



DEPARTMENT OF HUMAN RESOURCE MANAGEMENT

POLICY 1.61 TELEWORKING

Overview

The Commonwealth adopts policies and practices that bring people together in the workplace. The goal of our administration is to deliver best-in-class government services across all agencies. We are committed to excellence and operating efficiently, and to encouraging employees to work in an office-centric environment where all benefit from more direct mentorship, collaboration, and peer-to-peer learning.

To promote general work efficiencies and worksite flexibility, telework may be an option for certain eligible positions. Eligible positions are determined by the type of work and job requirements of the position, as defined by heads of agencies. Determinations for telework eligibility must be focused on the job requirements and the ability of the individual employee to perform assigned work duties and continue team collaboration.

Agencies will determine work schedules in accordance with the Commonwealth's telework policy and the Standard Telework Agreement. This policy takes precedence over and supersedes all prior agency specific policies.

Policy

Telework is granted via a work agreement in which state employees perform their job duties away from permanently or temporarily assigned state-owned or managed facilities.

Each Agency Head is tasked with the following steps.

- Recognize that teamwork, collaboration, and productivity skills need continuous rejuvenation.
- Discuss the telework framework with employees to reaffirm the benefits of office-centric work environments.
- Promote best practices to demonstrate that the strongest teams are best cultivated, and learning is most enhanced, in an in-person setting.
- Highlight and inform employees that teleworking is an opportunity offered to employees, rather than an obligation of the Commonwealth.
- Determine positions where telework is appropriate for managing the affairs and operations of their agency and recognize that telework may not be a suitable alternative for many positions.
- Assess individual and team objectives and overall performance expectations of the team when approving new telework agreements.

- Ensure that individual telework agreements reflect specific days of on-site work that are consistent with effective delivery of services and team collaboration.
- Ensure that legal requirements are met for employees who have unique workplace considerations.
- Telework agreements shall include approvals from:
 - Agency Head:
 - Where one day a week is requested as a telework day.
 - Temporary telework, no more than two weeks, for temporary circumstances such as family illness, school closing, weather advisories, etc.
 - Cabinet Secretary:
 - Where two days a week are requested as telework days.
 - Chief of Staff:
 - Where more than two days a week are requested as telework days.
- After approval, verify that any teleworking arrangement does not impede an employee's ability to fulfill the fullness of the duties outlined in the position description and or compromise productivity or performance.
- Agency HR enters the information into the HR System of Record.

Conditions of Employment

- If telework is approved, assignment of telework does not change the conditions of employment or required compliance with policies. Approved telework agreements may be superseded when an employee is notified by their supervisor of activities that require an employee to work on-site.

Hours of Work

- The total number of hours employees are required to work will not change, regardless of work location.
- Agencies will ensure that procedures are in place to document the work hours of employees who telework and ensure compliance with the Fair Labor Standards Act.

Use of Leave

- Whether work is performed in the office, on-site, or remotely, leave policies and practices do not change. Personal time off is recorded as leave.
- Agency Human Resource Officers may determine whether it is appropriate to offer temporary telework prior to return to work from illness/injury or for disability accommodations based on agency policy. Ensure that legal requirements are met for employees who have unique workplace considerations.

Equipment and Materials

- State owned and issued equipment and material must be used while teleworking.
 - Commonwealth-owned or issued equipment may be used only for authorized agency purposes by authorized employees.
 - Employees are responsible for protecting Commonwealth owned or issued equipment from theft, damage, and unauthorized use.

- Agencies are not obligated to assume responsibility for operating costs, home maintenance, or other costs incurred by employees in the use of their homes or other alternate work locations for telework.

Note: See VITA's Information Technology Standard for the Use of Non-Commonwealth Computing Devices to Telework.

Security of Commonwealth Information

- Employees must safeguard Commonwealth information used or accessed while teleworking.
 - Agency supervisors must grant permission according to state IT security and agency procedures for employees to work on restricted-access information or materials, as defined by agency policies, at alternate work locations.
 - Employees must follow all applicable security procedures to ensure confidentiality and security of data.

Agency Responsibilities

- Work performed remotely is considered official state business; therefore, agencies will establish specific conditions that apply to employees working in alternate locations.

Agency Procedures

- Each agency may establish internal procedures that are fully consistent with this telework policy. Such procedures should consider the appropriate use of telework agreements without diminishing employee performance or the services delivered.
- Agency procedures should also:
 - Identify position eligibility that supports use of telework.
 - Ensure compliance with local zoning regulations.

Telework Agreements

- All employees applying for telework must submit a Standard Telework Agreement (attached) to their Agency's Human Resources department, preferably as part of onboarding for new hires.
 - Approved teleworking agreements remain effective for one year, subject to termination by the agency. Agencies will review telework agreements annually. See Renewal of Agreement section below.
- Telework agreements will include information in which employees:
 - Notify their supervisors immediately of any situations which interferes with their ability to perform their jobs.
 - Maintain safe work conditions and practice appropriate safety habits.
 - Confirm that the work location is free from hazards.
 - Notify their supervisors immediately of any injury incurred while working.
 - Absolve the agency from liability for damages to real or personal property resulting from participation in the telework program; and

- Secure all information, documents, and records in their possession or used while teleworking and not take restricted-access material home without the written consent of their supervisors.
- ***All telework agreements will be approved as described above.***

Renewal of Agreement

- Agencies must review each employee's telework agreement on an annual basis and determine whether to renew or update the agreement for the upcoming year.
- Agencies can determine the time of year to perform this review.
- Agencies should review the employee's job duties and performance to determine if any changes need to be made to the telework agreement. Management must inform employees if their telework agreement will be renewed or changed. If changes are needed to the telework agreement, the agreement will need to be approved through the defined process above.
- Annual renewals of existing telework agreements may be approved by the Agency Head.

Termination of Agreement

- The agency may terminate the telework agreement at its sole discretion. Agencies should endeavor to give employees documented advance notice (two weeks is recommended) if a decision is made to terminate the agreement; however, advance notice is not required.

Telework Reporting

- Agencies must maintain current teleworking data in the human resource system of record. Agency Heads will review data to determine the continued effectiveness and efficiency of telework in their agency.

Emergency Closings of the Central Workplace

- Emergency closings of the central workplace may require expanded telework to meet customer demand and continuity of government services during an emergency closing. Agencies must communicate this expectation to employees when an emergency closing for inclement weather is anticipated, and again when a closing is announced.

Effective Date

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