TELEWORK POLICY
FOR EXECUTIVE DEPARTMENT AGENCIES

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Human Resources Division
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I. INTRODUCTION

It is the policy of the Executive Department for Agencies to promote a hybrid work model consisting of a combination of telework and in-office work where statutorily permissible and operationally feasible. In accordance with this policy, Agencies will implement telework practices that align with the widespread use of telework in conjunction with in-office work for collaboration and other tasks best suited to in-person interaction as determined by the Agency. These measures will reduce cost, minimize office footprint, reduce traffic congestion, and decrease environmental pollution related to transportation and office energy consumption.

This Policy shall apply to all Agencies within the Executive Department of the Commonwealth and supersedes any previous policy or addendum. This policy is not applicable to positions with duties that require services to be provided entirely in person.

II. DEFINITIONS

Alternative workplace: An employee's residence, or an alternative location, that must be approved by the employee's supervisor/manager, including a satellite office near the employee's home. The employee's supervisor/manager will retain the discretion to deny a request to telework at an alternative work location if the proposed location does not satisfy the privacy, data security, and/or other requirements referenced in this policy.

Employee must discuss any alternative locations with their supervisor/manager in advance to ensure availability of employee and compliance to all established criteria including, but not limited to, protecting confidential information and following data security procedures. Subject to operational needs and agency/manager approval, Agencies may permit temporary and time-limited long-distance telework arrangements to accommodate special circumstances, excluding international work locations.

Hybrid Work Model: A work model utilizing Agency-identified positions with duties that can be performed via a combination of telework and in-office work. Office spaces will be transformed, and many workspaces and offices will be unassigned to accommodate the hybrid

operational model. A user-friendly online reservation system will be established so that Employees can reserve space for their days in the office.

Officially-Designated Work Location: The work location designated to an employee by an Agency as the employee's official work location. Employees shall not be reimbursed for commuting between their home/alternative work locations and their officially-designated work location. Time spent commuting between a teleworker's home/alternate work location and their officially-designated work location shall not be considered hours worked except under specific circumstances when, without prior notice, the employee is directed to report to the office after the start of their work day and no personal activity takes place in the interim that severs the continuity of the work day. The Employee's commute time home shall not be compensable.

Operational Need: An Agency must have necessary staff present and/or available as needed in order to operate during business hours so that there is no disruption in the workplace or productivity. Additionally, employees must report to a physical work site or any other designated work location for any required in-person trainings or meetings.

Telework: (also known as telecommuting): An alternative workplace arrangement which provides employees the opportunity to perform their regular work duties at a place other than their officially-designated work location.

Note: 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 toand from various indefinite locations in order to best serve the needs of their customers.

Telework Acknowledgment: The written document signed by the employer and the employee that details the terms and conditions of an employee's work away from their officially-designated work location. A signed telework acknowledgement form is required prior to the commencement of telework and shall be reviewed annually.

Teleworker: Employee who is authorized to perform some or all job functions from an alternative workplace. Teleworkers can be authorized to telework intermittently depending on operational need.

Temporary Telework Flexible Work Program (TTFWP): An alternative work option that provides on a temporary basis 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 TTWFP is a time-limited exception to the general rule that employees may not perform caregiving responsibilities while teleworking and approval is subject to agency discretion.

Work Schedule: The employee's approved schedule of hours of work in their officially-designated or alternate work locations. The Agency will determine the bandwidth and agency specific core hours, if any, to which an employee must adhere.

III. GENERAL PROVISIONS

Although required to adopt this Executive Department telework policy, the determination of which positions/functions are suited to telework, and the specific parameters of that work are at the discretion of each Agency. Additionally, the Agency maintains the discretion to revoke or otherwise modify an individual telework arrangement for an employee that it determines is unable to successfully perform their job duties in a hybrid manner or if it determines there are operational needs for in-person work.

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 supporting successful telework. 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.

An employee must be available to report to their officially-designated work location as directed by their Agency. An employee must be available to travel to their officially-designated work location with as little notice as the same workday should an exigent circumstance arise (including but not limited to an urgent operational need or a technology failure such as a laptop malfunction or Internet outage). For the purposes of defining this availability, such travel shall not include air transportation.

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 an officially-designated work location.

Employees who participate in a telework arrangement are in an official duty status during the employee's designated work schedule, and all applicable workplace policies shall remain in full force and effect. Employees must ensure they have the appropriate work environment for telework, including but not limited to, connectivity, and resource access to conduct their job duties while remote.

Telework employees are prohibited from performing caregiving responsibilities for dependents or adults while working from home. As an exception to this general rule, Agencies may, upon request from an employee, establish a temporary telework flexible work program (TTFWP) as an alternative work option 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 TTFWP allows an employee to complete their required number of hours of work for a given work week by determining their own work schedule within the limits set by the agency and upon management approval. As with all alternative work options, TTFWP must be agreed upon in advance and documented in an employee's personnel file. A Manager or Supervisor may approve a TTFWP for an intermittent, continuous, or unanticipated emergent circumstance.

IV. PROCEDURES OR INSTRUCTIONS

A. DETERMINE POSITIONS SUITABLE FOR TELEWORK

Agencies should consider possible positions/functions 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. POTENTIAL CONSIDERATIONS FOR DETERMINING EMPLOYEE SUITABILITY FOR TELEWORK

The following factors should be considered in assessing an individual's suitability for telework:

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. An Agency may take into account an employee's probationary status.
4. An employee must perform tasks and activities related to their job specification, Form 30, or MQ that management deems are suitable for telework. Progress on tasks and activities must be identifiable and measurable as appropriate to the specific position.
5. Employees must be able to be supervised remotely and must be able to work effectively in an isolated setting.

6. Employees must be organized, highly disciplined, conscientious, motivated, and committed to utilizing identified tools for successfully performing in a remote setting.

C. PROGRAM REQUIREMENTS

1. Telework is not a replacement for dependent care. Unless approved for a TTFWP, employees shall make arrangements for caregiving responsibilities 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 leave must be approved in accordance with standard operating procedures within their Agency.

3. Employees will not be excused from working because workers at their officially-designated 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 to the extent possible on the approved telework day. Any 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 officially-designated work location but are unable due to a state of emergency or office closure will be expected to telework to the extent possible. Any limitations on telework regarding dependent care will be suspended under these circumstances.

5. Employees who have the capability to telework during a weather emergency or office closure must request and be approved to use accrued leave time to be excused from work that day.

6. Employees must be accessible by telephone and email during their regular work hours. Employees must provide their manager/supervisor with a current home number and/or cell phone number that will be routinely available for incoming calls during the workday.

7. Employees are expected to work their workweek, as scheduled. An employee's regular work hours are unaffected by telework. Participants are subject to all attendance policies and practices including but not limited to any approved alternative work option, to the extent these policies and practices are consistent with the Telework Policy.

8. Telework hours in excess of an employee's regular work schedule must be authorized in advance by the manager/designee.

9. Employees shall use the time reporting code TEL for any hours spent teleworking.

10. Employees shall sign a telework acknowledgement form with their Agency. Telework acknowledgement forms must be revisited and executed annually, at a minimum, and where possible should coincide with the beginning of the employee evaluation cycle.

11. An employee must demonstrate an ability to successfully connect to the Agency's network with assistance from IT if necessary, or otherwise access work emails or databases.

12. Employees will comply with all required security measures and disclosure provisions, including password protection.

13. Employees shall take all reasonable steps necessary to 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 remain subject to and will follow all applicable Agency, Secretariat and/or Commonwealth policies and procedures.

16. Under appropriate circumstances, as determined by the Agency, the Agency will provide the use of information technology resources (ITRs) to accomplish designated duties. ITRs provided to employees shall comply with EOTSS standards and requirements.

17. The Agency will not be liable for any damage to the employee's property or any alternative work location that results from teleworking. The Agency will not be responsible for operating costs, home maintenance, or any incidental cost associated with the employee's use of their residence or any alternative work location for telework.

18. Secretariats/Agencies shall develop policies for providing office supplies or reimbursing those employee expenses identified by the Secretariat/Agency as needed for the employee to perform their job duties via telework. These policies shall be consistent with the Office of the Comptroller Expenditure Classification Handbook and related policies. Notwithstanding the foregoing, a Secretariat/Agency's reimbursement policy shall not provide for reimbursement of: equipment (including ITRs) or supplies that are provided to employees at an officially-designated work location, furniture, utilities, internet access, home maintenance or operating costs, and/or the maintenance or repair of privately-owned equipment.

19. Employees will be covered under applicable Workers' Compensation laws if injured while performing official duties at an approved 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.

20. Employees will not be reimbursed for travel between their home/alternate work location and their officially-designated work location, nor will time spent commuting between a teleworker's home/alternate work location and their officially-designated work location be considered hours worked except under specific circumstances when without prior notice the employee is directed to report to the office after the start of their work day and no personal activity takes place in the interim that severs the continuity of the work day. The Employees' commute time home is not compensable.

21. On an approved telework workday, Employees who need to travel for a work-related assignment shall have their mileage reimbursement determined from their home or their approved alternative work location, whichever is shorter. However, Employees shall not be reimbursed for commuting between their home/alternative work location and their regularly assigned office.

22. Managers of telework employees shall supervise the work product produced by employees on telework days to ensure appropriate levels of employee accountability.

23. Employees are accountable for verification of telework dates and tasks.

24. In the event the Agency wishes to revoke the Telework component of an Employee's schedule for reasons other than ongoing connectivity issues, the Agency shall provide the Employee the specific reasons in writing with 30 days advance notice of full revocation of telework. If there are emergency/exigent circumstances, the Agency shall provide as much notice as practicable with an explanation of why less than 30 days' notice was provided. The written notice shall include a detailed explanation (including but not limited to identified in-person duties; or performance issues that management has determined would be best addressed by the Employee working in the office daily), effective date, schedule, and location for the Employee to report. Telework will not be revoked for reasons that are arbitrary or capricious.

25. Management may require Employees to report to the office at a greater frequency, although still hybrid, in accordance with departmental needs.

26. An employee may request to terminate a teleworking arrangement at any time. In the event the Employee wishes to terminate the telework arrangement and return to the office fulltime, the Employee shall provide 30 days advance written notice. The 30-day notice may be waived if agreed to by the Employer.

27. Required telework training will be completed as directed during paid work time.

28. Employees who are unable to work due to personal commitments or technological disruptions must notify their manager or supervisor. Employees who do not have the technical capacities to work from home for any reason (including but not limited to: broken laptop, loss of power not exceeding one business day not due to state of emergency, internet issues) may be assigned other work, asked to come to nearest office, or be approved to use appropriate benefit time.

29. The Commonwealth makes no representation on any income tax implications related to telework and the location an employee is approved to telework, particularly out-of-state locations. Teleworkers are encouraged to consult a personal tax advisor with regard to their individual situation.

V. ROLES AND RESPONSIBILITIES

HRD

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

Agencies

1. Determine positions/functions that may be eligible for telework.
2. Communicate program requirements to teleworkers.
3. Refer to this Policy for clarification on definitions and other important information.
4. Provide guidance to supervisors/managers on advising employees that they will continue to be measured using the current performance management system.
5. Maintain and manage telework acknowledgements.
6. To the extent possible, provide IT support resources for teleworkers.
7. Provide equipment and support, as determined by the Agency, to allow for successful telework, including dissemination of telework related policies and training.
8. Establish policies for providing office supplies or reimbursing necessary employee expenses, consistent with the Office of the Comptroller Expenditure Classification Handbook and related policies.
9. Establish policy and procedures to catalogue and inventory any Commonwealth owned equipment provided to an employee to use at an alternative work location

Agency Human Resources Staff

1. Serve as primary point of contact for employees who have questions/concerns about telework arrangements.

2. Serve as an advisor for Agency leadership regarding telework.
3. Serve as a resource for supervisors with telework issues or concerns.

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. Review and approve an employee's identified alternative workplace.
8. Provide advance notice, if practicable, to telework employees regarding requests to report to the officially-designated work location on a scheduled telework day.
9. Complete any required telework related training for managers or supervisors.
10. Sign an employee's telework acknowledgement form upon initiation of telework assignment and/or any material changes to that assignment, and annually, as needed.
11. 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.

Employees

1. Maintain established performance standards.
2. Ensure that the alternative worksite is appropriate and provides the work environment, connectivity, and resource access 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 an officially designated work 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. Request approval of alternative workplace location from supervisor/manager and update when needed.
9. Properly maintain and protect confidential information and follow data security procedures at all times.
10. Sign a Telework Acknowledgement form upon initiation of telework assignment and/or any material changes to that assignment, and annually, as needed.
11. Complete any required telework-related training for employees.

VI. RELATED POLICIES OR RESOURCES

Agency specific telework programs, as applicable
Collective Bargaining Agreements/MOUs
Telework MOAs
Red Book
Telework Acknowledgements

VII. DOCUMENT HISTORY

Date Issued	Action	Effective Date	Next Review
2000	Original policy issued	04/01/2000	
2/18/2020	Policy Update and reissuance	02/18/2020	
7/27/2020	Amended for Phase III COVID-19 Addendum	7/27/2020	
8/9/2021	Policy update and reissuance	8/9/2021	