



Remote Work Agreement

This form is to be used for Full-Time Remote Work arrangement requests, in accordance with the Berkeley Lab [Flexible Work policy, Procedures and Guidelines](#), and [Flexible Work Tool Kit](#) document. A Remote Work Agreement must be executed for any employee who requests to work remotely from an out of area location, which is a location outside of local commute distance, or >150 miles as defined in current Berkeley Lab policy. This includes any employees who have moved out of the area, with or without explicit approval, prior to the implementation of new guidance in October 2021 so that the arrangement can be formally documented.

Employee Name:		Employee ID #:	
Job Title:		Division:	
Supervisor Name:		Division Director:	
Remote Work Start Date:		Remote Work Location (City & State):	
Return to Area date (if applicable):			

By executing this agreement, all parties (requesting employee, supervisor, and division leadership) agree to the terms and conditions set forth in the **Flexible Work policy, Procedures and Guidelines**, and the **Flexible Work Tool Kit**.

A fundamental principle for Full-Time Remote Work arrangements is that they must be adequately supported by business and mission needs, and must be approved by an employee’s supervisor as well as the applicable Division Director and Associate Laboratory Director (ALD) applying the following bona fide business rationale:

1. Assessment of the position confirms that the duties and responsibilities can effectively be performed while the employee is fully remote, and no regular onsite presence is required, **AND**
2. At least one of the following conditions applies:
 - **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 local labor market
 - **Funding and/or special conditions** - the remote work arrangement is driven by funding or programmatic requirements
 - **Qualified Applicant Pool and Diversity Considerations** - prior recent recruitment(s) did not yield a viable, qualified, and/or diverse applicable pool

Important and Required Actions: Employees and supervisors must take specific actions to ensure the following actions are reviewed and executed for finalizing Full-Time Remote Work arrangements. Signatures on this document indicate that these actions have been taken as necessary:

Item	Action	Responsible
Policy Guidelines	Review the Flexible Work policy, Procedures and Guidelines , and the Flexible Work Tool Kit in full to understand all conditions and requirements.	Employee and Supervisor
Taxes	The employee should update their “Home Address” in UCPATH to the approved remote work location, which will trigger the proper state tax withholdings for any out of state (non-California) locations. The employee is responsible (with assistance from their tax advisor as applicable) for determining if there are any additional requirements for income tax purposes in the state where they will be located.	Employee
Benefits	Employees must ensure that they have adequate health and welfare benefit enrollments to provide coverage in the 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), the employee is responsible for ensuring their benefits enrollments provide adequate health insurance coverage: <ul style="list-style-type: none"> • 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. 	Employee



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	<ul style="list-style-type: none"> • Outside of CA: employee must enroll in coverage (e.g. PPO) that can be exercised out of state. • Foreign national employees (nonimmigrants) on J-1 visa must ensure that the plan in which they are continuously enrolled is a Lab sponsored HMO, unless they qualify for the Postdoc PPO plan; no Lab PPO for other than Postdocs will meet the U.S. Department of State requirement for the Exchange Visitor visa. https://j1visa.state.gov/sponsors/how-to-administer-a-program/. See “Insurance” section. Employee may elect to purchase their own adequate coverage at their expense, with review of policy/plan and approval of IRSO, to ensure compliance. 	
Compensation	As of the issuance of this policy, procedure, and guidelines in October 2021, there will be no immediate changes in the approach to compensation for remote workers and no changes are being made with respect to salary. However, the issue of remote worker salary is more complex and we are working to understand all aspects of this issue, including seeking guidance and expectations from DOE. This will inform our decision about the possible consideration of regional pay factors in the future. Employees entering into a Remote Work Agreement should understand that compensation adjustments based on remote work location may well be a reality in the future when there is clearer understanding of federal requirements.	Employee and Supervisor
Workplace and Ergonomic Safety	<p>Employees and supervisors must ensure adherence to existing policy and guidance related to work and ergonomic safety. This includes completion of any assigned WPC training requirements. For details on current ergonomics guidance and resources, visit:</p> <ul style="list-style-type: none"> • Berkeley Lab Ergonomics • Telework @ Berkeley Lab <p>Employees and supervisors are responsible for reporting any work safety concerns, injuries, or issues while the employee is working from their remote work location.</p> <p>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: Telework@Berkeley.Lab.</p> <p>Employees can request an ergo evaluation at the remote work location at ergoeval.lbl.gov. Employees should <u>not</u> work directly on a laptop for extended periods of time.</p>	Employee and Supervisor
Property	<p>Employee and supervisor must ensure adherence to existing Berkeley Lab Property and Procurement policy outlining acceptable purchases for telework equipment and resources. Visit the following for details:</p> <ul style="list-style-type: none"> • OCFO Property Management website • Telework@Berkeley.Lab <p>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 the Lab).</p>	Employee and Supervisor
Work Hours and Availability	<p>Employees must be 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 preferred out of area location. Supervisor and employee must establish this expectation as part of an approved remote work arrangement.</p> <p>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.</p> <p>Periodic onsite visits may be required for business purposes. If this should occur, the employee should be provided a minimum of 1 week notice to arrange for travel. Remote Workers whose lodging will be paid by Berkeley Lab should stay at the Berkeley Lab</p>	Employee and Supervisor



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	Guest House and pay by direct bill. Refer to the Flexible Work Tool Kit for information on eligible expenses related to business travel for remote workers.	
Communication, Deliverable Expectations, Performance	Supervisor and employee must agree to how the employee will be accessible for collaboration as appropriate and required for the work, as well as clearly define an effective communication plan with supervisor and co-workers (e.g. email, tele- and video-conferencing, online collaboration tools, etc.). Supervisor and employee must 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 locally.	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 executing 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 International Researchers and Scholars Office (IRSO) to verify employee eligibility and review any applicable impacts. Work with IRSO Advisor to initiate any actions required for visa documentation compliance, insurance coverage requirements, etc. Refer to the Flexible Work policy procedures document for a description of the various implications based on visa type.	Employee and Supervisor

Signatures below represent acknowledgement and agreement with the above outlined policy guidelines and expectations:

Requesting Employee
Signature: _____ Date: _____

DIVISION APPROVALS

Please indicate at least one business criteria that applies to support the employee's request for Remote Work arrangement and provide the supporting business justification on the next page:

- Specialized / Unique Skill Set
- Funding and/or Special Conditions
- Qualified Applicant Pool and Diversity Considerations

Supervisor Approval
Signature: _____ Date: _____

Division Director Approval
Signature: _____ Date: _____

Associate Lab Director (ALD)
Approval Signature: _____ Date: _____

When all three signatures above are obtained, the Supervisor must document the Remote Work designation in the Work Mode Assignment tool and upload the signed Remote Worker Agreement. Reference the [WayWeWork resources](#) page and [Work Mode Assignment Tool instructions](#) document for instructions.

Supporting Business Justification:

Remote Work arrangements are unique situations which apply to a relatively small subset of the Berkeley Lab population. You must provide sufficient and detailed information to support the identified business criteria as noted above.



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A large, empty rectangular box with a thin black border, intended for the content of the Remote Work Agreement.