

TELEWORK

Application: All full-time and part-time classified and hourly employees.

POLICY

It is the policy of the Commonwealth to promote general work efficiencies by permitting agencies to designate employees to work at alternate work locations for all or part of their workweek as required by § 2.2-2817.1 of the Code of Virginia.

PURPOSE

The purpose of this policy is to set forth the Commonwealth's philosophy and administrative guidelines for telework programs in state agencies. Its intent is to promote telework as a means of achieving administrative efficiencies (e.g., reducing office and parking space), reducing traffic congestion and transportation costs, supporting Continuity of Operations Plans, and sustaining the hiring and retention of a highly qualified workforce by enhancing work/life balance.

The Administrative Procedures for the consistent administration of this policy are attached.

AUTHORITY

The Director of the Department of Human Resource Management (DHRM) is responsible for the official interpretation of this policy pursuant to the authority provided § 2.2-1201 of the Code of Virginia. DHRM reserves the right to revise or eliminate this policy as necessary.

The Virginia Personnel Act, Code of Virginia § 2.2-2900 *et. seq.* specifies that agency heads shall be the appointing authorities of their respective agencies and shall establish methods of personnel administration within their agencies.

Agencies may supplement this policy to accommodate specific business needs. Supplemental policies must be consistent with the provisions of DHRM policy and must be communicated to all agency employees.

RELATED POLICIES

Policy 1.25, Hours of Work

Policy 1.35, Emergency Closing

Policy 1.40, Performance Planning and Evaluation

Policy 1.60, Standards of Conduct

Policy 4.20, Family and Medical Leave

Policy 4.55, Sick Leave

Policy 4.57, Virginia Sickness and Disability Program

Policy 4.60, Workers' Compensation

ADMINISTRATIVE PROCEDURES

TELEWORK

Purpose

These procedures accompany Telework Policy 1.61 and are designed to assist agencies in the administration of the Commonwealth's telework requirements and initiatives.

A. GENERAL PRINCIPLES

(Refer to Section B., Agency Responsibilities for specific procedural guidance.)

Management is responsible for managing the affairs and operations of state government; thus, agencies have sole discretion to:

- Develop telework programs that support their business cultures and missions;
- Designate positions that are eligible for fulltime, intermittent, or occasional telework; and
- Designate and approve employees for telework.

1. Conditions of Employment

- a. Telework assignments do not change the conditions of employment or required compliance with policies.
- b. To the extent possible, the agency and the employee should agree mutually to telework arrangements. However, agencies may establish telework as a condition of employment, based on the agency's business needs.
- c. In such cases, this requirement should be included when the position is advertised and in correspondence offering employment.

2. Compensation and Benefits

An employee's compensation and benefits will not change as a result of telework arrangements.

3. Hours of Work

- a. The total number of hours that employees are expected to work will not change, regardless of work location. Employees agree to apply themselves to their work during work hours.
- b. Agencies must ensure that procedures are in place to document the work hours of employees who telework, in particular ensuring compliance with the Fair Labor

Standards Act.

- c. Telework is not intended to serve as a substitute for child or adult care. If children or adults in need of primary care are in the alternate work location during employees' work hours, some other individual must be present to provide the care.
- d. Supervisors may require employees to report to a central workplace as needed for work-related meetings or other events or may meet with employee in the alternate work location as needed to discuss work progress or other work related issues.

4. Use of Leave

Telework is not intended to be used in place of sick leave (Policy 4.55), Family and Medical Leave (Policy 4.20), leave used under the Virginia Sickness and Disability Program (Policy 4.57), Workers' Compensation leave (Policy 4.60), or other types of leave.

Note: Agencies may determine whether or not it is appropriate to offer telework arrangements as an opportunity for partial or full return to work based on agency policy and the criteria normally applied to decisions regarding the approval of telework.

5. Workers' Compensation Liability

Agencies may be liable for job-related injuries or illnesses that occur during employees' established work hours in their alternate work locations.

6. Equipment and Materials

The state may provide equipment and materials needed by employees to effectively perform their duties. In cases where full-time telework is a condition of employment the state should provide the necessary equipment and materials. However, where agreements specify, employees may be authorized to use their own equipment.

- a. Commonwealth-owned or issued Equipment
 - Commonwealth-owned or issued equipment may be used only for authorized state purposes by authorized employees.
 - Employees are responsible for protecting Commonwealth-owned or issued equipment from theft, damage and unauthorized use.
- b. Maintenance
 - Commonwealth-owned or issued equipment used in the normal course of employment will be maintained, serviced and repaired by the state.
 - Agencies should stipulate who is responsible for transporting and installing equipment, and for returning it to the central workplace for repairs or service.
 - When employees are authorized to use their own equipment, agencies will not assume responsibility for the cost of equipment, repair, or service.

Note: While the use of non-Commonwealth-owned or issued equipment is

permissible, teleworkers and their agencies must be in compliance with the Virginia Information Technologies Agency's (VITA) Information Technology Standard "Use of Non-Commonwealth Computing Devices to Telework". (SEC511-00) (07/01/2007)

7. Costs Associated with Telework

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. Agencies may use appropriated funds for telework costs as described below if there is a business need and funding permits:

- a. installation and basic telephone service in employee's alternate work location;
- b. cell phones or personal digital assistants (PDAs) for business use. If cell phones or PDAs are not provided, agencies may reimburse employees for business-related long distance calls made from their personal telephones.
- c. Internet access and related services by using technologies such as cable modem, cellular service (including Broadband Air Cards), Digital Subscriber Line (DSL), Fiber-Optic cable (FIOS), Integrated Services Digital Network (ISDN), Satellite data service, Wireless Fidelity (Wi-Fi), Worldwide Interoperability for Microwave Access (WiMAX), dial-up modem access, etc.

Note: Agency reimbursement procedures must comply with those published by the Virginia Department of Accounts and must be consistently applied to all similarly situated employees.

8. Security of Agency Information

Employees must safeguard agency 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 agree to follow all applicable security procedures in order to ensure confidentiality and security of data.

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

B. AGENCY RESPONSIBILITIES

Work performed in alternate work locations is considered official state business;

therefore, agencies may establish specific conditions that apply to employees working in alternate locations.

1. Establish Agency Policy

Each agency must establish internal policies and procedures related to telework. Such policies should maximize the appropriate use of telework arrangements without diminishing employee performance or service delivery.

Agency policies also should:

- Identify positions that are appropriate for telework;
- Require work agreements between the agency and employees; and
- Require compliance with local zoning regulations

2. Identify Ineligible Positions

Each agency is responsible for identifying broad categories of positions that are ineligible for telework and for providing appropriate justification for that determination.

3. Develop Work Agreements

- a. Agencies and employees must agree to the terms of telework arrangements before an employee may work at an alternate work location. (See Attachment A for the standard telework agreement form.)
- b. Agencies may choose to not use the standard telework agreement form and create their own. However, it must be reviewed and approved by the Office of the Attorney General prior to use.
- c. Agencies may want to include the conditions listed below in work agreements:
 - the duration of the agreement;
 - the work schedule and how it can be changed;
 - how leave is to be requested and approved by the supervisors;
 - status of employees during emergencies or weather-related closings affecting the central or alternate workplace under Policy 1.35, Emergency Closings;
 - how routine communication between the employee, supervisor, co-employees, and customers will be handled;
 - employee's performance plan/expectations;
 - the equipment and/or supplies that will be used, and who is responsible for providing and maintaining them;
 - agency-provided equipment/supplies are to be used for business purposes only, and to notify agency immediately when equipment malfunctions;

- any applicable data security procedures; and
- d. As they deem necessary, agencies may wish to include additional conditions in their work agreements that require employees to:
- comply with all state and agency rules, policies, practices and instructions;
 - notify their supervisors immediately of any situations which interfere with their ability to perform their jobs;
 - permit supervisor access to the alternate work location during normal work hours.
 - 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 incurring while working;
 - absolve the agency from liability for damages to real or personal property resulting from participation in the telework program; and
 - assume responsibility for the security of 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.

4. Termination of Agreement

The agency may terminate the telework agreement at its discretion. Agencies should give employees advance notice if a decision is made to terminate the agreement; however, advance notice is not required.

5. Train Managers and Supervisors

Agencies should encourage the successful and appropriate use of telework within the agency by providing training to supervisors and managers in effectively managing teleworkers.

6. Report in PMIS

Agencies must determine which positions are appropriate for telework and enter the information into the Personnel Management Information System (PMIS) when they:

- establish a position (PSP 130),
- re-establish a position (PSP 131), or
- change the designation of the position (PSP 160, Field Change).

Note: *The agency head or designee shall annually report to the Secretary of Administration on the status and efficiency of telework and participation in alternative work schedules, including specific budget requests for information technology, software, or other equipment needed to increase opportunities for telework and participation in alternate work locations.*

7. Resources

Teleworking Guide to Best Practices and related resources
<http://www.otpba.vi.virginia.gov/telework.shtml>

Telework Assistance and Guidance for Agencies
<http://www.dhrm.virginia.gov/resources/telecommute/information.html>

Glossary

Alternate Work Location

Approved work sites other than the employee's central workplace where official state business is performed. Such locations may include, but are not necessarily limited to, employees' homes, and satellite offices.

Central Workplace

An employer's place of work where employees normally are located.

Intermittent Teleworker

An employee who, under written agreement with his/her agency, performs his/her usual job duties in an alternate work location without a specific telework schedule.

Telework

A work arrangement in which supervisors direct or permit employees to perform their usual job duties away from their central workplace.

Teleworker

An employee who, under formal agreement with his/her agency, performs his/her usual job duties in an alternate work location with or without a specific telework schedule *at least one day per week or at least 32 hours per month*.

Work Agreement

The required, written agreement between the employer and employee that details the terms and conditions of an employee's work away from his or her central workplace.

Work Schedule

The employee's hours of work in the central workplace or in alternate work locations. (See Policy 1.25, Hours of Work)