



Telework and Remote Work Policy for Personal Services Contracts with Individuals (PSCs)

A Mandatory Reference for ADS Chapter 309

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I. Introduction

This mandatory reference establishes policies and procedures for telework and remote work for certain types of personal services contracts with individuals (PSCs). The policies detailed in [ADS 405, Telework](#) apply only to Direct-Hire employees and do not apply to personal services contractors. The following table describes the applicability of this reference to the various types of PSCs.

Type of PSC	Applicability
U.S. Nationals (USNs) performing in the United States	This mandatory reference applies to U.S.-based U.S. Personal Services Contractors (USPSCs).
USNs performing overseas (including Resident Hire USPSCs); Third Country Nationals (TCNs) not subject to the local compensation plan (LCP)	This mandatory reference applies to overseas USPSCs (including Resident Hire USPSCs), as well as TCNPSCs not subject to the LCP, only when the Mission authorizes telework and/or remote work within the Mission and Chief of Mission (COM) policies, to the extent that it is within the terms and conditions of the contract.
Cooperating Country Nationals (CCNs); TCNs subject to the LCP	This mandatory reference does <u>not</u> apply to CCNPSCs and TCNPSCs subject to the LCP. Any telework or remote work options for these types of PSCs will be governed by the applicable LCP and Mission and COM policies, based on local labor law and other considerations, to the extent that it is within the terms and conditions of the contract.

Throughout this reference, the term “PSC” is used to refer to the personal services contract award. The terms “USPSC,” “CCNPSC,” “TCNPSC,” and “contractor” refer to the individual engaged to provide services under a PSC.

Throughout this reference, the term “place of performance” refers to the “official USAID worksite” which is the location of the Bureau/Independent Office (B/IO) or Mission for which the PSC services are being provided. The term “official USAID worksite” refers to the location where the contractor performs on-site work. The term “alternative worksite” refers to a location where the contractor may telework or remote work. Some illustrative examples are:

- For a **U.S.-based USPSC** with *telework* authorized: the place of performance may be Washington, D.C., (e.g., the official USAID worksite at the Ronald Reagan Building (RRB)) where the contractor will perform services on-site for a certain number of days per pay period and perform the remaining days at an alternative worksite (e.g., the contractor’s residence).

- For a **U.S.-based USPSC** with *remote work* authorized: the place of performance may be Washington, D.C., (e.g., the official USAID worksite at the RRB) with an approved alternative worksite (e.g., the employee's residence, within or outside the locality pay area of the official USAID worksite within the United States as defined below) from where the contractor will be authorized to work 10 days per pay period. The contractor is not required to physically report to the official USAID worksite on a regular or recurring basis. However, USAID may require the contractor to perform temporary duty (TDY) at the official USAID worksite, when necessary.

The definition of the United States, as provided below, is in accordance with the Federal Acquisition Regulations (FAR):

United States means:

- The 50 States;
- The District of Columbia;
- The commonwealths of Puerto Rico and the Northern Mariana Islands;
- The territories of American Samoa, Guam, and the United States Virgin Islands; and
- The minor outlying islands of Baker Island, Howland Island, Jarvis Island, Johnston Atoll, Kingman Reef, Midway Islands, Navassa Island, Palmyra Atoll, and Wake Atoll.

USAID recognizes that telework and remote work can have positive effects on the competitive selection of personal services contractors, their work/life balance and overall effectiveness, traffic congestion and emissions, and the continuity of mission-critical Agency functions in the event of emergency situations. USAID also promotes greater use of telework and remote work during emergency situations, including national emergencies, severe weather conditions, or other circumstances that disrupt or prevent contractors from commuting or reporting to work.

II. Primary Responsibilities

- a. The **Bureau for Management, Office of Acquisition & Assistance (M/OAA)** develops, issues, and maintains the Agency's policies and procedures for telework and remote work matters related to PSCs.
- b. The **Contracting Officer (CO)** must ensure that telework and remote work arrangements for PSCs comply with the Agency's internal policies. When a position is designated as suitable for remote work, the CO must ensure the PSC

solicitation and resulting contract specifically identify the authorization to remote work. The CO must monitor the contract for compliance and execute contract modifications as necessary. The CO provides relevant advice and guidance to the contractor and the contractor's supervisor.

The term "CO" in this mandatory reference includes all individuals, including USAID Mission Executive Officers (EXOs), who are warranted or otherwise delegated authority to award PSCs.

1. The **Requesting Office** is the B/IO or Mission responsible for describing the need for a PSC and preparing the PSC requisition. As part of the requisition process, the Requesting Office must determine whether a PSC's statement of duties is suitable for telework or remote work, in accordance with Requesting Office procedures, and communicate this information to the CO in advance of the issuance of the PSC solicitation.
2. For a position that is designated as suitable for remote work, if the selected offeror's proposed alternative worksite is outside the locality pay area of the official USAID worksite, the Requesting Office must prepare the required remote work request package for approval by the Bureau Assistant Administrator (AA) and Independent Office (IO) Director or Mission Director and provide the final documentation to the CO to finalize the contract negotiations, budget, and total estimated cost of the contract.
3. The **Supervisor** for the personal services contractor is responsible for managerial oversight, continuous supervision, and control over the contractor's work, and evaluating and documenting the contractor's performance. The supervisor must:
 1. Ensure consistent and fair administration of the telework and remote work policies and procedures;
 2. Complete the mandatory telework training for supervisors and ensure that the contractor has also completed all required telework training prior to approving any telework or remote work agreement;
 3. Review and approve the contractor's telework or remote work agreement. For remote work agreements, the supervisor must verify that the proposed alternative worksite is consistent with the location specified in the contract;
 4. Approve a revised remote agreement following the procedures outlined in this policy for contractors requesting a change in the alternative worksite for remote work;

5. Ensure the contractor performing services under an approved telework or remote work agreement has work assignments appropriate for telework or remote work;
6. Set and communicate telework and remote work expectations to the contractor (e.g., participation in meetings, work to be performed and delivered, deadlines, signing in and out, work schedule, leave, etc.);
7. Evaluate the impact of telework or remote work on office performance and functionality;
8. Provide the contractor with appropriate notice, with the approval of the CO, before suspending, terminating, or modifying a remote work agreement;
9. Ensure telework or remote work does not diminish the contractor's performance or negatively impact the requirements of the B/IO, overseas Mission, or Agency;
10. Ensure the contractor accurately records official time spent in a telework or remote work status in the time and attendance system; and
11. Serve as a Deciding Official on all reasonable accommodation requests, with assistance from OCR's Reasonable Accommodation Program Manager.

c. The Bureau Assistant Administrator and Independent Office Director in USAID/Washington (USAID/W):

1. Approves remote work request packages, prior to award or post-award, if the alternative worksite is outside the locality pay area of the official USAID worksite; and
2. Approves situational/unscheduled telework in special situations (see **paragraph IX**).

d. The Personal Services Contractor may only telework or remote work if authorized in their contract. In addition, the contractor must:

1. Complete all required training prior to entering into a telework or remote work agreement;
2. Ensure a telework or remote work agreement, with any required additional documentation, has been submitted and approved prior to beginning the telework or remote work;

3. Adhere to established telework or remote work policies and procedures;
4. Ensure their alternative worksite has the appropriate resources available to support telework or remote work;
5. Ensure their alternative worksite complies with all health and safety requirements as outlined in the telework or remote work agreement;
6. Comply with work requirements established by the supervisor (e.g., work schedule, timeframe for returning calls, messages, and email communications), attend staff meetings, and accurately code time worked in a telework or remote work status in the time and attendance system;
7. Provide the same level of support, availability, and accessibility to customers, coworkers, and their supervisors, as if working at the official USAID worksite;
8. Ensure the telework or remote work does not negatively impact the work of other team members;
9. Report to the official USAID worksite when requested by the supervisor (see **Section V. paragraphs k and l** for additional information);
10. Protect and not misuse or abuse any USAID-owned or government-furnished equipment (GFE) and to use the equipment only for official business purposes; and
11. Ensure appropriate arrangements are made for the care of dependents while teleworking or remote working. Telework and remote work are not substitutes for dependent care. Contractors are not authorized to telework or remote work with the intent of or for the sole purpose of meeting their dependent care or personal responsibilities while performing official duties. However, telework or remote work may be authorized in special circumstances (see **Section IX.d**) to provide flexible work arrangements.

e. The **Mission Director** or **Principal Officer**:

1. Approves remote work request packages, prior to award or post-award, if the alternative worksite is outside the location (e.g., city) of the official USAID worksite within the cooperating country; and
2. Approves situational/unscheduled telework in special situations (see **Section IX**).

f. The **Office of the General Counsel (GC)** and **Resident Legal Officers (RLOs)** provide legal counsel and advice on a broad range of matters related to PSCs,

including matters related to telework and remote work.

- g. The **Office of Human Capital and Talent Management, Telework Managing Officer (HCTM/TMO)** coordinates the collection and reporting of telework and remote work data for the Agency.
- h. The **Office of Civil Rights (OCR)** administers the reasonable accommodation program, including requests from personal services contractors for telework or remote work as a reasonable accommodation, in a manner consistent with USAID policies and procedures, and all applicable Federal laws, regulations, and guidelines.
- i. The **Bureau for Management, Office of the Chief Financial Officer, Cash Management and Payment Division (M/CFO/CMP)** provides payroll support to USPSCs and processes changes in locality pay, as required.

j. Bureau and Independent Office Administrative Management Services (AMS):

1. Serves as their B/IO's Telework Coordinator and initial point of contact for telework and remote work inquiries;
2. Coordinates and tracks all telework and remote work agreements within their respective B/IO;
3. Coordinates with relevant offices on inventories of available Government-furnished equipment (GFE) and other necessary equipment for the contractor's use in telework or remote work status;
4. Ensures supervisors in their B/IO are aware of the telework and remote work policies; and
5. Reports telework and remote work data and information to the HCTM/TMO.

III. Types of Telework and Remote Work

There are two types of work arrangements under which a personal services contractor may be authorized to work at an alternative worksite — telework and remote work.

- a. **Telework:** A work flexibility arrangement in which a contractor performs the duties of their position on-site at the official USAID worksite as well as from an approved alternative worksite other than the official USAID worksite. For PSCs authorized to telework, the official USAID worksite determines the locality pay for compensation purposes. There are two telework options:

1. **Regular/Routine:** An alternative work arrangement in which telework occurs from an approved alternative worksite, as part of a pre-approved, ongoing, regular/recurring basis for an approved number of days each pay period (one to eight days).
 2. **Situational/Unscheduled:** An alternative work arrangement in which telework occurs from an approved alternative worksite on an irregular, unscheduled, or case-by-case basis; and the hours worked were not part of a previously approved, ongoing, and regular telework schedule. When temporary situational/unscheduled telework is authorized in special situations (see **Section IX**), the contractor may not be required to report for on-site performance at the official USAID worksite for a temporary period of up to 90 calendar days.
- b. **Remote Work:** An alternative work arrangement in which a contractor performs the duties of their position from an approved alternative worksite on a regular and recurring basis. The contractor is not required to physically report to the official USAID worksite on a regular or recurring basis. A remote worker's alternative worksite may be within or outside the local commuting area of the official USAID worksite.

As discussed further in **Sections VII.b** and **VIII.d.2**, when remote work is authorized, the approved alternative worksite will determine the locality pay for compensation purposes.

Although a contractor who is approved to remote work is generally not expected to report to the official USAID worksite, the supervisor can require the presence of the contractor at the official USAID worksite in certain situations (e.g., a training, an official meeting, a conference), with reimbursement of authorized travel and per-diem expenses (see **Section V. paragraphs k and l** for additional information).

IV. Eligibility Criteria

Participation in telework and remote work is open to all eligible contractors regardless of the contractor's race, color, religion, national origin, sex, disability status, age, genetic information, marital status, veterans' status, status as a parent, or political affiliation. Disability may not be used as a factor to deny participation; the reasonable accommodation process may, in various circumstances, permit or require granting participation due to a disability.

There are a number of factors that affect a personal services contractor's eligibility to telework or remote work:

- a. Preconditions:** The following preconditions must be met prior to a personal services contractor beginning telework or remote work:
1. The Requesting Office must review the functions and duties of each PSC position and designate the position as suitable for telework or remote work (see **Section IV**);
 2. For positions designated as suitable for remote work, the CO must ensure that both the PSC solicitation and resulting contract specifically identify the authorization to remote work, using the PSC solicitation and award templates (no specific action is required for positions designated as suitable for telework, as the contract templates already contain the relevant clause);
 3. The contractor must complete the required telework training prior to being approved for telework or remote work; and
 4. The supervisor must review and approve the contractor's telework or remote work agreement in LaunchPad.
- b. Continuing Requirements:** The personal services contractor participating in telework or remote work must:
1. Comply with USAID policies regarding telework and remote work;
 2. Agree and adhere to their B/IO's and supervisor's telework and remote work protocols and procedures;
 3. Have the required information technology (IT) devices and tools to perform the duties at the alternate worksite; and
 4. Maintain a "Satisfactory" (or above) performance evaluation appraisal.
- c. Ineligible Contractors:** The following categories of personal services contractors are ineligible to telework or remote work:
1. A contractor who has received a cure notice (see [FAR 49.607](#)) for being absent without permission for more than five days in any calendar year; and
 2. A contractor who has been officially disciplined for violations of [5 CFR Part 2635](#) for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.

V. General Standards

The following standards apply to telework and remote work for PSCs:

- a. USAID promotes telework and remote work as workplace flexibilities for contractors. However, telework and remote work are arrangements, first and foremost, to facilitate the accomplishment of work. The ability to telework or remote work is not a right or an entitlement and not all PSC positions will be conducive to telework or remote work. Telework and remote work are discretionary tools and may be terminated for business reasons, performance, operational needs, or a contractor's failure to comply with policy directives and required procedures and protocols.
- b. Supervisors and COs must implement telework and remote work for PSCs strategically, taking into account the needs and work of the organization to maximize productivity and performance.
- c. Personal services contractors must telework or remote work in the same country as the official USAID worksite for which services are being provided as follows:
 - U.S.-based USPSCs are authorized to telework or remote work only within the United States **as defined above**. While Direct-Hires may be eligible for Domestic Employee Teleworking Overseas (DETO) arrangements under certain circumstances (see [ADS 405, Telework](#)), PSCs are ineligible for DETO arrangements.
 - Overseas USPSCs and TCNPSCs may be authorized to telework or remote work from a foreign location that is not their post of assignment or from the United States **as defined above**, only when approved for emergency or irregular travel in accordance with the terms and conditions of their contract, or when telework is authorized under one of the special circumstances described in **Section IX**.
 - USPSCs performing worldwide surge-support services may telework or remote work from a domestic or overseas location based on the official USAID worksite of each assignment. Telework and remote work must be conducted consistent with Mission policies. Prior to beginning each particular assignment, the USPSC must complete a telework or remote work agreement for approval by the Supervisor.
- d. The PSC solicitation and award templates contain language that COs must use regarding telework and remote work. If a PSC position has been designated as suitable for remote work, both the solicitation and resulting contract must specify that the contractor will be authorized to work remotely from an alternative worksite.

- e. There are several procedures related to telework and remote work that Requesting Offices, supervisors, Bureau AAs/IO Directors, Mission Directors, and COs must adhere to during the planning, solicitation, award, and post-award management of PSCs (see **Sections VI, VII, and VIII** for additional guidance).
- f. As a matter of policy, USAID requires all personal services contractors contemplating telework or remote work to complete [the mandatory online telework training](#) offered by the Office of Personnel Management (OPM).
- g. Prior to beginning telework or remote work, the contractor must have a telework or remote work agreement approved by their supervisor in LaunchPad. The contractor must submit a telework or remote work agreement annually for revalidation and approval by the supervisor. Note: Remote work agreements require additional approval by the respective Bureau AA or IO Director in USAID/W.
- h. All personal services contractors, except those who have an approved remote work agreement, are encouraged to have, at a minimum, a situational/unscheduled telework agreement in place. This allows the contractor to have the flexibility to telework when there are emergencies, such as a national emergency, inclement weather, or other unforeseen contingencies that prevent the contractor from commuting to the official USAID worksite.
- i. Although telework is encouraged and should be approved when practicable, contractors cannot be ordered to telework, unless a national and/or local emergency situation occurs. Eligible contractors who wish to “opt out” of telework are required to indicate this on the telework agreement. A contractor who chooses to “opt out” of telework will not have the option to telework in the event of an emergency or situation where the USAID operating status allows the option for “unscheduled telework or unscheduled leave.”
- j. No costs will be reimbursed to the contractor relating to the alternative worksite. USAID will not approve telework or remote work requests that involve payment of costs related to the alternative worksite or a contractor’s change of alternative worksite, transportation of household effects, or housing or living quarters allowance.
- k. All contractors, regardless of telework/remote work status and location of an approved alternative worksite, may be called into the official USAID worksite if their presence is required, even if that day is normally a scheduled telework day. Normally, a contractor is notified by their supervisor of such a change in advance, but sometimes advance notice is not possible due to certain unforeseen circumstances or emergencies. Contractors who are working from an alternative worksite outside the commuting area of the official USAID worksite will be provided as much notice as possible. This temporary recall to the official USAID worksite does not terminate the telework or remote work agreement.

- l.** Travel costs to the official USAID worksite will not be reimbursed by the Agency for contractors who are approved to telework, or for contractors who are approved to remote work within the same locality pay area as the official USAID worksite. TDY travel expenses **must** be authorized in a separate Travel Authorization for such travel costs for contractors who are approved to remote work from outside of the locality pay area of the official USAID worksite (see **Section VII.c**).
- m.** Personal services contractors who are teleworking or remote working continue to be subject to policies and procedures of the official USAID worksite, including those related to attendance, timekeeping, conduct, performance management, and random drug testing (see **Section X** for additional information).

VI. Planning and Solicitation Procedures

This section describes procedures that must be followed during the planning and solicitation phases for a PSC.

a. Determination of Suitability for Telework or Remote Work

In advance of issuing a solicitation, the Requesting Office must determine whether the PSC's statement of duties is suitable for telework or remote work. The Requesting Office makes this determination based on the following:

1. The Nature of the Work

A personal services contractor's suitability to telework or remote work may be limited based on the duties of the position or other aspects of the work environment specific to the position. Although many types of tasks can be accomplished at an alternative worksite, not all positions are suitable for telework or remote work. The tasks and work activities determine if a position is suitable for telework or remote work, not the individual contractor or their preference.

The ability to telework or remote work may be limited or impossible for personal services contractors carrying out tasks such as:

- Handling secure or sensitive information, including Personally Identifiable Information (PII), classified national security information, or sensitive but unclassified (SBU) materials that are not authorized for transmission, discussion, or storage at an alternative worksite;
- Utilizing specialized equipment or technology;

- Tasks requiring frequent face-to-face contact with other individuals from inside or outside of the Agency; or
- Tasks requiring physical presence at the official USAID worksite per the PSC’s statement of duties, such as regular meetings with senior leadership or USG interagency meetings.

2. Statutory Authority

For USPSCs contracted under an authority that allows performance in the United States, the contractor may be eligible for telework or remote work within the United States **as defined** above.

For personal services contractors serving abroad and contracted under Section 636(a)(3) of the [Foreign Assistance Act \(FAA\)](#), which allows “contracting with individuals for personal service abroad,” there are limitations on where the services can be performed. For personal services contractors engaged under this FAA authority, telework or remote work from outside the country of the official USAID worksite, including the United States, is not permitted, except in special situations as provided in the contract terms and conditions.

b. Solicitations Procedures

COs must use the [PSC solicitation templates](#) that contain language regarding telework and remote work.

If the position is designated as suitable for remote work, the CO must specify in the “place of performance” of the solicitation that an alternative worksite will be authorized at the time of award (**see the [USPSC solicitation template for details](#)**).

VII. Contract Award Procedures

This section describes procedures that must be followed during the award of a PSC contract.

a. Contractual Language

COs must use the [PSC award templates](#) that contain language regarding telework and remote work.

b. Remote Work Request Package

When a PSC position is designated as remote work, the selected offeror must inform the CO of the individual’s proposed alternative worksite. The CO must

state that the contractor is authorized to work remotely and specify the approved alternative worksite in the contract. The CO must use the proposed alternative worksite to finalize the compensation, including the appropriate locality pay, and incorporate it into the budget and contract terms and conditions. If the proposed alternative worksite is outside the locality pay area (for U.S.-based USPSCs) or outside the cooperating country location (city) (for overseas PSCs) of the official USAID worksite, the CO must inform the Requesting Office and wait for the approved remote work package before finalizing the contract budget and executing the contract.

The Requesting Office must prepare a remote work request package (see the template formats for an [Action Memo-Remote Work](#), [Remote Work Eligibility Charting Tool](#), and [Cost Benefit Comparison Worksheet](#)) for approval by the Bureau AA/IO Director, or Mission Director, as appropriate. Once approved the requesting office must submit the approved package to the CO for finalizing the compensation, including the relevant locality pay, and incorporate the approved alternative worksite into the contract budget and terms and conditions.

c. **Locality Pay**

For U.S.-based USPSCs authorized to remote work, the CO will base the contractor's compensation on the [General Schedule \(GS\) Locality Pay](#) for the approved alternative worksite, which may be lower or higher than the locality pay for the official USAID worksite. Locality pay does not apply to USPSCs performing overseas.

For PSCs designated as remote work, the **selected offeror** must inform the CO of the proposed alternative worksite for the CO to calculate the appropriate locality pay in the contract budget. **Section VIII.d.2** contains additional information when initiating or changing the approved alternative worksite.

For U.S.-based USPSCs designated as telework, the CO will base the contractor's compensation on the locality pay for the official USAID worksite.

d. **Costs Associated with Remote Work**

The comprehensive budget for the PSC (see [ADS 309.3.1.7.a](#)) with a remote work arrangement must include any travel costs necessary for the contractor to travel to the official USAID worksite, as needed. Examples of travel for a contractor approved to remote work from outside of the locality pay area of the official USAID worksite may include trips to the official USAID worksite for an initial orientation, periodic meetings, and training. Such travel costs must not be included or obligated in the contract, as such costs are generally obligated in a Travel Authorization; however, they must be considered for comprehensive budgeting purposes.

VIII. Post-Award Procedures

This section describes procedures that must be followed after a PSC is awarded.

a. Approval of Telework or Remote Work Agreement

Prior to beginning telework or remote work, the contractor must complete the mandatory telework training and have a telework or remote work agreement approved by the supervisor. This ensures that the operating parameters of the work arrangement are clearly defined.

USAID uses LaunchPad to record and track all telework and remote work agreements. Telework and remote work agreements remain in effect for up to one year, although shorter periods may be approved. The contractor must prepare a new telework or remote work agreement, and it must be approved by the supervisor annually or if there is a change in work circumstances.

For a PSC authorized to remote work, when creating the remote work agreement in LaunchPad, the contractor must include the alternate worksite that is approved in the contract and upload the page from their contract that specifies remote work is authorized.

In the event the contractor wants to change their alternative worksite, they must inform their supervisor and prepare a new remote work request package (see the template format for an [Action Memo-Remote Work](#), and [Cost Benefit Comparison Worksheet](#)) for approval by the supervisor. If the revised alternative worksite is outside the locality pay area authorized in the contract and outside the locality pay area of the official USAID worksite, the remote work request package must also be approved by the Bureau AA, IO Director, or Mission Director, as appropriate. The supervisor must provide the CO with the approved remote work request package along with the GLAAS requisition so that the CO can execute a bilateral contract modification to revise the approved alternative worksite, including the relevant revision to the budget and total estimated cost, as necessary. Following the execution of the bilateral modification, the PSC must submit a new remote work agreement (including a copy of the executed modification) in LaunchPad for approval by the supervisor (see [Section VIII.d.2](#) for additional details).

b. Supervision of Telework or Remote Work

[FAR 37.104\(c\)\(1\)](#) requires personal services contractors to be “subject to the relatively continuous supervision and control of a Government officer or employee.” The supervisor must have an adequate plan in place to meet this regulatory requirement.

c. Denial or Termination of Telework or Remote Work Agreements

1. Telework and remote work requests and agreements may be denied or terminated based on business reasons. Valid business considerations include, but are not limited to, personal services contractor conduct and/or performance issues, diminished performance or productivity, unmanageable burden on other staff members, poor customer service, or the arrangement no longer meets the Agency's needs.
2. The supervisor must obtain the CO's approval prior to denying or terminating a telework or remote work agreement. For termination of a remote work agreement, the supervisor must consult with the CO as this requires a bilateral contract modification or may result in a termination of the contract. If the contract modification is to remove authorization to remote work and require the contractor to report to the official USAID worksite, the contract modification must specify that the remote work agreement will be terminated in no fewer than ten business days. However, if the contract is being terminated, the CO must follow the termination procedures in the [AIDAR](#) and [ADS 309](#), including providing the contractor a minimum of 15 days' notice.
3. The supervisor must document the decision to deny a request or terminate a telework or remote work agreement and provide specific reasons to the contractor.
4. For termination of a telework agreement, the supervisor must give as much advance notice as possible, in writing, but no fewer than ten business days before the effective date of the termination. For termination of a remote work agreement, the supervisor must do so only after the bilateral modification has been fully executed.
5. If the supervisor denies or terminates the telework or remote work agreement, the contractor may consult with the CO regarding any concerns or questions about the denial or termination and follow administrative and contractual remedies for resolution.
6. A personal services contractor may request termination of their telework or remote work agreement, in writing, at any time with prior notification to the supervisor of at least 10 business days. This will then require the contractor to begin working full-time at the official USAID worksite and if office space there is unavailable, USAID may delay termination of the telework or remote work agreement until the appropriate physical work arrangements are made available. If the PSC has been approved for remote work, termination of the remote work agreement may be cause for termination of the contract in accordance with its terms and conditions, if USAID does not agree with the change in work status.

7. If the PSC position is designated as remote work and the request for a remote work agreement is denied or a remote work agreement is terminated due to poor contractor performance, USAID may terminate the contract or offer the contractor the option to begin performing the duties on-site at the official USAID worksite. However, in such a situation, USAID will not pay for any costs associated with the contractor relocating to the local commuting area of the official USAID worksite.

If the remote work agreement is denied or terminated and the contractor is unable to perform the duties satisfactorily at the official USAID worksite, the PSC may be terminated in accordance with the terms and conditions of the contract.

d. Post-award Changes Related to Remote Work

1. Remote Work not Anticipated in the Solicitation

As described above, a determination of whether a particular PSC position can be classified as eligible for telework or remote work must be made during the planning stage of a PSC position. For a position that is designated as suitable for remote work, the solicitation – as well as the resulting award – must specify the remote work authorization.

Changes to a contract to allow remote work in a contract that did not previously authorize remote work constitutes a material change and triggers Competition in Contracting Act (CICA) concerns (see [ADS 302.3.4.5](#)). For example, if a solicitation did not indicate remote work eligibility, it may have resulted in a different pool of offerors. This results in the need to conduct a new competition for the PSC or a Justification and Approval (J&A) must be approved to limit competition to the incumbent.

2. Initiating or Changing a Remote Work Agreement

As discussed in **Section VII.b**, when remote work is authorized, the approved alternative worksite will be specified in the contract and will determine the locality pay for compensation purposes. When approving a remote work agreement, the supervisor must ensure that the contractor's alternative worksite is consistent with what was approved in the contract.

If the proposed alternative worksite in a remote work agreement is different from what was approved in the contract or the contractor proposes a change in their approved alternative worksite during the period of performance, the contractor must first discuss it with their supervisor. Remote work requests for an alternative worksite outside the locality pay area of the official USAID worksite for U.S.-based USPSCs must be approved by the Bureau AA or IO Director in USAID/W. A change in the

location of the alternative worksite could result in a change in the locality pay that impacts the contractor's compensation and the contract budget. If the supervisor **receives approval and** concurs with the change in alternative worksite, the supervisor must request the CO to execute a contract modification. The CO must execute a bilateral contract modification to **incorporate** the new alternative worksite, including any changes to the locality pay, compensation, contract budget, and total estimated cost. **The CO must attach a copy of the approved Remote Work Request package as supporting documentation (justification for cost increase, etc.) to the negotiation memorandum and file it in ASIST.** Only after the CO has modified the contract can the contractor submit, and the supervisor approve, a new remote work agreement based on the newly approved alternative worksite. The contractor must attach a copy of the contract modification to the new remote work agreement in LaunchPad.

When the alternative worksite for remote work has changed, the CO must also send a copy of the fully executed contract modification to M/CFO/CMP at **uspsc@usaid.gov** to initiate a change in the contractor's locality pay.

IX. Situational/Unscheduled Telework in Special Situations

- a.** There are special situations in which a temporary telework arrangement may be authorized on a case-by-case basis, where the contractor may not be required to report for on-site performance at the official USAID worksite for a temporary period of up to 90 **calendar** days **within a 12-month period**. These requests must be initiated by the personal services contractor, approved by the 1) supervisor; 2) **Bureau AA or IO Director**; and 3) the CO. For overseas USPSCs and TCNPSCs, Mission Director approval is required **in lieu of the Bureau AA or IO Director**.
- b.** Temporary situational/unscheduled telework in special situations may be approved up to a duration of 90 calendar days **within a 12-month period** and may be used in conjunction with accrued leave (e.g., annual or sick leave) and leave without pay (LWOP).
- c.** If the special situation requires the contractor to work from outside the country of the official USAID worksite, the supervisor and the CO will review these requests on a case-by-case basis, in accordance with the terms and conditions of the contract. Factors that may affect the approval of these requests include, but are not limited to, duration of proposed telework arrangement, safety and security concerns, proximity of the proposed alternative worksite to the official USAID worksite, and local or third country labor laws that may affect the acceptability of certain telework or remote work arrangements abroad.
- d.** The following are a few examples of when situational/unscheduled telework may be authorized. This list is not all-inclusive.

1. **Family and Emergency Situations:** A contractor may request temporary telework due to an unforeseen family or personal emergency that arises and requires attention away from the official USAID worksite for a temporary period.
 2. **Medical Needs:** Due to a medical condition, a personal services contractor may seek temporary telework. In the event a [reasonable accommodation](#) is needed due to a medical condition, the contractor must contact OCR at reasonableaccommodations@usaid.gov for guidance.
 3. **Pregnancy and Return to Work:** Pre- and post-natal situations may result in a medical directive to remain at home. In the event a [reasonable accommodation](#) is needed due to health issues related to a pregnancy, the contractor must contact OCR at reasonableaccommodations@usaid.gov for guidance.
 4. **Emergency Medical Evacuation (MEDEVAC):** Temporary telework arrangements can accommodate emergency MEDEVAC from USAID Missions, under the “Travel and Transportation Expenses” contract clause, to ensure personal services contractors continue to carry out their duties.
 5. **Authorized Departure/Ordered Departure:** Temporary telework arrangements can be used to provide flexibility in the event of an authorized or ordered departure initiated by a USAID Mission.
 6. **Safety and Security Concerns:** Temporary telework arrangements can be used to address safety and security concerns for the contractor.
- e. When approved for situational or unscheduled telework the contractor must complete the mandatory telework training (if not already completed) and submit a telework agreement (if they do not already have an approved agreement in LaunchPad) for the supervisor’s approval.
 - f. If the situational or unscheduled telework does not exceed 90 calendar days, then there is no requirement to change the compensation based on locality pay of the alternative worksite referred to in **Section VIII.d.2**. Similarly, if the temporary telework does not exceed 90 calendar days, there is no material change to the contract that would trigger the CICA concerns described in **Section VIII.d.1**.

X. Other Telework and Remote Work Matters

a. Hours of Duty

Personal services contractors must maintain hours of duty consistent with the Agency's policy on work schedules and in accordance with their contract's terms and conditions (including the **relevant** clause). When teleworking or remote working, the contractor must be present at their approved alternative worksite during their scheduled hours of duty unless another temporary location has been agreed to by the contractor and the supervisor. With supervisor approval, contractors may modify certain aspects of their approved work schedule while in a telework or remote work status (e.g., begin and end the workday earlier than on those days when they would commute). USPSCs and TCNPSCs serving abroad must follow the official workday and hours established by the Mission unless an exception is approved in accordance with the Mission's procedures.

Unless on approved leave, contractors teleworking or remote working must perform assigned duties and be readily accessible by the communications tools (e.g., telephone, email, etc.) required by their supervisor during their scheduled hours of duty.

Personal services contractors who are teleworking or remote working may not work overtime without advance approval from their supervisor.

Participation in telework/remote work and alternative work schedules (AWS) are not mutually exclusive, as they are different workplace flexibility arrangements; concurrent use is permissible and encouraged when compatible with mission requirements, Agency policies, and individual contractor performance.

b. Domestic Government-wide Dismissal and Closure Procedures

For U.S.-based USPSCs, Agency Notices provide directions on USAID's operating status in each instance of an early departure, emergency closure, delayed arrival, or the option for unscheduled leave or unscheduled telework. USPSCs are treated in the same manner as Direct-Hire employees in all these situations, in accordance with the **relevant** clause of the contract.

Contractors with approved telework or remote work agreements are not eligible for Weather and Safety Leave (WSL), unless there are extenuating circumstances preventing them from working from their alternative worksites. The final decision to approve WSL rests with the supervisor and is based upon several factors, such as the nature of the contractor's interactions with the worksite affected by the dismissal or closure; the nature and severity of the emergency situation; the duration of the situation; and other circumstances that are common or unique to a given emergency (e.g., power outages, travel delays).

c. Leave

Leave requests for personal services contractors who telework or remote work must be made in the same manner as they would be for contractors not engaged in telework or remote work. A contractor must comply with the **relevant** clause in their contract. Similar to when a contractor is at the official USAID worksite, a contractor may request leave for a portion of their telework or remote workday, subject to supervisor approval.

d. Timekeeping

Contractors must annotate their timesheet each pay period with the appropriate telework or remote work code in the Agency's time and attendance system, WebTA, as follows:

- 01-Telework - Situational/Unscheduled
- 01-Telework - Regular/Recurring (1-2 days/pay period)
- 01-Telework - Regular/Recurring (3-8 days/pay period)
- 01-Remote Work

Supervisors must have reasonable assurance that contractors are working when scheduled. This can be accomplished by determining the reasonableness of the work output for the time reported or by logging in and out each day via telephone or email.

e. Temporary Duty

Contractors scheduled for TDY must suspend telework or remote work arrangements during applicable days. Work during TDY does not meet the definition of telework or remote work because it normally does not occur at a site that is identified in an approved telework or remote work agreement.

f. Office Space and Equipment

1. Personal services contractors participating in telework or remote work are encouraged to designate a specific workspace at their alternative worksite for use in performance of their duties. Contractors who telework or remote work may be asked to engage in "hoteling" or sharing office space when they are present at the official USAID worksite.
2. Personal services contractors that are issued government-furnished laptops for use in *unrestricted space* may take those laptops to approved alternative worksites. Government-furnished network enterprise laptops (GF-NEL) issued in *restricted space* must always be connected to an Agency network. These GF-NEL devices must not be removed from the

designated restricted space unless M/CIO and the Office of Security (SEC) approved a waiver (see [ADS 552, Cyber Security for National Security Information \(NSI\) Systems](#) and [ADS 568, National Security Information Program](#)). The B/IO may agree to provide the contractor with other necessary office supplies within budgetary constraints.

3. Under some circumstances, the Agency may be obligated to provide some assistive devices for a contractor's use while in a telework or remote work status as a reasonable accommodation. These determinations are made on a case-by-case basis as part of the reasonable accommodation approval process (see **Section X.i**).
4. The contractor must agree to protect and not misuse or abuse any Agency-owned or government-owned equipment and to use the equipment only for official purposes.
5. Under [31 U.S.C. 1348](#), reimbursement of long distance (domestic and international) telephone expenses are allowed, if incurred as a result of official duties. The contractor's supervisor must complete and approve [SF-1164, Claim for Reimbursement for Expenditures on Official Business](#), with a copy of the telephone charges.
6. The Agency is not responsible for any other incidental costs (for example, utilities) associated with the use of the contractor's residence or alternative worksite.
7. The contractor is responsible for repair and maintenance of any personal equipment that they use.

g. Records Management

Teleworking or remote working contractors have the same responsibility for managing records generated or received as if they are working at their official USAID worksite. Electronic records must be destroyed in accordance with the USAID Electronic Records Disposition Schedule approved by the National Archives and Records Administration (see [ADS 502, The USAID Records Management Program](#)).

h. Security and Safeguarding of Government Information

Personal services contractors are prohibited under any circumstances from taking any classified information from the official USAID worksite. In addition, electronic data files with SBU information that contains PII must not be transferred outside the Agency's network.

USAID security policies do not change and are enforced at the same rigorous level when contractors telework or remote work as when they are **at the official worksite**. Contractors must comply with current standards for remote operations from alternative worksites. Contractors who telework or remote work are required to keep United States Government (USG) property and information safe, secure, and separated from their personal property and information (see [ADS 545, Information Systems Security](#) and [ADS 568, National Security Information Program](#)).

When contractors use their personal devices in performing official duties while teleworking or remote working, they are using them at their own risk. In the event of a classified spillage event, M/CIO conducts a forensic review of the contractor's personal electronic device, which may result in wiping all data and software stored on personal electronic devices (up to and including wiping a complete device in cases of classified spillage or destruction of the personal electronic device).

i. Reasonable Accommodations

Telework or remote work may be granted as a reasonable accommodation, in accordance with the terms and conditions of the contract, to enable a qualified personal services contractor with a disability to perform the essential functions of the job. The Office of Civil Rights, Disability Employment Division, Reasonable Accommodation (OCR/DE/RA) Program will work with Agency management to ensure determinations for telework and remote work arrangements, as an accommodation for a disability, are made in accordance with the provisions of the [Rehabilitation Act of 1973](#), the [Americans with Disabilities Act Amendments Act of 2008](#), implementing EEOC regulations at [29 CFR 1630](#), and [ADS 111, Procedures for Providing Reasonable Accommodation for Individuals with Disabilities](#). For further guidance on the use of telework or remote work arrangements as a form of reasonable accommodation, see [OCR's Disability Resource Center](#) and [EEOC's Fact Sheet "Work at Home/Telework as a Reasonable Accommodation"](#).

j. Worker's Compensation

Personal services contractors are covered by the [Federal Employees Compensation Act](#) when injured or suffering from work-related illnesses while conducting official government business at the alternative worksite. USAID's potential exposure to liability is restricted to the designated alternative worksite. Personal services contractors may qualify for payment for continuation of pay or worker's compensation for an on-the-job injury or occupational illness that occurs at the approved alternative worksite and work hours (see the "Insurance" clause of the contract and [ADS 442, The Workers' Compensation Program](#)).

When injured while working at an alternative worksite, the personal services contractor must follow the same procedures used at the official USAID worksite. The injured personal services contractor must notify their supervisor immediately and complete the applicable [Office of Workers' Compensation Programs \(OWCP\) forms](#).

k. Transit Benefits

Participation in telework may have implications for Washington, D.C.-based USPSCs as they will be commuting fewer days to the official USAID worksite (see [ADS 515, Transit Benefits \(SmartBenefits®\) Program](#)). If approved for remote work, the contractor is not eligible for any transit benefits.

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