Personnel Practices: Telecommuting Policies

International Public Management Association
for Human Resources

1617 Duke Street
Alexandria, VA 22314
(703)-549-7100

http://www.ipma-hr.org
TELECOMMUTING POLICIES

Table of Contents

I. Telecommuting Overview........................................3

II. Sample Policies

   A. State of California..........................................5
   B. State of Connecticut.......................................14
   C. Denton County, TX.........................................22
   D. Minnesota Department of Human Services............24
   E. Office of Personnel Management Policy.............30

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IPMA-HR
HR Center
1617 Duke Street
Alexandria, VA 22314

(703)-549-7100
Telecommuting Overview
Written by Ryan Lowry, Association Services Assistant

In wake of the tragedy on September 11, 2001, telecommuting was forecasted to be the wave of the future. Workers would begin to work more out of home offices to eliminate the hassles and dangers that come with working in a busy office building. Even though telecommuting percentages did increase after September 11, the influx has not sustained itself. Why? Some telecommuting policies have not been implemented correctly.

Telecommuting is defined as any form of arrangements that allows a worker to perform office work at home or an alternative location: moving the work to the workers instead of moving the workers to work.1 It allows employees to work in a community work center or at home equipped with computers and state of the art office equipment. When companies and organizations offer successful telecommuter programs, employees have to read and sign an extensive contract outlining everything that is expected of them as well as what is expected of the company. It is the clarity and conciseness of this contract that will predict how much the company will benefit from the telecommuter program. How do you create this contract between the worker and employer? How do you implement a good telecommuting program and sustain it?

First, when identifying employees to be telecommuters, the opportunity should be presented as a job assignment rather than a benefit or entitlement.2 If a sense of entitlement is attached to the telecommuter position, this could create tension between co-workers. The candidate should have demonstrated good time management, work ethic, and character for at least a year before being considered to be a telecommuter.

Why? It takes an incredibly dedicated employee to maintain his/her rate of work production in a non-office setting. Not everyone has the attributes or personality to meet this challenge. Companies should also be mindful of the positions that they make available to telecommuters. Jobs that depend heavily on interaction with co-workers would not be a wise choice. The company must also design a training program, and decide whether the telecommuter will be assigned to part-time, or full-time workers or both.

In order for any program to succeed, you must create a solid basis. In relation to telecommuter work, the contract between the employee and employer would be that basis. Clear language, objectives and guidelines are all essential to a great contract. There must be comprehensible policies on scheduling, performance, supplies, expenses and equipment, while complying with all labor guidelines.2 The telecommuter must maintain regular work hours and report to the supervisor whenever he/she plans to take leave from work. Concerning supplies, expenses, and equipment, it should be clear the company owns these things and any other use besides work is prohibited. With respect to the labor guidelines, everything you do must be in line with federal,

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1 Bureau of National Affairs, Inc. (BNA, Inc.), Human Resources Library, July 2005
state and local law in order to limit your liability as an employer. Implementing this program simply comes down to enforcing what is in the contract. Consequences for misconduct should not differ between telecommuters and office workers. By the same token, if the telecommuter is meeting or exceeding expectations you must reward them as you would office workers. Benefits and bonuses should also be extended to telecommuters with the details being outlined in their contracts.

The employer could benefit from a telecommuting program by increasing productivity, decreased turnover, increase recruiting, and lower overhead. The employee would save money on parking, reduce stress; gain more family time and a more flexible schedule.

However, there are potential downfalls when the employee and employer are not clear on their roles. There is always the question of how to monitor telecommuters and make them accountable for their actions without being discriminatory. Procrastination and boredom can also become an issue with working at home. Not to mention, the line between home life and work becoming hazy. How do you avoid these down falls? You as an employer can make certain days of the week “office days” where the telecommuter must come to the office for face-to-face meetings for the purpose of updates. This enables the employer to gauge whether the worker is getting the work done and if he/she should continue to telecommute.

If the proper steps are taken and everything is implemented correctly, why hasn’t telecommuting exploded all over the country? Surveys show that about 2 in every 10 workers telecommute. This is not a dramatic increase from 2002 since the major influx after September 11, 2001. The reason is because some telecommuter programs and contracts were not well developed and planned. This resulted in some jobs becoming telecommuter jobs when they should not have been, poor performers being identified as telecommuters and confusion over what benefits should be extended to telecommuters. To eliminate potential problems such as these, see the following sample policies.

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Telecommuting Information

I. TELECOMMUTING INFORMATION

- Participating Agencies
- Selection Criteria
- Employee/Supervisor Selection
- Employee Reimbursement Procedures
- Supplies
- Renewal of Telecommuting Agreement
- Evaluation

II. MODEL POLICY

- Purpose
- Scope
- Telecommuting Policies
- Telecommuting Coordinator
- Selection
- Maintenance, Repair, and Replacement=
- Health and Safety
- Employee Rights
- Termination of Participation
- Telecommuter's Agreement and Supervisor's Checklist
Participating Agencies

Each agency participating in the State's telecommuting program is responsible for establishing its own telecommuting programs. Departments vary with regard to the nature of the services provided, geographic dispersion, and decentralization of operations. The department telework coordinator will be the primary contact with the Department of General Services and will represent the agency on telecommuting advisory groups. The coordinator may represent the management of the agency with respect to telecommuting with employees, other agencies, and the public.

Selection Criteria

Before a manager can give a telecommuting request serious consideration, the manager and worker must carefully examine the affected job's requirements. After deciding that a certain job has telecommuting possibilities, they should explore the following points:

- **Knowledge Requirements**: Does the telecommuter have all the knowledge needed to work at home, or will s/he need supervision or input from others that is only available at the office?
- **Public/Agency Contact Requirements**: What percentage of the job is devoted to "face-to-face" contact with other agencies, the public, or internal agency staff? Can this contact be revamped to allow for communications via phone, or can such contact be limited to nontelecommuting days?
- **Reference Materials Requirements**: What percentage of the job is predicated on the use of resources located in the main office? Can these resources be easily removed and taken home for a day or two? Are these resources available through other means such as a computer-accessible library service?
- **Special Equipment Requirements**: What percentage of the job relies upon access to photocopiers, fax machines, or other specialized equipment? Can access needs be grouped for nontelecommuting days?
- **Travel Requirements**: Does the job involve field work? Can trips begin or end at the home office or telecenter rather than the main office? Can paperwork be done at home or telecenter?
- **Information Security Requirements**: What percentage of the job uses secured or classified information, and how can the integrity of that secured information be upheld if data is taken offsite?
- **Task Scheduling Requirements**: Can tasks which can be completed at home be grouped and scheduled for telecommuting days?
**Employee/Supervisor Selection**

Once job tasks suitable for telecommuting have been identified, each agency must establish a selection process for their telecommuting program. It is crucial to select employees who are motivated and self directed. It is equally crucial to have managers with appropriate management skills or the willingness to learn to fully utilize the telecommuting work mode. A manager who is comfortable managing for results will generally be a successful telecommuter manager. Furthermore, a good working relationship and good flow of communications between the manager and prospective telecommuter is essential. The following areas should be examined when considering potential telecommuters.

Employees who are successful telecommuters generally have a number of work-related characteristics in common, including such qualities as:

- A history of reliable and responsible discharge of work duties.
- Full understanding of the operations of his/her agency.
- The trust of his/her manager.
- An ability to establish priorities and manage his/her own time.
- A conscientious pursuit of high-quality work production.

It is important that allowing some staff to telecommute not put a burden on staff remaining in the office. Not only should an equitable distribution of work load be maintained, but methods should be instituted to ensure that office employees do not have to handle telecommuters' work. For example, answering a coworker's phone can become a chore and annoyance for the Central Office employee. This is easily overcome by having the telecommuter's phone calls forwarded to his/her home office phone, using voice mail, or installing an answering machine on the phone which the telecommuter can access from his/her home office phone. Care should also be taken to ensure that telecommuters continue to have access to needed office support.

The telecommuter and his/her family must ensure that the home office is just that, a space set aside for the employee to work. Family responsibilities must be arranged so as not to interfere with work time at home. The home should be a safe place to work. A plan should be given to the employee on how to safely set up a home office. The home should be free of hazardous materials; wiring and gas lines should be up to the local building codes; and the structure should be safe (stairs etc.). The telecommuter should sign a certificate, much like that used for private cars on State business, that proclaims the home safe for telecommuting.

**Employee Reimbursement Procedures**

Each agency must make arrangements with their accounting staff and the State Controller's Office to pay for business expenses incurred by the telecommuters. The Travel Expense Claim can be used for most expenses, but it is inappropriate for others. Employees should retain copies of all
bills as the basis for requesting reimbursement. Advance planning in this area is necessary, and the telecommuting pilot should be used to work out the operational details. Each agency will need to plan to pay the following types of recurring expenses: Charges for business related telephone calls and services.

Supplies

The following types of expenses will not be paid by the State:

- Usage fees for privately owned computers.
- Utility costs associated with the use of the computer or occupation of the home.
- Travel to the Central Office if the telecommute office becomes the primary workplace.

Responsibility for the maintenance of the telecommuter's home equipment should be discussed and clearly defined prior to the start of telecommuting. Maintenance responsibility for personal equipment normally remains with the employee. If provided for in their collective bargaining agreements, employees will remain eligible to receive commute subsidies as long as they continue to meet any specified criteria for the subsidy.

Renewal of Telecommuting Agreement

Each telecommuter/supervisor agreement should be discussed and renewed annually, whenever there is a major job change (such as a promotion), or whenever the telecommuter or supervisor changes positions. Because telecommuting was selected as a feasible work option based on the combination of job characteristics, employee characteristics, and supervisor characteristics, a change in any one of these requires a review of the telecommuting arrangement. Because this is a management work option, there is no automatic right of the telecommuter to continue telecommuting in the event of a change of supervisor.

Evaluation

This section describes the issues that should be addressed during the agency's evaluation of its telecommuting program. Prior to undertaking the evaluation, a specific evaluation plan should be established tailored to the agency's customized telecommuting program. Special attention should be given to the need to collect baseline data before telecommuting is implemented.
Model Telecommuting Policy

Purpose

The purpose of this policy is to define the telecommuting program of the [agency] and the guidelines and rules under which it will operate.

Scope

This policy applies to all the telecommuting activities of the [agency]. All managers, supervisors, and telecommuters should be familiar with the contents of this policy. Government Code Sections 14200-14203 (AB 2963, enacted September 26, 1990) authorizes every State agency, including every board and commission, to incorporate telecommuting as a work option.

Telecommuting Coordinator

Responsibility for the day-to-day coordination and management of the [agency's] telecommuting program has been assigned to [name, unit]. The telecommuting coordinator will oversee the telecommuting program including compliance with policies, procedures, and guidelines. The coordinator will be the primary contact with the Department of General Services. The coordinator will represent the management of the [agency] with respect to telecommuting employees, other agencies, and the public.

Selection

Telecommuting is only feasible for those tasks within a job which are amenable in whole or in part to being performed away from the main office. Management of the [agency] will establish employee selection criteria and select employees. Selection of employees shall not be arbitrary nor based on seniority, but shall be based on specific, written, work related criteria established by management. Such selection criteria may include reasonable accommodation provisions for permanently disabled employees, temporarily disabled employees, and displaced employees.

Employee participation in home office telecommuting is voluntary. Employee participation in telecenter telecommuting is, like other local office relocations, not necessarily voluntary.

All forms of telecommuting imply an employer-employee relationship with the employee receiving the same benefits as a nontelecommuting colleague. An independent contractor is not a candidate for telecommuting due to the required employee-employer relationship.
Maintenance, Repair, and Replacement

Maintenance, repair, and replacement of State owned equipment issued to telecommuters will be the responsibility of the [agency]. In the event of equipment malfunction, the telecommuter must notify his/her supervisor immediately. If repairs will take some time, the telecommuter may be asked to report to the main office until the equipment is usable.

Repairs to telecommuter owned equipment will be the responsibility of the employee.

Health and Safety

Home offices must be clean and free of obstructions. The home must be in compliance with all building codes. The facility must be free of hazardous materials. Telecommuting employees are responsible for ensuring their homes comply with these health and safety requirements. Employees must also certify compliance as part of their "Telecommuter's Agreement." Management may deny an employee the opportunity to telecommute or may rescind a telecommuting agreement based on safety of the home or suspected hazardous materials in the home facility. Management may also have the home office inspected for compliance with health and safety requirements. Inspections will be by appointment only.

If an employee incurs a work-related injury while telecommuting, worker's compensation law and rules apply. Employees must notify their supervisors immediately and complete all necessary and/or management requested documents regarding the injury.

Employee Rights

Except as agreed to in the individual "Telecommuter's Agreement," employee rights provided for in the employee's collective bargaining agreement are not affected by participation in a telecommuting program.

None of the rights or benefits provided under the employee's collective bargaining agreement between the State and the employee unions are enhanced or abridged by the implementation of telecommuting programs. Employees retain the right to grieve in accordance with the provisions of their collective bargaining agreements. Employees retain the right to meet with their representative (e.g., job steward) in accordance with the provisions of their collective bargaining agreements. Such meetings will take place at the employee's headquarters office and within the job steward's area of primary
responsibility, not at the employee's home office. The meeting may be held at a telecenter facility within the job steward's area of primary responsibility.

**Termination of Participation**

Management may terminate the [agency's] telecommuting program for any reason, at any time, with advance written notice to the employees. Whenever feasible such notice will be provided at least 30 calendar days prior to the termination of the program.

Because participation in telecommuting is a bilateral voluntary agreement, management may terminate an individual employee's participation in the program without cause, at any time, with advance written notice. Whenever feasible, such notice will be provided at least 30 calendar days in advance. Termination of an employee's participation for cause may be immediate and does not require advance written notice. The employee may also request to terminate participation, without cause, at any time. Management will make arrangements for the employee to begin working at the main office as quickly as possible, but no later than 30 days after notification by the employee.

The opportunity to participate in a home telecommute program is offered only with the understanding that it is the responsibility of the employee to ensure a proper work environment is maintained (e.g., dependent care arrangements are made so as not to interfere with the work, personal disruptions such as nonbusiness telephone calls and visitors are kept to a minimum, etc.). Failure to maintain a proper work environment, as determined by management, provides cause for an employee's immediate termination from the agency's telecommute program.

Telecommuting opportunities are based upon program requirements as determined by management. Therefore, employees previously participating in a telecommuting assignment are not assured of a telecommuting assignment when returning from a leave of absence or after a job transfer.

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**Telecommuter's Agreement**

[This model telecommuter's agreement should be tailored to an individual agency's needs and included as a model in the agency's telecommuting policy.]

Both the manager and the telecommuter understand that home based telecommuting is a bilateral voluntary option and can be discontinued at either's request with no adverse repercussions.

The [agency] will pay for the following expenses:

- Charges for business related telephone calls.
- Maintenance and repairs to State owned equipment.

Claims will be submitted on a Travel Expense Claim along with receipt, bill, or other verification of the expense.

The [agency] will not pay for the following expenses:

- Maintenance or repairs of privately owned equipment.
- Utility costs associated with the use of the computer or occupation of the home.
- Equipment supplies (these should be requisitioned through the main office).
- Travel expenses (other than authorized transit subsidies) associated with commuting to the Central Office.

Telecommute days are scheduled and will not be substituted without advance approval of the manager. In-office days will be ________________. Home-office days will be ________________.

Telecommuters must be available by phone during the core business hours of ____ to ____.

Use of sick leave, vacation, time off, or other leave credits must be approved in advance by the supervisor. Overtime to be worked must be approved in advance by the supervisor.

Telecommuting is not a substitute for dependent care, and telecommuters must make regular dependent care arrangements.

The telecommuter has read and understands the agency's telecommuting policies and agree to abide by those policies.
The telecommuter will provide for information security in the home-office, and comply with the agency’s security requirements and procedures. The telecommuter agrees to check with her/his supervisor when security matters are at issue.

(Supervisor) (Date)

(Telecommuter) (Date)

THIS AGREEMENT EXPIRES IN ONE YEAR AND MUST BE RENEWED TO CONTINUE PARTICIPATION IN THE [AGENCY’S] TELECOMMUTING PROGRAM.
A. **Definition**
Telecommuting is an alternative for *where* work is performed (as distinct from *when* work is performed) that avoids the normal office commute. It does not change the nature of the work a state employee is expected to perform or the hours in which an employee is expected to be working. Telecommuting offers the choice of working at home or at an alternate workstation closer to home, arranged in advance and conducted on a part-time basis. As shown immediately below, authorizing telecommuting/work-at-home arrangements come with a determination that they are cost effective.

B. **Statutory Basis**
The Connecticut General Assembly passed the “Telecommuting” legislation in 1996. This was codified as Section 5-248i of the Connecticut General Statutes.

**CGS Sec. 5-248i. Telecommuting and Work-at-home programs.**
(a) The Commissioner of Administrative Services may develop and implement guidelines, in cooperation with interested employee organizations, as defined in subsection (d) of section 5-270, authorizing telecommuting and work-at-home programs for state employees where such arrangements are determined to be cost effective.

(b) Any employee of a state agency may be authorized to participate in a telecommuting or work-at-home assignment with the approval of his appointing authority and with the approval of the Commissioner of Administrative Services. Approval of such assignment may be granted only where it is determined to be cost effective. Any assignment shall be on a temporary basis only, for a period not to exceed six months and may be extended as necessary.

(c) The Commissioner of Administrative Services shall report annually to the joint standing committee of the General Assembly having cognizance of matters relating to labor and public employees as to the extent of use by employees as provided pursuant to subsections (a) and (b) of this section.

C. **Precedence**
During some time within the first quarter of 2005, 144 State of Connecticut employees had active telecommuting arrangements on file with the DAS. Eighteen state agencies have had at least 1 telecommuter since the program began. The largest user, by far, has been the Department of Revenue Services.

In an Internet survey of employing organizations around the nation, DAS found that approximately 55% of public sector or non-profit organizations had some type of telecommuting program. Of those program users, 43% reported increased employee satisfaction, 29% reported a reduction in unscheduled leave and 14% reported increased productivity as effects of using the program. Only 6% found that it lowered costs and a similar percentage found that it improved their ability to attract higher quality employees. These findings were not out of character with two prior surveys that DAS conducted on activities that employers were using to either help employees balance work and life or to help the employer become an employer of choice.
It is difficult to find much recent information and trends in telecommuting programs that aren’t reemerging data and research that were conducted in the mid 1990s. A fairly recent article showed that out of 150 executives in the nations 1,000 largest companies, 22% saw productivity improve, 36% saw no difference and 32% saw less productivity resulting from their telecommuting programs. Seventy-six percent of the same executives saw telecommuting as most appropriate for either staff or administrative support personnel.

This contrasts with the Federal Government where Congress established penalties for agencies that don’t allow telework options for employees. Thirty-six percent of Federal Government employee survey respondents said they had been offered a chance to telecommute compared to the 87% that would telecommute if given the chance. This must be understood in the context of the traffic congestion around the Washington, DC area along with the fact that the Federal Government has created alternate worksites in areas around the “District” where workers can do their telework. That is, telework/telecommuting is not always done from home in the US Federal Government.

The Connecticut Department of Transportation continues to promote telecommuting as a traffic reduction strategy. A reference to the role of telecommuting in the broader context of transportation strategy is found in Sec. 13b-57g. of the Connecticut General Statutes: “Transportation strategy and revisions. Public transportation priority. Reporting requirements.” … “[T]he role, including the role of financial incentives, of private sector companies, public agencies and institutions needs to be clearly defined with respect to … providing employees with appropriate alternatives to the locations at which and during the times they perform their work, including, but not limited to, flexible working hours and telecommuting [.]”

The ConnDOT reports that the “TelecommuteCT!” effort has established programs with 164 employers with 3,542 employees telecommuting.

D. Commuting Data

The commuting data for state employees is interesting. A voluntary survey of employees within DAS showed an average one-way commute time of 40 minutes using private vehicles. Those persons taking public transportation to work are in transit an average of 65 minutes per commute. These public transit commuters account for less than 10% of the respondents and most of the persons using public transportation used it only part of the time to get to work. The data showed that there are essentially three most frequent (“peak”) commute times: 45 minutes (19% of the commuters), 30 minutes (15% of the commuters) and 20 minutes (9% of commuters). Twenty-five percent of DAS employees commute 50 or more minutes each day by private vehicle. Long commutes alone don’t seem to be an extraordinary reason for telecommuting in this state.

A. Determine Feasibility

Telecommuting is not a universal employee benefit. Only employees who have been deemed eligible by the employing agency may participate. Eligibility, however, does not determine selection; an employee is selected to participate at the sole discretion of management. An employee's participation may be terminated by the agency, without cause, upon reasonable notice (minimum of two weeks unless other conditions apply).

The agency retains the right to terminate an employee’s participation in the program. A telecommuter may request that his/her participation from the program be terminated by notifying his/her supervisor in writing. The agency shall arrange for the employee’s return to the official workstation within two weeks of receipt of the written request.

The popular business literature on telecommuting suggests that there are certain characteristics that indicate whether a person is likely to be a successful telecommuter. These include, but are not limited to, the following qualities:

- Self-motivated and responsible
• Possess good time management and organizational skills
• Knowledgeable about agency policies/procedures
• Effective communicator
• Successful in current position meeting goals and objectives
• Successful in current position meeting timelines and deadlines
• Adaptable to change
• Independent worker needing minimal supervision
• Results oriented

Similarly, some suggest that there are jobs that are more suitable for telecommuting than others. Jobs that do not require face-to-face interaction everyday, are clearly defined with measurable tasks, require minimal supervision, are more efficiently accomplished with few distractions and are portable may be accomplished at an alternative work location. It has been reported that the best jobs for telecommuting are white-collar, information-based jobs. Common elements of these jobs include extensive use of computers and/or telephones, performance that can be measured quantitatively and one in which the materials that are needed to complete the job are easily transportable from the workplace.

B. Determine Eligibility
An employee is eligible for telecommuting if he/she has achieved permanent status with the state, has performed the proposed job duties for at least 60 days prior to entering into the telecommuting arrangement and whose performance has been recognized as satisfactory or better. It cannot be overemphasized that an employee’s full range of duties must be specified and able to be performed from home or the alternate work-site. This would preclude managers and supervisors from telecommuting.

In addition to the above-mentioned criteria, an employee must have a suitable place in his/her home and be able to supply any needed equipment that cannot be obtained from the agency, if he/she is to be eligible to telecommute. The place should be suitably private and designed for work. Employees who need reasonable accommodations due to disabilities shall not be precluded from participating in a telecommuting program on that basis.

A. Potential Advantages for the State as an Employer
1. Cost savings if a need for office space or office equipment or parking can be reduced without transferring expenses elsewhere
2. Increased job performance/productivity for certain types of tasks
3. Improved employee morale and job satisfaction
4. Improved leverage to recruit or retain highly skilled employees
5. Reduction in unscheduled absenteeism/turnover
6. Use of telecommuting as a short term ADA accommodation
7. Enhanced image of State as an innovative employer
8. Reduced influence of traffic jams and bad weather on productivity
9. Improved capability to switch to telecommuting as a short or long term disaster recovery solution (i.e., continuing business to the extent possible after Murrah or 9-11 type building disasters)

B. Potential Advantages for the Employee
1. Greater productivity and creativity
2. Partial elimination of commuting time, driving stress, fuel expense, and wear and tear on personal vehicles
3. More control over working environment; fewer distractions
4. Increased familiarity with technology (computers, modems, fax machines)
C. **Potential Advantages for the Community**
1. Reduced traffic congestion
2. Lower fuel consumption
3. Improved air quality
4. Decreased neighborhood crime because of more people being home during daylight hours

D. **Potential Pitfalls and Disadvantages**
1. Reduced interaction among employees on key workplace issues
2. Feelings of isolation from co-workers and work events
3. Frustration in trying to set meetings or deadlines with telecommuters
4. Negative public perception of taxes being spent to pay state employees to “stay home”
5. The cost to manage around a telecommuter exceeding any cost savings to be realized
6. Worker dissatisfaction when some employees are selected and others are not selected to telecommute
7. Increased burden on managers and supervisors to manage telecommuters and the work they are getting done.
8. Lack of IT readiness for remote access of telecommuters plus problems they have using their personal equipment to telecommute
9. The time it takes for state agencies to monitor their telecommuters and the work they are performing
10. Increased likelihood of confidential or protected information being lost, misplaced, mishandled, or stolen
11. Materials, records, and other work products not being suitably transportable between the official worksite and the telecommuting worksite.

A. **Minimum Criteria**
Telecommuting is a management option that allows an employee to work at home or alternate worksite; it is not an employee entitlement. It does not change the hours of work. An employee's participation in the telecommuting program is voluntary. An employee may be considered for this option when the following minimum criteria are met:
1. The employee has achieved permanent status and has been performing his/her current job duties for at least 60 days
2. The agency has determined that the full range of an employee's job can be readily and effectively completed at an alternate site
3. The agency determines that the employee's absence from the office is not detrimental to office operations, overall productivity, the working conditions of other employees, or services to clients or customers
4. The employee's performance has been satisfactory or better
5. Both parties have signed a formal arrangement that clearly states the telecommuting relationship
6. A formal telecommuting arrangement (Appendix B) is completed which outlines:
   a) Willingness of employee to abide by all agency policies and procedures, including those unique to telecommuting
   b) The hours the employee works
   c) The alternate work site location
   d) A description of the work activities involved
e) Communication procedures (i.e., delegation of assignments, staff meetings, office
visits)
f) Utilization and maintenance of equipment and supplies (telephone, fax, computer)
g) Security and confidentiality procedures
h) Effective dates to begin and terminate the program
i) Mileage reduction data for single occupancy commuting

8. The agency has determined that such an arrangement is cost effective
9. The agency and employee are willing to participate in telecommuting training and evaluation
efforts
10. The length of the telecommuting arrangement is a maximum of six (6) months but can be
extended, if necessary, by execution of another arrangement.

B. Compensation and Benefits
Telecommuters are regular employees, not independent contractors. The agency agrees that the
telecommuting arrangement is not a basis for changing the employee’s salary or benefits. The
telecommuter’s salary, work hours and benefits will remain subject to the rules governing the
appropriate collective bargaining unit contract or existing State statutes and regulations.
Employees who telecommute are subject to the same rules for using sick leave, vacation, personal
leave and other leave as non-telecommuting employees. The telecommuter must seek approval for
time-off just as they did before they became a telecommuter.
Except as provided in the DAS telecommuting guidelines and the telecommuting arrangement,
employee rights provided for in the employee’s collective bargaining agreement are not affected by
participation in a telecommuting program.
None of the rights or benefits provided under the employee’s collective bargaining agreement
between the State Executive Branch and the employee unions are enhanced or abridged by the
implementation of telecommuting programs. Employees retain the right to grieve in accordance with
the provisions of their collective bargaining agreements regarding compensation and benefits under
those agreements but shall not have the right to grieve denials or terminations of telecommuting
arrangements.
In no event shall the employee be eligible for any additional compensation as a result of the
telecommuting arrangement including, but limited to home office premiums.

C. Performance Evaluation
The employee is responsible for maintaining availability, appropriate levels of production and quality
of work while telecommuting.
The telecommuting arrangement can be terminated immediately if performance issues arise. In
addition, the agency reserves the right to make unannounced visits during normal business hours
based on reasonable concerns about performance.

D. Schedule
A mutually established telecommuting schedule must be defined for the employee. The agency’s
needs take precedence over the employee’s needs. Telecommuters shall report to the official
work site when directed, based on management priorities. The telecommuter may be allowed to
report to the official work site only one day per week, three days per week or, perhaps, work
predominantly from the alternate site. In determining the frequency and extent of reporting to the
official workstation, management needs such as staffing, meetings and training shall be the
primary consideration. Office needs take precedence over telecommuting days; therefore a schedule outlining the work location must be determined in advance with final approval by the agency. On days when the employee reports to the official work site, the schedule shall be measured from the official worksite and not the alternate location.
The hours of work while telecommuting shall match the hours that would be worked at the official work site. Each agency must discuss issues regarding overtime authorization, shift differential, holiday pay and other related topics prior to implementing the telecommuting arrangement.

E. Standards of Conduct
While telecommuting, the employee agrees that he/she is bound by all agency policies and procedures as if they were a non-telecommuter.

F. Liability for Injuries
The State will continue to provide benefits and coverage to the telecommuting employee as governed by the Connecticut General Statutes and the applicable bargaining unit contract, provided the alternate work location has been approved in the telecommuting arrangement. An injury must arise strictly out of and within the course of employment in order to be considered as a worker’s compensation liability, wherein all standard worker’s compensation regulations would apply. Accidents at the employee’s home to persons who are not on-duty employees of the agency are the responsibility of the employee. An employee must contact his/her supervisor as soon as an injury occurs, whether covered by workers compensation or not. The telecommuter must understand that it is not certain how the workers compensation principle of arising out of and within the course of employment will be applied to injuries in the telecommuter’s home.

G. Equipment and Supplies
Depending on the job, equipment needs for telecommuters will vary. To the extent possible, the agency will provide the necessary equipment and supplies that are needed for the telecommuter to perform his/her job duties successfully. Out of pocket expenses for supplies normally available through the agency will not be reimbursed. It is the agency’s responsibility to maintain and repair any equipment, which is supplied to the telecommuter by the agency. In the event of a delay in the repair or replacement or any other circumstance under which it would be impossible for the employee to telecommute, the employee understands that he/she may be assigned to do other related work and/or report to the official workstation. Agency-owned equipment, software, telephone services, supplies and furniture at the alternate work site shall be limited to those authorized by the agency and used only for agency business.
Personal use of these materials is prohibited, even during non-working hours. Telecommuters assume responsibility for the physical security of agency equipment, supplies and information in their possession while telecommuting. The telecommuter understands that the agency will not be liable for damages to an employee’s personal or real property while the employee is working at the approved alternate workstation. The telecommuter shall maintain his/her in-home workstation in a safe condition, free from hazards and other dangers to the employee and equipment. To ensure appropriate working conditions, the agency shall make on-site inspections at a mutually agreed upon time or given 24 hour advance notice to the employee. The employee will be liable for any loss or damage to agency equipment or supplies due to the employee’s negligence or misconduct. Loss or damage to agency equipment or supplies, which result from circumstances not attributable to the employee’s negligence or misconduct, will be the liability of the agency. When the telecommuter uses his/her own equipment, he/she shall be responsible for equipment repair and maintenance. Certificates of homeowners or renters insurance will be kept on file with the employee’s approved telecommuting arrangement form.
Materials, documents, etc., that the telecommuter transports to and from the official workstation to the home office are his/her responsibility and must be kept confidential and secure. The employee agrees to protect the agency records from unauthorized disclosure or damage and will comply with agency policies and procedures regarding such matters. Protected health information (PHI) is covered by HIPAA and is addressed in L., below.

Any equipment, supplies, software, hardware, etc., purchased by the agency remains agency property and must be returned at the conclusion of a telecommuting arrangement or when requested by agency management.

Telecommuters using State provided software will adhere to the manufacturer’s licensing agreements, including the prohibition against unauthorized duplication. In particular, installation, use and removal of software must comply with the Software Vendor's License Agreement, the State of Connecticut Software Management Policy and the agency's implementation of said policy. To protect confidentiality and guard against data contamination, telecommuters will follow agency approved data security procedures.

H. **Family Responsibilities**
While telecommuting may facilitate the employee meeting family responsibilities, it shall not be used to provide family care. The telecommuter shall make arrangements to have care for dependant children or elders outside of the home.

I. **Travel**
The employee may not submit nor receive reimbursement if he/she is requested to report to the normal work site. The employee shall not be reimbursed if he/she reports to the normal work site but shall remain eligible for reimbursement for travel to other locations in accordance with the applicable collective bargaining agreement and/or the standard State Travel Regulations.

J. **Other Expenses**
The State assumes no liability for any personal and/or non-State equipment used for the telecommuting.

K. **Local Zoning Ordinances**
It is the employee’s responsibility for ensuring compliance with any local zoning ordinances related to working at home or maintaining a home office.

L. **Protected Health Information**
Protected Health Information being transported by notebook computer, removable media, or other electronic means must be kept secure according to HIPAA privacy and security rules.

M. **Other Action**
Nothing in this policy precludes the agency from taking any appropriate disciplinary action against an employee who fails to comply with the provisions outlined in the telecommuting arrangement in addition to possible cancellation of the telecommuting arrangement.
A. **Training**
The agency is responsible for ensuring that participants receive basic information on telecommuting, including this manual. The agency must offer telecommuters any related training conducted or required by the Department of Administrative Services.

B. **Program Evaluation**
The employee shall agree to participate in all studies, inquiries, reports or analyses relating to telecommuting. The agency must comply with any effort by the Department of Administrative Services to collect data on telecommuting. Furthermore, the agency will be subject to periodic audits by a representative from the Department of Administrative Services to ensure agency compliance with the standards set forth in this policy.

Take into full consideration all of the following judgment criteria to determine if telecommuting is an appropriate work option for one or more employees. If any one of these is problematic, telecommuting is probably not the right choice at the right time. Can these questions be answered “Yes”?

1. Can the full range of job responsibilities be carried out at any time that the worker is telecommuting?
2. Is the amount of work it takes for someone to schedule, document, and evaluate work products of a telecommuter offset by the level of improved productivity/accuracy of the telecommuter’s work while telecommuting?
3. Is the agency fully capable of monitoring telecommuters and will they take the responsibility to monitor telecommuters?
4. Does the prospective telecommuter have complete access (not shared) to all computer and telecommunications equipment as well as Internet connections that they will need to do their job for all of the time that they are telecommuting on “state” time?
5. Will the telecommuting arrangement be cost effective?
6. Can any personal health information (PHI) managed or processed by the telecommuter be adequately safeguarded and protected in a manner required by HIPAA?

Can these questions be answered “No”?

1. Is a combination of reduced work schedules, alternate work schedules, and telecommuting schedules impairing the level of service that can be provided by a work group?
2. Will telecommuting be used to supply childcare, eldercare or other personal responsibilities or will telecommuting be used to somehow reduce expenses for these responsibilities during established work hours?
3. Is telecommuting being used as a reward or benefit for the employee with the state receiving no particular benefit from the arrangement?
4. Is telecommuting being intermingled with long-term sick leave?
5. Is the prospective telecommuter responsible for the health, safety, or well-being of employees during normal work hours at their regular work site?
6. Does the prospective telecommuter have outside employment or outside income where the telecommuting will provide a convenient way to co-mingle state and non-state work during established work hours?
SUBJECT: GENERAL GUIDELINES

TITLE: TELECOMMUTING

I. POLICY

Denton County permits telecommuting as a voluntary work arrangement whereby employees are allowed to perform the normal duties and responsibilities of their position, through the use of computers or other telecommunications, at home or another place apart from the employees’ usual place of work.

II. PROCEDURE

A. Telecommuting requests will be considered on an individual basis to determine if the employee has the necessary skills and abilities to be a telecommuter and if the duties of the employee’s position can adequately be performed by telecommuting.

B. Telecommuters may elect to cease their participation in the program at any time. The agreement may be canceled by the approving authority at any time when it is determined that continuation would not be productive, efficient or otherwise not in the best interest of the department.

C. Telecommuters will be compensated for all pay, leave, overtime and travel as if duties were being performed at the official work site. Overtime shall not be worked unless authorized in advance by the supervisor.

D. Telecommuters are subject to the same rules and procedures as other employees and are covered by worker’s compensation when performing official work duties at the alternate work site. Telecommuters shall verify in writing that their home office provides work space that is free of safety and fire hazards and shall agree that Denton County will be held harmless against any and all claims, excluding worker’s compensation claims, that result from working at home.

E. All costs associated with telecommuting will be handled by the telecommuter’s department. The department is not required to provide equipment for telecommuting; however, the department may provide all or part of the equipment necessary for accomplishing work assignments, including the installation and maintenance of county owned equipment at the home office.
F. An official telecommuting agreement or contract must be signed by the telecommuter, the telecommuter’s immediate supervisor or Department Head, the Director of Human Resources, and Commissioners Court prior to beginning telecommuting.

G. The Department of Information Services will make a recommendation to Commissioners Court based on technological barriers, security issues, maintenance issues, and costs.

H. Maintenance on the telecommuter’s equipment at the home office will follow Department of Information Services guidelines. The equipment must be delivered to the Department of Information Services or the telecommuter’s department’s office for repair or maintenance. The county will not cover the cost of repair or maintenance of the telecommuter’s personal equipment. Modems or other access devices attached to a telecommuter’s personal equipment must be external. Information Services will not install internal equipment into a telecommuter’s personal equipment.

Approved by: Commissioners Court    Date: 10-10-00

POLICY #2.22
DHS Telecommuting Program Policy

Policy
Telecommuting is a DHS management tool that provides flexibility in meeting customer and business needs. The use of telecommuting depends on specific business functions and work tasks to be performed. The ultimate goal of telecommuting is to enhance the delivery of government services to citizens of the state of Minnesota.

Purpose
The purpose of this policy is to establish guidelines to ensure department consistency.

Definitions
Telecommuter: is a DHS employee who works at an alternate work site (home or another location) instead of their official work location according to the provisions of this policy. Telecommuting is:

1. An employee working at an alternate work site (home or another location) instead of the official work location
2. Carried out occasionally, with some work performed at the alternate work site and the remainder of the work performed at the official work location
3. A formal and structured work arrangement that is beneficial to the employee and DHS
4. An alternate method of meeting DHS needs
5. Long-term, not a short-term accommodation for purposes of completing a project or in response to an employee's short-term need
6. A voluntary arrangement and
7. A privilege.
Procedures

A. Conditions of telecommuting

1. Telecommuting is voluntary and may be ended anytime by either DHS or the telecommuter. Advance notification of the cancellation may be required to ensure that adequate space is available and employee schedules are maintained.
2. Telecommuters must comply with state and federal laws and DHS policies, procedures and processes. Failure to comply may result in the loss of telecommuting privileges and/or disciplinary action.
3. Duties, obligations, responsibilities, and conditions of employment with DHS remain unchanged including salary, retirement benefits and state-sponsored insurance coverage.
4. Managers, supervisors and employees must follow the provisions of collective bargaining agreements and the Managerial and Commissioner's Plans when planning and implementing telecommuting.
5. Telecommuting arrangements must comply with applicable state and federal laws.
6. Telecommuting is not a substitute for dependent care.
7. Telecommuting must not result in excessive additional work for staff at the official work location.
8. Telecommuters may not receive any advantage or disadvantage regarding position upgrade or promotion because of telecommuting.

B. Selection criteria and procedure

1. Division and site directors must develop parameters and the process for participation in the telecommuting program to ensure that employee requests are given proper consideration and that divisions' and state operated facilities' needs are met.
2. Supervisors are to assess each request individually. Supervisors must consider, at least, the following factors:
   * Needs of the work unit
   * Employee's work duties
   * Costs and who pays
   * Supervision of the employee
   * Employee's current and past job performance
   * Positive or negative effects on customer service, the unit, division and facility
   * Availability of equipment and work space at the alternate work site
   * Ability to measure the work performed
   * Demonstrated work skills, such as time management, organization skills, self-motivation, ability to work independently.

3. Seniority is not a basis for selecting employees to participate in the telecommuting program.
4. If an employee request to telecommute is denied, the supervisor must give the employee the reason for the denial in writing. An employee who disagrees with the supervisor regarding telecommuting may refer the issues to the next level supervisor.

C. Work schedule

1. The supervisor and telecommuter determine the work schedule (including telecommuting work day hours and core hours).
2. The work schedule and hours of work will be consistent with the requirements in the collective bargaining agreements and plans.
3. Telecommuters are to attend all work-related meetings. Meetings may be scheduled with short notice to the telecommuter.
4. Telecommuters must notify the official work location if they leave their alternate work site during core hours.
5. All telecommuters must adhere to the requirements of the Fair Labor Standards Act and not work longer than permitted, or incur overtime without prior supervisory approval.

D. Weather emergencies
A telecommuter who is scheduled to work at home on a day declared as a weather emergency is expected to work as scheduled.

E. Equipment/telephone lines

1. The division or facility, at its sole discretion, may pay for equipment, telephone lines, telephone line installations or VPN systems at the telecommuter's alternate work site. This may include the payment of monthly telephone bills.
2. Supervisors must notify Inventory Management of any state equipment used by the telecommuter at the alternate work site. The notification must include the telecommuter's name, division, facility, description, serial number and the equipment state asset number. When the telecommuter returns the state equipment, the supervisor must inform Inventory Management.
3. Any equipment or software used for telecommuting must meet DHS equipment and security link compliance requirements.
4. Telecommuters who use personal equipment are responsible for maintenance and repair of the equipment.
5. DHS is responsible for maintenance and repair of state equipment. If equipment malfunctions, telecommuters must notify their supervisors promptly. If the malfunction precludes a telecommuter from performing work assignments, the telecommuter will be assigned to another project or required to return to the official work location.
6. Telecommuters must return all state equipment, software, products, documents and data when they terminate their employment with DHS, go on an extended leave of absence or the telecommuting arrangement is ended.

F. Guidelines for determining adequate equipment/telephone lines
1. Employees who, at the discretion of the division/facility, may be eligible for a state-provided VPN connection to the DHS network with up to a 256kbs (DSL or Cable-modem) and Internet Service Provider (ISP) service:
   a. Employees who are on call during their nonworking hours and responsible for ensuring the functionality of critical computer networks or major systems.
   b. Employees who were part of the original VPN pilot project and already had the service in place prior to Jan. 1, 2003.
   c. Employees who work from their home and do not have a permanent office in a DHS facility.
   d. Employees who work from their home 32 hours per week or more.

2. Employees who, as a part of their job duties, must work from their home periodically may at the discretion of the division/facility, be eligible for a state-provided 56kbs dial-up or a VPN connection to the DHS network using an employee-provided Internet connection.

3. Employees, who as a part of their job duties, require the use of a phone in their home 16 hours per week or more may, at the discretion of the division/facility, be eligible for a state-provided telephone line to their home.

4. Any state-provided DSL/Cable-modem service to an employee's home that is in excess of 256kbs must be approved by the CIO.

G. Security

1. Equipment, software, data, supplies and furniture provided by DHS for use at the alternate work site must only be used by DHS employees while conducting DHS business.
2. DHS owns any software products, documents, reports or data created as a result of work-related activities.
3. The telecommuter must take precautions to ensure hardware and software integrity. DHS will supply all telecommuters who use computers at their alternate work sites with anti-virus, VPN and other required security software.

H. Data

1. Telecommuters must follow the provisions of the Government Data Practices Act, HIPAA, other data privacy legislation and DHS data privacy policies when working at the alternative work sites. Failure to comply may result in the loss of telecommuting privileges and/or disciplinary action up to and including discharge. Violations may also result in criminal or civil litigation.
2. Telecommuters must protect the privacy and confidentiality of data when at their alternate work sites or transferring the data to and from the work sites.
3. Telecommuters must follow data retention and disposal procedures.
I. Liability

1. Telecommuters must designate a workspace at their alternate work sites. This workspace is subject to the supervisor's approval. The workspace must accommodate any equipment used for work. Telecommuters must protect the workspace from hazards and dangers that could affect the equipment and themselves. With advanced notice, DHS representatives may make on-site visits to alternate work sites to determine suitability, that the work space is safe and free from hazards, and to verify the physical location of state equipment.

2. Alternate work site spaces are an extension of the official work location during telecommuting work hours only. If injured while working at an alternate work site and during telecommuting work hours, the telecommuter must report the injury to the supervisor immediately.

3. DHS is not responsible for third party injury or property damage that occurs at the alternate work site.

4. DHS is responsible for insuring state equipment. Telecommuters must take steps to minimize damage of theft of state equipment at the alternate work sites.

5. DHS is not liable for any damage or theft of employee-owned equipment.

J. Taxes
The telecommuter is responsible for any federal or state tax implications arising from telecommuting.

K. Performance measurement
Objectives and results will measure the telecommuter's performance.

L. Expenses

1. Telecommuters shall obtain supplies needed for the alternate work sites through the normal supply procurement procedures. DHS will reimburse telecommuters for approved expenses according to DHS policies and collective bargaining agreements and plans.

2. Mileage between the telecommuters alternate work site and the official work location is commute mileage and not reimbursable.

M. Required agreement forms

1. Telecommuters and their supervisors must document their agreements in writing using the DHS Annual Telecommuting Agreement Form DHS-4028 (6-05).

2. The agreement must be examined every six months and re-signed annually. In addition a copy must be sent to HR, mail code 3820.

3. Telecommuters also must complete the Acceptable Use Agreement & Confidentiality Oath for Remote Use of DHS Owned Equipment Form.
4. Telecommuters and their supervisors are encouraged to familiarize themselves with the Remote Access to DHS Resources Policy.

Policies and Procedures Quick Links

* Travel Policy and Procedure
* Employee Time Report
* Reasonable Accommodation Policy
* Information Policy TOC
* General Harassment Policy
* Statewide Policy: Appropriate use of Electronic Communication and Technology
* Data Practices Manual
* Final Parking Policy

Policies and Procedures Forms

* Employee Expense Reimbursement Form
* Employee Electronic Time Report Form
SUBCHAPTER 2. OPM POLICY

2-1. Policy

a. The Office of Personnel Management supports the full range of telecommuting options. All organizations will be covered by the provisions of this policy. OPM's telecommuting program is voluntary. It is an option that may be used to assist in the effective and efficient accomplishment of agency business.

b. Telecommuting as used in this chapter allows OPM employees to work at alternative worksites as part of their regular tour of duty, either at home or at a telecenter.

c. Telecommuting should not be confused with home-based, employee owned businesses or independent contracting or consulting arrangements in the home. In most cases, the employee's official duty station remains the telecommuters current traditional Federal office regardless of where the work is actually performed.

d. Employees approved to telecommute as a reasonable accommodation are not necessarily subject to all provisions of this chapter. The employee's Alternative Worksite Work Agreement will note the provisions of this chapter to which the employee must adhere.
2-2. Benefits

OPM believes the telecommuting program provides benefits for all parties.

- Telecommuting helps OPM to recruit and retain skilled and valuable employees.
- Telecommuting helps employees reduce commuting time, increase their flexibility to balance work and family needs and reduce their expenses for transportation, food and clothing.
- Telecommuting helps the community by reducing traffic congestion and air pollution.
- Telecommuting may help reduce the costs associated with office space.

2-3. Guidance for Approving Requests to Telecommute

a. Under OPM’s telecommuting program supervisors will approve, disapprove or discontinue telecommuting arrangements on a case-by-case basis. The form, Request to Telecommute, is in Appendix D of this Chapter. This form must be used to request telecommuting arrangements. Approval or disapproval of telecommuting requests must also be documented on this form. Employees must complete the form and submit it to the supervisor. The supervisor will return the form to the employee within five (5) business days, whenever possible.

b. Employees who are approved for telecommuting should be able to manage workloads with minimum supervision. Telecommuting is not appropriate for employees who are performing at less than the fully successful level. Generally, telecommuting will not be appropriate for new employees, e.g., employees who need to be in the office to learn the organization, employees who require on-the-job training, etc.

c. Telecommuters should have work assignments that require minimum personal interface with co-workers and customers. The work should be measurable in terms of results and outcomes. The employees' current performance standards will be used to govern all telecommuting assignments as well as those in the telecommuters current traditional Federal office. All government records, which may include files, references and databases, should be transferable to the alternative worksite or available through some form of technology. The telecommuting agreement must identify specific items (phone, computer, fax, data, etc) needed to complete assignments at the alternate worksite. In addition, the agreement must include types of work assignments to be accomplished and means of communication with the employee when telecommuting.
(phone, fax, email, etc). [NOTE: Classified data may not be taken to alternative worksites. Privacy Act and sensitive non-classified data may be taken to alternative worksites if necessary precautions are taken to protect the data.]

d. Employees who regularly telecommute should be scheduled to come into the office for at least one day a week or as required by the supervisor. However, there are exceptions to this guideline which include, but are not limited to, when an employee is injured or has a disability that temporarily limits mobility.

e. Supervisors should consider the effect of telecommuting on all employees in the work unit, especially if it means there are fewer employees in the office to handle customer requests. Supervisors and telecommuters must be able to establish effective lines of communication. The supervisor and/or employee may terminate the telecommuting agreement at anytime. In the event that a telecommuting agreement is terminated, employees should be given one pay period to transition back to the current traditional Federal office.

f. The Partnership and Employee Services Division of the Office of Human Resources and EEO is available to assist supervisors with any disputes which arise from the termination of a telecommuting agreement. Employees may contact the agency telecommuting coordinator in the Office of Human Resources and EEO if there are any concerns regarding a telecommuting request or agreement. In addition, bargaining unit employees may contact their respective union officials regarding disputes which arise from the denial of a telecommuting request or the termination of a telecommuting agreement. Bargaining unit employees may also discuss concerns regarding a telecommuting request or agreement with their respective union officials.

g. Employees approved for telecommuting must have a work space that is free from personal distractions and safety hazards (See Appendix B). Telecommuting, whether from home, a telecenter or other remote worksite is not a substitute for dependent care services. Those employees who work from a telecommuting center may not take dependents to the center.
3-1. Requesting Approval to Telecommute

a. Employees who wish to telecommute must request approval from their immediate supervisor. If approved, employees must sign a work agreement with their supervisor. A sample work agreement may be found in Appendix A of this chapter. Offices may design individual work agreements that encompass the information found in the sample agreement. The work agreement should include a safety checklist for those employees who will be working from their homes to assist them as they survey the overall safety and adequacy of their alternate worksite. Completed work agreements must be forwarded to the organizational telecommuting contact for recordkeeping purposes. Supervisors may contact the Office of Human Resources and EEO to identify the contact for their organization.

b. Telecommuters who will be working from home must have a specific room or area of a room designated to perform their official duties. An agency may not use appropriated funds to pay for the increased costs of utility services due to an employee telecommuting from home.

c. Employees who would like to use a telecenter must complete a work agreement and have a Telecommuting Facility Reimbursement Information Sheet completed by their supervisor. This sheet is an agreement between the individual office and the General Services Administration (GSA) regarding the use and the cost of using a telecenter. A copy of the Information Sheet is included in Appendix B of this chapter. The completed sheet must be mailed to the General Services Administration and the telecommuter must take a copy to the telecenter director on the first day of use. The Office of Human Resources and EEO maintains a copy of approved telecenters, their locations and their contacts.

d. Employees may request to telecommute on an ad hoc basis for a short duration (1 to 5 days). After approving the arrangement, the supervisor should document the approval of ad hoc telecommuting. Below are some, not all, situations when it may be appropriate to approve telecommuting on an ad hoc basis:

- The employee needs a block of uninterrupted time to complete the writing and/or editing of a report or other similar document.
• The employee has a minor injury or condition that temporarily limits mobility but not ability to perform duties.
• The employee has a business or personal appointment during the day and cannot reasonably commute to and from the office. The employee would take leave for the period of the personal appointment but otherwise work the remainder of the day at an alternative work site.

3-2. Time, Attendance and Pay
a. Employees who telecommute are governed by the same policies regarding work schedules, leave and premium pay as apply to those working in the telecommuters current traditional Federal office.
b. If a situation arises at the employee's alternative worksite that results in the employee being unable to continue working, the supervisor may excuse the employee from duty, reschedule work, authorize leave or require the employee to commute to the office to continue working. If the employee knows in advance of a situation that would preclude working at the alternative worksite, then alternative work schedules, leave or time in the employee's current traditional Federal office must be scheduled.
c. Telecommuters will follow the same emergency dismissal and closure procedures as those employees in the telecommuter=s current traditional Federal office.
d. Employees who work regularly scheduled hours between 6:00 p.m. and 6:00 a.m. are entitled to night differential. Under a flexible work schedule, hours worked between 6:00 p.m. and 6:00 a.m. are not counted as night differential if the flexible band of hours included enough time for an employee to work a full day.
e. For purposes of special salary rates and travel allowances, the employee's official duty station is the current traditional Federal office, regardless of whether the employee does the majority of work there or at the alternative worksite. All rules governing premium pay apply to telecommuters. Employees will be paid overtime when ordered and approved in advance by the supervisor. Employees designated Anon-exempt@ are covered by the overtime provisions of the Fair Labor Standards Act (FLSA).
f. Supervisors are responsible for ensuring that telecommuters work overtime only on duties for which the supervisor intends to make overtime payment. Non-exempt employees must be paid overtime (or compensatory time, under certain circumstances) when overtime hours are ordered and approved in advance by the supervisor with the authority to authorize overtime. In addition, non-exempt employees under the Fair Labor Standards Act must be paid overtime for any work that a supervisor "suffers or permits." Suffered and permit is defined as any work performed by an employee for the benefit of OPM, whether requested or not, provided the supervisor is aware that work is being performed and has the opportunity to prevent the work from being performed. If a telecommuter works unauthorized overtime on a recurring basis, the supervisor may terminate the telecommuting work agreement.

3-3. Documenting and Reporting Changes to Work Agreements
Supervisors must document changes to telecommuting arrangements with a new or amended work agreement.

3-4. Use of Equipment
a. OPM will provide and/or install equipment in alternative worksites other than telecenters. Decisions on equipment will be made on a case-by-case basis. Employees may request to use their personal computers and equipment. The Government will not be liable for damages to an employee's personal or real property while the employee is working at the approved alternative workplace, except to the extent the Government is held liable by the Federal Tort Claims Act or the Military Personnel and Civilian Employees Claims Act.

b. Supervisors should refer to the Office of the Chief Information Officer Support Guidance on setting up a telecommuter prior to approving telecommuting arrangements.

c. The Government is responsible for maintenance of all Government-owned equipment. Employees may be required to bring equipment into the office for maintenance. All files, records, papers or machine readable materials created while telecommuting on behalf of OPM are the property of the Government. Personal use of Government-owned equipment by employees is governed by the OPM Policy on Personal Use of Government Office Equipment. Family members and friends of
telecommuters are not authorized personal use of Government-owned equipment under this policy.

d. Employees who use telecenters will be provided access to basic office equipment (e.g. computer, modem, telephone, fax, copier). Telecommuting centers are responsible for the installation and maintenance of telecenter equipment. Employees are prohibited from using telecenter equipment for personal use.

e. Public Law 104-52 allows agencies to use funds to install telephone lines in private residences of those authorized to telecommute and to pay monthly phone charges for such lines. Telecommuters should be provided with calling cards if duties require that long distance calls are made on a regular basis. Management may also use other methods deemed appropriate for providing long distance service.

APPENDIX A

ALTERNATE WORKSITE WORK AGREEMENT

The following constitutes an agreement between:

____________________________________ and _________________________________________

Employee's Name                           Supervisor's Name

of (Service, Office, Division, Branch, Section, etc.) ______________________________

______________________________________________________________

                                                                  ______________________________

of the U.S. Office of Personnel Management to participate in the alternative worksite (telecommuting) program.

Tour of Duty

All work schedule flexibilities currently permitted may be continued in a telecommuting arrangement. Please identify the hours a telecommuter will work each day as well the location (alternative vs office).

FIRST WEEK:                     SECOND WEEK:

Monday_____________________    Monday___________________

Assignments and Communication
This should include work assignments, agreements on checking voice mail and email or contacting the supervisor as well as the requirement for employees to come into the office as needed. If additional space is required, attach another sheet to the agreement.

Length of Agreement
The employee will begin telecommuting on: ________________ (begin date). This telecommuting schedule will be (check one) ______ indefinite ______ temporary; until __________ (end date).

Duty Station
The address of the employee's official duty station is
_____________________________________________________
The address and phone of the employee's alternate worksite is
_____________________________________________________

Check one
_____ residence  _____ telecenter

Duty Station. All pay and travel entitlements are based on the official duty station. Voluntary Participation. The employee voluntarily agrees to work at the agency-approved alternative worksite indicated above and agrees to follow all applicable
policies and procedures. This is a flexibility that may be used by management to accomplish work needs. However an employee may not be forced or coerced into a telecommuting arrangement.

**Salary and Benefits.** Working at an alternative worksite is not a basis for changing the employee's salary or benefits.

**Official Duties.** The employee will perform official duties only at the official duty station or agency-approved alternative worksite. Employee agrees not to conduct personal business while in official duty status at the alternative worksite.

**Time and Attendance.** The employee will follow established office procedures for requesting and obtaining approval of leave. The supervisor agrees to certify biweekly the time and attendance for hours worked at the regular office and the alternative worksite.

**Overtime.** Supervisors are responsible for ensuring that telecommuters work overtime only on duties for which the supervisor intends to make overtime payment. Non-exempt employees must be paid overtime (or compensatory time, under certain circumstances) when overtime hours are ordered and approved in advance by a supervisor with the authority to authorize overtime. Employees designated Anon-exempt@ are covered by the overtime provisions of the Fair Labor Standards Act (FLSA). Any work performed by a non-exempt employee that a supervisor Asuffers or permits@ must be counted as hours of work for pay purposes. Suffered and permit is defined as any work performed by an employee for the benefit of OPM, whether requested or not, provided the supervisor is aware that work is being performed and has the opportunity to prevent the work from being performed. Employees agree that failure to obtain proper approval for overtime work may result in termination of the telecommuting privilege and/or other appropriate action.

**Equipment.** The employee will protect any Government-owned equipment and use of such equipment is governed by the OPM Policy on Personal Use of Government Office Equipment. The agency will maintain and service Government-owned equipment. The employee may be required to bring the equipment into the traditional Federal office for
service. The telecommuting center will install, service and maintain all telecenter equipment.

**Liability.** The Government will not be liable for damages to an employee's personal or real property while the employee is working at the approved alternative worksite, except to the extent the Government is held liable by the Federal Tort Claims Act or the Military Personnel and Civilian Employees Claims Act.

**Worksite.** The employee will provide a work area adequate for performance of official duties. The employee agrees to review work space that is located in a personal residence for conformance with suggested safety checklist.

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**Alternative Workplace Costs.** The Government will not be responsible for any operating costs that are associated with the employee using his or her personal residence as an alternative worksite, for example, home maintenance, insurance, or utilities. However, the employee does not relinquish any entitlement to reimbursement for authorized expenses incurred while conducting business for the Government, as provided by statute and implementing regulations. The Government will be responsible for costs associated with using a workstation in a telecenter. The employee will not be held responsible for costs associated with ordinary and authorized use of a workstation.

**Injury Compensation.** The employee is covered under Federal Employee's Compensation Act if injured in the course of actually performing official duties at the official duty station or the alternative worksite. The employee agrees to notify the supervisor immediately of any accident or injury that occurs at the alternative worksite. The supervisor will investigate such a report immediately.

**Work Assignments.** The employee will complete all assigned work according to procedures mutually agreed upon by the employee and the supervisor and according to guidelines and standards in the employee's performance plan.

**Work Reporting.** The supervisor and employee will agree on terms of reporting work progress and accomplishments from alternate worksite in accordance with the guidelines and standards in the employee=s performance plan.
Performance. The employee's most recent performance rating is at least "fully successful." Neither higher nor lower productivity will be expected of the employee as a result of the telecommuting arrangements.

Disclosure. The employee will protect Government records from unauthorized disclosure or damage and will comply with requirements of the Privacy Act of 1974, 5 U.S.C. 552a.

Standards of Conduct. The employee agrees he or she is bound by agency standards of conduct while working at the alternative worksite.

Cancellation. After appropriate notice to the supervisor, the employee may terminate the telecommuting arrangements. After appropriate notice to the employee, the supervisor may terminate the telecommuting arrangements.

SUPERVISOR CHECKLIST
Supervisors should use the following checklist to ensure that telecommuting requirements are met and that covered employees understand the policies and procedures of the telecommuting program. After an item is completed, list the date on the line next to it.

1. Guidelines and outlining policies and procedures of the telecommuting program have been explained to the employee. Date Completed_________________

2. The employee's most recent performance appraisal rating is "Fully Successful" or better. Date Completed: _________
3. The provisions governing premium pay have been explained to the employee including that he/she must receive the supervisory approval in advance of working overtime. Date Completed: __________

4. Performance expectations been discussed with the employee. Standards are in place and have been signed. Date Completed: __________

5. Policies and procedures covering classified, secure and privacy data have been explained to the employee. Date Completed: __________

6. The employee has been given the safety checklist which identifies safety and adequacy issues that employee should consider when working from home. Date Completed: __________

7. Equipment issued to the employee has been documented with an OPM Form 4753, "Receipt and Pass for Property." Also, check items taken below, as applicable:

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___________________________  _______________________
Employee's signature  Supervisor's signature