

Internal Operations Manual

SUBJECT: Telework

NUMBER: 107-01-050

DIVISION: Operations Division – Personnel Office

EFFECTIVE DATE: 01-01-07

APPROVED:

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**POLICY/
PURPOSE:**

Teleworking (or telecommuting), is a flexible way of organizing work without the need of the physical presence of the worker at the work place during important parts of normal working hours.

It is the policy of the Department of Administrative Services (DAS) to allow employees to telework when there is an opportunity for increased employee performance, reduced commuting miles and/or agency savings, and where the needs of our customers will be met.

This policy addresses both occasional and regular telework arrangements. Arrangements for full-time home-stationed workers shall be arranged on a case-by-case basis. This policy complies with all applicable provisions of the Americans with Disabilities Act (ADA) of 1990.

AUTHORITY:

ORS 240.145(3); 240.250; HRSD State Policy 20.005.20, Fair Labor Standards Act; HRSD State Policy 60.015.01, Temporary Interruption of Employment; HRSD State Policy 50.050.01, Telecommuting; Executive Order 98-02; SEIU LOA 00.00-99-49.

APPLICABILITY: All DAS employees

ATTACHMENTS: 1. Telework Application

GUIDELINES:

- I. Telework may not be suitable for all employees and/or positions:
 - A. Telework shall be voluntary unless specifically stated as a condition of employment.
 - B. Employees may apply to telework after completing initial or promotional trial service. The employee's Division Administrator may approve exceptions.
 - C. Telework is not an employee right. This policy and procedure creates no employee rights in relation to telework.
 - D. Management decisions regarding telework are not subject to appeal.
 - E. Either management or the employee may discontinue the arrangement at any time.
 - F. Telework may be temporarily suspended or ended due to the operational needs of the unit.
 - G. Out-of-State telework sites will not be allowed.

- II. Consideration for approval to telework will be given:
 - A. When employees have demonstrated good work habits and performance, and their tasks are well-suited for telework;
 - B. When telework provides the opportunity for increased employee performance;
 - C. When there would be reduced commuting miles; and/or
 - D. When there is demonstrated agency savings.

III. All the following requirements must be met:

- A. The employee's position must have minimal requirements for direct supervision or contact with customers.
- B. The work objectives and tasks must be clearly defined with measurable results.
- C. There must be no decrease in the level of service provided to the customer.
- D. The location of work must not change the employee's duties or the duties of co-workers.
- E. The cost of supporting the telework must be reasonable in comparison to the amount of commuting miles saved.
- F. The employee's equipment and software must meet agency standards or the division may supply loaner equipment.
- G. The employee is responsible for establishing and maintaining the telework site.
- H. In case of injury, theft, loss, or tort liability related to telework, the employee must allow agents of the state to investigate and/or inspect the telework site at any time.
- I. The need for Information Technology support is minimal.
- J. The employees shall sign and abide by a telework agreement, which will be reviewed and renewed on an annual basis.

Terms of Employment

- I. The teleworker's conditions of employment shall remain the same as for non-telework employees. Employee salary, benefits and employer-sponsored insurance coverage shall not change as a result of telework.
- II. Agency policies, rules and practices including those governing communicating internally and with the public, employee rights and responsibilities, facilities and equipment management, financial management, information resource management, purchasing of property and services, and safety shall apply at the telework site. Failure to follow agency policy, rules and procedures may result in termination of the telework arrangement and/or disciplinary action.
- III. The teleworker will not be paid for mileage, time or expenses involved in travel between the telework site and the official workstation.

Work Schedule and Accessibility

- I. The number of hours worked will not change because of telework. Overtime will not be worked without prior approval from management.
- II. The telework agreement will specify work schedules that are in compliance with FLSA regulations and HRSD State Policy 20.005.20.
- III. The telework schedule will allow adequate time at the official workstation for meetings, access to facilities and supplies, and communication with other employees and customers.
- IV. The employee must be reachable by telephone, fax, pager or e-mail during assigned work hours. The most efficient and cost effective way of handling expenses associated with telework will be documented and audited.
- V. If the official workstation is closed due to an emergency or inclement weather, the supervisor will contact the teleworker. HRSD State Policy (60.015.01) and SEIU Article 74 governing temporary interruption of employment is applicable to teleworkers.

Dependent Care

- I. Employees will not act as primary caregivers for dependents during the agreed-upon work hours. This does not mean dependents will be absent from the home during the telework hours. It means the dependent will not require the employee's attention during work hours. Employees must make dependent care arrangements to permit concentration on work assignments.

Telework Site

- I. The employee will maintain a designated workspace that is clean, safe, and free from distractions.
- II. In the event of a job-related incident or accident during telework hours, the employee will immediately report the event to the supervisor. The state does not assume responsibility for injury to any persons other than the employee at the telework site.
- III. The employee will not hold in person business meetings with staff, clients, customers, the public or professional colleagues at his or her residence.
- IV. Employees are advised to consult with their insurance agent and a tax consultant for information regarding home work sites. Individual tax implications, auto and homeowners insurance, incidental residential utility and IT connection costs are the responsibility of the teleworker.

Supplies, Equipment and Furniture

- I. The telework agreement must specify all reimbursable costs. Management must authorize any additional costs related to telework prior to purchase or installation. DAS will provide standard office supplies (pens, paper, pencils, etc.). Out-of-pocket expenses for other supplies normally available in the office will not be reimbursed.

Employees may be responsible for providing telework site furniture, computer hardware, software and whatever data communications and services are needed to complete assigned tasks. Other arrangements may be negotiated between management and employee and must be documented in the telework agreement.

- III. The following conditions shall apply:
 - A. Personal use of state equipment in the home shall follow agency policies.
 - B. Restricted-access materials shall not be taken out of the office or accessed through the computer unless approved in advance by the supervisor.
 - C. Products, documents and records used, developed or revised while teleworking shall remain the property of the state, and are subject to state and agency policies regarding confidentiality and records retention requirements. They must be easily accessed by the agency while still protecting the employee's personal files. The work must be safeguarded with appropriate backups.
 - D. For telework jobs that have security and/or confidentiality requirements, procedures must be established that limit the type of documents or information that can be taken home and guarantee the protection of allowed documents. Those procedures must be included in the telework agreement.

- IV. Employees shall comply with all agency guidelines and software licenses for the use of computer hardware and software including:
 - A. Use of agency standard anti-virus and surge protection on home computers;
 - B. Compliance with software licensing laws;
 - C. Duplication of state-owned or licensed software;
 - D. Maintaining system security;
 - E. Limiting access to files; and
 - F. Keeping passwords confidential and changing them periodically.

- V. DAS is not responsible for loss, damage or wear of employee-owned equipment. Repair and/or replacement costs and liability for privately owned equipment and furniture used during telework is the responsibility of the employee.

- VI. All DAS equipment and software used at the telework site must be noted on the telework agreement.

PROCEDURES:

IMPLEMENTING TELEWORK

<u>Step</u>	<u>Responsible Party</u>	<u>Action</u>
1.	Employee	Reads and understands this Telework Policy. Completes Telework Application (Attachment 1). Submits to Supervisor.
2.	Supervisor	Reviews application and determines if telework meets the needs of the agency and its customers. Also determines if the employee is a suitable candidate for telework. Either approves or denies the request. If approved, send to the TSC. If denied, responds to employee. Ensures telework agreements are updated at least annually thereafter.
3.	Technology Support Center	Reviews the application and determines if the systems, equipment and security features meet agency requirements. If needed, sends the application to the Enterprise Security Office for further approval. If further approval is not needed, sends approved form to the Personnel Office. If the application is denied, returns form to the Supervisor.
4.	Enterprise Security Office (if needed)	Reviews the application and determines if security systems will be compromised. If approved, signs the form and sends it to the Personnel Office. If denied, returns form to TSC, who in turn will return it to the Supervisor.
5.	Personnel Office	Reviews application for completeness. If all approvals have been received, informs the employee via e-mail and copies the supervisor, TSC and ESO. Files the application in the official personnel file. Ensures telework applications are updated at least annually or canceled if no longer needed. Purges applications after three years. Presents an annual report to the DAS Director, Division Administrators and the Office of Energy. The report will include the number of employee's on telework, and the number of miles and hours of travel time saved annually.

PROCEDURES:

TO RESCIND OR TERMINATE TELEWORK AGREEMENT

Step **Responsible Party**

Action

1. Employee

If the employee wishes to terminate the telework agreement, meets with the supervisor and sets an effective date.

2. Supervisor

If the supervisor wishes to terminate the telework agreement, meets with the employee; explains reason(s) and sets an effective date for termination of the telework agreement. Sends notification to the Personnel Office giving the end date and reason for the termination.

PART 3: Agreements

I have read and understood the telework policy of the Department of Administrative Services (#107-01-050), the Use of Information/Telecommunications Technology policy (#107-01-010) and this agreement. I agree to abide by and operate in accordance with the terms and conditions described in these documents as well as all DAS Policies. I agree that the sole purpose of this agreement is to regulate teleworking and that it neither constitutes an employment contract nor an amendment to any existing contract.

Applicant/Employee:		
	Signature	Date

With my signature, I acknowledge the employee's request to telework. I also acknowledge the potential security risks from the employee accessing systems and data from a remote location.

Supervisor Signature:		Approved or Denied <input type="checkbox"/> <input type="checkbox"/>
	Signature	Date
If denied, why:		

With my signature, I acknowledge the employee's system resources (e.g. computer equipment, software) are consistent with agency standards and meets requirements for remote access.

Technology Support Center:		Approved or Denied <input type="checkbox"/> <input type="checkbox"/>
	Signature	Date
If denied, why:		

With my signature, I acknowledge the employee's remote access to state systems and the potential security risks from the employee accessing systems and data from a remote location.

Enterprise Security Offices (as needed)		Approved or Denied <input type="checkbox"/> <input type="checkbox"/>
	Signature	Date
If denied, why:		

Attach clarifying/supporting documentation as needed for things like expectations, reimbursements, etc.

TSC will return the original, completed form to DAS Personnel for final approval and placement in Personnel File