



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

# Compliance Advisory

May 17, 2021

## Commuter Benefits Regulation

---

*This Compliance Advisory is provided to inform you about activities of the Air District which may affect your organization's operation. It will assist you in your effort to achieve and maintain compliance with applicable air pollution rules and regulations.*

**ATTENTION: COMPANIES SUBJECT TO THE COMMUTER BENEFITS REGULATION**

**SUBJECT: TELEWORK OR REMOTE WORK COMPLIANCE OPTION**

Bay Area Air Quality Management District Regulation 14, Rule 1: Bay Area Commuter Benefits Program (Program) requires employers with 50 or more full-time employees within Air District boundaries, which include the 9 Bay Area Counties, to offer an approved commuter benefit option to their covered employees:

- Option 1: Pre-Tax
- Option 2: Employer Paid Benefit
- Option 3: Employer Provided Transit
- Option 4: Alternative Commuter Benefit
- Option 5: Telework

The Program has updated the compliance options available to employees with additional flexibility while also removing single-occupancy vehicle (SOV) trips from Bay Area commutes by expanding options for Telework, or Remote Work, by adding Option 5: Telework. Through using Option 5 employers can now comply by offering telework benefit options to employees.

Telework is defined by the US government Telework Enhancement Act of 2010 111.292. The Telework Enhancement Act defines telework or teleworking, including remote work, as a work flexibility arrangement under which an employee performs the duties and responsibilities of such employee's position, and other authorized activities, from an approved worksite other than the location from which the employee would otherwise work. In practice, telework is a work arrangement that allows an employee to perform work, during any part of regular, paid hours, at an approved alternative worksite (e.g. home or telework center) with the goal of reducing cars during commute hours by eliminating single occupancy commuting.

In order for an employer to be pre-approved to comply under Option 5: Telework, the employer must offer a telework benefit option to the majority of employees to work a minimum of one or more days per week, and not remove existing benefits being offered to employees whose duties cannot be done outside the worksite. If an employer removes existing benefits already being offered to employees, then Option 5: Telework will need to be approved on a case-by-case basis.

To comply with the commuter benefits program requirements under Option 5: Telework take the following steps:

Step 1: Log in, or set up account, via the [on-line registration system](#) at 511.org

Step 2: Enter necessary employer information

Step 3: Select Option 5: Telework

Step 4: Complete the on-line program registration process

Step 5: Comply with the other requirements of the Program including:

- Notify employees of the commuter benefit option selected and how to use the benefit,
- Maintain records to document how and when employees were notified about the commuter benefit(s),
- Maintain and retain records, files, and documentation to establish compliance with the requirements of this rule for three years (make available to the Air District upon request),
- Complete annual registration update.

More information on how to comply with the Program through telework is available in "Helpful Resources" on 511.org: <https://511.org/employers/commuter-benefits-program>

If you have any further questions regarding this regulation, please contact us at: [commuterbenefits@baaqmd.gov](mailto:commuterbenefits@baaqmd.gov)

**Jeff Gove**  
**Director of Compliance and Enforcement**