

<b>SUBJECT:</b> Telecommuting and Teleworking	<b>NUMBER:</b> 50.050.01
<b>DIVISION:</b> Human Resource Services Division	<b>EFFECTIVE DATE:</b> 11/9/09

**APPROVED:** Signature on file with the Human Resource Services Division

- POLICY STATEMENT:** Oregon state government encourages state agencies to allow employees, where suitable, to telecommute or telework.
- AUTHORITY:** ORS 240.145(3), 240.250, 240.855
- REFERENCE** State HR Policy 20.005.20 Fair Labor Standards Act; Department of Administrative Services (DAS) Enterprise Information Strategy and Policy Division (EISPD) information technology and information security policies
- APPLICABILITY:** All employees (where not in conflict with collective bargaining agreements)
- ATTACHMENTS:** Sample Telecommuting Agreement; Sample Teleworking Agreement
- DEFINITIONS:** See State HR Policy 10.000.01, Definitions; and OAR 105-010-0000
- (a) Central worksite: The traditional office, official workstation, or workplace.
  - (b) Suitable: Positions that have limited need for direct supervision and access to hard copy or electronic files, limited need for face-to-face contact with other employees, clients, and customers, and limited need for access to the agency's resources.
  - (c) Alternate worksite: A worksite alternate to the central worksite, in the employee's home or in a building owned or leased by the state, or in a mutually agreed upon location.
  - (d) Telecommuting: A mutually agreed upon work option between the agency and the employee in which the employee works at an alternate worksite on a regular basis on specified days.
  - (e) Teleworking: A mutually agreed upon work option between the agency and the employee in which the employee works at an alternate worksite on an occasional, irregular basis with the remainder of his or her time at the central worksite.

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**POLICY**

- (1) An agency director shall administer State HR Policy 50.050.01, as the agency's policy on telecommuting and teleworking.
- (2) Request and Consideration
  - (a) Telecommuting and teleworking are privileges and may be a work option for some positions.

- (b) Employees may request to telecommute or telework. In deciding whether to accept or deny an employee's request, the supervisor may consider a number of factors, including, but not limited to, the following:
    - (A) If the position is suitable for telecommuting or teleworking.
    - (B) If the employee consistently demonstrates work habits that are well-suited to teleworking or telecommuting, including, but not limited to self-motivation, self-discipline, the ability to work independently, the ability to manage distractions, the ability to meet deadlines, and a demonstrated record of meeting established performance expectations.
    - (C) Whether approval or denial of the request is a consistent application of the policy throughout the agency.
    - (D) Whether a telecommuting or teleworking arrangement will meet the agency's business or operation needs or a need of the agency's customers.
  - (c) The supervisor may approve or deny the telecommuting or teleworking request. An agency's human resources office can assist supervisors who are uncertain about whether to approve or deny a telecommuting or teleworking request.
- (3) Agreement
- (a) The agency may require teleworking or telecommuting at the time of hire as a condition of employment. Under those circumstances, the agency has discretion to discontinue the arrangement at any time. In addition, teleworking or telecommuting may be arranged by mutual agreement between the agency and an employee. Unless otherwise provided in the agreement, either the agency or the employee may discontinue the arrangement at any time.
  - (b) Telecommuting employees sign and abide by an agreement between the employee and the supervisor. The employment relationship remains the same as for employees not working from an alternate worksite. Agencies may create their own agreements. See attached samples of a telecommuting and a teleworking agreement.
  - (c) Agencies have the discretion to approve employees working in alternate worksites when the worksite is in Oregon or in the same state as the central worksite. When an employee's alternate worksite is outside of Oregon, the agency's appointing authority must request a workers' compensation insurance assessment from DAS Risk Management to determine if out-of-state workers' compensation coverage is needed. If additional coverage is needed, DAS Risk Management arranges for the coverage. Discuss with DAS Risk Management if an assignment will last more than 14 workdays, the period set by Risk for initial assessment and approval of out-of-state worksites.
  - (d) An employee's salary, benefits and employer-sponsored insurance coverage do not change as a result of telecommuting or teleworking.
  - (e) Managers will monitor employee compliance with the telecommuting and teleworking agreement, relevant state policies, performance standards, expectations for work products, productivity and time accountability. Employees must be available during established work hours. Absences (including unavailability during work hours) must be pre-approved. Employees must account for all time worked and use other leave, as appropriate, with prior management approval only. Management may consider an employee's request to alter regular work hours on a telecommuting or telework day, if the alteration is necessary for the employee to accomplish assigned work tasks. Management will discuss the employer's expectations with the employee such as assignments to be completed, timely response to e-mail and phone calls, etc.
  - (f) Employees' work schedules must comply with the Fair Labor Standards Act, Collective Bargaining Agreements, or State HR Policy 20.005.20 Fair Labor Standards Act, as applicable.

- (g) Management has discretion to determine whether to allow telework when an employee's dependents may be in the home during teleworking hours. If approved, time the employee spends caring for dependents, or time spent on other personal business, will not be counted as time worked. The employee must gain pre-approval from management prior to using any accrued leave.
  - (h) Security
    - (A) The supervisor will ensure that the employee can work at the alternate worksite without endangering state information. The agreement must contain assurance that the supervisor and employee will follow agency policies and DAS-EISPD policies related to information and data security. Complying with these policies mitigates risk and ensures an appropriate level of security for confidential state information (paper and electronic) in transit or at the alternate worksite.
    - (B) The supervisor will provide the employee with ongoing training on how to protect confidential state information.
    - (C) The agency will ensure that the employee has secure network access to the state's systems and that devices used by the employee contain an appropriate level of security software and configurations.
  - (i) State information stored on an employee's personal electronic equipment is subject to public records requests, and to review by the agency.
- (4) Logistics for Alternate Worksites
- (a) Employees are expected to have sufficient telephone arrangements to perform their work and to participate in telephone conferences during agreed-upon work hours.
  - (b) Employees are expected to have sufficient Internet access if work assignments require use of Web resources in the performance of their duties while working at an alternate worksite.
  - (c) Employees will not hold business visits or in-person meetings with an agency's customers or co-workers at the alternate worksite unless approved by the employee's supervisor.
  - (d) The agency provides office supplies for the alternate worksite.
  - (e) The agency may provide equipment and software for use at the alternate worksite. The equipment and software are for agency business only, and must comply with the agency's desktop security and maintenance policies and practices.
  - (f) If the employee provides equipment and software, it must comply with the agency's desktop security and maintenance policies and practices, and any additional safeguards required by the agency. Note: State information stored on personal electronic equipment may be subject to agency review, public records requests and discovery.
  - (g) The employee normally provides home worksite furniture and equipment and should maintain a clean and safe workspace. The employee must immediately report to the supervisor any injury that occurs during work hours. The state is not responsible for loss, damage, repair, replacement, or wear of personal property or equipment.
  - (h) The agency may require telecommuting and teleworking employees to share workspace with other telecommuting employees.



**Equipment:**

The agency is not responsible for any private property used, lost or damaged. The state may pursue recovery from the employee for state property that is deliberately or negligently damaged or destroyed while in the employee's care, custody or control. Employees are advised to contact their insurance agent and tax consultant for information regarding home worksites.

Personal computer equipment used to telecommute must comply with agency security policies and practices. State information stored on personal electronic equipment is subject to public records requests and agency review.

In the event of equipment failure, the supervisor may immediately assign the employee to another project or worksite. The employee shall surrender all state equipment, data, and documents immediately upon request. List of equipment to be used at alternate worksite:

Item Description	Owner	Inventory # if state issued

**Information Security:**

According to State HR Policy 107.004.050, the security level of the information used at the alternate worksite is:

Level I (Published): \_\_\_\_\_

Level II (Limited): \_\_\_\_\_

Level III (Restricted): \_\_\_\_\_

Level IV (Critical): \_\_\_\_\_

Describe the measures being taken to secure the information and equipment at the alternate worksite?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

What is the review period for these security measures?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Other Arrangements:**

Please describe additional conditions agreed upon by the employee and supervisor.

\_\_\_\_\_

\_\_\_\_\_

**Acknowledgment:**

The employee agrees to perform services for the employer as a “telecommuter.” Telecommuting is voluntary and may be terminated at any time by either the employee or employer.

Telecommuting does not change the employee’s salary, job responsibilities and benefits. The employee agrees to comply with all existing job requirements and expectations.

The employee shall promptly notify the supervisor when he or she is unable to perform work assignments due to equipment failure or other unforeseen circumstances.

I have read and understand State HR Policy 50.050.01 Telecommuting and Teleworking, procedures of my organization and this agreement. I agree to abide by the terms and conditions outlined. I agree that the sole purpose of this agreement is to regulate telecommuting and that it neither constitutes an employment contract nor amends any existing contract.

**Signatures:**

Employee:	Date:
Supervisor:	Date:
Agency Information Security Officer: (optional)	Date:
Agency Appointing Authority: (optional)	Date:

## SAMPLE TELEWORKING AGREEMENT

(Occasional, irregular basis)

<b><u>Employee Name:</u></b>	<b><u>Date of Request:</u></b>
<b><u>Teleworking Agreement Begins:</u></b>	<b><u>Date of Teleworking Agreement Review:</u></b>
<p><b><u>Work Schedule:</u></b></p> <p>The employee must gain agreement and approval from the supervisor prior to commencing telework. The agreed upon day(s) and schedule shall be documented by the manager. Managers use this information to verify time worked on time sheets.</p> <p>The employee's work schedule remains the same while teleworking unless an official work schedule change is requested.</p>	
<p><b><u>Alternate Worksite:</u></b></p> <p>Generally, the agency does not reimburse the employee for travel between the alternate worksite and the central worksite.</p>	
<p>Indicate type and address of alternate worksite:</p> <p>___ Home: _____</p> <p>___ Satellite/Other: _____</p>	<p>Indicate alternate worksite telephone numbers:</p> <p>___ Home telephone: _____</p> <p>___ Cell: _____</p>
<p><b><u>Assignments</u></b></p> <p>Supervisors set expectations for job assignments to be completed on teleworking day(s). Employees are held to the same job requirements and expectations in effect while in the central worksite.</p>	

**Equipment:**

The agency is not responsible for any loss of or damage to private property used while teleworking. The state may pursue recovery from the employee for state property that is deliberately or negligently damaged or destroyed while in the employee’s care, custody or control. Employees are advised to contact their insurance agent and tax consultant for information regarding home worksites.

Personal computer equipment used to telework must comply with agency security policies and practices. State information stored on personal electronic equipment is subject to public records requests and agency review.

In the event of equipment failure, the supervisor may assign the employee to another project or work worksite. The employee shall surrender all state equipment, data and documents immediately upon request. List equipment to be used at alternate worksite:

Item Description	Owner	Inventory # if state issued

**Information Security:**

According to State HR Policy 107.004.050, the security level of the information used at the alternate worksite is:

Level I (Published): \_\_\_\_\_

Level II (Limited): \_\_\_\_\_

Level III (Restricted): \_\_\_\_\_

Level IV (Critical): \_\_\_\_\_

Describe the measures being taken to secure the information and equipment at the alternate worksite?

\_\_\_\_\_

\_\_\_\_\_

What review period has been agreed upon for these security measures?

\_\_\_\_\_

\_\_\_\_\_

**Acknowledgment:**

The employee agrees to perform services for the employer as a “teleworker.” Teleworking is voluntary and may be terminated at any time by either the employee or employer. Approval to telework does not imply a position is eligible for telecommuting.

The employee’s salary, job responsibilities and benefits will not change because of involvement in teleworking. The employee agrees to comply with all existing job requirements and expectations in effect while in the central worksite.

The employee shall promptly notify the supervisor when unable to perform work assignments due to equipment failure or other unforeseen circumstances.

Management has discretion to determine whether to allow telework when an employee's dependents may be in the home during the teleworking hours. If approved, time the employee spends caring for dependents or on other personal business will not be counted as time worked. The employee must gain pre-approval from management prior to using any accrued leave.

I have read and understand State HR Policy 50.050.01 Telecommuting and Teleworking, procedures of my organization and this agreement. I agree to abide by and operate in accordance with the terms and conditions outlined. I agree that the sole purpose of this agreement is to regulate teleworking and that it neither constitutes an employment contract nor amends any existing contract.

**Signatures:**

Employee:	Date:
Supervisor:	Date:
Agency Information Security Officer: (Optional)	Date:
Agency Appointing Authority: (Optional)	Date: