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| SUBJECT: Telecommuting and Teleworking | NUMBER: 50.050.01 |
| DIVISION: Chief Human Resources Office | EFFECTIVE DATE: 2/01/2019 |
| APPROVED: Signature on file with the Chief Human Resources Office | |

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; State HR Policy 20.005.20 Fair Labor Standards Act; and Office of the State Chief Information Officer (OSCIO) information technology and information security policies

APPLICABILITY: All employees where not in conflict with an applicable collective bargaining agreements

ATTACHMENTS: Sample Telecommuting Agreement; Sample Teleworking Agreement. Reference: <https://www.oregon.gov/das/HR/Pages/Tele.aspx>

DEFINITIONS: Also refer to State HR Policy 10.000.01 Definitions

Central worksite: The traditional office, official workstation, or workplace.

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.

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.

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.

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 their time at the central worksite.

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
 - (g) Agreements, or State HR Policy 20.005.20 Fair Labor Standards Act, as applicable
 - (h) 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 preapproval from management prior to using any accrued leave.
 - (i) 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 OSCIO 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. 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.