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M-21-25

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

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SUBJECT: Integrating Planning for A Safe Increased Return of Federal Employees and Contractors to Physical Workplaces with Post-Reentry Personnel Policies and Work Environment

The Administration is committed to ensuring that the Federal Government is a model employer, with the health, safety, and physical and mental wellbeing of its workforce paramount. Significant progress is being made in our fight against the COVID-19 pandemic, with case counts dropping and vaccinations levels rising nationwide. Given that progress, the Administration is taking prudent steps to plan for an effective, orderly, and safe increased return of Federal employees and contractors to the physical workplace (“reentry”). Executive departments and agencies (agencies) must integrate their planning for reentry with their planning for post-reentry personnel policies and work environment. This memorandum provides agencies with guidance for agency planning processes.

**I. Background**

Over the past 15 months, Federal employees, like Americans nationwide, have demonstrated their resiliency time and again during the COVID-19 pandemic. Many thousands of Federal employees with responsibilities that could not be performed remotely have continued to undertake mission-critical duties at their workplaces and on the frontlines of the national response, day-in and day-out through the pandemic. They and their families have made sacrifices to continue to serve the American public. They have inspected our food and ensured food security for our most vulnerable neighbors, kept our airports safe, and delivered medical care to our veterans and communities. They also guided and oversaw the historic development of the COVID-19 vaccine and its widespread distribution, saving lives and allowing our economy to get back on track. We owe

them a debt of gratitude. We also recognize the efforts of Federal employees whose duties could be performed via telework, for their continued work on behalf of the American people. Federal employees who transitioned quickly to full-time or partial telework at the start of the pandemic were able to support the mission and day-to-day operations of their agencies, develop and implement policies, manage relief programs, and continue to deliver results for all Americans.

The President took action on his first day in office to protect the health and safety of Federal employees and contractors from COVID-19 through the issuance of [Executive Order 13991](#), Protecting the Federal Workforce and Requiring Mask Wearing (January 20, 2021), which established the [Safer Federal Workforce Task Force](#) (Task Force) and directed agencies to require compliance with Centers for Disease Control and Prevention (CDC) guidelines with respect to public health measures. Subsequently, Office of Management and Budget (OMB) Memorandum [M-21-15](#), COVID-19 Safe Federal Workplace: Agency Model Safety Principles (January 24, 2021), required that agencies form COVID-19 Coordination Teams to develop and maintain tailored agency COVID-19 workplace safety plans consistent with CDC guidelines and the model safety principles provided by M-21-15. Since that time, agencies have completed and implemented those plans, responding to updated guidance and information from the CDC and the Task Force as conditions change.

In addition, since March 2020, Federal employees and the agencies that employ them have adapted and embraced innovative ways of working to deliver on their missions. The Federal Government quickly went from 3 percent of employees teleworking every day to nearly 60 percent, as shown in the 2020 Office of Personnel Management (OPM) Federal Employee Viewpoint Survey (FEVS).<sup>1</sup> At the same time, those employees who needed to perform mission-critical, on-site work continued to fulfill their responsibilities in the physical workplace or in the field. This rapid shift to increased telework and remote work was made possible because of agency investments in information technology (IT) modernization, such as adoption of cloud-based solutions, as well as the broad and strategic application of personnel policies, including weather-and-safety leave, pandemic evacuation, telework, remote work, alternative work schedules, and leave flexibilities. Throughout these changes, agencies continued to deliver on their mission.

## II. Update on Federal Government Operational Status

The Task Force continues to provide updates to agencies regarding COVID-19 workplace safety. This memorandum **rescinds OMB Memorandum M-20-23**, Aligning Federal Agency Operations with the National Guidelines for Opening Up America Again (April 20, 2020), and includes the following updates for agencies from the Task Force:

- A. **Agencies' COVID-19 Workplace Safety Plans remain in effect and should be updated as needed to align with current guidance.** COVID-19 workplace safety plans remain in effect across Federal workplaces. Agencies should continue to update those plans and associated policies and procedures to align with current guidance from the Task Force and CDC, such as the recently updated CDC [Interim Recommendations for Fully Vaccinated Individuals](#), as well as other relevant guidance from Federal workplace safety agencies,

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<sup>1</sup> Governmentwide Management Report: Results from the 2020 OPM Federal Employee Viewpoint Survey: <https://www.opm.gov/fevs/reports/governmentwide-reports/governmentwide-management-report/governmentwide-report/2020/2020-governmentwide-management-report.pdf>

such as the Department of Labor’s Occupational Health and Safety Administration (OSHA).

- B. **Occupancy in Federal workplaces.** The occupancy requirements set forth in M-21-15 are no longer in effect, although other aspects of M-21-15 remain in effect pursuant to current CDC guidelines, as do agencies’ COVID-19 workplace safety plans, as noted above, to ensure the safety of Federal employees. Agencies may establish occupancy limits for specific workplaces as a means of ensuring physical distancing between unvaccinated individuals. As set forth in Section IV(B)(4), prior to increasing the number of employees in the physical workplace, an agency must complete its phased plan for reentry and post-reentry, ensure it has an updated COVID-19 workplace safety plan pursuant to current CDC guidelines, satisfy any applicable collective bargaining obligations, and provide ample notice to any affected employees. An agency may, on a limited basis, increase the number of employees or contractors in the physical workplace prior to taking one of those steps where necessary to meet urgent, mission-critical needs—any such action must be approved by the head of the agency, in consultation with OMB and OPM.
- C. **Open with maximum telework flexibilities.** The Federal Government’s nationwide operating status remains at “Open with maximum telework flexibilities to all current telework eligible employees, pursuant to direction from agency heads.” Further changes to the Government’s operating status, consistent with the most recent guidance and principles set forth by the CDC, will continue to be communicated to agencies by the Safer Federal Workforce Task Force at [SaferFederalWorkforce.gov](https://www.saferfederalworkforce.gov) and on OPM’s Operating Status [website](#).<sup>2</sup>
- D. **Heating, ventilation, and air conditioning (HVAC) operations in GSA-controlled facilities.** Throughout the course of the pandemic, the General Services Administration (GSA) has implemented several protective measures aimed at reducing the risk and spread of COVID-19 in facilities under its jurisdiction, custody, or control. For HVAC operations, these measures include taking steps to increase ventilation and improve air filtration in accordance with CDC guidelines. Onsite agency personnel working in GSA-controlled facilities can contact their GSA Facility Manager for more information on the specific steps taken in the facility in which they are located.
- E. **Exceptions process.** As a reminder, at any time, if there are operational needs related to the completion of agency mission-critical activities, agencies may pursue an exception from select model safety principles set forth by M-21-15, and as amended by Task Force guidance and this memorandum. The Task Force will review these exception requests to ensure that the agency’s proposed mitigation measures protect the health and safety of the Federal workforce engaged in essential onsite work. Exception requests should be approved by the head of the agency and emailed to [SaferFederalWorkforce@gsa.gov](mailto:SaferFederalWorkforce@gsa.gov), using the form previously provided to agency staff representatives to the President’s Management Council. Agencies may also request a copy of the exceptions request form by emailing [SaferFederalWorkforce@gsa.gov](mailto:SaferFederalWorkforce@gsa.gov).

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<sup>2</sup> Current Status (opm.gov): <https://www.opm.gov/policy-data-oversight/snow-dismissal-procedures/current-status/>

### **III. Planning and Preparing for a Safe Increased Return of Federal Employees and Contractors to Physical Workplaces, as well as the Post-Reentry Work Environment**

The Task Force—in collaboration with OMB, OPM, and GSA—has charged **all agencies to complete their planning for reentry by July 19, 2021**—how and when to return an increased number of employees and contractors, as appropriate, in-person to the Federal workplace—as well as their intended post-reentry personnel policies and work environment. This agency planning includes two main components:

#### A. A phased plan for reentry and post-reentry

Agencies will develop and provide to OMB a draft of their proposed approaches to post-reentry personnel policies and work environment by June 18, 2021. Agencies included in the Chief Financial Officers Act of 1990 (P.L. 101-576) (CFO Act agencies) should develop a draft schedule for phased reentry of personnel, to be provided to OMB by July 9, 2021. Combined, these two documents will constitute the agency’s phased plan for reentry and post-reentry. Agencies should work with OMB to finalize their phased plans for reentry and post-reentry by no later than July 19, 2021, informed by this and other guidance from the Task Force, OMB, OPM, and GSA. Note: while non-CFO Act agencies are not required to submit to OMB a draft reentry schedule by July 9, 2021, they also must finalize their phased plan for reentry and post-reentry by no later than July 19.

As described further below, this planning deadline does not reflect agencies’ satisfaction of labor relations requirements, formal notifications or announcements to employees, or implementation of the plan, which generally will occur after the agency develops its phased plan.

The planning documents described above are not intended for publication or release by the agency. In addition, these planning documents do not need to be provided at the level of each division, office, or team across the agency and need not include specific policies, procedures, or detailed timelines. Rather, these plans should be a summary of the high-level guidelines that the agency will put in place to inform decisions within the agency and its sub-organizations. As discussed further below, agencies are expected to develop policy guidelines that provide guardrails for decision making across divisions, offices, and teams. Most decisions about application of those policy guidelines should be delegated to the lowest possible levels in the organization, to provide maximum flexibility for defining work requirements to meet mission and workforce needs. OMB expects that agencies will develop documentation (including policies), communication materials, and other materials to share the details of agency plans for reentry and post-reentry across the agency, both in a general manner and also with tailored information for supervisors, employees, and employee representatives, specific to those individuals’ divisions, offices, and teams.

Agency plans for reentry and post-reentry should be informed by lessons learned during the past 15 months. The agency’s eventual post-pandemic operating state may differ in significant ways from the agency’s pre-pandemic operating state.

#### B. An update of the agency's COVID-19 workplace safety plan

Prior to implementation of their phased plan for reentry and post-reentry, agencies should work with the Task Force to update their COVID-19 workplace safety plan pursuant to current CDC guidelines. Non-CFO Act agencies are not required to submit a draft updated COVID-19 workplace safety plan as part of this process.

Once reviewed by the Task Force and updated, and following satisfaction of any collective bargaining obligations, the agency should communicate its updated COVID-19 workplace safety plan to its employees, their representatives, and onsite contractors, and publish it on the agency's website, prior to the agency initiating an increased return of employees and contractors to physical workplaces. As part of this planning effort, OMB, in coordination with the Task Force, will update the model safety principles in M-21-15, consistent with the latest CDC guidance. The Task Force will provide agencies with a checklist to help guide agencies' required updates to their respective COVID-19 workplace safety plans.

*Regarding employee and contractor vaccination status:* As recently shared with agencies by the Task Force, the Administration strongly encourages all Americans, including Federal employees and contractors, to be vaccinated. Employees should receive paid time off to be vaccinated and to deal with any side effects. At present, COVID-19 vaccination should generally not be a pre-condition for employees or contractors at agencies to work in-person in Federal buildings, on Federal lands, and in other settings as required by their job duties. Federal employees and contractors may voluntarily share information about their vaccination status, but agencies should not require Federal employees or contractors to disclose such information. Responding to agency inquiries should be voluntary, and agencies should comply with any applicable laws, including requirements under the Privacy Act and the Paperwork Reduction Act, and any applicable collective bargaining obligations. When an employee or contractor voluntarily discloses that they are unvaccinated or declines to provide vaccination information, agencies should use that information to implement CDC-recommended mitigation measures, including masking and physical distancing.

#### **IV. Values-Informed Planning for Post-Reentry Personnel Policies and Work Environment**

Agency planning is already in progress for post-reentry personnel policies and work environment through the President's Management Council (PMC), as part of a process led jointly by OMB, GSA, and OPM.

This guidance has been informed by input from the PMC Working Group on Reentry and the Future of Work, which is the primary interagency convening body for agency feedback and questions on: (1) determining what post-reentry Federal personnel policies and the work environment will look like after more employees and contractors safely return to the physical workplace; and (2) connecting post-reentry workforce planning to long-term trends to shape the future of work in the Federal context. The working group includes representatives from OMB, OPM, GSA, the 24 CFO Act agencies, and the interagency management councils, including the Chief Human Capital Officers Council, the Chief Information Officers Council, the Chief

Financial Officers Council, the Federal Real Property Council, and the Chief Acquisition Officers Council.

Topics of consideration by the Working Group include, for example:

- Integrating learning from employee and supervisor experiences;
- Ensuring consistent approaches across agencies to phased timelines for reentry of employees returning to the physical workplace that account for labor relations obligations and provision of ample notice for affected employees;
- Addressing Government-wide telework and remote work policies, as well as flexible work schedules, pay, leave, performance management, and other personnel policies;
- Training and supporting employees and supervisors; and
- Considering effects on: workspaces and Federal real property; technology and information technology (IT) needs; onsite contractors; and local communities.

#### A. Values-Informed Planning

OMB, OPM, and GSA expect that agency decisions in these areas will be equitable and grounded in values that empower, respect, and galvanize the Federal workforce, while reflecting and emphasizing trust and accountability for the American people they serve. In making decisions regarding post-reentry personnel policies and the work environment, agencies should also consider broader workforce and workplace trends and the need for the Federal Government to be competitive for top talent as employers in the broader labor market. Agency leaders can leverage issues such as telework, remote work, and flexible work schedules as tools in their broader strategies for talent recruitment and retention, and for advancing diversity, equity, inclusion, and accessibility in the Federal workforce. These values-informed planning activities will help to ensure that the Administration:

- Builds a collaborative and flexible workplace environment that embraces the wellbeing of its employees;
- Reinforces its commitment to the Federal workforce and its role as a model employer;
- Achieves appropriate consistency across agencies, while providing agencies and sub-organizations sufficient flexibility on workforce and workplace decisions;
- Responds to available data on the Federal workforce, as well as data on the U.S. workforce;
- Assesses and evaluates what types of personnel policies and work environments are most effective for delivery of the agency's mission;
- Attracts and retains talent in the context of changing workforce trends; and
- Enhances engagement and morale of Federal employees, while delivering against agency missions effectively, equitably, and efficiently.

#### B. Planning Guidelines for Agency Post-Reentry Personnel Policies and Work Environment

Below are expectations and guidelines to help inform agency planning and decision-making related to post-reentry personnel policies and the work environment. Additional guidance from OPM related to telework, remote work, hours of work, performance management, and labor relations is included in the attached Appendix 1. Considerations for agencies from GSA on workplace planning are included in the attached Appendix 2.

## 1. *Government-Wide Personnel Policy Guidelines to Promote Flexibility*

Agencies will need to balance priorities in making decisions related to post-reentry personnel policies and the work environment. Overall, agencies' decisions must be guided by how they can most effectively achieve their respective missions. As shown during the pandemic, agencies can, where appropriate, deploy personnel policies such as telework, remote work, and flexible work schedules effectively and efficiently as strategic management tools for attracting, retaining, and engaging talent to advance agency missions, including in the context of changes in workplaces nationwide as a result of the pandemic and in response to long-term workforce trends.

Consistent with the Administration's commitment to protect, support, and empower the Federal workforce, OMB, OPM, and GSA anticipate that many agencies will leverage such personnel policies and associated flexibilities in their post-reentry work environments more expansively than was the case prior to the pandemic, informed by consultation with agency leadership, supervisors, employees, and employee representatives, as well as by data about the Federal workforce and the U.S. workforce at large. The Government-wide policy guidelines provided herein are intended to foster consistency across agencies, while encouraging flexibility among agencies to meet unique mission and workforce needs.

## 2. *Making Agile Personnel Policy Decisions with Supervisor and Employee Support*

OMB, OPM, and GSA anticipate that agencies (and their bureaus/components) will identify personnel policy guidelines that provide guardrails for decision making across divisions, offices, and teams, but that most decisions about application of those policy guidelines will be delegated to the lowest appropriate levels in the organization to provide maximum flexibility for defining work requirements to meet mission and workforce needs.

To facilitate consistent and equitable application of such guidelines across the agency's workforce, agencies should provide support for supervisors and employees, including, for example, health, safety, facilities, and space considerations, reentry toolkits, checklists, and training for supervisors on managing hybrid and remote teams and for employees on reentry planning and performance expectations and obligations in a hybrid or remote work environment, as appropriate.

As agencies introduce, pilot, evaluate, and scale new and different personnel policies in the post-reentry work environment, they should regularly solicit feedback from agency leadership, supervisors, employees (including not only employees who have been able to telework, but also "front-line" and other employees who already have been working onsite or in the field), employee representatives and unions, and other stakeholders, such as representatives of local communities near Federal workplaces and other stakeholders who require frequent interactions with the agency, to inform any future changes.

Agencies and organizations should rely on evidence when making their decisions, including by:

- Seeking and considering data and information regarding the impact of personnel policies and procedures on employee engagement, mission delivery, and outcomes;
- Establishing frequent feedback mechanisms, such as pulse surveys; and
- Leveraging evaluation and decision-making processes that support regular, data-driven updates to policies and procedures as the needs of the people agencies serve and of the Federal workforce continue to evolve.

3. *Expectations and Considerations for Federal Agency Post-Reentry Work Environments*

OMB, OPM, and GSA expect that, consistent with their recent experiences and nationwide workplace and workforce trends, and in consultation with union partners, many agencies will implement post-reentry personnel policies that support, where appropriate for certain divisions, offices, and teams, a “hybrid” work environment, in which:

- Many employees will remain or return to working fully or primarily in-person onsite or in the field. Many Federal employees will remain primarily or fully onsite or return primarily to onsite work due to the nature of their work, such as delivery of onsite services, support activities in the field, or work with classified information or national-security topics. Some employees who teleworked during the pandemic may prefer to return to fully onsite work (employee preference being one of a number of factors that will inform how agencies apply their guidelines). As a result of lessons learned across Government about the efficiencies achieved by flexible schedules and telework in many situations, when supported or sought by employees, and when consistent with the agency’s mission, for such onsite employees agencies could consider:
  - An increased use of flexible, alternative work schedules, as compared to prior to the pandemic;
  - Opportunities for such employees, if eligible for telework, to do occasional situational telework, such as for training or administrative duties, on an increased basis as compared to prior to and during the pandemic.
- At the same time, many employees—more than prior to the pandemic—will engage in a mix of telework and onsite work. Employees who have been teleworking during the pandemic generally will remain eligible for telework, at least on a situational basis.<sup>3</sup> In many cases, agencies and sub-organizations will allow and plan for an increased ratio of telework over onsite work, for more employees, as compared to agency work environments prior to the pandemic. Such arrangements might include, for some employees, a balanced mix of working offsite and onsite, including to satisfy business operations, teambuilding, and other needs. For other employees, such arrangements could mean teleworking a majority of the time or nearly full-time, with a requirement for employees under the General Schedule to report to the agency worksite at least twice each pay period to receive the locality rate associated with the agency worksite. Agencies should provide ample notice to affected employees of any change in their current telework schedule.

Additional agency considerations related to telework—among others detailed in Appendix 1—include:

- Establishing parameters to support the implementation of telework policies fairly and equitably throughout sub-organizations.

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<sup>3</sup> This would not be the case if, for example, in the intervening period since the COVID-19 pandemic was declared, any of the limitations in 5 U.S.C. § 6502(a)(2) has become applicable to the employee (related to official discipline of the employee), the agency has determined that telework has diminished employee performance or agency operations pursuant to 5 U.S.C. § 6502(b)(1). See Appendix 1 from OPM for more information.



- Considering support for employee requests for alternative work schedules, where possible, for teleworking employees and, where helpful for mission delivery, establishing core work hours and/or flexible time bands when work should be performed.
  - Training managers on fair and equitable performance management for hybrid teams, including raising awareness among supervisors that evaluation of an employee's performance should be based on factors such as accountability for results or quality of the work, and should not be affected by whether an employee is working in the office, teleworking, based remotely, or working a flexible work schedule.
  - Developing cultural norms within the agency, effective practices, and training to promote equity of experience among hybrid team members and to protect work-life balance.
- Divisions, offices, or teams may decide to expand the number of employees who work remotely, for some roles for which remote work is appropriate. Remote work is an arrangement under which an employee is scheduled to perform work within or outside the local commuting area of an agency worksite and is not expected to report to an agency worksite on a regular and recurring basis. In some cases where an agency determines that remote work is appropriate for certain types of positions and agency activities, agencies and sub-organizations will put in place guidelines for trying out expansion of remote work (as compared to the limited use of remote work among agencies pre-pandemic) at the level of divisions, offices, or teams. Agencies can consider whether to initiate pilot expansions of remote work where appropriate, and then evaluate the results for agency and employee performance. Agencies should also include in guidelines regarding remote work how supervisors can handle individual requests for approval of remote work outside of any planned pilot expansions. As with telework, agencies should consider supporting alternative work schedules for employees working remotely, and, where helpful for mission delivery, establishing core work hours and/or flexible time bands when work should be performed. When initiating a pilot expansion of remote work, agencies should be clear about the timeline for the pilot, as well as the associated measures of success. Expansion of remote work may not be appropriate for certain divisions, offices, or teams based on their mission and role.
  - Where appropriate, an increased number of employees—more than prior to the pandemic—will be eligible for, and may want to participate in, some form of alternative work schedules. Across all three types of work arrangements described above, OMB, OPM, and GSA anticipate that many agencies will review and expand their use of flexible work schedules for many positions, as compared to pre-pandemic work environments.

Organizations should also factor in the requirements of the individual position or position type when making specific policy determinations. These determinations, initially post-reentry and over time, should be informed by ongoing discussions with employees, their representatives at all levels of the agency, supervisors, agency leadership, and other stakeholders about how to set up the agency and its workforce for success in the post-reentry environment, as well as data and information from employee surveys and other relevant sources, national, regional, and local workforce trends, and employee performance history. See Appendix 1 for further guidance from OPM on these topics.

4. *Satisfaction of Labor Relations Obligations and Ample Notice to Employees, Prior to Implementation*

**Prior to increasing the number of Federal employees returning to physical workplaces, agencies should satisfy applicable collective-bargaining obligations.**

Of note, collective bargaining obligations may apply to implementing changes in workplace safety protocols and changes in employee work schedules and telework/remote work eligibility. Agencies are reminded that [Executive Order 14003](#), *Protecting the Federal Workforce*, (January 27, 2021), established as policy:

Career civil servants are the backbone of the Federal workforce, providing the expertise and experience necessary for the critical functioning of the Federal Government. It is the policy of the United States to protect, empower, and rebuild the career Federal workforce. It is also the policy of the United States to encourage union organizing and collective bargaining. The Federal Government should serve as a model employer.

Labor relations obligations may be addressed issue by issue for aspects of the agency's overall plan for reentry and post-reentry. For example, an early issue to surface to employee representatives may be the agency's plan for ample notice to employees. Also, for example, an agency may decide to engage with employee representatives on aspects of its post-reentry personnel policies separate from labor relations engagement on the updating of the agency's COVID-19 workplace safety plan.

**Following satisfaction of labor relations obligations and prior to implementing reentry and post-reentry plans, agencies should provide ample notice (e.g., in many cases, at least 30 days) to any employees who will be returning to the physical workplace or who will have altered work schedules, consistent with the agency's intended post-reentry work environment.**

Federal employees continue to balance child care, 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, at the same time that regular child care, elder care, other dependent care, and regular transportation options may remain unavailable or complicated as a result of COVID-19.

Agencies may have set a specific minimum notice period, for example, in their publicly available COVID-19 workplace safety plans, and such commitments should be taken into consideration in agency reentry schedules. The amount of notice that agencies provide may vary based on the effect of the change on particular employees. For example, a newly hired employee who was authorized to work remotely during the pandemic may need more notice to allow for relocation than a local employee who will see a reduction in the number of telework days. Similarly, employees with school-aged children may be better able to adjust their schedules when the 2021-22 school year begins.

### C. Near- and Longer-Term Resource Needs

As agencies are developing their reentry and post-reentry plans, resource needs will be identified. For example, agencies should consider:

- Supports needed for managers and supervisors as they transition to a hybrid work environment, with a greater mix of employees in physical work spaces and those working virtually.
- Technology needs to support transformations of work processes both internal to agencies, such as meeting and conference capabilities that support in-person and virtual interactions, as well as customer-facing interfaces, such as technology support for equitable digital service delivery.
- Workspace/workplace usage and mobility assessments, and opportunities to integrate remote work and sharing of spaces among Federal agencies into mid- and longer-term real estate/property strategies.
- Administrative support needed to plan and optimize demand for Federal space and the resulting impacts to local commuting infrastructure and services within Federal buildings, such as on high-use days.

For funding required to implement changes to work environments that will be needed in coming months, agencies should consider reprioritizing existing funds, as allowable and in consultation with their Chief Financial Officer, General Counsel, and relevant OMB examiner, taking into consideration any required notifications. Agencies should also begin longer-term planning efforts, participate in the ongoing PMC Working Group on Reentry and the Future of Work interagency discussions and deliberations (including among interagency management councils), described above, and identify investments that could enable transformational changes to improve mission performance and workforce engagement.

Additional considerations for Federal agencies from GSA regarding planning for the future of Federal workplaces can be found in Appendix 2.

### V. **Next Steps**

As the Federal Government moves forward in a coordinated approach to its phased reentry to physical workplaces in the coming months, OMB, OPM, and GSA have identified the following planning deadlines:

1. By June 18, 2021 – Agencies must develop and provide to OMB the agency’s draft proposed approach for post-reentry personnel policies and work environment by June 18, 2021. Agencies may submit earlier at their discretion. CFO Act agencies will submit via a MAX link that will be provided by email; all other agencies should submit completed templates to [futureofwork@omb.eop.gov](mailto:futureofwork@omb.eop.gov).
2. By July 9, 2021 – CFO Act agencies must provide draft agency reentry schedules to OMB by July 9, 2021. Agencies may submit earlier at their discretion. CFO Act agencies will submit via a MAX link that will be provided by OMB to agencies by email. More information for agencies about the recommended format and content of these schedules will be provided by OMB to agencies by email.

3. By July 19, 2021 – All agencies must finalize their phased plans for reentry and post-reentry by July 19, 2021. Final agency plans should build on the draft post-reentry approaches submitted by agencies to OMB in June, integrating feedback agencies will have received on their approaches from OMB, OPM, and GSA.

For each agency, implementation of the agency’s phased plans for reentry and post-reentry, and initiation of a phased increased return of employees and onsite contractors to physical workplaces may begin only **after**:

1. First: finalization of the agency’s plans for reentry and post-reentry by no later than July 19, 2021, following the review steps described above;
2. Second: update of the agency’s COVID-19 workplace safety plan, as described in section III(B) of this memo;
3. In addition: satisfaction of applicable collective-bargaining and labor-management relations obligations; and
4. Finally: ample notice to employees (*e.g.*, at least 30 days, in many cases)
  - a. Notice includes communication to employees and supervisors of relevant documentation (including policies and COVID-19 workplace health and safety plans) and other communication materials to share the details of agency plans for reentry and post-reentry across the agency, both generally and on a more tailored basis for the varied audiences of supervisors, employees, and employee representatives, and specific to those individuals’ divisions, offices, and teams.

Notes:

- Implementation of approved agency plans may change given the evolving nature of the pandemic; agencies will be promptly notified of any such change by the Task Force.
- As noted in Section II of this memo, agencies facing exigent circumstances related to delivery of their mission that require an increased return of Federal employees to their physical workplaces ahead of completion of the milestones described herein should seek the approval of their agency head and reach out to [futureofwork@omb.eop.gov](mailto:futureofwork@omb.eop.gov) for consultation with OMB.

Agencies can email:

- [saferfederalworkforce@gsa.gov](mailto:saferfederalworkforce@gsa.gov) with any questions regarding planning for safely increasing the number of individuals in the physical workplace
- [futureofwork@omb.eop.gov](mailto:futureofwork@omb.eop.gov) with any questions regarding agency planning for post-reentry personnel policies and work environment

ATTACHMENTS

- Appendix 1: OPM Guidance on Post-Reentry Personnel Policies and Work Environment  
Appendix 2: GSA Considerations on the Future of Federal Workplaces

## APPENDIX 1

### Office of Personnel Management Guidance on Post-Reentry Personnel Policies and Work Environment

For the past several months, OPM has been consulting with stakeholders from within and outside of Government on post-reentry personnel policies and the work environment. Federal agencies have been preparing for the “Future of Work” for many years, driven by changing missions, increased talent demands, and evolving technology. Then, the COVID-19 pandemic caused abrupt changes to agency work environments. Federal employees, and the agencies that employ them, have adapted and embraced innovative ways of working to deliver on their missions. As agencies plan for reentry and post-reentry, there is a clear and immediate imperative to reimagine our policies and practices to reflect new realities and effectively serve the American people.

#### Core Principles

As agencies consider the transition to this new work environment, OPM offers the following core principles, which have been developed through extensive stakeholder engagement (and which are consistent with the guidance provided in Section IV(A) on *Values-Informed Planning* of the main memorandum to which this guidance is appended):

- **Promote a flexible and agile workforce:** Provide supervisors and employees with the ability to leverage telework, remote work, and flexible work schedules to support mission delivery and work-life balance, balanced appropriately by the requirements of the position and the most effective work environments for delivery of the agency’s and team’s mission;
- **Empower agency decision-making:** While achieving appropriate consistency across agencies, promote agency discretion and flexibility in decision making, recognizing that a one-size-fits-all approach will not work;
- **Strengthen diversity, equity, inclusion, and accessibility in our workforce:** Expand the Federal Government’s ability to recruit and retain the best and most diverse talent from all segments of the country by improving the equity and accessibility of opportunity and creating environments where all feel welcome and can contribute to the delivery of the agency’s mission; and
- **Consider our communities:** Account for the impact on local communities and economies when making decisions about the nationwide Federal workforce.

#### Guidance

The following guidance, informed by the above principles, is intended to assist agencies as they begin to plan for increasing the number of employees reporting to the workplace. It addresses **telework, remote work, hours of work, performance management, and labor relations**. This guidance is intended to facilitate—not impede—the continuation of workforce flexibilities that have been beneficial during the pandemic.

##### A. Telework

Prior to the pandemic, practices varied among agencies. During the pandemic, telework expanded dramatically out of necessity. As agencies consider what their post-reentry policies should be, OPM encourages them to consider telework as part of overall strategic workforce planning that provides new flexibilities to agencies competing for top talent with other sectors across the

country. To assist agencies in crafting policies to best fit their needs, OPM suggests agencies consider the following:

- *Eligibility:* Workers who have been teleworking during the pandemic will continue to be eligible for telework, at least on a situational basis, unless, in the intervening period, one of the limitations at 5 U.S.C. § 6502(a)(2) has become applicable or unless the agency has determined that telework has diminished employee performance or agency operations (5 U.S.C. § 6502(b)(1)). Decisions to change an employee's telework arrangement should be based on an agency's determination that the arrangement no longer advances the efficient and effective delivery of the agency's mission. Agencies may also decline to approve telework for employees with a documented history of misconduct connected to telework (e.g., misreporting work hours), as provided in 5 U.S.C. § 6502(b)(3). For employees who are eligible to telework, but have not been authorized by their agency to telework during the pandemic, agencies can explore whether their job responsibilities can be structured to allow, at a minimum, situational telework (i.e., occasional telework that is not scheduled as part of the employee's normal work week on a regular basis).
- *Limitations:* For employees who are eligible to telework, agencies are permitted by law to impose reasonable, business-related limitations on the frequency of telework for employees. Any such limitations should be based on job functions, documented misconduct, or performance-related challenges specific to telework, and other mission-related priorities, however, rather than mere managerial preference. Under the Telework Enhancement Act (P.L. 111-292) and current policy Government-wide, telework is a voluntary arrangement that can be offered to the employee, but may not be imposed, unless one of the exceptions noted below applies. Once an employee enters into a telework agreement, however, the employee's participation in an agency telework program could have consequences for subsequent work requirements. For example, 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.
- *Directed telework:* OPM notes that there are other scenarios where an employee may be directed to work from a location other than the employee's home office. For example, 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 alternative location. In that case, the employee is working from an alternative 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. Many agencies are currently operating under just such an order. These evacuation orders are fluid, and do not necessarily prohibit employees from entering the workplace. As with the first example, such orders are undertaken pursuant to OPM regulations, not an agency telework program, and thus are not dependent upon an employee having entered into a telework agreement. Nonetheless, effective use of these authorities can be enhanced by involving more employees in telework and having them practice telework throughout the year.

- *Duty station:* Under current policy, agencies can require teleworking employees to report to their agency worksites on a regular and recurring basis each pay period, consistent with updated agency telework policies. Employees who are not required to report to their agency worksites on a regular and recurring basis fall into the “remote work” category described below, unless a temporary exception (e.g. a weather or safety event) applies. Agencies that authorized a temporary exception for reporting to agency worksites because of the pandemic may withdraw that authorization, as long as they treat similarly situated employees the same. However, agencies should provide ample notice to employees to provide them a reasonable period of time to relocate, if necessary, before ending the temporary exception.
- *Pay:* Teleworking employees under the General Schedule who are required to report to the agency worksite at least twice each pay period will receive the locality rate associated with the agency worksite.
- *Dependent Care:* Federal employees have shown during the pandemic that they are able to balance work responsibilities with dependent care needs, including by taking breaks during regular working hours and making up the time after regular working hours. In light of this demonstrated success, OPM intends to clarify its previous guidance on dependent care and telework. During the transition back to the physical workplace, agencies may authorize employees to telework even when they may also have dependent care responsibilities. Agencies may also require employees to demonstrate their ability to complete their job assignments.
- *Implementation:* Agency telework policies must be implemented in a fair and equitable manner. Agencies should provide ample notice to affected employees of any change in their respective telework schedules.

## **B. Remote Work**

Remote work is a special type of arrangement under which an employee is scheduled to perform work within or outside the local commuting area of an agency worksite and is not expected to report to the agency worksite on a regular and recurring basis. Remote work was available prior to the pandemic, but it was not widespread. Agencies are encouraged to think of remote work as another option in their overall strategic workforce planning to assist them in competing for top talent. Remote work also may offer opportunities for agencies to reach into new communities for which Federal employment may not have been desirable because it traditionally has required employees to relocate.

- *Eligibility:* Eligibility for remote work is governed by agency policy. Agencies can authorize current employees to work remotely with a requirement for agency pre-approval of the remote work location. Agency policies should include remote work location verification requirements, agency pre-approval of any changes in a remote work location, and ongoing oversight for remote work arrangements. Agencies can advertise new positions as “remote” positions, thus requiring the employee accepting the job to work remotely. Agencies can also advertise new positions as either remote or in-person, and tailor the arrangement to the person they select.
- *Limitations:* Whether to grant remote worker status is within the agency’s discretion. Agencies are not generally required to cover relocation expenses for employee-driven requests for remote work. These provisions will vary among agencies, according to specific guidance, allowances, and restrictions.

- *Duty station:* The duty station of a remote worker is the worker’s home or other alternative location from which the employee is authorized to work that is not an agency office or facility. Remote workers are not required to report to the office on a regular, recurring basis during each pay period. Agencies, however, can require remote workers to report to the office on an occasional basis as needed to carry out the functions of their jobs. Agencies should evaluate the travel costs associated with this requirement. As an alternative to remote work, agencies and employees can also agree that the employee’s duty station will be a location other than the agency office to which the employee would normally be assigned, such as an agency’s regional office or other local office space made available under agreement with another agency. In that case, the teleworker can meet any duty station reporting requirement by reporting on a regular and recurring basis each pay period to the agreed-upon alternative office.
- *Pay:* General Schedule employees who are authorized for remote work receive the locality rate associated with the location of the remote worksite.
- *Travel:* Agencies considering remote work arrangements, especially remote work that occurs outside the local commuting area of the agency worksite, should also consider how often the employee needs to physically visit their agency worksite. If the remote worker resides within the local commuting area of the agency worksite, reimbursement for local travel costs when the employee is required to come to the office is governed by agency policy, and therefore may or may not be required. If an employee’s position of record is located outside of the local commuting area of the agency worksite, then regulations require reimbursement each time the employee is required to travel to the office in person.
- *Revocation:* Agencies have the discretion to revoke authorization for remote work. During the pandemic, many agencies expanded remote work opportunities, both for current employees and those newly hired. To the extent agencies authorized remote work arrangements as a temporary measure in response to the pandemic, they may revisit those authorizations and rescind them if necessary to effectively and efficiently deliver their missions. In considering whether to revoke a remote work arrangement, agencies may consider employee performance if the employee’s remote status is contributing to performance problems that could otherwise be effectively addressed if the worker were not remote. Agencies should assess applicable regulations and their existing policies, including those relating to responsibilities for relocation costs, when evaluating whether to approve or terminate a remote work arrangement.
- *Implementation:* Agency remote work policies must be implemented in a fair and equitable manner. Agencies should provide ample notice to affected employees of any change in their remote work arrangement. Decisions to change an employee’s remote work arrangement should be based on an agency’s determination that the arrangement no longer advances the efficient and effective delivery of the agency’s mission.

### **C. Hours of Work**

During the pandemic, Federal employees demonstrated their ability to effectively carry out their job responsibilities while balancing a host of other demands, including child and elder care. Such balance was sometimes achieved by using “maxiflex” work schedules. Agencies can choose to continue to provide employees with enhanced flexibility on the specific hours they work, consistent with meeting the demands of the agency’s mission. Specifically, agencies may authorize employees to work maxiflex schedules (or any other flexible work schedules currently available to employees under other agency authorities). Under a maxiflex work schedule, an employee may



work any 80 hours in a bi-weekly pay period, any 40 hours in a week, or any 8 hours in a day, as long as the employee works during agency-defined core hours (which could be as few as two hours on each of two workdays during the pay period), subject to any limitations the employing agency may establish.

- *Eligibility:* Agencies have discretion to determine which employees are eligible for maxiflex work schedules. Whether the employee is working in the office, teleworking on a part-time or full-time basis, or based remotely is not relevant to eligibility for maxiflex schedules.
- *Limitations:* Acceptable agency limitations include limiting the number of hours an employee may work per day, limiting hours during which work may be performed (flexible time bands), barring completion of basic work requirement hours on Sundays or holidays to avoid triggering premium pay, etc. Agencies that authorized maxiflex schedules only because of the pandemic may withdraw authorization but should treat similarly situated employees in the same way. However, agencies should provide ample notice to employees of a change in their work schedule. Employees working outside regular business hours should also be aware that regular agency support resources may be limited or unavailable during that time.
- *Pay:* Employees on maxiflex schedules do not earn overtime pay for choosing to work their regular 80-hour biweekly work schedule outside of normal working hours. For such employees, overtime hours are all hours of work in excess of 8 hours in a day or 40 hours in a week that are officially ordered in advance by management. (See the definition of “overtime hours” at 5 U.S.C. § 6121(6).) Employees on maxiflex schedules do not earn night pay for choosing to work at night (6 p.m. to 6 a.m.) when they could have completed their 8-hour daily basic work requirement during daytime hours (6 a.m. to 6 p.m.).
- *Part-time schedules:* Agencies should consider approving employee requests to reduce their work schedules (e.g., allow part-time work) in connection with transitioning to the post-reentry environment.
- *Implementation:* Agency hours of work policies must be implemented in a fair and equitable manner. Agencies should provide ample notice to affected employees of any change in their work hours arrangement.

#### **D. Performance Management**

As agencies now begin to transition to the post-reentry work environment, it is important to consider how traditional performance management procedures can be applied in an environment where both managers and employees may be teleworking more, and remote workers may be more common. Agencies can support managers and employees by providing training and support during this transition and moving forward.

- *Engagement:* In monitoring employee performance, managers should consider increasing the level of engagement with employees, both in individual and team settings, due to the disruption in employees’ lives caused by the transition to a post-reentry environment.
- *Outcome-based:* In evaluating performance, agencies can best align employee performance management to organizational performance in the post-reentry work environment by evaluating employees based on written standards, which should be based upon factors such as outcomes and results or quality. Agencies can best support the evolution to the post-reentry work environment by guiding managers to understand that for many government jobs, whether the employee is working in the office, teleworking on a

part-time or full-time basis, or based remotely is not relevant to performance evaluation. Whether the employee is working a maxiflex schedule or other flexible work schedule is similarly not relevant, if the employee is consistently producing results at the level of fully successful (or its equivalent) or above.

- *Implementation:* Agencies can assist their managers and employees with transitioning to the post-reentry work environment by requiring managers to treat all employees fairly and equitably. Supervisors must evaluate employees against their written standards no matter their work schedule or work arrangement. Agencies can prioritize additional training to assist managers and employees in adapting to the new work environment. Agencies can also review performance standards to ensure that they measure outcomes and results.

## **E. Labor Relations**

A transition to the post-reentry work environment involves extensive communication with employees and their union representatives. The transition to the post-reentry work environment requires that agencies work directly with their Federal union partners.

- *Engagement:* Agencies should directly engage their unions on post-reentry discussions in a collaborative manner.
- *Honor Existing CBAs:* In transitioning to the new work environment, agencies should honor existing collective bargaining agreements (CBAs). Many existing CBAs have provisions related to procedures for changing workplace flexibilities. Agencies can help avoid labor disputes by reviewing their CBAs and adhering to agreed-upon procedures.
- *Pre-Implementation Bargaining:* Absent exigent circumstances, agencies can help avoid triggering labor disputes in connection with post-reentry by completing collective bargaining as required by law and by Executive Order 14003 before implementing changes affecting workers' conditions of employment.

## **Conclusion: Investing in the Federal Workforce**

The transition to the post-reentry work environment offers a unique opportunity to update Federal agency strategies and policies related to the Federal workforce to be more future-focused. Reentry and post-reentry may be stressful for some employees and supervisors, as they will have to adapt to changes to the way they have been working individually and on teams for well over a year. Agencies can build stronger bonds with employees by acknowledging these and increasing awareness and availability of employee assistance programs, for example. Managers will be adapting to both changed personal circumstances and the reality of their teams working differently. Training and support are important ways for agencies to help their employees succeed in the post-reentry work environment. Sharing leading approaches to employee engagement, team-building, mentorship, and learning will help agencies emerge from the pandemic successfully.

OPM will continue to assess this guidance and adjust and add to it as necessary to best support agencies during this transition.

## APPENDIX 2

### General Services Administration Considerations on the Future of Federal Workplaces

Regarding planning for impacts of reentry and post-reentry plans on agency workplaces, agencies should consider:

- **Conducting a post-reentry mobility assessment** to understand shifts in perspectives on distributed work and the services employees need to do their work. Three attributes that should be considered are: (1) which positions or job functions really need to be onsite; (2) what do employees want and expect in terms of coming to the office post-pandemic, including in terms of health, safety, and cleaning procedures, among other expectations; and (3) as discussed above, what investments should be made to fill gaps in technology, home office equipment, and work support services to make work away from the office as productive as work at the office.
- **Planning for smarter spaces to improve performance.** This can include installing and using occupancy monitors to measure utilization at the building level or even the level of an individual workspace, to evaluate utilization and inform repurposing of spaces over time. Agencies can create connections between space monitors and building systems to create environments that enhance the health, comfort, and performance of occupants. In GSA-controlled facilities, these activities must be coordinated with the GSA Facility Manager or Lease Administration Manager, prior to the installation of any monitors or other devices.
- **Considering and consulting with local stakeholders.** Finally, given the extraordinary impacts of the COVID-19 pandemic, agencies may also consider the impacts on local communities and economies when making decisions about the Federal workforce.

Looking beyond reentry and the immediate post-reentry period, and ahead to the future of Federal Government workspaces, agencies should consider:

- **Envisioning and reimagining their future workplaces.** Some degree of onsite work will continue to be essential for some agencies to carry out their missions, even as many agencies consider moving toward more distributed models. The office will remain a critical place to collaborate, maintain connections, access secure resources, perform specialized work that is impractical to be conducted at home, and serve as a place for those who cannot or do not want to work from home. Workplace evaluations should be used in conjunction with mobility readiness assessments, occupancy studies, and evaluation of employee experiences with remote work, to envision future Federal workspaces that meet agencies' evolving missions. Plans should address how to optimize the use of facilities, assessing in particular impacts of an increasingly hybrid workforce on local community services and commuting infrastructure and consistency of demand for Federal facilities throughout the work week. For highly hybrid workforces, plans can consider how to schedule organizational use of the space to avoid commuting congestion.
- **Identifying opportunities to share space with other agencies.** Sharing underutilized resources across the Government will enhance cost savings. General office and meeting space must be considered for the possibility of being shared. Sharing defrays the cost to design, build, and maintain space that is similar across agencies. It can also provide flexibility to deal with the uncertainty of future real estate needs. Specialized spaces (i.e.,

Sensitive Compartmented Information Facilities, firing ranges, and laboratories) should also be considered for the possibility of being shared.

- **Identifying the resources needed to make remote work a part of future Federal real estate strategy.** Agencies can develop a list of equipment, technology, and work support services needed for employees to be as productive at home, or anywhere outside the office, as they are at the office. This assessment will help in evaluating mobility readiness as described above.
- **Considering untethering Federal work from geographic locations and/or specific buildings where possible and appropriate, to the benefit of equity, inclusion, and mission delivery.** Distributing work nationwide has the potential to advance equity and inclusion in the Federal work environment to the benefit of Federal agency missions, allowing agencies to recruit from a larger talent pool reflecting the talents of individuals all across America, and allowing employees to choose to live where it best suits them.