



# Remote Work Agreement

A Remote Work Agreement is required for employees requesting full-time remote work. Per policy, full-time remote work is defined as working from a location more than 150 miles from Berkeley Lab (within the US). Full-time remote work must be justified by business need and approved by the employee’s supervisor, Division Director, and Associate Laboratory Director (ALD).

<b>Employee:</b>		<b>Employee ID #:</b>	
<b>Job Title:</b>		<b>Division:</b>	
<b>Supervisor:</b>		<b>Division Director:</b>	
<b>Associate Laboratory Director:</b>		<b>Remote Work Location (City &amp; State):</b>	
<b>Remote Work Start Date:</b>		<b>Return to Area Date (if applicable):</b>	

To be eligible for full-time remote work, all of the following must be completed:

1. Assessment of the position confirming that the duties and responsibilities can effectively be performed while the employee is fully remote and no regular on-site presence is required.
2. Selection of at least one of the following business need criteria:
  - Specialized/Unique Skill Set:** The skills, knowledge, and abilities (SKAs) of the employee’s position correlate to essential business / program necessity and cannot typically be learned within 6 months; the loss of talent for that position presents a significant negative business impact; there are demonstrated recruitment challenges and/or scarcity of that skill in the local labor market.
  - Funding and/or Special Conditions:** The full-time remote work is driven by funding or programmatic requirements.
  - Qualified Applicant Pool:** Prior recent recruitment(s) did not yield a viable and qualified applicant pool.
3. Supporting justification of the position assessment and business need:

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**Required Actions:** The following actions must be completed prior to and after finalizing the Remote Work Agreement.

Item	Action	Responsible
Policy & Guidance	Ensure that Berkeley Lab policy and guidance are adhered to in accordance with the <a href="#">Flexible Work</a> policy, the <a href="#">Flexible Work Guidelines</a> website, and the <a href="#">Procedures and Guidelines</a> document.	Employee and Supervisor
Taxes	Update the "Home Address" in <a href="#">UCPath</a> to the approved remote work location, which will trigger the proper state tax withholdings for any out of state (non-California) locations.  Determine (with assistance from a tax advisor as applicable) if there are any additional requirements for income tax purposes in the state of the approved remote work location.	Employee
Benefits	Ensure adequate health and welfare benefit enrollments to provide coverage in the approved remote work location. If teleworking out of area for two or more months (considered a qualifying event which would allow a change in health plans), ensure that benefits enrollments provide adequate health insurance coverage: <ul style="list-style-type: none"> <li>• If located out of the Bay Area but still within CA: An employee could conceivably be located outside an HMO service area, but still be within CA - these employees would be required to enroll in a plan that provides benefits where they are located, if applicable.</li> <li>• Outside of CA: employee must enroll in coverage (e.g. PPO) that can be utilized out of state.</li> <li>• Foreign national employees (nonimmigrants) on J-1 visa must ensure that the plan in which they are continuously enrolled is a Berkeley Lab sponsored HMO, unless they qualify for the Postdoc PPO plan; no PPO for other than Postdocs will meet the U.S. Department of State requirement for the Exchange Visitor visa. <a href="https://j1visa.state.gov/sponsors/how-to-administer-a-program/">https://j1visa.state.gov/sponsors/how-to-administer-a-program/</a>. See "Insurance" section. To ensure compliance, employees may elect to purchase their own adequate coverage at their expense, with review of policy/plan and approval of IRSO.</li> </ul>	Employee
Workplace and Ergonomic Safety	Ensure adherence to existing policy and guidance related to work and ergonomic safety. This includes completion of any assigned Work Planning and Control (WPC) training requirements. For details on current ergonomics guidance and resources, visit: <ul style="list-style-type: none"> <li>• <a href="#">Berkeley Lab Ergonomics</a></li> <li>• <a href="#">Telework @ Berkeley Lab</a></li> </ul> Employees and supervisors are responsible for reporting any work safety concerns, injuries, or issues while the employee is working from their remote work location.  Employees should be in a WPC specifying telework and complete required training. Employees are responsible for creating a safe and ergonomic office in the remote work location. All accessories, furniture and equipment already provided and/or currently used should also be utilized in their remote work location. If employees have not already been provided telework equipment and accessories employees should obtain needed items. Details regarding telework can be found at: <a href="mailto:Telework@Berkeley.Lab">Telework@Berkeley.Lab</a> .  Employees can request an ergo evaluation at the remote work location at <a href="http://ergoeval.lbl.gov">ergoeval.lbl.gov</a> . Employees should <u>not</u> work directly on a laptop for extended periods of time.	Employee and Supervisor
Property	Ensure adherence to existing Berkeley Lab Property and Procurement policy outlining acceptable purchases for telework equipment and resources. Visit the following for details: <ul style="list-style-type: none"> <li>• OCFO <a href="#">Property Management website</a></li> <li>• <a href="mailto:Telework@Berkeley.Lab">Telework@Berkeley.Lab</a></li> </ul> NOTE: If an employee was already previously provided with equipment for their home office in the Bay Area, it is their responsibility to safely move that equipment to the approved remote work location and return it (either to their Bay Area home office or back to Berkeley Lab).	Employee and Supervisor
Work Hours and Availability	Ensure employees are available per the expectations established by the supervisor or for effective performance of established deliverables. This may require being available during standard Berkeley Lab business hours regardless of time zone variances for the approved remote work location. Supervisor and employee must establish this expectation as part of the Remote Work Agreement.  Hourly non-exempt employees are required to adhere to existing work hours and overtime rules. This includes ensuring that they continue to take the appropriate work breaks and work-free meal breaks as if working on-site. Additionally, hourly non-exempt employees must obtain approval in advance from their supervisor before working any overtime hours. Any and all overtime hours worked must be reported and compensated.  Periodic on-site visits may be required for business purposes. If this should occur, the employee should be provided a minimum of one week notice to arrange for travel. Remote workers whose lodging will be paid by Berkeley Lab should stay at the <a href="#">Berkeley Lab Guest House</a> and pay by direct bill. Refer to the	Employee and Supervisor



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	<a href="#">Flexible Work Guidelines</a> website for information on eligible expenses related to business travel for remote workers.	
Communication, Deliverable Expectations, Performance	<p>Ensure agreement on how the employee will be accessible for collaboration as appropriate and required for the work, and clearly define an effective communication plan with supervisor and co-workers (e.g. email, tele- and video-conferencing, online collaboration tools, etc.).</p> <p>Ensure alignment for clear performance and deliverable expectations. The supervisor is responsible for monitoring and measuring performance, evaluating work product, and ensuring productivity and progress toward goals and objectives at the same standard as if the employee were continuing to work on-site.</p>	Employee and Supervisor
Funding Source	Some funding sources may have explicit requirements for work by the employee to be performed while residing in California (such as the California Energy Commission). Supervisors and division leadership are responsible for first ensuring that there are no such restrictions for out of state work by the employee before approving the employee's request. If funding is contingent on the employee performing work while residing and working in California, the employee may not be eligible to work out of state.	Supervisor
Visa and Immigration (if applicable)	For employees on a work visa, consult with the <a href="#">International Researchers and Scholars Office</a> (IRSO) to verify employee eligibility and review any applicable impacts. Work with an IRSO Advisor to initiate any actions required for visa documentation compliance, insurance coverage requirements, etc. Refer to the <a href="#">Procedures and Guidelines</a> document for a description of the various implications based on visa type.	Employee and Supervisor
Work Mode Assignment	The supervisor must document the Remote Work designation in the Work Mode Assignment tool and upload the fully signed Remote Work Agreement. See the <a href="#">Work Mode Assignment Tool instructions</a> document for instructions.	Supervisor

As of October 2021, no changes have been made to the compensation approach for full-time remote workers. However, employees entering into a Remote Work Agreement are advised that future compensation adjustments based on regional pay factors may be implemented in accordance with DOE guidance.

**By signing this agreement, all parties (requesting employee, supervisor, and division leadership) agree to the terms and conditions set forth in this document.**

Requesting Employee  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Supervisor Approval  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Division Director Approval  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Associate Laboratory Director  
Approval Signature: \_\_\_\_\_ Date: \_\_\_\_\_