

# Statewide Policy on Teleworking

## 1. **Purpose**

The purpose of this policy is to define the teleworking program (also known as telecommuting) and the guidelines and rules under which it will operate. There are significant economic, personal, and production benefits of telework, but there are a number of potential downfalls. This policy is designed to help managers and employees understand the teleworking environment and their associated rights and responsibilities. This telework policy and its accompanying guidelines provide a general framework for teleworkers in state agencies. It does not attempt to address the special conditions and needs of all state employees.

## 2. **Scope**

This policy applies to all teleworking activities of the Executive Branch of Georgia State Government. All managers, supervisors, and teleworkers should be familiar with the contents of this policy and its supporting guidelines.

## 3. **Statement of Policy**

The state allows teleworking where there are tangible benefits to the agency or state.

## 4. **Authority**

Under the Merit System Act as amended (45-20 et seq.), it is specifically the intent of the General Assembly that state government operate within a framework of consistent personnel policies and practices across all state agencies and entities and that the state's most valued resource, its employees, be managed in a manner to promote work force productivity and sound business practices. Under the Budget Act as amended (45-12-70 et seq.), the Office of Planning and Budget is responsible for seeing that the financial resources of the state are used most efficiently. The Merit System and the Office of Planning and Budget, therefore, are jointly issuing this policy.

## 5. **Definitions**

**Eligible Position** – A position having measurable quantitative or qualitative results-oriented standards of performance that is structured to be performed independently of others and with minimal need for support and can be scheduled at least one day a pay period to participate in teleworking without impacting service quality or organizational operations. The eligibility of a position may change depending on circumstances.

**Eligible Employee** – An employee, in an eligible position, who has been identified by the employee's supervisor as satisfactorily meeting performance standards, terms, and conditions of employment of their position. The employee shall have no active formal disciplinary actions on file for the current or immediately preceding review period.

## Statewide Policy on Teleworking

Primary Workplace – The teleworker's usual and customary workplace.

Alternate Workplace – A workplace other than the employee's usual and customary workplace (primary workplace) and may include the employee's home.

Teleworker – An employee, who for at least one or more days in a particular pay period works at home, or an alternate workplace, to produce an agreed upon work product. An employee who travels continuously and whose current work location is his or her home is included in this definition.

- Regular Teleworker – An employee, who with the approval of his or her supervisor, is scheduled to telework on the same day or days every week on a consistent basis.
- Occasional Teleworker – An employee who, with the approval of his or her supervisor, teleworks on an infrequent basis.

Teleworking Agreement – The signed document that outlines the understanding between the agency and the employee regarding the teleworking arrangement.

### **6. Agency Participation**

Telework may not be suitable for all employees and/or positions. Agencies may implement teleworking as a work option for certain eligible employees based on specific criteria and procedures consistently applied throughout the agency.

The agency shall:

- A. Establish an agency policy. The agency policy shall outline how the agency will administer teleworking. The agency shall specify policies for:
  1. Establishing expectations for and monitoring employee performance;
  2. Identifying eligible employees (see section 7 “Employee Participation”);
  3. Identifying eligible positions suitable for teleworking;
  4. Determining if office-like space is required;
  5. Determining if state equipment will be provided to the employee to use at home (see section 11 “Equipment and Supplies”);
  6. Establishing how the teleworker will maintain regular contact with customers, office, co-workers, and supervisors;
  7. Determining how the agency will handle restricted access materials, security issues, and taking electronic or paper records from the primary work place (see section 12 “Security and Access to Information”);
  8. Ensuring that practices are consistent with state policy and law in the use of state technology and administration of telework agreement;

## Statewide Policy on Teleworking

9. Delivering telework training to agency employees;
  10. Ensuring that individual work schedules and reporting for non-exempt employees are in compliance with FLSA regulations and state policy (See State Personnel Board Rule 18 Leave and OPB/State Personnel Board Policy Memorandum # 1 Rules, Regulations and Procedures Governing Working Hours, the Payment of Overtime and the Granting of Compensatory Time, January 17, 1986); and
  11. Ensuring that each employee's request to telework is considered in relation to the agency's operating and customer needs.
- B. Require a teleworking agreement. The teleworker agreement documents the mandatory policies in effect and the results of any other agreements between the supervisor and the teleworker. The agreement must be signed by both parties prior to the start of teleworking agreeing that both parties will abide by the terms and conditions of teleworking. The agreement must be reviewed and renewed at least annually to ensure that the guidelines for participating in the program indicate continued eligibility and are well understood. A supervisor may elect to revise the agreement when a need arises. In addition, the teleworking agreement should be reviewed and revised if necessary when there is a change in supervisor, job responsibilities, or change in work circumstances or performance.

The agreement is essential to the management and legal protection needed in teleworking.

The agreement shall cover topics including but not limited to the following:

- Employee performance expectations and monitoring;
- Liability and workers compensation – employee and employer understand who is liable and for what;
- Safety – the employee must self-certify that the alternate workplace is safe and conducive to work (see sample in Attachment C);
- Equipment – responsibility and use of personal and state equipment at home and inventory of state equipment used outside the primary workplace;
- Security – taking records away from the office, accessing the agency's computer system, and accessing information over the Internet (see section 12 of this policy);
- Work schedule – when and where the employee will telework and procedures for overtime and leave approvals;
- Accessibility – how the employee will keep in communication with clients, co-workers, supervisors, and those the employee may supervise while teleworking; and
- Expectations of the supervisor and employee – terminating the agreement, reimbursement of expenses, and standards of conduct.

## Statewide Policy on Teleworking

The agreement must have a place where the employee acknowledges that he or she has read and agreed to the terms of the policy and items listed in the agreement. Any employee who teleworks must sign a Telework Agreement and complete training. An example of an agreement is included in Attachment A.

### 7. **Employee Participation**

Offering the opportunity to work at home or another alternate workplace is a management option and is not an employee right. An employee's participation in the state's teleworking program is entirely voluntary. The employee, supervisor, or manager may terminate teleworking without cause. Teleworking is a work arrangement between an individual employee and his or her supervisor. A supervisor has no authority to require an employee to telework unless it was a condition of employment or a requirement of the job description.

The teleworkers' conditions of employment with the state remain the same as for non-teleworking state employees. Employee salary, benefits, and employer-sponsored insurance coverage will not change as a result of teleworking. The employee shall adhere to all policies, rules, and regulations of the agency and state while teleworking.

The employee agrees not to conduct personal business while in official duty status at the alternate workplace.

***Self-Assessment:*** A successful teleworker has particular traits, a job suitable for telework and a telework site that's conducive to work. A self-assessment helps an employee interested in teleworking decide whether telework is right for him or her. The agency should provide the employee a self-assessment as part of the application to telework. A sample self-assessment is provided in Attachment B.

***Work Space Self-Certification:*** As a condition of permission to telework, the employee must verify that home facilities used for telework purposes are safe and suitable for purposes of the employee's work. The agency may deny an employee the opportunity to telework if the alternate worksite is not conducive to productive work. The agency should provide the employee a self-certification checklist, as part of the application to telework. The checklist is necessary to reduce the state's exposure to risk and liability and helps the employee know if his or her alternate workplace is conducive to productive work. A sample checklist is included in Attachment C.

### 8. **Work Space and Work Hours**

A defined workspace and defined work hours are necessary (1) to reduce the state's exposure to risk, (2) to facilitate proper management of teleworkers, and (3) to ensure work is done in a productive environment.

## Statewide Policy on Teleworking

**Work Space:** The teleworker shall designate a specific workspace at the telework location and will conduct work for the agency from that location. The employee shall maintain a clean, safe workspace that is adequate for work and free of obstructions and distractions. To ensure that productive working conditions exist, it may be necessary for the state to make on-site visits at mutually agreed-upon times. However, this will be handled by the agency on a case-by-case basis.

**Work Hours:** Each employee that teleworks shall develop a work schedule with the employee's supervisor, and the employee's supervisor must agree in advance to any changes to the employee's work schedule (a sample work schedule is provided in Attachment A). Employees subject to mandatory overtime must obtain approval from their supervisor before performing overtime. A non-exempt employee working overtime without such approval may cause the agency to terminate the teleworking option and/or take other appropriate action. The employee must obtain approval in advance from his or her supervisor before taking leave during a designated telework day.

The employee must maintain contact with the office as specified in the work schedule, agency policy, and telework agreement.

An employee's personal activities must be outside the time of work or outside the place designated for work.

### 9. Training

Successful teleworking programs require management support in order to succeed. Specific management practices such as the ability to manage by results and skill in setting and communicating clear goals are essential. Managers must be convinced of the benefits the teleworking program will provide them and they should be trained to effectively manage employees that telework. Management buy-in and commitment are the most important prerequisites for the success of any teleworking program. As a result, state agencies are required to provide training to employees and supervisors who wish to participate in telework. The Statewide Telework Coordinator will serve as a resource to state agencies for training program curriculum and content.

### 10. Telework Coordination

- A. There will be a Statewide Telework Coordinator. The Statewide Telework Coordinator will assist agencies in developing agency policy and training programs, provide guidance and clarification to agencies on telework, act as a liaison between agencies, and collect regular reports from the agency coordinators on the effects of teleworking.
- B. Agency Telework Coordinator. Each agency using telework shall designate an Agency Telework Coordinator who is responsible for the day-to-day coordination and management of the agency's teleworking program. The Agency Telework Coordinator will oversee the teleworking

## Statewide Policy on Teleworking

program including compliance with policies, procedures, and guidelines and will report the results of telework in the agency to the Statewide Telework Coordinator. To avoid redundancy and encourage coordination, the agency may find it beneficial to have the Agency Telework Coordinator be the same person as the Clean Air Campaign (CAC) coordinator.

Agency coordinators and supervisors should work with the statewide coordinator in developing agency specific teleworking policies, developing training programs, and monitoring teleworking.

### **11. Equipment and Supplies**

- A. General. Office supplies (e.g., pens and paper) shall be provided by the agency and should be obtained during the teleworker's in-office work period.

The employee is expected to use his or her own furniture, telephone lines, and other equipment (with the exception of any equipment any agency may provide under subsection C below). Any use of private facilities of the employee will be at the employee's discretion and not at the behest or expense of the state. This applies to all physical improvements and conveniences as well as services.

- B. Assignment of Portable Equipment on a Temporary Basis. Agencies may give written permission for certain equipment, for example computers and pagers, to be checked out and used at the alternate worksite.
- C. Installation and Maintenance of State Property in Private Residences. Under certain circumstances and conditions, state agencies may install telephone lines and other equipment so an employee can telework without using the employee's personal lines. However, the use of such equipment and service must be for state agency business purposes and must be consistent with state and agency policies regarding appropriate use. (See, e.g., GTA Enterprise Security Policy No.3.1.3). In the event that an agency chooses to install equipment the following conditions must be met:
- The agency shall develop and maintain written criteria setting forth the conditions under which such agency may provide such equipment.
  - The installation must consist of reversible procedures and retrievable property.
  - The agency may neither improve an employee's private property nor damage it in the process of installation.
  - The agency shall develop a written agreement (either separate or integrated with the agreement required under

## Statewide Policy on Teleworking

Section 6 of this Policy) between the agency and the employee granting the agency an express license to enter the employee's home for the installation and maintenance of the equipment (upon reasonable and mutually agreeable terms). The agreement must also expressly state that provision of state equipment in an employee's home is at the sole discretion of the agency and may be revoked at any time and for any reason.

**Note:** Agencies are cautioned that the installation of equipment at an employee's residence, as opposed to the temporary use of portable equipment, increases the legal complexity of the teleworking arrangement. Agencies are strongly advised to seek guidance and review of their respective agency equipment installation agreements by the Law Department prior to implementation.

Further, as agency equipment is the property of the state, agencies retain the responsibility for the inventory and maintenance of state-owned property following state laws and procedures, regardless of where such equipment is located. Therefore, agencies should take into account the greater difficulty of inventory control, as well as the increased difficulty in the policing of employee compliance with copyright conditions in software licenses, as well as compliance with applicable state laws and agency policies and procedures.

### **12. Security and Access to Information**

The teleworker is responsible for maintaining confidentiality and security at the alternate workplace, as the teleworker would at the primary work place. The employee must protect the security and integrity of data, information, paper files, and access to agency computer systems. State Information Technology policy and Internet and technology use policies apply to teleworking, as they would in the primary work place.

### **13. Expenses And Compensable Time**

An employee may work from his or her home or another alternate work site that has been approved by the employer. Mileage between the home and the employee's assigned office or other telework location shall be considered commute mileage and not subject to reimbursement.

Work related long distance phone calls should be planned for in-office days. At the discretion of the supervisor, expenses for business related long distance calls and cell phone calls, which must be made from a teleworker's home, may be reimbursed if the reasons and costs for the calls are documented. The teleworker is responsible for the cost of maintenance, repair, and operation of personal equipment not provided by the state.

### **14. Liability**

The employee's home workspace is an extension of the agency workspace only when used for work. Employees may therefore be covered for workers

## Statewide Policy on Teleworking

compensation if they are injured while performing work on behalf of the employer in the employee's home workspace during teleworking hours.

If an injury occurs during teleworking hours, the employee shall immediately report the injury to the supervisor. The employee, supervisor, and agency must follow the state's policies regarding the reporting of injuries for employees injured while at work. Fraudulent reporting of workers compensation claims is a crime.

The State of Georgia is not responsible for any injuries to family members, visitors, and others in the employee's home workspace. The teleworker may not have business guests at the alternate workplace or any other location except the agency's offices.

The state will not be responsible for any loss or damage to: the teleworker's real property, including any structures attached thereto; any personal property owned by the teleworker, or any of the teleworker's family members; or property of others in the care, custody, or control of the teleworker or any of the teleworker's family members.

The teleworker is responsible for contacting the teleworker's insurance agent and a tax consultant and consulting local ordinances for information regarding home workplaces. Individual tax implications, auto and homeowners insurance, and incidental residential utility costs are the responsibility of the teleworker.

### **15. Child and Dependent Care**

Teleworking is not a substitute for childcare or dependent care. The teleworker shall continue to make arrangements for child or dependent care to the same extent as if the teleworker was working at the main office.

### **16. Program Reporting and Evaluation**

Employee agrees to participate in studies, inquiries, reports or analyses relating to teleworking at the agency's direction.

### **17. Renewal of Telework Agreements**

The teleworker agreement must be discussed and renewed at least annually, whenever there is a major job change (such as a promotion), or whenever the teleworker or supervisor changes positions. Because teleworking was selected as a feasible work option based on a combination of job characteristics, employee characteristics, and supervisor characteristics, a change in any one of these elements may require a review of the teleworking arrangement.

### **18.**



## Statewide Policy on Teleworking

### **Exception to the Policy**

In extenuating circumstances, the agency head, at his or her discretion, may grant an employee an exception to this policy if (1) the supervisor recommends an exception, (2) the quality and quantity of the employee's work does not decline, and (3) if the exception will not cause a disruption to the productivity and work flow of the agency or division.