

# MS 632 Direct Hire Telework Program Procedures

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**Responsible Office:** Office of Human Resources/Employee and Labor Relations Division

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## Attachments

Attachment A – Telework Agreement Form

Attachment B – Self-certification Safety Checklist for Teleworkers

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## 1.0 Purpose

The purpose of this document is to provide procedural guidance to MS 632 *Direct Hire Telework Program*.

## 2.0 Definitions

- (a) **Telework** is a work flexibility arrangement under which an employee performs the duties and responsibilities of such employee’s position, and other authorized activities, from an approved worksite other than the location from which the employee would otherwise work.

- (b) **Alternate Work Station** means the place of work, other than an employee's Official Duty Station, that is authorized under a Telework agreement.
- (c) **Official Duty Station** is, for an employee covered by a Telework agreement, the location of the regular worksite for the employee's position (e.g., 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 regular worksite.
- (d) **Routine Telework** means Telework that occurs as part of an ongoing, regular schedule; it authorizes an employee to work at an alternate worksite on a routine, recurring basis, usually one or more days per pay period.
- (e) **Situational Telework** means Telework that is approved on a case-by-case basis, where the hours worked were NOT part of a previously approved, ongoing and regular Telework schedule. Examples of Situational Telework include: Telework as a result of inclement weather, doctor's appointment, or special work assignments, and is sometimes also referred to as situational, episodic, intermittent, unscheduled, or ad-hoc Telework.
- (f) **Telework-ready Employee** is an employee who has a completed, approved and effective agreement and has completed the safety check-list and required training(s) at [www.telework.gov](http://www.telework.gov). This includes employees who have a routine, situational and temporary Telework agreement.
- (g) **Temporary Telework Arrangement** is, in certain temporary situations, when an agency may designate the location of the regular worksite as the official worksite of an employee who Teleworks on a regular basis at an alternative worksite even though the employee is not able to report at least twice each biweekly pay period on a regular and recurring basis to the regular worksite. The intent of this exception is to address certain situations where the employee is retaining a residence in the commuting area for the regular worksite but is temporarily unable to report to the regular worksite for reasons beyond the employee's control.

### 3.0 Eligibility

Generally, all U.S. Direct Hire employees working in the U.S. and overseas, in accordance with authority granted by the Chief of Mission for overseas employees, are eligible to Telework. Employees whose appointments were made with the advice and consent of the U.S. Senate are not eligible to Telework.

Eligibility for Telework overseas is conditional on the following factors:

- (a) Telework overseas is approved on a limited basis, consistent with [3 FAM 2362.3 Special Considerations for Telework Abroad](#). Peace Corps direct hire employees are assigned overseas to support volunteers, manage operations, and implement Peace Corps programs and are expected to be present and available in Peace Corps offices.

- (b) The decision to establish a Telework policy falls under the authority of the Chief of Mission (COM). Telework at Post can only be considered if an Embassy policy has been established. Many posts do not have Telework policies, and in those cases the Peace Corps office should consult with the Embassy Management Officer.
- (c) It is recognized there are rare circumstances when Temporary or Situational Telework overseas would be appropriate and necessary. Telework overseas should be considered in accordance with the following conditions:
  - (1) After consultation with the Region Chief Administrative Officer, a Telework agreement is approved by the employee's supervisor, consistent with 4.0 Criteria, below, which specifies that the nature of the work to be performed, the technologies needed to do the work, and the employee's job responsibilities allow for effective or enhanced performance away from the Official Duty Station.
  - (2) Only time-limited and well-justified Telework requests should be considered, and only Situational or Temporary Telework Arrangements should be approved overseas. As a matter of policy, the Peace Corps does not support Routine Telework overseas.
  - (3) Examples of situations justifying Telework are listed below. Note that these examples are illustrative and are not a complete list of situations when Telework would be appropriate:
    - (i) An employee is injured and has limited mobility and needs to Telework for a defined number of days; or
    - (ii) A mother/father requests to work half days at home to care for an ill child or newborn for a defined number of days.

An employee may not Telework if:<sup>1</sup>

- (d) The employee has been officially disciplined for being absent without leave in any calendar year; or
- (e) The employee has other documented conduct or performance issues within the calendar year.

This Manual Section does not apply to Personal Services Contractors (PSCs), and the eligibility of PSCs for Telework is governed by the relevant provisions of the Overseas Contacting Handbook (OCH).

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<sup>1</sup> Note that these eligibility requirements may not apply if the need for telework is for a reasonable accommodation due to disability or religion.

## 4.0 Criteria

In considering a Telework request, the supervisor must consider whether the following criteria will be satisfied:

- (a) The nature of the work to be performed, the technologies needed to do the work, and the employee's job responsibilities allow for effective or enhanced performance away from the Official Duty Station;
- (b) There is no need for the employee to access classified national security information;
- (c) Sensitive data protection measures can be adhered to by the employee in accordance with Peace Corps policies and procedures;
- (d) The product or work proposed to be performed by the employee pursuant to the Telework agreement can be readily evaluated by the supervisor;
- (e) Arrangements can be made to minimize or eliminate any negative impact of the employee's absence on office coverage and customer service and on accessibility of the Peace Corps to the Teleworker;
- (f) The absence of the Teleworker will not impact negatively on the ability of the Peace Corps to accomplish its mission;
- (g) The Teleworker's past performance and conduct demonstrate the ability to accomplish work assignments on a timely basis without continuous, direct supervision; and
- (h) For an employee who is unable to physically report to the office, the employee is able to perform their duties at their Alternate Work Station and otherwise meet the Telework agreement criteria.<sup>2</sup>

## 5.0 Approval

Any Telework eligible employee requesting to Telework must have an approved Telework agreement. This requirement applies no matter the specific Telework arrangement (routine, situational, etc.). Second line supervisors have the responsibility for the decision to approve or deny a Telework agreement (see Attachment A – Telework Agreement Form) with an eligible Peace Corps employee. This responsibility may be delegated to first-line supervisors.

Supervisors who believe that a request for Telework as a reasonable accommodation may need to be denied should immediately consult with both the Office of Civil Rights and

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<sup>2</sup> Note this criteria may not apply to individuals who have requested telework as an accommodation due to disability or religion.

Diversity (OCRD) and the Office of the General Counsel to determine how to proceed. The denial of such a request should proceed in accordance with MS 653 Attachment D.

If an agreement proposed by an employee is denied, the supervisor must inform the employee of the reason(s) for the denial in writing and may offer changes to the Telework request that might permit approval (e.g., decrease in number of days or modification of specific work to be performed on Telework days). To the extent possible, a Telework agreement should be reached through a collaborative process between the employee and supervisor. If the supervisor does not offer any changes that might permit approval, the denial must be reviewed by the Office of Human Resources to ensure consistency and appropriate consideration of the criteria.

## **6.0 Safety Certification**

An Alternate Work Station, normally an employee's home, requires adequate work space, light, telephone service, power, and temperature control. Employees are responsible for ensuring that their Alternate Work Stations comply with the safety guidelines set out in Attachment B. Each employee who works at an Alternate Work Station must sign the self-certification form (see Attachment B – Self-certification Safety Checklist for Teleworkers) that certifies that the Alternate Work Station is safe for the employee and all official documents. Management retains the right to inspect the Alternate Work Station and may deny an employee the opportunity to initiate or continue a Telework agreement if the Alternate Work Station is found to be unsafe. Safety inspections will be by appointment only and will be preceded by a minimum 24-hour notice. Managers must confer with the Office of Human Resources before initiating any inspection of an Alternate Work Station.

## **7.0 Training**

All supervisors of employees who Telework must complete the “Telework Fundamentals – Manager Training” on [www.telework.gov](http://www.telework.gov). The certificate of completion must be forwarded to the Office of Human Resources.

All employees, supervisory and non-supervisory, wishing to submit an application for Telework for approval must complete the “Telework Fundamentals – Employee Training” on [www.telework.gov](http://www.telework.gov). The certificate of completion, along with the fully completed and approved agreement and safety checklist, must be forwarded to the Office of Human Resources.

## **8.0 Types of Telework**

Employees may apply for a Routine Telework Agreement, Situational Telework Agreement, or Temporary Telework Arrangement.

## **8.1 Routine Telework**

Routine Telework occurs as part of an ongoing, regular schedule; it authorizes an employee to work at an alternate worksite on a routine, recurring basis, one or more days per pay period.

## **8.2 Situational Telework**

Situational Telework is Telework that is supervisor-approved in advance on a case-by-case basis where the hours worked were NOT part of a previously approved, ongoing, and regular Telework schedule. Examples of Situational Telework include Telework as a result of inclement weather, doctor appointment, or special work assignments, and is sometimes also referred to as situational, episodic, intermittent, unscheduled, or ad-hoc Telework.

## **8.3 Temporary Telework Arrangement**

- (a) In certain temporary situations, an agency may designate the location of the regular worksite as the official worksite of an employee who Teleworks on a regular basis at an alternative worksite, even though the employee is not able to report at least twice each biweekly pay period on a regular and recurring basis to the regular worksite. The intent of this exception is to address certain situations where the employee is retaining a residence in the commuting area for the regular worksite but is temporarily unable to report to the regular worksite for reasons beyond the employee's control. The fact that an employee may receive lesser pay or benefits if the official worksite is changed to the Telework location is not a justification for using the temporary exception. The temporary exception should generally be used only in cases where the (1) the employee is expected to stop Teleworking and return to work at the regular worksite in the near future, or (2) the employee is expected to continue Teleworking but will be able to report to the regular worksite at least twice each biweekly pay period on a regular and recurring basis in the near future. Supervisors should consult with the Office of Human Resources for further guidance.

Examples of appropriate temporary situations include:

- (1) Recovery from an injury or medical condition that does not rise to the level of a disability;
- (2) Emergency situations preventing an employee from regularly commuting to the regular official worksite, such as a severe weather emergency or a pandemic health crisis (e.g., in the aftermath of a hurricane or flood). Other emergency situations may include involvement in assigned Continuity of Operations Plan (COOP) responsibilities or "excepted employees" for the purpose of a shutdown furlough. In these instances, an employee may be forced to temporarily relocate, making commuting to the regular worksite twice each biweekly pay period on a regular and recurring basis not possible. If the employing agency sets up Telework arrangements for the employee, a temporary exception to the twice-a-pay-period requirement would be appropriate;

- (3) A period during which the employee is in temporary duty travel status away from the official worksite; and
  - (4) A period during which an employee is temporarily detailed to work at a location other than a location covered by a Telework agreement.
- (b) An exception is not appropriate in time-limited situations aside from those listed above. For example, assuming there are no additional circumstances that would make an exception appropriate, an agency should designate the employee's Telework site as the official worksite in situations such as the following:
- (1) The agency hires an employee under a temporary or time-limited appointment and authorizes the employee to Telework, but the employee is never scheduled to work at, or report at least twice each biweekly pay period to, the regular worksite (or expected to do so in the near future); or
  - (2) An employee changes his or her place of residence to a distant location where commuting at least twice each biweekly pay period on a regular and recurring basis to the regular worksite is not possible (e.g., the employee no longer has a residence in the commuting area for the regular worksite and thus cannot reasonably be viewed as being part of the local labor market for the regular worksite).
- (c) Queries regarding changes to an employee's official worksite should be directed to the Office of Human Resources.

## **9.0 Telework as a Reasonable Accommodation**

An employee may request Telework due to their disability or due to their religion. To make a request for Telework as a reasonable accommodation due to disability, the requestor need only state that they need the Telework due to a disability or medical condition. The request can be made orally or in writing. It does not need to be made on any particular form and does not need to use any particular words, such as "reasonable accommodation" or "disability."

If any manager or supervisor receives such requests, they should immediately consult with OCRD. If an employee-applicant makes such a request to any agency employee involved in the application process, the receiver of the request should immediately consult with OCRD.

OCRD will then facilitate the request with the supervisor and the employee in accordance with the procedures in MS 653 Attachment D. See MS 653 Attachment D for more information on the reasonable accommodation process.

## **10.0 Telework Dismissal and Closure Procedures**

Telework continues to allow a greater number of Federal employees to work during emergency situations. Employees who perform Telework must have an appropriate amount of work to complete during the workday at home. If an employee does not have enough work, he or she must either take unscheduled leave for the entire workday or use a combination of unscheduled

leave and unscheduled Telework to account for hours not worked. Employees must notify their supervisor no later than the beginning of the approved work day if they are taking unscheduled leave.

### **10.1 Federal Closure Due to Inclement Weather**

- (a) When the Office of Personnel Management (OPM) announces that federal offices are closed, Telework-ready Employees are required to Telework on closure days or take unscheduled leave. This includes employees who are regularly scheduled to Telework on the day of a closure and those who were not scheduled in advance to Telework but are Telework-ready.
- (b) All employees, including those who work outside of the Washington, DC area, whose duty station is their home, are not Telework employees and are therefore required to work when the office is closed.
- (c) If employees are on official travel on a workday when their agency's offices are closed in the Washington, DC, area, employees are expected to continue working. However, if the emergency procedures of the agency make it impossible for the employees to continue work – e.g., the travel assignment requires frequent contact with the agency in the Washington, DC, area – excused absence may be appropriate. The agency is responsible for determining whether employees are required to continue working or will be granted excused absence under these circumstances.
- (d) If Federal offices are closed on the employees' regular alternative work schedule (AWS) day off, they are not entitled to an additional "in lieu of" day off. AWS employees who fulfill their biweekly work requirement in less than 10 working days are already entitled to an AWS day off. Such employees may not receive an additional day off. In addition, employees cannot be granted excused absence on a non-workday. AWS employees whose agency's offices are closed on their AWS day off may not be granted excused absence for the scheduled non-workday.
- (e) If, in the agency's judgment, the employee could not reasonably have anticipated unforeseen conditions (e.g., power outages or network connection problems that prevent Telework), and thus was unable to prepare for Telework or otherwise unable to perform productive work, the agency could exercise the discretion to grant the employee hazardous weather leave. While the agency will, as practicable, provide awareness for potential office closure due to inclement weather, it is the responsibility of the employee to monitor local media outlets for weather and other forecasts as well as government closure.

### **10.2 Early or Immediate Departure**

When OPM announces an early or immediate departure after the workday has begun, employees who are already performing Telework are expected to complete their normal workday unless the reason for the departure directly impacts the ability for the Teleworker to perform the major duties of their position (e.g., access to the Peace Corps IT network, email, or other critical systems).



### **10.3 Delayed Arrival**

When OPM announces delayed arrival, employees who are normally scheduled to Telework are expected to begin Telework on time or use unscheduled leave to cover the period of the delayed arrival time.

### **10.4 Emergency Dismissals**

A Telework employee may sometimes, but not always, be affected by an emergency requiring the regular office to close.

- (a) When both the regular office and the Alternate Work Station are affected by a wide-spread emergency, e.g., an area-wide electrical power outage, the Peace Corps may grant the Telework employee excused absence, as appropriate.
- (b) When an emergency affects only the Alternate Work Station for a major portion of a workday on which an employee was scheduled to Telework, the Peace Corps may require the Telework employee to report to the Official Duty Station or request leave, as appropriate.

### **11.0 Recertification**

All employees must reapply for Telework when changing positions within the agency or if they wish to make any changes to their agreement.

### **12.0 Termination of Telework Agreement**

At any time, an employee may terminate their own Telework agreement. Employees must notify their supervisor in writing of their decision. The supervisor will then notify the Office of Human Resources in writing of the termination of the agreement and the effective date.

Reasons for terminating a Telework agreement may include but are not limited to:

- (a) The agreement no longer supports the mission of the Peace Corps;
- (b) Performance standard(s) is not being met after progressive performance management measures have been taken, or if necessary, to manage a conduct issue;
- (c) Technical conditions of the alternate worksite do not permit effective Telework after reasonable attempts to resolve these conditions;
- (d) Reassignments cause changes in work conditions, requiring the Teleworker to return to their Official Duty Station;
- (e) The employee does not comply with the terms of the Telework agreement; or

- (f) The Telework agreement is no longer in the best interests of the Peace Corps as determined by management.

### **12.1 Notification of Termination**

Management will provide to the employee notice of the termination of a Telework agreement 10 business days prior to the effective date of the termination of the agreement. The notification shall include the justification for the termination of the Telework agreement. Employees may not grieve a decision by management to terminate the Telework agreement. This prohibition of a grievance shall not prevent employees from pursuing redress through any other rights they retain. Such rights include, but may not be limited to, those rights afforded by equal employment opportunity laws and regulations, whistleblower protections, and prohibitions against prohibited personnel practices.