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UNITED STATES OFFICE OF PERSONNEL MANAGEMENT  
Washington, DC 20415

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

From: John Berry, Director

Subject: Telework Enhancement Act of 2010

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Memo:

Last week, President Obama signed the Telework Enhancement Act of 2010, providing agencies greater flexibility in managing our workforce. The Act provides a framework for agencies to better leverage technology and to maximize the use of flexible work arrangements, which will aid in recruiting new Federal workers, retain valuable talent and allow the Federal government to maintain productivity in various situations -- including those involving national security and other emergency situations.

To maximize the impact of this new law, OPM will be coordinating agency efforts to build effective telework programs with three key objectives in mind:

1. **Improve Continuity of Operations (COOP)** - using telework as a strategy to keep government operational during inclement weather or other emergencies
2. **Promote Management Effectiveness** – using telework to target reductions in management costs related to employee turnover and absenteeism, and to reduce real estate costs and environmental impact and transit costs
3. **Enhance Work-life Balance**– using telework to allow employees to better manage their work and family obligations, retaining a more resilient Federal workforce able to better meet agency goals

What does the passage of the Telework Enhancement Act mean for your agency?

## **Immediately**

The head of each executive agency is mandated to *designate an employee of the agency as the Telework Managing Officer (TMO) and place that position within the Office of the Chief Human Capital Officer or a comparable office with similar functions*. The Act requires a certain status for the TMO as *a senior official of the agency who has direct access to the head of the agency and with specific duties*:

- policy development and implementation related to agency telework programs
- advisor to agency leadership
- resource for managers and employees
- primary agency point of contact for OPM on telework matters

The person who takes on this important new position will be the Senior Accountable Official responsible for driving change on all three key objectives listed above. It may be necessary to advertise and recruit for this position, but the Telework Enhancement Act requires immediate designation, so please designate your **acting** Telework Managing Officer right away and submit contact information to OPM by December 30, 2010.

### **Not later than 180 days from the date of the enactment every agency must:**

- 1) Establish a policy authorizing eligible employees to telework
- 2) Determine the eligibility of all employees *of the agency to participate in telework* and *notify employees* of their eligibility status. We recommend that you take a fresh look at the eligibility requirements in your department/agency keeping in mind the broad intent of the statute.
- 3) Require a written telework agreement between employee and manager to ensure that telework does not diminish employee or agency performance
- 4) Provide an interactive telework training program, to be completed prior to the signing of the telework agreement, to employees eligible to participate in telework and their managers.

The Telework Enhancement Act also emphasizes the importance of telework for ensuring continued agency operations. To that end, it requires that *each executive agency shall incorporate telework into the continuity of operations plan of that agency*.

### **Agency Reporting Requirements**

Many agencies have voluntarily participated in the Telework Data Call administered on an annual basis by OPM. The Telework Enhancement Act makes participation in the Call mandatory for all

agencies and expands some of the data collection requirements. OPM will provide more specific guidance on the data required by the legislation in the coming months. As in the past, the Act requires agencies to track and report the number of employee participants in telework.

New with this Act, however, agencies are also required to set participation level goals and assess the impact of telework on areas related to agency efficiency, effectiveness and sustainability, such as: emergency readiness, energy use, recruitment and retention, performance, productivity and employee attitudes and opinions regarding telework.

Through our recent joint efforts, we have laid the groundwork for implementing this legislation, through policy review and data collection focused on outcomes related to telework and employee attitudes and opinions. As outlined in the Act, OPM will provide policy and other guidance to agencies. You will be hearing more from us in the next few months regarding this exciting new law.

Please submit the name of your acting Telework Managing Officer and any questions about this new law to Marie L'Etoile at 202-606-4901 or [marie.letaille@opm.gov](mailto:marie.letaille@opm.gov).

cc: Chief Human Capital Officers