

# **National Archives and Records Administration**

**NARA 332, Supplement 1**  
November 6, 2023

## **SUBJECT: NARA 332-S1, Managing Telework Agreements**

### **PART 1 – TELEWORK AGREEMENTS**

#### **1. Telework agreements are required for all teleworkers and remote workers**

All teleworkers and remote workers must have a complete, current, and approved telework agreement, NA Form 3040, in place before starting telework. The form must be signed by the employee and the appropriate approving official(s). The telework agreement must be renewed at least annually, and any time any information changes on the form, including employee work schedule, supervisor, or telework or remote work location.

#### **2. Beginning or ending a telework or remote work arrangement**

a. An employee requests telework or remote work by submitting the following documents to their supervisor:

- (1) Completed automated NA Form 3040, Telework Agreement.
- (2) An employee requesting telework or remote work for the first time must also provide a Certificate of Completion from the NARA Learning Center demonstrating successful completion of the training course, “Telework Fundamentals – Employee Training.”
- (3) An employee requesting remote work with a remote work location more than 50 miles away from a NARA facility must also provide the NA Form 3039, Cost Benefit Analysis Justification, demonstrating that the requested arrangement is in the best interest of the Government.

b. The supervisor must review the employee’s request to ensure that it is accurate and complete, that the employee meets the eligibility requirements in NARA 332.

- (1) The supervisor must ensure the employee is eligible for telework or remote, as defined in NARA 332, paragraph 332.5. This means the employee must be performing at the fully successful level or above, must not be on a leave restriction, must not have been disciplined in the past 12 months, must complete assignments in a timely manner with minimal supervision, and must otherwise meet the requirements in NA Form 3040, especially the telework and remote work location safety standards.
- (2) The supervisor must ensure that the employee understands the performance expectations, specific job requirements, and employee responsibilities for the type of telework or remote work arrangement requested.

- (3) The supervisor must ensure that employees requesting a telework arrangement understand that they may be recalled from telework at any time and their telework agreement may be canceled with sufficient notice.

c. Approvals.

- (1) The employee's supervisor may approve or disapprove requests for routine or situational telework arrangements. The supervisor must use the telework legitimate business needs guidance in NARA 332, paragraphs 332.1b and 332.1c, to determine the appropriate number of telework days to grant. Before approving an employee's request for routine telework greater than what is permitted by NARA's business needs, supervisors must receive verification from their Executive or Staff Director that the telework arrangement is appropriate. The supervisor must provide the employee with a written decision within 10 workdays of receiving a request, unless the request is for a reasonable accommodation.
- (2) Supervisors may approve or disapprove requests for remote work if the remote work location is 50 miles or less away from a NARA facility and the employee will never be needed at their assigned facility. The supervisor must use the telework legitimate business needs guidance in NARA 332, paragraphs 332.1b and 332.1c, to determine whether an employee will never be needed at their assigned NARA facility. Before approving an employee's request for remote work, supervisors must receive verification from their Executive or Staff Director that the remote work arrangement is appropriate. The supervisor must provide the employee with a written decision within 15 workdays of receiving a request, unless the request is for a reasonable accommodation.
- (3) Requests from current employees to convert their positions to remote work must be approved by the Resource Allocation Board (RAB, [allocationboard@nara.gov](mailto:allocationboard@nara.gov)) if the remote work location is more than 50 miles away from a NARA facility.
- (4) The appropriate approving official(s) must record their decision on the NA Form 3040, Telework Agreement. If the request is denied, the reason for denial must be provided in writing.
- (5) An employee seeking a telework or remote work arrangement as a reasonable accommodation should follow the process outlined in Interim Guidance 303-1, Reasonable Accommodations, instead of the approval process described in this Supplement.
- (6) When a supervisor or the RAB approves a new (permanent or temporary) remote work arrangement, it is the supervisor's responsibility to initiate an FPPS action changing the employee's official duty station to the approved remote work location before the effective date of the new remote work arrangement.

- d. Ending a telework or remote work arrangement.
- (1) An employee in a recurring or situational telework arrangement may cancel their telework arrangement at any time. A remote worker may *request* to cancel their remote work arrangement; such a request may be granted only after the supervisor has confirmed with the appropriate local managers that there is sufficient workspace at the employee's proposed new duty station.
  - (2) A supervisor must immediately cancel a telework or remote work arrangement whenever:
    - i. An employee is disciplined for being absent without leave for more than five days in any calendar year; or
    - ii. An employee is disciplined for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.
  - (3) A supervisor may cancel an employee's routine or situational telework arrangement at any time the supervisor determines that:
    - i. The employee's telework diminishes employee or agency performance, if the supervisor has attempted to mitigate the performance issues and the attempt(s) were unsuccessful;
    - ii. The employee does not comply with the terms of the telework agreement, including the requirement that the employee maintain eligibility for telework, as defined in NARA 332, paragraph 332.5; or
    - iii. There is a legitimate business need to cancel the arrangement.
  - (4) A supervisor will not automatically cancel a routine or situational telework arrangement if the only reason is because the teleworker or remote worker fails to meet the employee eligibility requirements in NARA 332, paragraph 332.5, or for a single, minor violation of telework program requirements. Minor violations are violations that do not lead to a disciplinary action. Instead, the supervisor must counsel the employee regarding any concerns that could result in the telework or remote work arrangement being canceled and provide the employee with an opportunity to address their ineligibility or correct a minor violation.
  - (5) Supervisors must provide an employee with written notice when canceling a routine or situational telework arrangement. The written notice must include the reason(s) for canceling the agreement. If a telework arrangement is canceled for any reason other than those stated in paragraph 2d(2) (five days of AWOL or using government resources to access pornography) or in paragraphs 2d(3)(i) or (ii) (performance or noncompliance with the telework agreement), the required

written notice must be provided at least two full pay periods in advance, except when there is an urgent need.

- (6) Remote workers who fail to meet NARA standards for performance or conduct, or who fail to maintain remote work eligibility requirements, are subject to performance or disciplinary actions, including removal.
- (7) When a telework or remote work arrangement is canceled for any reason, the employee may not request to enter into a new telework arrangement until the beginning of the next quarter. The quarters start on January 1, April 1, July 1, and October 1.

e. Appeals. Managers and supervisors have the sole discretion to permit an employee to participate in a telework arrangement.

- (1) Routine and situational telework. An employee may seek review of a denial or cancelation of telework to the next higher-level supervisor. The next level review may not go higher than an Executive or Staff Director. An employee may not seek further review or appeal except when the employee believes that the decision represents a prohibited personnel practice as defined by 5 U.S.C. § 2302(b).
- (2) Remote work. The decision of the Resource Allocation Board is final. There is no higher-level review or appeal except when an employee believes that the decision represents a prohibited personnel practice defined by 5 U.S.C. § 2302(b).
- (3) Nothing in the above paragraphs prohibits bargaining unit employees from using the negotiated grievance procedure in the NARA-AFGE National Agreement to appeal a telework denial.

### **3. Maintaining telework and remote work arrangements**

a. Telework and remote work agreements must be renewed annually and are only valid as long as all information on the form is current and accurate. If an employee changes positions, supervisor, approved telework location, or if any other terms or conditions of the agreement change, the employee and their supervisor must submit a new NA Form 3040.

b. Supervisors may reduce an employee's telework days or hours or change an employee from a routine telework arrangement to situational if there is a business need. Supervisors must provide at least two full pay periods of advance, written notice, except when there is an urgent need.

c. Employees in a situational telework arrangement request telework on a case-by-case basis. Ordinarily, situational telework must be approved in advance. The supervisor must use the telework legitimate business needs guidance in NARA 322, paragraphs 332.1b and 332.1c, to determine the maximum number of situational telework days to grant in each pay period. Supervisors are generally expected to approve requests for situational telework if the total

number of situational telework days used in each pay period does not exceed the amount permitted by NARA 332 and there is not a business need for the employee to be onsite on the requested day or time. If at any time a supervisor disapproves a request for situational telework, that instance is disapproved, but the telework arrangement will continue.

d. Employees may request a temporary change in their telework or remote work arrangement at any time. This includes temporary changes to telework on days other than their scheduled telework days and any of the temporary telework or remote work arrangement in paragraph 332.7 of NARA 332. Ordinarily, changes in an employee's telework arrangements must be approved in advance. If an employee is approved to temporarily change their telework or remote work location for more than one full pay period, the employee must submit a new NA Form 3040 and, if there is a change in locality pay area, the supervisor must initiate an FPPS action changing the employee's official duty station to the approved alternative telework or remote work location for the duration of the temporary arrangement.

## **PART 2 – REQUIREMENTS for TELEWORKERS and REMOTE WORKERS**

### **4. Job performance**

- a. Teleworkers and remote workers are expected to complete all assigned work according to procedures mutually agreed upon by the employee and the supervisor, and in accordance with the employee's position description and performance plan.
- b. Teleworkers and remote workers must be available to their coworkers, supervisor, and customers in a similar manner as if they were onsite at a NARA facility (for example, phone calls and emails).
- c. Telework or remote work must not adversely affect the performance of the employee who is teleworking or working remotely, their co-workers, or NARA's mission and functions.
- d. Supervisors have the right to monitor employees' work performance while on telework or remote work and request updates on assignments. If a supervisor determines that an employee's participation in the telework program is having an adverse impact on the organization's productivity or performance – and attempts to mitigate the adverse impact have been unsuccessful – the supervisor may cancel or modify the employee's participation.

### **5. Conduct**

- a. Employees are bound by NARA's standards of conduct while working at the telework or remote work location. Teleworkers and remote workers are required to perform their official duties just as they would if they were working onsite at a NARA facility.
- b. Employees are not permitted to conduct personal business while teleworking or working remotely.

c. Teleworkers and remote workers may not use duty time for providing dependent care or any purpose other than performing official duties. If time is needed for personal use during duty time, personal leave must be requested and approved.

d. If an employee engages in misconduct while teleworking or working remotely, the supervisor may terminate telework privileges and propose disciplinary action.

## **6. Telework and remote work location**

a. Teleworkers and remote workers must maintain a work area at the telework or remote work location that is adequate for performance of official duties. Teleworkers and remote workers must maintain their work areas in a condition that is safe, clean, free of distractions, and appropriately outfitted for work at all times.

b. Teleworkers and remote workers are responsible for ensuring that their telework or remote work locations comply with all of the following safety requirements. NARA may deny an employee the opportunity to participate in telework or may cancel a telework arrangement based on safety problems or suspected hazardous materials in the telework location.

- (1) Workspace is away from noise, distractions, and is devoted to your work needs.
- (2) Workspace accommodates workstation, equipment, and related material.
- (3) Floors are clear and free from hazards.
- (4) Phone lines and electrical cords are secured under a desk or along a wall, and away from heat sources.
- (5) Carpets are well secured to the floor and free of frayed or worn seams.
- (6) Workspace is kept free of trash, clutter, and flammable liquids.
- (7) Walkways, aisles, and doorways are unobstructed.
- (8) All electrical plugs, cords, outlets, and panels are in good condition.
- (9) No exposed or damaged wiring.
- (10) Chair casters (wheels) are secure and the rungs and legs of the chair are sturdy.
- (11) Your back is adequately supported by a backrest.
- (12) The top of the screen is at eye level.
- (13) Files and data are secure.

- (14) Materials and equipment are in a secure place that can be protected from damage and misuse.
- c. NARA-provided equipment.
- (1) NARA provides all employees with laptops or tablets to enable telework. NARA generally does not provide teleworkers or remote workers with printers, desktop scanners, faxes, smart phones, office supplies and other consumables, or furniture.
  - (2) Teleworkers must protect any NARA-owned equipment and use it only for official purposes as specified in NARA's policy on appropriate use (see NARA 802, *Use and Monitoring of NARA Information Technology and Office Equipment and Resources*). When NARA places equipment in an employee's telework or remote work location, NARA retains ownership and control of the hardware, software, and data.
  - (3) Remote workers and teleworkers must contact the help desk when their laptop, tablet, or a software application experiences problems. When the problem impacts the employee's ability to perform work, the employee must notify their supervisor as soon as practicable. A teleworker or remote worker is eligible for weather and safety leave for periods they are unable to work due to an issue with NARA-provided technology or when internet service is disrupted for reasons outside the control of the employee. A teleworker may be required to report to a facility to fix or replace a laptop or tablet or to work onsite for the duration of a technology-based disruption.
- d. Employee-provided equipment and office supplies.
- (1) Teleworkers and remote workers are responsible for providing and maintaining all furniture and any personal equipment needed to maintain an adequate workspace.
  - (2) Teleworkers and remote workers are responsible for providing internet service, a dedicated telephone line (if needed), and any other infrastructure needed to support the telework or remote work location. These items must be provided at the employee's expense.
  - (3) Teleworkers and remote workers are responsible for all operating costs associated with using the employee's home as a telework or remote work location, including home maintenance, insurance, and utilities.
  - (4) Teleworkers and remote workers must never conduct official Government business from a computer with Peer-to-Peer (P2P) software (such as Morpheus, BitTorrent, or LimeWire) installed. P2P file sharing technology is designed to expose the contents of your computer to the public. For further guidance on home computer restrictions, refer to NARA 1608, *NARA's Privacy Program*, and

*NARA 802, Use and Monitoring of NARA Information Technology and Office Equipment and Resources.*

- (5) Teleworkers and remote workers who use personally owned computers must be able to connect to NARANet through Citrix or the Virtual Private Network (VPN) and use PIV-based authentication services. Teleworkers and remote workers who use their personally owned computers must provide PIV card readers at their own expense.
- e. Workers' Compensation and other liability.
- (1) Teleworkers and remote workers may qualify for continuation of pay (COP) or workers' compensation for on-the-job injury or occupational illness at the telework or remote work location. A teleworker or remote worker must notify their supervisor immediately of any accident or injury that occurs at the telework or remote work location and complete any required forms.
  - (2) A telework or remote work arrangement is an agreement governed by existing law. Any exposure to liability is covered under the Military Personnel and Civilian Employees Claims Act, the Federal Tort Claims Act, or the Federal Employees Compensation Act.
- f. Home office inspection.
- (1) NARA may inspect an employee's telework or remote work location during the employee's work hours if the employee is provided with 24 hours of advance notice and if NARA has reasonable cause to believe that:
    - i. An unsafe environment exists;
    - ii. Government-owned property is not being properly maintained or operated;  
or
    - iii. The employee has filed an Office of Workers Compensation (OWCP) claim for an injury allegedly sustained at the employee's telework or remote work location.
  - (2) Bargaining unit employees may request that a Union representative be present at the inspection.
  - (3) This provision does not apply to OIG inspections that are conducted in accordance with applicable Federal laws and regulations.



**7. Duty station and locality pay**

a. A teleworker's official duty station is their assigned NARA facility. Teleworkers whose telework location is more than 50 miles (driving distance) from their duty station must report to the official duty station at least two days per pay period, regardless of whether the employee is entitled to a greater amount of telework under any other provision of NARA 332. This applies to permanent telework arrangements and temporary arrangements lasting longer than one full pay period. Under normal circumstances, an employee will not be required to "make up" an onsite day if they are on approved leave or a holiday falls on the days they are scheduled to report to the official duty station.

b. A remote worker's official duty station is their approved remote work location. Supervisors must ensure that remote workers, including employees approved for a temporary remote work arrangement longer than one full pay period, have their official duty station accurately recorded in the personnel system (FPPS).

**8. Time and attendance**

a. Work Schedules.

(1) Teleworkers and remote workers are eligible for the same work schedules as employees who work onsite. All applicable rules, regulations and policies regarding time and attendance and/or work schedules apply to teleworkers and remote workers.

(2) Each supervisor and employee must determine a telework schedule that balances work at the official duty station with work at an approved telework location. Completely unstructured arrangements, in which employees simply work at will, are not consistent with legal requirements and NARA policy.

b. Timekeeping.

(1) When a work unit requires sign-in and sign-out procedures, all employees in the work unit will follow the same procedure, including teleworkers, remote workers, and onsite workers.

(2) Teleworkers and remote workers are responsible for accurately reporting their hours worked in the time and attendance system. Teleworkers and remote workers are responsible for recording telework and remote work hours using the correct time and attendance codes for telework and remote work.

c. Leave and absences.

(1) Teleworkers and remote workers must request leave and obtain supervisor approval in advance for all absences.

- (2) If a teleworker or remote worker needs to use leave for sudden emergency reasons (e.g., pick up a sick child from school or take a family member to the hospital), the employee must notify the supervisor of the emergency and comply with office procedures for requesting leave.
- (3) A remote worker or teleworker is eligible for weather and safety leave for periods they are unable to work due to an issue with NARA-provided technology or when internet service is disrupted for reasons outside the control of the employee. A teleworker may be required to report to their duty station to fix or replace a laptop or tablet or to work onsite for the duration of a technology-based disruption.
- (4) If a teleworker is unable to work because the approved telework location has become unusable for a non-emergency reason other than an issue with NARA technology or internet service disruption outside of the control of the employee, the employee must report to their duty station or request personal leave. A remote worker may make arrangements to report to a local NARA facility, if available, or else must request personal leave.

d. Overtime, Compensatory and Credit Time. Teleworkers and remote workers may earn overtime, compensatory time, and/or credit time with advance approval. Teleworkers and remote workers must follow the same rules, regulations, and policies that would otherwise be required for requests and approvals.

## **9. Travel**

a. Teleworkers are responsible for all expenses of travel between the employee's residence and their official duty station. When a teleworker is required to report to a location other than the employee's official duty station for official business, NARA will reimburse the employee's travel expenses to the extent that they are authorized in advance and otherwise comply with NARA travel policy.

- (1) If the travel location is within the employee's commuting area, the costs of commuting to the official duty station must be deducted from any reimbursement.
- (2) Generally, local travel to a location other than the employee's official duty station will not count towards a teleworker's requirement to report to the duty station at least two days per pay period if the teleworker lives more than 50 miles from their official duty station. When NARA's requirements to travel, including local travel, would prohibit an employee from satisfying this obligation, NARA will not change an employee's official duty station for that pay period.

b. NARA may require a remote worker to travel, including travel to a NARA facility within or outside of the remote worker's commuting area. Any time NARA requires a remote worker to travel on official business, NARA will reimburse the employee's travel expenses to the extent that they are authorized in advance and otherwise comply with NARA travel policy.

**10. Handling sensitive or classified data**

- a. Teleworkers must protect Government records and data from unauthorized disclosure or damage, comply with requirements of the Privacy Act of 1974, 5 U.S.C. § 552a, and agree to any security provisions NARA may require.
- b. The following categories of records may not be accessed or used in a home environment, in electronic or analog forms:
  - (1) Classified records;
  - (2) Unopened records governed by the Presidential Recordings and Materials Preservation Act (PRMPA) and Presidential Records Act (PRA); or
  - (3) Unopened records covered by deed of gift.
- c. If a teleworker or remote worker is approved to transport or access personally identifiable information (PII) as part of their telework or remote work arrangement, all requirements of NARA 1608 apply to the proper transportation, use, and storage of the data.

**11. Records management**

- a. Teleworkers are responsible for all general records management responsibilities, the same as they are when working onsite at a NARA facility.
- b. All NARA records created while teleworking or working remotely must be filed in accordance with NARA's record schedules.

**12. Training**

- a. Teleworkers and remote workers must complete required training prior to entering into a telework or remote work arrangement. Two courses are required:
  - (1) "Telework Fundamentals - Employee Training". This training course is a one-time requirement.
  - (2) "Information Systems Security and PII Awareness". This annual training is required for all staff.
- b. Teleworkers who fail to complete Information System Security and PII Awareness training in any year will have their telework agreements canceled.

### **PART 3 – REQUIREMENTS for SUPERVISORS**

#### **13. Management and supervision**

a. Supervisors must monitor the productivity and performance of teleworkers and remote workers in a similar manner as if the employee were working onsite at a NARA facility. A decline in performance of the individual employee or the work unit may be grounds for terminating a telework arrangement, if performance issues are not addressed after the employee has been provided with counseling and an opportunity to improve.

b. Supervisors must evaluate the performance of teleworkers and remote workers in a manner that is consistent with NARA's established performance management system. Teleworkers and remote workers must be subject to the same performance standards and expectations as onsite workers in the same or equivalent positions.

c. Telework agreements.

(1) Supervisors are responsible for ensuring that telework agreements are renewed annually, and that all information on the form is current and accurate at all times.

(2) If an employee changes positions, supervisor, approved telework or remote work location, or if any other terms or conditions of the telework agreement, it is the supervisor's responsibility to issue a new telework agreement immediately.

(3) Supervisors must ensure that teleworkers and remote workers are working from the approved telework or remote work location on their telework agreements, unless the supervisor has approved the employee to temporarily use an alternative telework or remote work location.

#### **14. Telework and remote work location**

a. Supervisors must ensure that any NARA equipment placed in an employee's approved telework or remote work location is properly accounted for.

b. Supervisors must immediately and carefully review reports of injuries to teleworkers or remote workers occurring at the approved telework or remote work location. Supervisors must verify that reported injuries are work-related and should consult with NARA's human capital shared services provider, the Department of the Treasury, Bureau of the Fiscal Service, Administrative Resource Center (ARC) if they have questions.

#### **15. Time and attendance**

a. Work Schedules.

- (1) Teleworkers and remote workers are eligible for the same work schedules as onsite workers. All applicable laws, regulations and policies regarding time and attendance and work schedules apply to teleworkers and remote workers.
  - (2) Each supervisor and employee must determine a schedule that balances work at the official duty station with work at an approved telework location. Completely unstructured arrangements, in which employees simply work at will, are not consistent with legal requirements and NARA policy.
- b. Timekeeping.
- (1) Supervisors must review and certify time and attendance records to ensure that employees are paid only for work performed and that absences from scheduled tours of duty are properly accounted for.
  - (2) Supervisors must ensure that time and attendance records use the appropriate telework codes before certifying hours worked, to ensure that telework participation data is accurate for management analysis, internal control, and reporting to OPM.

## **16. Best practices**

- a. Telework agreements are most successful when the employee and supervisor share a mutual commitment to accomplishing the mission of the organization and uphold the telework agreement. Supervisors are encouraged to establish procedures to ensure that teleworkers and remote workers are producing work products of appropriate quality and the employee must exert the same level of effort that they would at a NARA facility.
- b. Executives and Staff Directors are encouraged to establish internal Standard Operating Procedures (SOP) outlining expectations for telework and remote work within their organizations. Internal SOPs may establish a maximum number of telework days, communication requirements, types of telework agreements available, telework termination procedures, or other standards. SOPs must adhere to the requirements established in this policy; however, Executives and Staff Directors may establish more restrictive standards when justified by business needs.
- c. Supervisors should ensure they have updated emergency contact information for teleworkers and remote workers, so they can reach their staff in the event of an emergency or other disruption to normal operations. Supervisors should provide teleworkers and remote workers with the supervisor's current contact information so that they are able to request unscheduled leave or unscheduled telework when the need arises.
- d. Supervisors should discuss with all teleworkers ahead of time the type of work that may be performed while performing unscheduled telework, particularly employees in situational telework arrangements who may be required to telework during a weather emergency with little or no advance notice.