



Post-Pandemic Telework and Remote Work Pilot Policy

Preamble

- The OIG has performed its mission under emergency circumstances during the pandemic thanks to the extraordinary efforts and dedication of our employees. Organizationally, we expanded our capabilities to operate under maximum telework, and adjusted to a redefined workplace.
- While the OIG successfully performed its mission over the last 2 years, in doing so, we modified certain mission-related operations and expectations, such as: adjusting our oversight of the Department's classified programs due to secure space limitations and pandemic-related travel restrictions; suspending on-site fieldwork; conducting virtual interviews and remote inspections; and relying largely on online training and virtual teambuilding. While the OIG embraces the additional flexibilities that have enabled us to continue performing our mission under the conditions of the pandemic, we are committed to resuming our operations and conducting our oversight of the Department without these modifications and limitations so that we can accomplish our important mission to the fullest extent possible.
- The OIG values its organizational culture, the relationships and mentoring that in-person work offers, and the benefits of teamwork. The OIG also recognizes and values that telework enhances employees' ability to achieve greater balance between their work and personal lives, as well as reducing often substantial commuting times and costs.
- In view of our experience while operating in maximum telework, consistent with the above values, and upon consideration of the recommendations of the post-pandemic workplace committee, the OIG is implementing these pilot revisions to our telework policy.
- These pilot provisions amend the OIG's telework policy as set forth in the Inspector General Manual (IGM) Volume V, Chapter 261. Any conflict between these pilot provisions and the IGM telework policy should be resolved in favor of these pilot provisions. However, these pilot provisions are not intended to be and should not be interpreted as being more restrictive than the IGM telework policy.
- We are committed to adjusting pilot policies as necessary and desirable based on what we learn from our experience operating under them, and we will reassess the policy after we obtain a reasonable amount of experience with it.
- As the OIG's telework policy has always made clear, telework is a privilege, not a right.

- The mission of the OIG is our foundational principle; telework must be exercised consistent with the mission critical needs of the OIG.
 - Subject to, and consistent with, the OIG’s telework policies and division-specific guidance, managers/supervisors will continue to have the authority to approve or deny telework requests, and have discretion to determine staffing needs and mission needs, including when employees are required to work in the office and when they are allowed to telework.
 - The degree to which employees may be able to telework will necessarily be affected by the nature of their work assignments. For example, investigative functions often must be performed in person. In addition, when working on classified matters and other potentially sensitive matters, employees will likely need to report to the office more frequently than when they are not working on such matters. Further, some functions (e.g., support and customer service) may be more effectively accomplished in-person, thereby limiting the level of telework that will be approved. Other job functions can largely be accomplished effectively in a telework environment. Accordingly, telework policies and practices across OIG divisions, and possibly within divisions, will reflect differences in the OIG’s business needs and in the type of work individual employees are performing at a given time.
 - Mission-related travel needs, such as TDY/deployment for example, will continue to have priority over employees’ telework schedules. Employees are expected to be available for such travel when it is safe to do so.
 - The OIG’s mission entails oversight of the important work of the Department of Justice. All of the Department’s law enforcement components, its national security functions, its litigating components, and the Federal Bureau of Prisons have been operating on-site throughout all or most of the pandemic. On February 14, 2022, the Deputy Attorney General announced that all Department components should implement their plans for employees to return to the workplace by the beginning of May. Although we continued to accomplish our mission during the period of maximum telework, it is vital to our continued success and our organizational credibility that we have a consistent presence and profile within the Department.

Expanded Telework

- Full-time and part-time employees may be approved by their supervisors to perform duties at an approved telework site.
- There is no requirement for employees to work an expanded telework schedule; employees can report to the office full time, and the options still exist for less frequent telework and telework upon request (situational telework, ad hoc telework, continuing/pre-existing telework arrangements).
- Under this pilot policy, the OIG will implement a telework policy that is consistent with OPM regulations for determining eligibility for locality pay. If OPM modifies these regulations, the OIG will assess how they may affect the OIG's pilot policy. Pursuant to OPM regulation (5 CFR § 531.605), teleworking employees must report to their Official Duty Station (i.e., the agency worksite) at least 2 days per pay period (PP) to qualify as a teleworker and to be eligible to receive locality pay based on the location of their Official Duty Station. Each division will provide guidance to employees about satisfying this requirement after consulting with OGC/M&P (hours/day; hours of the day).
 - Days on TDY/deployment can count toward the 2-day minimum.
 - Local field work can count toward the 2-day minimum.
 - In-person training can count toward the 2-day minimum.
 - Supervisors have discretion to allow AL, SL, and other forms of leave to count toward the 2-day minimum to the extent permissible under OPM or other regulations.
 - The provisions of IGM Volume V, 261.5(K), Teleworking Partial Days, continue to be in effect. Accordingly, with supervisory approval, OIG employees may telework for part of a day.
 - OIG leadership may suspend the 2-day minimum requirement when local or other circumstances warrant to the extent permissible under OPM or other regulations. Examples of the conditions under which OIG leadership may suspend the 2 days per pay period reporting requirement are cited in 5 CFR § 531.605(d)(2). They include: (1) an employee is recovering from an injury or medical condition; or (2) an employee is affected by an emergency situation which temporarily prevents the employee from commuting to his or her regular official worksite.
 - Subject to OPM review and oversight, supervisors have discretion under 5 CFR § 531.605(d)(4) to suspend the 2-day minimum requirement to approve employees who work at least twice each PP on a regular and recurring basis at the Official Duty Station to enable such employees to work from a secondary telework location on a temporary basis for a short-term, defined period. This provision is intended to conform the pilot policy to pre-pandemic OIG practices (e.g., employees who telework some days, or portions of days, while on leave at a location other than their primary telework location).

- Part-time employees will be required to fulfill the 2-day minimum requirement on a proportional basis, as approved by their supervisors, depending on their part-time schedules

Eligibility for Expanded Telework

- All employees, including interns, subject to position suitability are eligible for expanded telework, to be determined by their supervisors, and subject to OIG-wide and divisional guidance. Employees must maintain an adequate performance level, as determined by their supervisors, to continue eligibility for expanded telework. In addition to performance, other factors that could affect an employee's eligibility for expanded telework include abuse of the telework privilege or other misconduct, as determined by the employee's supervisor. Such factors could result in suspension of an employee's eligibility for expanded telework.
- While new employees are eligible for expanded telework, supervisors may require new employees to report to the Official Duty Station more than the 2-day minimum for training, orientation, or other reasons at their supervisors' discretion.

Parameters of Expanded Telework

- The approved primary telework location for OIG employees must enable employees to respond to the Official Duty Station promptly when their supervisor determines in-person work is required. Division AIGs shall specify the required response time for job functions within their respective divisions and notify division staff of such requirement(s). In any event, all employees must be able to report to their Official Duty Station within no more than 24 hours. Because of different job functions, there will be different required response times among and within OIG divisions. For example, OIG criminal investigators, who receive Law Enforcement Availability Pay and are assigned government vehicles, are required to be available within the OIG field office's area of responsibility immediately, when not in an approved leave status. Another example is that certain ITD job functions will be required to respond immediately to an OIG office location when the need arises to ensure operability of the OIG's information technology infrastructure and systems.
 - This requirement is to ensure that employees can respond promptly to the Official Duty Station as may be required for mission-related needs, as determined by supervisors.
 - Absent exceptional circumstances, supervisors may not make assignments to employees based on which employees reside closest to the office or employees' telework schedules (i.e., employee assignments will not be based on whether an employee regularly teleworks or regularly reports to the office for work).
 - Employees whose approved primary telework location/residence is beyond the general commuting distance from their Official Duty Station must recognize that they will be expected to report to their Official Duty Station in the same manner as employees who reside within the general commuting distance from their Official Duty Station, and that supervisors will not make assignments based on which employees reside closest to the office or an employee's commute cost. For example, an employee whose approved primary telework location/residence is a six-hour drive from their Official Duty Station is expected to report to their Official Duty Station for in-person meetings in the same manner as

employees whose Official Duty Station is a one-hour drive from their telework location/residence.

- Eligible employees may telework, with supervisory approval, for a maximum of 8 days per PP, and must report to the Official Duty Station for a minimum of 2 days per PP. To reiterate, each division will provide guidance to employees about satisfying this requirement after consultation with OGC and M&P to ensure compliance with OPM regulations (e.g., number of hours per day; hours of the day).
- OIG supervisors have authority to require employees to report to the Official Duty Station, or be assigned to official travel, local field work, in-person training, etc., for more than 2 days per PP to meet the OIG's mission requirements, as determined by the supervisor.
- Employees will be required to report to the office for all mission work needs and office/division/group meetings, trainings, etc., as determined by their supervisors.
- OIG policy on the availability of various work schedule flexibilities are amended so that pre-existing flexibilities and the flexibilities that have been available during the pandemic will remain available, subject to employees receiving supervisory approval for a requested schedule. For example, IGM Volume V, Chapter 260 provisions relating to work schedule flexibilities are amended so that the Maxiflex schedule described in IGM Volume V, 260.8(C) may be available to employees, with supervisory approval, so long as permissible under OPM regulations. Offering this flexibility should (1) allow the same high productivity levels we have seen during the pandemic to continue, (2) minimize employees' need to use leave for dependent care and other responsibilities, and (3) help recruit and retain valuable staff.
 - Division AIGs have discretion to establish core duty hours for their divisions, or for field locations within their divisions.

Office Space

- In view of the OIG's policy allowing expanded telework, the OIG's office space utilization needs will change. The OIG expects to incrementally over time adjust office space and configurations.
- Employees who would otherwise be assigned an individual office but who typically telework 50% or more of their time under this Pilot Policy will not be guaranteed an assigned, individual office. Instead, such employees will have an assigned, reserved, shared office for their use when they report to the office. Specifics as to how the assigned, reserved, shared office space will be managed to accommodate employees and their needs will be developed as the OIG moves to this model when future space needs require.
- Employees who report to the office more than 50% of the time on a regular basis will retain an individual office, subject to future space needs.
- The OIG may provide individual offices to supervisory employees because of mission-based needs, and to some employees because of the nature of their duties, even if the employees typically telework 50% or more of their time.

Travel Costs

- An employee's Official Duty Station is the office site.
- As has always been the case, employees are responsible for commuting costs, i.e., the expenses associated with traveling to the Official Duty Station, regardless of the place of residence. However, applicable transit subsidies remain available to eligible employees, and OIG policies are unchanged regarding costs incurred by criminal investigators who are assigned government vehicles.
- The OIG is responsible for the cost of official travel between the Official Duty Station and the TDY location.
- As has always been the case, time spent commuting to/from the Official Duty Station, whether local or distant, is not part of the employee's workday and is not compensable.

Remote Work

- Full-time/part-time employees approved for remote work perform their duties at an approved alternate worksite (e.g., their home), which is their Official Duty Station
- Employees approved for remote work have no requirement to report regularly to agency worksite at least twice each PP.

Eligibility for Remote Work

- Remote work is not generally available to OIG employees and is not available purely for employees' convenience.
- There may be circumstances in which the mission needs of the OIG will warrant remote work, or assignment of a particular job permanently or temporarily to an OIG field location, in which case, the OIG may assign or recruit for such positions.
 - I.e., to fulfill a mission need by posting an OIG employee performing a service or support function at a particular location (e.g., Special Agent working remotely in proximity to BOP institution(s)).
- Temporary exceptions to the general OIG policy of not making remote work available may be warranted based on an employee's needs in limited circumstances and for limited durations, subject to approval by the employee's supervisor and AIG after consultation with the DIG. In addition to the employee's circumstances, the OIG's considerations will include the job function of an employee, the employee's ability to perform the function remotely, the effect of the requested remote work on the OIG's operations and mission needs, other relevant factors, and prior decisions on remote work requests. Examples of circumstances that may warrant temporary remote work include:
 - Employees who relocated during the pandemic and worked remotely under evacuation pay authority may be permitted to continue working remotely for a defined, limited period, to allow them to transition back to their prior Official Duty Station in an orderly manner. However, after expiration of evacuation pay authority, the locality pay and payroll deductions of such employees may be affected.
 - Employees may be permitted to work remotely temporarily if needed to address a circumstance presenting a family hardship (e.g., the need to care for an elderly parent or loved one; to obtain medical treatment for the employee or employee's family member at a medical facility not located near the employee's residence; to enable the employee to recover from a personal health crisis).
 - Employees may be permitted to work remotely to remain with a military spouse who has been subject to relocation orders or deployed.

Parameters of Remote Work

- OPM policy does not limit where an agency can approve remote employees to live/work.

- Remote workers have no regular reporting requirement to the agency worksite, but are expected to travel to the office for all mission work needs and periodic office/division/group meetings, trainings, etc.
- As previously noted, IGM provisions regarding work schedule flexibilities are amended so that pre-existing flexibilities and the flexibilities that have been available during the pandemic will remain available.
- Unlike the circumstances for teleworkers and those who elect to live distant from their Official Duty Station, supervisors may consider the factors that formed the basis for approving a temporary or permanent remote work arrangement, examples of which are described above, when making work assignments to remote workers. However, supervisors should not deny such remote workers development assignments, training, or other advantageous work assignments solely because of their approved remote work status.
- Remote workers' locality pay and payroll deductions are based on the location of their work site (i.e., their residence or site of remote work), after evacuation pay authority is no longer in place. As has always been the case, it is an employee's obligation to determine and comply with their tax obligations under federal, state, and local law.

Travel Costs

- An employee's Official Duty Station is the approved alternate worksite.
- The OIG is responsible for the cost of travel whenever the employee is required to report to the employee's assigned office location, and for official travel to/from the employee's approved alternate worksite.

Implementation of Pilot Policy

- These points represent the OIG's policy framework; formulation of more specific policies for each division that are consistent with this policy framework is delegated to AIGs to implement for their respective Divisions, and to the Deputy IG and General Counsel for employees under their supervision.
- With AIG approval, supervisors have flexibility to accommodate individual employee needs by providing exceptions to these policies for a limited time period when the OIG unwinds its maximum telework posture due to the pandemic.
- The OIG will designate positions in M&P to provide training on the policy, to coordinate access to training for supervisors who seek assistance in managing in an expanded telework environment, and to respond to questions that arise.