

GUIDELINES FOR ALTERNATIVE WORKPLACE ARRANGEMENTS (AWA)

I. Can agencies provide workplace equipment for use at alternative worksites such as employee residences or telework centers?

Yes. Agencies may provide/procure either new or excess equipment for alternative worksites as long as it is clear that the equipment continues to belong to the Government and there is an audit trail indicating the location of the equipment. Regarding telecommunications equipment and services that agencies provide to and/or purchase for employees working in home-based or other alternative workplace arrangements (AWA), please consult the bulletin.

II. Can agencies provide teleworkers with underutilized equipment (for use in their alternative worksites) before it is declared excess?

Yes. Agencies may provide underutilized computers or other equipment for use by teleworkers or for use in other AWA situations. In accordance with 41 CFR §§ 102–36.30 and 102–36.35, even though equipment may no longer be used for its original purpose, employee, or location, the agency must determine if the equipment can serve other agency uses, such as in alternative worksites.

III. Once declared excess by one agency, can computer and/or other equipment be acquired for use by another agency for its telework or other alternative worksite program?

Yes. When items are no longer needed by an agency, they are reported to GSA as excess in accordance with 41 CFR part 102–36, Disposition of Excess Personal Property, for possible transfer to other Federal agencies.

IV. What help desk and/or other technical support services, if any, can agencies provide to and/or purchase for employees working in home-based telework or other alternative work arrangements?

Agencies may provide or purchase help desk and/or other technical support to employees working in any approved AWA, provided the agency deems the support necessary for successful accomplishment of officially assigned work.

V. Can agencies provide/procure office furnishing (e.g., desks, chairs) for alternative worksites?

Yes. As with computers and equipment, agencies may provide their own new or used furniture or excess furniture from another agency for alternative worksites, as long as it is clear that the furniture continues to belong to the Government and there is an audit trail indicating the location of the furniture.

VI. Can agencies pay the utility costs for alternative worksites?

The answer depends on the type of alternative worksite. For residential (home-based) alternative worksites, the answer is no. A GAO decision concluded that, absent specific legislative authority, an agency may not use appropriated funds for the reimbursement of employees for incremental utility costs for heating, air conditioning, lighting, and the operation of government-furnished data processing equipment associated with the residential AWA (B-225159, June 19, 1989). For alternative worksites contractually procured by the agency (e.g., telework centers), the agency may pay utility costs associated with employee usage of the site, as long as such expenses are provided for in the contract between the agency and the provider of the site.

VII. Can agencies require employees to sign a safety checklist to participate in an alternative workplace arrangement? What impact does such a checklist have regarding the Federal Employees' Compensation Act?

The answer depends upon the intended use of the checklist. If the checklist is used solely for program purposes, such as acquainting the teleworker with workplace safety, then the agency may require employees to sign such a checklist to participate in the program. On the other hand, if the checklist is intended to have legal standing for safety and/or liability purposes, then the answer is no. In accordance with Federal Employees' Compensation Act (FECA) Bulletin 98–9 (1998), in providing guidance for determining whether employees injured while working at alternative worksites meet the “performance of duty” criterion for coverage under FECA, employees who are directly engaged in performing the duties of their jobs are covered by FECA, regardless of whether the work is performed on the agency's premises or at an alternative worksite.

VIII. Can agencies allow employees to pay for their own alternative workspace? Can agencies establish cost sharing arrangements in which the agency and the employee share the costs for alternative worksite equipment, facilities, and/or services used by the employee?

In cases in which the agency requires an employee to telework or otherwise utilize an alternative worksite, allowing or requiring an employee to pay for or share the costs for the alternative workspace would be an illegal augmentation of the agency's appropriation. If the agency is not ordering the employee to telework or otherwise utilize an alternative worksite but is, instead, merely allowing the employee to do so, the agency may allow or require the employee to pay for or share the costs for using the alternative space. Augmentation is a concept of appropriations law that is derived from statute, specifically 31 U.S.C. § 3302(b) (miscellaneous receipts rule) and 31 U.S.C. § 1301(a) (restricting the use of appropriated funds to their intended purposes). The Government Accountability Office has held that an agency may not augment its appropriations from outside sources without specific statutory authority.

IX. Can agencies pay taxes charged for residential telephone lines and/or related equipment that is used for officially sanctioned telework purposes? No. The providers of residential telephone lines, services, and/or related telecommunications equipment/services typically charge Federal and State taxes for the acquisition/use of these items. Federal agencies are exempt from Federal taxes and, depending on State tax law, from State taxes as well. Accordingly, agencies are not authorized to pay Federal or, in some cases, State taxes for equipment or services used by their teleworkers.

X. Can agencies authorize teleworkers to make personal use of the alternative worksite equipment provided by the agency? Yes. The head of each agency has the authority to set personal use policies. In accordance with GSA guidance set forth in "Recommended Executive Branch Model Policy/Guidance On Limited Personal Use Of Government Office Equipment Including Information Technology," http://www.cio.gov/documents/peruse_model_may_1999.pdf, agencies can authorize teleworkers limited personal use of alternative worksite equipment. Limited personal use of the government office equipment by employees during non-work time is considered to be an "authorized use" of Government property. Authority for this policy is found at 5 U.S.C. § 301, which provides that the head of an executive department or military department may prescribe regulations for the use of its property, and Executive Order 13011 of July 16, 1996, Federal Information Technology, section 3(1), which requires the Chief Information Officers Council to develop recommendations for Federal information technology management policy, procedures, and standards.

XI. Who is responsible for the relocation and re-setup of alternative worksite workstations and equipment when an employee relocates? If the relocation of an employee is required by the agency, then the agency is fully responsible for the relocation and re-setup of any associated alternative worksite workstation and/or equipment. If the employee relocates on her/his own accord, then the determination of responsibility for the relocation and re-setup of alternative worksite workstations and equipment (especially agency-owned workstations and equipment) is within the discretion of the agency.

XII. Must the head of an Executive agency consider whether needs can be met using alternative workplace arrangements in considering whether to acquire space, quarters, buildings, or other facilities for use by employees? Yes. In considering whether to acquire space, quarters, buildings, or other facilities for use by employees, 40 U.S.C. § 587(c)(2) requires the head of an Executive agency to consider whether needs can be met using AWA.

XIII. What factors should an Executive agency head consider in considering whether the agency's needs can be met using alternative workplace arrangements? Executive agency heads should consider as many of the following factors as are relevant to the agency's circumstances:

- Facility performance and space utilization efficiency/effectiveness;
- Allocation/utilization/flexibility of space to meet diverse/changing organizational needs;
- Workspace quality factors, quality of worklife;
- Individual/organizational performance;
- Technology utilization and return on investment;
- Reduced/saved facility costs per person;
- Reduced/avoided other expenses;
- Increased/earned revenue;
- Workplace/space flexibility to accommodate/meet diverse/changing uses, configurations, staff, and/or other organizational needs; and
- Environmental impact, sustainability.

XIV. Should the head of the Executive agency document the result of the agency's consideration of whether to acquire space, quarters, buildings, or other facilities for use by employees? Yes. Documenting the relevant considerations will help the agency make more informed decisions about its immediate space needs and will provide a reference for future agency space considerations. Through early planning, the agency may be able to shorten and simplify the space acquisition process and acquire the necessary space at the most reasonable cost to the Government.

XV. Do space per person standards apply in an alternative worksite environment? No. The Government no longer maintains space per person requirements. Under current GSA space planning guidance, space allocation should be based on organizational needs. When feasible, AWA can accommodate those needs as well as reduce overall agency space requirements.

**Office of Real Property Management
General Services Administration**

*The above Questions and Answers are for reference only.
The reader should consult www.gsa.gov/fmr for the complete FMR Bulletin 2006-B3,
Guidelines for Alternative Workplace Arrangements, and updates which are in process.*