

MS 632 Situational Telework

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1.0 Authority

The Telework Enhancement Act of 2010 (Public Law 106-346 and Public Law 111-292); 22 U.S.C. 2503; 5 Code of Federal Regulations (CFR) 630; Presidential Memorandum *Return to In-Person Work*, January 20, 2025. 5 U.S.C. Chapter 65: Telework.

2.0 Purpose

This Manual Section establishes the policy of the Peace Corps on Situational Telework. This guidance ensures that employees have the flexibility to adjust their work environment while maintaining operational efficiency and compliance with applicable laws and regulations. It establishes the process for requesting, approving, and tracking Situational Telework.

3.0 Scope

This Manual Section applies to all domestic “Direct Hire Employees” and “Experts/Consultants,” as defined below, (together, “employees”) who enter into a Situational Telework Agreement with the agency. Peace Corps employees will not be authorized to participate in Situational Telework outside of the United States, unless they are on approved U.S. government orders. However, the Chief of Mission at a post may authorize Situational Telework for U.S. citizen staff.

4.0 Definitions

- (a) **Agency Worksite** is a federal building within the United States (e.g., Peace Corps Headquarters in Washington, DC or other approved federal worksite).
- (b) **Chief of Mission (COM)** is the principal officer in charge of a diplomatic mission of the United States or of a U.S. office abroad, which is designated by the Secretary of State as diplomatic in nature, including any individual assigned to be temporarily in charge of such a mission or office. Usually, the U.S. Ambassador to a foreign country, or the Chargé d’affaires, is the COM in that country.
- (c) **Direct Hire Employees** are employees who occupy positions covered by the Peace Corps personnel system authorized by 22 USC 2506 and implemented by MS 601 *Administration of the Peace Corps Direct Hire Personnel System*.
- (d) **Experts/Consultants** are employees hired in accordance with 22 USC 2512.
- (e) **Mobile Workers** are characterized by routine and regular travel to conduct work in customer or other worksites as opposed to a single authorized Situational Telework Worksite. For more information on Mobile Workers, see MS 633 *Mobile and Remote Work*.
- (f) **Official Worksite**, or **Duty Station** is the location where the employee is scheduled to report physically on a regular and recurring basis. The Official Worksite is documented as the employee’s Duty Station on their Notification of Personnel Action on Standard Form 50

(SF-50). (See MS 633 *Mobile and Remote Work* for more information on the Official Worksite for Mobile Workers and Remote Workers.)

- (g) ***Situational Telework*** is a work arrangement approved by the agency on a case-by-case basis pursuant to a written Situational Telework Agreement signed by an employee's supervisor, in order to meet compelling agency needs. Situational Telework is offered as a short-term, non-routine solution for Temporary adjustment to an employee's work schedule. Situational Telework is the only form of telework available to employees, except as otherwise permitted by law.
- (h) ***Situational Telework Agreement*** is a written agreement, completed and signed by an employee and their supervisor that outlines the terms, conditions, obligations, and responsibilities of the employee. Situational Telework Agreements are not required, but are strongly encouraged by the Agency. Employees without a Situational Telework Agreement will be required to take leave (e.g. sick leave, annual leave) whenever they are not working at Peace Corps Headquarters or another approved federal facility (including during Weather and Safety events).
- (i) ***Situational Teleworker*** is an employee operating at an approved Situational Telework Worksite within the guidelines established by a Situational Telework Agreement with the agency.
- (j) ***Situational Telework Worksite*** is an employee's approved alternate worksite (e.g., an employee's residence).
- (k) ***Temporary*** means episodic, and short-term.

5.0 Policies

5.1 Situational Telework Overview

- (a) Situational Telework is offered as a short-term, non-routine solution for Temporary adjustment to an employee's work schedule. Situational Telework is the only form of telework available to employees, except as otherwise permitted by law.
- (b) As with in-office work, there is the expectation with respect to Situational Telework that good management practices will be followed and employees will be held accountable to fulfill their job responsibilities.
- (c) Supervisors will give consideration to each request for Situational Telework from an employee. Situational Telework is intended in each case to facilitate and not impede, the accomplishment of agency work.
- (d) Situational Telework requests shall be approved by the employee's supervisor. Examples of situations where Situational Telework may be approved include:

- i. Short-term health-related needs (e.g., recovery from medical procedures, or having a contagious illness that does not prevent being able to work);
- ii. Unplanned or short-notice family or caregiving needs (e.g., unexpected school closures, urgent dependent care responsibilities);
- iii. Weather-related emergencies (e.g., dangerous road conditions, inclement weather, exceptional and non-recurring commuting delays);
- iv. Other unexpected emergencies (e.g., during emergency or other unusual situations as determined by the Office of Personnel Management (OPM) or the Peace Corps); and
- v. Meeting other compelling agency needs that would necessitate Situational Telework (e.g., special work assignments).

5.2 Situational Telework Eligibility

All domestic employees are eligible for Situational Telework other than Mobile Workers and Remote Workers, *see* MS 633 *Mobile Work and Remote Work*.

5.3 Situational Telework Mandatory Training Requirement

All Situational Teleworkers and their supervisors are required to complete the necessary training. Agency training can be found on the agency's learning site. Supervisors are strongly encouraged to seek out additional training as appropriate.

5.4 Privacy and Data Security

- (a) Situational Telework Agreements may not be executed or continued if an employee cannot comply with applicable Peace Corps policies, including policies governing privacy and Peace Corps information and information technology (IT) security systems requirements. This includes, but is not limited to, the Peace Corps' policy on remote access to its IT systems.
- (b) Under no circumstances may classified materials be taken from Peace Corps offices, including headquarters and any offices at Posts, to be worked on or stored at a Situational Telework Worksite. Employees' supervisors must give prior written approval for the removal and use of any paper copy of Controlled Unclassified Information (CUI), or information protected under the Privacy Act or the Health Insurance Portability and Accountability Act (HIPAA), at a Situational Telework Worksite.
- (c) Each office is responsible for complying with the appropriate security and privacy procedures for their office's materials, subject to applicable sections of the Peace Corps Manual or other guidance from the Office of Safety and Security, the Privacy Act Office, the Records Management Office, or the Office of the Chief Information Officer.

5.5 Peace Corps Equipment and Supplies

Peace Corps employees shall use their Peace Corps issued equipment (i.e. laptop or mobile device) while conducting Situational Telework. An employee may volunteer to use personal equipment for Situational Telework provided the policies governing privacy and security of the Peace Corps' IT systems are followed.

5.6 Monitoring

The Peace Corps will ensure that Situational Teleworkers and other employees are treated the same for purposes of:

- (a) Periodic appraisals of job performance;
- (b) Training, rewarding, reassigning, promoting, reducing in grade, retaining, and removing employees;
- (c) Work requirements; and
- (d) Other acts involving managerial discretion.

5.7 Pay and Leave

5.7.1 Pay and Overtime

Existing rules for pay administration apply to Situational Teleworkers, including the existing rules for overtime under Title 5 of the United States Code and the Fair Labor Standards Act (*see MS 625 Direct Hire Premium Pay*). Supervisors must ensure that Situational Teleworkers only work overtime with prior documented approval.

5.7.2 Hours of Duty

The existing Peace Corps policies and rules for hours of duty apply to Situational Teleworkers (*see MS 630 Direct Hire Hours of Duty*).

5.7.3 Weather and Safety Leave Eligibility for Situational Teleworkers

Weather and safety leave may be appropriate if the employee is unable to safely perform work at their Situational Telework Worksite. Situational Teleworkers should act in accordance with instructions received from OPM or the agency. *See MS 635 Staff Absence and Leave* and its procedures.

5.8 Safety

- (a) Situational Teleworkers shall ensure that they work in a safe Situational Telework Worksite and maintain safe work habits.

- (b) If an employee is injured during official work hours at their Situational Telework Worksite, the employee must notify their supervisor as soon as practicable, provide details of the incident or injury (*see MS 520 Peace Corps Staff Occupational Safety and Health*), and follow guidance provided by OHR on filing worker's compensation claims. *See MS 682 Staff Safety and Health Program.*

5.9 Liability

Any exposure to liability arising out of an employee's actual performance of assigned duties may be covered under the appropriate authorities, which include the Federal Employees Compensation Act (FECA), Military Personnel and Civilian Employees Claims Act of 1964, and the Federal Tort Claims Act.

5.10 Situational Telework Appeals

A request to review a denial of an employee's Situational Telework request should be coordinated with OHR's Employee Labor and Relations Division (OHR/ELR).

6.0 Roles and Responsibilities

6.1 Chief Human Capital Officer (CHCO)

The CHCO, as the Peace Corps Situational Telework Managing Officer, or their designee, is responsible for:

- (a) Management and oversight of the Situational Telework program; and responding to requests for data and other information concerning Situational Telework.

6.2 Office of Human Resources (OHR)

OHR is responsible for:

- (a) Ensuring, in consultation with the Office of the General Counsel, compliance with all laws, rules, regulations, and Peace Corps policies affecting employees participating in Situational Telework;
- (b) Maintaining a record of employees participating in Situational Telework;
- (c) Serving as a resource and primary contact on all aspects of Situational Telework; and
- (d) Ensuring that appropriate and necessary training is provided to employees eligible to participate in Situational Telework.

6.2 Associate Director/ Regional Director (AD/RD)

The AD/RDs are responsible for:

- (a) Providing oversight of implementation of the Situational Telework policy within their offices;
- (b) Ensuring supervisors and employees within their offices have the proper training; and
- (c) Reviewing Situational Telework metrics, reports, and dashboards.

6.3 Supervisors

Supervisors are responsible for:

- (a) Working with employees to prepare and finalize Situational Telework Agreements, including to define the work to be performed;
- (b) Completing mandatory training in order to better support employees who participate in Situational Telework;
- (c) Approving Situational Telework Agreements for any employees they supervise;
- (d) Approving requests for Situational Telework in accordance with this Manual Section; and
- (e) Communicating with Situational Teleworkers during an emergency or other situations to account for personnel.

6.4 Employees

Employees are responsible for:

- (a) Completing mandatory training;
- (b) Completing a Situational Telework Agreement and related documentation as set forth in the [Telework/Remote Work Agreements System](#);
- (c) Completing a new Situational Telework Agreement whenever changes to their Situational Telework Worksite occurs;
- (d) Adhering to the provisions of their Situational Telework Agreement; and
- (e) Certifying that their Situational Telework Worksite meets the agency's safety and security requirements.

7.0 Procedures

Procedures implementing this Manual Section shall be developed by OHR and approved by the Human Resource Council (Council). The Council shall also approve any amendments to those procedures.

8.0 Effective Date

The effective date of this Manual Section is the date of issuance.