours or any lower agency limit. Credit hours may only be earned for work performed during the established flexible time bands. An employee may use credit hours during future basic work requirement hours, subject to supervisory approval and any agency policies that bar use in the same week or pay period.

**Q 24. If agencies offer employees the option to work any 8 hours in a day to meet their work hours requirements, will they have to provide night differential pay for time an employee chooses to spend working at night?**

- A. Normally, night pay for General Schedule employees is payable for any regularly scheduled hours of work between 6 p.m. and 6 a.m. (see 5 U.S.C. 5545(a) and 5 CFR 550.121-550.122). However, special rules apply to night pay for employees on a flexible work schedule. For such an employee, agencies must pay night pay for those hours that must be worked between 6 p.m. and 6 a.m. in order to allow the employee to complete a daily tour of duty of at least 8 hours. Agencies must also pay night pay for any non-overtime work performed between 6 p.m. and 6 a.m. during designated core hours. (See 5 U.S.C. 6123(c).) In other words, if an employee has 8 or more hours available for work during daytime hours (i.e., between 6 a.m. and 6 p.m.) within agency-established limits on when basic work requirement hours may be performed, they are not entitled to night pay because they are voluntarily electing to work during hours for which night pay is normally required (i.e., between 6 p.m. and 6 a.m.). No night pay is payable for basic work requirement (non-overtime) hours if there are 8 hours available to be worked in the flexible time bands outside of the nighttime hours, and no core hours are required during night hours. Night pay is payable for regularly scheduled overtime work during night hours.

## **Evacuation Pay Status**

**Q 25. Will agencies be able to use the pandemic provision in the evacuation pay regulations after reaching the 180-day limit?**

- A. Agencies are authorized to invoke the pandemic provision in the evacuation pay regulations to evacuate an individual or group of employees from the regular worksite ([5 CFR 550.409](#)). This provision may be invoked to require an employee without a telework agreement to work from home or another alternative worksite. This provision may also be invoked in connection with employees who have caregiving responsibilities as a result of not being able to obtain the services of a caregiver for COVID-19 reasons. The invocation of the evacuation pay provision would allow the

use of a limited amount of excused absence for caregiving responsibilities (OPM's fact sheet [Options for Telework-Eligible Employees with Caregiving Responsibilities](#)).

- Agencies may continue to use the pandemic provision in the evacuation pay regulations as long as the COVID-19 pandemic continues, subject to the 180-day limit.
- If the 180-day period expires, an agency may initiate a new evacuation order for up to another 180 days, since the COVID-19 pandemic persists. An agency may continue to initiate evacuation orders for subsequent periods of up to 180 days each, so long as the pandemic health crisis exists.

**Q 26. May an agency place an employee in evacuation status on an intermittent basis?**

- A. An agency may determine that an employee may be in evacuation status on an intermittent basis. In other words, an agency may issue an evacuation order that does not require the employee to perform work from home continuously. Instead, an employee may work at the regular worksite on some days and work from home as an evacuated employee on other days. This approach allows agencies to limit the number of employees reporting to the regular worksite, which supports physical distancing consistent with an agency's COVID-19 workplace safety plan. For example, an agency may establish rotating cohorts of employees with different schedules for working from home. On days the employee works from home, the employee is considered to be in evacuation pay status and subject to the evacuation pay rules.

On a day when an employee is in evacuation status, the employee may be in any of the following secondary statuses during his or her tour of duty:

- working (away from the regular worksite);
- absence on a holiday (holiday time off);
- applicable personal leave or other paid time off status, if there is work to perform but the employee requests to be excused from duty (e.g., sick leave, annual leave, LWOP, compensatory time off in lieu of overtime, credit hours, etc.);
- excused absence under evacuation pay authority, if there is work to perform but the agency determines there are compelling reasons to excuse the employee for limited periods (e.g., caregiving situation); or
- weather and safety leave, if there is no work to perform.

## **Labor/Employee Relations**

**Q 27. When teleworking employees return to their official offices of record as part of an agency's reentry plan, will agencies have collective bargaining obligations with respect to bargaining unit employees?**

- A. There may be collective bargaining obligations. Pursuant to their reentry plans, agencies may rescind evacuation orders if applicable and recall teleworkers to their agency worksite. Agencies are encouraged to communicate with employees and the appropriate union representatives as soon as practicable regarding their plans for the post-reentry workplace.



**Q 28. Do agencies need to complete collective bargaining before they can direct employees to return to the worksite?**

- A. Agencies should complete any applicable collective bargaining obligations before directing employees to return to the agency worksite. While an agency has the right under 5 U.S.C. 7106(a) to determine the location where particular employees will work, there may be an obligation to collectively bargain on implementation of any decision to return employees from maximum telework status prior to implementation of this decision.

Since many employees have been on maximum telework status for an extended period of time and agencies have made adjustments to many workplace policies, procedures, and practices for safety reasons, any direction to return to the worksite will likely result in changes to conditions of employment that must be negotiated with relevant Federal employee unions. An agency should provide notice to the union(s) and a reasonable opportunity to bargain over these changes. Agencies should consult with offices of human resources and agency legal counsel to determine appropriate labor relations obligations.

**Q 29. On what topics must agencies bargain in connection with directing employees to return to the worksite?**

- A. There may be a number of topics an agency may be asked to collectively bargain over in connection with directing employees to return to the worksite. Some topics that may come up include, but are not limited to, the following:
- How much advance notice will employees be provided before they are required to return to the office?
  - How will any decision to return to the office be communicated to the workforce?
  - What safety measures will be established to help protect the workforce when returning to the work location and how will they be implemented?
  - What options are available to employees who are telework eligible and otherwise interested in continuing to telework on a greater basis?
  - Will the agency be able to provide assistance to employees on dependent care issues?
  - What transit subsidies or parking benefits will be available to employees directed to return to agency worksites?
  - What steps will the agency take to enforce new safety requirements?

These are some examples of issues that may come up through the collective bargaining process. In light of this, agencies are strongly encouraged to take the necessary time to work with their unions to address any issues that come up. Agencies should consult with offices of human resources and agency legal counsel to determine appropriate labor relations obligations.

**Q 30. How does the EO 14003 direction to bargain over permissive subjects contained in 5 USC 7106(b)(1) impact agency plans to return workers to their official office of record?**

- A. Agencies are reminded that Section 4 of Executive Order (EO) 14003 provides that “[t]he head of each agency subject to the provisions of chapter 71 of title 5, United States Code, shall elect to



negotiate over the subjects set forth in 5 U.S.C. § 7106(b)(1) and shall instruct subordinate officials to do the same.” OPM’s guidance regarding implementation of EO 14003 is found here: <https://www.chcoc.gov/content/guidance-implementation-executive-order-14003-protecting-federal-workforce>.

The subjects set forth in 5 U.S.C. § 7106(b)(1) include:

- the numbers, types, and grades of employees assigned to any organizational subdivision, work project, or tour of duty; or
- the technology, methods, and means of performing work.

Through various decisions, the Federal Labor Relations Authority (FLRA) has provided some explanation of these subjects over the years:

- “Numbers, types, and grades” concerns the establishment of agency staffing patterns, or the allocation of staff, to agency subdivisions, work projects, or work shifts;
  - “Numbers” refers to the number of employees or staff to be assigned duties (*to any organizational subdivision, work project, or tour of duty*);
  - “Types” refers to distinguishable classes, kinds, groups or categories of employees or positions that are relevant to the establishment of staffing patterns (*for any organizational subdivision, work project, or tour of duty*);
  - “Grades” refers to the grades of employees to be assigned duties (*to any organizational subdivision, work project, or tour of duty*)<sup>1</sup>;
  - “Organizational subdivision” refers to the organizational structure;
  - “Work project” means a particular job or task;
  - “Tour of duty” refers to periods when employees are on duty or hours of work shifts;
- “Technology” has been construed to refer to the technical method an agency will use in accomplishing or furthering the performance of its work; and
- “Method” has been construed to refer to the way in which an agency performs its work;
- “Means” has been construed to refer to any instrumentality, including an agent, tool, device, measure, plan, or policy used by an agency for the accomplishment or furtherance of the performance of its work.

Consistent with the direction by the President to agencies, there may be any number of topics unions may raise in the collective bargaining process that fall under 5 U.S.C. § 7106(b)(1) and that agencies must collectively bargain over pursuant to the direction by the President. Examples include, but are not limited to proposals concerning:

- Agency staffing patterns or the allocation of staff – this may be relevant to determining how many or the types of employees to assign work on specific work assignments or during a particular work shift; and

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<sup>1</sup> 5 U.S.C. 7103(a)(14) excludes “the classification of any position” from “conditions of employment” for determining when matters are subject to collective bargaining. Generally, “numbers, types, and grades” are considered together when discussing establishment of agency staffing patterns. For example, a union may seek to negotiate that a certain “type” of employee be assigned to a “work project.” Typically, a specific ‘type’ of employee has a position description containing the duties of the job along with the job title and occupational series. Based on those duties, the job has already been classified by the agency at a particular grade level.

- Technology – a union may seek to negotiate over the agency providing a particular type of technology to assist employees in accomplishment or performance of their work.

In accordance with EO 14003, agency and union representatives will bargain over these subjects in good faith with the objective of reaching an agreement or request assistance of the Federal Mediation and Conciliation Service and Federal Service Impasses Panel to resolve the impasse.

**Q 31. What actions can be considered if an employee currently on telework refuses to come back to the official worksite associated with the employee’s position of record (“official worksite”) at such time as an agency recalls teleworking employees to their offices pursuant to its reentry plan?**

- A. Employees are expected to report for work and perform the normal duties of their position as directed by an agency, unless in an approved leave status. If an employee fails to report for duty without an administratively acceptable reason for their absence, the employee could be considered absent without leave and be subject to disciplinary action, up to and including removal from Federal service. The agency makes the determination as to whether the employee has an administratively acceptable reason for their absence.

An agency may determine that circumstances justify excusing an employee from duty and allowing the employee to use accrued leave or approving telework (if the employee is telework eligible) because of circumstances unique to the employee. In evaluating the circumstances, agencies should be mindful of [Executive Branch policy](#) regarding return to the workplace and the steps the agency has taken to implement safety plans relative to health, safety, and workplace operations pursuant to [Executive Order 13991 – Protecting the Federal Workforce and Requiring Mask-Wearing](#).

**Q 32. If an employee is separated under the adverse action procedures in Chapter 75 of the Title 5 of the U.S. Code and [5 CFR part 752](#) after refusing to report back to the official worksite after a period of maximum telework outside of the commuting area of the official worksite of record, is he or she entitled to severance pay?**

- A. If an employee’s official worksite has not changed to an alternative worksite (i.e., a remote location) during the pandemic, notwithstanding that the employee temporarily worked outside of the commuting area during the period the agency was in a “maximum telework” posture, there is no severance pay entitlement if the employee is separated for refusing to report back to the agency worksite. This is because the official worksite has remained the agency worksite and requiring an employee to report to his or her official worksite is not a reassignment outside of the employee’s commuting area for severance pay purposes.

**Q 33. How should supervisors manage poor performers if they are teleworkers or remote workers?**

- A. There should be no significant difference between managing the performance of an employee who is teleworking or working remotely and of an employee who works in the office. As a threshold consideration, management expectations for performance should be clearly addressed in the employee's performance plan, and the performance plan should be reviewed to ensure the standards do not create inequities or inconsistencies between teleworking or remote employees and employees who work only at an agency office. Like non-teleworking employees, teleworkers and remote workers are held accountable for their performance against applicable performance

standards. Managing performance of teleworking or remote employees may require the supervisor to rethink and expand techniques for observing and evaluating work in progress.

Under most circumstances, poor performance would result in suspension or termination of a telework agreement. However, terminating a telework or remote work arrangement, particularly if the employee resides outside the local commuting area of the agency worksite, may require additional considerations. In an approved remote work arrangement, the employee's worksite (e.g., home) becomes the employee's official duty station for pay and other purposes. If the employee resides outside the local commuting area of the agency worksite, there may not be a Government site where the employee can report following an agency determination that the remote work arrangement is negatively impacting the employee's performance. In such a case, an agency may determine that an employee is a better candidate for a PIP that can be done remotely at the alternative worksite versus requiring the struggling employee to work onsite via a management-directed reassignment. In such cases, the PIP should contain a description of the manner in which the employees and the supervisor will communicate during the PIP and any barriers that should be resolved before the opportunity period begins.

**Q 34. When does the refusal to return to in-person work become a conduct problem, and what resources will be available for employees who are anxious about returning to work or for the managers who must approve or deny their requests to continue teleworking?**

- A. Many employees will face challenges in transitioning to the post-reentry workplace, and agencies are encouraged to work with employees to address specific circumstances to assist them in returning to a post-reentry footing. For many employees, returning to the office on a regular basis will require a substantial transition in their day-to-day lives.

If necessary, agencies may direct employees to return to the official worksite consistent with Executive Branch policy regarding return to the workplace and agency COVID-19 workplace safety plans established pursuant to [Executive Order 13991](#). If an employee fails to report for duty without an administratively acceptable reason for his or her absence, the employee could be considered absent without leave (AWOL) and may be subject to disciplinary action, up to and including removal from Federal service. Supervisors should consult with agency human resources office and agency legal counsel, as appropriate, to determine appropriate actions if this occurs. Agencies are strongly encouraged to consider all facts and circumstances in each case. Agencies should determine if other options are appropriate, such as allowing employees to continue telework, on a temporary basis, or request personal leave (e.g., annual leave, sick leave if applicable, or leave without pay).

Agencies should also encourage use of their [Employee Assistance Program \(EAP\)](#) as a resource for employees as well as supervisors and managers. EAP can provide guidance about stress management, dependent care referrals, and other topics that may help employees and supervisors address concerns related to returning to the official worksite. Supervisors are encouraged to consult with their human resources office to discuss any issues related to employees returning to the workplace.

**Q 35. If an employee who returns to the agency worksite exhibits signs of illness, may a supervisor order the employee to leave work or to work from home? If so, will the employee be paid during the absence?**

- A. Any individual, regardless of vaccination status, who develops any symptoms consistent with COVID-19 during the workday must immediately isolate, wear a mask (if the individual is not already doing so and one is available), notify their supervisor, and promptly leave the workplace. Agencies should have processes in place to provide advice and support to supervisors on any related reporting or human resources requirements. Supervisors should remind the employee of their leave options (e.g., emergency paid leave, sick leave, annual leave, earned compensatory time off, earned credit hours, or other paid time off) if available to the employee, and telework options if authorized by the agency and the employee is physically able and willing to telework.

If the employee has no leave available, supervisors are authorized to approve requests for advanced leave, donated leave under the Voluntary Leave Transfer or Voluntary Leave Bank Programs, if appropriate, or leave without pay in certain circumstances. When these leave options are not practical, a viable alternative, when the employee is covered by a telework agreement, is for the employee to work from home pursuant to an ad hoc arrangement approved by the employee's supervisor. When an employee opts not to take leave or telework voluntarily, a supervisor may find it appropriate to enforce the employee's use of leave. Supervisors should consult with agency human resources offices and agency legal counsel before taking such steps, including placing the employee in a paid, non-duty status during the advance notice period for enforced leave. Enforced leave is an adverse action that imposes procedural requirements (i.e., advance notice, an opportunity to reply, the right to representation, and an agency decision) before actually enforcing the use of leave. Enforced leave of 14 days or less may be subject to agency administrative grievance procedures or negotiated grievance procedures. In addition, enforced leave lasting longer than 14 days may be appealed to the Merit Systems Protection Board (MSPB) or potentially grieved under an applicable negotiated grievance procedure.

## Telework and Remote Work Example Scenarios Official Worksite, Pay, and Travel Guidance

Agencies are responsible for determining and documenting the official worksite<sup>1</sup> (and any change in the official worksite) for each of their employees. An employee's official worksite may be used for determining an employee's pay and travel benefits and for other purposes. In traditional work arrangements, an employee's official worksite is typically the location of the agency worksite where the employee works or where the employee's work activities are based. Under telework and remote work arrangements, an employee performs his or her duties and responsibilities part or all the time from an approved alternative worksite (e.g., an employee's residence). This fact sheet provides guidance and example scenarios to assist agencies in determining official worksites and location-based pay entitlements and travel benefits for employees in such approved arrangements.<sup>2</sup> This guidance must be read in conjunction with applicable laws, regulations, guidance, and agency policies.

**Note:** We strongly encourage agency travel and human resources offices to collaborate when establishing telework and remote work policies. It is important that both offices are involved in preparing the agency-specific guidance that may be provided to the workforce given the complexity of the issues involved.

### Definitions (for the purpose of this fact sheet)

- *Agency worksite* refers to the official Federal agency location where work activities are based, generally considered a centralized location of an employee's assigned organization. The term *regular worksite* is also used to describe the agency worksite. (For example, see 5 CFR 531.605(d).)
- *Alternative worksite* is generally considered an employee's approved telework or remote work site (e.g., an employee's residence).
- *Official station*, for travel purposes, is an area defined by the agency that includes the location where the employee regularly performs his or her duties. The area may be a mileage radius around a particular point, a geographic boundary, or any other definite domain, provided no part of the area is more than 50 miles from where the employee regularly performs his or her duties. (See 41 CFR 300-3.1.) The proximity of travel to the employee's official worksite determines whether an expense is reimbursed as a local transportation expense or as a temporary duty (TDY) travel expense incurred away from the employee's

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<sup>1</sup> "Official worksite" as used in this fact sheet corresponds with the term "duty station," as documented on an employee's Standard Form 50 (SF-50). The duty station on the SF-50 is identified by codes that identify a city and/or county in which the official worksite is located. For additional information on duty station documentation requirements, see the SF-50 instructions at <https://www.opm.gov/forms/pdfimage/sf50.pdf> and Chapter 23 of the Guide to Processing Personnel Actions at <https://www.opm.gov/policy-data-oversight/data-analysis-documentation/personnel-documentation/processing-personnel-actions/gppa23.pdf>.

<sup>2</sup> This guidance does not address mobile work situations, which may have different rules.

official station as described in the Federal Travel Regulation (FTR) in 41 CFR parts 301-304.<sup>3</sup>

- *Official worksite* may be either the agency worksite or an alternative worksite (e.g., an employee's residence).
- *Remote work* is an arrangement in which an employee is scheduled to perform work at an alternative worksite and is not expected to report to an agency worksite on a regular and recurring basis.
- *Telework* is an arrangement in which an [employee](#) (1) as part of an ongoing regular schedule, works at an alternative worksite (e.g., an employee's residence) on some days and at an agency worksite on other days or (2) works at an alternative worksite occasionally (e.g., situational telework in a weather or safety leave event).

## Official Worksite for Location-Based Pay Purposes

For General Schedule and other employees under the title 5 locality pay program, a telework employee must be scheduled to work at the agency worksite at least twice each biweekly pay period on a regular and recurring basis for the employee's official worksite to be the agency worksite and for the employee to receive the locality pay rate applicable for the agency worksite. An agency may approve an exception to this reporting requirement for teleworkers in certain emergency or other temporary situations. If the employee isn't scheduled to report to the agency worksite at least twice each biweekly pay period on a regular and recurring basis and there is no temporary exception, the official worksite for locality pay purposes is the alternative worksite. (See 5 CFR 531.605.) Similar rules apply to determining an employee's special rate and nonforeign area cost-of-living allowance. See 5 CFR part 530, subpart C, and 5 CFR part 591, subpart B. Employees covered by other pay systems may be subject to different rules.

## Example Scenarios

The following are examples of official worksite, General Schedule locality pay, and travel scenarios for various telework and remote work arrangements. Each example is accompanied by a map as a visual aid.

### Scenario 1

A General Schedule employee **teleworks** at the employee's residence and is scheduled to report to an agency worksite at least twice each biweekly pay period on a regular and recurring basis.

Example A: The agency worksite is a location in Washington, DC, which is in the Washington-Baltimore locality pay area. The agency has established a 50-mile official station radius surrounding the agency worksite for local travel reimbursement. The employee's alternative worksite when teleworking is at the employee's residence in Urbana,

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<sup>3</sup> See also 5 CFR 550.112(g) and (j) and 551.422 for rules concerning time spent traveling as hours of work for overtime pay and compensatory time off under title 5 and the Fair Labor Standards Act and 5 CFR part 550, subpart N, for time in a travel status qualifying for compensatory time off for travel.

MD (in Frederick County, MD), which is also in the Washington-Baltimore locality pay area and within the 50-mile official station radius<sup>4</sup> for the agency worksite in Washington, DC.

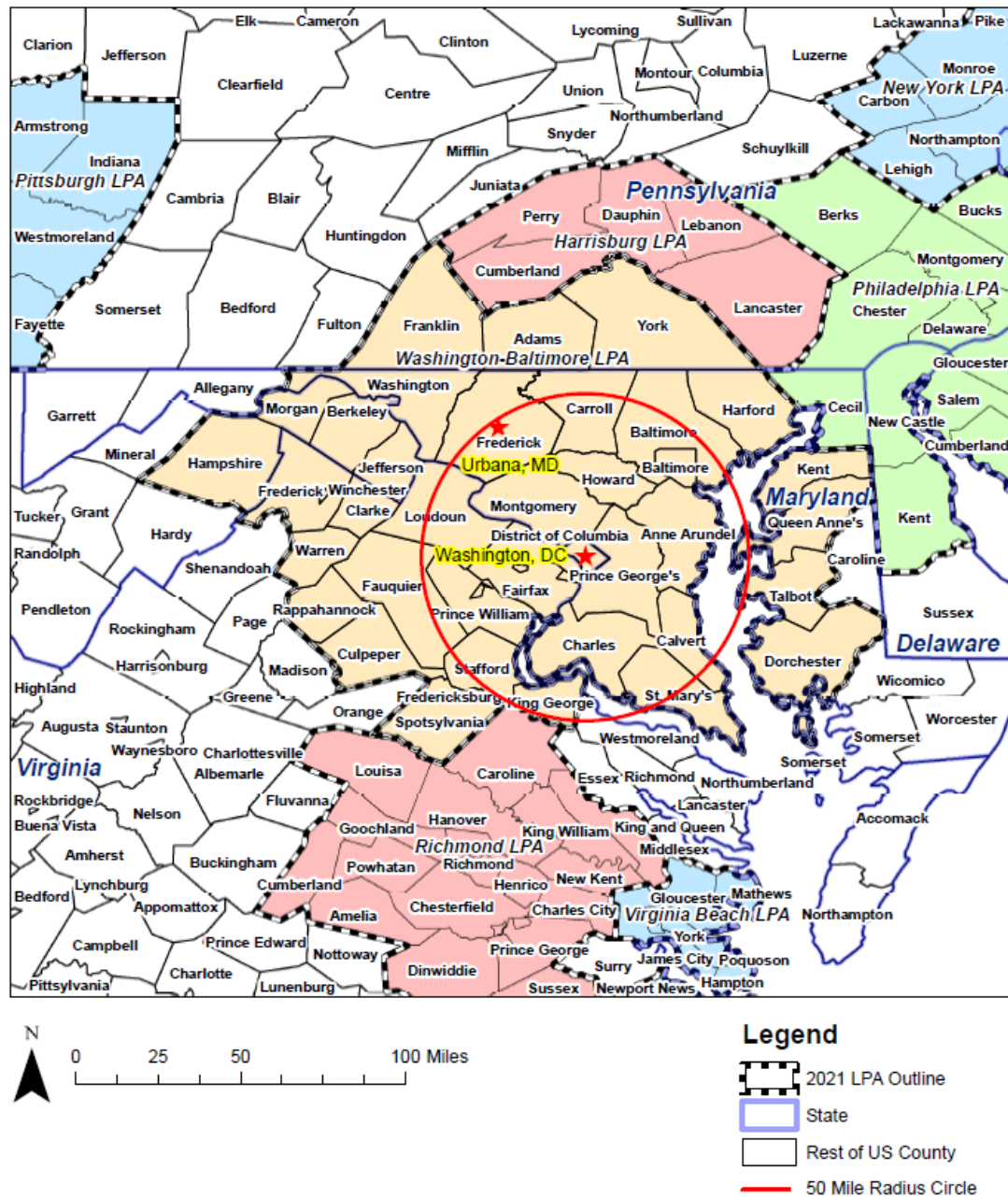
- *Locality pay:* Since the employee performs work at the agency worksite at least twice each pay period on a regular and recurring basis, the employee's official worksite for locality pay purposes is the location of the agency worksite in Washington, DC. (See 5 CFR 531.605(d)(1).) The agency must document the Washington, DC, agency worksite as the employee's "duty station" on an SF-50 and the employee will receive the locality rate associated with the Washington-Baltimore locality pay area. (See 5 CFR 531.605(a)(3).)
- *Commuting expenses:* The employee is not eligible for reimbursement of transportation expenses when required to perform work at the agency worksite. Commuting expenses, regardless of where the employee begins his or her commute, are considered personal business and not official business for the Government.
- *Transit subsidy:* The employee may be eligible for transit subsidy benefits to offset any covered commuting costs.
- *Travel reimbursement:* Transportation expenses in and around the agency worksite and alternative worksite may be reimbursed as a local travel expense in accordance with agency policy. Temporary duty (TDY) travel away from the agency worksite (i.e., more than 50 miles away) must be authorized in accordance with the FTR. Eligibility for per diem is based on FTR §301-11.1.

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<sup>4</sup> Each of the example scenarios in this factsheet use a 50-mile radius for the agency-defined official station as the maximum radius allowed under law.



# Example 1A Map: 2021 Locality Pay Area (LPA) Maps Washington-Baltimore LPA



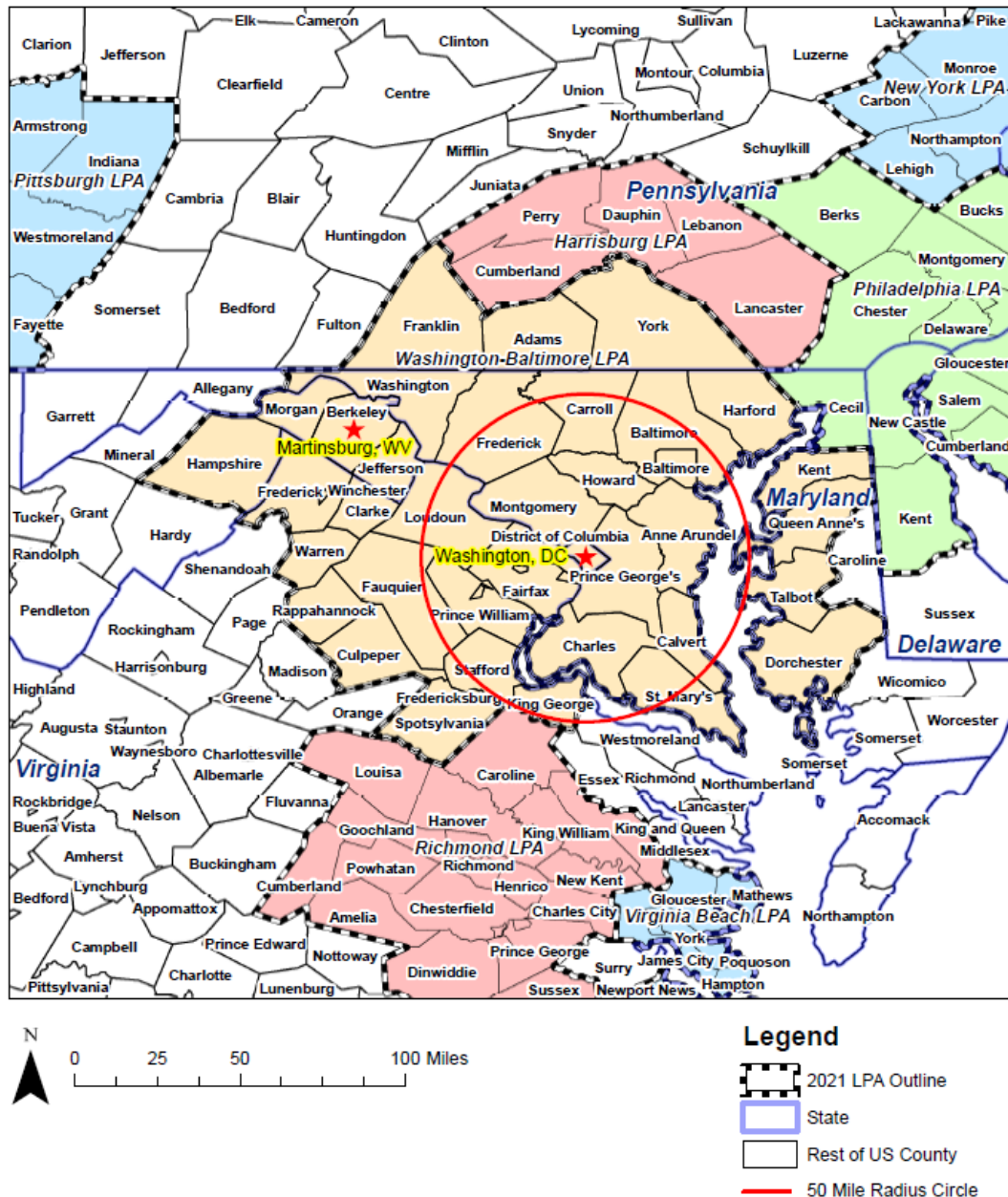
Map 1A depicts an example in which an employee has an agency worksite in Washington, DC, which is in the Washington-Baltimore locality pay area, and an alternative worksite under a telework arrangement at the employee's residence in Urbana, MD, which is also in the Washington-Baltimore locality pay area. The map shows that the alternative worksite in Urbana, MD, is inside the 50-mile official station radius for the agency worksite in Washington, DC. The geographic definitions of locality pay areas are available at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2021/locality-pay-area-definitions/>. For further information, please send an email message to [Pay-Leave-Policy@opm.gov](mailto:Pay-Leave-Policy@opm.gov).



Example B: The agency worksite is a location in Washington, DC, which is in the Washington-Baltimore locality pay area. The agency has established a 50-mile official station radius surrounding the agency worksite for local travel reimbursement. The employee's alternative worksite when teleworking is at the employee's residence in Martinsburg, WV (in Berkeley County, WV), which is in the Washington-Baltimore locality pay area, but outside the 50-mile official station radius for the agency worksite in Washington, DC.

- *Locality pay:* Since the employee performs work at the agency worksite at least twice each pay period on a regular and recurring basis, the employee's official worksite for locality pay purposes is the location of the agency worksite in Washington, DC. (See 5 CFR 531.605(d)(1).) The agency must document the Washington, DC, agency worksite as the employee's "duty station" on an SF-50, and the employee will receive the locality rate associated with the Washington-Baltimore locality pay area. (See 5 CFR 531.605(a)(3).)
- *Commuting expenses:* The employee is not eligible for reimbursement of transportation expenses when required to perform work at the agency worksite. Commuting expenses, regardless of where the employee begins his or her commute, are considered personal business and not official business for the Government.
- *Transit subsidy:* The employee may be eligible for transit subsidy benefits to offset any covered commuting costs.
- *Travel reimbursement:* Transportation expenses in and around the agency worksite and alternative worksite may be reimbursed as a local travel expense in accordance with agency policy. Temporary duty (TDY) travel away from the agency worksite (i.e., more than 50 miles away) must be authorized in accordance with the FTR. Eligibility for per diem is based on FTR §301-11.1.

**Example 1B Map:  
2021 Locality Pay Area (LPA) Maps  
Washington-Baltimore LPA**



Map 1B depicts an example in which an employee has an agency worksite in Washington, DC, which is in the Washington-Baltimore locality pay area, and an alternative worksite under a telework arrangement at the employee's residence in Martinsburg, WV, which is also in the Washington-Baltimore locality pay area. The map shows that the alternative worksite in Martinsburg, WV, is outside the 50-mile official station radius for the agency worksite in Washington, DC. The geographic definitions of locality pay areas are available at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2021/locality-pay-area-definitions/>. For further information, please send an email message to [Pay-Leave-Policy@opm.gov](mailto:Pay-Leave-Policy@opm.gov).

Example C: The agency worksite is a location in Washington, DC, which is in the Washington-Baltimore locality pay area. The agency has established a 50-mile official station radius surrounding the agency worksite for local travel reimbursement. The employee's alternative worksite when teleworking is at the employee's residence in Bowling Green, VA (in Caroline County, VA), which is in the Richmond, VA, locality pay area, and outside the 50-mile official station radius for the agency worksite in Washington, DC.

- *Locality pay:* Since the employee performs work at the agency worksite at least twice each pay period on a regular and recurring basis, the employee's official worksite for locality pay purposes is the location of the agency worksite in Washington, DC. (See 5 CFR 531.605(d)(1).) The agency must document the Washington, DC, agency worksite as the employee's "duty station" on an SF-50, and the employee will receive the locality rate associated with the Washington-Baltimore locality pay area. (See 5 CFR 531.605(a)(3).)
- *Commuting expenses:* The employee is not eligible for reimbursement of transportation expenses when required to perform work at the agency worksite. Commuting expenses, regardless of where the employee begins his or her commute, are considered personal business and not official business for the Government.
- *Transit subsidy:* The employee may be eligible for transit subsidy benefits to offset any covered commuting costs.
- *Travel reimbursement:* Transportation expenses in and around the agency worksite and alternative worksite may be reimbursed as a local travel expense in accordance with agency policy. Temporary duty (TDY) travel away from the agency worksite (i.e., more than 50 miles away) must be authorized in accordance with the FTR. Eligibility for per diem is based on FTR §301-11.1.

# Example 1C Map: 2021 Locality Pay Area (LPA) Maps Washington-Baltimore LPA



Map 1C depicts an example in which an employee has an agency worksite in Washington, DC, which is in the Washington-Baltimore locality pay area, and an alternative worksite under a telework arrangement at the employee's residence in Bowling Green, VA, which is in the Richmond, VA, locality pay area. The map shows that the alternative worksite in Bowling Green, VA, is outside the 50-mile official station radius for the agency worksite in Washington, DC. The geographic definitions of locality pay areas are available at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2021/locality-pay-area-definitions/>. For further information, please send an email message to [Pay-Leave-Policy@opm.gov](mailto:Pay-Leave-Policy@opm.gov).

## Scenario 2

General Schedule employee **teleworks** at the employee's residence and is scheduled to report to an agency worksite at least twice each biweekly pay period on a regular and recurring basis. However, the employee is temporarily unable to report to the agency worksite due to an emergency, recovery from an injury or illness, or another similar temporary situation. Prior to the temporary situation, the employee's official worksite was the location of the agency worksite.

The examples in scenario 1, above, apply in this scenario 2.

- *Locality pay:* The agency may make an exception to the twice-in-a-pay-period standard for reporting to the agency worksite in such a temporary situation and may keep the employee's official worksite for locality pay purposes as the location of the agency worksite. (See 5 CFR 531.605(d)(2).) No SF-50 duty station change is required if a temporary exception is approved.
- *Commuting expenses:* The employee is not eligible for reimbursement of transportation expenses when required to perform work at the agency worksite. Commuting expenses, regardless of where the employee begins his or her commute, are considered personal business and not official business for the Government.
- *Transit subsidy:* The employee may be eligible for transit subsidy benefits to offset any covered commuting costs.
- *Travel reimbursement:* Transportation expenses in and around the agency worksite and alternative worksite may be reimbursed as a local travel expense in accordance with agency policy. Temporary duty (TDY) travel away from the agency worksite (i.e., more than 50 miles away) must be authorized in accordance with the FTR. Eligibility for per diem is based on FTR §301-11.1.

## Scenario 3

General Schedule employee is approved for **remote work** at an alternative worksite at the employee's residence that is in the same locality pay area as the location of the agency worksite.

Example A: The agency worksite is a location in Washington, DC, which is in the Washington-Baltimore locality pay area. The employee's alternative worksite under remote work is at the employee's residence in Urbana, MD (in Frederick County, MD), which is also in the Washington-Baltimore locality pay area. The agency has established a 50-mile official station radius surrounding the alternative worksite in Urbana, MD, for local travel reimbursement. The agency worksite in Washington, DC, is within the 50-mile official station radius for the alternative worksite in Urbana, MD.<sup>5</sup>

- *Locality pay:* Since the employee does not report to the agency worksite at least twice each pay period on a regular and recurring basis, the employee's official worksite for

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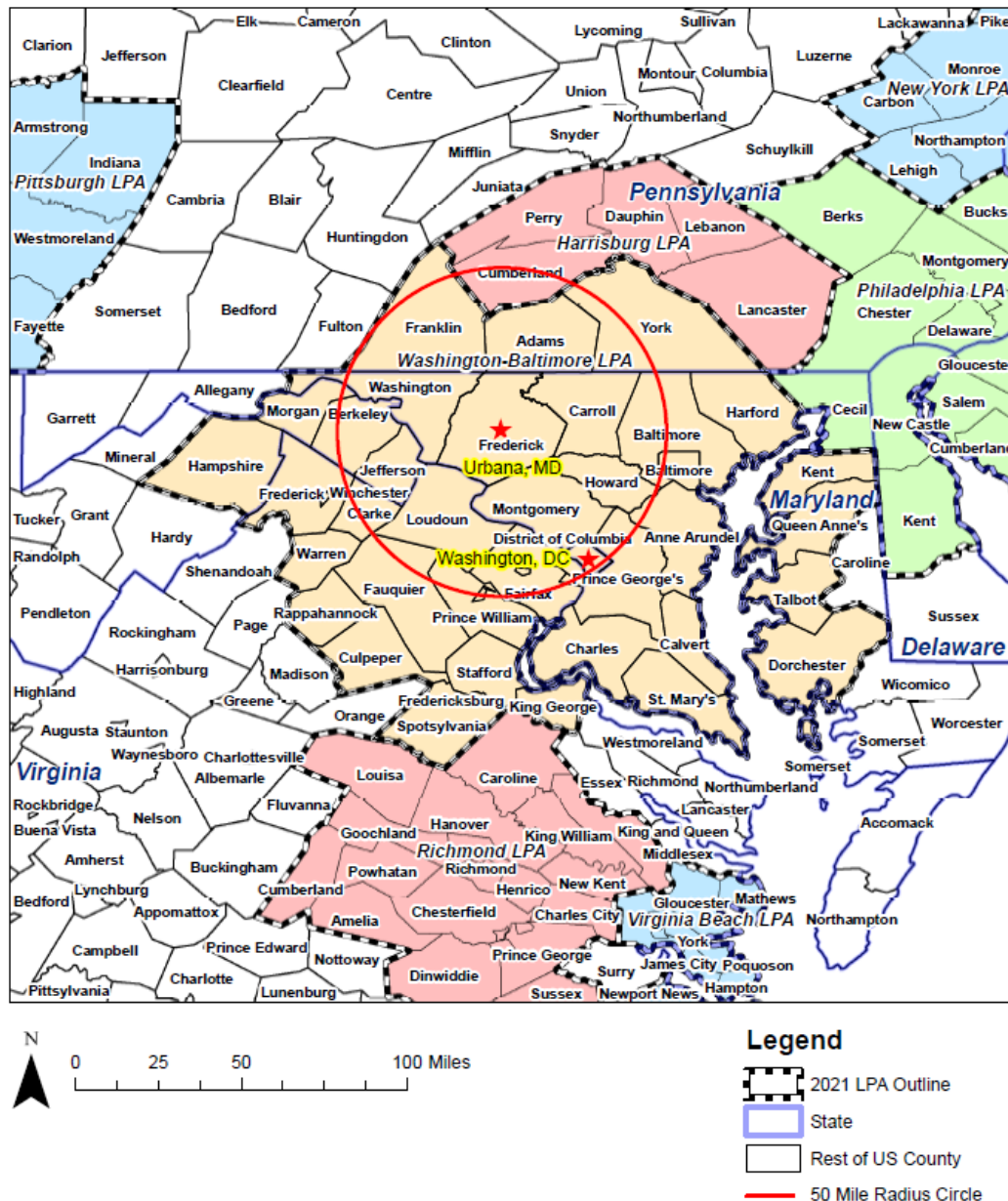
<sup>5</sup> In remote work arrangements, an agency travel policy may establish the official station radius surrounding the alternative worksite (e.g., surrounding the location of the employee's residence).

locality pay purposes is the location of the alternative worksite in Urbana, MD. (See 5 CFR 531.605(d)(3).) The agency must document this alternative worksite as the employee's "duty station" on an SF-50, and the employee will receive the locality rate associated with the Washington-Baltimore locality pay area. (See 5 CFR 531.605(a)(3).)

- *Commuting expenses:* There are no commuting expenses since the employee is working at his or her residence.
- *Transit subsidy:* The employee is not eligible for transit subsidy benefits because there are no covered commuting costs.
- *Travel reimbursement:* Transportation expenses in and around the alternative worksite, which include expenses for travel to the agency worksite, may be reimbursed as a local travel expense in accordance with agency policy. Temporary duty (TDY) travel away from the alternative worksite (i.e., more than 50 miles away) must be authorized in accordance with the FTR. Eligibility for per diem is based on FTR §301-11.1.



### Example 3A Map: 2021 Locality Pay Area (LPA) Maps Washington-Baltimore LPA



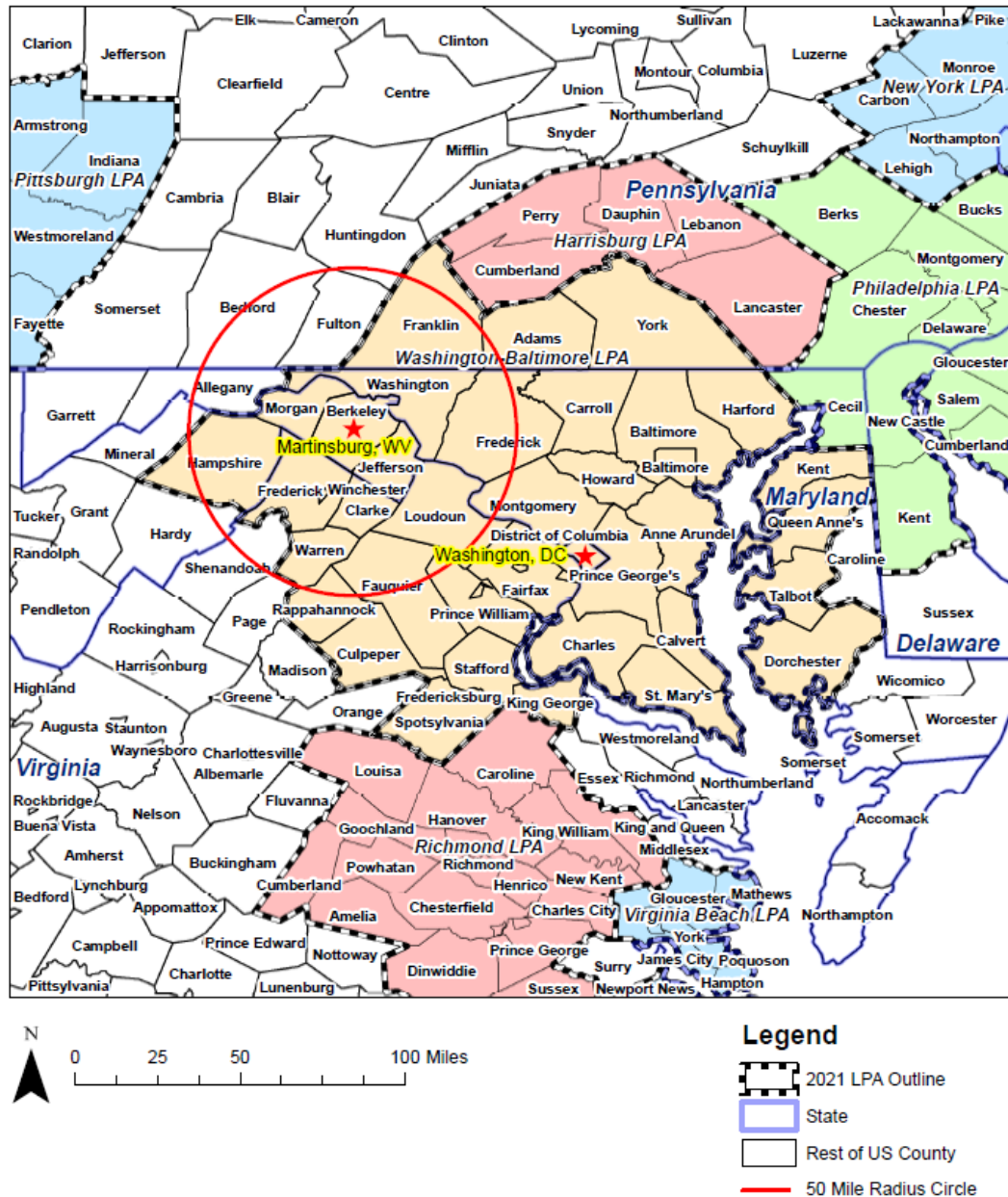
Map 3A depicts an example in which an employee has an agency worksite in Washington, DC, which is in the Washington-Baltimore locality pay area, and an alternative worksite under a remote work arrangement at the employee's residence in Urbana, MD, which is also in the Washington-Baltimore locality pay area. The map shows that the agency worksite in Washington, DC, is inside the 50-mile official station radius for the alternative worksite in Urbana, MD. The geographic definitions of locality pay areas are available at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2021/locality-pay-area-definitions/>. For further information, please send an email message to [Pay-Leave-Policy@opm.gov](mailto:Pay-Leave-Policy@opm.gov).

Example B: The agency worksite is a location in Washington, DC, which is in the Washington-Baltimore locality pay area. The employee's alternative worksite under remote work is at the employee's residence in Martinsburg, WV (in Berkeley County, WV), which is in the Washington-Baltimore locality pay area. The agency has established a 50-mile official station radius surrounding the alternative worksite in Martinsburg, WV, for local travel reimbursement. The agency worksite in Washington, DC, is outside the 50-mile official station radius for the alternative worksite in Martinsburg, WV.

- *Locality pay:* Since the employee does not report to the agency worksite at least twice each pay period on a regular and recurring basis, the employee's official worksite for locality pay purposes is the location of the alternative worksite in Martinsburg, WV. (See 5 CFR 531.605(d)(3).) The agency must document this alternative worksite as the employee's "duty station" on an SF-50, and the employee will receive the locality rate associated with the Washington-Baltimore locality pay area. (See 5 CFR 531.605(a)(3).)
- *Commuting expenses:* There are no commuting expenses since the employee is working at his or her residence.
- *Transit subsidy:* The employee is not eligible for transit subsidy benefits because there are no covered commuting costs.
- *Travel reimbursement:* Transportation expenses in and around the alternative worksite, which **do not** include expenses for travel to the agency worksite, may be reimbursed as a local travel expense in accordance with agency policy. Temporary duty (TDY) travel away from the alternative worksite (i.e., more than 50 miles away) must be authorized in accordance with the FTR. Eligibility for per diem is based on FTR §301-11.1.



### Example 3B Map: 2021 Locality Pay Area (LPA) Maps Washington-Baltimore LPA



Map 3B depicts an example in which an employee has an agency worksite in Washington, DC, which is in the Washington-Baltimore locality pay area, and an alternative worksite under a remote work arrangement at the employee's residence in Martinsburg, WV, which is also in the Washington-Baltimore locality pay area. The map shows that the agency worksite in Washington, DC, is outside the 50-mile official station radius for the alternative worksite in Martinsburg, WV. The geographic definitions of locality pay areas are available at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2021/locality-pay-area-definitions/>. For further information, please send an email message to [Pay-Leave-Policy@opm.gov](mailto:Pay-Leave-Policy@opm.gov).

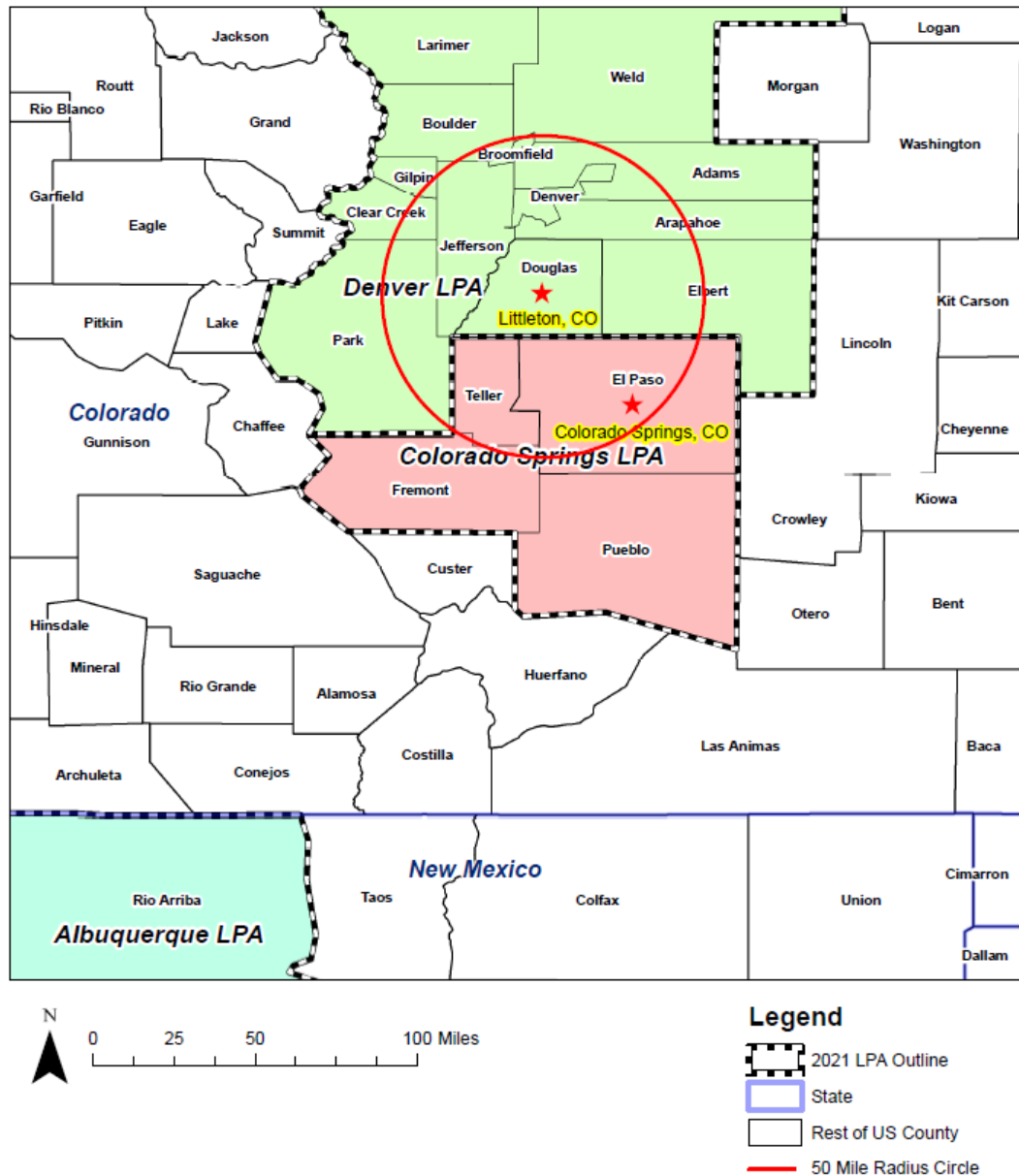
## Scenario 4

A General Schedule employee is approved for **remote work** at an alternative worksite at the employee's residence that is in a different locality pay area than the location of the agency worksite.

Example A: The agency worksite is in Colorado Springs, CO (El Paso County, CO), which is in the Colorado Springs locality pay area. The employee's alternative worksite under remote work is at the employee's residence in Littleton, CO (Douglas County, CO), which is in the Denver locality pay area. The agency has established a 50-mile official station radius surrounding the alternative worksite in Littleton, CO, for local travel reimbursement. The agency worksite in Colorado Springs, CO, is within the 50-mile official station radius for the alternative worksite in Littleton, CO.

- *Locality pay:* Since the employee does not report to the agency worksite at least twice each pay period on a regular and recurring basis, the employee's official worksite for locality pay purposes is the location of the alternative worksite in Littleton, CO. (See 5 CFR 531.605(d)(3).) The agency must document this alternative worksite as the employee's "duty station" on an SF-50, and the employee will receive the locality rate associated with the Denver locality pay area. (See 5 CFR 531.605(a)(3).)
- *Commuting expenses:* There are no commuting expenses since the employee is working at his or her residence.
- *Transit subsidy:* The employee is not eligible for transit subsidy benefits because there are no covered commuting costs.
- *Travel reimbursement:* Transportation expenses in and around the alternative worksite, which include expenses for travel to the agency worksite, may be reimbursed as a local travel expense in accordance with agency policy. Temporary duty (TDY) travel away from the alternative worksite (i.e., more than 50 miles away) must be authorized in accordance with the FTR. Eligibility for per diem is based on FTR §301-11.1.

### Example 4A Map: 2021 Locality Pay (LPA) Maps Colorado Springs LPA

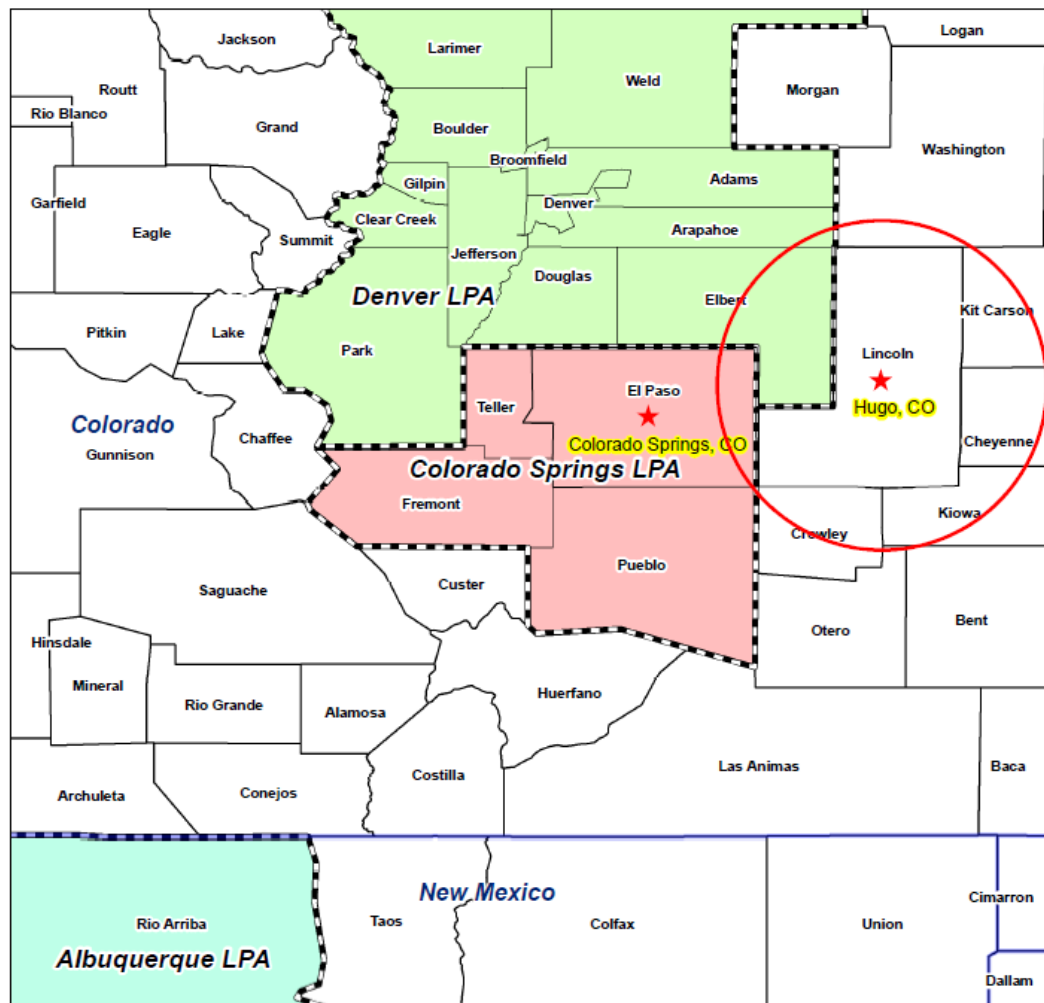


Map 4A depicts an example in which an employee has an agency worksite in Colorado Springs, CO, which is in the Colorado Springs locality pay area, and an alternative worksite under a remote work arrangement at the employee's residence in Littleton, CO, which is in the Denver locality pay area. The map shows that the agency worksite in Colorado Springs, CO, is inside the 50-mile official station radius for the alternative worksite in Littleton, CO. The geographic definitions of locality pay areas are available at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2021/locality-pay-area-definitions/>. For further information, please send an email message to [Pay-Leave-Policy@opm.gov](mailto:Pay-Leave-Policy@opm.gov).

Example B: The agency worksite is in Colorado Springs, CO (El Paso County, CO) which is in the Colorado Springs locality pay area. The employee's alternative worksite under a remote work arrangement is at the employee's residence in Hugo, CO (Lincoln County, CO), which is in the "Rest of the United States" locality pay area. The agency has established a 50-mile official station radius surrounding the alternative worksite in Hugo, CO, for local travel reimbursement. The agency worksite in Colorado Springs, CO, is outside the 50-mile official station radius for the alternative worksite in Hugo, CO.

- *Locality pay:* Since the employee does not report to the agency worksite at least twice each pay period on a regular and recurring basis, the employee's official worksite for locality pay purposes is the location of the alternative worksite in Hugo, CO. (See 5 CFR 531.605(d)(3).) The agency must document this alternative worksite as the employee's "duty station" on an SF-50 and the employee will receive the locality rate associated with the "Rest of the United States" locality pay area. (See 5 CFR 531.605(a)(3).)
- *Commuting expenses:* There are no commuting expenses since the employee is working at his or her residence.
- *Transit subsidy:* The employee is not eligible for transit subsidy benefits because there are no covered commuting costs.
- *Travel reimbursement:* Transportation expenses in and around the alternative worksite, which **do not** include expenses for travel to the agency worksite, may be reimbursed as a local travel expense in accordance with agency policy. Temporary duty (TDY) travel away from the alternative worksite (i.e., more than 50 miles away) must be authorized in accordance with the FTR. Eligibility for per diem is based on FTR §301-11.1.

### Example 4B Map: 2021 Locality Pay Area (LPA) Maps Colorado Springs LPA



Map 4B depicts an example in which an employee has an agency worksite in Colorado Springs, CO, which is in the Colorado Springs locality pay area, and an alternative worksite under a remote work arrangement at the employee's residence in Hugo, CO, which is in the "Rest of the United States" locality pay area. The map shows that the agency worksite in Colorado Springs, CO, is outside the 50-mile official station radius for the alternative worksite in Hugo, CO. The geographic definitions of locality pay areas are available at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2021/locality-pay-area-definitions/>. For further information, please send an email message to [Pay-Leave-Policy@opm.gov](mailto:Pay-Leave-Policy@opm.gov).

## **Additional Resources**

- [Fact Sheet: Official Worksite for Location-Based Pay Purposes](#)
- [GSA Federal Travel Regulation](#)