



## DEPARTMENT OF HUMAN RESOURCE MANAGEMENT

### POLICY 1.61 TELEWORKING

#### Overview

Effective July 5, 2022, Virginia state employees will return to the physical workplace.

Consistent with pre-pandemic policies, 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 will be focused on the job requirements and the ability of the individual employee to perform work duties assigned to the individual and the team.

Agencies will determine work schedules in accordance with the Commonwealth's telework policy and the attached Standard Telework Agreement. This policy will take precedence over and supersede 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. In reviewing and resetting the Commonwealth's telework policy, all current telework agreements will be replaced with the new standard agreement.

Each Agency Head is tasked with the following steps.

- Recognize that teamwork, collaboration, and productivity skills need rejuvenation.
- Discuss the new telework framework with employees to assist the transition back to the office after this unprecedented period of remote working.
- 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 a benefit 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 - Teleworking is not always a suitable alternative for many positions.
- Review and replace all active individual telework agreements with our new standard agreement.

- Assess individual and team objectives and overall performance expectations of the team when awarding 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.
- Require new telework agreements to 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.
- Complete all new telework agreements with appropriate approvals by July 5, 2022 and void any and all pre-existing telework agreements.
- 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 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 remote, leave policies and practices do not change. Personal time off is recorded as leave.
- Agency heads may determine whether or not it is appropriate to offer temporary telework prior to return to work from illness/injury or for disability accommodations based on agency policy.
- Temporary telework will be documented with an approved telework agreement.

### 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 the new Standard Telework Agreement (attached) to the Human Resources department no later than May 20, 2022. Required approvals will be processed no later than June 3, 2022 at which point all employees will have clarity on approved teleworking arrangements.
  - Approved teleworking agreements remain effective for one calendar year, subject to termination by the agency – employees must re-process teleworking agreements annually.
- 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.
- Absent an approved Standard Telework Agreement by July 5, 2022 employees will be expected to return to the office for regular employment hours.
  - Returning to the office ahead of July 5, 2022 is highly encouraged, but not required.
- ***All telework agreements will be approved as described above.***

#### Termination of Agreement

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

#### Telework Reporting

- The agency head or designee shall annually report to the Department of Human Resources within the Secretary of Administration on the 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. Agencies must notify affected employees of this expectation when emergency closing is announced.

#### **Effective Date**

***This policy is effective on July 5, 2022 and will remain in force and effect unless amended or rescinded.***