

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

**FILE:** B-222246

**DATE:** September 4, 1986

**MATTER OF:** Work Performed at Home

**DIGEST:** The Department of Housing and Urban Development proposes to allow an employee with multiple sclerosis to work at home during temporary periods when the employee will not be able to commute to an office because of that illness. While generally Federal employees may not be compensated for work performed at home rather than at their duty stations, under limited circumstances, when actual work performance can be measured against established quantity and quality norms so as to verify time and attendance reports, and there is a reasonable basis to justify the use of a home as a workplace, payment of salaries for work done at home may be authorized under an established and approved program. Thus, if the agency has determined that appropriate measures have been taken to ensure quantity and quality of work done and time and attendance, the employee may be paid for work done at home.

This action is in response to a request for an advance decision from the U.S. Department of Housing and Urban Development regarding a proposed temporary work-at-home arrangement for an employee of the agency.<sup>1/</sup> The agency proposes to allow the employee to work at home during periods when, due to illness, the employee will be unable to report to the office to work. The employee was recently diagnosed as having multiple sclerosis and while she may be capable of performing her duties, aspects of her illness would prevent her from commuting to the office from time to time. Her absences will be temporary and are generally not expected to exceed 1 week at a time.

The employee's position is that of Intergovernmental Relations Officer, and her position is described by the agency as one which requires the writing of letters,

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<sup>1/</sup> The request was made by Judith L. Tardy, Assistant Secretary for Administration, U.S. Department of Housing and Urban Development, Washington, D.C.

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speeches, position papers, and memoranda, as well as the performance of other measurable tasks. The agency states that the employee's supervisors will know the number of written products and other items of work completed on a weekly basis and the approximate time needed to complete each task. The agency proposes that the employee work at home for between 15 and 25 hours a week, not to exceed 6 hours a day.

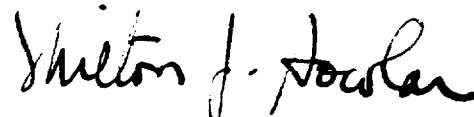
With regard to work-at-home programs, we have expressed the view that under most circumstances, Federal employees may not be compensated for work performed at home rather than at their duty stations. However, we have authorized exceptions to this general rule under limited circumstances. When actual work performance in the home can be measured against established quantity and quality norms so as to verify time and attendance reports, we have interposed no objection to payment of salaries. We have allowed Federal employees to be compensated for work performed at home in a variety of circumstances, provided the work was of a substantial nature, the employing agency was able to verify that the work had in fact been performed, and there appeared to be a reasonable basis to justify the use of the home as a workplace. In appropriate circumstances, we have authorized compensation for work at home involving the preparation of written documents, and also the making of telephone calls.<sup>2/</sup>

In the present case, the agency proposes to allow one employee with multiple sclerosis to work part-time, temporarily, at home. Under the proposed program, the employee would "compose drafts of letters or memoranda, make phone calls, draft position papers or speeches and complete other measurable tasks." The employee would call in at the beginning and end of her workday and would record working hours in a log. The agency states that a staff member would review the work done and make determinations regarding time required to complete the tasks. The agency states that the work is measurable since the office will be aware of the number of tasks performed on a weekly basis and the approximate time needed to complete a task.

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<sup>2/</sup> See 65 Comp. Gen. 49, 52 (1985); B-214453, December 6, 1984; B-182851, February 11, 1975; B-169113, March 24, 1970; and B-131094, April 17, 1957.

We point out that the situation in this case is not to be confused with the usual case of an employee who is ill and unable to perform his or her ordinary duties at the assigned workplace, or the employee who for personal reasons or convenience would prefer a more flexible schedule or to take some time off. The government's sick leave and disability retirement programs are directed toward the first category and the annual leave, flexible and compressed work schedules, and part-time programs are directed toward the latter category. The present case, however, involves an employee who apparently wishes to work and is capable of performing her duties, the only problem being that at times she is unable to commute to the office. In these circumstances, it appears that work of a substantial and measurable nature will be performed at home, that the employing agency will be able to verify the performance of the work, and that the employee's physical condition affords a reasonable basis to justify allowing her to work at home from time to time. Hence, we have no objection to the implementation of the agency's proposal.

*for*   
Comptroller General  
of the United States