

Memorandum

Date: March 13, 2025

To: Agency Secretaries
Department Directors

From: Eraina Ortega, Director
California Department of Human Resources

Re: Statewide Guidance on Case-by-Case Exceptions to Four In-Person Days Per Work Week

1. Purpose of Guidance and Overview

The Statewide Telework [Policy](#) provides the structure for effective telework programs to benefit the State of California and its employees. Each department is required to establish a written policy specific to the department's business needs in accordance with this statewide policy. As established by the business needs identified in Executive Order [N-22-25](#), those agencies and departments that provide telework as an option shall require a default minimum of four in-person days per work week.

Departments must consider employee requests for more than one telework day per week on a case-by-case basis. Pursuant to this guidance, as well as the requirements of the applicable Memorandum of Understanding (MOU) and applicable laws, including the Americans with Disabilities Act (ADA), such requests shall be approved or denied based on individual circumstances and the specific needs and objectives of the department. The purpose of this memorandum is to provide guidance concerning known circumstances that support case-by-case exceptions to the four-day minimum as authorized by the Order.

Departments should carefully consider the broader benefits of enhanced collaboration, cohesion, creativity, and communication, as well as improved opportunities for mentorship, enhanced public trust, and fairness. An in-office environment requires a critical mass of employees to be present to ensure these operational needs are met. Exceptions should be limited to circumstances where the department determines that the requested telework arrangement does not compromise the department's broader operational needs or the benefits of increased in-person interaction.

Requests for Reasonable Accommodation and leave under the Fair Employment and Housing Act (FEHA), the ADA, the Family Medical Leave Act (FMLA) or the California Family Rights Act (CFRA), and any other existing flexible schedule frameworks¹

¹ The [CalHR Online Manual, Policy 1502 – Flexible Work Arrangements](#) provides examples of flexibility such as alternate work week schedules, reduced time schedules and flextime. Employees may consider signing up for the Voluntary Personal Leave Program, which allows them to plan for additional time off that may be needed for a variety of reasons, including family planning.

addressing personal circumstances, shall continue to follow established agency and department procedures as required by any applicable MOU, and consistent with state policies and governing law.

Departments are reminded they must engage in a timely, good faith interactive process in accordance with FEHA and the ADA in response to requests for Reasonable Accommodation. Additional information on the Reasonable Accommodation process can be found [here](#). Consistent with individual department's existing policies and procedures, departments should consult with the appropriate internal staff (e.g. RA Coordinator, HR Chief, Legal Counsel, etc.) while navigating through these requests.

2. Employees whose positions require telework.

Departments may exempt employees from the four in-person days per work week, if the employee's duties require them to provide services, conduct business, and/or complete their work at an officially designated alternate work location as identified in the employee's telework agreement. Examples of employees in this category could include, but are not limited to, telehealth providers, investigators, and inspectors.

Departments may still require travel to the headquarters' location and shall follow all state travel and reimbursement policies as well as applicable MOUs and governing laws.

3. Employees who do not live near their duty stations (e.g. headquarters, reporting location, or worksite) who had a mutually agreed-upon telework arrangement prior to March 3, 2025.

Employees who had a mutually agreed-upon agreement to work remotely more than one day per week, living in a location in California, 50 or more miles from their designated headquarters or duty station, may be allowed to continue their telework agreement as it existed on March 3, 2025, if the agency or department determines telework for these employees is consistent with operational need.

Departments may still require travel to the headquarters' location and shall follow all state travel and reimbursement policies as well as applicable MOUs and governing laws.

Once such an employee's position becomes vacant, it shall return to the default minimum of four in-person days per work week. Departments shall not enter into new agreements to telework more than one day per week under this section, unless the position is eligible for exceptions pursuant to this guidance.

4. General guidance.

All agencies and departments shall continue to adhere to the Statewide Telework Policy and agencies and departments should immediately begin reviewing internal policies and procedures and make any changes necessary, including updating

telework agreements. In reviewing operations, exemption criteria should be applied consistently. If making any operational changes in response to the Executive Order, departments shall coordinate in advance with their labor relations office on the timing and implementation of such changes from existing practice.

For purposes of implementing the default of four in-person days, "in-person" does not necessarily equate to "in-office" to the extent an employee's job duties involve in-person work outside of the office. For example, working "in the field" is considered an in-person workday and shall be considered when determining a new telework agreement. Similarly, attending off-site meetings or work-related travel qualify as "in-person" days.

5. Reporting and accountability.

Departments are required to report information about approved exceptions to the default four in-person days per week to their Agency Secretary and CalHR starting April 30, 2025. Further reporting instructions, including a reporting template, will be provided by CalHR.