

MS 633 Remote Work Program Procedures

Effective Date: April 6, 2022

Responsible Office: Office of Human Resources

MS 633 Remote Work Program

Attachments

Attachment A – Remote Work Agreement Form

Attachment B – Remote Work Administrative Review Form

1.0 References

The Telework Enhancement Act of 2010 (Public Law 106-346 and Public Law 111-292); 5 U.S.C. 6502; 2021 Office of Personnel Management Guide to Telework and Remote Work in the Federal Government; 22 U.S.C. 2503; 5 CFR 630; Federal Employees Compensation Act (FECA); Federal Tort Claims Act.

2.0 Purpose

The purpose is to establish agency procedures for Remote Work as established in Manual Section 633 *Remote Work Program*.

3.0 Applicability

The following procedures apply to domestic U.S. Direct Hire and Expert/Consultant staff only, provided they have received prior management approval for their participation in the Remote Work Program. Generally, Peace Corps employees will not be authorized to participate in any permanent Remote Work Program outside of the United States. However, the agency may determine, in limited circumstances, that temporary Remote Work Agreements (RWAs) outside of the United States may be authorized. Any Remote Work outside the United States will require, in advance, a Domestic Employee Teleworking Overseas (DETO) Agreement with the Department of State. Please contact OHR (RemoteWorkPrograms@peacecorps.gov) with any questions regarding Remote Work outside the United States and the process for securing DETO agreements.

4.0 Definitions

- (a) **Agency Worksite** refers to an official federal agency location where work activities are based, generally considered a centralized location of an employee's assigned organization.
- (b) **Alternate Worksite** is generally considered an employee's approved telework site, or, for a remote worker, the approved remote site (e.g., an employee's residence).

- (c) **Direct Hire Employees** are employees who occupy positions covered by the Peace Corps personnel system authorized by Section 7 of the Peace Corps Act and implemented by MS 601 *Administration of the Peace Corps Direct Hire Personnel System* (referred to hereinafter as “employees”).
- (d) **Expert/Consultants** are employees hired in accordance with Section 13 of the Peace Corps Act, 22 USC 2512 (also referred to hereinafter as “employees”).
- (e) **Locality Pay** is the rate of pay authorized to be paid to an employee according to the Locality Pay Area in which their Official Worksite is located, as outlined in 5 CFR § 531.603.
- (f) **Official Worksite** is the Agency Worksite for most employees, including teleworkers. However, for a remote worker, the Official Worksite is the Alternate Worksite to which the agency and the employee agreed (e.g., the employee’s residence).
- (g) **Performance Improvement Plan (PIP)** is a performance action plan to assist employees with tools to improve their performance deficiencies.
- (h) **Remote Work** is an arrangement in which an employee, under a written RWA, is scheduled to perform their work at an Alternate Worksite and is not expected to perform work at an Agency Worksite on a regular and recurring basis. A remote worker’s Official Worksite may be within or outside the local commuting area as defined by the Office of Personnel Management of an Agency Worksite.
- (i) **Remote Work Agreement (RWA)** is a written agreement, completed and signed by an employee and the immediate supervisor, and the A Delegate that outlines the terms, conditions, obligations, and responsibilities of the Remote Work arrangement.
- (j) **United States**, for the purposes of this Manual Section, means the 48 contiguous states and Alaska, American Samoa, District of Columbia, Guam, Hawaii, Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands.

5.0 Roles and Responsibilities

5.1 Chief Human Capital Officer (CHCO)

The CHCO, or designee, is responsible for:

- (a) Reviewing requests from an A Delegate recommending Remote Work for an employee in order to ensure compliance with all rules, regulations, and Peace Corps policies affecting eligibility to participate in the Remote Work Program; and
- (b) Ensuring that assessments to determine Remote Work eligibility for positions and employees in the Remote Work Program are in the best interest of the Peace Corps, with particular regard for the agency’s mission, sound fiscal responsibility, equity, and whether a position and related scope of work and duties are approved for the Remote Work Program.

5.2 Office of Human Resources (OHR) Remote Work Program Manager

The OHR Remote Work Program Manager is responsible for:

- (a) Ensuring compliance with all rules, regulations, and Peace Corps policies affecting employees assigned to the Remote Work Program;
- (b) Maintaining a record of employees assigned to the Remote Work Program;
- (c) Serving as a resource for managers and employees on Remote Work matters;
- (d) Providing expertise in the development and implementation of the Remote Work Manual Section;
- (e) Serving as the primary point of contact on all agency Remote Work matters; and
- (f) Ensuring that appropriate training is developed and provided to employees eligible to participate in the Remote Work Program.

5.3 A Delegates

A Delegates are responsible for:

- (a) Reviewing decisions by supervisors to approve or deny Remote Work for individual employees, which may involve conducting an assessment of all required and relevant considerations related to the RWA.
- (b) Ensuring compliance with requirements outlined in this Manual Section in determining whether to approve and reject a Remote Work request.
- (c) Submitting requests for RWAs as outlined in the *MS 633 Remote Work Program Procedures*; and
- (d) Ensuring compliance with the *MS 633 Remote Work Program Procedures*, whenever an immediate supervisor or employee makes a request to adjust or terminate their RWA.

5.4 Supervisors

Supervisors are responsible for:

- (a) Reviewing and assessing positions and employees for Remote Work;
- (b) Completing the “Memorandum of Request for Remote Work” and making recommendations to their A Delegate on requests for eligibility of newly established positions in the Remote Work Program;
- (c) Providing equitable treatment of employees working under a RWA, consistent with existing policies and regulations;

- (d) Ensuring that employees with a RWA are working as scheduled and are available to co-workers and customers;
- (e) Communicating with employees assigned to Remote Work during an emergency or other situations to account for personnel; and
- (f) Counseling an employee when a RWA is no longer effective due to, among other things:
 - (1) the employee not meeting the performance standards outlined in *MS 626 Performance Appraisal System*;
 - (2) the employee's physical absence having a burdensome or negative impact on customers, stakeholders, or co-workers; or
 - (3) other needs of the agency.
- (g) Notifying their A Delegate of any requests to modify or terminate RWAs;
- (h) Providing equitable consideration to an employee's Remote Work request, when an employee's position has been designated as Remote Work eligible, that is consistent with federal laws and regulations and Peace Corps policies; and
- (i) Notifying A Delegates of instances in which an employee disagrees with the supervisor's decision to deny Remote Work.

5.5 Employee

Employees are responsible for:

- (a) Completing required agency [Telework Fundamentals for Employees Training](#) for through the Peace Corps online *LearningSpace* portal;
- (b) Completing a Remote Work Agreement Form (Attachment A) with their supervisor for consideration and/or approval;
- (c) Adhering to the provisions of the RWA with their supervisor;
- (d) Adhering to the provisions of *MS 633 Remote Work Program*; and
- (e) Notifying their supervisor in writing if they wish to terminate their RWA.

6.0 Determining Eligibility for Remote Work

All Direct Hire and Expert/Consultant positions within Peace Corps are assessed for Remote Work eligibility. The determinations are made by office supervisors and A Delegates in collaboration with OHR via a function-based Remote and Telework Assessment. OHR and

agency leadership consider the implications of Remote Work arrangements to ensure consistency with the accomplishment of the agency mission, sound fiscal responsibility, equity, and whether a position's scope of work and official duties meet Remote Work eligibility.

6.1 Remote Work Assessments

OHR collaborates with supervisors to complete position workforce assessments to determine position and employee eligibility for Remote Work. There should also be careful consideration given to Remote Work requests and its impact on the overall mission readiness of the agency. These considerations include, but are not limited to, the following when determining Remote Work eligibility:

(a) Position Considerations:

- (1) The position does not require the handling of classified national security information;
- (2) The position does not require frequent travel and performance of onsite work activities that cannot be handled remotely, or at an Alternate Worksite;
- (3) The position does not require the employee to be onsite with face-to-face contact;
- (4) The position does not require the employee to interface with the general public on a regular basis;
- (5) The position does not require the employee to deliver frequent in-person interaction with colleagues, in-person trainings and/or presentations; or other duties or requirements inconsistent with Remote Work status;
- (6) The position does not require the employee to have hands-on contact with machinery and equipment (i.e. special protective equipment), or vehicles to successfully fulfill the position requirements; and
- (7) The position has been identified as a hard-to-fill position within the agency and the option of Remote Work will help the organization recruit or retain the skillset needed within the agency.

(b) Additional Remote Work Eligibility Considerations:

- (1) The employee's requested alternative worksite does not have a significant time zone difference that impacts their ability to fulfill daily responsibilities as a remote worker, and collaborate with their team members and/or supervisor to complete work duties and assignments;
- (2) The financial implications on the operating unit's budget of the employee's requested alternative worksite;
- (3) The employee is currently performing at the "meets or exceeds" performance standard, and the request will aid in talent retention efforts within the agency;

- (4) The employee has not been officially disciplined for attendance issues;
- (5) The employee is not currently on leave restriction; and
- (6) The employee has not been officially disciplined for violation of the Standards of Conduct for Employee of the Executive Branch for Government Duties to include but not limited to the misuse on federal government computer.

Once the determination has been made that the position is Remote Work eligible, OHR will provide a copy of the completed workforce assessment to the immediate supervisor and the A Delegate.

7.0 Required Remote Work Approvals

Once a position has been designated as Remote Work eligible in accordance with in Section 6.1, immediate supervisors have the discretion to initially approve or disapprove an employee's Remote Work request. When positions have been determined Remote Work eligible, immediate supervisors should give equitable consideration to all requests for Remote Work. Once the immediate supervisor has approved or denied the request for Remote Work, the A Delegate will review and render a final decision. Upon approval, the employee, immediate supervisor, and the A Delegate will complete and sign the Remote Work Agreement Form (Attachment A) for review by OHR.

Remote Work is not an employee entitlement, but rather a workplace flexibility that may be available to the employee if approved by their immediate supervisor and A Delegate.

8.0 Administrative Review Process

Employees (both collective and non-collective bargaining unit) may seek review of the denial for Remote Work through the administrative review process. The classification of a position as eligible for Remote Work is a management right and is not subject to any review/grievance process.

If an employee seeks review of a denial for remote work, the employee will have ten (10) business days to submit the Remote Work Administrative Review Form (Attachment B) to the OHR Remote Work Program Manager (RemoteWorkProgram@peacecorps.gov). Once the Administrative Review Form has been received by the OHR Remote Work Program Manager, a notice of receipt will be provided to the employee within three business days.

OHR will send the Administrative Review Form to the employee's supervisor and A Delegate to complete the supervisor's justification section of the form regarding their denial decision. Supervisors will send the completed Administrative Review Form with the A Delegate's endorsement to the OHR Remote Work Program Manager (RemoteWorkProgram@peacecorps.gov) within ten (10) business days. In addition to the Administrative Review Form, supervisors will provide the following supporting documentation (if applicable) to OHR for review:

- (1) A copy of the employee’s official position description;
- (2) A copy of the employee’s most recent performance rating; and
- (3) Any other supporting documentation (i.e. Performance Improvement Plan, written counseling, etc.)

The CHCO, or designee, in consultation with the Office of General Counsel as necessary, will review the Administrative Review Form and supporting documentation provided by the supervisor to make a final decision. The CHCO, or designee, will provide the final administrative review decision to the employee, supervisor, and the A Delegate within ten (10) business days of receipt.

9.0 Advertising Remote Work Positions via Job Opportunity Announcements

Positions must be approved as Remote Work eligible before job opportunity announcements are advertised. All job opportunity announcements advertised as Remote Work eligible must notify applicants that the position is Remote Work eligible. The job opportunity announcement will contain the following statement: *“Position eligible for remote work. Location Negotiable After Selection, United States.”*

OHR will coordinate with the new employee and the designated Selecting Official to establish the Alternative Worksite and locality pay. The new employee that has formally accepted a final job offer for the position must complete a RWA as a condition of employment before they have onboarded. If the position is not officially advertised as Remote Work eligible, the selectee from the job opportunity announcement cannot be selected as a Remote Work employee and must report to the duty location specified in the job opportunity announcement.

10.0 Required Remote Work Documents

All employees are required to submit the following Remote Work documents:

- (1) RWA,
- (2) Remote Work Request with Self-Certification Safety Checklist, and
- (3) Telework Fundamentals for Employees Training Certificate.

Immediate supervisors must maintain a copy of completed Remote Work documentation and provide a signed copy to their employee(s).

11.0 Remote Work Mandatory Training Requirement

- (a) Employee Training – All employees assigned to the agency’s Remote Work Program are required to complete the mandatory [Telework Fundamentals for Employees Training](#) via the

Peace Corps *LearningSpace* portal. All employees approved for Remote Work are required to complete training before RWAs are completed. A certificate of completion must be provided to the immediate supervisor.

- (b) Manager Training – Managers who supervise remote workers must successfully complete all required Remote Work and [Telework Fundamentals for Managers Training](#).

12.0 Requests for Changes to Official Worksites and Alternate Worksites

The Official Worksite is the work location as documented on an employee’s Notification of Personnel Action (Standard Form 50). Once the Official Worksite has been determined and recorded on the employee’s SF 50 with an official effective date, the Official Worksite cannot be changed without approval from the employee’s immediate supervisor and A Delegate followed by a request made to OHR.

If approved, OHR will process the employee’s change in duty station via the SF50, OHR will also send an email notification to the employee and their immediate supervisor with the effective date. Employees should not relocate to their Alternate Worksite until they have received written notification from OHR with an effective date of their change in station.

If an employee has a current RWA and their Alternate Worksite changes, the employee and the supervisor are required to complete a new RWA to reflect the new Alternate Worksite. If the newly approved Alternate Worksite results in a locality change, the supervisor will request that the assigned office’s administrative support initiates a Personnel Action (SF-52) and sends it to OHR for final processing. OHR will not backdate personnel actions for Changes in Duty Stations requests.

If any employee has a current Temporary RWA of less than 12 pay periods, it is the responsibility of the immediate supervisor to ensure the RWA is terminated and OHR is notified timely. Extensions of these temporary agreements must be submitted to OHR in advance.

Failure to submit timely changes of worksites to OHR may result in under or over payments. Overpayments to the employee will result in an employee’s debt to the agency.

13.0 Termination of Remote Work Agreements

Immediate supervisors and A Delegates may terminate a RWA. This requirement applies whether the RWA is permanent or temporary in nature. RWAs may be terminated for reasons including, but not limited to: performance, conduct, time and attendance, scope of work, or mission.

The agency will be responsible for any costs related to the relocation of an employee to the official worksite if the RWA has been terminated at the request of the supervisors or at the request of the agency for reasons other than performance (e.g. scope of work or mission). If the

RWA is terminated for reasons related to performance, conduct, or time and attendance, the employee will be responsible for all relocation costs to the official worksite.

Employees will be given a minimum of 60 days advance notice prior to being required to report to the Agency Worksite. The employee's failure to return to the Agency Worksite as directed may lead to disciplinary action, up to and including removal from the federal service. The termination of RWAs based on performance should be considered only after progressive performance management measures have been exhausted.

14.0 Remote Work Program Reporting and Accountability

The OHR Remote Work Program Manager will maintain reports of all Peace Corps employees enrolled in the Remote Work Program. Staff offices will notify OHR of all employees enrolled in the Remote Work Program via the RWA. OHR will complete semi-annual audits of the Remote Work Program to ensure compliance with policy and procedures.