

(C) notify all employees of the agency of their eligibility to telework.

(2) **LIMITATION.**—An employee may not telework under a policy established under this section if—

(A) the employee has been officially disciplined for being absent without permission for more than 5 days in any calendar year; or

(B) the employee has been officially disciplined for violations of subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.

(b) **PARTICIPATION.**—The policy described under subsection (a) shall—

(1) ensure that telework does not diminish employee performance or agency operations;

(2) require a written agreement that—

(A) is entered into between an agency manager and an employee authorized to telework, that outlines the specific work arrangement that is agreed to; and

(B) is mandatory in order for any employee to participate in telework;

(3) provide that an employee may not be authorized to telework if the performance of that employee does not comply with the terms of the written agreement between the agency manager and that employee;

(4) except in emergency situations as determined by the head of an agency, not apply to any employee of the agency whose official duties require on a daily basis (every work day)—

(A) direct handling of secure materials determined to be inappropriate for telework by the agency head; or

(B) on-site activity that cannot be handled remotely or at an alternate worksite; and

(5) be incorporated as part of the continuity of operations plans of the agency in the event of an emergency.

(c) **REQUIRED TELEWORK.**—If an agency places an employee in investigative leave under section 6329b, the agency may require the employee to, through telework, perform duties similar to the duties that the employee performs on-site if—

(1) the agency determines that such a requirement would not—

(A) pose a threat to the employee or others;

(B) result in the destruction of evidence relevant to an investigation;

(C) result in the loss of or damage to Government property; or

(D) otherwise jeopardize legitimate Government interests;

(2) the employee is eligible to telework under subsections (a) and (b) of this section; and

(3) the agency determines that it would be appropriate for the employee to perform the duties of the employee through telework.

(Added Pub. L. 111-292, §2(a), Dec. 9, 2010, 124 Stat. 3165; amended Pub. L. 114-328, div. A, title XI, §1138(d)(3), Dec. 23, 2016, 130 Stat. 2469.)

REFERENCES IN TEXT

The date of enactment of this chapter, referred to in subsec. (a)(1), is the date of enactment of Pub. L. 111-292, which was approved Dec. 9, 2010.

AMENDMENTS

2016—Subsec. (c). Pub. L. 114-328 added subsec. (c).

§ 6503. Training and monitoring

(a) **IN GENERAL.**—The head of each executive agency shall ensure that—

(1) an interactive telework training program is provided to—

(A) employees eligible to participate in the telework program of the agency; and

(B) all managers of teleworkers;

(2) except as provided under subsection (b), an employee has successfully completed the interactive telework training program before that employee enters into a written agreement to telework described under section 6502(b)(2);

(3) teleworkers and nonteleworkers are treated the same for purposes of—

(A) periodic appraisals of job performance of employees;

(B) training, rewarding, reassigning, promoting, reducing in grade, retaining, and removing employees;

(C) work requirements; or

(D) other acts involving managerial discretion; and

(4) when determining what constitutes diminished employee performance, the agency shall consult the performance management guidelines of the Office of Personnel Management.

(b) **TRAINING REQUIREMENT EXEMPTIONS.**—The head of an executive agency may provide for an exemption from the training requirements under subsection (a), if the head of that agency determines that the training would be unnecessary because the employee is already teleworking under a work arrangement in effect before the date of enactment of this chapter.

(Added Pub. L. 111-292, §2(a), Dec. 9, 2010, 124 Stat. 3166.)

REFERENCES IN TEXT

The date of enactment of this chapter, referred to in subsec. (b), is the date of enactment of Pub. L. 111-292, which was approved Dec. 9, 2010.

§ 6504. Policy and support

(a) **AGENCY CONSULTATION WITH THE OFFICE OF PERSONNEL MANAGEMENT.**—Each executive agency shall consult with the Office of Personnel Management in developing telework policies.

(b) **GUIDANCE AND CONSULTATION.**—The Office of Personnel Management shall—

(1) provide policy and policy guidance for telework in the areas of pay and leave, agency closure, performance management, official worksite, recruitment and retention, and accommodations for employees with disabilities;

(2) assist each agency in establishing appropriate qualitative and quantitative measures and teleworking goals; and

(3) consult with—