



DOJ POLICY STATEMENT

TELEWORK

PURPOSE:	Updates policy, assigns responsibilities, and prescribes procedures for implementing the Department of Justice's (DOJ or Department) in-person work requirement and telework program.
SCOPE:	All DOJ components
ORIGINATOR:	Justice Management Division (JMD), Office of Human Capital (OHC)
CATEGORY:	(I) Administrative, (II) Human Resources
AUTHORITY:	5 U.S.C. §§ 6501-06; National Defense Authorization Act, Fiscal Year 2022 (Public Law 117-81, Dec. 27, 2021), Section 6202; Executive Order 14100, Advancing Economic Security for Military and Veteran Spouses, Military Caregivers, and Survivors; 5 C.F.R. 531.605(d); Vol. 3, Foreign Affairs Manual § 2370; Telework Enhancement Act of 2010 (Public Law 111-292, Dec. 9, 2010).
CANCELLATION:	None
DISTRIBUTION:	Electronically distributed to those referenced in the "SCOPE" section and posted on the DOJ directives electronic repository (SharePoint) at https://doj365.sharepoint.us/sites/jmd-dm/dm/SitePages/Home.aspx
APPROVED BY:	<i>Jolene Ann Lauria</i> <i>Assistant Attorney General</i> <i>for Administration</i>

ACTION LOG

Issuing component must review its DOJ directives, at minimum, every 5 years and make revisions as necessary. The action log records dates of approval, recertification, and cancellation, as well as major and minor revisions to this directive, and provides a brief summary of all revisions. In the event this directive is cancelled, superseded, or supersedes another directive, that will also be noted in the action log.

Action	Authorized by	Date	Summary
Initial Approval	Director, Human Resources	July 20, 2012	This document establishes policy, assigns responsibilities, and prescribes procedures for implementing the Department's telework program.
Updates	Acting Director, Human Resources	February 2, 2022	Policy updated based on new guidance issued by the U.S. Office of Personnel Management, November 2021.
Updates	Jolene A. Lauria Assistant Attorney General for Administration	January 31, 2024	Policy updated based on OMB Memorandum M-23-15 and Deputy Attorney General Memorandum, Implementing OMB Directive Regarding In-Person Work (September 26, 2023).
Updates	Jolene A. Lauria Assistant Attorney General for Administration	February 11, 2025	Policy updated based on OPM Memorandum issuing Guidance on Presidential Memorandum, Return to In-Person Work (January 22, 2025), and technical updates to the Domestic Employee Teleworking Overseas (DETO) Agreement section.
Updates	Jolene A. Lauria Assistant Attorney General for Administration	February 20, 2025	Policy updated to reflect (1) rescission of EO 14019 and (2) OPM guidance on remote work for military and Foreign Service spouses, dated Feb. 12, 2025.
Updates	Jolene A. Lauria Assistant Attorney General for Administration	Date of digital signature	Policy updated to revise situational telework guidance.

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DEFINITIONS

Term	Definition
Active Duty	Includes members of the Armed Forces covered by 10 U.S.C. § 101(d)(1), as well as any members performing full-time National Guard duty as defined in 10 U.S.C. § 101(d)(5). Does not include individuals in reserve components, as described in 10 U.S.C § 10101, who are performing training duties or are in attendance at a service school.
Agency Worksite	An official federal agency work location (e.g., official duty station or temporary duty station) where an employee's assigned organization is based and where an employee primarily or solely performs official work duties.
Alternative Worksite	An officially recognized work location away from an employee's agency worksite where an employee periodically or occasionally performs official work duties.
Component	All Offices, Divisions, Bureaus, and Boards identified in 28 C.F.R. § 0.1.
Continuity of Operations (COOP) Plan	A documented plan that details how an individual organization will be able to continue operations of the essential functions under a broad range of circumstances including all-hazard emergencies as well as natural, man-made, and technological threats and national security.
Domestic Employee Teleworking Overseas (DETO)	A civil service or foreign service U.S. federal government employee who has a domestic position of assignment and performs it from a distant alternative worksite (i.e., outside of the normal commuting area and may or may not be located in a foreign country) for a limited period of time.
DETO Agreement	An official agreement documenting the terms and conditions of the DETO arrangement.
Host Bureau	The Department of State regional Bureau that has authority over the location in a foreign country where the DETO is living.
Independent Cooperative Administrative Support Services	A Department of State voluntary interagency system used to manage, and fund administrative support services abroad.
Independent DETO	DETO where the employee is not on the orders of a U.S. Government-employed spouse assigned abroad on Government orders.
Federal Records	All recorded information, regardless of form or characteristic, made or received by a federal agency under federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the

Term	Definition
	organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data in them.” 44 U.S.C. § 3301. Convenience copies are duplicate copies of official federal records that are made for easy access and reference. Convenience copies can be disposed of at any time.
Mobile Work	Work that is characterized by routine and regular travel to conduct work in customer or other worksites, as opposed to a single authorized alternative worksite (e.g., site audits, site inspections, investigations, and property management).
Official Discipline	An action that results in the placement of a document in an employee’s electronic official personnel file, such as a written reprimand a suspension, reduction in grade or pay, or removal.
Official Worksite	The location where the employee regularly performs their duties, and where their work primary activities are based, as determined by the component (including employees who perform mobile work) and is documented on the Standard Form 50, Notification of Personnel Action. Generally, the official worksite is the agency worksite for most telework-approved employees.
Overseas Alternative Worksite	An approved overseas location where the employee performs the duties of their domestic position through telework via a DETO arrangement.
Pandemic	A disease occurring over a wide geographic area, affecting an exceptionally high proportion of the population, and spreading to more than one continent.
Personally Identifiable Information	Information that can be used to distinguish or trace an individual’s identity, such as name, Social Security Number, or biometric records, alone, or when combined with other personal or identifying information that is linked or linkable to a specific individual, such as date and place of birth or mother’s maiden name.
Records	All recorded information, regardless of form or characteristic, made or received by a federal agency under federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data in them.” 44 U.S.C. § 3301. Convenience copies are duplicate copies of official federal records that are made for easy access and reference. Convenience copies can be disposed of at any time.

Term	Definition
Situational or Ad Hoc Telework	A type of telework that is approved on a case-by-case basis.
Sponsored DETO	A DETO whereby the employee is the spouse of a sponsoring employee assigned overseas and is on the sponsoring employee's U.S. Government orders.
Sponsoring Employee	A U.S. Government employee who is assigned (not TDY) to a U.S. mission abroad under Chief of Mission authority or an office of the American Institute in Taiwan, or a Department of Defense employee or uniformed service member who is assigned (not TDY) to a military base or U.S. mission abroad.
Spouse of a Deceased Member of the Armed Forces	An individual who was married to a member of the Armed Forces on the date on which the member died while on active duty, and who has not remarried.
Spouse of a Disabled Member of the Armed Forces	An individual who married a member of the Armed Forces who, on the date that member retired, was released, or discharged from the Armed Forces, had a disability rating of 100 percent under the standard schedule of rating disabilities in use by the U.S. Department of Veterans Affairs.
Telework	A work flexibility arrangement under which an employee, under a written Telework Agreement, performs the duties and responsibilities of the employee's position, and other authorized activities, from an approved alternative worksite other than the location from which the employee would otherwise work. Telework does not include any part of work done while on official travel or mobile work.
Telework Agreement	A written agreement, completed and signed by the participating employee and authorized official(s) in the employee's organization that outlines the terms and conditions of the telework.
Telework Locations	Approved Alternative Worksites other than the employee's regular agency worksite. Examples include an employee's residence or a telework center.
Telework Managing Officer	Senior employee, appointed by the Department's Chief Human Capital Officer (CHCO) and serves as the Department's point-of-contact to provide overall strategic direction on telework issues.
Telework Program Coordinator	Appointed by the Component's Human Resources Officer, who serves as a point-of-contact for providing guidance to employees and managers in their respective components, collects telework data for reports, and oversees implementation of their telework program.

Term	Definition
Telework Program Manager	Appointed by the Department's Chief Human Capital Officer, and reports to the Telework Managing Officer, and serves as the Department's point of contact for Component Telework Coordinators. They provide leadership, guidance and interpretation, data analysis, training, and evaluation of the Department's telework program and policy.
Telework-Ready	The employee meets all eligibility criteria, has an established Telework Agreement in place, and has all authorized equipment necessary to telework.

ACRONYMS

C.F.R.	Code of Federal Regulations
COM	Chief of Mission
COOP	Continuity of Operations Plan
CSCS	Capital Security Cost Sharing Maintenance Cost Savings
DETO	Domestic Employee Teleworking Overseas
DOD	Department of Defense
DOJ	Department of Justice
DOS	Department of State
ECC	Electronic Country Clearance
FAH	Foreign Affairs Handbook
GFE	Government Furnished Equipment
ICASS	Independent Cooperative Administrative Support Services
JMD	Justice Management Division
OPM	U.S. Office of Personnel Management
P.L.	Public Law
TDY	Temporary Duty
USAO	United States Attorney Offices
U.S.C.	United States Code

I. Policy

The Department of Justice (DOJ or Department) is fully committed to using in-person work and, in limited circumstances, telework to support and facilitate the accomplishment of the Department's mission. To participate in telework, employees must have an approved telework agreement as described in this policy. Participation in telework is voluntary and not an employee right or entitlement.

A. In-Person Work Requirement

Employees must work in person at their agency worksite duty stations unless approved for telework under one of the exceptions described below. For purposes of this requirement, the following constitute in-person work: (1) worked performed while on approved official travel, (2) field work, off-site meetings, or other off-site activities performed as part of an employee's official duties, and (3) approved off-site training.

B. Regularly Scheduled Telework

An employee may only be approved for regularly scheduled telework on the basis of: (1) an approved reasonable accommodation request based on disability, the Pregnant Worker Fairness Act (PWFA), or qualifying medical condition, or (2) another compelling reason certified by the Deputy Attorney General through the Assistant Attorney General for Administration and the employee's supervisor. Additionally, DOJ employees who are military spouses or who are spouses of U.S. Foreign Service members are categorically exempt from the Department's in-person work requirement.

1. Requests for telework as a reasonable accommodation of a disability, PWFA, or other qualifying medical condition are handled in accordance with DOJ Policy Statement 1100.01, Reasonable Accommodation, and DOJ Instruction, 1100.01.01, Reasonable Accommodation Process, and federal regulations implementing the PWFA at 29 C.F.R. part 1636. See also section I.O of this directive.
2. Component heads must submit a request for an exception based on a "compelling reason" to the Deputy Attorney General, **through the CHCO and the AAG/A for vetting and review.**

C. Situational Telework

Situational telework may be allowed for intermittent, unscheduled, and ad hoc events. Situational telework must be approved by the employee's supervisor on a case-by-case basis. Examples of situational telework include, but are not limited to, telework necessitated by inclement weather, national emergency, or special work assignments. Situational telework may also be used to implement Department or Component Continuity of Operations (COOP) plans to ensure essential federal

functions continue during emergency situations. Situational telework is not allowed as a substitute for annual leave. Situational telework due to temporary illness or injury may be permitted, provided that the employee can still perform essential job functions.

DOJ components shall determine which positions in their component are eligible for situational telework. In doing so, components should consider the position's duties and responsibilities, budget, and the overall impact of telework on their mission.

Each component shall establish a tracking mechanism that accurately and completely reflects the requests for situational telework. Such mechanism should include, at a minimum: (1) the employee requesting situational telework; (2) the reason for the request; (3) timeframe for the request; (4) whether the request was granted or denied; and (5) the supervisor who granted/denied the request. Each component head shall conduct regular reviews of the data to ensure that supervisors are granting situational telework in accordance with the policy.

D. Telework by Military and Foreign Service Spouses

DOJ employees who are spouses of U.S. Foreign Service members on overseas assignments or who are military spouses are categorically exempted from this directive's limitations on telework. Military spouses include spouses of members of the Armed Forces on active duty, as well as spouses of disabled or deceased members of the Armed Forces. Such employees may work remotely in accordance with Office of Personnel Management Memorandum, *Guidance on Exempting Military Spouses and Foreign Service Spouses from Agency Return to Office Plans* (February 12, 2025).

E. Domestic Employee Teleworking Overseas Arrangement. A Domestic Employee Teleworking Overseas (DETO) arrangement is a work arrangement where an employee performs the work requirements and duties of their domestic federal position from an approved overseas location. DETO arrangements are rare and not a form of routine telework. The Department of State (DOS) has implemented specific requirements that must be met to obtain approval for a domestic employee to telework in an overseas country under the authority of the DOS's Chief of Mission (COM), which reviews and evaluates each request on a case-by-case basis. DETO requirements are in addition to any OPM government-wide or Department work policies.

1. DOJ employees are prohibited from working remotely from a foreign location without an approved DETO agreement. A DETO agreement is not required for mobile work or work done while on official travel (TDY) abroad.

2. Department employees seeking a DETO arrangement must receive official approval from their component, JMD Budget Staff, and the DOS. DOS has outlined specific requirements that must be met to obtain approval for a domestic employee to telework in a foreign country.
3. There are two types of DETOs:
 - a. **Sponsored DETO.** A U.S. Government direct-hire employee or personal services contractor who is the spouse of a sponsoring employee assigned overseas and is on the U.S. Government orders of this sponsoring employee. A DOS DETO must be on the U.S. Government orders of a sponsoring employee assigned overseas.
 - b. **Independent DETO.** An employee not included on orders of a U.S. Government sponsoring employee. DOJ may allow for DETO arrangements as long as they comply with requirements outlined in DOS' Foreign Affairs Handbook (FAH), 6 FAH-5 H-352.12 (Domestic Employees Teleworking Overseas (DETOs)) and 2 FAH-2 H-113.1 (COM Responsibility To Manage Staffing (Rightsizing and NSDD 38)).
4. Eligibility and Approval Process.
 - a. A DETO arrangement is not an employee entitlement. DOJ will consider DETO arrangements on a case-by-case basis.
 - b. Only federal employees are eligible for DETO arrangements. Non-federal employees, such as grantees, certain fellows, and federal contractors, are not eligible.
 - c. Employees who handle certain sensitive or classified materials at least once per month are not eligible for DETO arrangements.
 - d. DOJ will only consider applications for DETO arrangements for nine months or longer.
 - e. DOJ components shall exercise caution when allowing an employee to conduct official business for the U.S. Government while teleworking from overseas. JMD may issue additional guidance on criteria that components must consider before approving a DETO arrangement. Components considering a DETO arrangement should consult with JMD Budget Staff and HR.
 - f. DOJ components may establish component-level policies on DETO arrangements. Such policies must be consistent with DOJ and governmentwide policy on DETO arrangements and applicable federal law.

- g. Components submit requests for DETO arrangements on behalf of their employees to the JMD Budget Staff. The Deputy Assistant Attorney General/Controller in JMD has the delegated authority to approve independent and sponsored DETO arrangements. Once the DETO arrangement is approved, JMD Budget Staff reviews and submits the application to DOS for approval. Only in rare circumstances where an exceptional justification exists may a DETO arrangement that does not meet DOJ criteria for approval be submitted to DOS by the JMD Budget Staff.
- h. Components are responsible for the costs related to DETO arrangements and must take such costs into consideration when determining whether to grant an employee's request for a DETO arrangement.
- i. Components have the discretion to deny a DETO arrangement request without submitting the request to JMD Budget Staff. All denials of DETO arrangement requests must be in writing and include the component's justification for why the request was denied.
- j. The timeframe to obtain DOS approval can take from 6-12 months after DOJ's submission of the request, so components and requesting employees must plan accordingly. DETO arrangements for less than a year are submitted to the COM for approval through the electronic Country Clearance process at <https://myservices.servicenowservices.com/ecc>. DETO arrangements for one year or more require COM approval through the National Security Decision Directive-38 Process, which confirms that the employee is under COM authority and documents approval of the telework arrangement and any support services. The COM is not obligated to approve DETO requests.
- k. As a part of the processing of DETO arrangement packages, components will be notified by JMD Budget Staff when their application has been approved by DOJ and when it has been forwarded to DOS for their approval process.
- l. The COM holds complete responsibility for directing, coordinating, and supervising all activities, operations, and employees of the Executive Branch, including the Department of Justice, in the approved overseas location, except for those under the command of a U.S. area military commander (Geographic Combatant Commander), on the staff of an international organization, or Voice of America correspondents who are on assignment.
- m. A DOJ employee on a DETO arrangement must work from a DOS facility, U.S. Embassy, or a COM approved residence outside of U.S. Embassy grounds.
- n. A DOJ employee on a DETO arrangement reports directly to their domestic supervisor. Although the employee does not work for the mission of the U.S.

Embassy, that employee is considered “of the mission” and the U.S. Embassy COM is responsible for the safety and security of the DOJ employee.

- o. The COM and DOJ have discretion to terminate, or withdraw approval of, any DETO arrangement at any time.

F. Telework Compatibility and Eligibility. Components shall identify which positions are compatible for telework. Employees must occupy a position that is compatible with telework and meet other criteria to be eligible.

1. **Position Compatibility.** Telework compatible positions are those for which employees can effectively accomplish job functions outside the component’s worksite. Positions requiring employees to perform daily, on-site activities at the agency worksite, or to handle classified materials, are not compatible with routine or regularly scheduled telework.
2. **Employee Eligibility Criteria.** Except for telework established as a reasonable accommodation under the Rehabilitation Act of 1973 (reference Section I.O of this policy statement), and the PWFA, DOJ employees must meet the following minimum criteria to be considered eligible for situational telework participation. The agency or component head may suspend the eligibility criteria in certain circumstances (e.g., pandemic or another emergency).
 - a. New DOJ employees may be approved for situational telework upon entry; however, the employee’s supervisor must reevaluate the agreement within 90 days of the appointment.
 - b. The employee must not have been officially disciplined for being absent without permission for more than 5 days in any calendar year.
 - c. The employee must not 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.
3. **Completing Telework Training.** Telework training is required for all telework participants, including supervisors. The responsibility for the training is delegated to the components. Suggested training can be found at the Department’s LearnDOJ website at <https://www.justice.gov/jmd/learndoj> or at www.telework.gov (reference Telework 101 for Employees and Telework 101 for Managers).

G. Telework Agreements. Eligible employees must sign a written telework agreement, have the agreement approved by the employee’s supervisor and/or other designated management officials, and successfully complete telework training. A sample DOJ Telework

Agreement is found within the Appendices to this Policy Statement. Components may create their own Telework Agreement but must ensure that any component-specific agreements align with this policy and any applicable collective bargaining agreements.

1. **Duration of Agreements.** All telework agreements are active for no more than one year and must be reviewed on an annual basis.
2. **Denying, Suspending, or Terminating a Telework Agreement.** Supervisors may deny or suspend telework requests, and both supervisors and employees may terminate agreements.
 - a. **Denial, Suspension, or Termination Decisions.** Supervisors must base decisions to deny, suspend, or terminate permission to telework on statutory or policy requirements and/or work-related reasons, such as:
 1. Employee ineligibility;
 2. Position incompatibility;
 3. Decline in employee performance;
 4. Employee misconduct;
 5. Employee appointment or position status (e.g., trainees or entry-level employees);
 6. Safety issues or suspected hazardous materials in the telework location;
 7. Adverse impact on the operations of the office (e.g., mission continuity), including costs associated with potential change of official worksite; or
 8. Failure to adhere to terms of the telework agreement.
 - b. **Denial, Suspension, or Termination Documentation.**
 1. When an employee's participation in telework is denied, suspended, or terminated, the supervisor must provide the employee with written notice, including the specific reason(s) for the proposed termination suspension, or denial, providing as much advanced notice as is reasonable under the circumstances and in accordance with any applicable collective bargaining agreement. An employee may voluntarily terminate a telework agreement upon advanced written notice to the supervisor.
 2. The component or supervisor may suspend or terminate a telework agreement in the event of an emergency or work exigency.

3. If a component decides that the telework arrangement is negatively impacting the employee's performance, the component may wish to pursue a performance improvement plan that can be done remotely at the telework site versus requiring the employee to report to the agency worksite. In the case of a suspension or termination of a telework agreement because of diminution of an employee performance or of the component's ability to conduct its operations, the supervisor should document and demonstrate that the employee's teleworking directly and negatively impacted the employee's performance or the performance of the office and that remediation can best be accomplished by suspending or terminating the telework arrangement.
4. Unless specified by the Telework Enhancement Act, termination, or suspension of a telework agreement by a supervisor does not necessarily prevent an employee from participating in the Telework Program. Components may establish time periods during which an employee may be barred from participating in telework (i.e., duration for which an official disciplinary action remains in the employee's personnel file). Otherwise, a supervisor or other designated official retains the discretion to approve telework for an employee whose telework has been previously suspended or terminated, so long as the employee continues to meet all eligibility criteria and the supervisor or other designated official believes the employee has sufficiently addressed the reasons for the initial suspension or termination.
5. Supervisors should also consider the following when terminating an employee's telework agreement:
 - i. Terminations should be based on the provisions of the Telework Enhancement Act, and, where discretion is possible, sound reasoning;
 - ii. Be fair, consistent, and equitable, making sure that decisions are transparent and supported by the Telework Enhancement Act, as well as Department and component policies and rules;
 - iii. Terminations should be documented in writing and timely; and
 - iv. Terminations should be made in coordination with the employee, labor relations specialists and agency counsel, and any applicable collective bargaining agreements should be consulted to verify that the component has complied with any requirements the agreement may place on the component regarding the termination of a telework agreement.
6. **Grievances.** Employees who believe their request to telework has been

wrongly denied may file a grievance under the Department or component's administrative grievance procedures, or the provisions of an applicable collective bargaining agreement.

- H. Performance of Official Duties at the Telework Location.** The employee will regularly perform assigned duties only at the agency worksite or component approved telework location. This is to ensure worksite conforms with guidelines established in this policy. Failure to comply with this provision may result in termination of the agreement and appropriate disciplinary action.
- I. Official Worksite.** The official worksite for each employee must be consistent with the guidance set forth in title 5 C.F.R. § 531.605.
- J. Dependent Care.** An employee may not telework for the purpose of fulfilling their full-time dependent care responsibilities while performing official duties. Employees may work with their supervisors to establish a flexible work schedule option as appropriate to address caregiving responsibilities. Flexible work schedule options (e.g., Maxiflex), can be found in the HR Order DOJ1200.1: Chapter 6-2, Flexible Work Options Program. A full-time employee must have 80 basic work requirement hours in a biweekly pay period.
- K. Leave, Dismissals, or Closures.** The ability to conduct work, whether at the agency worksite or telework location determines when an employee may be excused from duty. DOJ teleworkers and supervisors should consult the decision support matrix within the Appendices to determine an employee's duty status during a worksite closure, authorized early dismissal, authorized delayed arrival, or authorized unscheduled telework, including declaration of COOP status. OPM has instituted a change where the Federal closure operating status announcements will no longer allow non-emergency employees on pre-approved paid leave to receive an excused absence. Employees working outside of the Washington, D.C. locality area must follow the operating status announcements issued by the head of their office (e.g., United States Attorney, Special Agent in Charge, who make workforce status decisions for their employees). Those office heads should report those workforce status decisions to their component headquarters. Employees on pre-approved paid leave will generally be charged leave if the federal offices are closed.
1. **Annual Leave.** Scheduled annual leave may be cancelled if an employee is telework- ready with a telework agreement in place and agrees to perform telework in lieu of the scheduled leave. The general practice should be for employees on pre-approved leave to either telework or remain on leave when federal offices are closed.
 2. **Sick Leave.** If an employee is on telework and is scheduled to use sick leave for a medical appointment and that medical appointment is cancelled, the legal basis for the sick leave has been eliminated and the sick leave must be cancelled.

3. **Dismissals or Closure.** DOJ teleworkers scheduled to telework on a day when delayed arrival, early dismissal, or closure is authorized for the agency worksite will continue to work as scheduled, except as specifically authorized by the teleworker's supervisor. Supervisors may grant exceptions to scheduled telework requirements if there are power outages or other events that would prevent an employee from working. Teleworkers not scheduled to telework on days for which delayed arrival, early dismissal, or closure is authorized for the agency worksite are required to telework to the extent they have work to do and any necessary, approved equipment. In COOP situations, telework may be required.
4. **Unscheduled Leave or Unscheduled Telework.** In situations when OPM announces unscheduled leave or unscheduled telework, affected employees who have a current telework agreement and are telework-ready must be prepared to telework or take unscheduled leave. Employees must notify their supervisor of their intent to take unscheduled leave or perform unscheduled telework, in accordance with established procedures and subject to any bargaining unit requirements. The exception to this would be if the emergency requires the employee to evacuate their telework (e.g., due to hurricane, flood, or tornado evacuations).
5. Employees electing the unscheduled telework option must have an approved telework agreement, necessary equipment, and an adequate amount of work to perform during the entire workday (employees may be granted administrative time off to go to the polls, in accordance with established Promoting Access to Voting for Employees Policy Memorandum, 2022-06) or account for any time not performing work by requesting leave.
6. **Weather and Safety Leave.** DOJ may grant weather and safety leave when it is determined that employees cannot safely travel to or from, or perform work at, their agency worksite, a telework location, or other approved location because of severe weather or another emergency. Weather and safety leave is a form of paid time off authorized under the Administrative Leave Act and will generally be used in conjunction with an operating status announcement issued by OPM. The Department will be unable, in most circumstances, to grant weather and safety leave to an employee who is a telework program participant and able to safely perform telework at the employee's home. Therefore, employees participating in a telework program must telework, take other leave (paid or unpaid) or paid time off (as approved by the component), or a combination of both, unless an exception applies during an office closure. This provision will apply regardless of what is stated or not stated in the employee's telework agreement and the Department or component's policies.
7. **Compensatory Time Off for Travel.** Employees who are officially ordered to travel away from their official worksite may be afforded compensatory time off for travel, in certain circumstances, based upon the approved travel itinerary. Compensatory time off for travel is not considered premium pay. It is earned by

an employee for time spent in a travel status away from the employee's official worksite when such time is not otherwise compensable. Compensable refers to periods of time creditable as hours of work for the purpose of determining a specific pay entitlement. For example, certain travel time may be creditable as hours of work under the overtime pay provisions in title 5 C.F.R. § 550.112(g), or under the Fair Labor Standards Act (5 C.F.R. § 551.422).

- L. Security.** Employees are responsible for protecting and safeguarding all DOJ information, Government Furnished Equipment (GFE), and government property while teleworking.
1. **Classified Documents.** Employees must comply with Department and government-wide regulations regarding safeguarding classified documents. Employees who need to access classified information or systems must go into an authorized DOJ Component location/office where such access is available or warranted. Employees must work with their Component Security Office to address access to classified information.
 2. **Component Security Requirements.** Employees must comply with any criteria and guidelines established by their respective component for keeping government property and information safe and secure.
 3. **Information Technology Security.** All Department work conducted from alternative worksite locations must comply with DOJ Order 0904, Cybersecurity Program.
 4. **Unclassified Information.** Teleworkers must protect sensitive unclassified data or documents, including those which may be protected from disclosure to others because of a legal privilege, the Privacy Act, or because they are designated as Controlled Unclassified Information (CUI), Sensitive but Unclassified, or For Official Use Only, consistent with guidance and other applicable Department and component policies and guidance.
 5. **Competition Sensitive, Source Selection, or Contractor Proprietary Information, and Personally Identifiable Information (PII).** Teleworkers must protect competition sensitive, source selection information, or contractor proprietary data restricted by 41 U.S.C. § 423 (also known as Section 27 of the Office of Federal Procurement Policy Act, as amended) or data otherwise restricted by the Federal Acquisition Regulation, other acquisition policies, and employee information (e.g., PII) in accordance with the Privacy Act of 1974, as amended in 5 U.S.C. § 552a, DOJ Order 0601, Privacy and Civil Liberties, and other Department or component guidance.

M. Equipment.

1. **Government Furnished Equipment (GFE).** Within budgetary constraints and

based on the nature and type of work performed, components should determine the propriety of providing and installing GFE and software for employees who are on telework agreements. Components should provide necessary and approved equipment and office supplies for official use. The component is responsible for service and maintenance of GFE and should account for any GFE provided to the employee.

2. **Authorized Use.** Employees must use GFE for official and authorized purposes only. Family members and friends of employees are not authorized to use GFE and materials. Employees must return GFE to the component at the conclusion of teleworking arrangements or at the component's request.
 3. **Incremental Costs.** Employees are responsible for the installation, repair, and maintenance of all personally owned equipment and other incidental or incremental costs associated with performing work from their personal residence. The government will not be responsible for any operating costs that are associated with the employee using their personal residence as a telework location (e.g., home maintenance, insurance, or utilities). However, the employee does not relinquish any entitlement to reimbursement for authorized expenses incurred while conducting business for the government, as provided for by statute and regulations.
 4. **Use of Appropriated Funds.** Components may, but are not required, to use appropriated funds to provide telecommunications equipment in a private residence for employees who telework on a routine basis when the purpose is for official Government business consistent with the guidance set forth in section 620 of Public Law (P.L.) 104-52.
 5. **Liability for Damage.** DOJ is not liable for damages to any employee's personal or real property while the employee is working at a telework location, except to the extent the Government is liable under 28 U.S.C. §§ 1346(b), 1402(b), 2401(b), and 2671 et seq., (also known as "The Federal Tort Claims Act").
- N. Workers' Compensation.** Employees are covered by 5 U.S.C. Chapter 81 (also known as "The Federal Employees' Compensation Act") when injured or suffering from work-related illnesses while conducting official government business at the approved telework location.
- O. Reasonable Accommodations.** Reasonable accommodations for disabilities are governed by Section 501 of the Rehabilitation Act of 1973 (Rehabilitation Act), as amended, codified at 29 U.S.C. § 791 et seq., as well as DOJ Policy Statement 1100.01, Reasonable Accommodation, and DOJ Instruction, 1100.01.01, Reasonable Accommodation Process. Depending on the facts of a particular accommodation request, an employee who has otherwise been deemed ineligible to participate in telework under either this policy statement or a component's policy may still be entitled to telework as a form of reasonable accommodation for a qualifying

disability. Supervisors should consult with their Component Reasonable Accommodations Coordinator, servicing Equal Employment Opportunity Office, or legal counsel's office for guidance when receiving such a request. If telework is approved as a reasonable accommodation, supervisors should memorialize the terms of such approval as a reasonable accommodation in a telework agreement.

- P. Component Telework Policies and Telework Agreements.** A component may choose to use this policy statement in lieu of developing its own component specific policy or may design its own component specific policy with additional criteria and standards for telework eligibility. In such cases, the component must inform its workforce in writing of this decision. Component specific policies must comply with the minimum requirements set forth in this directive. A component also may opt to design a telework agreement that is consistent with the requirements of this policy statement.

II. Roles and Responsibilities

A. Deputy Attorney General

Approves requests for regularly scheduled telework on the basis of "another compelling reason."

B. Heads of Components

1. Establish, administer, and evaluate component telework programs in accordance with the published requirements, OPM guidance, and the provisions of this policy statement.
2. Designate a Component Telework Coordinator to provide guidance, manage and track telework, and who serves as a liaison to the Department on telework matters.
3. Incorporate telework into COOP plans, as appropriate.
4. Ensure that collective bargaining agreements with telework policies, including telework agreements, are modified to be consistent with this policy at the earliest practicable opportunity.

C. Department Telework Managing Officer (Justice Management Division, Human Capital Director)

1. Advise agency leadership and serves as a resource for management and employees.
2. Serve as the primary point of contact for OPM on telework matters.

**D. Department Telework Coordinator (Justice Management Division,
Human Capital Deputy Director)**

1. Serve as the Department's coordinator for telework initiatives.
2. Periodically review the DOJ Telework Policy Statement to ensure consistency with changes to authorizing statutes and regulatory requirements.
3. Issue an annual call for component telework reports as required in this policy statement.

E. Component Telework Coordinators

1. Serve as the component's coordinator for Department and component specific telework initiatives.
2. Periodically review component telework policy and procedures to ensure consistency with future changes to authorizing statutes, regulatory requirements, and this policy statement.
3. Compile and submit component telework reports as required by this policy statement.
4. Monitor progress on annual component telework participation; establish procedures to capture and track employee participation, denials, and terminations; and provide telework data to the Director, OHC, JMD, or their designee for the annual Status of Telework in the Federal Government Report to the U.S. Congress and other reports and data as requested.
5. Provide guidance and/or training to supervisors responsible for making decisions related to program participation and provide additional assistance as needed.

F. Supervisors

1. Determine position compatibility for telework in accordance with guidelines set forth in this policy statement.
2. Determine employee eligibility in accordance with this policy statement.
3. Notify employees of their ability to participate in telework based on determinations of position compatibility and employee eligibility.
4. Complete an interactive telework training course prior to acting on any telework request.
5. Review and sign telework agreements.

6. Document any decisions related to disapproval or termination of telework. Disapproval of telework work must be documented.
7. Require employees who request permission to telework to certify that the proposed telework location has adequate physical and environmental security measures in place to protect equipment, documents, and data from being accessed by unauthorized individuals.
8. Verify that the employee has the information and equipment necessary to perform assigned work independently.
9. Assign work, monitor, and evaluate performance, reward/recognize, train, and develop teleworkers in the same manner as employees at the agency worksite.
10. Review and as needed update the written telework agreement.
11. Review and certify time and attendance reports to ensure employee absences and scheduled tours of duty are accurately recorded, to include applicable telework codes.
12. Approve or deny requested changes in work schedules in advance.
13. Immediately investigate any reported workplace-related injury or illness.

G. Employees

1. Complete an interactive telework training course prior to signing an agreement.
2. Complete and sign the employee sections of telework agreement.
3. Comply with the Standards of Ethical Conduct for Employees of the Executive Branch (5 C.F.R., Part 2635) while working at the telework location.
4. Complete all assigned work according to standards and guidelines in the employee's performance plan.
5. Ensure that work documents and data in both hard copy and electronic forms are adequately secured.
6. Comply with equipment usage requirements set forth in this policy statement.
7. Ensure that care for dependents (e.g., young children, elderly individuals, or individuals with special needs) is provided by someone other than the employee while the employee teleworks. Exceptions (based on emergency situations) must be approved by the employee's supervisor, and the employee must account for

work and non-work hours during their tour of duty and take appropriate leave (paid or unpaid) to account for time spent away from normal work-related duties to care for dependents.

8. Notify the supervisor of any work-related injury or illness as soon as possible.
9. Follow established procedures for requesting leave.
10. Ensure supervisors, colleagues, customers, and others know when employee is teleworking and how the employee can be reached. Regularly communicate each telework instance, work schedules on telework days, contact information at telework site, and absences from the telework location, including official meetings. This promotes efficient collaboration and allows supervisors to properly account for the teleworking employee's whereabouts and attendance.
11. Notify the supervisor in advance when voluntarily terminating a telework agreement; and complete time and attendance reports to ensure that telework and absences during scheduled tours of duty are accurately recorded.

III. Reporting and Documentation

- A. **Annual Reports.** In support of the annual Status of Telework in the Federal Government Report to the Congress, and in accordance with the Telework Enhancement Act of 2010, components, upon request, must provide participation level information to the JMD, Director, OHC Staff, or their designee, including:
 1. Total number of employees in the organization.
 2. Number and percentage of employees eligible to telework.
 3. Number and percentage of employees who are granted an exception to this policy under Section I.B.
 4. Number and percentage of eligible employees who are teleworking on a situational, episodic, or short-term basis.
- B. Employees' telework hours must be recorded in the component's time and attendance tracking system.
- C. Reasons for variation if the total percentage of employees teleworking varies by 10% higher or lower from one year to the next.
- D. **Records Retention.** Components must maintain telework records for each participating employee in accordance with National Archives and Records Administration approved General Records Schedule 2.3, Item 040, Telework/Alternate Worksite Program Case Files. For questions related to the

General Records Schedule, contact your Component Records Manager.

APPENDIX A: REFERENCES

References	
Statutes	P.L. 111-292 P.L. 104-52, Section 620 5 U.S.C. § 552a 5 U.S.C. § 2105 5 U.S.C. Chapter 81 28 U.S.C. §§ 1346(b), 1402(b), 2401(b), and 2671 et seq. 22 U.S.C. § 3927 41 U.S.C. § 423 Section 501 of the Rehabilitation Act of 1973 (Rehabilitation Act), as amended, 29 U.S.C. § 791 et seq. General Records Schedule 2.3, Item 040, Telework/Alternate Worksite Program Case Files
Code of Federal Regulations	5 C.F.R. § 531.605 5 C.F.R. § 630.1605 5 C.F.R. Part 2635 36 C.F.R. § 1227
DOJ Orders	DOJ Order 0904 – Cybersecurity Program DOJ Order 1702 – Justice Continuity Program DOJ Order 0601 – Privacy and Civil Liberties DOJ Order 0801 -- Records and Information Management
Guidance	Telework Enhancement Act of 2010, Presidential Memorandum Return to In-Person Work, Federal Continuity Directive 1 (FCD-1), Federal Executive Branch, Continuity Program & Requirements Work

APPENDIX B: DOJ TELEWORK AGREEMENT

The telework agreement below is a basic template that can be tailored to match a component's needs. Generally, a telework agreement should include the following, but not be limited to:

- A listing of the Department's and component's policies on telework and a signature indicating understanding and agreement to abide by those policies.
- A listing of telework schedule.
- Technology or GFE used to facilitate the telework.
- A self-certified safety checklist (reference Appendix DD); and
- Other policy, provisions, or aspects of the agreement that the organization, the manager, or the employee feel should be put in writing.

DOJ TELEWORK AGREEMENT FORM

(Please type or print)			
Action Requested:	New ☐	Change ☐	Termination ☐ Date of Request _____
Employee Information			
Employee Name _____		Component/Division _____	Office _____
() _____ Work Phone	() _____ Work Mobile Phone	() _____ Home Phone	() _____ Cell Phone
Supervisor's Name _____			
Part 2: Telework Agreement			
<i>The following constitutes an agreement on the terms and conditions of the telework arrangement between the employee and the Department of Justice.</i>			
☐	Situational (Ad Hoc: short period of time, project based, unscheduled or weather related) Provide examples of approved telework situations		
Terms of Agreement			
1. Telework is not an employee right or entitlement. The employee volunteers to telework and agrees to adhere to all laws, regulations, and policies. The Department concurs with employee participation and agrees to adhere to all laws, regulations, and policies.			
2. The employee agrees to participate for a period beginning: _____ and ending: _____. The terms of this agreement should be reviewed and updated annually.			
3. The supervisor and employee agree to the work schedule below for the telework location.			
Start Time		Stop Time	
4. Employee's official worksite:			
	_____	_____	_____
	Street Address	City, State	Zip Code
5. Employee's agency worksite (if different from the employee's official worksite):			
	_____	_____	_____
	Street Address	City, State	Zip Code
6. The approved telework locations are:			
	Primary telework location:	_____	_____
	Street Address	City, State	Zip Code
	Secondary telework location:	_____	_____
	Street Address	City, State	Zip Code
Describe in detail the designated work area at the telework locations:			

7. Employee has completed the Safety Checklist for Telework Locations. Employee and supervisor have discussed requirements for an adequate and safe work area and the employee certifies that all approved telework locations meet those requirements.					
8. Employee completed telework training on _____ (date).					
9. OPTIONAL The following equipment has been issued to the employee and documented by the agency:					
Equipment	Description	Issue Date	Serial Number	DOJ Property Tag #	Return Date
Computer					
Mobile Phone					
Monitor					
Safe					
Other					
10. All timekeeping, leave, performance requirements, and special pay approvals are the same as for the traditional worksite.					
11. Provided the employee is given at least 24 hours advance notice, the employee agrees to allow the supervisor or a designee, to inspect the telework location during the employee's normal working hours. This is to ensure worksite conformance with these guidelines.					
Terms of Agreement					
12. The employee agrees to immediately notify the supervisor of any work-related accident, injury, or illness occurring at the telework location and timely submit completed Occupational Injury/Illness Forms, as appropriate.					
13. The Government will not be liable for damages to an employee's personal or real property during the course of performance of official duties or while using Government equipment in the employee's telework location, except to the extent the Government is held liable by Federal Tort Claims Act.					
14. The Government will not be responsible for operating costs, home maintenance, or any other incidental costs whatsoever, associated with the use of the employee's residence. While teleworking, the employee is entitled to reimbursement for authorized expenses incurred while conducting business for the Government, as provided for by statute and implementing regulations.					
15. The employee will apply approved safeguards when teleworking to protect Government/agency records from unauthorized disclosure or damage and comply with all Department and Component policies and regulations regarding classified, unclassified and other sensitive information. Production, transmission, storage and disposal of records will be in compliance with Department policies and regulations.					
16. The employee may voluntarily terminate a telework agreement at any time. Supervisors may remove the employee from a telework agreement in accordance with DOJ telework policies, established administrative procedures, and union negotiated agreements. _____ (initial)					
17. The employee agrees to limit performance of assigned duties to the approved telework location. Failure to comply with this provision may result in termination of the telework agreement and appropriate disciplinary action.					
18. The employee agrees that they may be required to telework outside of their normal telework schedule in the case of a temporary emergency situation (e.g., worksite closure, authorized early dismissal, authorized delayed arrival, declaration of COOP status).					
19. The employee certifies that adequate dependent care arrangements are in place and will not interfere with the employee's ability to telework.					
Safety Checklist for Telework Locations					
The following checklist is designed to help you assess the overall safety of telework locations. Each participant should read the safety checklist provided below and certify that all telework locations are in compliance with all listed safety criteria.					

Safety Feature		Yes	No
1.	Is the space free of indoor air quality hazards such as asbestos and mold?	☐	☐
2.	Is the work space equipped with fire, smoke, and carbon monoxide detectors?	☐	☐
3.	Are stairways and walkways nonslip and free of obstructions and trip hazards?	☐	☐
4.	Is all electrical equipment free of recognized hazards that would cause physical harm?	☐	☐
5.	Are all areas free of obstructions to permit visibility and movement?	☐	☐
I hereby agree to the telework Terms of Agreement and certify that my telework location is in compliance with all listed safety criteria.			
Employee's signature:		Date:	
Part 3: Immediate Supervisor's Review			
☐	Approval		
☐	Approval with modification (please describe):		
☐	Disapproval (state reason):		
Supervisor's signature:		Date:	

Distribution of Copies

Original – Approving Official

Copy – Employee

Copy – Human Resources

Appendix C: Telework Agreement – Supervisor Checklist

Supervisors must use this checklist to ensure that telework requirements are met and that covered employees understand the policies and procedures of the telework program. The Telework Agreement is not final until the check list items are complete. After an item is completed, list the date on the line next to it.

Checklist Item:	Date Completed
1. Telework Guidelines have been explained to the employee and signed by supervisor and employee.	
2. The provisions governing premium pay have been explained to the employee including that he/she must receive the supervisor's approval in advance of working overtime.	
3. Performance expectations have been discussed with the employee. Performance Standards are in place and have been signed.	
4. Policies and procedures covering classified, secure and Privacy Act data including PII have been explained to the employee.	
5. The employee has been given and signed the Safety Checklist, which identifies safety and adequacy issues that employees should consider when working from home (attached).	
6. Equipment issued to the employee has been documented.	
7. Telework training completed.	

Also, identify any Government equipment/property that will be provided for the telework site below, as applicable:

Item	Yes	No
Computer:		
Computer Docking Station:		
Printer:		
Monitor(s):		
Keyboard:		
Mouse:		
Other Item 1:		
Other Item 2:		

APPENDIX D: EMPLOYEE SELF-CERTIFIED SAFETY CHECK LIST

DOJ Telework Safety Self-Certified Home Workspace Checklist

Employees wishing to be approved for telework must use the following checklist to assist them in a survey of the overall safety and adequacy of their telework site. The following are only recommendations, and do not encompass every situation that may be encountered. Employees are encouraged to obtain professional assistance with issues concerning appropriate electrical service and circuit capacity for residential worksites.

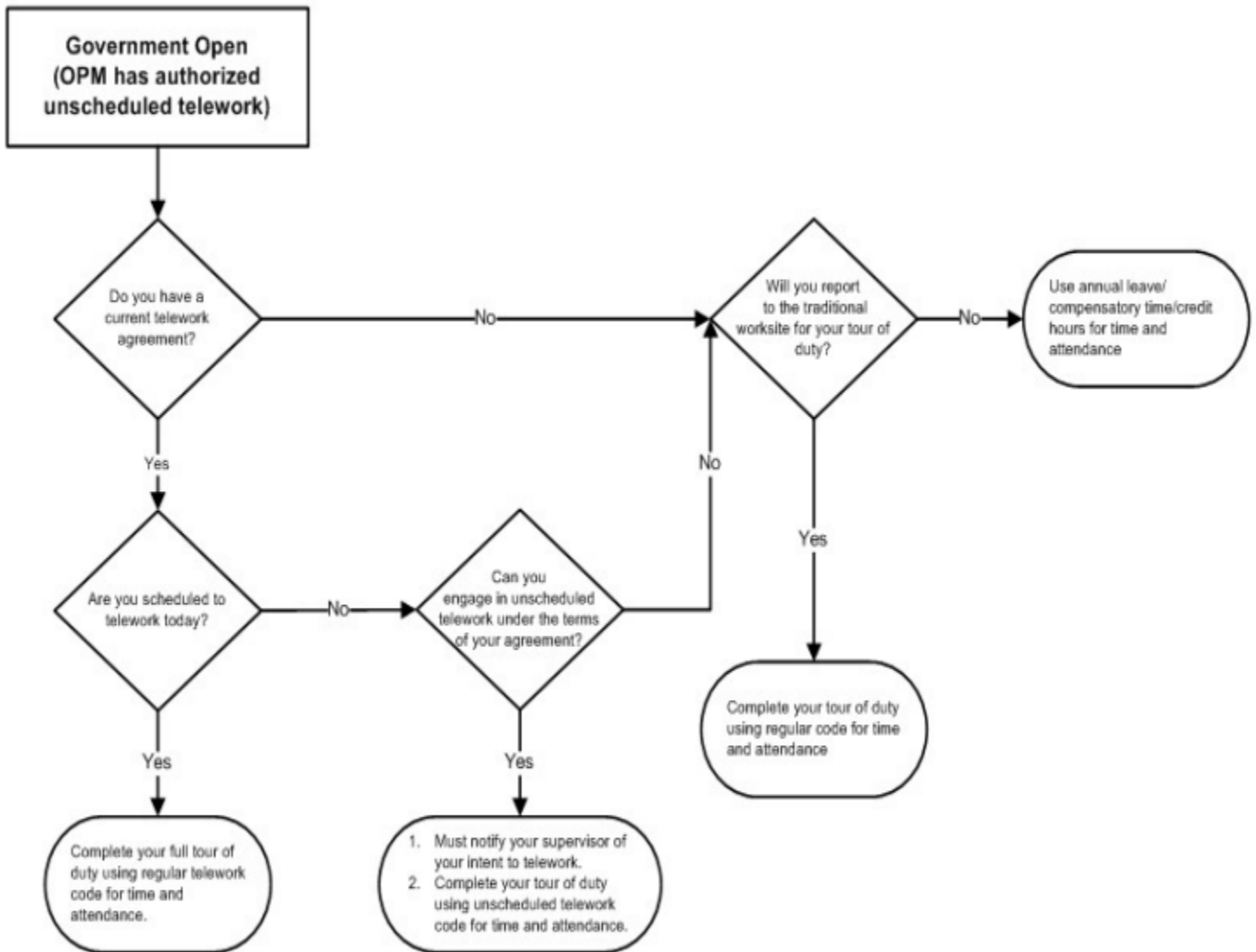
- ☐ Practice a fire evacuation plan for use in the event of an emergency.
- ☐ Check your smoke detectors regularly and replace batteries once a year.
- ☐ Always have a working fire extinguisher conveniently located in your home and check the charge regularly.
- ☐ Computers can be heavy. Always place them on sturdy, level, well maintained furniture.
- ☐ Use sturdy office chairs that provide good supporting backrests and allow adjustments to fit you comfortably.
- ☐ Locate your computer to eliminate noticeable glare from windows and lighting. Place the computer monitor at height that is comfortable and does not require neck or back strain.
- ☐ Locate computer keyboards at heights that do not require wrist strain or place the keyboard on an adjustable surface.
- ☐ Install sufficient lighting in locations that reduce glare at the work surface.
- ☐ Arrange file cabinets so that open drawers do not block aisles or walkways.
- ☐ Be sure to leave aisle and clear walkway space where possible to reduce tripping hazards.
- ☐ Always make sure electrical equipment is connected to grounded outlets.
- ☐ Avoid fire hazards by never overloading electrical circuits. Use power strips with surge protectors.
- ☐ Printing and storage of Government records and convenience copies on personal equipment is prohibited.
- ☐ Only destroy convenience copies of records via methods approved by the Department.
- ☐ Inspect and repair carpeting with frayed edges or loose seams. Avoid using throw rugs that can cause tripping hazards in your workspace.
- ☐ Locate computers, phones and other electrical equipment in a manner that keeps power cords out of walkways.
- ☐ Always power down computers after the workday is over and always turn off all electrical equipment during thunderstorms.
- ☐ Keep your work area clean and avoid clutter, which can cause fire and tripping hazards.
- ☐ Do not allow non-government employees to operate or repair government owned equipment.
- ☐ Always keep government files and information in a secure place and do not advertise your home office to strangers.
- ☐ Always use proper lifting techniques when moving or lifting heavy equipment and furniture.
- ☐ Always report accidents and injuries immediately to your supervisor.

Employee's Signature _____ Date ____/____/____

APPENDIX E: TELEWORK PROCESS FLOWCHARTS

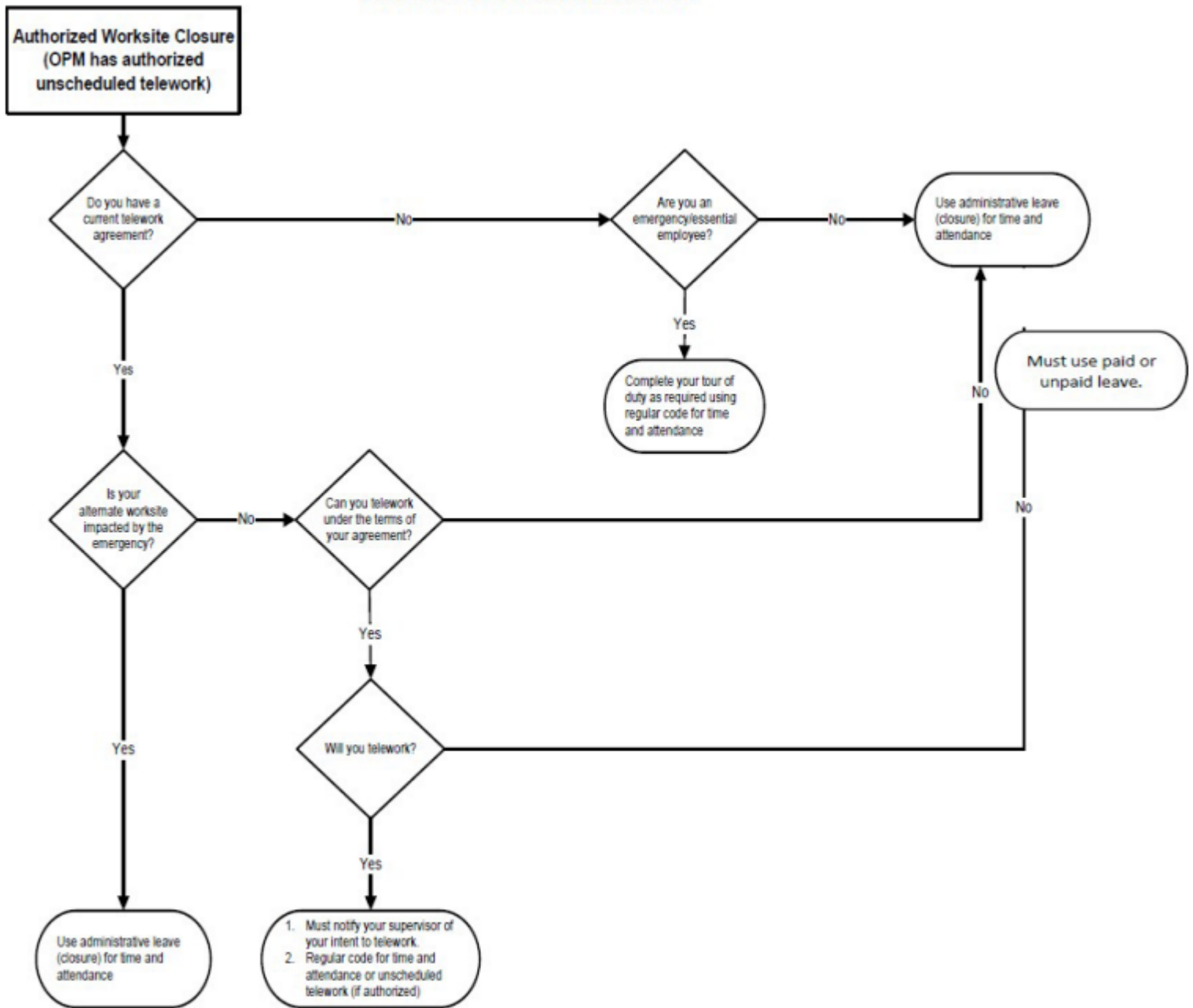
Government Open (Authorized Unscheduled Telework)

App

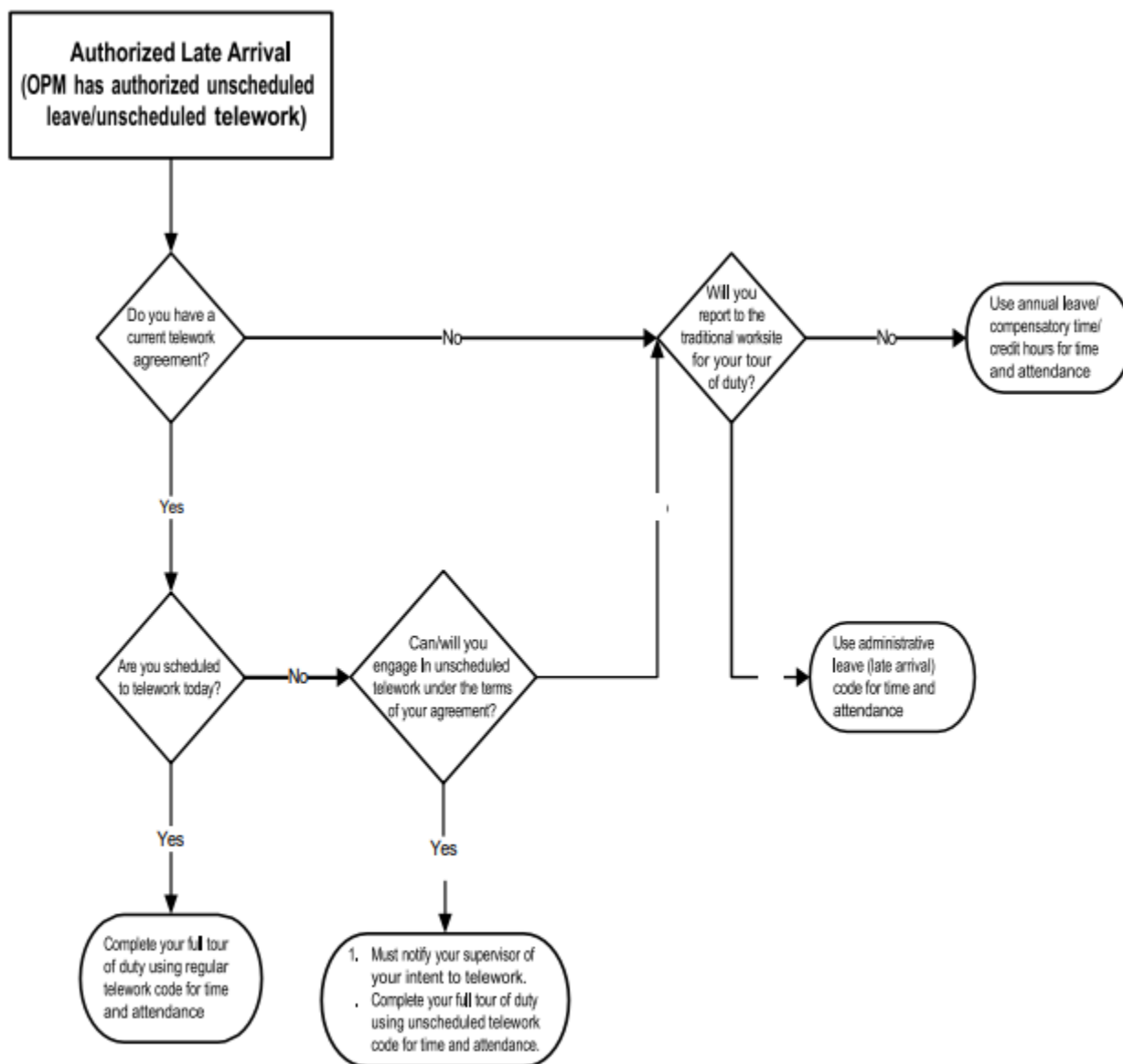


Authorized Worksite Closure

Authorized Worksite Closure



Authorized Late Arrival



Authorized Early Dismissal

