



DHRM POLICY 1.61, TELEWORKING

APPLICATION

Full-time, quasi full-time, and part-time classified employees in Executive Branch agencies. As directed by the Agency Head, agencies may use this policy as a guide for employees who are not covered by the Virginia Personnel Act, such as wage.

PURPOSE

It is the policy of the Commonwealth of Virginia to promote general work efficiencies by permitting agencies to designate positions and employees to work at alternate work locations for all or a part of the assigned workweek as required by the Code of Virginia [§ 2.2-2817.1](#). Telework is not an entitlement, and an employee's approved telework agreement may be reviewed, revised or ended at any time.

AUTHORITY & INTERPRETATION

Title 2.2 of the Code of Virginia

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

CODE OF VIRGINIA

[§ 2.2-2817.1](#).

POLICY HISTORY

| EFFECTIVE DATE | DESCRIPTION |
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| 8/06/2002 | Original publication of policy. |
| 9/01/2005 | Revised. |
| 7/25/2008 | Revised. |
| 12/16/2019 | Revised |
| 11/30/2021 | Revised. |
| 7/5/2022 | Revised per Chief of Staff |
| 3/23/2023 | Revised per Chief of Staff |
| 1/15/2026 | Revised |

RESPONSIBILITIES

| GENERAL PROVISIONS | APPLICATION |
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| Agency Responsibilities | <p>Work performed in alternative work locations is considered as official state business. Agencies may establish specific terms and conditions that apply to employees working in alternative work locations.</p> <p>Agency responsibilities include but are not limited to:</p> <ul style="list-style-type: none">• Establish internal policies and procedures for telework. Agency policies must comport with the statewide policy. |



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| | <ul style="list-style-type: none">• Identify positions that are eligible and ineligible for telework to include appropriate justification. Such determinations must be entered into the HRIS system of record.• Establish a process for supervisors to designate and approve employees for telework.• Monitor performance and adherence to work schedules during telework.• Determine if out-of-state telework will be permitted and the related legal, financial and other requirements for telework outside of the Commonwealth of Virginia.• Ensure employees do not telework when traveling outside of the U.S. Approval from VITA is required for executives who request email access when traveling outside of the U.S.• Alter or revoke telework agreements as necessary. Agencies should provide advance notice of two weeks if a decision is made to terminate or modify a telework agreement. However, advance notice is not required. |
| Employee Responsibilities | <ul style="list-style-type: none">• Adhere to their assigned and approved work schedule. Request and use leave in accordance with agency policy.• Continue to telework their normal work hours during emergencies for inclement weather or other events that may impact early departures, late arrivals or business closings as outlined in DHRM Policy 1.35, Emergency Closings.• Arrange for childcare or adult care during scheduled work hours.• 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.• Comply with data security standards and ensure state-owned equipment is secure and always protected.• Maintain internet speed and access requirements to successfully perform job duties.• Practice safe work habits and conditions. Notify supervisors immediately of any injury incurred while working. |

ELIGIBILITY and CONDITIONS

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| Telework Eligibility | <ul style="list-style-type: none">• Determinations of telework eligibility should be based on agency business needs, focused on the job duties and the ability of the employee to effectively perform those duties at the alternate work location.• Telework during unplanned or temporary circumstances |
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| | <ul style="list-style-type: none">○ Any eligible employee is required to telework during emergencies or unexpected circumstances such as emergency school closings, emergency office closures, etc. even if they don't have an active agreement on file.○ 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. |
| Conditions of Employment | <ul style="list-style-type: none">● Telework assignments do not change the conditions of employment or responsibility for compliance with policies.● To the extent possible, the agency and the employee will mutually agree to telework arrangements. However, in some instances agencies may establish telework as a condition of employment based upon the agency's business needs.● In such cases, this requirement must be included in the position's advertisement and in the job offer letter. |
| Telework Locations | <ul style="list-style-type: none">● Telework locations are established in the Telework Agreement and are usually established in the employee's personal residence.● Out of State Locations:<ul style="list-style-type: none">○ Out-of-state teleworking should be supported by compelling operational needs, critical skills-based or other significant factors that impact the agency's business needs.○ Agencies are advised to consult legal counsel regarding employment laws, wage and hour laws, medical leave laws or other leave entitlements.○ The following could be impacted: health insurance, workers' compensation, unemployment insurance coverage, unemployment tax payments, and state/local income tax requirements.○ Agencies must establish expectations for travel to the agency's physical work location to include the frequency of travel, and responsibility for travel, lodging and related expenses.● 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 approval is intended for temporary arrangements. If the temporary 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. If the |



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| | different geographic location becomes permanent, an updated telework agreement must be completed citing the new location. |
| 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 the work location. Employees permitted to telework must agree to apply themselves to their work during their scheduled work hours.• In compliance with the Fair Labor Standards Act, agencies must ensure that procedures are in place to document the work hours of non-exempt employees who telework.• Supervisors may require employees to report to a central workplace for work-related meetings/events or may meet with employees in the alternate work location to discuss work progress or other work-related issues. |
| Security of Agency Information | <ul style="list-style-type: none">• 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. |

COMPENSATION AND BENEFITS

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| General Provision | <ul style="list-style-type: none">• An employee's compensation and benefits will generally not change because of telework arrangements. There may be some compensation or benefits impact for employees teleworking outside of the Commonwealth of Virginia due to legal or other requirements. |
| Use of Leave | <ul style="list-style-type: none">• Telework is not intended to be used in place of paid or unpaid leave. |
| Workers' Compensation Liability | <ul style="list-style-type: none">• Agencies may be liable for job-related injuries or illnesses that occur in their alternate work location during an employee's established work hours. |

EQUIPMENT AND COSTS



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| Equipment and Materials | <ul style="list-style-type: none">• Agencies may provide equipment and materials needed to effectively perform job duties. In cases where full-time telework is a condition of employment, agencies must provide the necessary equipment and materials. Teleworkers and their agencies must follow the current Virginia Information Technologies Agency's (VITA) Information Technology Standard addressing Use of Non-Commonwealth Computing Devices to Telework.• 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.• 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. |
| Costs Associated with Telework | <ul style="list-style-type: none">• Agencies will not 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:<ul style="list-style-type: none">○ cell phones or other devices for business use.○ Internet access and related services.○ Reimbursements must comply with the requirements established by the Virginia Department of Accounts and must be consistently applied to all similarly situated employees. |

TELEWORK AGREEMENTS

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| Approval of Telework Agreements | <ul style="list-style-type: none">• All employees who telework must have an approved telework agreement. Agencies must ensure that telework agreements are completed and reviewed annually. Agencies and employees must agree to the terms of telework agreement before an employee may work at an alternate work location. |
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| | <ul style="list-style-type: none">○ Following a supervisor's review of Telework Agreements in accordance with their Agency's internal protocols, the Telework Agreement must be approved by the Agency Head or designee. Such decisions should be monitored by the Agency's Office of Human Resources. Agency supervisors are advised to communicate their expectations for teleworking:○ confirm the employee's assigned work schedule and how/if it can be changed.○ how leave is to be requested and approved by the supervisors.○ expectations for the employee to work remotely 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 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 employees must notify agency immediately when equipment malfunctions.○ any applicable data security procedures.○ compliance with all state and agency rules, policies, practices and instructions.○ determination of expectations for required participation in on-site meetings at the agency's physical work location○ internet speed and connection requirements to be able to successfully perform the work.○ details and information in which employees:<ul style="list-style-type: none">▪ notify their supervisors immediately of any situations which interfere with their ability to perform their jobs▪ maintain safe work conditions and practice appropriate safety habits to ensure their alternate workplace 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. |
| Termination of Agreement | <ul style="list-style-type: none">● 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. |



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| Emergency Closing | <ul style="list-style-type: none">Non-essential employees who are eligible to telework or who are reporting to an alternative work location that is not impacted by the emergency are expected to work as scheduled during emergency closings to ensure continuity of operations. See Policy 1.35, Emergency Closing. |
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REPORTING

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| Report in DHRM's Human Resource System of Record. | <ul style="list-style-type: none">Agencies must determine which positions are eligible for teleworking and enter the information into the HR system of record when they:<ul style="list-style-type: none">establish or re-establish a position orchange the designation of the position. |
| Telework Reporting | <ul style="list-style-type: none">The agency head or designee shall annually report to the Director of Human Resource Management on the status and efficiency of teleworking and participation in alternative work schedules, including specific budget requests for information technology, software, or other equipment needed to increase opportunities for teleworking and participation in alternate work locations. The Director of Human Resource Management will provide the consolidated report to the Secretary of Administration. |

GLOSSARY

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| 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. |
| Eligible for Telework | Employee whose position is designated as eligible for telework, with or without an active telework agreement. |
| Ineligible for Telework | Employees who occupy positions that are designated as not suited for telework |



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| Mobile Worker | <p>Employee who works a clear majority of the planned schedule in the “field.” Employees 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 travel away for normal work area(s) for meetings or conferences when approved by management.</p> <ul style="list-style-type: none">• Mobile workers generally do not have required dedicated office space at agency facilities – these are traditional “field” type roles• Expectations related to mobile work, required resources/equipment, and performance expectations should be implemented and maintained• Telework agreements are not completed or required for Mobile Workers. |
| Telework | <p>A work arrangement in which supervisors direct or permit employees to perform their usual job duties away from their central workplace.</p> |
| Teleworker | <p>An employee who has an active telework agreement on file and teleworks one or more days of their assigned work schedule from a defined and agreed upon alternate worksite(s).</p> |
| Telework Agreement | <p>The required, written agreement between the employer and employee detailing the terms and conditions of an employee’s work away from his/her central workplace.</p> |
| Work Schedule | <p>The employee’s assigned hours of work in the central workplace or in alternate work locations. Work schedules are determined by supervisors.</p> |