

## RETURN TO IN-PERSON WORK

### REFERENCES

- a. Presidential Memorandum, “Return to In-Person Work,” January 20, 2025, [Executive Order Return-to-In-Person-Work](#)
- b. Acting Secretary of Defense Memorandum, “Implementation of Presidential Memorandum, Return to In-Person Work,” January 24, 2025, [Secretary of Defense - Guidance on Presidential Memorandum- Return to In-Person Work, 20250124](#)

**SECRETARY OF DEFENSE MEMORANDUM, “INITIAL DEPARTMENT OF DEFENSE IMPLEMENTATION GUIDANCE, RETURN TO IN-PERSON WORK,” JANUARY 31, 2025, SECRETARY OF DEFENSE - INITIAL DEPARTMENT OF DEFENSE IMPLEMENTATION GUIDANCE ON RETURN TO IN-PERSON WORK, 250131**

### FREQUENTLY ASKED QUESTIONS:

#### RETURN TO IN-PERSON WORK AT DOD:

##### **Q1. What is the DoD Return to In-Person Work policy?**

A1.

In reference b., the then-Acting Secretary of Defense revised DoD telework and remote work policy to generally prohibit regular telework and remote work agreements. DoD is updating DoD Instruction 1035.01, “Telework and Remote Work,” accordingly. Regular telework and remote work arrangements are not permitted unless an exemption to policy has been certified by the Secretary of Defense or when necessary to comply with applicable laws and collective bargaining agreements.

In reference c., the Secretary of Defense directed an accelerated effort to return all DoD employees to in-person work and established a timeline by which categories of employees must return full-time to in-person work.

Situational telework agreements are permissible and supervisors may authorize situational telework on a case-by-case basis during situations where telework serves a compelling DoD need.

##### **Q2. To whom does the Secretary’s initial guidance apply?**

A2. The revised telework and remote work policy applies to all DoD employees, regardless of primary duty location, appointment type, or personnel system, unless an exemption is applicable. Reference c. exempts the following categories of employees:

- a. Employees approved to participate in the deferred resignation program;
- b. Employees for whom telework or remote work has been approved as a reasonable accommodation pursuant to applicable law;

- c. Employees who are approved for remote work for purposes of enabling them to accompany a Service member spouse to an assignment that is not in the vicinity of the agency worksite;
- d. Employees for whom the DoD Component head has determined there is no suitable office space at the agency worksite; and
- e. Employees for whom applicable law or collective bargaining obligations require an exemption.

DoD Components may submit exemption requests for additional categories of employees or for specific individuals to the Secretary of Defense for his consideration.

**Q3 How does the change in policy affect an employee's approved telework arrangement?**

A3. All regular telework and remote work agreements are terminated pursuant to reference b., unless an exemption applies. A list of currently approved exemptions is at A2.

**Q4. Are employees hired into positions that were announced as remote positions (which may have happened before, during, or after COVID-19) exempt?**

A4. Employees hired into positions that were announced as remote work positions are not exempt on that basis. A list of currently approved exemptions is at A2

**Q5. What is the definition of "agency worksite"?**

A5. Agency worksite means the location where an employee would normally work absent a telework or remote work agreement. DoD Components will designate an appropriate worksite based on the employee's duties, job function, and space availability.

**Q6. Is the employee's home or other office space an appropriate "agency worksite"?**

A6. No. An agency worksite must be under the jurisdiction and control of a DoD Component (for example, the Pentagon Reservation, military installations, DoD-leased facilities, and GSA-leased facilities and federal buildings where DoD has an occupancy agreement)..

**Q7. Should current remote work recruitment actions be closed? What about remote employment offers that have been extended, but the employee has not onboarded?**

A7. Remote work recruitment actions that are in the process of recruitment should be closed. Tentative and final job offers, regardless of whether accepted, will be modified to be consistent with reference c.

**Q8. How do DoD Components request an exemption for individuals or groups of employees?**

A8. Regular telework and remote work are not authorized for employees who are not in an exempt category (see A1). DoD Components may request additional exemptions for categories of employees and for specific individuals, based on compelling agency needs. DoD Component requests should be submitted to the Office of the Under Secretary for Personnel and Readiness at [osd.pentagon.ousd-p-r.mbx.cpp-saco@mail.mil](mailto:osd.pentagon.ousd-p-r.mbx.cpp-saco@mail.mil). Requests must include a business case which provides a justification for the proposed exemption for mission-related reasons.

**Q9. What does work in-person “full time” mean?**

A9. Unless exempted, employees must report for in-person work at their agency worksite during their entire regular tour of duty.

**PERMANENT CHANGE OF STATION (PCS)/RELOCATION:**

**Q10. Will DoD offer PCS entitlements or other benefits to remote employees directed to relocate?**

A10. Supervisors and managers will work with their servicing human resources office and the Component Travel Office to determine whether PCS entitlements and other benefits may be authorized in individual cases.

**Q11. Will DoD Components establish agency worksites near employees’ current geographic locations?**

A11. DoD Components will designate the most appropriate DoD worksite, based on the employee’s duties, job function, and space availability, as the new primary duty station for formerly remote employees. An employee’s geographic location may be considered as part of a mission-driven business case but it is not a determinative factor in identifying the appropriate worksite.

**Q12. Are remote employees required to immediately relocate?**

A12. The guidance at reference c. establishes a phased timeline for relocation based on an employee’s location, appointment type, and/or grade level.

**Q13. Is cost to the agency a justification for DoD Components to request an exemption of certain individuals or categories of employees??**

A13. When providing their input to the DoD implementation plan, DoD Components are required to provide an estimate of the cost and resource implications when an employee’s duty station is more than 50 miles from the new agency worksite. Cost may be considered as part of a mission-driven business case for an exemption request.

## **TIMELINES:**

### **Q14. When must employees return to in-person work settings?**

A14. Reference b. provides the timeline for implementation of return to in-person work at the agency worksite.

- a. Employees with alternative worksites within 50 miles of their Agency worksite must report full-time in-person on February 10, 2025.
- b. Employees with alternative worksites more than 50 miles from their Agency worksite must report full-time in person as follows:
  - i. February 10, 2025, all political appointees, members of the Senior Executive Service (and equivalent) and Highly Qualified Experts;
  - ii. February 24, 2025, all Senior Professionals (and equivalent) and all GS-15 (or equivalent); and
  - iii. As soon as possible, but no later than June 2, 2025. all other employees.

### **Q15. What options are available to employees who are unable to meet the timelines?**

A15. Employees may request paid or unpaid leave, subject to supervisor approval. Employees may also consider obtaining an exemption through participation in the Deferred Resignation Program.

## **ALTERNATIVE WORK ARRANGEMENTS:**

### **Q16. What if there is no office space at the agency worksite for employees returning to in-person work?**

A16. DoD Component heads will determine whether there is suitable office space at the agency worksite. If the DoD Component head determines that suitable office space is not available, the DoD Component head may temporarily exempt certain employees while suitable office space is arranged.

### **Q17. To what extent are employees with remote arrangements pursuant to the Domestic Employees Teleworking Overseas (DETO) program exempt?**

A17. The Secretary has already exempted the category of DETO employees who are approved for remote work for purposes of enabling them to accompany a Service member spouse to an assignment that is not in the vicinity of the agency worksite. DoD Components may request that additional categories of DETO employees be exempted.

### **Q18. What are the implications for existing flexible work arrangements such as hybrid work, alternative work schedules, and shift work?**

A18. The DoD policy prohibits regular telework and remote work arrangements, unless an exemption applies. It also requires full-time work in-person. It does not prohibit other flexible work arrangements. Other workforce management authorities and flexibilities such as alternative work schedules and shift work are not affected by the return to in-person work policy.

## **MANAGEMENT ACTION FOR ADDRESSING EMPLOYEES WHO ARE NOT EXEMPT AND DO NOT RETURN TO IN-PERSON WORK:**

### **Q19. What are the potential consequences for employees who do not return to in-person work at the designated agency worksite by the designated report date?**

A19. Employees who are not approved for leave and who do not report to the designated agency work site may be subject to disciplinary action, up to and including removal from Federal service. Employees with career or career conditional status may receive a management directed reassignment to an appropriate DoD worksite. Employees serving in a probationary period may be subject to termination during the probationary period without any intervening action. The specific nature of action and reason will be determined on a case-by-case basis after review of the specific circumstances for each impacted employee.

Supervisors and managers are encouraged to consult with their servicing Employee Relations Specialist for advice and guidance to address specific instances of employees failing to return to in-person work.

### **Q20. What notice requirements are applicable to employees subject to disciplinary action?**

A20. Employees: The period of advanced written notice provided for a proposed disciplinary action will vary depending on the type of action (penalty determination), requirements of any applicable DoD Component-specific disciplinary policies, and any applicable Collective Bargaining Agreements (CBA). Typically, career or career conditional status employees who receive a notice of proposed removal under 5 CFR 752 are entitled to at least 30 days advanced written notice before the action is effective.

Probationers: Advanced notice of a proposed disciplinary action is not required for individuals serving in a probationary period, but written notice must be provided.

Supervisors and managers are encouraged to consult with their servicing Employee Relations Specialist for advice and guidance on addressing specific instances of employees failing to return to in person work at the designated agency worksite.

### **Q21. Will employees who resign in lieu of returning to in-person work be eligible for future federal employment?**

A21. Employees may continue to apply for and seek employment with the Federal Government, including opportunities at [www.usajobs.gov](http://www.usajobs.gov) or <https://www.dodciviliancareers.com/>.

**Q22. Do employees have the option to resign or retire? Will their separation SF 50 indicate that they resigned or retired in lieu of separation?**

A22. Employees may voluntarily resign or retire in lieu of returning to in-person work by the established implementation timelines. The employee's SF-50, Notification of Personnel Action (or equivalent document), may include a comment that the employee's chosen action (resignation or retirement) was in lieu of involuntary separation if the employee submits the resignation or retirement notice after the employee receives a notice of proposed removal but before the effective date of the removal.

**Q23. Are employees allowed to use their leave prior to separating from employment?**

A23. Employees wishing to utilize paid or unpaid leave may submit a request to their supervisor for review and approval/disapproval in accordance with applicable DoD and Component-specific policies and any applicable CBAs. If an employee receives a decision notice to terminate or remove them from employment, the employee must utilize any accrued leave prior to the effective date of the termination or removal action.

**UNION CONSIDERATIONS:**

**Q24. How will this new policy affect current collective bargaining agreements, and what are the implications for unions?**

A24. Existing Collective Bargaining Agreements (CBAs) may address both telework and remote work. Consistent with OPM's guidance, agencies should review current CBA language on telework and remote work to determine if any provisions are unenforceable for conflicting with management's statutory rights under 5 U.S.C. § 7106(a). Agencies should not enforce any illegal CBA provisions, and immediately update any such CBA telework and remote work provisions.

**Q25. Will unions be able to negotiate exemptions or modifications to the policy on behalf of employees?**

A25. The substantive terms of the Presidential Memorandum are not negotiable; however, if a union believes it has a legal basis for negotiation, it could request to bargain over the implementation of the Memorandum.

## **ALL OTHER QUESTIONS:**

**Q26. If DoD Component supervisors, managers, or employees have additional questions, who should they contact?**

A26. All other questions regarding the “Return to Work” Implementation Guidance should be referred to the servicing Human Resource Office or through the chain of command.