



DEPARTMENT OF HUMAN RESOURCE MANAGEMENT

POLICY 1.61 TELEWORKING

APPLICATION: Full-time, Quasi Full-time, and Part-time classified employees as well as wage employees.

PURPOSE: 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 the Code of Virginia [§ 2.2-2817.1](#).

POLICY SUMMARY: 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.

AUTHORITY & INTERPRETATION:

Title 2.2 of the Code of Virginia

The Director of the Department of Human Resource Management is responsible for official interpretation of this policy, in accordance with §2.2-1201 of the Code of Virginia. The Department of Human Resource Management reserves the right to revise or eliminate this policy.

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 4.21, Parental Leave
- Policy 4.55, Sick Leave
- Policy 4.57, Virginia Sickness and Disability Program
- Policy 4.60, Workers’ Compensation

POLICY HISTORY:

EFFECTIVE DATE	DESCRIPTION
07-25-2008	Establish policy.
12-16-2019	Reformatted, revisions include telework eligibility in temporary, unplanned circumstances.



DEPARTMENT OF HUMAN RESOURCE MANAGEMENT
POLICY 1.61 TELEWORKING
ADMINISTRATIVE PROCEDURES

PROCEDURES

General Provisions	Application
Principles Refer to the " Teleworking: Guidance and Assistance for Supervisors and Managers " page for additional information.	Management is responsible for managing the affairs and operations of state government; thus, agencies have sole discretion to: <ul style="list-style-type: none">• Develop telework programs that support their business cultures and missions;• Designate positions that are eligible for full-time, intermittent, or occasional telework; and• Designate and approve employees for telework.
Conditions of Employment	<ul style="list-style-type: none">• Telework assignments do not change the conditions of employment or required compliance with policies.• To the extent possible, the agency and the employee should mutually agree to telework arrangements. However, agencies may establish telework as a condition of employment, based on the agency's business needs.<ul style="list-style-type: none">○ In such cases, this requirement should be included when the position is advertised and in correspondence offering employment.
Compensation and Benefits	An employee's compensation and benefits will not change as a result of telework arrangements.
Hours of Work	<ul style="list-style-type: none">• 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.• 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.• Supervisors may require employees to report to a central workplace as needed for work-related meetings or other events or may meet with employees in the alternate work location as needed to discuss work progress or other work-related issues.
Eligibility for Telework	<ul style="list-style-type: none">• Determinations of telework eligibility should be focused on the work and the ability of the employee to effectively perform work duties at the alternate work location.

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	<ul style="list-style-type: none"> • Telework for unplanned or temporary circumstances. <ul style="list-style-type: none"> ○ If the employee has a telework agreement, telework for unplanned circumstances such as school closings, family illness, etc., may be approved. ○ The supervisor may exercise discretion in determining whether an employee can accomplish at least some part of his/her duties from the telework site in such a situation and when leave should be used. • Telework temporarily in a different geographic location. <ul style="list-style-type: none"> ○ The employee must receive approval from his/her supervisor to temporarily shift their telework site to a different location from the one approved in the telework agreement. ○ This temporary change in telework location should be in writing and handled as an addendum to the telework agreement. It should outline the period (dates) for the temporary change in location and any other expectations. ○ This approval is intended for temporary arrangements. If the short-term arrangement has to be extended, the agency should reassess the situation, focused upon whether the agency is willing to have the employee continue to perform work in a different location as a remote worker.
Use of Leave	<ul style="list-style-type: none"> • Telework is not intended to be used in place of paid leave. • Note: Agencies may determine whether or not it is appropriate to offer telework arrangements as an opportunity for temporary, partial, or full return to work from illness/injury or for disability accommodations based on agency policy and the criteria normally applied to decisions regarding the approval of telework.
Workers' Compensation Liability	<p>Agencies may be liable for job-related injuries or illnesses that occur during employees' established work hours in their alternate work locations.</p>
Equipment and Materials	<p>The agency 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 agency should provide the necessary equipment and materials. However, where agreements specify, employees may be authorized to use their own equipment.</p> <ul style="list-style-type: none"> • 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.

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	<ul style="list-style-type: none"> • Commonwealth-owned or issued equipment used in the normal course of employment will be maintained, serviced and repaired by the agency. • 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. <p>Note: While the use of non-Commonwealth-owned or issued equipment is permissible, teleworkers and their agencies must be in compliance with the current Virginia Information Technologies Agency's (VITA) Information Technology Standard addressing Use of Non-Commonwealth Computing Devices to Telework.</p>
<p>Costs Associated with Telework</p>	<p>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 for:</p> <ul style="list-style-type: none"> • installation and basic telephone service in employee's alternate work location; • cell phones or other devices for business use. If cell phones or other devices are not provided, agencies may reimburse employees for business-related long distance calls made from their personal telephones. • Internet access and related services. <p>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.</p>
<p>Security of Agency Information</p>	<p>Employees must safeguard agency information used or accessed while teleworking.</p> <ul style="list-style-type: none"> • 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. <p>Note: See VITA's Information Technology Standard for the Use of Non-Commonwealth Computing Devices to Telework.</p>
<p>Agency Responsibilities</p>	<p>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.</p>

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Establish Agency Policy	<p>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 should also:</p> <ul style="list-style-type: none"> • identify positions that are appropriate for telework; • require work agreements between the agency and employees; and • require compliance with local zoning regulations.
Identify Ineligible Positions	<p>Each agency is responsible for identifying broad categories of positions that are ineligible for telework and for providing appropriate justification for that determination.</p>
Develop Telework Agreements	<ul style="list-style-type: none"> • Agencies and employees must agree to the terms of telework arrangements before an employee may work at an alternate work location. Refer to Attachment A Sample Telework Agreement. • Agencies may choose to create their own telework agreement. However, it must be reviewed and approved by the Office of the Attorney General prior to use. • Agencies may want to include the conditions listed below in work agreements: <ul style="list-style-type: none"> ○ 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-workers, 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; ○ 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;

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	<ul style="list-style-type: none"> ○ 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 ○ 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.
Termination of Agreement	The agency may terminate the telework agreement at its discretion. Agencies should give employees advance notice (two weeks is recommended) if a decision is made to terminate the agreement; however, advance notice is not required.
Train Managers and Supervisors Refer to the “Teleworking: Guidance and Assistance for Supervisors and Managers” page for additional resources.	Agencies should encourage the successful and appropriate use of telework within the agency by providing training to supervisors and managers in effectively managing teleworkers.
Report in DHRM’s Human Resource System of Record.	Agencies must determine which positions are appropriate for telework and enter the information into DHRM’s HR system of record when they: <ul style="list-style-type: none"> • establish or re-establish a position or • change the designation of the position.
Telework Reporting	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.
Emergency Closings of the Central Workplace	Agencies must communicate to employees eligible to telework the expectations for continuing to work during emergency closings and must document this expectation in the employee’s telework agreement.

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.

Full-Time Teleworker

- Employee who has an active telework agreement on file and teleworks all or a clear majority of their planned schedule from a defined and agreed upon alternate worksite(s).
- Employee will normally not have permanently assigned office space at an agency or facility, but may be assigned to work from an alternate agency or facility close to their residence if sufficient Internet access is not available at their residence; or where needed systems access is only available at the agency site; or where a personal situation precludes residence-based telework.
- Employee may from time to time travel for work activities, meetings, or conferences when approved by management, but is expected to spend a clear majority of their time teleworking at the agreed upon alternate worksite(s).
- Employee may be required to telework in support of continuity of operations during emergency closings and crisis management situations.

Hybrid Teleworker

- Employee who has an active telework agreement on file and consistently teleworks a minimum of 32 hours or more per month (but less than full-time), typically teleworking from a defined alternate worksite(s) one to two days a week and on a consistent and regular basis.
- Employee has an assigned or shared workspace at an agency worksite(s) and functions as an Office/Facility Worker when not teleworking.
- With management approval, employee may sometimes travel to other state agency or institution work sites for meetings or other work - or from time to time to non-agency sites for reasonable and necessary conferences or meetings.
- Employee may be required to telework in support of continuity of operations during emergency closings and crisis management situations.

Limited Teleworker

- Employee who has an active telework agreement on file and teleworks consistently less than 32 hours a month on a limited, sporadic, or task driven basis in response to a specific agency need(s). Needs could include, but are not limited to special projects, continuity of operations, emergency closings, and crisis management situations.
- Employee has an assigned or shared workspace at an agency worksite and functions as an Office/Facility Worker when not teleworking.
- Employee may from time to time travel off-site for work activities, meetings, or conferences when approved by management. Employee may be required to telework in

support of continuity of operations during emergency closings and crisis management situations.

Office/Facility Worker

Office, campus, or facility based employee who reports to and works from a defined central agency workplace(s). Employee may from time to time travel off-site for work activities, meetings, or conferences when approved by management, but spends a clear majority of their time working at an assigned agency worksite(s).

- Workers in telework eligible positions who choose not to telework should be assigned this category
- When employee is traveling for approved meetings or conferences, they may call-in or perform work remotely without a formal telework agreement.

Mobile Worker

Employee works a clear majority of their planned schedule in a mobile mode away from agency offices or facilities out in the “field.” Employee may be required to report to an agency worksite(s) to attend meetings, record time, or receive assignments. May include limited work from the employee’s home and the employee may from time to time travel away for normal work area(s) for meetings or conferences when approved by management.

- Mobile workers generally do not have required dedicated office space at agency facilities – these are traditional “field” type roles
- Note: Expectations related to mobile work, required resources/equipment, and performance expectations (EWP) should be implemented and maintained
- When employee is traveling for approved meetings or conferences, they may call-in or perform work remotely without a formal telework agreement.

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.

Telework Agreement

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

Work Mode Categories

Categories that designate the type of telework. Refer to [Work Mode Categories Guide](#).

Work Schedule

The employee's hours of work in the central workplace or in alternate work locations.