

There is no one formula for writing a telework policy. Many of the sample policies and guides found in books and on the internet are useful, but are often aimed at a particular type of organization. You may find one that works well for your organization that you can use as a model for your own policy. Since this toolkit is designed to be used by organizations of any type or size, it is impossible to present a one-size-fits-all model policy in the toolkit. Instead, over 40 policies from various types of organizations, both public and private, were dissected into their component parts, which are presented here for your review.

Most policies are arranged as clauses, and that is the approach used here. Each clause contains examples of language taken from the policies that were examined. Reviewing these examples will help you determine if you need a similar clause you need in your policy, and if so, if the issues addressed in the clause are ones you should also address. So, in a sense, this is not so much a guide to “writing” a policy as one for “thinking” about a policy.

Using so many examples gives the impression that a policy has to be long and involved. It doesn't. The length is determined by how many issues you feel it is necessary to address. More importantly, consideration should be given to the degree of authority individual managers should have in making telework arrangements. For some organizations, the policy is functionally a “guide” so that managers will know which issues to consider when determining a telework arrangement with an individual employee. When this is the case, much of the authority rests with managers and the telework agreement takes on greater importance.

In the following examples the word “organization” is used for “company” or “agency”, and the word “customer” is used as a universal term for those served. The terms “telework” and “teleworker” are substituted for a variety of other terms with the same meaning.

Policies usually begin with several opening statements that present the organization’s rationale or purpose for offering telework and define telework at that organization. The opening statement may also state some basic over-arching rules that apply to telework. In some cases, alternate work arrangements other than telework, such as flextime, are addressed in the policy. Often these opening statements are elaborated upon in subsequent policy clauses. Opening statements may be presented as introductory paragraphs, as individual clauses, as sub-clauses, or a list of bullet statements.

## A. Purpose

This is one or two sentences that explain why the organization is offering telework. In some cases this takes the form of a vision statement.

### EXAMPLES:

The purpose of this policy is to set forth the organization’s philosophy and administrative guidelines for the telework program. Its intent is to promote telework as a means of achieving administrative efficiencies, reducing traffic congestion, supporting Continuity of Operations plans, and sustaining the hiring and retention of a highly qualified workforce by enhancing work/life balance.



The organization recognizes that telework is a means to achieve the following:

- Help achieve commute trip reduction goals.
- Create an environment for employees to increase productivity and job satisfaction.
- Assist disabled workers and those returning to work after job injury.
- Improve the organization’s ability to recruit and retain well qualified employees
- Promote the mission of the organization.
- Improve environmental quality



We envision a business environment that will not confine employees or customers or other entities to a specific physical location. We further envision a significant shift from a traditional physical face-to-face environment to an electronic, virtual, geographic-free environment for conducting business transactions and communication.

Using technologies, we will be able to do business from virtually any place on the information highway: from homes, from communities, or from remote locations. The impact of these changes will be: (1) greater customer convenience, (2) improved utilization of resources, and (3) better accommodation of employee needs.



Telework is a management tool that provides flexibility in meeting customer needs and organization goals. The purpose of this policy is to (1) encourage the implementation of telework plans, (2) establish guidelines to ensure consistency for common issues, and (3) provide the flexibility to address specific needs whenever possible. The use of telework and technologies depends on business functions and work tasks to be performed. The ultimate goal of using telework is to enhance the delivery of services to customers.



Telework is a strategic tool for promoting the retention and development of employees whose optimal work situations don’t correspond to traditional hours or places of business. Telework should not be a reward for strong performance; however, level of performance can be a relevant factor in assessing whether a telework arrangement is appropriate. When evaluating a telework request, managers are encouraged to consider the potential business impact of the proposal, performance of the employee, ability of the arrangement to retain and develop the employee, and other factors they deem relevant.

## B. Definition

The definition of telework states what telework means within an organization. Some definitions only describe the general concept of telework while others state specifically that it only applies to certain employees or for a limited number of days. In most cases a general statement is preferred because it allows managers and departments greater flexibility. It is very common for the definition to state that telework is voluntary and not an employee entitlement or right.

### EXAMPLES:

Telework means to work from the employee's home or from an office near the employee's home, rather than from the principal place of employment at least once every two weeks resulting in fewer commute trips for employees.



Telework is an alternative work arrangement available to employees through a mutual agreement between employees, supervisors and department directors. When employees do some of their work from places other than the traditional workplace it is called teleworking. Telework is intended to reduce the number of commute trips taken by employees, reduce pollutants, save energy and to enhance employee job performance and satisfaction without impairing productivity or service to customers.



Telework is the concept of working from home or another location on a full-time or part-time basis. Telework is not a formal, universal employee benefit. Rather, it is an alternative method of meeting the needs of the organization. The organization has the right to refuse to make telework available to an employee and to terminate a telework arrangement at any time.

Employees are not required to telework. Employees have the right to refuse to telework if the option is made available.



Telework is a cooperative arrangement between supervisor and employee, not an entitlement. It is based on the needs of the job, work group, and organization, and the employee's past and present levels of performance.



Telework is the use of telecommunications and computer technologies to allow employees to work at home, or to access work remotely, for at least part of the workweek on a regular basis. In general, teleworking is a privilege that may be granted on an individual basis under appropriate circumstances to high-performing employees whose job responsibilities are suited to such an arrangement and who meet eligibility criteria.



Telework is a work arrangement in which supervisors permit employees to perform their duties away from their central workplace in accordance with their same performance expectations and other approved or agreed-upon terms. It does not include work performed at a temporary work site for a limited duration.

Teleworkers may work at an alternate location one day a week on a scheduled basis. In exceptional circumstances, additional days may be authorized by the supervisor. Telework is available only to permanent full-time employees.

## C. Application & Scope

Opening paragraphs of a telework policy may include statements about when and to whom the policy is applicable. The limitations of the policy and conditions where it is superseded by other policies or agreements may also be included in opening paragraphs.

### EXAMPLES:

If you are requesting telework based on your own medical condition or that of a family member, your request should be evaluated pursuant to other organization guidelines, such as those relating to Family Medical Leave and Short-Term Disability Leave. In some cases these guidelines are more favorable to employees. For more information, contact your HR representative.

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Telework agreements do not change the conditions of employment or required compliance with policies.

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Organization policies, rules and practices shall apply at the telework site.

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This policy applies to all teleworking activities of the organization. All managers, supervisors, and teleworkers should be familiar with the contents of this policy.

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Telework usually occurs on a part-time basis. Full-time telework is permissible only when necessary and justified (e.g. used to accommodate medical restrictions or physical disabilities depending on the needs of the job and organization).

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Only full-time, permanent employees are eligible to apply for telework. Represented employees shall refer to the master agreement provisions that may supersede any portion of this policy.

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The organization will encourage voluntary participation in telework where appropriate and will give equal consideration to exempt and non-exempt positions.

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Telework may be used:

- To reduce office costs, and reduce travel costs for employees who work in the field.
- To reduce parking space requirements and enhance opportunities for 'shared' office space.
- To enhance employee productivity, creativity and satisfaction.
- As a mutually agreed upon work alternative between supervisor and employee, rather than a reward or job requirement.
- If clear communication exists between supervisor and employee, and between teleworker and the rest of the office.
- If the practice is transparent to customers.
- If standard business practices are maintained.
- If consistent criteria for participant selection is employed.
- If structured time policies are used to ensure attendance at meetings and events.

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Telework arrangements are not appropriate for most positions in the organization. In addition to communication and productivity issues, telework can involve a significant amount of time and money for both the program and other departments. Any arrangement should be discussed with all affected parties and carefully evaluated prior to committing to a trial period.

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This policy applies to work outside of the office for one or more days a week on a routine basis. The policy does not apply to temporary or occasional work arrangements such as dependent care, inclement weather, recovery from illness, caring for an ill family member, or instances where an employee is assigned to work from home.

## D. Eligibility

Organizations understandably want to minimize the possibility that telework will result in any adverse impact to work quality, production, or service quality. Limiting telework to employees with a certain level of knowledge and experience, and to those with demonstrated successful work habits and performance, is one way to encourage success.

Policies may include both “absolute” requirements and factors that should be considered when selecting teleworkers. Keep in mind that setting absolute requirements may tie the hands of managers or department heads and may discourage employees that would otherwise make good teleworkers. This is why many policies concentrate on characteristics of the employee or the job to be considered rather than requirements to be met. You may also want to include a clause that provides managers with a mechanism to seek approval to override a requirement.

### B1. Eligibility Requirements

Below are examples of basic eligibility requirements that are typically listed at the beginning of a telework policy. Keep in mind that these examples represent policies with various goals. Your own list should represent the goals of your organization’s program.

Many other requirements may exist within the policy that apply to specific situations, such as reporting hours, information security, or setting up a home office.

#### EXAMPLES:

- An employee must be on the job at least 90 days before commencing telework. *(Number of days varies by organization.)*
- Must be a regular employee who has successfully passed their probationary period and has a documented history of job performance that meets or exceeds their supervisor’s expectations.
- Work must be of a nature where face-to-face interaction is minimal and may be scheduled to permit teleworking.
- The teleworker must have a portion of their workload that can be performed away from the office without diminishing the quality of customer service.
- The employee must possess the appropriate equipment to allow the job to be performed away from the central worksite.
- The teleworker must make arrangements with their co-workers and manager for coverage of on-site job demands that arise on telework days.
- Remote work must not create problems for clients, projects, or staff.
- The needs of internal and external customers can be satisfied without adverse impact to the organization.
- The employee must make and maintain dependent care arrangements to permit concentration on work assignments at home.
- Employee and manager must participate in training and evaluation efforts.
- All teleworkers and supervisors will participate in studies to evaluate the telework program.
- The teleworker will be in compliance with all applicable IT, Security, Privacy and Confidentiality policies and procedures.
- Employees must work in their regular office at least two days a week.

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EXAMPLES: *Continued from previous page*

- Part-time employees are not eligible for telework assignment except under exceptional circumstances.
- If the telework candidate plans to work from home they must be able to provide a suitable work environment at home.
- The remote worksite cannot be located out of state.
- The teleworker must abide by the terms of the telework agreement and the guidelines of the telework policy.
- An employee cannot be considered if their evaluations do not indicate sustained high performance.

## **B2. Eligibility Considerations**

Policies offer a variety of employee traits or performance characteristics that are intended as advice to employees who are considering telework and as a guide to managers in their evaluation of employees for telework. In addition to employee traits, policies may also list characteristics of positions that are appropriate for telework or provide other participation guidelines. Keep in mind that even employees in a position not suited to telework may be able to work from home a limited amount of time, such as once a week or once every other week.

The examples below come from numerous policies and express the vision of telework at various individual organizations. They are provided to demonstrate the types of characteristics that organizations find important. In creating your own policy, you will need to determine what traits or characteristics are important to your organization. Do not include this entire list in your policy. As you read the list you will see that some of these characteristics are contradictory to others on the list.

EXAMPLES:

- Is effective at working independently for extended periods.
- Is self-motivated.
- Demonstrates good time-management skills by completing assignments on time.
- Meets the organization's standards for quality.
- Asks for assistance when needed.
- Seldom needs to ask for assistance.
- Communicates information fully and timely with leadership, coworkers, support staff and customers.
- Sets appropriate priorities, changes priorities as needed, and maintains a suitable workspace.
- Demonstrates dependability and responsibility by meeting attendance standards, following through on projects and work assignments and maintaining confidentiality.
- Job performance evaluations that meets or exceeds expectation.
- Computer skills sufficient to work independently at an alternate worksite.

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EXAMPLES: *Continued from previous page*

- Has limited need for face-to-face contact with coworkers or customers.
- Workload demands require quiet time to complete projects.
- Can communicate directly with customers from home. (*Note: this is forbidden in some organizations*)
- Can telework in a way that appears invisible to customers.
- Can work without customer contact on telework days.
- Has access to the appropriate equipment at home.
- Has a job characterized by clearly defined tasks and deliverables.
- Performs effectively with less structure and more independence.
- Expresses a desire to work from home.
- Understands the organization, its products, procedures, values, and image.
- Has a position in which communication can be accommodated electronically or by telephone rather than face-to-face.
- There is minimal need for on-site files, records, special equipment, software, or other resources.
- Can perform work from home without unnecessary risk to the security of data, networks, or client confidentiality.
- Can maintain connections with work group or team from remote location.
- Good problem-solving skills.
- Trustworthy.
- Has a low need for social interaction.
- Has a job where work can be monitored by output, not time spent doing the job.
- Absence from the office will not be detrimental to productivity or work quality of other employees.
- Work activities are portable and can be performed successfully outside the office.
- Contact with customers is predictable or can be scheduled in such a way that the employee does not have to be in the office every day (e.g., employee doesn't see walk-in customers).
- The employee has no recent or pending corrective or disciplinary actions.
- Has a supervisor that supports the employee's telework goals.

## **E. Application and Approval**

In some organizations there is no formal application and approval process – it is simply a discussion between employee and manager. In organizations with a Telework Policy, it is common for the policy to describe the approval process. This may still be very simple, particularly if sole approval authority rests with the manager. On the other hand, there are organizations with very involved application and approval procedures – some involving approval through various levels of the chain of command.

In establishing a procedure for how the employee requests and gains approval to telework, you should strive to create a procedure that is least cumbersome and yet still protects the interests of the organization. Some procedures are so time-consuming, particularly for managers, that they provide a disincentive to approval.

The examples below are taken from many different policies. No one policy would list all of these procedures. They are provided as an illustration of the types of requirements made by various organizations.

#### EXAMPLES:

- Employee reads and understands the telework policy. *(There may also be telework guides.)*
- Employee completes the Telework Self-Assessment Form *(In some policies the employee and manager complete this form together).*
- Employee completes the Telework Application.
- Employee submits the Application and Self-Assessment Form to their manager.
- Manager reviews the application and makes a recommendation for approval or denial. *(In some organizations there is a time limit, such as 30 days, for the manager to respond).*  
*The manager may be required to follow a formula in order to grant approval. For example the manager may be required to demonstrate that telework in this instance contributes toward commute trip reduction or environmental goals, will not adversely affect customer service, and doesn't pose a security risk, etc.*
- Employee attends training session on writing a Telework Agreement. *(Manager is also required to attend this training if they haven't already done so.)*
- Employee and Manager work together to complete a Telework Agreement.
- Employee and Manager must agree to and sign the Telework Agreement.
- Copies of the Application and Agreement are forwarded to the Division Director for approval. *(Who the Application and Agreement are forward to, and how many levels they are forwarded to, varies by organization.)*
- The Division Director may make amendments to the Agreement, which must be agreed to and signed by the Employee and Manager. Amendments are attached to the Agreement.
- The Application and Agreement, along with any amendments, are forwarded to the HR Department to be included in the employee's personnel file. A copy may also be forwarded to other departments and/or the commute trip reduction coordinator. *(In some organizations, the HR Director must also sign-off on the Application and Agreement.)*  
*In some organizations, Human Resources must also approve the Telework Application and Agreement. It is more common for HR Approval to be required only for unusual circumstances, such as telework by a part-time employee, telework by a supervisor, telework out of state, or when telework is a condition of employment.*  
*In situations where the employee interacts with employees from other departments, department heads from the affected departments may also have to sign-off on the Application and Agreement.*
- Employee attends teleworker training.
- Employee is directed to the IT Department for an assessment of equipment needs.
- IT Department may furnish equipment and software (depending on the organization's policy).
- Employee sets up their home office. *(Some organizations will install equipment for the employee.)*
- Employee may be required to complete a home-office checklist or comply with ergonomic guidelines.
- Home office is inspected by employer. *(Some organizations are primarily interested in verifying that the employee has a safe place to work undisturbed. In other organizations the home inspection is to verify appropriate hardware and software installation. In the latter case the inspection is by someone from the IT Department.)*
- Employee begins trial telework period.
- Manager conducts a review of the employee, evaluating progress during the trial period.
- Manager may make recommendations or changes to the Agreement.
- There may be periodic reviews of the employee's progress specified in the Agreement or Policy.



## F. Telework Agreement

The Telework Agreement is a separate document from the Telework Policy and specifies the terms of telework agreed upon by the employee and manager. While the Policy describes requirements in general terms, the Agreement provides specifics. For example, the Policy may state that the telework schedule is to be agreed upon by employee and manager as long as the amount of telework is not detrimental to the work unit or customer. The Agreement, by contrast, will specify the teleworker's schedule.

There are cases where the Agreement is the last clause of a Policy; basically a signature line where the employee can indicate they have read and agree to the terms of the Policy. While the simplicity of this is tempting, it limits the flexibility that occurs when employee and manager can work together to create a common agreement.

Policies generally do not include a lot of information about the Agreement. Instead, they refer the reader to the agreement form or template. The Manager creates the agreement by modifying the template.

Policies are more likely to contain meta-information about the Agreement, such as the duration of the Agreement, who must sign the Agreement, to whom the Agreement should be forwarded, and how often the Agreement should be reviewed.

The Telework Toolkit includes a separate section on creating a Telework Agreement.

## G. Manager Responsibilities

The Telework Policy may provide recommendations or requirements for managers who will be supervising teleworkers. Below are examples from numerous policies:

### EXAMPLES:

- Advise all employees of the telework policy.
- Be familiar with the telework policy.
- Ensure that employees are cross-trained so there will be no loss of service when some employees are working out of the office.
- Ensure there is fair and equitable treatment of all employees regardless of telework status.
- Be comfortable with remote supervision.
- Learn the technology and tools necessary for remote supervision.
- Attend training that pertains to telework and telework management.
- Establish communication protocols with telework employees.
- Practice and promote the organization's values, even when the employee is not on site.
- Include teleworkers in office/department events to preserve teamwork.
- Establish a Telework Agreement in accordance with the terms of this policy.
- Review each teleworker periodically to ensure compliance with the agreement and address any work related problems.
- Maintain records related to telework and assist with surveys, program evaluations, and reports.

## H. Training

Organizations that have developed telework training programs may amend their policy to indicate if and when training is recommended or required. The following example is typical of the training clause found in policies. Keep in mind that many training programs initially designed with remote work in mind are actually beneficial to all employees. Managers may have training programs of their own, but should at a minimum attend the same training as telework employees.

### EXAMPLE:

Prospective teleworkers must participate in a training program before beginning to telework. The training will focus on the telework policy, alternative work place safety, work performance evaluation, and creating a telework agreement. Managers should attend the same training at least once.

## I. Duration

If an organization has no policy concerning the duration of a telework agreement, the duration may be specified in the agreement itself. It is fairly common, however for the policy to include a duration clause. The most common situation is a trial period of 90 days, followed by a continuation for 9 months and agreements renewed once a year. Below are examples of language from several policies.

### EXAMPLES:

Any telework agreement will be on a trial basis for the first 3 months, and may be discontinued, at will, at any time at the request of either the teleworker or the organization.

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Evaluation of teleworker performance during the trial period will include daily interaction by phone and email between the employee and the manager, and weekly face-to-face meetings to discuss work progress and problems. At the conclusion of the trial period the employee and manager will each complete an evaluation of the arrangement and make recommendations for continuance or modifications. Evaluation of telecommuter performance beyond the trial period will be consistent with that received by employees working at the office in both content and frequency but will focus on work output and completion of objectives rather than time-based performance.

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The maximum term of a Telework Agreement is 12 months, subject to extension. Extensions of the term require re-authorization by completing a new Telework Agreement.

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Telework agreements expire on May 1<sup>st</sup> of each year. Employees seeking to continue telework must reapply.

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The introductory term of a telework arrangement is three (3) months. Following the introductory term, if the employee meets the requirements established in the telework agreement and adheres to the terms of this policy, a new telework agreement may be executed for an additional nine (9) months. All agreements expire on June 30<sup>th</sup>.

## J. Reviews and Evaluations

Most policies point out that teleworker status should have no impact on annual performance evaluations – that both teleworkers and non-teleworkers are evaluated equally. However, teleworkers are subject to frequent monitoring, particularly during the trial period. Also, the methods a manager uses to monitor a teleworker may be different from those used to monitor an on-site worker. Both teleworkers and their managers may be required to participate in studies to evaluate the effectiveness of the telework program.

### EXAMPLES:

Performance evaluation requirements will not change, although the supervisor's methods of monitoring and assessing performance will likely focus on results and process rather than direct observation. Deadlines, goals and objectives must be clearly communicated.

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The manager and teleworker will formulate objectives, expected results, and evaluation procedures for work completed while the employee is teleworking. The manager will monitor and evaluate performance by relying more heavily on work results rather than direct observation. The manager and teleworker will meet at regular intervals to review the employee's work performance.

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Performance evaluation requirements for teleworkers shall not differ from non-teleworkers. Employees' salaries, benefits, worker's compensation, and other employer insurance shall not change due to telework.

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The employee shall agree to participate in all studies, inquiries, reports, and analyses related to this program. The employee remains obligated to comply with all organization rules, practices, and instructions.

## K. Communication & Accessibility

Communication is critical to successful telework. All telework policies address the issue of how employees will stay in touch with their manager, coworkers, and clients on the days they telework. Most policies agree that teleworkers must be accessible to their manager and coworkers, but differ concerning clients. Some organizations forbid client contact on telework days while others prefer employees to conduct business as usual. The tools used to maintain contact will also vary by employer. For example, some employees are able to have their office phone calls forwarded to their home phone, making it easy to disguise the employee's location to clients.

New technologies are changing the way coworkers communicate, yet these new methods of communication are seldom addressed in telework policies. As your organization begins adopting new technology, e.g. web conferencing, instant messaging, or assigned PDA's, you may want to address them – and training for using them – in your telework policy.

Policies may require the manager and employee to form a communications strategy, sometimes as part of the Agreement negotiation.

This clause often includes language about expenses (long distance, equipment, internet connections, etc). Expense examples are displayed separately from other communication issues.

EXAMPLES:

Teleworkers and supervisors are expected to develop an effective communications strategy.



Determine how communication between teleworker and the worksite will be handled. Consider whether to establish scheduled times when the teleworker will be available to colleagues and clients.



An appropriate level of communication between teleworker and manager will be agreed to as part of the discussion process.



Inform co-workers and support staff of your communications strategy so they know how and when to reach you on your telework days.



Teleworkers must be reachable, within reason, during agreed upon hours.



Teleworkers will be as accessible as their on-site counterparts during their agreed upon regular business hours, regardless of work location.



Retrieve messages. Have all calls forwarded to you, the receptionist, or your voice mail.



All client interactions will be conducted at the client's office or the central office. Clients cannot visit the teleworker's home office.



Aside from Personnel, only the employee's supervisor or persons authorized by the employee will be provided an employee's home phone number or personal cell phone number. Office phones may be forwarded to an employee's home or cell phone during their telework hours.



Teleworkers must notify the office if they leave their telework site during agreed upon hours, much like they would notify the receptionist when leaving the traditional office during the work day.



Answer the telephone at the telework location in a businesslike manner during business hours.



Return calls and emails promptly.



Over-communicate at first. When telework begins, it is better to error by communicating too often than to have others perceive that you've dropped out of site. This is usually temporary until new communication routines replace the old.



Use the remote technologies available to find the most productive way to stay in touch with colleagues.



The teleworker must stay current on organization and department events.



Teleworkers must post their telework schedule on their online calendar.



Teleworkers are expected to be flexible in their scheduling. They should be available to attend staff meetings and other meetings as required by their manager, even if meetings occur on a telework day.



Schedules for all employees that telework are to be available on the computer system's shared directory.

## EXAMPLES: Telephone-Related Expenses

Telework employees will be provided with a long distance calling card to use for all business-related long distance phone calls. Any long distance calls made without the calling card will not be reimbursed.

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If an employee checks-out an organization-owned cell phone, they may use it for long distance calls.

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The employee and manager must agree on the most cost efficient way of handling long distance telephone calls. To be reimbursed for long-distance, the employee must use the agreed-upon method and must submit a log of long distance calls and an itemized copy of their telephone bill. The employee may also be reimbursed for increased internet access or fax costs if pre-approved.

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The organization may approve and appropriate funds for an additional telephone line, internet access, or cell phone if necessary for telework. If a cell phone is not provided, the organization may reimburse the employee for business-related long distance telephone calls made from their home phone.

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With the manager's approval, the organization will pay for the installation of a second telephone line or broadband connection. The employee is responsible for ongoing costs for this service. Business-related long distance calls are refundable.

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The employer will not pay for any telephone service used by or installed for telework. The employer will, however, pay for job-related long distance calls. The employee must submit an itemized telephone bill for reimbursement.

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If funding permits, the manager may appropriate funds for the following telework-related expenses: Installation of basic telephone service, a cell phone or PDA for business use, Internet access, or cell phone service. If a cell phone or PDA is not provided, the employee may be reimbursed for business-related long distance expenses. The manager should verify that funding is available before approving the employee or department makes any telework-related purchases.

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Teleworkers are eligible for a stipend to cover internet and telephone expenses.

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The organization does not pay for installation or ongoing service fees for telephone or internet access.

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If approved in advance as a requirement for telework, the installment and basic monthly fees for a designated communications line, including voice mail or other such services, in an employee's residence may be billed to the organization.

## L. Work Hours

The teleworker's hours and schedule are closely linked with teleworker availability as discussed in the previous clause (Communication & Accessibility). The clause concerning work hours or worker schedule may address organization policy concerning how many hours and/or days an employee can telework, their telework schedule, core hours when they should be available, minimum requirements for hours at the central office, reporting telework hours, and how overtime and leave may be affected by telework.

An organization may have hard and fast rules about some of these issues (e.g., overtime requires prior approval), but may realize that most of these issues can be addressed on a case-by-case basis by managers during the telework agreement process. In creating your own policy, think about which work hour and scheduling issues can allow for manager flexibility, as long as the agreed upon plan is documented in the signed agreement. Below are examples from various policies:

### EXAMPLES:

Telework is performed during assigned work hours, up to a specific number of days per week. The number of hours spent teleworking varies by employee. The employee schedules office time to access facilities and supplies, attend events and meet with the supervisor, other employees and customers. Telework does not change the number of hours and employee is expected to work. Any changes in work hours are to be approved in advance by the supervisor, including requests for overtime or leave.



Telework employees who are not exempt from the overtime requirements of the Fair Labor Standards Act will be required to record all hours worked in a manner designated by the organization. Teleworkers, due to the nature of the work, will be held to a higher standard of compliance. Hours worked in excess of those specified per day and per week, in accordance with state and federal requirements, will require the advance approval of the supervisor. Failure to comply with this requirement can result in the immediate cessation of the telework agreement.



The amount of time spent teleworking during a work week may vary according to each job, equipment needs, and the individual telework agreement. Minimally, it must allow adequate in-office time for meetings, access to facilities and supplies, and to maintain the teleworker's involvement and communication with other employees, customers, and events. The amount of time an employee needs to spend at the central office is determined by the supervisor and agreed upon as part of the telework agreement.



The teleworker and supervisor may establish core work hours, as long as the work period designations remain consistent with work schedule Merit System Rules.



The employee and supervisor will establish normal work hours and core hours and the use of vacation and sick leave as part of the agreement negotiation. Core hours are when the employee is available to the supervisor and coworkers.



The employee may be required to attend meetings on the telework days, but if their work day begins prior to the meeting and is completed after the meeting, the commute time to attend the meeting will be included in the worker's hours.

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EXAMPLES: *Continued from previous page*

An appropriate level of communication between teleworker and manager will be agreed to as part of the discussion process.

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The employee will work at the alternate work site during the hours agreed upon by the employee and supervisor. Changes to this schedule will be reviewed and approved in advance by the employee's supervisor.

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If the teleworker is unable to work due to illness, the employee must use sick leave and must report the absence to their supervisor.

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Unless approved by the supervisor and documented in the telework agreement, the teleworker will be expected to work normal work hours (e.g. 8 am to 5 pm) from the telework location.

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A teleworker must obtain advance written approval from their manager before working overtime.

■ ■ ■

An hourly employee may not work more than his or her scheduled hours without the explicit prior approval of his or her supervisor. Hourly employees may be disciplined for working unauthorized overtime. It is the responsibility of the supervisor to avoid contacting or allowing co-workers or customers to contact the employee outside of his or her scheduled work hours. Work-related contact with the employee is compensable time whenever it occurs.

■ ■ ■

Employees that telework may not also work a compressed work week, such as "four-tens" or "nine-nines".

■ ■ ■

Existing personnel rules regarding leave, hours of work, scheduling work, travel policies, and overtime shall apply to teleworkers. On telework days, the telework site is the official station for travel expense voucher purposes, except that travel to and from the regular office shall not be a reimbursable expense.

■ ■ ■

Telework is not intended to be used in place of sick leave, family and medical leave, or any other type of leave. However, with approval, telework may be used as partial or full return to work following an illness or injury.

■ ■ ■

The manager and employee should address in the telework agreement computer downtime issues when computer access is required for telework.

■ ■ ■

The employee's telework schedule or participation in the telework program may be altered or revoked due to new or modified job tasks or workload needs.

■ ■ ■

It is the teleworker's responsibility to ensure that time sheets and other periodic reporting forms are turned in by the required deadlines.

## M. Travel Expenses

Most policies address the circumstances, if any, when a teleworker's travel expenses to visit the main office or project sites is reimbursable. Below are several examples:

### EXAMPLES: Travel Expenses

If an employee is required to attend a meeting on a telework day, and the meeting is not at their normal office location, the organization will reimburse for any travel that exceeds the distance of their normal to-office commute.



On assigned telework days, the telework location will be designated as a second official work station. Mileage reimbursement will be calculated based on the work station closest to the destination in accordance with travel policies and regulations. Employees will not be reimbursed for any costs associated with travel between the two work stations.



Travel time shall be compensable in situations such as unexpected directives for a teleworker to report to the office on days when work has already begun at the teleworker's home. It is not compensable if the teleworker was directed to report to the office prior to the beginning of the work day. Mileage between home and office is not compensable.



Employees are not reimbursed for travel to meetings held at the normal place of business. Meetings held away from the normal place of business on a telework day are reimbursable from the employee's telework site or the normal place of business, whichever is closer.



When employees work more than half the time from their home, the home office is considered the primary work site. If such employees are required to attend the central office or other business location on a telework day, their travel expenses will be compensated from the travel budget. The frequency of visits to the main office is determined by their supervisor.

## N. Emergency Operations

The telework policy usually includes a clause explaining what action the telework employee should take if there is an emergency situation, such as a power failure at the central work site or the telework site, road closure, illness, or injury.

### EXAMPLES:

If an office closure or emergency excuses other employees from working and work can proceed at the employee's telework site, teleworkers are not excused from working.



The teleworker must notify his or her immediate supervisor in the event of any emergency. In a case where an emergency such as a power failure prevents work at the telework site, the teleworker may be excused from working or may be required to report to the office as instructed by the supervisor.



## O. Dependent Care & Other Non-Employment Responsibilities

Various policies demonstrate varying levels of flexibility on the issue of child care and other personal obligations that may impact telework. The situation may be left to the manager's discretion, with guidance, since the manager may know best how to achieve the most productivity from his or her telework employees. The issue should be addressed during the agreement negotiation process.

### EXAMPLES:

Telework is not a substitute for dependent care. Teleworkers will not be available during core hours to provide dependent care.

■ ■ ■

Teleworkers that work at home will manage dependent care and personal responsibilities in a way that allows them to successfully meet job responsibilities.

■ ■ ■

Telework is not designed to be a replacement for appropriate child or elder care. Although an individual employee's schedule may be modified to accommodate child care needs, the focus of the arrangement must remain on job performance and meeting business demands. Prospective teleworkers are encouraged to discuss expectations of telework with family members prior to entering into a trial period.

■ ■ ■

Employees who need to make child care arrangements for the days they are working at the assigned office need to make the same arrangements for their telework days. One option is to develop telework hours around dependent care duties, i.e. teleworking in the evening when another person is available to provide care.

■ ■ ■

An employee with a sick child at home on a scheduled telework day may use sick leave for that portion of the day when caring for the child.

■ ■ ■

While telework may facilitate employees' working around family responsibilities, it is not intended to be a substitute for family care. The employee shall not have the primary responsibility for childcare, dependent adult care, or other duties not ordinarily part of his or her job duties during working hours.

■ ■ ■

The employee may not engage in work related to other jobs or to run a business or any other outside activities such as church, community organization or club activities during core hours on telework days.

## P. Performance Standards

One of the concerns of employers is that standards of performance and professionalism will deteriorate in the more relaxed telework environment. This clause is intended to reinforce the idea that standards must be maintained. A decline in service, productivity, or professionalism may come from the teleworker, or it may come about because the teleworker is not in the office. Although teleworkers should be held to the same standards as other employees, they may require additional monitoring – particularly during the first few months. Performance expectations should be discussed when the employee applies for telework, but the responsibility for monitoring and reinforcing standards rests largely with the manager.

### EXAMPLES:

The employee must maintain the same or an improved level of productivity and work quality while teleworking. If productivity and/or work quality begin to decline, the telework agreement will be reevaluated to determine if changes can be made or if the agreement needs to be terminated. Telework allows a high amount of flexibility for an employee to complete their work in a timely and proper manner, and it is expected that the employee will not abuse this opportunity by allowing their productivity or work quality to decline.

■ ■ ■

The performance standards for employees working at alternate work places should be equivalent to the standards used when the employees are working at the regular office. Nothing in the Telework Policy waives or changes standards of performance or behavior in the workplace.

■ ■ ■

The manager must ensure that the employee's duties are covered without compromising quality of service. A knowledgeable employee must be available to answer questions and provide information to callers and drop-in customers. Employee cross-training may be required to ensure continuous service quality.

■ ■ ■

Professionalism, in terms of job responsibilities, work output, and customer service will continue to meet the organization's high standards.

■ ■ ■

Teleworkers and their supervisors are expected to agree on work results and performance measures related to teleworking.

■ ■ ■

Performance evaluation requirements, performance elements and standards for teleworkers will not differ from non-teleworkers.

## Q. Workspace

This clause states the organization's guidelines and requirements, and the employee's responsibilities, concerning home-office setup, equipment installation, home-office safety, home-office use, inspections, and setup costs. For some organizations it is enough to specify that the teleworker must have a work space in the home. Other organizations require that very specific requirements be met and that the home office pass inspections.

In developing this clause for your organization, consider if the home office will contain only employee-owned equipment or equipment purchased by the organization, and if organization-owned equipment is covered by your insurance policy when it is located in an employee's home. Consider your policies regarding safe working conditions and ergonomics, equipment use, and information security, and the degree to which you are willing to help the employee with home-office setup in order to ensure a safe workplace. Consider also, if you will have only part-time teleworkers or some who work from home full-time, and how that may affect the status of the telework site. You may want to consult your legal advisor to be sure any issues of liability are addressed.

You may also want legal advice concerning the extent to which you can regulate the use of the home office. Many policies contain clauses that substantially limit how a home office is used, but in many households, a home office is shared. Can you really tell an employee that the home office must be used only for organization business? Is your authority limited to equipment purchased by the organization? While policies have certain aims, such as limiting liability and worker safety, they must also be realistic.

Exact wording of the workspace clause can be tricky. The clause can become over-burdened if every possible home-office issue is addressed. How often the employee works from home and the type of work they do from home, can strongly influence their home-office needs. For some teleworkers, the kitchen table is a perfectly adequate workspace for the type and volume of work they do, yet many policies call for a "designated" workspace. For employees that telework more frequently, a dedicated office with proper equipment may be required. Try to limit requirements to the essential issues of security, safety and liability, and use guidelines and recommendations to address other issues. You can always make the home-office setup subject to manager approval. It is also possible that home office requirements will change over time if an employee starts working from home more frequently.

Because the requirements may vary by employee and may vary over time, you may want to keep the policy clause fairly general, but provide the manager with guidelines for what should be required in varying situations as part of the telework agreement, which is usually updated annually and can be modified at any time.

Examples from the workspace clause have been separated into four sections for clarity: *Office Setup (including costs)*, *Office Use*, *Office Inspections*, and *Office Safety*. In fact, in most policies these issues are all addressed in combination.

EXAMPLES: *Home-Office Setup*

Employees who live in rented property should be aware that their lease may not permit business use of the premises.



If the telework location is in the employee's home, the employee must provide a work space in the home, including access to a telephone.



The teleworker is responsible for establishing and maintaining an adequate workspace and for providing a work environment free of interruptions and distractions that would affect work performance.



The employee is responsible for establishing and maintaining a designated, adequate workspace at the alternate worksite. When the alternate site is the employee's home, the employee is responsible to maintain a designated workplace in a safe, healthy, professional, and secure manner.



The employee shall designate a workspace within the remote work location for placement and installation of equipment to be used while teleworking. The organization must approve the site chosen as the employee's remote workspace. The employee is expected to submit three photos of the home workspace to management prior to implementation.



When a full-time teleworker establishes a home-office in a location that may have strategic benefit to the organization, exceptions to normal home-office setup criteria may be made.



The employee will be responsible for all costs associated with remodeling, electrical modifications, or other permanent improvements to the home office workspace.



Normally, the employee will be responsible for providing furniture and other equipment for the home office. The organization may determine to provide furniture, such as an ergonomic chair, on a case-by-case basis when funding allows.



The employer will not provide office furniture for the workspace at home.



In general, the organization will not reimburse employees for the purchase of special equipment or software to support telework.

EXAMPLES: *Home-Office Use*

The teleworker will not meet the public or clients in the home office in an official capacity.



No employees engaged in telework will be allowed to hold business meetings with clients or customers, the public, office staff, organization employees, or professional colleagues at the telework workplace if such location is in the employee's home.



Co-workers may be allowed to meet with the employee in their home office on organization business if the meeting is acceptable to the employee and approved in advance by the employee's supervisor.



Any company materials taken home should be kept in the designated work area at home and not be made accessible to others.



An employee that works from home must comply with the organization's Security Policy and must adequately safeguard and dispose of confidential and proprietary data as described in the organizations Data Handling Manual.

EXAMPLES: *Home-Office Inspections*

The organization may conduct a physical inspection of the teleworker's workplace upon giving 24-hour verbal notice to the employee.



After equipment has been delivered, an organization representative will visit the employee's home worksite to inspect for work hazards and suggest modifications. Repeat inspections will occur on an as-needed basis.



The teleworker must allow an authorized company representative to inspect the alternate workplace to ensure adequate health and safety conditions, and to inspect organization equipment. 48 hours notice will be given.



The organization has the right to make on-site visits (with 48 hours advance notice) to the remote work location for purposes of determining that the site is safe and free from hazards, and to maintain, repair, inspect, or retrieve equipment, software, data, or supplies owned by the organization.



The organization may perform a safety assessment that ensures that the alternative worksite meets OSHA guidelines as well as provides adequate lighting and physical space requirements, fire protection, and reasonable security for organization-owned equipment and data.



Members of the IT Department may make a scheduled visit to the employee's home office to install, perform technical assistance, or retrieve equipment.



In case of injury, theft, loss, or tort liability related to telework, the teleworker must allow agents of the organization to investigate and/or inspect the telework site.

EXAMPLES: *Office Safety*

The employee shall maintain this workspace in a safe condition, free from hazards and other dangers to the employee and equipment.



The employee must set up and maintain a work area in a safe and ergonomically correct way as detailed in the Ergonomic & Home Office Setup Guidelines, located on the organization's intranet.



Prior to performing telework duties, employees are responsible to ensure, to the best of their ability, that the immediate work area is free of recognized hazards. In addition, employees are required to report any and all injuries or hazards that are directly related to the immediate work area and incurred when performing organization business at their respective work station.



The employee is responsible for avoiding work that is not normally part of the job when working at the alternative work place, such as heavy lifting, and for taking normal precautions to avoid accidents.



Employees and supervisors must work together to establish and maintain a safe workspace. Managers must make sure the employee understands their responsibility for maintaining the telework site free from health or safety hazards and for notifying the supervisor or manager immediately about any safety or ergonomic concerns. Health or safety hazards at the telework site can result in suspension of the telework agreement.



Supervisors are to be immediately notified of any injury while working. After an injury, the supervisor may visit the telework site to ensure the worksite is safe for continued use.



The home office space used for telework is considered an extension of the organization's office space. Employees are responsible for maintaining a safe and secure work area. Employees will have the same responsibility for safe practices, accident prevention, and accident reporting as in the regular worksite.

## R. Equipment

This clause states the organization's position regarding equipment, including hardware, supplies, and any furniture that may be required by the teleworker. It addresses if, and under what conditions, the organization will provide equipment. The clause details the responsibilities of the organization and the employee, including the responsibility for equipment maintenance. Other topics may include equipment installation, training, licensing, network access, security, cost, and return of equipment upon completion of telework. In this guide, licensing, network access, and data security, are discussed under other clauses.

The Equipment Clause is largely built around the twin issues of responsibility and liability. For example, most organizations that provide equipment are willing to provide maintenance for that equipment, and sometimes other services (installation, training, tech support). Generally, when equipment is owned by the employee, it is the employee's responsibility to provide maintenance and tech support. However, there are exceptions; organizations that will provide maintenance to privately owned equipment. In this case, the organization should obtain the employee's permission and a statement of the limits of the organization's liability, and this procedure should be stated in the policy.

### EXAMPLES:

The organization may provide specific tools and equipment for the employee to perform his or her current duties. This may include computer hardware, software, phone line, email, voice mail, connectivity to host applications, and other applicable equipment as deemed necessary.

The use of equipment, software, data supplies and furniture, when provided by the organization for use at the remote work location is limited to authorized persons and for purposes relating to organization business. The organization will provide for repairs to its equipment. When the employee uses his or her own equipment, the employee is responsible for maintenance and repair of equipment.

A loaner laptop may be provided when available. Loaner computer will vary in performance and configurations. Loaners must be returned upon request.

■ ■ ■

Teleworkers are responsible for maintaining and repairing their personally-owned equipment. The organization assumes no obligation for damage or loss to personal property at the alternate worksite. Support for non-organization property is limited to problems that occur during teleworking. Teleworkers will protect against damage to organization property at the alternate worksite. Surge protectors are provided by the organization and must be used with the organization's computers; if not used, the employee is responsible for any damage caused.

■ ■ ■

All property owned by the organization used by the teleworker is to be returned to the organization when the employee ceases to telework.

■ ■ ■

The organization will provide furniture and equipment for full-time teleworkers.

■ ■ ■

Equipment provided by the employer may not be used for personal purposes.

■ ■ ■

The employee must sign an inventory of all organization-owned property provided to the employee for telework purposes. Upon termination of employment all organization-owned property will be returned to the organization, unless other arrangements have been made.

*Continued next page*

EXAMPLES: *Continued from previous page*

The employee must have all equipment, as established in the Telework Agreement, in place and tested prior to beginning telework.

■ ■ ■

The teleworker will be the sole user of organization property (e.g. equipment, furniture, software, supplies, etc.) purchased or maintained by the organization, and this property is limited solely to organization business.

■ ■ ■

Depending on the job, equipment provided to teleworkers will vary from as little as phone, paper, and pencil, to as much as computer modem, data line, printer and fax machine.

■ ■ ■

Teleworkers may not connect their personal equipment to equipment that is owned by the organization without advance approval of their manager and the designated IT Department representative. In the event of approval, the employee will follow the procedures provided by IT.

■ ■ ■

Damage to equipment owned by the organization that is outside the employee's control will be covered by the organization's insurance policy.

■ ■ ■

No off-site technical support will be provided for employee-owned or organization-owned equipment. The employee may be required to bring organization-owned equipment to a designated repair site for repairs.

■ ■ ■

Employees who are required to work remotely as a condition of their employment will not be required to furnish their own equipment.

■ ■ ■

All equipment used for telework, whether employee-owned or organization-owned, shall comply with the technology standards established by the Director of Technology or his or her designees.

■ ■ ■

If any personally-owned or organization-owned equipment that is used for remote access is lost or stolen, the employee must notify their manager and the IT department immediately.

■ ■ ■

Employee's may use equipment provided by the organization for their personal use, but may not allow any persons not employed by organization to use it. Personal data should not be stored on the organization-owned computer.

■ ■ ■

The organization's IT department will be responsible for all equipment installation, maintenance, security access, support and necessary training related to organization equipment and software at the telework site.

■ ■ ■

Managers or Division Directors will keep track of the present location of all organization equipment used for telework by noting the location in the organization's equipment inventory database.

■ ■ ■

The IT department will provide on-site technical support for organization-owned equipment. For privately owned equipment used for telework, only telephone support will be provided.

■ ■ ■

The employee is responsible for providing an Internet connection through their own ISP.

*Continued next page*

EXAMPLES: *Continued from previous page*

Office supplies necessary to complete work assignments should be obtained during the teleworker's in-office days. The teleworker will not be reimbursed for supplies normally available in the office. The employee must have prior approval from their manager for the purchase of any supplies that cannot be obtained through normal supply channels. Without prior approval, such purchases will not be reimbursed.

■ ■ ■

The employee is responsible for purchasing and stocking all supplies necessary to do the job unless other arrangements have been made with their manager. The employee will not be reimbursed for any supplies unless an agreement has been made with their manager.

■ ■ ■

Any supplies or other office expenses not specifically covered in this policy will be dealt with on a case-by-case basis between employee and supervisor. Employees should always seek prior approval before making any work-related purchase.

## S. Software

Whether addressed in a separate clause or included in a general clause about technology, the software issues typically covered are: Who provides the software, which software can be used, duplication of software, and software licensing.

EXAMPLES:

When using the organization's computer equipment, teleworkers must follow the current software policies of the Information Services Department.

■ ■ ■

The IT department will provide appropriately licensed software necessary for telework.

■ ■ ■

Employee-owned software may be used for telework if properly licensed, and if it matches the current version used by the employee's work group.

■ ■ ■

Only software approved by the IT department may be installed on an organization-owned computer.

■ ■ ■

Only software owned by the organization may be installed on a computer owned by the organization.

■ ■ ■

The employee will protect the integrity of copyrighted software, adhere to the manufacturer's licensing agreement, and follow policies, procedures, and practices related to them to the same extent applicable in the regular office.

■ ■ ■

Will not duplicate commercially-purchased or organization-owned software or cause it to be duplicated except as formally authorized.

■ ■ ■

Organization-owned software may not be duplicated except as formally authorized by the manufacturer's licensing agreement.

■ ■ ■

The organization will be responsible for the necessary software licenses for the teleworking employee.



## T. Information Security

This is a broad topic that may cover any method by which information can be lost, stolen, or corrupted. The method of loss does not necessarily involve technology; leaving a file folder in an unlocked car is also a security risk. Of course technology, particularly in relation to the Internet, plays a big role in information security; think software viruses, phishing, hacking, etc. These threats, and the systems and procedures for combating them, are the central focus in the telework policy.

The breadth of a security policy is probably a function of several factors: the amount of confidential information, the number of teleworkers (more people accessing the system increases the risk), the size of the organization (large organizations have more resources to devote to the problem), and knowledge of the issue (people knowledgeable about security are more likely to take more precautions). If you do not have a knowledgeable IT person on staff, you may want to consult one before attempting to set up remote access – and before developing a security policy.

Because information security should be the concern of every employee – not just teleworkers – some organizations have a separate information security policy that all employees are required to follow. Some organizations also provide security training for either selected employee or for all employees. Since managers have a great deal of responsibility for enforcing security measures, security training for managers should be considered.

### EXAMPLES:

When using the organization's computer equipment, teleworkers must follow the current software policies of the Information Services Department.



The organization's computer systems and applications, mainframe connections, networks, computers and fax machines, must comply with all security requirements. Any requests for access to any of these connections or devices must be reviewed and approved by the IT department.



The employee will not remove or download restricted access documents, data files, or other classified material from the organization without prior approval from their supervisor.



As a general rule, confidential and/or proprietary information may not leave the premises. If it is necessary for data to be downloaded or transported to be used off-site, employees must have the approval of their supervisor and inform them of the methods being used to safeguard the information. Failure to use due care in safeguarding the organization's confidential and/or proprietary information in all phases of possession (transportation, use, storage, and disposal) is a performance matter covered by the organization's disciplinary action policy.



Virtual Private Network (VPN) may be available to teleworkers under certain circumstances: The employee must have a need for remote access to the network. VPN access is possible only on a laptop owned by the organization and assigned to the employee. VPN access must be approved by the employee's manager and department director. Anti-virus and firewall protection must be used and continually updated. The employee must have a cable or DSL Internet connection.

*Continued next page*

EXAMPLES: *Continued from previous page*

The employee must never provide non-employees access to the organization network or share network access passwords.



It is not permitted to leave a computer connected to the network unattended.



All remote access connections to the organization must include a “time-out” system. In accordance with organization policy, remote access sessions will time out after 30 minutes of inactivity and will require the user to reconnect and re-authenticate in order to re-enter organization networks. Should a remote user’s account be inactive for a period of 60 days, access account privileges will be suspended until the IT department is notified.



If the network is deployed at the remote site, it must support encryption and the encryption must be enabled.



Equipment on which any confidential or proprietary data is stored must comply with the organization’s encryption standards.



The employee must never make any modifications to the remote access connection without the approval of the IT department.



The employee will be responsible for performing a manual virus scan on any removable storage media used to transport work products back and forth between the organization office and the home office. Storage media will be scanned before each use.



The employee will follow organization procedures to avoid computer viruses and data contamination, and to protect the organization network by regularly downloading anti-virus definitions and antivirus and firewall updates. If required by IT, the employee will enable automatic updating of anti-virus software.



For security reasons, personal computers, laptops, and mobile computing devices such as PDAs or BlackBerry’s are not allowed access to the organization’s network except for email and calendaring using approved applications.



Any remote connection (i.e. hotspot, ISDN, frame relay, etc.) that is configured to access the organization’s resources must adhere to the authentication requirements of the IT department. In addition, all hardware security configurations (personal or owned by the organization) must be approved by the IT department.



The employee will not use commercial equipment, e.g. web café, hotel computer, hotel web TV, etc., to remotely access the organization’s network.



If the employee has an approved arrangement to access the organization’s network from home, the employee must agree to allow the organization to perform random audits of their home system to verify that they are meeting the requirements outlined in the data security policy.



Teleworkers are expected to maintain the same security procedures at home that they employ at the central office, including the use of locked file cabinets, locked disk boxes, password maintenance and any other appropriate security measures.

*Continued next page*

EXAMPLES: *Continued from previous page*

Restricted access materials shall not be taken out of the office or accessed through the computer unless approved in advance by the teleworker's supervisor.

■ ■ ■

The organization reserves the right to terminate remote access privileges to individuals when necessary to protect the security, integrity, and availability of the organization's network.

■ ■ ■

The employee must follow a procedure established by the IT department to ensure all files created or modified at the remote worksite are properly backed-up. Backup may be accomplished in various ways, but the employee must not use email to send files to the main office if the files contain confidential information.

■ ■ ■

Products, documents and records that are used, developed, or revised while teleworking shall be copied or restored to the organization's computerized record system. Whenever possible, all telework related information shall be stored in a directory designated for telework and this information shall be backed up on a disk or on the LAN server.

■ ■ ■

The employee agrees to immediately report to their manager and the IT department any incident or suspected incidents of unauthorized access and/or disclosure of company resources, databases, or other information.

■ ■ ■

No employee is to use Internet access through the organization's networks via remote connection for the purpose of illegal transactions, harassment, competitor interests, or obscene behavior, in accordance with other existing employee policies.

## U. Legal

There can be many clauses within a Telework Policy designed to specify the organization's or employee's rights and responsibilities (or their limits). Generally these are designed to limit liability for the organization. Such legal statements may be incorporated into existing clauses – such as the liability related to equipment use discussed within the equipment clause.

It is impossible to anticipate every eventuality; most likely clauses will be added or modified over time. Still, it is useful to both the organization and the employee to have some basic parameters in place. At a minimum you should review existing insurance policies and consult with your insurance carrier to determine how coverage may or may not apply to employees working from home under a telework agreement – or for that matter, working from other remote locations. You will also want to be clear about the application and limits of state worker's compensation. Various policies use slightly different language pertaining to this issue. It is best to verify your true situation before committing specific language to a policy clause.

The following examples are drawn from over forty different policies. No one organization would have the need for all of them; some only make sense to particular types of organizations.

## Conditions of Employment

### EXAMPLES:

Employee salary, benefits, workers' compensation, sick leave, annual leave, and other employee insurance shall not change due to telework. Likewise, the duties, obligations, and responsibilities of teleworking employees remain unchanged.



Telework will not adversely affect an employee's eligibility for advancement or any other employee right or benefit.



Teleworkers will be compensated for all pay, leave, overtime and travel entitlement as if duties were being performed at the official work location.



The policies and procedures that normally apply to the central workplace shall remain the same for teleworking employees. This shall include but not be limited to performance management. Teleworking assignments do not change the conditions of employment or required compliance with policies and rules.



Policies, rules and practices shall apply at the telework site, including those governing communicating internally and with the public, employee rights and responsibilities, facilities and equipment management, financial management, information resource management, purchasing of property and services, and safety. Failure to follow policy rules and procedures may result in termination of the telework arrangement and/or disciplinary action.



A telework agreement does not constitute a promise of employment for a specified time or otherwise alter the at-will nature of employment with the organization. Telework employees can still be terminated at any time and for any lawful reason or no reason at all.

## Injuries & Worker's Compensation

### EXAMPLES:

If the employee is injured in the course and scope of performing official duties during the agreed upon work hours, regardless of work location, the employee is covered under the state's worker's compensation law. The employee must notify their supervisor immediately and complete necessary forms.



The organization assumes no liability for injuries occurring in the employee's home workspace outside of work hours.



Worker's compensation does not apply to non-work related injuries that might occur in the home, even if they occur during the employee's agreed telework hours.



The organization will have the same responsibility for job-related accidents or injuries to the employee at the alternate worksite that it has at the employee's regular office location. The organization does not assume responsibility for injury to any other persons at the employee's residence or at the telework site within the residence.



The organization is not responsible for any injuries to family members, visitors and other in the employee's home. Teleworking employees who permit third parties to enter their home work area should consider carrying insurance that covers third-party injuries arising out of or relating to the use of the home under a telework policy and should consult their personal insurance carrier for advice. Their existing policy may not provide adequate coverage when the home is used for business purposes.

## Travel Accident

### EXAMPLES:

The employee is normally covered by a travel accident policy when traveling for an authorized, job-related purpose on days the employee is working away from the regular office. The employee is not covered by the policy when commuting to and from work on days the employee is working in the regular office.

## Equipment Liability

### EXAMPLES:

The organization will repair and maintain any equipment loaned to the teleworker by the organization. The employee is responsible for following IT department guidelines for equipment use. The employee is financially responsible for any intentional damage to equipment, damage resulting from gross negligence by the employee or other person in the employee's household, or damage resulting from a power surge when no surge protector is used. The employee must also follow protocols for virus protection.

The organization may pursue recovery from the teleworker for organization property that is deliberately, or through negligence, damage, destroyed, or lost while in the teleworker's care, custody or control. Damage or theft of equipment that occurs outside the employee's control will be covered by the organization.

Teleworker's should check their homeowner's/renter's insurance policy for incidental office coverage. The organization does not assume liability for loss, damage, or wear of employee-owned equipment.

■ ■ ■

Unless agreed to in writing prior to any loss, damage or wear, the organization does not assume liability for loss, damage or wear of employee-owned equipment.

■ ■ ■

The organization will not assume an obligation in regard to damage or loss to property owned by the employee at the alternate worksite.

■ ■ ■

The employee will hold the organization harmless from failure of any software or hardware components on privately-owned equipment.

The teleworker is responsible for insuring their own equipment.

## Internet Liability

### EXAMPLES:

The employee remains responsible for all files, links, and data they transmit via the Internet. The employee agrees to follow guidelines and rules of conduct as if they were working from the regular office.

■ ■ ■

The organization will not assume responsibility for virus attacks or other intrusions via the Internet to employee-owned equipment.

## No Personal Business

### EXAMPLES:

An employee who is teleworking shall not conduct personal business during their work shift unless during their break time or lunch. No personal business may be conducted on organization-owned equipment unless it is related to a course of study approved by the organization. Supplies owned by the organization cannot be used for personal business.

## Public Records Requests and Retention

### EXAMPLES:

Records that may be created at, sent to, or sent from the alternative work site may be subject to disclosure in response to a public records request. The fact that the record resides on an employee's home computer does not affect its status as a public record. An employee who teleworks must therefore maintain all records on the alternative worksite computer consistent with the Public Records and Electronic Records Retention policies. Any questions regarding this issue should first be directed to your department's Public Disclosure Coordinator.

## Intellectual Property Rights

### EXAMPLES:

As is the case when employees are in the office, intellectual property developed or conceived of while a worker is attending to the organization's business at an alternate worksite is the exclusive property of the organization. Such intellectual property includes patent, copyright, trademark, and all other intellectual property rights as manifested in memos, plans, strategies, products, computer programs, documentation, and other organization materials.



Products, documents, and records developed while teleworking are property of the organization.



The organization has an interest in all inventions and discoveries that result from any work performed by individuals employed by the organization, irrespective of whether the inventions are made using the organization's facilities, supplies, or equipment. Likewise, the organization owns all copyrights in copyrightable materials that are related in any way to an individual's employment by the organization, irrespective of the use of organization facilities. Teleworkers are expected to comply with all Invention and copyrights policies just as if they were working at an organization facility.

## Americans With Disabilities Act

### EXAMPLES:

In some situations, telework can provide a method of accommodating employees with special needs, such as those covered by the ADA. Whether or not telework is a reasonable accommodation is a decision that will be made by the organization on a case-by-case basis after evaluating all of the circumstances in a particular case.

## Assisting Disabled Workers/Return to Work

### EXAMPLES:

Supervisors and employees may consider telework as a flexible workplace arrangement for assisting disabled workers, or in returning to work those employees injured on the job and on Worker's Compensation.

## Office Space Reduction

### EXAMPLES:

Employees that telework more than two days a week may be required to share an office space or utilize a reduced office space.



For employees that telework a majority of the time, the organization has hot-desk suites that can be used on days when you need to visit the office. Contact the hot-desk coordinator when you need to reserve a suite.



Employees entering into a telework agreement may be required to forfeit use of a personal office, workstation, or parking space in favor of a shared arrangement in order to maximize the organization's office and parking space needs.

## Additional Employee Costs

### EXAMPLES:

The organization will not be responsible for any operating costs associated with the alternative work site, including maintenance, insurance, or utilities.



Employees who work at a telework location will be responsible for absorbing any costs related to remodeling, office setup, individual auto/homeowners or rental insurance, taxes, and incidental residential utility costs.

## Tax Implications

### EXAMPLES:

It is the employee's responsibility to determine any income tax implications of maintaining a home office. The organization will not provide tax guidance nor will the organization assume an additional tax liability. Employees are encouraged to consult with a qualified tax professional to discuss tax implications.



A home office is not an automatic tax deduction. Teleworkers should consult with a tax expert to examine the tax implications of a home office.

## Unions

### EXAMPLES:

Employees within a bargaining unit may be included in the telework program unless prohibited by the collective bargaining agreement.



Telework arrangements for employees represented by a union must be approved by the union. Unions may provide approval for represented employees in general, rather than separate approval for each employee.

The organization shall interpret and apply the provisions of this policy or any telework agreement consistent with management functions as described in the collective bargaining agreement and the National Labor Relations Act. Copies of this telework agreement for bargaining unit employees will be forwarded to the Union.

## V. Modification or Termination

This clause states conditions under which a telework agreement or arrangement may be modified or terminated. A similar clause may appear in the telework agreement itself.

### EXAMPLES:

The telework agreement may be modified at any time by the manager, based on their assessment of the employee's work performance, how the alternative schedule affects the overall group's productivity, change in the requirements of the job, or other business reasons.

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Telework is designed to save resources and provide an alternate way to do the organization's work. If a manager learns that a particular arrangement is not meeting the goals or rules listed in the telework agreement, the manager may cancel the agreement. Notification must be in writing.

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An employee may terminate his or her participation in a telework arrangement at any time, for any reason, upon written or verbal notice to his or her supervisor. The employee shall provide 14 days notice, unless a shorter time is agreed upon by the employee and manager.

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Telework agreements can be terminated at any time by either the employee or their manager. Amendments to the agreement can be made upon agreement by the employee and manager.

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The telework agreement may be cancelled by the manager at any time when it is determined that continuation would not be productive, efficient, or otherwise not in the best interest of the organization.

■ ■ ■

The organization may terminate the telework agreement at its discretion. The employee should be given sufficient advance notice to make appropriate arrangements, such as for child care or commuting.

■ ■ ■

The employee may discontinue participation in telework at any time except in those circumstances where telework is a condition of employment.

■ ■ ■

Teleworking employees shall comply with all organization rules, policies, and procedures. Failure to do so may result in removal from the telework program and or disciplinary action.

■ ■ ■

Telework may be terminated if the employee violates the terms of the telework agreement, if the job is no longer conducive to telework, or if the teleworker's performance no longer meets expected standards.

■ ■ ■

Failure to comply with remote work policies, participation criteria, organization rules, policies or practices, or the inappropriate use of organization resources may result in the revocation of the employee's telework agreement.