

HOURS OF DUTY AND LEAVE

1. **REASON FOR ISSUE:** To issue Department of Veterans Affairs (VA) policy regarding hours of duty and leave.
2. **SUMMARY OF CONTENTS/MAJOR CHANGES:** This handbook sets forth mandatory procedures previously contained in numerous other issuances. The pages in this handbook replace the corresponding page numbers in VA Handbook 5011. Revised text is contained in [brackets]. These changes will be incorporated into the electronic version of VA Handbook 5011 that is maintained on the [Office of the Chief Human Capital Officer website](#) and the [VA Publications website](#). Significant changes include:
 - a. Adds language for the use of an electronic equivalent to VA Form 0740.
 - b. Provides updated and expanded telework-related definitions.
 - c. Provides policies and procedures for remote work.
 - d. Provides clarification on approval procedures for remote printing.
3. **RESPONSIBLE OFFICE:** Worklife and Benefits Service (058), Office of the Chief Human Capital Officer (05).
4. **RELATED DIRECTIVE:** VA Directive 5011, Hours of Duty and Leave.
5. **RESCISSIONS:** None.

CERTIFIED BY:

**BY DIRECTION OF THE SECRETARY
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CHAPTER 4. ALTERNATIVE WORKPLACE ARRANGEMENTS (TELEWORK [AND REMOTE WORK])

- 1. PURPOSE.** This chapter sets forth Departmental policies and procedures on alternative workplace arrangements (telework [and remote work]). Telework [and remote work] provide[] employees with the opportunity to perform their work at locations other than the traditional office setting.
- 2. COVERAGE.** This chapter covers all VA employees in telework [and remote work] suitable positions.
- 3. EXCLUSIONS.**
 - a. Employees who have been officially disciplined for absence without approved leave (AWOL) for more than [five] days in any calendar year after December 9, 2010.
 - b. Employees who have been officially disciplined for violations of [subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch](#) for viewing, downloading or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.
- 4. RESPONSIBILITIES.**
 - a. Under Secretaries, Assistant Secretaries, Other Key Officials, or their designees, are responsible for the administration of telework [and remote work] programs and [for implementing] this policy within their organizations; [including for employees in VA Central Office, the Office of Information and Technology, and Program Offices of the Veterans Health Administration. Administration of telework and remote work programs includes approving or discontinuing alternative work arrangements,] ensuring that managerial, logistical, organizational, or other barriers to implementation and successful functioning of the telework [or remote work] program[s] are removed. [The responsibility for approving or discontinuing telework or remote work arrangements may be delegated as far down as first level] supervisors. Each Administration and Staff Office will be required to ensure employee telework [and remote work] data is being recorded in a timely manner in [the VA personnel system of records (currently HR-Smart)] and the VA electronic time and attendance systems.
 - b. [Where responsibility for approving or discontinuing telework or remote work arrangements is delegated to] Facility Directors, [they] are responsible for [the administration of telework and remote work] programs [for employees under their jurisdiction]. [Facility Directors will] periodically remind employees of the workplace flexibilities available. The responsibility for approving or discontinuing telework [or remote work] arrangements may be delegated as far down as first level supervisors. The approval of telework [and remote work] arrangements must be coordinated with facility Human Resources Officers and supervisors.

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- c. The [Chief Human Capital Officer, Human Resources and Administration/ Operations, Security and Preparedness shall] advise management and operating officials on the policies and procedures in this chapter.
- d. Supervisors [shall]:
 - (1) [D]etermin[e] position suitability and employee eligibility for telework [and remote work] arrangements;
 - (2) Coordinat[e] the completion of the User's Remote Computing Security Agreement with employees (available in the "[VA Remote Access Guidelines](#).");
 - (3) Ensur[e] that the employee has remote access;
 - (4) Ensur[e] adequate coverage during public business hours; that operations continue to be carried out in an efficient and economical manner; and that participating and non-participating employees are treated equitably;
 - (5) [Verify employee required training is completed and complete supervisor telework training, as indicated on VA Form 0740;
 - (6) Ensure VA Form 0740 (or electronic equivalent) is complete prior to employee starting telework or remote work;]
 - (7) Coordinat[e] updates to the telework indicator code in HR·Smart with their servicing Human Resources (HR) office[, including the submission of a request for processing personnel action when an employee's telework or remote work request requires a change in duty station location for locality-based pay]; and
 - (8) Coordinat[e] changes to employee telework [or remote work] schedules with their servicing timekeeper.
- e. Timekeepers are responsible for coding employee timecards with the appropriate descriptors for regularly schedule[d] telework or ad-hoc/situational telework each pay period.
- f. Employees [shall]:
 - (1) Maintain productivity and fulfill their obligation to account for their scheduled daily tour of duty. Participants may be permitted to work at home or other telework worksites full days or a portion of a day. Leave [must] be requested for the period of time not worked;
 - (2) Work[] with their supervisor in completing the remote access request through the Remote Access Self Service Portal;

- (3) Request permanent and temporary changes to their telework schedules through their supervisors; and;
- (4) [Ensure that they are working from the approved alternative worksite location and to request supervisory approval in advance for any temporary changes to the alternative worksite location.]

5. DEFINITIONS.

- a. **Ad Hoc Telework.** Telework that occurs on an occasional, non-routine basis. Telework that occurs to complete short-term special assignments or to accommodate special circumstances even though the telework arrangement may occur continuously for a limited and specific period of time.
- b. [**Agency Worksite.** The official agency location where the employee reports and work activities are based, absent a telework agreement.]
- c. **Alternative Work[s]ite.** [The location where the employee is approved to work when not at the agency worksite. Generally, this is the employee's residence (home).]
- d. **Classified Documents.** Documents that have been officially designated as either Confidential, Secret or Top Secret.
- e. **Continuity of Operations Planning (COOP).** Planning to ensure that the capability exists to continue agency essential functions across a wide range of emergencies, either natural or declared.
- f. **Docking Station.** A piece of equipment that is used with an agency issued laptop computer to allow for the convenient and quick connection of peripheral and/or telecommunications.
- g. **Domestic Employee Teleworking Overseas (DETO) Arrangement.** A telework arrangement wherein an employee temporarily performs the work requirements and duties of their domestic civil service position from an approved [foreign] overseas location. Employees may not telework from a foreign location without an approved DETO agreement.
- h. **DETO Agreement.** A written agreement, in addition to the [VA Form 0740, Telework Agreement](#), which is required for all VA employees conducting official U.S. Government business in a foreign location. DETO agreements are extremely rare but may be approved on a case-by-case basis in accordance with the guidance and procedures specified in [[VA financial policy Volume XIV, Chapter 6](#) and [U.S. Department of State policy guidelines](#).]
- i. [**Locality Payment.** A locality-based comparability payment payable under 5 U.S.C. § 5304 and 5 C.F.R. § 531.605. An employee's locality payment is the

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difference between the employee's locality rate and the employee's scheduled annual rate of pay.]

- j. **Mobile Work.** Work which [requires] routine and regular travel to conduct work [with] customers or [several] worksites as opposed to a single authorized alternative worksite. Examples of mobile work include site audits, site inspections, investigations, property management, and traveling between worksites, or on Temporary Duty (Note: Normal commuting time from home to work and from work to home is not counted as hours of work).
- k. **Official Worksite.** The [official worksite where the employee regularly performs their duties as determined by 5 C.F.R. § 531.605. For most employees, the official worksite is the agency worksite, including a teleworker. For a remote employee, the official worksite is the worksite to which the supervisor and employee agreed (e.g., the employee's residence) for location-based pay entitlements and travel. See [VA Handbook 5007](#), Chapter 9, Part III for guidance on official worksite determinations for pay purposes.]
- l. **Regular and Recurring Telework.** An approved telework schedule where eligible employees work at an alternative work site on a regular, recurring, and ongoing basis. []
- m. **Remote Work.** [An alternative work arrangement in which an employee, under a written remote work agreement, is scheduled to perform their official duties at an alternative 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 commuting area of an agency worksite.
- n. **Remote Work Agreement.** A required written agreement, completed and signed by an employee and appropriate officials, outlining the terms and conditions of a remote work arrangement. [VA Form 0740](#) or the electronic equivalent will be used to document the remote work agreement.]
- o. **Telework.** An [] arrangement under which an employee[, under a written telework agreement,] performs the duties and responsibilities of such employee's position, and other authorized activities, from an approved [alternative] worksite other than the location from which the employee would otherwise work. [Unlike remote work, the employee is expected to report to the agency worksite on a regular and recurring basis. If less than two-days a pay period, this may impact locality payments.]
- p. **Telework Agreement.** A required written agreement, completed and signed by an employee and appropriate officials, outlining the terms and conditions of an alternative workplace arrangement (telework). [VA Form 0740](#) or the electronic equivalent will be used to document the telework agreement.]
- q. **Telework Coordinator.** A VA employee designated in each organization to handle the responsibilities of maintaining a record of employees under telework

agreements and any other duties requested by management to help manage a facility's telework program.

- r. **Virtual Work.** Work performed on a full-time basis using a VA-leased space or at a VA facility other than the facility that hired the employee.

6. POLICIES AND PROCEDURES [FOR TELEWORK].

- a. It is [VA] policy [] to encourage the use of [telework as an] alternative workplace arrangement[]. Managers and supervisors should permit eligible employees to participate in telework to the maximum extent possible provided it does not diminish employee performance or Departmental operations. Telework supports VA goals for improving environmental stewardship and providing employees with greater worklife flexibilities, as well as providing [] cost savings and an effective and efficient means to continue performing mission critical functions during local or national incidents.
- b. Managers and supervisors must determine whether a position is suitable for telework and whether the employee is eligible to participate in a telework arrangement. Managers and supervisors also must issue notification letters and/or emails to employees apprising them of their eligibility to participate in telework (see sample letters in appendices A and B of this part). The procedures for the notification may be determined at the local level with appropriate bargaining unit involvement.
- c. Telework is not an employee entitlement. An employee's participation in telework is voluntary, and approval will be based on management's determination that [participation in] telework supports the mission of the organization and [is consistent with individual performance, team, and organizational work requirements]. Management may disapprove or terminate a [telework] arrangement if it is not compatible with or does not contribute to the organization's mission [or results in diminished individual, group, team, or organizational performance.] Telework notification letters should be provided in writing and include the business-based rationale for the decision. This is a matter for local negotiation.
- d. Employees who meet the criteria for telework may participate in telework arrangements in accordance with applicable laws and collective bargaining agreements. Participation in a telework arrangement is subject to supervisory approval. Whenever appropriate, management may consider establishing telework arrangements to meet its needs as well as those of employees. Telework provides managers, supervisors, and employees with alternatives to the [agency] worksite in accomplishing work objectives.
- e. Adequate coverage must be maintained. Teleworkers, therefore, may be required to return to the [agency] worksite on scheduled telework days based on the needs of the office. In such instances, a recall to the office for operational reasons or in support of a mission requirement is not a termination of the

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telework agreement. Requests by teleworkers to change their scheduled telework days in a particular week or bi-weekly pay period should be accommodated by the supervisor where practicable, and consistent with mission requirements.

- f. [] Telework may be used as a reasonable accommodation for employees with qualifying disabilities under the [Rehabilitation Act of 1973, as amended. Telework may also be used as an accommodation under Title VII of the Civil Rights Act of 1964 and the Pregnancy Discrimination Act]. Detailed guidance on [requests for] reasonable accommodation [related to disability] is found in [VA Handbook 5975.1](#). [Refer to [VA Directive 5975](#) for guidance on requests related to religious accommodation or pregnancy.]
- g. [With supervisory approval,] telework arrangements may be established at the employee's residence, satellite centers, and other temporary alternative workplace arrangements such as hoteling (workspaces assigned for use by reservation on an as-needed basis), hot desking (locating workspaces assigned on a first come, first served basis), [and] hotel rooms [] when determined by work unit supervisors to be consistent with the mission of VA.
- h. Prior to initiating, modifying, or terminating a telework arrangement that affects employees in a collective bargaining unit, appropriate labor relations obligations must be fulfilled.
- i. It is recommended that telework agreements be reviewed at least annually, but no more than quarterly (unless there are specific concerns with the agreement) to determine the impact on work operations.
- j. If management determines that a telework arrangement is not meeting the operational needs of the organization, the arrangement will be modified no sooner than two weeks after the employee is notified, or in accordance with the required notice periods specified in applicable collective bargaining agreements. Supervisor modification or termination of the arrangement or an employee's request to terminate an arrangement requires two weeks' notice except where:
 - (1) Otherwise specified in a collective bargaining agreement;
 - (2) Work-related circumstances require otherwise, e.g., an emergency situation;
 - (3) Management determines that the teleworker is not meeting performance criteria;
 - (4) The employee breached information security protocol or;
 - (5) The employee works overtime without prior advanced approval [See Part I, Paragraph 4r]. Employees are not authorized to work overtime unless ordered and approved by the supervisor in advance. Unauthorized

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overtime will not be credited. Telework agreements may be terminated for employees who work unauthorized overtime. The decision to terminate the agreement should be made on a case-by-case basis based upon the circumstances after discussion with the employee.

- k. Equal employment opportunity principles are fully applicable to the operation of this program.
- l. Employees with mission-critical duties and those who may be required to telework in the case of a Continuity of Operations (COOP) event, office closure to the public due to adverse or inclement weather, or pandemic health crisis must have an approved telework agreement in place.
- m. A new telework agreement should be completed if the employee is assigned to work under a new supervisor or if the terms of the telework agreement change.
- n. Telework is not intended to serve as a substitute for dependent/elder care. [The primary intent of the telework program is to support the mission of the office in an alternative work setting. Telework may not be used as an alternative to or in lieu of dependent care/elder care. Employees may not telework with the intent of or for the sole purpose of meeting dependent care responsibilities while performing official duties. While performing official duties, employees are expected to arrange for dependent care/elder care in the same manner as they would if they were working at an agency worksite].
- o. The opportunity to participate in telework is offered only with the understanding that it is the responsibility of the employee to ensure that a proper work environment is maintained (e.g., dependent/elder care arrangements are made so as not to interfere with the work, personal disruptions such as non-business telephone calls and visitors are kept to a minimum, etc.). [While the presence of dependents in the home is not an absolute bar to teleworking, employees must not engage in dependent care/elder care activities when performing official VA duties. Employees may take leave, with supervisory approval, or adjust their work schedule under a flexible schedule to complete a full workday while attending to dependent care/elder care responsibilities.] A special exception may only be authorized in circumstances such as a pandemic or other emergency. When telework is authorized under such exception, the employee is expected to account for work and non-work hours during the tour of duty and take appropriate leave (paid or unpaid) to account for time away from normal work-related duties. Supervisors and employees should discuss this scenario in advance to determine the limits of the employee's ability and how communication and workflow will be affected.
- p. [An employee may participate in telework while working an alternate work schedule such as a compressed or flexible work schedule.]

7. TELEWORK CRITERIA.

- a. **Participation.** Employee participation in a telework arrangement is voluntary. Managers should allow eligible employees to telework to the maximum extent practicable without diminished employee or organizational performance.
- (1) VA employees authorized for telework arrangements must occupy a suitable position []. Employees may be denied eligibility to telework if they do not have a history of being “reliable, responsible, and able to work independently.” Both full-time and part-time employees may participate in a telework arrangement. Telework is not recommended for trainee or intern positions or during the first 90 calendar days of any probationary period. However, under emergent or extenuating circumstances there may be authorized exceptions on a case-by-case basis.
 - (2) The employee’s immediate supervisor is responsible for determining the requirements and expectations of a telework arrangement to include the appropriate number of days and which job duties may or may not be performed remotely by the employee. This should be done in collaboration with the employee. Each arrangement to telework is to be considered individually and documented in a written agreement [, on VA Form 0740 or the electronic equivalent (through the appropriate VA personnel system of record). The supervisor should maintain a copy of the agreement and provide a copy] to the employee. The supervisor shall [also] inform the timekeeper so that telework is recorded appropriately in the electronic time and attendance system. [Paper submissions on VA Form 0740 additionally require the supervisor provide information to the HR office so the telework agreement is coded into the VA personnel system of record HR Smart.]
 - (3) All teleworkers and their immediate supervisors must receive training designed to provide the employee and supervisor with a smooth transition to telework. The training module is available via the Talent Management System (TMS) [under course title TMS Training for Employees (VA 1367006) and TMS Training for Managers (VA 1366994).]
- b. **Position Suitability.**
- (1) Management officials are responsible for determining which positions are [eligible] for telework arrangements consistent with labor relations obligations. Position suitability must be reviewed by management officials based on the functions and job duties of the position rather than the title alone. Tasks that can be performed away from the traditional office are generally more suited for a telework arrangement. Even positions that are generally not suitable for telework may have tasks that may be deemed suitable. This approach to “job reengineering” can assist in providing appropriate avenues toward telework. Guidelines for determining position suitability include but are not limited to:

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- (a) Work activities must be portable and can be performed effectively outside the traditional office location;
 - (b) Job tasks are quantifiable or primarily project-oriented;
 - (c) Contact with other employees, the supervisor or manager, and serviced clientele is predictable and normally scheduled;
 - (d) The computer technology needed to perform work off-site is currently available or can be acquired;
 - (e) Employees may be linked electronically to the traditional office location using Government Furnished Equipment (GFE) or a personal computer via the internet, based on specific guidance contained in VA Directive 6500, or if VA network access is not required, the employee may simply take approved work to the alternative worksite;
 - (f) Classified documents may not be taken to, used or stored at an employee's home office or [alternative worksite]. The employee must return to the [agency worksite for classified work] to access and work on such documents or materials; and
 - (g) Privacy Act materials, evidence or sensitive documents (hard copy or electronic) may be accessed, and if required, printed remotely, provided the employee agrees to protect Government/VA records from unauthorized disclosure, loss, compromise or damage, and will comply with the security requirements in the Telework Agreement, all applicable VA and local facility policies, Privacy Act of 1974, 5 U.S.C. § 552a, and all applicable Federal laws and regulations, VA Directive and Handbook 6210, and other applicable VA policies. Any hard copy or printed sensitive material shall be kept securely at the alternative site and retained in accordance with the National Archives and Records Administration, facility Records Management guidelines, and VA and facility sensitive material disposition.
- (2) Telework may not be suitable for some positions. However, these positions may be eligible for telework on an ad hoc basis or in an emergency situation. These positions require on a daily basis:
- (a) Extensive [in-person] contact with supervisors, co-workers, clients and Veterans;
 - (b) Special facilities or equipment that can not readily or economically be provided; or
 - (c) Frequent access to classified material and/or sensitive information.

8. PROCESS FOR ESTABLISHING A TELEWORK AGREEMENT.

- a. Management must first identify an employee's position as suitable for telework, determine whether the employee is eligible to participate in telework, and notify the employee of the employee eligibility in writing, regardless of whether the employee has submitted a request to telework.
- b. Eligible employees interested in telework should discuss the matter with their supervisor and, if they would like to telework, submit a request [in writing on a [VA Form 0740](#) (or the electronic equivalent) before completing the training or requesting remote network access.]
- c. The supervisor will consider the request and determine whether telework is an appropriate work arrangement. When the supervisor and employee agree that the alternative workplace arrangement is an acceptable option, additional discussions should be held regarding the employee's work schedule, work requirements and job expectations.
- d. Upon completion of the mandatory telework training course, including the Information Security Awareness Training and Veterans Health Administration (VHA) Privacy Policy Training, as applicable, the employee must [complete VA Form 0740, Telework Agreement](#), [or the electronic equivalent] which lists all terms and conditions for the telework alternative workplace arrangement, and collaborate as needed with the facility's Telework Coordinator.

9. PROCEDURES TO REQUEST A TELEWORK AGREEMENT.

- a. Employees must submit a written request to their immediate supervisor to telework. [Submission of the electronic equivalent of the VA Form 0740 is encouraged for non-bargaining unit employees. Use of an electronic equivalent to the VA Form 0740 for bargaining unit employees is defined in collective bargaining agreements and/or memoranda of understanding.] The request must state the specific work schedule, as well as the proposed workdays, hours, etc. as applicable.
- b. The immediate supervisor must meet or confer directly with the requesting employee within ten business days after receipt of a written request to telework to understand fully the nature of and need for the requested flexibility.
- c. The supervisor must carefully consider the request and any supporting information provided by the employee and provide a written decision to the employee within 20 business days after receipt of the initial request, or within the timeframes set forth in an applicable collective bargaining agreement. Supervisors must consider VA's mission-related requirements and the impact on VA operations when rendering a decision.
- d. If the supervisor is unable to grant the employee's request due to mission-related requirements and the impact on VA operations, the supervisor should

work with the employee to determine if there are alternatives available that are beneficial to VA and the employee. If the supervisor denies the employee's request to telework the employee has the right to file a grievance in accordance with the procedures outlined in VA Handbook 5021, Part IV, or applicable collective bargaining agreement.

[10. POLICIES AND PROCEDURES FOR REMOTE WORK.

- a. VA fully supports and promotes remote work arrangements for employees occupying remote work eligible positions. The remote work policy as described in this Handbook is intended to enhance the worklife balance for employees. While employees and organizations benefit from remote work arrangements, such arrangements are subject to the business case and operational needs of the VA organization and budget allocation.
- b. Remote work arrangements should be cost-neutral or low-cost, to the extent practical, after factoring in the net cost savings accrued moving each employee to a remote arrangement.
- c. Managers and supervisors must determine whether a position is suitable for remote work and whether the employee is eligible to participate in a remote work arrangement. Remote work is an arrangement under which an employee is scheduled to perform their position's job duties at an approved alternative worksite (typically the employee's residence) 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 commuting area of an agency worksite.
- d. Remote work arrangements may be established when the supervisor hires the employee to work from a remote worksite location or approves the employee's change in duty location. Remote work is not an employee entitlement. The approval will be based on management's determination that remote work supports the mission of the organization and does not diminish either employee performance or agency operations.
- e. Employees who meet the criteria for remote work may participate in remote work arrangements in accordance with applicable laws, regulations, and collective bargaining agreements. Participation in a remote work arrangement is subject to supervisory approval. Prior to initiating, modifying, or terminating a remote work arrangement that affects employees in a collective bargaining unit, appropriate labor relations obligations must be fulfilled.
- f. With supervisory approval, remote work arrangements may be established at the employee's residence or other approved locations when determined by work unit supervisors to be consistent with the mission of VA.
- g. Remote work arrangements may be used for a variety of business reasons, including, but not limited to:

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- (1) Retaining high performing employees who must move for personal reasons and would otherwise leave the VA;
 - (2) Recruiting employees with specialized skills, who may not want or be able to relocate for personal reasons;
 - (3) Achieving VA Administration or Staff Office real estate cost savings, or other business cost reductions (e.g. utility costs or reduction in leased space);
 - (4) Reducing costs associated with filling vacancies when employees must relocate; and
 - (5) Increasing employee work-life balance, resulting in increased morale.
- h. It is recommended that remote work agreements be reviewed at least annually, but no more than quarterly (unless there are specific concerns with the agreement) to determine the impact on work operations.
 - i. A new remote work agreement should be completed if the employee is assigned to work under a new supervisor or if the terms of the remote work agreement change.
 - j. Remote work is not intended to serve as a substitute for dependent/elder care. The primary intent of the remote program is to support the mission of the office in an alternative work setting. Remote work may not be used as an alternative to or in lieu of dependent care/elder care. Employees may not participate in remote work with the intent of or for the sole purpose of meeting dependent care/elder care responsibilities while performing official duties. Refer to Paragraph 6 under Telework Policy and Procedures for dependent care/elder care guidance.
 - k. Equal employment opportunity principles are fully applicable to remote work programs.
 - l. Remote work may be used as a reasonable accommodation for employees with qualifying disabilities under the Rehabilitation Act of 1973. Detailed guidance on reasonable accommodation may be found in [VA Handbook 5975.1](#).
 - m. An employee may participate in remote work while working an alternate work schedule such as a compressed or flexible work schedule.
 - n. Remote employees must be treated equitably for appraisals of job performance, training, awards, reassignment, promotions, changes in grade, work requirements, approval of overtime work, flexible and compressed work schedules, and other actions within management's discretion.

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CHAPTER 4**11. REMOTE WORK CRITERIA.**

- a. **Participation.** Employee participation in a remote work arrangement is voluntary. Managers should allow eligible employees to participate in remote work to the maximum extent practicable without diminished employee or organizational performance.
 - (1) **Position Suitability.** At a minimum, the following conditions or criteria will be considered when a remote work arrangement is requested or when included in a Job Opportunity Announcement (JOA):
 - (a) (a) As part of the ongoing position management processes, each VA Administration and Staff Office will review positions to determine eligibility for a remote work arrangement. Eligibility must be determined prior to posting a JOA; and
 - (b) (b) VA Administrations and Staff Offices must consider the job duties that only can be performed onsite and the amount of time required to complete such duties in a typical bi-weekly pay period;
 - (c) (c) The amount of time required each week to participate in other aspects of the work unit operations such as training, meetings or collaboration, including collaboration with stakeholders that cannot be conducted virtually; the type and frequency of travel associated with the position.
 - (d) (d) Employees with mission-critical duties and those who may be required to work in the case of a COOP event, office closure to the public due to adverse or inclement weather, or pandemic health crisis must have an approved telework agreement in place.
 - (2) **Employee eligibility.** Employees are [also] eligible for remote work arrangements pursuant to management's determination that the duties and responsibilities of the position can be successfully performed from an alternative worksite. Employees must be capable of accomplishing work assignments without close on-site supervision or continual in-person interaction with other staff.
- b. All remote workers and their immediate supervisors must receive the telework training designed to provide the employee and supervisor with a smooth transition to remote work. The training module is available via the TMS under course title TMS Training for Employees (VA 1367006) and TMS Training for Managers (VA 1366994).
- c. In considering remote work requests, the following factors should be evaluated:
 - (1) Whether remote work is in the best interest of the agency.

- (2) Potential impact to the organization and/or work unit.
- (3) Whether remote work is cost neutral or low cost.
- (4) Characteristics and competencies of the employee align with being a remote worker. Whether other pay and human resources flexibilities have been considered and why they would not be effective for recruiting or retaining an employee in the position.
- (5) Whether an employee requested relocation to a remote work location is for the employee's own convenience and benefit. Pursuant to Federal Travel regulations (41 C.F.R. Chapter 302), VA is prohibited from paying relocation expenses to a new remote work location.

12. PROCESS FOR ESTABLISHING A REMOTE WORK AGREEMENT.

- a. The VA Form 0740 or the electronic equivalent will be used to document the remote work agreement. Upon completion of the mandatory telework training courses, including the Information Security and Awareness Training and Privacy Act Training, as applicable, the employee must complete VA Form 0740, Telework Agreement (or the electronic equivalent), outlining the terms and conditions of a remote work arrangement. The agreement must be completed and signed by the employee and appropriate official(s), with the supervisor maintaining a copy of the agreement and providing a copy to the employee. The supervisor shall also inform the timekeeper so that remote work is recorded appropriately in the electronic time and attendance system. Paper submissions on VA Form 0740 additionally require the supervisor provide information to the HR office so the remote work agreement is coded into the VA personnel system of record, HR Smart.
- b. The official duty station is the location of the employee's alternative worksite. The alternative worksite determines certain location-based pay entitlements, such as the amount of General Schedule locality pay an employee will receive. The locality pay for those employees who are remote work employees will be the employee's alternative worksite as determined at the time of hire. Servicing HR personnel must process the following required actions:
 - (1) Update OF-8 to reflect the Remote Duty Station (Block 5)
 - (2) Process SF-52, changing "Duty Station" blocks 38 and 39 of the SF-50 and
 - (3) Process SF-52 to document position reclassification action when necessary
 - (4) Update HR database(s) to reflect change in telework status codes, etc.
- c. Remote work employees generally will not have an assigned or dedicated workspace at the VA organization staff office worksite.

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- d. Although remote employees generally are not expected to report to the agency worksite, the supervisor can require the presence of a remote employee at the worksite in certain situations, e.g., training, or an official meeting. Supervisors should provide as much advance notice as possible but at least 24 hours. If applicable, this should be stated in the Supervisor/Employee Specific Terms and Conditions section of the agreement. When a supervisor authorizes a remote employee to travel to an office worksite for official duty, the agency will pay travel costs consistent with applicable [travel regulations and policies](#).

13. PROCEDURES TO REQUEST OR MODIFY A REMOTE WORK AGREEMENT.

- a. **Recruitment.** HR personnel, in coordination with the hiring manager, must ensure that all VA JOAs indicate whether the position is suitable for remote work and identify:
 - (1) Eligibility for a remote work arrangement; and
 - (2) Whether a remote work arrangement is required for the position. Candidates accepting a position where a remote work arrangement is required must accept the arrangement as a condition of employment.
- b. **Employee Requests.** VA employees may request to work remotely, change an existing remote work arrangement, or terminate their remote work arrangement by submitting a VA Form 0740 (or the electronic equivalent) to the supervisor. Relocation expenses are not authorized for voluntary change in worksite requests, including for remote work requests due to reasonable accommodations.
 - (1) The employee requesting a change must:
 - (a) Discuss the request with their supervisor. Changing the employee's duty station likely will affect the employee in several ways (e.g., locality pay, Reduction-in-Force (RIF) competitive area, bargaining unit status, unemployment compensation). When discussing such requests with the employee, management must address other available workplace flexibilities, including but not limited to, alternative work schedules, details, leave options (e.g., extended leave without pay (LWOP)), and shared leave programs, if applicable.
 - (b) The employee then may submit a request for a remote work arrangement, change to a remote work arrangement, or termination of a remote work arrangement in writing. The request must include the proposed duty station and effective date. Supervisors may consider, however, whether there is a need to limit the geographic location of the duty station for the remote work arrangement due to travel or other mission requirements.

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- (c) Following approval, the employee will be responsible for notifying their supervisor of any changes in address within 48 business hours of the official change of location and for ensuring locality pay is accurately reflected in official documentation. Failure to notify the supervisor of any changes in address may result in disciplinary action, up to and including removal from Federal Service. Note: The official worksite must be located within the United States, including Alaska or Hawaii, and Puerto Rico unless the employee has an approved DETO request to conduct official VA business from an alternative worksite located in a foreign country.
 - (d) Denial of a remote work request should not prevent an employee from requesting to telework on a regular and recurring and/or ad hoc basis.
 - (2) Supervisory considerations of employee requests to establish, change or terminate a remote work arrangement include:
 - (a) That the proposed creation or change of a remote work arrangement does not negatively affect the VA Administration or Staff Office's budget or ability to execute its mission;
 - (b) Supervisors considering establishing or changing a remote work arrangement must first coordinate with their chain of command prior to providing a final determination to the employee(s) request and adhere to any collective bargaining unit obligations. Under Secretaries, Assistant Secretaries, Other Key Officials, or their designees are authorized to approve and discontinue remote work arrangements. The responsibility may be redelegated to lower management official(s). Facility directors and field facility heads are authorized to approve or discontinue remote work arrangements for employees under their jurisdiction. The authority to approve, modify, or terminate remote work arrangements may be re-delegated to lower management official(s); and
 - (c) Employee requests to terminate a remote work arrangement may be denied due to space limitations within a VA Administration or Staff Office worksite.
 - (3) Remote workers may still be eligible for telework with supervisory approval, if they wish to regularly or on an ad hoc basis work from an additional alternative site (i.e., a co-working arrangement). Travel back to their work unit's primary worksite is covered by travel policy.
- c. **Termination Due to Business/Organizational Needs.** Remote work agreements may be terminated by management with adequate prior advanced notice to the employee when necessary due to changing business or organizational needs, or other mission/business related reasons. In such

circumstances the affected employee will be offered a position at the same grade and pay in the commuting area of the current official worksite or will be offered the opportunity to move to the agency worksite.

- (1) If the employee accepts an offer to move, relocation costs will be paid by VA in accordance with regulation and [VA Financial policy](#).
- (2) If there is no suitable position available in the local commuting area, or the employee declines a suitable position and the offer to move to the agency worksite, management will initiate appropriate action to separate the employee for failure to accept a management-directed reassignment outside the commuting area in accordance with applicable regulations, policies, and collective bargaining agreements. The employee will be entitled to transition assistance in accordance with applicable regulations, policies, and collective bargaining agreements, including the VA Career Transition Assistance Plan (CTAP). In addition to transition services, CTAP provides selection priority for positions announced within the employee's commuting area, for which the employee applies and is well-qualified.

d. **Termination due to Performance or Misconduct.** Remote work arrangements may be terminated by management at any time when it can be demonstrated that the work arrangement has contributed to performance that falls below the fully successful level, or to misconduct as outlined in [VA Handbook 5021](#), Employee Management Relations. Managers who are considering termination of a remote work arrangement will consult with the servicing human resources office before taking any action. When the decision is made to terminate the remote work arrangement, the employee will be directed to report to the agency worksite or may be offered a position at the same grade and pay within the commuting area of the employee's current official worksite/duty station.

- (1) If the employee accepts an offer to move the agency worksite, any relocation expenses will be paid by the employee in accordance with GSA Federal Travel Regulations (see [§ 302-1.1 \(b\)](#)).
- (2) If the employee declines to move to the agency worksite, management will initiate appropriate action to separate the employee for failure to accept a management-directed reassignment outside of the commuting area, in accordance with applicable regulations, policies, and collective bargaining agreements.
- (3) Remote work may be temporarily suspended to address performance issues. Management considering suspension of a remote work arrangement will consult with the servicing human resources office before taking any action, including whether the employee will work from the closest VA location or the agency worksite.

- e. Prior to initiating, modifying or terminating a remote work arrangement that affects employees in a collective bargaining unit, appropriate labor relations obligations must be fulfilled.]

[14. OTHER CONSIDERATIONS FOR TELEWORK AND REMOTE WORK].

- a. **Automated Information System Security.** Each Administration and Staff Office with a telework [or remote work] program will ensure that Departmental information security policies, established by the Office of Information and Technology, are strictly enforced and that telework employees are informed that periodic remote computer surveillance may be conducted on GFE to ensure information security policy compliance. Technical requirements for computer connections to the VA network by teleworkers will be published and issued by the Chief Information Officer (CIO). Offices sponsoring telework [or remote work] must also ensure that adequate technological security protections are in place on all electronic devices issued to telework [or remote work] participants. If Federal and VA information security policies, procedures and guidelines are not followed, telework [and in some cases, remote work arrangements,] must be terminated. Prior notice to the employee is not required for enforcement and reporting of security violations. Additional security policy information and clarification can be obtained from the VA Office of Information and Technology, [Information Security Knowledge Service Portal at: <https://dvagov.sharepoint.com/sites/OITOIS/KnowledgeService/Pages/Home.aspx>] (see also [VA Directive 6500, Automated Information Systems Security](#)).
- b. **Security and Privacy Considerations.**
 - (1) Classified documents (hard copy or electronic) may not be taken to, used or stored at an employee's home office or telecenter. The employee must return to the traditional office to access and work on such documents or materials. Privacy Act materials, VA sensitive data and systems may be accessed remotely provided that the employee agrees to protect Government/VA records from unauthorized disclosure or damage. See paragraphs 7.b.(1)(f) and (g) for the differences between classified and sensitive material. The employee must also comply with all policy and legal requirements (in accordance with the [Privacy Act of 1974, 5 U.S.C. § 552a](#) and the policies and procedures set forth in VA Directive and [Handbook 6500](#)). Prior notice to the employee is not required to terminate telework [and remote work] arrangements due to security violations.
 - (2) If any legal requirements are made to the Privacy Act of 1974, 5 U.S.C. § 552a, or if there are any updates to VA Directive and Handbook 6500, or other Departmental policies and procedures, the employee, upon proper notice, must agree to comply with the changed requirements. Failure to do so constitutes a basis for potential termination of the telework [or remote work] agreement.

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- c. **Emergency Closure and Dismissal Impact on Telework [and Remote Work].** On a day when the official duty station facility is closed for all or part of a day, the following weather and safety rules apply:
- (1) **Unscheduled Leave and Unscheduled Telework.** In the event of an emergency, Government agencies may be closed to the public with telework [and remote] employees continuing to work. Employees are expected to perform unscheduled telework [or remote work] for the entire workday at the alternative work site, take other leave (paid or unpaid) or other time off, or use a combination of telework and leave or other paid time off. Telework [and remote work] program participants do not receive weather and safety leave when a closure is announced unless an exception in subparagraph (4) below applies.
 - (2) **Late Openings.** On a day when an employee is scheduled to work at the alternative worksite and the employee's official duty station facility opens late, the employee is required to perform their full alternative worksite schedule if scheduled to work from that alternative location.
 - (3) **Late Arrivals and Early Dismissals.** On days when a late arrival or early dismissal occurs, the employee is required to perform their full alternative worksite schedule if scheduled to work from that alternative location.
 - (4) **Emergency Situations.** On a case-by-case basis, a supervisor may excuse a telework [or remote work] employee from duty during an emergency if the emergency adversely affects the telework [or remote work] site (e.g., disruption of electricity, loss of heat, etc.). Under these circumstances, employees excused from duty may be granted weather and safety leave in accordance with Part III, Chapter 2, paragraph 12.u. and Chapter 3 paragraph 9.o. of this handbook.
 - (5) **Ad Hoc Arrangements.** All employees approved for regular and recurring telework are eligible for ad hoc telework. An employee who does not have an agreement for scheduled telework must have an ad hoc agreement in place before the employee can telework on an ad hoc basis. Exceptions to the telework agreement requirement may be authorized during emergent situations, when one or more employees are evacuated from their worksite and perform work from their home (or at an alternative location mutually agreeable to the supervisor and employee). In these circumstances, the ad hoc telework agreement should be completed as soon as practicable. An employee approved only for ad hoc telework should telework periodically throughout the year to ensure that the employee is prepared for ad hoc telework. While ad hoc telework is generally used for unforeseeable and unavoidable emergency circumstances, management may approve ad hoc telework for any reason for an employee with an approved telework agreement. The type of assignments that employees are expected to perform should be determined prior to approval of ad hoc telework.

- [(6) **Remote Work.** An employee on a remote work agreement whose home is considered the employee's official duty station (i.e., a 100 percent telework employee) will generally not be granted weather and safety leave unless the employee is unable to safely perform work at their official duty station due to the conditions described in Part III, Chapter 2, paragraph 12(u)(1)(a) (e.g., employee is unable to safely perform remote work due loss of power as a result of a hurricane).]

d. The Alternative Worksite.

- (1) An alternative worksite must be suitable for conducting business. Before a telework [or remote work] agreement is approved, the employee must complete the Telework Self-Certification Safety Checklist, included on [VA Form 0740](#), [or the electronic equivalent] certifying that the location where work will be accomplished meets the safety and security criteria, and submit it to the immediate supervisor.
- (2) The supervisor and employee will identify resources needed to facilitate the work assignment, assuring all property and equipment needs are satisfied in accordance with the telework [or remote work] agreement.

e. Expenses and Equipment.

- (1) Basic computer equipment and software (either GFE or owned by employee [OE]) must be coordinated with the Office of Information and Technology (OIT) to ensure all information and technology (IT) requirements are satisfied. The decision to provide GFE may be based on the availability of equipment and possibly the availability of purchasing funds. Where applicable, OE may be used in conjunction with VA OIT approved gateway access that permits secure access to VA systems. An option for GFE may be to request OIT to provide the employee with a docking station. The employee then is able to use the same computer at the [official duty station/agency worksite] and the [alternative worksite].
- (2) Remote printing is permitted for employees on approved telework [and remote work] agreements when the ability to create and/or print documents is required as part of the employee's assigned job duties. Supervisors seeking authorized remote printing for [an employee with a proposed or existing telework or remote work agreement] must certify the employee's position requires remote printing on the VA Form 0740, Telework Request/Agreement [(Section IX, Technology/Equipment Checklist) or the electronic equivalent] and obtain a second level supervisory [approval,] in accordance with VA OIT guidelines [(which may be indicated in block 8a, Comments, of Section IX of [VA Form 0740](#))]. Printer supplies such as ink and paper will be provided by the employee's program office. A GFE shredder is also required if the employee will print documents that may contain VA sensitive and/or personally identifiable information that are not

deemed official Government records. The shredder is to be issued by the employee's VA program office in addition to the printing supplies. The following guidance applies to remote printing:

- (a) The use of personally owned printers is strictly prohibited.
 - (b) Employees approved for remote printing as part of their assigned job duties must comply with VA and local facility policies regarding information security or the appropriate storage and destruction of printed VA sensitive and personally identifiable information in a remote setting. Remotely printed documents containing VA sensitive and/or individually identifiable information that are not deemed official Government records (i.e., working papers) must be shredded when no longer of use. Shredding is to be done in accordance with VA and local facility policy. GFE shredders will be purchased and assigned to authorized full-time remote or telework staff by their program office.
 - (c) Employees who participate in telework on a less than full-time basis must ensure documents requiring destruction are securely transported to their official duty station to be shredded and disposed of in accordance with VA and local facility policy.
- (3) The supervisor must determine the level of telephonic support necessary for the teleworker [and employees on remote work agreements]. Local and toll-free calls can be made on employee equipment. Long distance dialling may be supported by OIT provision of a cell phone, calling card, voice over internet protocol or other modality as determined by OIT.
 - (4) Employees will incur the cost of utilities (such as electricity, monthly service charges for telephone, cable or internet service providers) associated with working at home. In some limited situations, VA (through the office responsible for the teleworker [or employee on a remote work agreement]) may pay for telephone installation when the service is considered essential and the employee agrees that the installed telephone will only be used for work assignments and contact with the VA office.
- f. **[Travel.** Travel entitlements are based on the employee's official duty station as indicated on the employee's Standard Form (SF)-50, Notification of Personnel Action for the purposes of determining travel entitlements. Telework and remote work employees will follow the travel policy as outlined in [VA Financial policy.](#)]
 - g. **Liability and Worker's Compensation.** Employees on telework or [remote work] arrangements are covered under the Federal Tort Claims Act and the Federal Employees' Compensation Act [if injured in the course of actually performing official duties at the agency worksite or the alternative worksite]. As with injuries which occur in the traditional office setting, for injuries that occur during telework arrangements, supervisors may only attest to what they reasonably know.

[15. PAY, HOLIDAYS, TRAVEL, AND TIME AND ATTENDANCE.

- a. The basic rate of pay of a remote employee is determined by the pay rate setting rules applicable to the remote employee's appointment type for their official duty station of record, as recorded on the employee's OPM SF-50, Notification of Personnel Action. For remote employees, the official duty station typically is their residence. Teleworker and remote workers are required to follow Departmental policies and procedures for requesting and using approved leave. Leave should be requested and approved in accordance with standard leave approval procedures, with leave hours accurately recorded in the time and attendance system.
- b. VA organization staff offices generally should not pay relocation expenses related to remote work arrangements such as expenses to relocate to a new official duty station or to return to the VA organization staff office worksite when such arrangements were requested by the employee and is not the result of a directed reassignment. VA policy on the payment of relocation expenses is found in [VA Handbook 5007](#).
- c. Remote work employees traveling on official business are eligible for the same travel benefits as non-remote work employees. Supervisors should, whenever possible and to the greatest extent, leverage alternate communication technologies to minimize travel unless necessary. However, if a position requires travel, travel should not be minimized specifically because the employee is a remote worker. VA policy on travel is found in [VA Financial Policy, Volume XIV](#).

16. DOMESTIC EMPLOYEES TELEWORKING OVERSEAS (DETO).

- a. A DETO arrangement is an overseas work arrangement that allows Federal Executive Branch employees to perform the work requirements and duties of their positions temporarily from an approved foreign overseas location via a DETO agreement. Employees have no authorization to telework from a foreign location without approval from VA and the Department of State (DOS).
- b. Employees interested in teleworking from an overseas location must follow guidance and procedures outlined in [VA Financial Policy Volume XIV, Chapter 6](#) and DOS policy guidelines, as well as complete the [VA Form 0740](#), Telework Agreement form.
- c. DETO agreements are extremely rare and employees should allow adequate time to complete the DETO process, prior to the date upon which they request to begin working overseas. Employees may not telework from a foreign location without an approved DETO agreement. HR Offices should contact the VA Travel Office for additional information on current processing timeframes.]

17. REFERENCES.

- a. [5 C.F.R., part 531, subpart F, \(Locality Pay\).](#)
- b. [5 U.S.C. § 552a, Privacy Act of 1974.](#)
- c. [38 U.S.C. § 501, 5701, and 7421\(a\). Public Law 104-52, § 620 \(31 U.S.C. 1348\).](#)
- d. [Public Law 104-191, the Health Portability and Accountability Act of 1996 \(HIPAA\).](#)
- e. [Public Law 106-346 Sec. 359.](#)
- f. [Public Law 111-292, Telework Enhancement Act of 2010.](#)
- g. [\[VA Directive and Handbook 5007, Pay Administration\]](#)
- h. [VA Directive and Handbook 6500, VA Cybersecurity Program.](#)
- i. [VA Directive 6502, VA Enterprise Privacy Program.](#)
- j. [\[2021 Guide to Telework and Remote Work in the Federal Government\]](#)

**APPENDIX A. SAMPLE LETTER
ELIGIBLE TO TELEWORK**

DATE:

TO: Employee

FROM: Deciding Official

SUBJ: Telework Notification Letter – Employee Eligible to Telework

1. The Telework Enhancement Act of 2010 (Public Law 111-292) requires the Department of Veterans Affairs to determine the eligibility of all employees to participate in telework and notify all employees of their eligibility to telework. In order for an employee to be approved to telework, the employee's position must be identified suitable for telework and the employee must be determined eligible to telework. After careful review of your duties and responsibilities I have determined that you are eligible to telework.

2. This decision does not grant you permission to telework. Before you may be approved to telework, you must complete employee telework training in the Talent Management System. You must also submit VA Form 0740, Telework Request/Agreement, [or the electronic equivalent] to your supervisor for evaluation.

3. You may begin teleworking only after you have completed the required telework training and have an approved Telework Agreement. Mission needs, availability of equipment and internet access to the VA network will be considered when evaluating your request to telework.

Signature of Decision Official

I acknowledge receipt of this letter.

Signature of Employee

Date

**APPENDIX B. SAMPLE LETTER
NOT ELIGIBLE TO TELEWORK**

DATE:

TO: Employee

FROM: Deciding Official

SUBJ: Telework Notification Letter – Employee **Not** Eligible to Telework

1. The Telework Enhancement Act of 2010 (P.L. 111-292) requires the Department of Veterans Affairs to determine the eligibility of all employees to participate in telework and notify all employees of their eligibility to telework. In order for an employee to be approved to telework, the employee's position must be identified suitable for telework and the employee must be determined eligible to telework. After careful review of your duties and responsibilities I have determined that you are not eligible to telework for the following reason(s):

- Your position requires you to be present on-site for the performance of your duties every workday
- Your position requires access every workday to classified and/or sensitive information that cannot be accessed remotely or has not been approved for remote access
- Your position requires the use of special facilities and equipment that VA cannot readily or economically provide at an alternative work location
- Your position requires in-person contact with supervisors, co-workers, Veterans and/or clients every workday
- Your position requires oversight/observation every workday
- You have been officially disciplined for being absent without leave (AWOL) for more than 5 days in a calendar year []
- You have been officially disciplined for violations of Subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading or exchanging pornography, including child pornography, on a Federal government computer or while performing official Federal government duties (required by law)

Telework Notification Letter – Employee **Not** Eligible to Telework – Page 2

- You lack the requisite work history of reliability, responsibility, and ability to work independently.
 - Other (Specify):
2. You will be notified in writing if there are changes in this determination.
 3. This determination may be grieved under applicable administrative or negotiated grievance procedures.

[Signature of Deciding Official]

[Date]

[Signature of Employee]

[Date]