

# TELEWORK POLICY

## FOR EXECUTIVE BRANCH AGENCIES

Issued by the Human Resources Division  
Commonwealth of Massachusetts  
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### I. INTRODUCTION

It is the policy of the Executive Department to encourage, in appropriate circumstances, the creation of telework opportunities for employees. Telework has been found to benefit society by reducing energy consumption, decreasing environmental pollution and reducing traffic congestion. Additionally, telework has been found to benefit employers and employees by reducing office costs, saving commuting costs, allowing flexibility in work schedules and promoting a positive work/life balance.

This Policy shall apply to all Agencies within the Executive Department of the Commonwealth.

### II. DEFINITIONS

Telework (also known as telecommuting): An alternative workplace arrangement which provides employees the opportunity to work at a place other than their regularly assigned work location.

- Telework will not include work performed by employees who spend a significant amount of the workday “in the field” or away from the office, often traveling to and from various indefinite locations in order to best serve the needs of their customers.

Operational Need: An Agency must have necessary staff present in order to operate during business hours so that there is no disruption in the workplace or productivity. The Agency must also ensure that there is staff to meet the responsibilities of the workplace. (Employees must report to the work site or any other designated location for any required trainings or meetings.)

Alternative workplace: An employee’s residence, or an alternative location approved by the employee’s supervisor/manager, including a satellite office near the employee’s home.

Telework Agreement: The written agreement between the employer and the employee that details the terms and conditions of an employee’s work away from their regular work location. A telework agreement is required prior to a request for telework to be approved.

Work Schedule: The employee’s hours of work in their regular or alternate work locations.

### III. GENERAL PROVISIONS:

Although encouraged to adopt a program to the extent possible, the determination of implementing a Telework Program and parameters is at the discretion of each Agency. Additionally, the decision to approve an individual telework arrangement is also at the sole discretion of the Agency.

Telework does not change the nature of the work an employee is expected to perform or the hours in which an employee is expected to be working. In terms of supervision, clear expectations and measurable tasks are essential components in considering whether telework is an option. Management must supervise telework employees by developing a system of distributing work appropriate for telecommuting and designating tasks with measurable outputs that can ensure appropriate levels of employee accountability. In the event an operational need arises, an employee may be required to report to their work location.

Participation in telework is based on an employee's job responsibilities as determined by the Agency. If an employee's productivity decreases or other performance/conduct issues arise, the supervisor should treat the telework employee no differently than an employee working in the regularly assigned office location.

Employees who participate in a telework arrangement are considered to be in an official duty status during the employee's designated work schedule. Employees must ensure they have the appropriate work environment for telework, including but not limited to, connectivity, technology, resource access, and security authority to conduct their job duties while remote. Telework employees are prohibited from providing dependent or adult care while working from home.

A telework agreement may be discontinued at any time if the continuation would not be productive, efficient, or otherwise in the best interest of the Agency.

### IV. PROCEDURES OR INSTRUCTIONS

#### A. DETERMINE POSITIONS SUITABLE FOR TELEWORK

Agencies are encouraged to consider possible job classifications which would be suitable for telework and would lead to efficiencies and effectiveness in daily operations. Not all job classifications may be appropriate for telework.

Factors to consider:

1. Nature of the work performed by positions considered for telework;
2. Efficiency of work processes;
3. Impact on ability to provide quality customer service;
4. Utilization of office space;
5. Utilization of technology and environmental impact;

6. Effectiveness of existing project teams; and
7. Impact on Agency expense.

## B. DETERMINE EMPLOYEE ELIGIBILITY

When considering individual employees to participate in a Telework Program, agencies should consider individual employee factors as to who would be a successful teleworker.

1. An Agency may take into account the employee's recent performance history, up to 24 months from the date of the request.
2. An Agency must consider its operational needs and ability to avoid disruption and maintain productivity.
3. Employees who are in their probationary period may not participate in telework.
4. An employee must perform tasks and activities that management deems are suitable for telework. Progress on tasks and activities must be identifiable and measurable.
5. Eligible employees must not require close supervision or on the job training and must be the type of employee that can work effectively in an isolated setting.
6. Eligible employees must be organized, highly disciplined, conscientious, motivated self-starters who require minimal supervision and consistently meet or exceed deadlines.

## C. PROGRAM REQUIREMENTS

Agencies shall develop and issue their program requirements consistent with this policy and their operational need.

1. Telework is not a replacement for dependent care. Employees shall make arrangements to have care of dependent children or elders as if they were reporting to the office.
2. Telework is not intended to be used in place of vacation, sick, family and medical, or other types of leave. Requests for time must be approved in advance in accordance with standard operating procedures within their Agency.
3. Teleworkers will not be excused from working because workers at their regular work location are dismissed due to an emergency. For example, if a snow emergency is declared on the day an employee is scheduled to telework, the employee is not excused from work and must work as

scheduled at home on the approved telework day. Any typical limitations on telework regarding dependent care will be suspended under these circumstances.

4. Employees who have the capability to telework and who are scheduled to go to their regular work location but are unable due to a state of emergency or office closure will be expected to telework to the extent possible. Any typical limitations on telework regarding dependent care will be suspended under these circumstances.
5. Employees who have the capability to telework but do not during a weather emergency or office closure must use accrued leave time.
6. Employees must be readily accessible by telephone during their regular work hours. Employees must provide manager/supervisor with a current home number and/or cell phone number whichever will be routinely available for incoming calls during the workday.
7. Teleworkers are expected to work their workweek, as scheduled. An employee's regular work hours are unaffected by telework. To the extent not inconsistent with the Telework Policy, participants are subject to all attendance policies and practices including but not limited to any approved alternative work option.
8. Telework hours in excess of their regular work schedule are at the manager's discretion and must be authorized in advance.
9. Employees shall use the time reporting code TEL for any hours spent teleworking.
10. Employees shall enter into a telework agreement with their Agency. Telework agreements will be revisited and executed annually, at a minimum, to coincide with, where possible, the beginning of the employee evaluation cycle.
11. An employee must demonstrate an ability to successfully connect to the Agency's network or otherwise access work emails or databases.
12. Employees will comply with all required security measures and disclosure provisions, including password protection.
13. Employees will protect all government records and data against unauthorized disclosure, access, destruction, etc. Files and other information that are

subject to confidentiality regulations must be secured from unauthorized access while at the telework worksite.

14. Employees must follow Agency policy on proprietary information.
15. Employees will follow all Agency policies and procedures.
16. The Agency will not be liable for any damages to the employee's property that results from participation in the Telework Program. The Agency will not be responsible for operating costs, home maintenance, or any incidental cost (e.g. utilities) associated with the employee's use of their residence for telework.
17. Employees will be covered under applicable Workers' Compensation laws if injured while performing official duties at the telework site. While teleworking, employees are required to maintain a safe working environment. Failure to maintain safe working conditions will result in termination of telework privileges.
18. Teleworkers will not be reimbursed for travel between their home and regular office location nor will such commute time be considered hours worked.
19. Managers of telework employees shall supervise the work product produced by employees on telework days to ensure appropriate levels of employee accountability.
20. Employees are accountable for verification of telework dates and tasks.
21. The Agency and/or employee may cancel a telework arrangement at any time.

## V. ROLES AND RESPONSIBILITIES

### HRD:

1. Draft and maintain the Telework Policy.
2. Review and maintain Agency Telework Programs for consistency with the Telework Policy.
3. Assist agencies with determining appropriate job classification for consideration for telework.
4. Develop and coordinate training opportunities to advance telework success.
5. Provide guidance for policy interpretation and implementation.
6. Maintain and report out on use of TEL time reporting code.

### Agencies:

1. Establish Agency Telework Program for the administration of the Telework Policy.
2. Forward a copy of the Agency Telework Program to HRD.
3. Determine job classifications/positions that may be eligible for telework.
4. Communicate program requirements to teleworkers.
5. Refer to this Policy for clarification on definitions and other important information.
6. Provide guidance to supervisors/managers on advising employees that they will continue to be measured using the current performance management system.
7. Maintain and manage telework agreements.
8. Identify Agency contact for Telework Program.
9. To the extent possible, provide IT support resources for teleworkers.

### Agency Human Resources/Payroll Staff

1. Serve as primary point of contact for employees who have questions/concerns about telework arrangements.
2. Assist with development/implementation of the Agency Telework Program.
3. Serve as an advisor for Agency leadership regarding telework.
4. Serve as a resource for supervisors with telework issues or concerns.
5. Assist with compilation of metrics to ascertain effectiveness of telework arrangements

### Managers or Supervisors:

1. Clearly define and set forth the telework employee's responsibilities
2. Ensure that customer service is not adversely affected by the telework and operational needs are met.
3. Establish and communicate appropriate measure to protect confidential information
4. Maintain effective communication with telework employees.
5. Ensure there is not a hardship or burden placed on other employees (additional work, etc.).
6. Maintain responsibility and accountability for treating all telework and non-telework employees similarly in acts involving managerial discretion, including but not limited to: distribution of assignments among employees in the work unit, use of appropriate tracking and communication tools, performance management, both informal and formal feedback, performance coaching, learning and development, reassignment, promotions, retention, and discipline.
7. Provide advance notice, if practicable, to telework employees regarding requests to report to the regularly assigned office location (notice is not required and does not absolve an employee's responsibility to be physically present upon request).
8. Complete any required telework related training for supervisors.
9. Annually review and sign an employee's telework agreement form.

Employees:

1. Maintain established performance standards.
2. Ensure that the alternative worksite is appropriate and provides the work environment, connectivity, technology, resource access, and security authority consistent with the work in which the employee is engaged.
3. Maintain flexibility and responsiveness to the needs of the supervisor, work team, and Agency (communication and collaboration).
4. Pursuant to Agency need, report to the regularly assigned office location for all or part of the workday during which they would otherwise be engaged in a telework arrangement.
5. Document telework work time in accordance with established Agency time and attendance policies.
6. Comply with Agency rules and practices pertaining to requesting and obtaining approval for leave, overtime, or any change to the employee's work schedule.
7. Maintain effective communication with supervisors and other employees with whom communication is essential for successfully implementing the arrangement.
8. Properly maintain and protect confidential information and follow data security procedures at all times.
9. Annually sign a telework agreement form.

VI. RELATED POLICIES OR RESOURCES

Agency specific telework or telecommuting programs.  
Collective Bargaining Agreements/MOUs  
Red Book  
Telework agreements

VII. DOCUMENT HISTORY

<b>Date Issued</b>	<b>Action</b>	<b>Effective Date</b>	<b>Next Review Date</b>
2000	Original policy issued	04/01/2000	
02/18/2020	Policy Update and reissuance	02/18/2020	