


Approved for Release

Deborah A. Jefferson
Director for Human Resources
Management

April 3, 2007
Date

**DEPARTMENT OF COMMERCE
OFFICE OF HUMAN RESOURCES MANAGEMENT**

HUMAN RESOURCES (HR) BULLETIN #063, FY07, (5 CFR Part 531, Subpart F)

SUBJECT: Temporary Exceptions to the Official Worksite for Location-Based Pay Purposes

EFFECTIVE DATE: Effective immediately and retroactive to September 18, 2006

EXPIRATION DATE: Effective until canceled or superseded

AMENDS: 5 CFR 351.605(d)(3)

BACKGROUND: Certain location-based pay entitlements (e.g., locality pay, special rate supplements, and nonforeign area cost-of-living allowances, etc.) are based on the location of the employee's official worksite. Usually, the official worksite is the location of the position of record where the employee regularly performs his or her duties. This is true for employees who are covered by an approved telework agreement and who are required to physically report at least once a week, on a regular and recurring basis, to the worksite for the employee's position of record. For employees whose work involves regular travel or where the employee's work location varies on a daily basis, the official worksite is the location serving as the base for the employee's work activities. However, under 5 C.F.R. § 531.605(d)(3), temporary exceptions may be made that allow a teleworking employee to retain his or her location-based pay entitlements even though he or she may not be able to report at least once a week, on a regular and recurring basis, to the official worksite.

The potential of a pandemic health crisis or other emergency situation has required agencies to assess their human capital needs to ensure that sufficient staff are available to fulfill mission critical activities while also protecting existing employee pay entitlements. As a result, the Office of Personnel Management (OPM) issued interim regulations with the intent of preserving equity between telework employees and non-telework employees who are working in the same area as the telework location while retaining their pay entitlements.

PURPOSE: The purpose of this HR Bulletin is to provide clarification to human resources offices for determining an employee's official worksite for the purpose of identifying location-based pay entitlements when an employee teleworks during a temporary or emergency situation.

COVERAGE: This HR Bulletin applies to all employees working under an approved telework agreement.

POLICY: In certain temporary or emergency situations, such as a pandemic health crisis, a temporary exception may be made that eliminates the requirement for an employee to report to the regular worksite at least once a week on a regular and recurring basis. Under the temporary or emergency situations, an employee is still entitled to retain his or her locality-based pay entitlements for the regular worksite. Examples of appropriate temporary or emergency situations include:

- When an employee is recovering from an injury or medical condition, or assisting with a family member's recovery from an injury or medical condition;
- Emergency situations preventing an employee from regularly commuting to the normal worksite, such as a severe weather emergency or a pandemic health crisis. For example, in the aftermath of a weather emergency (e.g., a hurricane, earthquake, or flood, etc.) an employee may be forced to temporarily relocate making commuting to the regular worksite once a week on a regular and recurring basis impossible. During a pandemic health crisis, a worksite or geographical location may be quarantined and/or an employee may be directed to work at an alternate site also making commuting to the regular worksite once a week on a regular and recurring basis impossible; and
- The employee is away from the area on extended official travel.

These exceptions are only to be used in cases where the employee is expected to (1) stop teleworking and return-to-work at the regular worksite in the near future, or (2) continue teleworking but will be able to report to the regular worksite at least once a week on a regular and recurring basis in the near future. Further, the exceptions are not appropriate in all time-limited situations. For example, assuming there are no additional circumstances that would make an exception appropriate, the employee's telework site is to be designated as the official worksite in such situations as:

- An employee is hired under a temporary or time-limited appointment and is authorized to telework, but the employee is never scheduled to work at, or report at least once a week to, the regular worksite (or expected to do so in the near future); and
- An employee changes his or her official residence to a location where commuting at least once a week on a regular and recurring basis to the regular worksite is not possible (i.e., the employee no longer has a residence in the commuting area for the

regular worksite and thus cannot reasonably be viewed as being part of the local labor market for the regular worksite).

The fact that an employee may receive lesser pay or benefits if the official worksite is changed to the telework location is not a basis or justification for using the temporary exceptions.

REFERENCES: 5 CFR Part 531, Subpart F, 5 CFR Part 530, Subpart C, 5 CFR 531.605, 5 CFR Part 591, Subpart B, and 70 Federal Register 31278

OFFICE OF POLICY AND PROGRAMS: Felicia Purifoy, Director,
fpurifoy@doc.gov, (202) 482-5291

PROGRAM MANAGER CONTACT INFORMATION: Sheila Fleishell,
Program Manager, sfleishell@doc.gov, (202) 482-0022