

DECEMBER 2021



UNITED STATES DEPARTMENT OF LABOR

Internal DOL Reentry and Post-Reentry Future of Work



SUMMARY OF RECENT CHANGES

Updates as of November 2021

Page No.	Section	Description of Change
iii	Table of Contents	Due to the changes below, some page numbers were changed.
1	Foundational Policy, Values, and Terms	The third bullet was updated to indicate that updated training will be accessible from LaborNet by mid-December 2021.
6-7	Phased Reentry	Clarifying language regarding reasonable accommodations was added. Also, a note was added under the “employees with vulnerable health conditions” paragraph to indicate that though the vaccination is safe and effective, persons with certain medical conditions may be at risk for severe illness from COVID-19.
8	Phased Reentry (Phase 3)	A paragraph was added to note instructing employees reentering in Phase 3 to request accommodations prior to scheduled reentry.
8	Employee Notification – 45 Calendar Days	The phrase “or employees who have to perform essential on-site functions under the Workplace Safety Plan” was included to clarify that these employees are not required to receive 45-day notification prior to reentry.
10	Reasonable Accommodations Related to Reentry	The title of this section was changed and small language changes were included. This was to differentiate this section from a new section that follows it, titled, “Reasonable Accommodations Related to Vaccination Status”.
10	Reasonable Accommodations Related to Vaccination Status	This is a new section that provides information related to the government-wide guidance on vaccines and seeking potential exceptions.
11	Determining Occupancy Limits	The phrase, “due to a legal exception to the vaccine requirement,” was included to align with the government-wide guidance on vaccines.
11	Employees with Vulnerable Health Conditions	The phrase, “and/or following review of a request for reasonable accommodation for disability.” was added to align with the Phased Reentry section of this plan. This section was also updated to note that employees reentering in Phase 3 should request reasonable accommodations, as appropriate, in advance of reentry.
11	Commuting and Onsite Concerns	The words “consideration of” were added to clarify that reasonable accommodations require consideration prior to implementation.
12	Parking	This section has been updated to indicate that normal parking procedures have resumed in the Frances Perkins Building.
13	Public/Visitors	This section has been updated to include a link to the masking requirements found on DOL.gov.
22	Reasonable Accommodations	This section, which focuses on post-reentry Reasonable Accommodations, has been updated with clarifying language.
23	Property Provision and Accountability - Furniture, Equipment, and Supplies	This section has been significantly scaled back. Previously, this section outlined potential ways in which the Department might allocate equipment in a Post-Reentry Future of Work model. However with new or innovative approaches yet to be determined, this section reverts to the current equipment policy, which aligns with collective bargaining agreements and the DOL Personnel Regulations.
25	Contractor Telework	This section has been updated to reference guidance the Office of the Senior Procurement Executive has released.

Updates as of August 12, 2021

Page Number from Original Plan	Section	Description of Change
i	Table of Contents	Due to the changes below, some page numbers were changed.
5	Phased Reentry	The following note has been added, which includes a link to the DOL Reentry page on LaborNet, where DOL personnel can find the most up-to-date dates for Reentry Phases: Update as of 8/12/21 - The dates for each Phase have been removed from this document but is posted and will be updated as needed here.
5-7	Phased Reentry	All dates have been removed.
8-9	Duty Station upon Reentry	In the previous version of this plan, there were duplicative sections titled, Duty Station upon Reentry (one in the Reentry portion of the plan, one in the Post-Reentry portion). These have been combined to avoid confusion.
9	Duty Station upon Reentry	In the previous version of this plan, DOL agencies were required to ensure that all federal employees were at their official duty station no later than November 8, 2021, regardless of a change to the Phase 3 start date. This document now ties the return of employees to their official duty station to the start of Phase 3.
11	Weather and Safety Leave Reentry	This section has been updated to remove the date of September 7, 2021 and replace it with "Phase 1".
11	Parking	This section has been updated to remove "Phase 1" and replace it with "September 2021". Regular parking procedures will resume in the Frances Perkins Building in September 2021, regardless of the Phase 1 start date.
16	Duty Station upon Reentry	This section was combined with a section of the same heading on pages 8-9.

Updates as of August 2, 2021

- Updates to design.

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Introduction

Like so many workplaces across the country, the Department of Labor (DOL or the Department) will transition from a pre-pandemic model of work to something different – likely with more workplace flexibilities, more telework, and more opportunities for employees to balance their careers and their personal lives. As the U.S. Department of Labor, that transition and future state will not only impact the lives of DOL employees, but will also serve as a model for the American workplace. The Department will demonstrate that a future work model can be both mission-driven and worker-centric.

The Department of Labor’s Reentry and Post-Reentry Future of Work Plan is the culmination of several months of planning and reshaping efforts. Throughout the Department, and with staff and union engagement, DOL has been working on surge hiring, space planning, telework and workplace flexibility expansion, safe reentry and workplace safety and health, and advancing equity—all of which will guide the Department’s reentry and post-reentry future of work approach.

Who is this Document for?

This document is for everyone in DOL. Parts of this plan are written specifically to guide and assist leadership, managers, and supervisors in planning, but since the document applies to all DOL personnel, we are sharing it with all DOL personnel. Some aspects of this document will require engagement with the unions prior to implementation, and DOL is committed to satisfying its labor management obligations.

Foundational Policy, Values, and Terms

DOL personnel should first read the following foundational documents:

- [OMB Memo M-21-25](#): Integrating Planning for a Safe Increased Return of Federal Employees and Contractors to Physical Workplaces with Post-Reentry Personnel Policies and Work Environment. The Office of Management and Budget (OMB) Memo provides an overview of the Administration’s priorities as we plan for the effective, orderly, and safe increased return of federal employees and contractors to the physical workspace (“reentry”), and plan for a long term future of work that expands telework and workplace flexibilities while still effectively executing the Department’s mission (“post-reentry” or “post-reentry future of work”).
- [DOL COVID-19 Workplace Safety Plan](#). The DOL COVID-19 Workplace Safety Plan is an essential resource for DOL staff. It is aligned with Centers for Disease Control and Prevention (CDC) guidelines to make sure that DOL maintains a safe and healthful work environment during the maximum telework posture, upon reentry, and beyond. The DOL COVID-19 Workplace Safety Plan will be updated as needed to ensure compliance with CDC guidelines and guidance from OMB, the Safer Federal Workforce Task Force, and other relevant federal partners.
- Updated DOL COVID-19 Workplace Safety Plan training will be accessible from [LaborNet](#) by mid-December 2021.

DOL personnel should also familiarize themselves with DOL's values for post-reentry future of work. These are aspirational, forward-looking values that will help us shape the future of our workforce and carry out the Department's mission.

Inclusivity and Equity

A DOL where employees are listened to, treated fairly, and have equal opportunity

Data-driven decision-making

A DOL that uses evidence to make decisions about the best way to work

Effectiveness

A DOL that executes its mission through modern ways of working

Accountability

A DOL that trusts its workforce and holds itself to high standards

Leading by Example

A DOL that innovates and pilots new ways of working

How Did We Get Here?

In October 2020, a group of career DOL professionals began working on post-reentry policies and planning. This group's work, combined with our recent efforts to collect as much feedback and data from all levels of our workforce, have led to policy proposals for reentry and post-reentry.

The Future of Work Workgroup and Post-Reentry Decision-Making

The Department has established a Future of Work workgroup, led by the Office of the Assistant Secretary for Administration and Management (OASAM) and consisting of leadership and managers from across the Department. The workgroup provides broad recommendations to Departmental leadership on post-reentry future of work issues. Below are the guiding principles for Future of Work decision-making.

- 1.** Decisions will advance the Department's overall mission: Mission will be at the core of DOL's decision-making.
- 2.** Departmental leadership will set broad policy: The Secretary, the Deputy Secretary, Chief Executive Officers (CXOs)¹, and other Senior Executives overseeing management portfolios (like space planning) will continue to establish the Departmental policy framework within which DOL agencies will have the discretion to make decisions.
- 3.** Decisions will be made at the lowest appropriate organizational level: To the extent practicable, DOL agencies will have the discretion to make decisions that best suit their individual agency mission and workforce. DOL agencies may delegate some decisions to lower organizational levels, such as offices, divisions, or teams.
- 4.** Workforce engagement: The Department will continue to engage the workforce, including its unions, in changes to policy and procedures to ensure they are developed equitably and fairly, and implemented with advance notice in a deliberate and thoughtful manner.

¹ Chief Executive Officer refers to an executive who oversees an administrative or programmatic function for the Department. They include, but are not limited to, the Chief Information Officer, the Chief Human Capital Officer, the Chief Financial Officer, the Senior Procurement Executive, and the Performance Improvement Officer.

The workgroup is the key body convened by the Department to advise leadership on Future of Work issues and develop recommendations. CXOs and other SES leadership will brief agency heads and administrative officers at regular meetings, continually engage the unions, gather feedback, and notify the workforce of any policy changes.

When appropriate, DOL will continue to engage with other government agencies, such as OMB; the Office of Personnel Management (OPM); and the General Services Administration (GSA); and will continue to be advised by its own Occupational Safety and Health Administration (OSHA) on policies, guidance, and resources that impact our reentry and future of work planning.

Planning Inputs – Surveys, Listening Sessions, and Briefings

The Department gathered input from the unions, workforce, and management in a variety of ways to inform recommendations and decision-making.

In December 2020, the Department launched a telework survey to gather DOL employee feedback on use of, and attitudes toward, telework and other workplace flexibilities prior to the pandemic, during the pandemic, and post-reentry. Over 60 percent of survey recipients responded, providing a wealth of feedback with a variety of respondent attributes (headquarters and field staff, bargaining unit and management, enforcement and non-enforcement agencies, etc.). Similarly, DOL will use the results of the GSA-led Customer Satisfaction Survey (CSS), and the Federal Employee Viewpoint Survey (FEVS), both of which collect related data.

DOL also conducted a series of listening sessions for employees to share their experiences during the pandemic, identify challenges for post-reentry, and provide promising practices for a future DOL.

The Department conducted targeted listening sessions and briefings for the leadership of DOL's unions, the American Federation of Government Employees Local 12 (AFGE Local 12), the National Council of Field Labor Locals (NCFL), and the National Union of Labor Investigators (NULI). These briefings were opportunities to gather union feedback and to reiterate our commitment to engaging the unions early and regularly throughout this process. The Department meets weekly with the leadership of its three unions, and reentry and post-reentry topics are often discussed. DOL is committed to meeting its labor management requirements.

Where Are We Headed?

The pandemic was a once-in-a-century event, and the lessons and practices learned from the pandemic will shape the Department's future. Decisions made in the next several months will affect the way the Department's current 13,800 employees carry out its mission for many years to come.

It is hard to imagine the Department ever again looking like it did in February 2020. Inevitably, there will be more teleworkers, more remote workers, changes to office space, fewer ink signatures on documents, and fewer paper documents in general. As we transition from the current maximum telework posture to a new model of work, leadership, managers, and supervisors should ask themselves the following questions to guide their planning:

- 1)** Will the decision I'm about to make allow the Department (or my agency, office, division, team) to effectively execute its mission?
- 2)** Is the decision I'm about to make equitable?

Each of these is discussed further below.

Executing the Mission - Challenge Your Assumptions about Telework

Decision-makers should critically evaluate how the Department can carry out its mission effectively. They should examine the concerns and benefits around expanded telework and the impacts on delivering DOL's mission for the American public without a significant onsite presence. And regardless of the final model of work the agency adopts, leaders and management will need to develop a work environment that equitably supports staff and their work, no matter their work location.

It is unlikely that the vast majority of agencies or offices will implement the extremes of 100% onsite work or 100% remote work (full time telework) for all of their staff. More likely is a hybrid approach that expands telework beyond February 2020 levels, but stops short of a wide proliferation of remote work arrangements (and yet, there will be exceptions where it does make sense to move to remote work arrangements or to allow/require some positions to work mostly onsite).

For example, agencies could consider as the default policy for their agency one of the following options: 2 days of telework and 3 days of onsite work per week; setting a number of telework days that staff could use at their discretion per month; or even a fully remote workforce. If these options do not fit an agency's current thinking or current operations, agency leadership should leverage telework and onsite work in a manner that works best for the mission of the agency.

DOL agencies should continually assess the ideal balance of telework and onsite work that supports effectively accomplishing the Department's mission. As we reenter our workplaces, our onsite and telework needs will be different than they were prior to the pandemic or during the maximum telework posture. Additionally, onsite needs at reentry may differ from those for post-reentry future of work.

Prioritizing Equity

Secretary Walsh has prioritized equity, inclusion, and diversity at the Department. For the purposes of reentry and post-reentry planning, equity means treating people in a non-discriminatory manner regardless of demographic characteristics; assessing and responding to the personal circumstances of employees with appropriate, consistent consideration; and making similar reentry and post-reentry decisions for similarly-situated positions across offices and agencies.

"Similarly-situated" means that the Department of Labor, especially the future Department of Labor, should not be comprised of "haves" and "have nots". Generally, staff under the same job series, or performing the same job duties, should have similar opportunities. This will mean not only planning and monitoring impact across a DOL agency, but also collaborating with similar agencies, with equity in mind. With some exceptions, each DOL agency has been grouped with its Strategic Goal partners to collaborate on issues of mutual interest such as telework opportunities for similarly-situated positions.

Phased Reentry

In March 2020, the Department moved to a maximum telework posture in response to the COVID-19 pandemic. The majority of the DOL workforce has been teleworking full time or nearly full time throughout the pandemic, and building occupancy rates have been capped at 25% of normal occupancy under the [DOL COVID-19 Workplace Safety Plan](#). This telework posture will be maintained as needed as the Department increases its occupancy limits.

The Department will pursue a phased approach to orderly return staff to DOL offices and permit visitors to visit DOL offices, while protecting the health and safety of its workforce and visitors and ensuring that the Department is able to continue to deliver its mission to the American public. Under the provisions of OMB Memorandum M-21-25, the Department will increase occupancy limits in a phased approach as shown in Table 1:

Table 1. Reentry Phase Occupancy Rates

Phase	Occupancy Rate
Phase 1	Up to 50% occupancy for no less than 30 calendar days. The DOL COVID-19 Coordination Team may extend the transition to Phase 2.
Phase 2	Up to 75% occupancy for no less than 30 calendar days. The DOL COVID-19 Coordination Team may extend the transition to Phase 3.
Phase 3	Up to 100% occupancy

The DOL COVID-19 Coordination Team, as identified within the [DOL COVID-19 Workplace Safety Plan](#), will also serve as the Department’s advisory body for reentry planning and implementation. In making decisions to extend a phase or return to a previous phase, the team will follow guidance from the Centers for Disease Control and Prevention and the Safer Federal Workforce Task Force, and may review various factors such as vaccination rates, transmission rates, and new case trends.

Agencies may continue to seek exceptions to DOL’s phased reentry guidelines from the DOL COVID-19 Coordination Team, in coordination with OMB, as appropriate.

Update as of 8/12/21 - The dates for each Phase have been removed but can be found [here](#). This will allow us to provide clear information to DOL personnel without updating this document each time Phasing dates change.

PHASE 1

As currently planned, Phase 1 will last for no less than thirty calendar days. The DOL COVID-19 Coordination Team may extend Phase 1 for a longer period of time.

DOL Site Occupancy

Up to 50% occupancy

Personnel for Reentry

Agencies may identify employees, in an equitable manner, to return in Phase 1 who:

- a. perform onsite mission critical activities, and/or
- b. perform activities that are more effectively performed onsite or must be performed onsite (to include those employees currently on weather and safety leave due to telework ineligibility)

Employees identified by agencies to reenter onsite work in Phase 1 will be notified no less than 45 days earlier. This includes employees who have been performing onsite work during the maximum telework posture and/or employees whose onsite work hours may increase in Phase 1. Further, agencies may stagger the start dates of employees (not all Phase 1 employees must return on the first day of Phase 1), as long as employees are given notification 45 calendar days in advance, absent exigent circumstances.

Note about onsite work: Onsite work refers to work performed at DOL offices and work performed in the field, including investigations, inspections, and data collection at third-party sites. Reentry to onsite work does not necessarily mean the employee must be onsite full time. DOL agencies should identify the onsite work functions for reentry and work with employees to schedule onsite work.

Note about occupancy rates: Occupancy rates only apply to DOL sites, not third-party locations (e.g. investigation, inspection, data collection, etc.). At DOL sites, occupancy rates apply to shared spaces as well, such as meeting and conference rooms.

Voluntary Reentry

In addition to employees identified for reentry in Phase 1, voluntary reentry will also be permitted as long as the occupancy limit is not exceeded. Employees who wish to return to onsite work must coordinate with their supervisor. The 45-day notification does not apply to employees who volunteer to return to onsite work prior to their designated return phase.

Special Circumstances and Potential Reentry Deferments

1) Employees with vulnerable health conditions

When implementing phased reentry, agencies should, to the greatest extent practicable, and in an equitable manner, provide an option to defer reentry until Phase 3 to employees who fall into the bullet point below:

- Employees with vulnerable health conditions. Based upon discussion with the employee, managers may determine that deferring reentry to a later phase is possible and appropriate, or that the employee is needed to return onsite to perform their duties.

Employees in this category who must reenter in Phase 1 (as the agency has determined they are unable to be deferred through continued or newly approved participation in telework), and who feel that they need a reasonable accommodation for a disability, should submit a request for reasonable accommodation in advance of their scheduled reentry. As with all requests for accommodations (and any supporting medical documentation), they will be individually assessed. Even if employees are required to perform onsite work, reasonable accommodations may still be available to enable the effective performance of essential job functions. (See the [Reasonable Accommodations](#) section below for further discussion.)

Note: Although vaccination against COVID-19 is safe and effective, even for employees with vulnerable health conditions, people with certain medical conditions remain at higher risk of severe illness from COVID-19 or may not be protected even if they are fully vaccinated.

2) Employees with household members who have vulnerable health conditions and employees with dependent care issues

Further, in this phase agencies should, to the greatest extent practicable, and in an equitable manner, provide an option to defer reentry until Phase 3 to employees who fall into the bullet points below:

- Employees with household member with vulnerable health conditions
- Employees with dependent care issues

Note: The formal reasonable accommodation process is not available for these two categories as only employees of the Department with disabilities are entitled to this consideration.

PHASE 2 - No earlier than 30 days after the start of Phase 1

As currently planned, Phase 2 will last for no less than thirty calendar days. The DOL COVID-19 Coordination Team may extend Phase 2 for a longer period of time.

DOL Site Occupancy

Up to 75% occupancy

Personnel for Reentry

Agencies may identify any employee to return in this phase, but the agency must adhere to the 75% occupancy limit.

Employees identified by agencies to reenter onsite work in this phase will be notified no less than 45 days prior to required reentry, absent exigent circumstances.

Special Circumstances and Potential Reentry Deferments

1) Employees with vulnerable health conditions

When implementing phased reentry, agencies should, to the greatest extent practicable, and in an equitable manner, provide an option to defer reentry until Phase 3 to employees who fall into the bullet point below:

- **Employees with vulnerable health conditions.** Based upon discussion with the employee, managers may determine that deferring reentry to a later phase is possible and appropriate, or that the employee is needed to return onsite to perform their duties.

Employees in this category who must reenter in Phase 2 (as the agency has determined they are unable to be deferred through continued or newly approved participation in telework), and who feel that they need a reasonable accommodation for a disability, should submit a request for reasonable accommodation in advance of their scheduled reentry. As with all requests for accommodations (and any supporting medical documentation), they will be individually assessed. Even if employees are required to perform onsite work, reasonable accommodations may still be available to enable the effective performance of essential job functions. (See the [Reasonable Accommodations](#) section below for further discussion.)

Note: Although vaccination against COVID-19 is safe and effective, even for employees with vulnerable health conditions, people with certain medical conditions remain at higher risk of severe illness from COVID-19 or may not be protected even if they are fully vaccinated.

2) Employees with household members who have vulnerable health conditions and employees with dependent care issues

Further, in this phase agencies should, to the greatest extent practicable, and in an equitable manner, provide an option to defer reentry until Phase 3 to employees who fall into the bullet points below:

- Employees with household member with vulnerable health conditions
- Employees with dependent care issues

Note: The formal reasonable accommodation process is not available for these two categories as only employees of the Department with disabilities are entitled to this consideration.

PHASE 3 - No earlier than 30 days after the start of Phase 2

DOL Site Occupancy

Up to 100% occupancy

Personnel for Reentry

Agencies will identify any remaining employees to return to onsite work in this phase. Employees identified by agencies to reenter onsite work in this phase will be notified no less than 45 days prior to reentry, absent exigent circumstances.

Employees that are designated to reenter in this Phase or received approval to defer reentry until Phase 3 and need a reasonable accommodation for a disability, should submit a request for reasonable accommodation in advance of their scheduled reentry. As with all requests for accommodations (and any supporting medical documentation), they will be individually assessed. Even if employees are required to perform onsite work, reasonable accommodations may still be available to enable the effective performance of essential job functions. (See the [Reasonable Accommodations](#) section below for further discussion.)

Note that entry into Phase 3 does not signify a return to the February 2020 pre-pandemic model nor does it mean that an agency has fully implemented the post-reentry future of work model. Agencies still have discretion to make reentry and extended telework decisions that meet their business needs and assist them in planning for post-reentry future of work.

General Reentry Guidance

The remainder of this section provides guidance and policy considerations on subject areas related to reentry.

Employee Notification – 45 Calendar Days

DOL staff continue to balance childcare, elder care, and other responsibilities while doing their part to deliver exceptional service to the American people. Employees will need ample time to address these arrangements and other considerations, such as transportation, as they plan to reenter the physical workplace, start new schedules, or otherwise adjust to new work environments. During this period of transition, regular childcare, elder care, other dependent care, and regular transportation options may remain unavailable or complicated as a result of COVID-19.

For each reentry phase, agencies will provide an initial notification to employees of no less than 45 calendar days informing them of the earliest date they may be required to return to onsite work, absent exigent circumstances. These reentry dates apply not only to DOL offices but also to inspection sites and other types of work sites aside from the employee's home. DOL agencies will be provided a template to use for this notification. The 45-day notification does not apply to employees who volunteer to return to onsite work prior to their designated return phase or employees who must perform essential on-site functions under the Workplace Safety Plan.

Failure to Report

Proper planning combined with the 45-calendar day notification will provide employees time to prepare for reentry. Further, agencies should use the reentry phases to transition from the maximum telework posture to post-reentry future of work model, and should anticipate that some employees will have legitimate requests for deferrals during this time. However, failure to report to onsite work, when directed and absent

alternative arrangements, such as an approved reasonable accommodation, may result in disciplinary or adverse action up to and including removal from Federal service.

Duty Station upon Reentry

During the maximum telework posture instituted due to the pandemic, DOL generally allowed employees to temporarily telework on a full time basis from any geographic location in the United States, regardless of their assigned duty station. In addition, due to travel limitations, limited moving resources, family situations, etc., caused by the pandemic, DOL agencies have hired new employees and allowed them to also temporarily telework from geographic areas other than their assigned duty station during the maximum telework posture until they are required to report onsite to their regular office.

As the Federal Government prepares to return Federal employees to the physical workplace, OMB has directed agencies to ensure compliance with OPM's pay policy as part of their reentry plans and exit from the maximum telework posture. In keeping with this guidance, DOL will take the following actions:

1. Reiterate duty station policy as part of its reentry and Future of Work planning activities;
2. Notify all employees that as DOL moves away from a maximum telework posture, employees are required to work from their duty station of record no later than their scheduled reentry date or the start of Phase 3, whichever is earlier;
3. Instruct agencies to evaluate telework arrangements and work with their Human Resources office to take the necessary steps to ensure compliance with duty station policy; and
4. Issue a guide on alternate worksites that includes duty station guidance, pay guidance, and other related considerations.

If an agency chooses to allow an employee to maintain a temporary telework arrangement allowed due to the pandemic beyond the start of Phase 3, the employee's official worksite must be changed to the location of that telework site which may change the employee's duty station and have an impact on their locality pay.

Finally, and in order to ensure the Department is in compliance with OPM duty station policy and is using a consistent and equitable approach to manage duty station changes, DOL will also establish an internal policy that requires a change to an employee's official worksite and/or duty station for all temporary remote work (full-time telework) arrangements that extend beyond 30 days.

Employees will be provided no less than 45 calendar days' notice of a change to their duty station, absent exigent circumstances.

Though the COVID-19 Coordination Team may delay the currently planned dates of the Department's entry into Phase 2 and Phase 3, all employees are required to be working at their assigned official duty station by the start of Phase 3.

Accommodations Related to Reentry

Disability

Employees who feel that they need a reasonable accommodation for a disability should submit their requests as early as possible in advance of their reentry date. As with all requests for accommodations received, requests (and any supporting medical documentation) will be individually assessed in order to determine an effective accommodation. Even if employees are required to perform onsite work, reasonable accommodations may be available to enable the effective performance of essential job functions.

The Department's procedures for requesting and processing reasonable accommodations for a disability are provided within [DLMS 6-200 Reasonable Accommodations for Employees and Applicants](#). The DLMS outlines roles and responsibilities within DOL with respect to reasonable accommodations for disability and provides examples of the types of accommodations that are appropriate and generally will be provided to DOL employees and applicants with disabilities. The examples of accommodations identified in the DLMS are not exhaustive; rather, they illustrate the broad spectrum of accommodations that may be provided.

Sincerely Held Religious Belief

The Department has an obligation under Title VII of the Civil Rights Act of 1964 to provide accommodations for employees with sincerely held religious beliefs, practices, or observances that conflict with a work requirement, unless doing so would pose an undue hardship. Requests for religious accommodations are distinct from accommodation requests for a disability. Requests for religious accommodation are made by the employee to their supervisor, and both should work cooperatively to identify what accommodations might be effective. Excusing an employee from performing an essential function of their position (including if that function requires onsite work) is generally not considered reasonable and/or would likely constitute an undue hardship. If an employee requests a religious accommodation, the supervisor may, if justified, request information to understand what accommodation is needed and why it is necessitated by a religious practice or belief.

For more information, please see [Religious Discrimination and Accommodation in the Federal Workplace](#).

Accommodations Related to Vaccination Status

Federal employees must be fully vaccinated other than in limited circumstances where the law requires an exception. DOL may be required to provide an accommodation to employees who communicate to the agency that they are not vaccinated against COVID-19 because of a disability or medical condition or because of a sincerely held religious belief, practice, or observance. Determining whether an exception is legally required will include consideration of factors such as the basis for the claim; the nature of the employee's job responsibilities; and the reasonably foreseeable effects on the agency's operations, including protecting other agency employees and the public from COVID-19.

To request an exception or delay to the vaccine requirement based on disability or medical condition, the employee must submit a completed [DL1-7071 Request for a Medical Exception or Delay to the Covid-19 Vaccination Requirement Form](#) with medical provider's certification to the Civil Rights Center's Reasonable Accommodation Resources Center (CRC/RARC) at RARC.Info@dol.gov, or to their agency Workplace Equality Compliance Officer (WECO). To request an exception or delay to the vaccine requirement based on a sincerely held religious belief, practice, or observance, the employee must fill out a [DL1-7071A Request for a Religious Exception to the Covid-19 Vaccination Requirement Form](#) and Declaration and submit it to both their supervisor and ReligiousExceptions@dol.gov. The information on the forms will be used by appropriate agency officials to initiate an interactive process with the employee to help determine whether the employee is entitled to an accommodation and to engage in an interactive process with the employee regarding potential accommodations.

An accommodation may also be needed by an employee with a disability in order to navigate the physical changes to facilities and buildings for safety and health (such as signage, physical barriers, or social distancing requirements). For more information, please see the DOL intranet section on [Reasonable Accommodations for Employees and Applicants with Disabilities](#). DOL agencies should also ensure that DOL is providing for effective communication with individuals with disabilities including, but not limited to, those who are deaf, hard of hearing, blind, have low vision, or have speech disabilities.

Determining Occupancy Limits

Occupancy limits should be implemented at the lowest possible level (suite, etc.) considering physical layouts of offices, cubicles, etc. DOL agencies and offices should maintain occupancy limits through various mechanisms, including but not limited to employee cohorts, staggered schedules, workplace design, and alternative seating arrangements, and the occupancy limits should be implemented in combination with safety and health and human resources policies in the [DOL COVID-19 Workplace Safety Plan](#).

Some DOL agencies are co-located. In these cases, the hosting agency should set occupancy limits, collaborating with their space partners.

Also keep in mind that some employees, who are not fully vaccinated due to a legal exception to the vaccine requirement, will be required to physically distance in the workplace and will need to be provided with the appropriate six feet (or more) of distance between them and other coworkers while at their workstation.

Employees with Vulnerable Health Conditions

When DOL implemented a maximum telework posture in March 2020, in accordance with OMB and OPM guidance, DOL accepted employees' self-certification of membership in a high-risk group due to underlying health conditions. As a result, DOL permitted employees who would otherwise be required to report for onsite work, for example, OSHA or MSHA inspectors, to solely engage in maximum telework and not be required to report onsite. As discussed in the phase reentry section above, reentry for employees with vulnerable health conditions may be deferred by managers from Phases 1 and 2 to Phase 3, based on discussions between the employee and manager and/or following review of a request for reasonable accommodation for disability. While such a deferral does not necessitate a reasonable accommodation, employees that require an accommodation to perform the duties of their position upon reentry, regardless of which Phase they reenter, should request the accommodation in advance of their scheduled reentry.

Vaccination Status

Employees and contractors should follow the vaccination status policy in the [DOL COVID-19 Workplace Safety Plan](#).

Commuting and Onsite Concerns

Comfort level and anxiety, outside of a medically-documented disability requiring consideration of a reasonable accommodation, are not accepted as barriers to onsite work. Employees must make arrangements to work onsite as required by management. Employees who are not comfortable reentering or using public transit may speak with their supervisors to request continued telework or alternative arrangements. Supervisors should consider such requests in an equitable manner, and they are encouraged to allow for the use of workplace flexibilities (such as staggering arrival/departure times of employees).

Failure to report to onsite work, when directed by management and absent alternative arrangements (such as an approved reasonable accommodation), may result in disciplinary or adverse action up to and including removal from federal service.

Note: Parking of personal vehicles at the duty location is not a reimbursable expense. All other rules regarding parking personal vehicles at DOL facilities, including the availability and assignment of space, will apply.

Weather and Safety Leave Reentry

As a reentry and post-reentry planning activity, DOL agencies must re-examine their positions currently categorized as ineligible for telework to determine if situations have changed that will allow these positions to be re-classified as telework eligible and the employees occupying these positions to perform telework on a full-time or part-time basis as determined by management. This can be especially helpful with adhering to occupancy limits during Phases 1 and 2 of the reentry process.

Employees who are not telework eligible and who are not performing mission critical functions were placed on Weather and Safety Leave during the maximum telework posture. These employees are included in the Phase 1 reentry category because their work activities can only be performed onsite. If necessary, to support their reentry in Phase 1, supervisors can give these employees alternative onsite work assignments to sustain a full workday such as staffing the front desk, answering incoming phone calls, assisting other offices with suitable onsite tasks, or being available for ad hoc onsite work assignments. This means, effective Phase 1, weather and safety leave will no longer be granted on the basis of an employee being ineligible for telework.

Employees who feel that they need a reasonable accommodation for a disability should submit their requests in advance of their reentry as early as possible. Accommodations are intended to facilitate the ability of employees to perform the essential functions of their positions. Continued weather and safety leave may not be used as an accommodation, but other accommodations will be considered.

Failure to report to onsite work, when directed and absent alternative arrangements (such as an approved reasonable accommodation) may result in disciplinary or adverse action up to and including removal from Federal service.

Government Travel

Employees must follow the travel policy in the [DOL COVID-19 Workplace Safety Plan](#).

Transit Subsidy

Employees will be notified of the need and process to recertify their transit subsidies to prepare for reentry commutes. Supervisors will need to set telework expectations with employees in order to accurately reflect subsidy amounts, which are based on the number of days a worker commutes to and from the DOL site.

Parking

The Frances Perkins Building has resumed to normal, pre-pandemic parking procedures. [Information on parking can be found on LaborNet](#). Parking information in regional and field locations will be provided through normal communication channels for those facilities.

Building Cleaning

Throughout the pandemic, OASAM worked with the GSA to conduct cleaning of DOL office spaces in accordance with CDC guidance. Appropriate cleaning (routine cleaning as well as cleaning in response to positive COVID-19 exposure) is an important safety and health measure. DOL will continue to follow CDC guidance for businesses on appropriate COVID-19 related cleaning protocols. Employees should review the [DOL COVID-19 Workplace Safety Plan](#) guidance on Environmental Cleaning for additional information.

Public/Visitors

By leveraging technology and modifying work processes, DOL has been able to provide most products and services virtually and without requiring members of vulnerable populations to come onsite. DOL, however, acknowledges that some services may serve certain populations better when performed in-person. During reentry, DOL agencies can allow visitors in accordance with the reentry occupancy limits, and subject to the [DOL COVID-19 Workplace Safety Plan](#) and applicable requirements at other non-DOL controlled facilities.

DOL agencies may continue to provide services virtually that, prior to COVID-19, were provided in person. For continued accessibility of DOL services by customers who may not be comfortable visiting a DOL facility and in acknowledgement of the fact that DOL employees may not be comfortable interacting with the public, a virtual option should be provided, if possible.

It is DOL policy that only healthy visitors should enter DOL facilities. The public-facing [DOL website](#) provides guidance to visitors that requires a pre-entrance health screening along with associated screening questions. All visitors should adhere to masking and physical distancing requirements based on their vaccination status and masking requirements found here: <https://www.dol.gov/coronavirus/masking>.

Building Services

Most DOL office spaces are leased from GSA, including the Frances Perkins Building. These offices may be in federally owned or privately owned space but, in all cases, the Department has little to no control over what types of services are offered in the building.

The Frances Perkins Building is managed by DOL under a delegation from GSA. While DOL controls the basic building services (cleaning, landscape, maintenance), the remaining services are provided by vendors under contracts managed by GSA. These vendor contracts are no-cost to the government but this also means that the vendors set minimum occupancy limits for services.

As a result, some services including cafeteria/food services, dry cleaning, fitness centers, etc., may not be available in the early phases of reentry or may be available in a limited capacity. OASAM's Business Operations Center is working with GSA, the OASAM regions, and DOL agencies to obtain ongoing vendor services.

This may be the case at other DOL locations throughout the nation as well.

Post-Reentry Future of Work

Post-reentry assumes a future state of expanded telework and workplace flexibilities, while still effectively executing the Department’s mission. This section is divided into two parts. The first part outlines steps agencies should take to think about their future. The second part provides updates and clarifications to policies and some forward-looking policy work that has yet to be completed.

How to Think About Post-Reentry

As suggested in the introduction portion of this document, a first step in thinking about post-reentry future of work is to review [OMB Memo M-21-25](#). This memo outlines the Administration’s priorities for post-reentry, including expanding telework and workplace flexibilities. Its appendices provide additional information on personnel and space management. It provides a foundation for how Cabinet-level agencies should think about the future of work.

As a second step, DOL agencies should review other available planning inputs to better understand the needs and desires of their workforce. These resources include, but are not limited to:

- December 2020 Telework Survey Results – a full report with DOL-agency level data was released to DOL leadership earlier this year. At any time leadership may ask [ASP’s Chief Evaluation Office](#) for a copy and technical assistance in interpreting the results.
- [2020 Federal Employee Viewpoint Survey](#) – OHR’s [Division of Worklife and Engagement](#) can assist you in analyzing and interpreting the results.
- GSA’s Pandemic Work Environment portion of the Mission Support Customer Satisfaction Survey. This will be made available on the [COVID-19 Guidance and Resources LaborNet page](#).
- DOL’s Values for post-reentry future of work planning:

Inclusivity and Equity

A DOL where employees are listened to, treated fairly, and have equal opportunity

Data-driven decision-making

A DOL that uses evidence to make decisions about the best way to work

Effectiveness

A DOL that executes its mission through modern ways of working

Accountability

A DOL that trusts its workforce and holds itself to high standards

Leading by Example

A DOL that innovates and pilots new ways of working

Not Reflexively Returning to a Pre-Pandemic Model

As already stated, the Department will never again look like it did in February 2020. The maximum telework posture taught us many lessons and sparked innovations in the way we conduct our work. DOL agencies should apply these lessons to a future work model that prioritizes the Department’s mission while allowing greater flexibility and worklife balance, wherever practicable. One way to think about this at a “position-level” is to assume that most positions could advance along a continuum of expanded telework from pre-pandemic to post-reentry, while still effectively executing the Department’s mission. See Table 2 below. This is not required, but again is one planning model.

Table 2. Planning Assumptions for Pre-Pandemic and Post-Reentry Telework

	Telework Ineligible	Ad Hoc Telework	1-2 days per week	3-4 days per week	5 days per week
Pre-pandemic (February 2020)	●	●	●	●	●
Post-reentry (Future State)	●	●	●	●	●

Special Note about Telework Ineligibility

As part of post-reentry planning, DOL agencies must re-examine the positions in their agency that were designated as ineligible for telework. This review will assess whether or not situations have changed that would allow any of these positions to be re-categorized as telework eligible, and allow the employees occupying these positions to perform telework on a full-time or part-time basis during reentry and/or post-reentry, where appropriate. OHR will be sending additional information on this topic to guide agency planning.

Per OMB guidance, workers who have been teleworking during the maximum telework posture due to the COVID-19 pandemic will continue to be eligible for telework post maximum telework, at least on an ad hoc basis, unless, in the intervening period, one of the limitations at 5 U.S.C. § 6502(a)(2) has become applicable, the agency has determined that telework has diminished employee performance or agency operations (5 U.S.C. § 6502(b)(1)), or other applicable DOL participation requirements are not met as outlined in DOL policy and collective bargaining agreements.

Using Reentry as a Post-Reentry Runway

It may feel that we have very little time to plan for post-reentry. However, DOL agencies are encouraged to use the reentry phases as a runway for post-reentry. First, as we advance through the phases, it will generally be at the discretion of each DOL agency to determine which functions and positions must return to onsite work. Second, the agency may exercise flexibility in allowing functions and positions to remain in a telework posture as they prepare for the future model.

Job Duties Review

DOL agencies have conducted a review of job functions to determine mission critical onsite work during the pandemic. Similarly, DOL agencies have had to determine their essential functions as part of annual Continuity of Operations planning. Using these sources as a starting point, managers and supervisors should review position descriptions, Agency Management Plans/Operating Plans, and performance standards to determine which duties must be performed onsite and which may be performed from an approved telework site. Making these determinations by position and not by person, will assist agencies in making equitable decisions.

Collaborating with DOL Partner Agencies

It is never too early for agencies to collaborate with partner agencies. DOL agencies may even want to touch base with one another as a first step to share overall thoughts on where the agency is heading for post-reentry future of work. DOL agencies with similar functions should, to the greatest extent practicable, provide equitable opportunities for telework and workplace flexibilities for similarly situated staff.

General Post-Reentry Guidance

The remainder of this section provides policy updates, policy clarifications, or future policy to be developed that will assist DOL agencies in planning their future state model. Generally speaking, the Department is implementing policies that provide agencies with the ability to expand telework and workplace flexibilities for their staff.

Telework

The Department has a comprehensive LaborNet [page on Telework](#).

Types of Telework Arrangements

With supervisory approval, DOL's existing telework program policy allows telework arrangements in whole or in part based on duties and business needs. As the Federal Government is preparing to return Federal employees to the physical workplace, DOL will include definitions in internal guidance documents using the definitions provided in M-21-25 to distinguish between:

- A telework arrangement where the employee is expected to report to their official worksite at least twice per bi-weekly pay period on a regular and recurring basis (can be formal with consistent telework days or informal with ad hoc telework days) and
- A remote work arrangement (also referred to as a full time telework arrangement) where the employee can perform work from an alternate worksite within or outside the local commuting area of the agency worksite and is not expected to report to the agency worksite on a regular and recurring basis.

As there are no Government-wide restrictions on distance for teleworkers, telework locations will continue to be approved by agency management and will comply with OPM regulations regarding official worksites, duty stations, and locality pay. Also, whether to grant an employee remote worker status remains within the DOL agency's discretion.

Employees must receive agency/supervisor pre-approval to work under a telework arrangement or a remote work arrangement. Additionally, employees must receive pre-approval to make any changes to an established telework or remote work arrangement. For remote work arrangements, supervisors are responsible for contacting their HR office to ensure the employee's official worksite and duty station is changed to the location of the approved remote work site in the HR system and captured on the employee's Standard Form 50. Failure to initiate a change to the employee's official worksite and duty station for a remote work arrangement may result in an overpayment or underpayment of salary to the employee, due to differences in pay by locality areas, which could lead to a debt for the employee or the agency.

New Hire Telework

DOL's current policy ([DPR 611](#)) and collective bargaining agreements limit telework for employees on an official probationary (or trial) period to informal (ad hoc) telework. The rapid shift to telework due to the pandemic resulted in agency technology investments and innovative work processes that demonstrated the ability for many positions to be performed from any geographic location, even during an employee's probationary or trial period.

As DOL looks to expand telework as a strategic management tool, effectively immediately, DOL is lifting this limitation and allowing probationary and/or trial period employees to enter into formal (regular and recurring) telework arrangements upon entering DOL employment as determined appropriate by the hiring agency in consideration of mission and business needs. This will provide DOL agencies with the ability to: 1) distribute work nationwide where appropriate, 2) increase its talent pool, 3) better leverage

regular or full-time telework as a recruitment and retention tool to be competitive with other agencies, and 4) manage a potentially challenging space environment, especially with the substantial increase in FTE from the hiring surge.

Official Worksite and Duty Station

DOL's current policy related to official worksites and duty stations is outlined in [subchapter 9 of DPR 611](#) and is based on OPM pay policy. Per OPM policy,

1. The official worksite is the location where the employee regularly performs their duties as long as the employee is scheduled to report physically at least twice each biweekly pay period on a regular and recurring basis to that regular worksite.
2. An employee's duty station is determined by their official work site.
3. General Schedule employees receive the locality rate associated with the location of their duty station.

The official worksite for an employee covered by a telework agreement who is not scheduled to report at least twice each biweekly pay period on a regular and recurring basis to the regular worksite (e.g. the place the employee would normally work absent the telework arrangement) is the location of the telework site (e.g. employee's home), except in certain temporary or time-limited situations, as explained in OPM's [Fact Sheet: Official Worksite for Location-Based Pay Purposes](#).

Duty Station during Maximum Telework Posture

In certain temporary or time-limited situations, including a pandemic, an agency has discretion to allow an employee to telework full-time from a different geographic area when the employee is not able to report at least twice each bi-weekly pay period to the regular worksite without requiring a change to the employee's official worksite or duty station (5 C.F.R. §531.605(d)(2)(ii)). Consistent with this guidance, during the maximum telework posture due to the pandemic, DOL has permitted agencies to allow employees to temporarily telework on a full-time basis from any geographic location in the United States regardless of their assigned duty station so that they could be with their support system or family members during the pandemic. In addition, due to travel limitations, limited moving resources, family situations, etc., caused by the pandemic, DOL has permitted agencies to onboard some new hires and allowed them to temporarily telework from geographic areas other than their assigned duty station during the maximum telework posture until they are required to report onsite to their regular office.

Alternate Worksite

DOL's current telework policy does not define what constitutes an alternate worksite in a telework arrangement. At DOL, telework sites are typically an employee's home. Alternate telework sites may be approved by supervisors on a case-by-case basis. Pursuant to [DPR 611](#), supervisors and employees must take measures to ensure the security of portable systems (e.g. laptops) while teleworking. In all scenarios, employees must make a reasonable attempt to ensure a safe and healthy telework environment, and employees are required to apply approved safeguards to protect Government/Agency records from unauthorized disclosure or damage and comply with all other security requirements.

When considering reentry and post-reentry, DOL agencies have the authority to make decisions regarding their employees' teleworking from alternate worksites. Agencies are discouraged from allowing employees to telework at public locations (i.e., coffee shops, libraries, hospitals, etc.) where employees cannot ensure their own safety and prevent information or property loss and theft. In keeping with this guidance, DOL will take the following actions:

1. Add language to DPR 611, telework forms, and other relevant resources stating employees must work from the approved worksite listed on the telework agreement unless authorized to work from an alternate telework site;
2. Include guidance in manager/supervisor telework training that addresses making decisions on alternate worksites; and
3. Update the telework safety checklist to include IT and information security considerations.

Telework Safety & Health

Ergonomic Assessments

When the Department moved to a maximum telework posture in response to the COVID-19 pandemic, the OASAM Office of Worker Safety, Health and Environment (OWSHE) created guidance, entitled “[Tips for Safe and Healthy Teleworking](#).” National and Regional Safety and Health Managers are working collaboratively on the dissemination of standardized ergonomic guidance and training that will be available to all DOL employees.

OWSHE performed a limited number of virtual ergonomic assessments via Microsoft Teams with employees since the beginning of the maximum telework posture. Although there are challenges in conducting the assessments remotely, OWSHE will continue to offer the virtual assessments. Ergonomic assessments and equipment may be available for employees with disabilities pursuant to the Reasonable Accommodation process.

Alternate Worksite Checklist

OWSHE will work with the Office of Human Resources and DOL’s unions to update the alternate worksite safety checklist associated with the telework agreement form. The updated alternate worksite checklist will align with a post-reentry expanded telework posture by providing additional ergonomic tips and resources.

Workers’ Compensation Claims

Employees who have questions related to injuries sustained while teleworking are encouraged to contact the [OWSHE-Workers’ Comp Team](#) for guidance.

Telework in Job Announcements

DOL uses a standardized recruitment checklist, [DL 1-6087](#), initiated by hiring managers and submitted to OHR prior to the formal recruitment for job vacancies. Under the conditions of employment section of this form, hiring managers are provided the opportunity to designate whether the job vacancy is telework eligible and to what extent. Under the current maximum telework posture, vacancies are being advertised as either:

1. Telework eligible with the number of days and duty location being identified (usually tied to a national, regional or field office), or,
2. Telework eligible with details to be finalized at job offer or at on-boarding.

The Department also has increased its use of remote work (full-time telework) to allow position locations to be determined upon selection. The hiring manager should engage with the assigned OHR staffing specialist during the strategic recruitment discussion to craft the appropriate message for the job opportunity announcement. (It should be noted that a reassignment to a different position or location cannot be made until after 90 days of the effective date of the hiring action.) Designation of telework status is important to manage expectations of potential applicants by notifying them of availability of the benefit.

As DOL looks to use telework as a strategic management tool, in both attracting applicants and resolving space challenges caused by the current hiring surge, providing clarity for hiring officials and applicants on expectations for remote workers is critical. To support this effort, DOL will take the following actions:

1. Include guidance in supervisor telework training and other relevant resources stating DOL agencies can advertise new positions as “remote” positions, thus requiring the candidate accepting the job to work remotely;
2. Include guidance in supervisor telework training and other relevant resources stating agencies can also advertise new positions as either remote or in-person, and tailor the arrangement with the selectee based on what was specified in the announcement;
3. Continue the practice of strategic recruitment discussions between the selecting official and OHR to customize the job opportunity announcement to reflect the conditions of telework for the position; and
4. Instruct hiring officials to ensure interviews and corresponding offer letters for these positions make it clear that with some exceptions in emergency situations, these employees are expected to work remotely, especially where there are space limitations.

Limitations on Supervisor Telework

On January 29, 2021, DOL rescinded the guidance from the former Deputy Secretary of Labor, dated June 15, 2020, entitled “DOL Leadership Return-To-Work Guidelines” that directed members of the DOL Senior Executive Service to be physically present in the office. Additionally, DOL also rescinded the pre-COVID telework policy that limited telework for managers and supervisors to one day per week.

Accordingly, DOL agencies have the discretion to set telework guidelines for manager and supervisors. This must be done in an equitable manner and in collaboration with your partner DOL agencies.

Directed Telework

Under the Telework Enhancement Act (P.L. 111-292), current OPM Government-wide telework policy, and [DPR Chapter 611](#), telework is a voluntary arrangement that can be offered to the employee, but may not be imposed, unless one of the following two exceptions apply:

- Pursuant to the Administrative Leave Act of 2016, enacted under section 1138 of the National Defense Authorization Act for Fiscal Year 2017 (Pub. L. 114-328) and OPM’s implementing regulations, an employee who has entered into a telework agreement is generally required to work when there is a weather or safety event that prevents reporting to the regular workplace, or even a longer-term emergency, such as the pandemic, that makes work from the office unsafe.

- A catastrophic event that disrupts agency operations may result in the activation of an agency's Continuity of Operations Plan (COOP) and a direction to members of the COOP team to relocate to and work from an alternate location. In that case, the employee is working from an alternate workplace under the agency COOP, not an agency telework program. Similarly, in the event of a physical disaster or military event, an agency may order employees to evacuate and relocate pursuant to OPM regulations at 5 CFR 550.401- 408. In the event of a pandemic, an agency may order employees to evacuate to their homes pursuant to 5 CFR 550.409.

As DOL looks to use telework as a strategic management tool, it is critical for the Department to provide clarity for hiring officials and applicants on expectations for remote workers. To support this effort, DOL will take the following actions:

1. Include guidance in supervisor telework training and other relevant resources stating DOL agencies can advertise new positions as "remote" positions, thus requiring the candidate accepting the job to work remotely;
2. Include guidance in supervisor telework training and other relevant resources stating agencies can also advertise new positions as either remote or in-person, and tailor the arrangement with the selectee based on what was specified in the announcement; and
3. Instruct hiring officials to ensure interviews and offer letters for these positions make it clear that with some exceptions in emergency situations, these employees are expected to work remotely especially where there are space limitations.

Telework Training for Employees

Telework training is a requirement per the Telework Enhancement Act (P.L. 111-292). DOL employees currently have access to telework training via telework.gov and DOL's learning management system, [Learning Link](#). As DOL expands telework and workplace flexibilities, it is important to ensure employees are aware of DOL's telework policies and procedures and their roles and responsibilities when participating in telework. To support employee education on telework, DOL will take the following actions:

1. Enhance existing Learning Link telework training to include practical guidance on remote work, performance management, and tips for communicating and staying engaged while teleworking;
2. Develop and launch an automated telework tracking system that will allow DOL to track annual telework training completion and recertification; and
3. Implement an annual recertification requirement for telework agreements that will include employee acknowledgement of their completion of the DOL telework training and certification that their telework arrangement and agreement is compliant with DOL telework policies and procedures and OPM regulations.

Telework Training for Managers and Supervisors

Telework training is a requirement per the Telework Enhancement Act (P.L. 111-292), and a previous GAO audit of DOL's telework program recommended the Department put better measures in place for tracking completion of manager/supervisor telework training. DOL supervisors currently have access to telework training via Essential Competencies training offered quarterly for new supervisors, telework.gov, and through DOL's learning management system, [Learning Link](#). To support manager/supervisor education on telework, DOL will take the following actions:

1. Enhance existing Learning Link telework training to include practical guidance for managing remote workers, more guidance to help supervisors determine telework eligibility and suitability based on business needs, increased performance management guidance, and tips for communicating and engaging with employees in a hybrid workforce;
2. Develop and launch an automated telework tracking system that will allow DOL to track annual telework training completion and recertification; and
3. Implement an annual recertification requirement for telework agreements.

Workplace Flexibilities

Work Bands and Core Hours

DOL currently offers employees the opportunity to have an extended work band from 5:00 a.m. - 10:00 p.m. and/or no core hours under a temporary agreement with the unions that expires on September 30, 2021. Feedback received during listening sessions and other employee surveys identified that employees found these expanded flexibilities useful with helping employees manage their home and work responsibilities. DOL will explore the possibility of making the extended work band (with minimal core hours reinstated to comply with Regulations) a permanent work schedule flexibility for DOL employees as part of the Future of Work planning. Any expanded work band would apply to telework employees only, as an expanded onsite work band would increase facility and security costs and is not possible for facilities with set hours of operation. As any modification to DOL's current work schedules is negotiable, DOL must first notify its union counterparts and satisfy labor management obligations in advance of implementation of such a change.

Mid-Day Flex

With advance supervisory approval, employees on a variable workweek schedule or Alternative Work Schedule (AWS) may take a mid-day flex break Monday through Friday of no less than 30 minutes from duties during the regular workday to undertake personal, non-work activities without the employee being required to use leave as an expanded workplace flexibility through September 30, 2021. Pre-pandemic, the mid-day flex was a permanent flexibility on Mondays and Fridays only, and only for non-bargaining unit employees, Local 12 bargaining unit employees and NULI bargaining unit employees.

During the mid-day flex, the employee is in an off-duty status and is not eligible for any form of pay, travel costs or reimbursements, paid leave including wages, compensatory time and/or credit time from the Department. Employees cannot use a mid-day flex break to change work locations (e.g. from the regular office to a telework site or vice versa), and employees participating in a mid-day flex must continue to meet the basic 80 hour tour of duty work requirement with work hours, approved leave, or accrued credit time. A [DOL Mid-day Flex Guide](#) can be found on LaborNet.

DOL will explore the possibility of making the expanded mid-day flex a permanent workplace flexibility, for both reentry and post-reentry, with some possible procedural modifications.

Dependent Care

Employees and managers provided feedback from listening session indicating the Department's policy on dependent care while teleworking was unclear.

Current DOL policy allows employees to telework while dependents are at an approved telework site and allows employees to use their judgement to determine when the level of dependent care needed prevents or significantly disrupts their ability to accomplish work. Employees are advised to notify their supervisor if dependent care is an obstacle to performing their work and may request approval for the use of appropriate leave.

During the maximum telework posture, DOL has continued to permit employees to telework while they have dependent care responsibilities at the telework site. DOL will update language in DPR 611 and telework training to make it clear that DOL does not prohibit telework while at home with dependents provided their presence does not interfere with the job duties. Supervisors maintain the authority and responsibility to ensure employees demonstrate their ability to complete their job assignments.

Reasonable Accommodations

The Civil Rights Center's (CRC) Reasonable Accommodation Resource Center (RARC) and agency Workplace Equality Compliance Officers (WECOs) will continue to process requests for reasonable accommodation for disability pursuant to legal requirements under [Executive Order 13164](#), Equal Employment Opportunity Commission (EEOC) regulations at [29 CFR § 1614.203](#) and Departmental policy at DLMS 6-200, "Reasonable Accommodations for Employees and Applicants." Reasonable Accommodations that require a purchase will continue to be funded through the Department's Centralized Accommodation Fund.

The Department's procedures on requesting and processing requests for reasonable accommodation for disability are outlined in [DLMS 6-200 Reasonable Accommodations for Employees and Applicants](#). The DLMS outlines roles and responsibilities within DOL with respect to reasonable accommodations and provides examples of the types of accommodations that have been provided to DOL employees and applicants with disabilities. The examples of accommodations identified in the DLMS are not exhaustive; rather, they illustrate the broad spectrum of accommodations that may be considered.

As staff are instructed to reenter to onsite work and/or as telework and workplace flexibilities expand, CRC/RARC anticipates increases in the number of requests received and variations in the types of accommodations sought. Employees may seek the ability to continue to telework when offices reopen on varying schedules, may seek different or additional telework days than those offered by management, or may seek not to telework as an accommodation for disabilities. Additionally, CRC/RARC may be requested to provide duplicate equipment or supplemental accommodations to employees in agencies where management officials have expanded the telework posture or to employees electing to request a hybrid schedule of telework and onsite work² such that they will be provided equipment for use in the office and equipment for use in the home or approved telework site.³ In these instances, individuals who feel that they need a reasonable accommodation for a disability should submit their requests as early as possible in advance of their return to the office or once notified of telework options. As with accommodations generally, requests (and any supporting medical documentation) will be individually assessed in order to determine an effective accommodation. Even if employees are required to perform onsite work, reasonable accommodations may be available available to enable the effective performance of essential job functions.

² Although the exact number of these duplications cannot be predicted, RARC must ensure that employees with disabilities receive the same benefits/privileges of employment as those who are not disabled (i.e., equivalent opportunity and ability to telework).

³ Accommodations provided in the office and at home may differ.

Technology, Equipment, Space, and Contracting

Property Provision and Accountability - Furniture, Equipment, and Supplies

The Department, in some instances, allowed employees to take home furniture, equipment, and supplies during the maximum telework posture. Upon an employee's reentry, employees may be required to return Government-furnished equipment and supplies, following [DLMS 3-400](#), which includes making the items available for required physical inventory.

In accordance with our collective bargaining agreements and the DPR, employees are responsible for equipment needed to telework outside of what they need to do their job. Employees are provided laptops which have software to enable telework such as jabber and TEAMS (among others). When the job responsibilities require additional equipment, the agency may provide it. For example, a field investigator may need a mobile phone or tablet.

Additional equipment beyond the standard issued laptop should only be provided when there is a need based on the type of work. In order to ensure equity, agencies should confer with similarly situated DOL agencies to see what equipment is being provided.

Space Management

As the Department expands telework, there may be associated changes to both individual employee workspaces and shared workspaces. This shift in space usage is also occurring during a hiring surge and, as a result, both short and long term adjustments will be made in accordance with guidance from OMB, GSA, and OPM, as well as in accordance with the requirements and processes in the DOL/union labor management agreements.

Space management projects take a significant investment of time and capital, and are tied to current lease/occupancy agreement timeframes. As agencies review their positions for telework eligibility and determine their ongoing space needs, OASAM will work closely with them to evaluate their current real property portfolio and develop plans for right-sizing their space occupancy going forward.

[DLMS 3-500](#) outlines standards for all DOL individual workspace sizes (for offices, cubicles, work stations, etc.) and these will be re-evaluated as DOL expands its use of telework. When designing offices, DOL agencies are encouraged to consider a variety of workplace designs based on their workforce characteristics to plan flexible, fungible spaces that employ a variety of configurations and incorporate different types of seating. Any modifications to space, including moves, refurbishments, and renovations, that impact bargaining unit employees, are subject to the requirements of DOL's collective bargaining agreements and labor management obligations.

OASAM will work with agencies to determine what shared spaces are needed in the long term. Conference rooms, teaming rooms, collaboration spaces, and other shared areas will combine physical space design and technology solutions to create innovative workplaces. The Department will use an information technology solution to efficiently and effectively schedule the use of spaces, and to hold a variety of meeting types, including hybrid in-person/remote participation.

Internet Service Costs

The Department discourages the reimbursement of internet service costs for teleworkers. While it would be permissible for DOL to determine internet services are a necessary expense for certain workers, in the near term, there is no policy to implement a reimbursement in an equitable way. First, DOL has no policy on the oversight, use, tracking, and payment for internet charges associated with

“official” use (an allowable expense), as opposed to “personal or prohibited uses” (an unallowable expense) – especially since usage of internet services at an approved telework site is almost always “co-mingled” between these two categories. Second, internet services are often purchased as a “bundled” service with phone and cable television services, requiring additional oversight to ensure proper reimbursement of internet services only. Third, each DOL agency’s budget for this type of expense varies greatly and allowing wide-scale reimbursement would create inequities between DOL employees.

Printers and Scanners for Teleworkers

As the federal government moves toward fully digital recordkeeping, agencies are cautioned against broadly deploying printers to teleworkers. Printing at approved telework sites increases the risk of mishandling personally-identifiable information (PII) and improper record retention and disposition. Additionally, users have reported that maximum telework led to innovative practices that have reduced the need to print, while still accomplishing the mission. If printing from an approved telework site is a requirement of the position and the employee’s telework schedule qualifies for at home equipment, the agency should provide the employee a printer from the GFE hardware list. As agency security requirements may allow, employees may also purchase printers for their own use that are listed on the approved hardware list and those non-GFE would be allowed on the network as long as proper policies and procedures are followed.

Use of Collaboration Tools

Some DOL agencies requested the Department set policy on the use of collaboration tools. For example, requiring the use of Jabber or Microsoft Teams, or establishing a policy requiring employees to use their cameras for virtual meetings. The Department will not be setting policy in this area. DOL agencies are generally provided with the same suite of collaboration tools (with the exception of BLS). DOL agencies, managers, and supervisors are expected to use these tools to execute the DOL’s mission and should set equitable standards for their agency’s use.

Records Management

In June 2019, OMB and the National Archives and Records Administration (NARA) issued the M-19-21 Memorandum, Transition to Electronic Records, which states, by December 31, 2022, federal agencies must transition to managing all records in an electronic format. The timeline for accomplishing this directive has been impacted by the COVID-19 pandemic and associated maximum telework posture. However, the Office of the Chief Information Officer (OCIO) is working with DOL agencies on the requirements for an electronic records management system that will not only satisfy the NARA requirement, but also allow for more efficient telework.

As DOL’s records and information management program develops, OASAM will continue to update the required annual records management training and will include a focus on how to manage records in a telework environment. [DLMS 1-500](#) will also be reviewed for any necessary changes.

Onboarding and Offboarding

In light of the expanding telework, it is critical to ensure improvements are made to onboarding and offboarding processes to better serve both onsite and remote employees. OASAM has initiated a project to streamline the onboarding and offboarding processes, including considerations for remote workers. This project, slated to begin as a pilot in FY 2022, aims to reduce the time it takes to successfully onboard and offboard employees, while increasing quality and customer satisfaction.

Digital Signatures

During the maximum telework posture, many forms and processes were transitioned to electronic signature. DOL will continue to convert paper and ink processes to digital signature. OCIO will work with agencies to update the digital signature policy and standards for both internal and external use.

Contractor Telework

As the Department moves to expand telework for federal employees, DOL agencies should also consider the impact of increased telework, including remote work arrangements, for contractors supporting DOL. The Department procures a wide range of services, some of which are well suited to contractor telework – and there may be opportunities for cost savings associated with space reduction. [Federal Acquisition Regulation 7.108](#) requires agencies to “generally not discourage a contractor from allowing its employees to telecommute.”

DOL agencies have the discretion to make decisions for each of their contractors, as they are the most familiar with the scope of work and are best suited to determine whether contractor telework is appropriate.

Department-wide, the Office of the Senior Procurement Executive (OSPE) developed standardized language for inclusion in contractor Performance Work Statements, clearly indicating to prospective vendors whether the government expects the work to be performed at a government facility, at a contractor facility, or via an approved telework location. This approach gives agencies the most flexibility while ensuring standardization of implementation across the Department. OSPE issued two policy notices to the acquisition community informing them of these changes to the PWS template as well as revisions to DOL Local Clause 2020-01, *Contractor Personnel Telework*.

Contact

DOL employees and contractors with questions about the Internal DOL Reentry and Post-Reentry Future of Work Plan may contact the following:

- DOL employees – Contact your supervisor, Agency Administrative Officer, or COVID19Questions@dol.gov.
- DOL contractors – Contact the appropriate DOL Contracting Official



Office of the Assistant Secretary for Administration and Management
UNITED STATES DEPARTMENT OF LABOR