

TELEWORK POLICY

FOR EXECUTIVE BRANCH AGENCIES

Issued by the Human Resources Division
Commonwealth of Massachusetts
February 2020
COVID 19 Telework Response
Addendum
July 2020

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 manager or 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 managers or 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 manager or 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 managers or 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

TELEWORK POLICY ADDENDUM

COVID-19 RESPONSE

FOR EXECUTIVE BRANCH AGENCIES

Effective July 27, 2020

I. INTRODUCTION

In order help slow the spread of COVID-19, Executive Department employees have been staying home unless performing essential work or activities that necessitate an on-site presence. As a result, state agencies shifted to telework operations except in limited circumstances. As state government offices reopen to the public in a phased approach, continued telework may be required of certain employees. Agencies are encouraged to be flexible and recognize the real challenges employees are facing during this difficult time.

Effective telework strategies will help keep our employees safe while they continue providing important services to the people of Massachusetts. This policy Addendum will supersede any conflicting term in the Telework Policy for Executive Branch Agencies or an Agency's Telework Program.

This Addendum will remain in effect until rescinded by the Chief Human Resources Officer or superseded by an amended Telework Policy for Executive Branch Agencies.

II. ADDITIONAL OR REVISED DEFINITIONS

Telework (also known as telecommuting): An alternative workplace arrangement where employees perform their regular job duties or alternative work assignments provided by managers or supervisors at a place other than their regularly assigned work location.

Teleworker: Employees who are directed to perform their job function from an alternative workplace during the COVID-19 response. Teleworkers can be directed to telework intermittently depending on operational need.

Alternative workplace: An employee's residence or an alternative location preapproved by the employee's supervisor/manager. An alternative work location shall not include international locations.

Operational Need: As state government offices reopen to the public, an agency will determine the functions that must be performed in the workplace and the necessary staff to support its operation.

Telework Flexible Work Program (TFWP): Upon request, agencies are encouraged to establish a TFWP that provides expanded periods of time during which employees with caregiving responsibilities may perform telework to facilitate the successful performance of work despite their caregiving responsibilities. A TFWP allows an employee to complete their required number of hours of work by determining their own work schedule within the limits set by the agency and upon supervisory approval.

III. ADDITIONAL OR REVISED GENERAL PROVISIONS

Agencies are strongly encouraged to maintain a remote workforce to the extent possible. However, consistent with HRD policy, it is within an agency's discretion to require employees to return to their regular workplace for all or part of their workweek in order to support the operational need of the agency.

Teleworkers should work from home unless there is prior approval from their manager or supervisor to work at an alternative work location. Managers or supervisors should only approve alternative work locations that are consistent with [EOTSS' Acceptable Use of Information Technology policy](#) and cyber security standards, health and safety guidelines, and social distancing.

Employees may not return to their regular work location to perform their job duties unless they receive prior approval from a manager or supervisor and the return is supported by operational need.

Required telework training will be completed as directed.

IV. ADDITIONAL OR REVISED PROCEDURES OR INSTRUCTIONS

Section IV(A) "Determine Positions Suitable For Telework" and Section IV(B) Determine Employee Eligibility in the "Telework Policy for Executive Branch Agencies" will be suspended while this Addendum is in effect.

1. Employees teleworking on or after March 18, 2020 will continue to telework unless directed otherwise by a manager or supervisor in a coordinated effort with the agency and its operational need.

Section IV(C) "Program Requirements" in the "Telework Policy for Executive Branch Agencies" will be added to or otherwise amended for the purpose of the implementation of this addendum in the following paragraphs:

1. Dependent care restrictions are suspended. When possible, agencies should allow a TFWP to allow parents and guardians to provide necessary care.
5. Teleworkers who are unable to work due to personal commitments or technological disruptions must notify their manager or supervisor and may need to use accrued time.
7. Teleworkers are expected to work their workweek, as scheduled to the extent possible, recognizing the telework mandate may have altered an employee's regular workweek schedule. If the teleworker is unable to adhere to their regular schedule, they must communicate with their manager or supervisor the need for an alternative schedule or a TFWP. Telework hours in excess of a regular work schedule are at the discretion of a manager or supervisor and must be authorized in advance. Managers and supervisors should be flexible when considering a request for an alternative schedule or TFWP.
11. Teleworkers will coordinate with Agency IT and EOTSS personnel to ensure they can successfully connect to the Agency's network or otherwise access work emails or databases as required by their manager or supervisor. A teleworker must notify their manager or supervisor when they experience technical difficulties.
16. The Agency will not be liable for any damages to the employee's property that results from teleworking. The Agency will not be responsible for operating costs, home maintenance or any incidental costs (e.g., utilities) associated with telework. Agencies shall develop policies for reimbursing those employee expenses identified by a manager or supervisor as necessary for

the employee to perform their job duties and consistent with the Office of the Comptroller [Expenditure Classification Handbook](#) and related policies.

22. The Commonwealth makes no representation on any income tax implications related to telework and the location an employee is approved to telework. Teleworkers are encouraged consult a personal tax advisor with regard to their individual situation.
23. Teleworkers and their managers and supervisors will complete required telework related trainings.

V. ADDITIONAL OR REVISED ROLES AND RESPONSIBILITIES

Section V “Roles and Responsibilities” in the “Telework Policy for Executive Branch Agencies” will be added to or otherwise amended for the purpose of the implementation of this addendum in the following paragraphs:

HRD:

1. Draft and maintain the Telework Policy and Addendum. Reissue Policy to address telework in final phase of reopening.
4. Establish requirements, develop curriculum and access to required telework training.

Agencies:

10. Provide equipment, determined on an individualized basis and by need, and support to allow for successful telework, including dissemination of telework related policies and training.
11. Determine and communicate return to the workplace strategy to managers and supervisors, when applicable.
12. Establish policies for reimbursement of necessary employee expenses, consistent with the Office of the Comptroller Expenditure Classification Handbook and related policies.
13. Establish policy and procedures to catalogue and inventory any Commonwealth owned equipment provided to an employee to use at an alternative work location.
14. Provide temporary Telework Agreement to employees.

Managers or Supervisors

9. Facilitate completion of the temporary Telework Agreement with each teleworker.
10. Refer any request for a Reasonable Accommodation to the Agency ADA Coordinator.
11. When determining whether an employee will be approved for work at an alternative work location other than their residence, managers and supervisor shall take into consideration the employee’s ability to socially distance, adhere to the EOTSS Acceptable Use Policy and cyber security standards and health and safety guidelines.
12. Managers and supervisors should identify those reasonable expenses necessary for the teleworker to perform their job duties from an alternative workplace.
13. Managers/supervisors are encouraged to transition to a video function, if available, for check-ins with team members and staff meetings. If unavailable, managers or supervisors should leverage alternative technologies to ensure adequate supervision.
14. Adhere to agency reopening phases with approvals for employees to return to the workplace.
15. Refer employees to the Employee Assistance Program, Mass4You, with any applicable questions/concerns.

Employees

9. Execute the temporary telework agreement.
10. Facilitate the inventory of Commonwealth owned equipment supplied for telework.
11. Maintain telework status until instructed otherwise by their manager or supervisors.
12. Transition meetings to video function, if available.
13. Accurately report daily aggregate telework hours.

VII. DOCUMENT HISTORY

Date Issued	Action	Effective Date	Next Review Date
2000	Original policy issued	04/01/2000	
02/18/2020	Policy Update and reissuance	02/18/2020	
7/27/2020	Amended for COVID-19 Addendum	7/27/2020	