

**U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF THE CHIEF HUMAN CAPITAL OFFICER**

FLEXIPLACE POLICY

HANDBOOK 625.1 Rev. 1

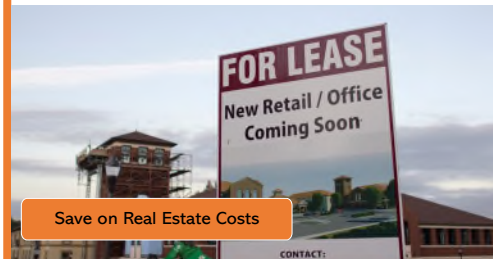
May 2022



Recruit and Retain Talent



Continuity of Work



Save on Real Estate Costs



Reduce Commutes

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Form required by this policy:

HUD-25228 Flexiplace Application and Agreement

CHAPTER 1. GENERAL PROVISIONS

1-1 Introduction:

In recent years, Flexiplace arrangements governing where employees work, including telework, remote work, and mobile work, have become increasingly widespread and formalized, with legislative mandates as well as programmatic and policy supports and structures. Tools, such as e-mail, easy access to information via the internet, teleconferencing, paperless work processes, and other innovations, are now readily available to implement a transparent program that lends itself to performing duties in alternate locations.

Flexiplace arrangements can serve multiple purposes and can have multiple benefits for both the Department and employees when implemented effectively. Flexiplace arrangements are of particular interest for their benefits in the following areas:

- Recruiting and retaining the best possible workforce – particularly workers who have high expectations of a technologically forward-thinking workplace and any worker who values work/life balance;
- Helping employees manage long commutes and other work/life issues that, if not addressed, can have a negative impact on their effectiveness or lead to employees leaving the Department;
- Reducing traffic congestion, emissions, and infrastructure impact, thereby improving the environment;
- Ensuring continuity of essential functions in the event of national or local emergencies; and
- Helping the Department achieve cost savings with real estate footprint reductions.

Flexiplace arrangements are not an employee entitlement, and how work is accomplished in an office is always a management decision. However, the Department encourages and fully supports the use of Flexiplace arrangements and management's efforts to utilize this flexibility tool in a way that enhances the work of the Department and the work/life of its employees. Additionally, as with any policy, not every provision or situation can be addressed in this document. Managers and supervisors, as well as employees, will have to exercise good judgment in applying this policy.

1-2 Purpose:

This policy implements the requirements of Public Law 106-346 and Public Law 111-292, codified in 5 U.S.C. Chapter 65, which require each Executive Agency to establish a policy under which eligible employees of the agency may participate in teleworking.

This policy sets forth the authority, policy, and responsibilities for the administration of the Flexiplace Program, to include telework, remote work, and mobile work, within the U.S. Department of Housing and Urban Development (HUD) for most full- and part-time employees. Additionally, this policy supersedes any other references to telework in any other Agency policies or guidance *dated prior* to this policy.

1-3 Coverage:

This policy applies to all HUD employees, except Office of Inspector General employees.

HUD employees are not authorized to perform work under the Flexiplace Program outside of the United States. The only exception is on the rare occasion that an employee is approved both by HUD and then the Department of State as a sponsored Domestic Employee Teleworking Overseas (DETO) approved to accompany a spouse assigned to work in an overseas location on behalf of the U.S. government. Sponsored HUD DETOs must adhere to the requirements of this policy as well as HUD's DETO policy.

1-4 Definitions:

Agency Worksite: The official agency location (HUD office) where work activities are based, generally considered a centralized location of an employee's assigned organization. The term regular worksite is also used to describe the agency worksite.

Alternative Worksite: An approved worksite other than the agency worksite, at which the employee performs their official duties. For teleworkers, this is the employee's approved telework site, and for remote workers, this is the approved remote site. Alternative worksites may include the employee's residence and/or another location where there is secure, reliable internet access, and there is an office setting conducive to accomplishing work requirements in a safe and secure manner.

Approving Official: For remote work arrangements, the approving official is the lowest level delegated by the Assistant Secretary (or equivalent) for the program office. The Assistant Secretary may retain approval authority for remote work, or delegate it. Each office's approving official may be different based on the level of delegated authority. However, all requests must be submitted to the immediate supervisor. For telework arrangements, the approving official is normally the immediate supervisor.

Continuity: An uninterrupted ability to provide services and support, while maintaining organizational viability, before, during and after an event, including but not limited to the Continuity of Operations Program.

Continuity of Operations Program: An effort within the Executive Office of the President and individual Departments and Agencies to ensure that essential functions continue to be performed during disruption of normal operations.

Continuity Personnel: Those personnel who have been designated by the Assistant Secretary for each office as necessary to continue essential functions under HUD's Continuity of Operations Program. *NOTE: Continuity Personnel should review Chapter 9-8 for specific information.*

Flexiplace Program: HUD program governing where employees work. Flexiplace arrangement types include telework, remote work, and mobile work.

Hot Desking: An alternative workspace arrangement in which employees use non-dedicated, non-permanent workspaces assigned on a first-come, first-served basis. Also known as free address or touchdown workstations.

Hoteling: An alternative workspace arrangement in which employees reserve workspaces on an as-needed basis. Rather than each employee having their own desk, workstations are shared throughout the agency and reserved by employees when necessary.

Internet Access: A secure, reliable internet connection via cable, fiber optics, DSL, wireless technology, or satellite.

Mobile Work: Work characterized by routine and regular travel to conduct work in customer or other varying worksites as opposed to a single authorized agency or alternative worksite.

Official Worksite: The “duty station” of an employee’s position of record for pay purposes, as documented on the SF-50, “Notification of Personnel Action,” where the employee regularly performs his or her duties. *See Chapter 7-6 for more information on the official worksite for each type of flexiplace arrangement.*

Outstationed Workers: Employees who are assigned to an agency office in one location but who are approved to physically report to an agency office in a different locality. Outstationed employees who are approved for telework must physically report to the approved HUD office at least twice per pay period.

Remote Access: The ability to work at a location other than the official duty station to perform work or emergency duties.

Remote Work: Remote work is a type of alternative work arrangement by which an employee, under a written Flexiplace agreement, is scheduled to perform work at an alternative worksite within or outside the local commuting area of an agency worksite and is not expected to report to an agency worksite at least twice a pay period on a regular and recurring basis.

Remote work – Near HUD Office: Work performed at an alternative worksite within a 50-mile radius of a HUD office.

Remote work – Outside Commuting Area: Work performed at an alternative worksite outside of a 50-mile radius of a HUD office.

Personally Identifiable Information: “Personally Identifiable Information” (PII) means any information about an individual maintained by an agency, including but not limited to, education, financial transactions, medical history, and criminal or employment history and information which can be used to distinguish or trace an individual’s identity, such as their name, social security number, date of birth, mother’s maiden name, biometric records, etc., including any other personal information which is linked or linkable to an individual.

Sensitive Information: Information required to be protected on the basis of its need for protection against loss, disclosure, or alteration because of the risk and magnitude of harm that could result.

Telework: Refers to a voluntary arrangement where the employee, under a written Flexiplace agreement, is expected to report to work at an agency worksite on a regular and recurring basis each pay period and also works from an alternative worksite on a regular and recurring or situational basis for an agreed upon period of time.

Routine telework is telework that occurs as part of an ongoing regular and recurring schedule with the telework day or days specified in a written Flexiplace agreement between the employee and employee's supervisor. In order to be considered regular telework, an employee must be regularly scheduled to work at an alternative worksite for a minimum of one day per pay period. Employees **MUST** report to the office a minimum of 2 days per pay period.

Situational telework is telework that is approved on a case-by-case basis where the hours or days teleworked are not part of an ongoing, and regular telework schedule.

CHAPTER 2. ROLES AND RESPONSIBILITIES

2-1 Assistant Secretary for Administration (ASA):

The Assistant Secretary for Administration or equivalent or their designee is responsible for the administration of this policy. Approval to deviate from this policy must be obtained from the Assistant Secretary for Administration or their designee.

2-2 Approving Official:

The approving official for remote work arrangements (approval or termination) is the lowest level designated by the Assistant Secretary (or equivalent) for the program office. Each office's approving official may be different based on the level of delegated authority. However, all requests must be submitted to immediate supervisors. The approving official for telework arrangements is normally the immediate supervisor.

The approving official will:

1. Review each Flexiplace application, on a case-by-case basis, to determine if the employee and the employee's position are "Flexiplace eligible," based on the eligibility criteria outlined in Chapters 3 and 4, within that position's eligibility for participation in Flexiplace arrangements, normally determined during the position classification process.
2. For remote work requests (approval or termination), consult with the Program Office's funds control/budget officer on the potential budget implications prior to approving or disapproving the

request in order to conduct an assessment of benefits and cost to determine if the arrangement is workable and cost effective for the Government and the organization.

3. For remote work arrangements, review the employee's position description to ensure that the duties are conducive to remote work before approving the arrangement.

4. Approve or disapprove the employee's participation in the program in writing, normally within 15 business days upon receipt of a complete application for telework requests and 20 business days for remote work requests¹, unless extenuating circumstances preclude processing within this time period. An employee will be notified in writing of any delay in processing because of extenuating circumstances. An example of an extenuating circumstance is when a supervisor is on leave, travel, and/or higher management level approval of the request is required.

5. Provide written explanation to the employee if the request to participate is denied.

6. Ensure that a personnel action is processed to document any change in duty station arising from an approved or terminated Flexiplace arrangement, normally within one pay period of the start date of the arrangement and ensure that a pen-and-ink change is submitted to update the duty station and bargaining unit status code, if applicable, on the OF-8 Position Description coversheet.

7. Enforce the terms of the Flexiplace policy and application, and, for bargaining unit employees, the terms of applicable collective bargaining agreements and supplements, and take appropriate corrective action to ensure conformance.

8. Ensure supervisors monitor timesheets such that they appropriately reflect employee Flexiplace participation.

9. Provide written notice to the employee of termination of telework or remote work and justification.

10. Complete all lessons of the required Telework Fundamentals for Managers training and ensure subordinate personnel, serving as immediate supervisors, complete the training found at the <https://www.telework.gov/training-resources/telework-training/virtual-telework-fundamentals-training-courses/> and maintain copy of certificate of completion. (At the time of this policy's issuance, the training consists of five lessons, all of which must be completed.)

11. Refrain from creating a repository of completed Flexiplace applications at the local level, as OCHCO is the only authorized entity to retain a central collection of completed Flexiplace Applications.

2-3 Employee:

¹ Response timeframes for requests from AFGE employees are 10 business days for telework requests and 15 business days for remote work requests.

The employee will:

1. Complete all lessons of the required Telework Fundamentals training and attach a copy of the completion certificate to their electronic Flexiplace application. (At the time of this policy's issuance, the training consists of five lessons, all of which must be completed.)
2. Complete the electronic Flexiplace application and submit it for automatic routing to the supervisor for approval and to the Program Office Flexiplace Coordinator.
3. Ensure protection of sensitive data by:
 - a. Properly safeguarding and disposing of media (both hardcopy and electronic) using approved means of destruction in accordance with applicable records management regulations and policies;
 - b. Receiving permission, from the employee's supervisor and the designated management official(s) within the employee's program office, to use or access sensitive data outside of HUD facilities;
 - c. Utilizing and storing sensitive data only on HUD-approved systems or devices;
 - d. Abiding by the most current HUD Information Technology Security Policy (version at the time of this policy's issuance is HUD Handbook 2400.25 Rev. 5.0);
 - e. Physically securing laptops and sensitive hard copy documents at all times;
 - f. Immediately reporting incidents in which sensitive information has been potentially lost or compromised to the HUD HITS Help Desk. (At the time of this policy's issuance, for items involving phishing, contact Phishing@hud.gov; for IT security incidents, contact CIRT@hud.gov). For example, if a teleworker loses a cell phone, laptop, removable or external hard drive, flash drive, or hardcopy documentation, that contains HUD information, it should be reported without delay. Refer to the HUD IT Security Policy for additional guidance on protecting sensitive data.
4. Adhere to the Government-wide Standards of Conduct regarding the use and misuse of government services, resources, and equipment (5 C.F.R. § 2635.101(B)(9)).
5. Demonstrate the ability to work independently and ensure the quality and quantity of work does not suffer while participating in the Flexiplace program.
6. Ensure that appropriate dependent care (i.e., children, elders, and/or loved ones) is obtained and utilized during work hours while participating in the Flexiplace program. While the presence of dependents in the household is not an absolute bar to working at the alternative worksite, employees must not engage in dependent care activities when performing official duties. While an occasional, brief interruption may occur when a dependent is present in the home, employees must be careful to keep interruptions to a minimum to avoid disruptions in work

accomplishment. In lieu of requesting leave for interruptions that are not brief, the employee may request to extend their workday to make up for the missed duty time by the corresponding amount of time used with notification to the supervisor, as long as extending the workday does not incur any overtime liabilities for the Department. The employee is responsible for notifying the supervisor when such an interruption exists which briefly extends their workday. In the event the level of care needed for a dependent prevents or significantly disrupts the performance or accomplishment of work for an extended period of time, employees shall notify their supervisors as soon as possible about the work interruption and request approval for appropriate leave or use of earned compensatory time or credit hours while performing dependent care responsibilities.

7. Adhere to terms and conditions of the approved Flexiplace application including any reporting requirements as outlined in the application form (i.e., time and attendance, etc.).

8. Protect personally identifiable information to ensure that it is not disclosed to unauthorized persons, either intentionally or unintentionally.

9. Provide a phone number (home, cell, etc.) where they may be reached by the supervisor and/or other management official, and HUD staff as appropriate.

10. Avoid any negative impact from Flexiplace arrangements on the work of the other members of the work group (e.g., normally, others in the office should not have to perform duties assigned to someone else who would otherwise do them simply because the employee is working from an alternative worksite).

2-4 Program Office Flexiplace Coordinator:

The Program Office Flexiplace Coordinator will:

1. Review approved Flexiplace applications for completeness and notify employees and supervisors of any deficiencies.
2. Refrain from creating a repository of completed Flexiplace agreements at the local level, as OCHCO is the only authorized entity to retain a central collection of completed Flexiplace Applications.

2-5 Flexiplace Managing Officer (FMO):

The FMO, in OCHCO, will oversee the Flexiplace program for the Department. In this capacity, the FMO will serve as an advisor for the Department leadership including the Chief Human Capital Officer and serve as the statutorily required Telework Managing Officer for HUD. Additionally, the FMO will provide guidance and supervision to ensure the Department's Flexiplace Program is administered in accordance with applicable public laws, guidelines, and this policy. In addition, the FMO:

1. Facilitates agency compliance with the requirements of the Telework Enhancement Act of 2010, 5 U.S.C. Chapter 65.

2. Leads the agency in creating a vision of the Flexiplace Program as a strategic management tool that supports and aligns with the agency's operational goals and mission.
3. Gains leadership buy-in and emphasizes the importance of leaders leading by example.
4. Helps managers and employees understand the purpose for implementing a Flexiplace Program and the benefits to the organization.
5. Provides key stakeholders a clear understanding of what the agency is trying to achieve in order to obtain acceptance of and compliance with flexiplace policies and practices.
6. Oversees the collection of completed Flexiplace agreements enabling accurate Flexiplace reporting. Works collaboratively with OPM to satisfy mandatory annual data collection and reporting requirements and ensures that supervisors and employees understand accurate data reporting requirements.
7. Develops clear and specific requirements for evaluation of the Flexiplace Program, both for the individual participants and for the agency in general.
8. Answers workforce questions on Flexiplace policies and procedures and provides Flexiplace data on an as needed basis.

CHAPTER 3. TELEWORK

3-1 Types of Telework:

1. Telework is a voluntary arrangement where the employee is expected to report to work at an agency worksite on a regular and recurring basis at least twice each pay period and also works from an alternative worksite on a regular and recurring or situational basis. *Note: Any arrangement that requires employees to report to the agency worksite less than twice a pay period, including "full-time telework," is defined as remote work under this policy.*
2. Once an employee enters into a Flexiplace agreement, there may be times when the employee will be obligated to work from home beyond the employee's normal telework schedule. *See Chapter 7-1 for more information.*
3. There are two types of telework, listed below. The telework program is designed to be beneficial to both the Department and the employee. Employees are encouraged to apply for Situational telework even if they do not plan on working a Regular/Routine telework schedule. If the forms and clearances are obtained in advance, the ability to utilize Situational telework is simplified when it is needed. While it is not a requirement to apply to participate in the telework program, employees may not work from an alternative worksite, including during inclement weather, without an approved Flexiplace agreement in place.

a. **Regular/Routine Telework** is telework that occurs as part of an ongoing regular and recurring schedule with the telework day or days specified in a written telework Flexiplace agreement between the employee and employee's supervisor. In order to be considered regular telework, an employee must be regularly scheduled to work at an alternative worksite for a minimum of one day per pay period. Managers and supervisors should use their discretion to determine not only the amount of time an employee can work outside of the office, but the type and amount of communication necessary to ensure the work of the office is completed. Employees MUST report to the office a minimum of 2 days per pay period under this type of telework, regardless of their work schedule type. Employees who report to the HUD office on fewer than six days per pay period may be subject to space sharing arrangements such as hoteling or hot desking.

b. **Situational Telework** is telework that is approved on a case-by-case basis where the hours or days teleworked are not part of an ongoing, and regular telework schedule. Supervisors may approve instances of non-recurring work away from the agency when the employee has an approved Situational or Regular Telework arrangement.

3-2 Eligibility Criteria:

Employee Requirements:

These requirements apply to all employees in positions conducive to telework and remote work, including managers and supervisors, if the position meets the position requirements specified below.

1. The following employees are statutorily *ineligible* to participate in telework or remote work:

a. An employee who has been officially disciplined for being absent without permission for more than 5 days in any calendar year, for as long as the documentation of the disciplinary action remains in the employee's Official Personnel Folder.

b. An employee who has been officially disciplined for violations of subpart G of the Standards of Ethical Conduct of Employees of the Executive Branch for reviewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties [5 U.S.C. 6502(a)(2)(A)(B)], for as long as the documentation of the disciplinary action remains in the employee's Official Personnel Folder.

2. Technology: The employee must have appropriate access to secure, reliable internet service that will accommodate remote access to HUD programs at the alternative worksite, if required to perform the duties of the position.

3. Additional Factors for Consideration: Supervisors should consider factors in addition to the basic eligibility criteria when evaluating an employee's request to participate in telework, but these factors cannot be used to arbitrarily restrict participation. Factors appropriate for consideration include:

- a. **Conduct:** Although an official record of misconduct does not automatically exclude an employee from telework, a record of disciplinary or other corrective action may be considered as it relates to the employee's ability to successfully work at an alternative worksite.
- b. **Attendance:** An employee who is on leave restriction or who has a documented history of unsubstantiated excessive absences or being charged with Absence without Leave (AWOL) may not be a suitable candidate for telework.
- c. **Performance:** Although an official record of performance issues does not automatically exclude an employee from telework, a record of performance actions or less than Fully Successful performance may be considered as it relates to the employee's ability to successfully work at an alternative worksite.
- d. **Office Coverage:** The organization should be sufficiently staffed to prevent a hardship when one or more employees are permitted to work at an alternative worksite.
- e. **Supervision:** Telework and remote work may not be suitable for employees who have not demonstrated the ability to work independently, or for employees in developmental or trainee positions.
- f. **Budget Constraints:** Appropriate equipment needed to perform the employee's duties at the alternative worksite may not be available within allocated resources.

Position Requirements:

1. Employees eligible for telework are persons engaged in tasks and work activities that are portable, do not depend on the employee being at the traditional worksite, and are conducive to supervisory oversight at the alternative worksite. Employees shall not be excluded as eligible on the basis of their occupation, series, grade, or Union activities. All telework decisions must align with the position's eligibility for participation in Flexiplace arrangements, normally determined during the position classification process.

Tasks and work activities generally eligible for telework include, but are not limited to, work that requires:

- a. Reviewing grants, reports, and cases.
- b. Writing decisions or reports.
- c. Participating in conference calls.
- d. Researching and analyzing regulatory or other documentation.
- e. Conducting computer-oriented tasks such as programming, data entry, and word processing.
- f. Researching legislation.
- g. Editing and proofreading reports.
- h. Data analysis.
- i. Continuity Program-related task and work activities.

Note: The above are examples only and do not represent all types of work suitable for telework.

2. Ineligible positions **may** include positions which:

- a. Require the employee to have daily face-to-face contact with the supervisor, colleagues, clients, or the general public in order to perform their job effectively.
- b. Require routine access to national security classified information or other sensitive information/material that cannot be secured from or transported to a remote location.

3. Employees in training-driven positions, such as Pathways Program participants, must adhere to the following conditions:

- a. During periods of training, telework may be suspended.
- b. The telework program must not impede the progression or the ability for the employee to complete all of the requirements of their training program.

3-3 Employee-Initiated Telework Arrangement Modification:

1. A teleworker may request a temporary modification to the telework arrangement based on their personal needs. For example, a teleworker may request to change their telework day from Tuesday to Wednesday one week.

- a. Supervisors are encouraged to accommodate the employee's request if it does not impact or impede the work of the office. However, supervisors may disapprove this request.
- b. If the request involves a change for up to two pay periods, a verbal agreement is acceptable. Any change that extends beyond two pay periods requires a written request and response.

2. An employee may request a permanent modification to their telework arrangement. Requests that create a need for additional office-based workspace may require the employee to participate in space sharing arrangements, such as hot desking or hoteling, temporarily until such time as sufficient workspace becomes available.

- a. Supervisors are encouraged to accommodate the employee's request if it does not impact or impede the work of the office. However, supervisors may disapprove this request.
- b. If approved, a new Flexiplace agreement must be put in place.

3-4 Supervisor-Initiated Telework Arrangement Modification:

1. Supervisors may require a temporary modification to the telework arrangement based on the needs of the office. For example, a supervisor may request an employee to change their telework day from Tuesday to Wednesday.

a. The request will be documented in writing and will include the estimated time period of the change (e.g., one day, three weeks, etc.).

b. The supervisor will give the employee reasonable advance notice of the required change to the extent possible.

2. Supervisors reserve the right to permanently modify an employee's telework agreement, at any time, for business or performance-related reasons.

a. Supervisors are encouraged to work with the employee to select a telework day or days mutually agreeable to both, but ultimately, this is the decision of management.

b. This constitutes a change in the telework agreement and the changes must be documented in a new Flexiplace agreement.

c. Supervisors should give the employee reasonable notice of this change to the telework agreement, in advance to the extent practicable.

d. Supervisors must provide the notice in writing and include the reason(s) for the modification.

3-5 Termination of the Telework Arrangement:

1. Employees may terminate participation in the telework program at any time, for any reason. The termination must be in writing and state the effective date of the termination. If an employee's choice to terminate their telework creates a need for additional workspace in the office, the employee may need to participate in space sharing, such as hot desking or hoteling, temporarily until such time as sufficient workspace becomes available.

2. Supervisors may terminate participation in the telework program at any time, for any business, conduct, or performance-related reason and will notify the employee in writing and provide the reason(s) for termination. Reasonable notice will be given to the employee to the extent practicable. Supervisors are encouraged to consider warnings, modifications, and temporary suspensions of telework before terminating an agreement. A supervisor may terminate a telework agreement whenever:

a. There is a change in work requirements, office coverage or the arrangement no longer supports the Department/Office mission.

b. The employee has demonstrated conduct and performance problems such as:

- Violating time and attendance policies;

- An employee does not have to be placed on leave restriction in order to terminate telework.
 - Work products are not done in a timely manner and/or the quality of the work significantly decreases in quality and/or quantity, etc.
 - An employee does not have to be placed on any type of performance improvement mechanism (i.e., PIP, OIP, or equivalent) in order to terminate telework.
 - c. Changes in technology require that work be conducted in the office; such as the employee does not have access to the internet, hardware is not working, etc.
 - d. The employee does not conform to the terms of the Flexiplace agreement.
 - e. The employee’s performance has fallen such that it no longer meets business needs.
3. Removal from telework does not prevent an employee from reapplying at a later date.

CHAPTER 4. REMOTE WORK

4-1 Types of Remote Work:

Remote work is a special type of alternative work arrangement by which an employee is scheduled to perform work within or outside the local commuting area of an agency worksite and is not expected to report to an agency worksite on a regular and recurring basis at least twice a pay period.

Employees must submit a Flexiplace application and obtain managerial approval for remote work arrangements. Remote work arrangements may have budget implications, equity considerations, and other factors that management must consider when making decisions to institute or execute a remote work agreement or position. All remote work decisions must align with the position’s eligibility for participation in Flexiplace arrangements, normally determined during the position classification process. Current employees will not be required to enter into a remote work arrangement if they were not explicitly hired as remote workers.

Types of remote work arrangements:

1. **Remote work – Near HUD Office:** Work performed at an alternative worksite within a 50-mile radius of a HUD office. Examples:
 - a. An employee whose position would normally be based in HUD’s Robert C. Weaver headquarters building in Washington, DC is instead stationed in their home in the DC suburb of Arlington, VA.
 - b. An employee whose position would normally be based in HUD’s Robert C. Weaver headquarters building in Washington, DC is instead stationed in their

home in the Denver suburb of Lakewood, CO, which is within 50 miles of the HUD Denver Regional Office.

2. **Remote work – Outside Commuting Area:** Work performed at an alternative worksite outside of a 50-mile radius of a HUD office. New positions that are advertised as remote positions could be duty stationed either anywhere within a specified geographic area or anywhere in the United States, outside the local commuting area of a HUD office, as determined by management. Existing employees may also be in positions that are eligible for remote work outside the local commuting area of a HUD office, either within a specified geographic area or anywhere in the United States. Examples:
 - a. An employee whose position would normally be based in HUD’s Robert C. Weaver headquarters building in Washington, DC is instead stationed in their home in Gettysburg, PA, which is more than 50 miles away from any HUD office but meets management’s requirement that the position be stationed within Region III.
 - b. A position whose manager is based in HUD’s Robert C. Weaver headquarters building in Washington, DC is advertised with a remote duty station anywhere in the United States and the selected employee is stationed in their home in Midland, TX, which is more than 50 miles away from any HUD office.

4-2 Eligibility Criteria:

Position Requirements:

Management determines position eligibility for remote work, normally during the position classification process. Considerations include, but are not limited to:

- Portability of the duties of the position,
- Frequency that the position requires performance of duties in the office,
- Frequency of travel required for work, and
- Budgetary implications of changes in locality pay area, transit and travel costs, and real estate and facility savings.

Duties that require handling personally identifiable information (PII) or other sensitive information, barring national security classified information, may be deemed portable for remote work purposes, subject to management approval.

The availability of space in the HUD office of the position’s normal work location may also be taken into consideration when determining where remote arrangements may be appropriate.

Employee Requirements:

If an employee’s position is eligible for remote work, management will consider all telework employee eligibility factors listed in Chapter 3 when reviewing employee requests for remote work.

4-3 Employee-Initiated Remote Work Arrangement Modification or Termination:

1. An employee may request a temporary modification to their remote work location based on their personal needs, for a period not to exceed two pay periods.

a. Supervisors are encouraged to accommodate the employee's request if it does not impact or impede the work of the office. However, supervisors may disapprove this request for business reasons.

b. Requests must be submitted and approved/denied in writing (via email or another written format).

c. Requests that increase an employee's presence at an agency's worksite will be subject to space availability and may require the employee to participate in space sharing (for example, hot desk or hotel (reserve space)).

2. Any change that extends beyond two pay periods, including a permanent change or termination, requires a written request to the supervisor, written approval from the Assistant Secretary or designee and may require a change in the duty station. An employee may request a permanent modification to their remote work arrangement. Employees whose requests result in a greater presence in the HUD office may need to participate in space sharing, such as hot desking or hoteling, temporarily until such time as sufficient workspace becomes available.

a. Supervisors must consider position requirements, such as frequency of travel, as well as budgetary implications of changes in locality pay area, when considering requests to change an existing remote work arrangement.

b. Remote workers may request a temporary change to report to the HUD office on a regular basis to temporarily support an assignment that can be performed more effectively at the agency worksite. Upon completion of this status or project, the employee will return to their remote work status.

c. Employees may request to terminate participation in the Flexiplace Program at any time, for any reason. Employees shall provide the termination notice to their supervisor in writing and state the effective date of the termination. Employees do not need to provide a reason. Employees who choose to terminate their participation in remote work may need to participate in space sharing arrangement, such as hot desking or hoteling, temporarily until such time as sufficient workspace becomes available.

d. If a change lasting longer than two pay periods is approved, a new Flexiplace agreement must be put in place and may require a change in the employee's official worksite for pay purposes (duty station) in the personnel system.

3. HUD will not reimburse relocation expenses for employee-initiated changes to Flexiplace arrangements. Any relocation costs arising from employee-initiated requests to change to a

different geographic area (e.g., changing from one HUD regional office to another) are the responsibility of the employee.

4-4 Management-Initiated Temporary Change to or Termination of the Remote Work Arrangement:

1. Management may change or terminate participation in the remote work program at any time based on business needs, misconduct, or performance, not for arbitrary or capricious reasons, and will notify the employee in writing and provide the reason(s) for the change or termination. Advance written notice will be provided at least two weeks in advance to the affected employee before the change or termination date, unless emergency conditions exist, which may necessitate expedited termination. The change or termination will be documented in writing.

2. Management may terminate a remote work arrangement whenever there is a change in work requirements, or the arrangement no longer supports the Department/Office mission.

3. Management must consider position requirements, such as frequency of travel, as well as budgetary implications of changes in locality pay area, and the potential costs of relocation, when determining whether to change or terminate an existing remote work arrangement.

4. When a remote work arrangement was initiated at the request of an employee and management terminates the agreement due to a decline in the employee's performance or misconduct, the resulting reassignment to the new duty station will not be considered involuntary, and the employee will thus be ineligible for a severance payment, should they separate from HUD instead of accepting the reassignment.

5. Supervisors may consider whether to terminate a remote work arrangement and/or take disciplinary or performance-based actions while the employee remains remote when:

- a. The employee has demonstrated conduct and performance problems. For example:
 - Violating time and attendance policies;
 - An employee does not have to be placed on leave restriction in order to terminate remote work.
 - Work products are not done in a timely manner and/or the quality of the work significantly decreases in quality and/or quantity, etc.
 - An employee does not have to be placed on any type of performance improvement mechanism (i.e., PIP, OIP, or equivalent) in order to terminate remote work.
- b. The employee does not conform to the terms of the Flexiplace agreement.
- c. Supervisors are encouraged to consider warnings, modifications, and temporary suspensions of remote work before terminating an agreement.

6. When a remote work arrangement was initiated at the employee's request and management terminates the arrangement due to a decline in the employee's performance or an occurrence of

misconduct, the employee will be responsible for covering their own costs to relocate to an agency duty station and will not seek relocation costs from HUD. Any employee relocation costs arising from management-initiated remote work changes or terminations that result in a change to a different geographic area (e.g., changing from one HUD regional office to another) for other reasons will be paid by HUD in accordance with the GSA Federal Travel Regulations. Management must coordinate such arrangements with the Program Office's funds control/budget officer in advance of making a determination that may create an entitlement to relocation costs.

7. Employees whose remote work arrangements have been terminated may have to participate in space sharing arrangements, such as desk sharing, hot desking, or hoteling temporarily until such time as sufficient workspace becomes available in the office.

8. Removal from remote work does not prevent an employee from reapplying to the Flexiplace Program at a later date.

CHAPTER 5. MOBILE WORK

Mobile work is work which is characterized by routine and regular travel to conduct work in customer or other worksites as opposed to a single authorized alternative worksite. Examples of mobile work include site audits, site inspections, investigations, property management, and work performed while commuting, traveling between worksites, or on official travel for temporary duty (TDY).

5-1 Eligibility Criteria:

The primary duties in the position description determine position eligibility for mobile work. Mobile workers are designated as such when they are hired for a mobile work position. When designing mobile work positions, management considerations include, but are not limited to:

- Degree of variability of the position's worksite,
- Portability of the duties of the position,
- Frequency that the position requires performance of duties in a HUD office, and
- Frequency of travel required for work.

CHAPTER 6. APPLICATION FOR TELEWORK AND REMOTE WORK

1. The application for the Flexiplace Program consists of the following:

- a. Flexiplace Application and Agreement.
- b. Telework Fundamentals training completion certificate.

2. Any references to a Flexiplace application, in this policy or any other references include both of the above.

3. Failure to complete either of the above constitutes an incomplete application and will not be considered.

6-1 Application Process:

1. The employee must submit an electronic Flexiplace application package to the immediate supervisor for review.

2. The supervisor will notify employees of an incomplete Flexiplace application within two business days, barring extenuating circumstances.

3. The supervisor or approving official will review the Flexiplace application package and provide a decision, in writing, within the timeframe described in Chapter 2-2.

4. If the request is approved, the employee and supervisor must abide by the terms and conditions of the arrangement.

5. The employee must complete all lessons of the applicable Telework Fundamentals prerequisite training. The training may be accessed at <https://www.telework.gov/training-resources/telework-training/virtual-telework-fundamentals-training-courses/>. (At the time of this policy's issuance, the training consists of five lessons, all of which must be completed.)

6-2 Agreement:

The electronic Flexiplace agreement, which must be completed and signed by an employee and their supervisor, outlines the terms and conditions of the Flexiplace arrangement. Among other requirements, the agreement stipulates:

1. Any set time, methods, and/or frequency for the employee to communicate during their tour of duty.

2. HUD management officials, the immediate supervisor and staff members may contact the employee throughout their tour of duty.

3. Employees should answer phone calls and emails and attend meetings with the same frequency and quality as they would while in the office. This may include turning on their camera for videoconference meetings, as requested by management.

6-3 Supervisor-Initiated Temporary Reporting to the Agency Worksite:

1. A supervisor has the right to require a Flexiplace participant to report to the official worksite at any time, based on operational requirements. A supervisor may require a teleworker to modify their telework schedule or a remote worker to report to the agency worksite in order to participate in a mandatory training activity, meeting, special project, day-of in-person team meeting(s), established in-person collaboration (shared) days, provide office coverage, etc., that cannot be performed at the alternate worksite. Therefore, employees participating in the

Flexiplace program must be accessible and available to report to the agency worksite for work needs that cannot be performed at the alternative worksite.

- a. The supervisor will give the employee advance notice to the extent practicable.
- b. Reporting to the agency worksite will last no longer than is reasonable to complete a work assignment or training.
 - i. For teleworkers, the supervisor may consider allowing the employee to work another day in the same week from the alternate worksite but is not required to do so.
- c. Normally, this type of modification will be communicated in writing, which may include email.
- d. Requiring the employee to report to the agency worksite is not a termination of the Flexiplace agreement.
- e. The supervisor (or designee) will communicate directly with the employee regarding the decision to report to the agency worksite.
- f. For same day reporting to the agency worksite at management's behest, occurring after the tour of duty begins, the commute time is considered as part of the tour of duty. (If the employee is reporting to the worksite at the employee's election, the commute time is not considered part of the tour of duty.)
 - i. For example, if an employee's tour of duty begins at 8:00 am and the supervisor requires the employee to report to the office to attend a 1:00 pm conference, the time spent commuting by the employee is considered to be work time.
- g. Management must take into consideration the distance from the alternative worksite and transportation options available to the employee and allow adequate time for the employee to report. Mobile workers and Remote Work – Outside Commuting Area workers may need to be on official travel orders (temporary duty travel - TDY), if they are traveling outside the travel status radius of their official worksite, as defined in the GSA Federal Travel Regulations, when reporting to the agency worksite.
- h. The tour of duty ends at the same time it would have if the employee had been working from the alternative worksite.
- i. Time for travel back to the employee's home is not considered as part of the tour of duty unless the employee is on TDY.
- j. Employees on TDY may earn compensatory time off for travel for time spent in travel status that is not otherwise compensable in accordance with applicable policy and regulations.

- k. For teleworkers, any costs incurred to report to the office, e.g., public transportation, is at the employee's expense as a normal commuting expense. Remote and mobile workers will be reimbursed for TDY expenses per applicable policy and regulations.
- l. Failure to report to the agency worksite or other designated locations (training center, etc.) may result in the termination of the Flexiplace arrangement.

6-4 Denial and Appeal Process:

While telework and remote work are not employee entitlements, and not all employees and/or positions are conducive to telework or remote work, management officials are urged to look at all facets of an employee's request and make decisions fairly in their office.

1. If the request is denied, the supervisor must notify the employee of their decision and provide the employee written justification for the denial on the Flexiplace application.
2. The employee may appeal the denial of the telework or remote work request to the level above the approving official. For example, if the application is denied by a Branch Chief, the employee can appeal the decision to the Division Director.
 - a. The employee must appeal the decision within 15 calendar days of receipt of denial.
 - b. The appeal must be accompanied by any circumstances the employee believes are relevant to the request for reconsideration.
3. The deciding official will render a decision in writing within 21 calendar days upon receipt of the appeal.

CHAPTER 7. TIME, ATTENDANCE AND PAY

7-1 Flexiplace Hours of Duty:

1. The existing policies relating to "hours of duty" apply to employees participating in Flexiplace arrangements.
2. If a situation arises and the employee's agency worksite is closed due to emergency situations (e.g., inclement weather or office repairs), and the alternative worksite is not affected, the employee is required to complete their tour of duty, if feasible.
 - a. Flexiplace workers are required to work during their regular tour of duty on a day when the agency worksite is closed (or when employees at the agency worksite are granted late arrival or dismissed early). They are not entitled to receive weather and safety leave, overtime pay, credit hours, or compensatory time for performing work during their regularly scheduled hours. Generally, employees who are Flexiplace

participants will not receive weather and safety leave, since they are not usually prevented from performing work at an approved alternative worksite due to a weather or other safety-related emergency. If the agency worksite is closed, all employees participating in the Flexiplace program whose alternative worksite is their home are required to work from their homes – even if it is a day when they would be reporting to the agency worksite. This will be considered regular time. If the employee chooses not to work from their alternate worksite or home, a leave request may be submitted, but the employee is not eligible for weather and safety leave.

- b. If the employee is working from home due to an unexpected agency worksite closure, it is understood there may be circumstances that impede or prevent the employee from performing some or all of their duties. These include situations where a teleworker could not have reasonably anticipated severe weather or emergency and thus is not prepared to telework and is otherwise unable to perform productive work at the alternative worksite, or a where Flexiplace participant cannot safely work at the alternative worksite due to severe weather or an emergency situation. With proper justification, the employee may not be penalized for a situation beyond their control. Proper justification could include loss of power, lack of work assignments, lack of child/dependent care, etc.
 - i. Under these circumstances, the employee is required to notify the supervisor via email (if available) of the situation, and the supervisor will determine if a leave request is required or if weather and safety leave applies. The applicable regulations and procedures describe a few limited exceptions under which Flexiplace program participants may be granted weather and safety leave. The email should contain the specific reasons that prevent the employee from working all or a part of the day.
 - ii. For example, if the employee is the parent of two very young children AND there is no one else in the home to assist in their care, the employee's work may be impeded and the supervisor will take this and any other factors under consideration to determine if any, or how much leave must be taken.
3. When an emergency or other situation affects only the alternative worksite for a major portion of the workday, HUD may require Flexiplace participants to report to the agency worksite or the employee may request annual leave or leave-without-pay (LWOP). This requirement does not apply to Remote Work – Outside Commuting Area participants.
 - a. If HUD remote access is down, and internet access is required to perform work, the employee shall report to the agency worksite.
 - b. If it appears that the system will only be down for a short period, or there is other work that could be done without the access, the supervisor should be consulted to determine if reporting to the official worksite is practical.

4. Weather and safety leave also may be granted to Flexiplace participants when they are prevented from working by the need to make safety preparations for emergency weather situations, such as storm preparation when there are severe storms approaching (e.g., hurricanes and tropical storms).
5. If the Federal Government (or HUD) is closed or released early due to a holiday or “good will” gesture, Flexiplace employees will receive the same benefit as those employees at the official duty station.
6. If the Federal Government (or HUD) is open but operating under a status of “unscheduled leave or unscheduled telework,” employees must notify their supervisor by the start of their workday if they are performing unscheduled telework or using unscheduled leave.

7-2 Flexiplace Work Schedules:

1. Flexiplace is not a “work schedule;” it is a program allowing employees to work at an alternative worksite. Employees continue to be permitted to work alternative work schedules, with supervisory approval, while they participate in Flexiplace. Work schedules are at the discretion of supervisors. However, supervisors are encouraged to exercise as much flexibility as possible.
2. With supervisory approval, employees may work a fixed schedule or an alternative work schedule permitted by the most current HUD Alternative Work Schedules policy or applicable labor-management agreement. With supervisory approval, teleworkers may establish in their Flexiplace agreement different work start/stop times for telework days as compared to when they are in the office.

7-3 Leave:

All OPM and Department leave requirements remain the same. If an employee is scheduled to work from an alternate worksite and will not be working due to sickness, or any other reason that would prevent or impede the employee’s work, the employee is required to contact their supervisor to request the appropriate leave.

7-4 Overtime, Compensatory Time and Credit Hours:

Supervisors must approve overtime, compensatory time, and credit hours **in advance**.

The existing provisions in Title 5 U.S.C. and in the Fair Labor Standards Act governing overtime also apply to Flexiplace workers. Supervisors must approve all credit hours, overtime and/or compensatory time in advance and in writing. Flexiplace employees should not work credit hours, overtime or compensatory time without advance supervisory approval. If they do so, they may be removed from the Flexiplace program and may not be eligible for compensation.

7-5 Travel, Leave and Holidays:

For teleworkers, if the employee is on travel, leave, or the scheduled telework day is a holiday, the employee may not substitute an alternative telework day without advance supervisory approval. Whether or not a substitution will be approved is within the discretion of the supervisor.

7-6 Effect of Flexiplace Arrangements on Official Worksite & Locality Pay:

1. Teleworkers' Worksites:

The official worksite for an employee covered by a telework agreement is the location of the regular agency worksite for the employee's position (i.e., the place where the employee normally reports for work on non-telework days), as long as the employee is scheduled to physically report at least twice each biweekly pay period on a regular and recurring basis to that regular worksite, except in certain temporary situations.

2. Remote Workers' Worksites:

The official worksite for a remote worker is the approved alternative worksite (i.e., home or another alternative worksite).

3. Mobile Workers' Worksites:

A mobile worker's official worksite will be determined in accordance with 5 CFR 531.605.

In accordance with 5 CFR 531.605(d), in the case of a mobile work employee whose work location varies on a recurring basis, the employee need not report at least twice each biweekly pay period to the official worksite as long as the employee is performing work within the same geographic area (established for the purpose of a given pay entitlement) as the employee's official worksite.

4. Locality Pay:

For all General Schedule employees, locality-based comparability payments are authorized based on an employee's official worksite under the most current Federal regulation. The location of an employee's official worksite—the HUD office for teleworkers and the approved alternative worksite (normally, the employee's home) for remote workers—determines the employee's locality pay area, which has an assigned Government-wide locality payment percentage. At the time of this policy, 5 U.S.C. § 5304 and 5 CFR part 531, subpart F apply to most General Schedule positions. Current locality pay area definitions and rates can be found at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/>. Employees in executive and senior level pay plans do not receive locality pay.

For teleworkers, in certain temporary situations, such as an extended office closure or other operating status announcement, or where an evacuation order has been issued, the employee may be precluded from returning to the agency worksite with the twice per pay period frequency required by regulation. In such situations, HUD may continue to treat the agency worksite as the

official worksite of the employee even though, during that period, the employee is working from the alternative worksite and not returning to the agency worksite at least two days per pay period. In that situation, HUD is unable to offer an agency worksite but expects employees to return when the event has concluded. HUD may also permit an employee to telework without returning to the office twice per pay period in a situation where an employee is temporarily recovering from an injury or other medical condition but is expected to return to a normal telework schedule upon recovery.

Examples of appropriate temporary situations include:

- Recovery from an injury or medical condition;
- Emergency situations preventing an employee from regularly commuting to the agency worksite, such as a severe weather emergency or a pandemic health crisis. (For instance, in the aftermath of a hurricane or flood, an employee may be forced to temporarily relocate, making commuting to the agency worksite twice each biweekly pay period on a regular and recurring basis not possible. If the employing agency sets up telework arrangements for the employee, a temporary exception to the twice-a-pay-period requirement would be appropriate.);
- An extended period of approved absence from work (e.g., paid leave) during which the employee will not be able to report to the agency worksite at least twice a pay period;
- A period during which the employee is in temporary duty travel status away from the official worksite; or
- A period during which an employee is temporarily detailed to work at a location other than a location covered by a Flexiplace agreement.

This exception is intended to address certain situations where the employee is temporarily unable to report to the agency worksite for reasons beyond the employee's control. The temporary exception should generally be used only in cases where: (1) the employee is expected to return to work at the agency worksite in the near future, or (2) the employee is expected to continue teleworking and will be able to report to the agency worksite at least twice each bi-weekly pay period on a regular and recurring basis in the near future.

5. Tax or other legal implications for the business use of the employee's home will be based on IRS and state and local government rules and restrictions. It is the employee's responsibility to determine any income tax implications for maintaining a home office. Employees are encouraged to consult with a qualified tax professional to discuss the tax implications of a remote work arrangement or mobile work arrangement where the employee's home is their official worksite. It is the responsibility of the employee to make state designations for employment taxes. Management will process the employee's elections in accordance with Department of Treasury requirements.

CHAPTER 8. EXPENSES, EQUIPMENT AND FACILITIES

8-1 Expenses:

1. To make calls and scan copies, employees should use tools and technology that do not incur costs, to the fullest extent practicable. To this end, employees should log onto HUD's group chat/call software (currently Microsoft Teams) when they start their day and throughout their day so that they can be reached by their supervisors and colleagues via video or teleconference without incurring a cost to the government. When using tools and technologies that do not incur costs is not possible, the following may occur:

a. Program offices may issue cell phones to Flexiplace participants upon request where there is a business need.

b. Employees will be reimbursed for mail charges, facsimile charges, and hard copies only if they are instructed and approved in advance by their supervisor to incur such costs.

2. The following expenses will not be reimbursed:

a. Reimbursement for internet access, personal computer equipment, and/or other related charges.

b. Reimbursement for utility costs for heating, air conditioning, lighting, and the operation of government-furnished data processing equipment associated with the alternative worksite.

8-2 Equipment & Software:

1. Employees who have a personal computer at home and have secure, reliable internet access are only permitted to use their personal computer if they are awaiting issuance of a HUD laptop. In such cases, they may be provided remote access to the HUD system on their personal computer in alignment with IT Helpdesk instructions.

2. On a rare, case-by-case basis, supervisors may approve employees to participate in the Flexiplace Program without secure, reliable internet service as long as their work does not require access to HUD systems.

3. All HUD-provided laptop computers will be pre-configured with HUD standard software by local IT staff and provided to the employee. If there is a problem with the hardware and/or software applications, the employee is required to call the HITS Helpdesk at 1-888-297-8689.

a. If the problem cannot be resolved over the telephone, the employee is required to bring the equipment on-site (or if they are Remote Work – Outside Commuting Area participants, ship it in accordance with instructions provided by the Helpdesk) so that IT staff can repair the problem. Employees will notify their supervisor when a failure of the technology occurs to determine the need to report to the agency worksite.

- b. Employees who are issued a HUD laptop computer are prohibited from installing non-government owned or unauthorized hardware or software, e.g., social networking software, etc.

4. Flexiplace participants must comply with organizational security procedures and ensure adequate security measures are in place to protect the equipment from being damaged, stolen, or accessed by unauthorized individuals.

5. Flexiplace participants are responsible for taking reasonable precautions in preventing any loss or damage to equipment that is issued to them. If HUD-provided equipment is lost, stolen, or damaged due to negligence, the employee may be held accountable for replacement. In the event a computer is lost or damaged, the employee will immediately (24 hours or less during the week) call the HITS Helpdesk at 1-888-297-8689 to report the incident. Replacement equipment will be provided by HUD as soon as it becomes available.

- a. If a Flexiplace participant has personal equipment or other equipment available, they may be allowed to use it in alignment with instructions provided by the Helpdesk until the HUD laptop is repaired or replaced, at which point the employee must cease use of personal equipment.
- b. If alternative equipment is not available, teleworkers and Remote Work – Near HUD Office participants may be required to report to the agency worksite on the next business day and continue reporting to the office until the equipment problems are resolved.

6. Supervisors must establish methods of communicating with their employees and ensure that all employees participating in the remote work program have alternative means of contacting the supervisor in the event that email is not available (due to HUD system failures, weather, or other conditions).

8-3 Facilities:

If working at home, employees participating in the Flexiplace program should have a designated workspace or workstation for the performance of their work duties. Requirements will vary, depending on the nature of the work and the equipment needed to perform the work. In addition, employees must acknowledge reviewing the “Self-Certification Safety Checklist” portion of the electronic Flexiplace application.

8-4 Space Sharing:

Employees who regularly work at least six days per pay period in a HUD office will be assigned a workstation/cubicle or office. Employees who regularly report to a HUD office on fewer than six days per pay period may be subject to space sharing, which may include hoteling and hot desking. Vacant and available workspaces will be assigned in accordance with the most recent space sharing policy.

CHAPTER 9. MISCELLANEOUS INFORMATION

9-1 Position Description:

Changes to existing position descriptions are not necessary for telework arrangements. For remote work arrangements, approving officials must review the employee's position description and may make any necessary changes to ensure that the duties are conducive to remote work and a change in duty station before approving the arrangement. For example, changing the employee's status to or from remote work could affect their bargaining unit coverage in terms of which local or union may cover the employee based on geographic location. As position descriptions are developed or updated or vacancy announcements are opened, Flexiplace eligibility will be documented.

9-2 Performance Standards:

Critical elements and performance standards must have clearly defined performance requirements that are quantifiable, measurable, results-oriented, and tied to the Department's strategic plan. Explicit and objective "norms" for work output should be based on experience with those required and sustained in the office and monitored through scheduled and required progress reports. The performance of Flexiplace participants will be evaluated consistent with the applicable HUD performance management system, such that Flexiplace participants are treated the same as non-participants regarding performance management.

9-3 Work-Related Opportunities:

All participants in the Flexiplace Programs will be treated the same as non-participating (in-office) employees for purposes of periodic appraisals of job performance, training, rewarding, reassigning, promoting, reducing in grade, retaining, and removing employees, work requirements, or other acts involving managerial discretion.

9-4 Liability Issues:

Questions related to claims for personal property damage or loss, or personal injury related to the employee's performance of official duties should be directed to the Office of the Chief Human Capital Officer (OCHCO). The Department will address issues of employee or Department liability in accordance with the specific facts of each case and under the provisions of the Federal Employees Claims Act, the Federal Tort Claims Act, and the Military Personnel and Civilian Employees Claims Act, as applicable.

9-5 Workers' Compensation:

1. The Federal Employees' Compensation Act (FECA) covers Flexiplace participants. Employees may receive Workers' Compensation for an on-the-job traumatic injury sustained while performing official duties at the official or alternative worksite. Employees must inform their supervisor immediately or as soon as practical following an injury. Supervisors must ensure that the appropriate Workers' Compensation forms are completed within 10 days of the reported

traumatic injury. In addition, the supervisor will immediately inform OCHCO about the injury. Information regarding the process for filing a Workers' Compensation Claim, as well as the forms may be accessed at <http://hudatwork.hud.gov/HUD/chco/po/arh/notices/workcomp>.

2. In a home office (whether the home office is near the HUD office or outside the commuting area where the employee is assigned organizationally), the employee is covered under FECA at their workstation while performing assigned duties or performing employment activities incident to those duties. A workstation would generally consist of a location in the home where the employee performs work assignments such as a desk with a computer and internet access. Injuries sustained while performing activities that are not immediately directed toward the actual performance of assigned duties are not covered. Unlike in a traditional office setting, employees remove themselves from the performance of assigned duties as soon as they walk away from that desk to use the bathroom, get a cup of coffee, or seek fresh air.

3. Employees must review the "Self-Certification Safety Checklist" to understand the importance of safety at their alternative worksite in compliance with Occupational Safety and Health Administration (OSHA) guidelines as part of the Flexiplace application. Any claim for Worker's Compensation based on a traumatic injury will be investigated by the Department of Labor. For additional information regarding OSHA requirements, visit to www.osha.gov.

9-6 Transit Subsidy:

1. Remote workers and mobile workers whose official worksite is their approved alternative worksite (e.g., the employee's home) are not eligible for the transit subsidy program. Approved regular teleworkers who receive a transit subsidy under HUD's Transit Subsidy Program must complete and return the HUD-80-A to the Transit Subsidy Program within two business days of notice of approval to telework, accounting for their approved telework schedule.

2. Participation in the telework program may or may not affect the amount of the transit subsidy awarded.

3. Failure to notify the appropriate headquarters or field representative of changes to a telework schedule may result in termination of not only the telework program, but the transit subsidy program as well, if the changes affect the amount of commuting trips and/or the amount of the subsidy to which the employee may be entitled.

9-7 Policy Questions:

Questions about HUD's Flexiplace Program may be directed to the Department Flexiplace Managing Officer, as listed on <http://hudatwork.hud.gov/HUD/chco/po/arh/eap/flexiplace>.

9-8 Continuity of Operations:

Continuity of Operations is a Federal Executive Branch program to ensure that Departments and Agencies can continue essential functions during disruption of normal operations across a wide spectrum of threats. Each Department is required to develop and maintain a Continuity of

Operations Plan to ensure that Mission Essential Functions are operational within 12 hours of an emergency, with or without warning. Further information can be found in Federal Continuity Directive 1, located at <https://www.fema.gov/emergency-managers/national-preparedness/continuity>.

Telework is a critical part of HUD's Continuity of Operations Program. Employees are designated as Continuity Personnel by their Assistant Secretary and must adhere to requirements in HUD's Continuity of Operations Plan. Continuity Personnel must apply for telework, maintain telework readiness at all times, and abide by the terms of the HUD Flexiplace agreement, as documented, for the duration of their appointment to the Continuity of Operations program. The employee's telework capability should be verified on a regular basis, at a minimum once every quarter. All other eligibility criteria required in Chapter 3 are not applicable for Continuity Personnel conducting continuity-related telework. Continuity Personnel who are approved to telework only for continuity purposes must have their application annotated accordingly.