


COLORADO DEPARTMENT OF LABOR AND EMPLOYMENT STANDARD POLICY AND PROCEDURE

 <small>DONALD J. MARES Executive Director</small>	SUPERSEDES: _____ SPP NUMBER: <u>SPP-0070</u>
	DATE: _____ DATE: <u>06/25/08</u>
EXECUTIVE DIRECTOR'S APPROVAL: _____	
SUBJECT TITLE: Teleworking Policy	
CATEGORY/UNIT: SUB-CATEGORY:	AUTHOR: Mike Dawson DISTRIBUTION:

PURPOSE:

To establish the policies, procedures, and process for implementing a teleworking program for the department. To ensure that the business requirements of the department's programs continue to be met by establishing a formal policy outlining the responsibilities of both the teleworker and the manager of a teleworker.

DISCUSSION:

Teleworking, telecommuting, or flexplace is the concept of working from home or another location on a full- or part-time basis. Teleworking is not a universal employee benefit. Rather, it is an alternative method of meeting the needs of the agency while reducing the impact traditional commuting has on the environment and on the commuting employee.

Teleworking may decrease real estate and utilities expenses by reducing the need to expand office space. Teleworking can facilitate work continuity when teleworkers continue to serve customers and meet the agency's goals from home in the event of a natural or other disaster. When feasible, tele-conferencing or video-conferencing is encouraged as an alternative to in person staff meetings for teleworkers to reduce unnecessary travel to the regular office.

In keeping with efforts to reduce paper usage, participants are encouraged whenever possible to read the policies on line and to complete, sign, transfer, and store the Telework forms electronically, rather than printing the documents on paper.

Successful teleworkers have the support of their supervisors. Teleworking is generally voluntary. A teleworking arrangement does not negate the obligation of the employee to meet all productivity expectations, or to comply with rules, practices and instructions. Similarly, a teleworking arrangement does not negate the obligation of supervisors to account for the productivity of their supervisees.

POLICY:

Compensation and Work Hours:

Participation in the teleworking program does not change the employee's salary, benefits, work status, or other rights and responsibilities as a state employee.

The employee may be entitled to reimbursement for pre-authorized expenditures incurred while conducting official business, such as long distance phone calls required for business. Such entitlements, if any, will be outlined in the Telework Participation Agreement.

Teleworkers shall follow their scheduled work hours and keep records of time worked, lunches, and breaks as if work was performed at the regular office. A change to the scheduled work hours shall have supervisor approval. All types of leave usage shall have supervisor approval and follow the established leave policies.

Supervisors shall ensure compliance with FLSA laws by effectively communicating the overtime policy. If eligible for overtime, advance, written approval by the employee's Appointing Authority shall be obtained before working overtime.

Teleworkers shall comply with the same rules and processes for time reporting as is required when working at the regular CDLE office.

By signing the Teleworking Agreement, the teleworking employee acknowledges that he/she has been informed of his/her FLSA Exempt/Non-exempt status with the Colorado Department of Labor and Employment. Employees classified as Exempt are not entitled to receive premium pay for overtime hours worked at home or in the regular office location, while Non-exempt employees shall receive one and one-half time their regular hourly rate for all hours worked in excess of 40 in a week for hours worked at home or in the regular office location. Non-exempt employees may not work any overtime in any location without prior written approval by the employee's Appointing Authority, and failure to comply with this policy may result in corrective and/or disciplinary action.

Employees who feel that their teleworking schedule or time reporting is not correct (i.e. incorrectly changed, hours not being allowed to be recorded, etc.) shall immediately notify their supervisor to provide the opportunity for prompt attention.

Eligibility

Appointing authorities will assess each type of job within their units to determine the positions' suitability for teleworking. Upon determining that particular positions are suitable for teleworking, appointing authorities will apply consistent standards in selecting persons holding those positions to be permitted to telework. Criteria

used by appointing authorities in making these selections may include the desire of particular employees to telework, the historic performance and work style of particular employees, the range of skills of supervisors in managing telework, and such other standards as may be applicable within a business unit, consistently applied. Teleworking is a privilege and may be rescinded by appointing authorities with regard to any unit employees at any time, without notice. The decision of appointing authorities shall have a rational basis and not be arbitrary or capricious.

If approved for teleworking, the teleworker, supervisor and appointing authority shall sign and agree to the provisions of the *Telework Participation Agreement*. Upon acceptance to the program, both the employee and manager may be expected to complete a training course designed to prepare them for the teleworking experience. Teleworking training courses have not yet been fully developed. The Office of Human Resources/Staff Development will announce any newly developed training opportunities related to teleworking.

Whether working in the regular office or teleworking, employees shall comply with all state and agency rules, policies, and instructions. Any violation may result in termination of the employee's participation in teleworking and/or other corrective/disciplinary actions.

Employees who are currently teleworking under an informal agreement with their supervisors will have 45 days following the release of this Teleworking Policy SPP to formalize their arrangement using the steps and forms as outlined in the policy.

Equipment/Tools

In general, telecommuting employees are responsible to provide, at their own personal expense, high speed internet connections and computers capable of accessing the department network through CDLE provided VPN client software. These personal computers shall be equipped with currently maintained anti-virus software. Employees are entirely responsible for the maintenance of their personal equipment; CDLE assumes no responsibility for loss, damage, or wear of employee-owned hardware or software.

If licensing and availability permits, the agency may supply existing hardware and software to be used in employees' homes for telecommuting. The software and hardware shall be returned in the same condition as when borrowed to the agency at the time of termination or when the supervisor requests its return. For any items borrowed from the agency, the agency retains the right to ensure that the items stay under proper warranty by validation from the employee.

Equipment and supplies purchased with state funds remain state property and their use is limited to purposes of official state business. The employee agrees to adequately protect state property from damage and unauthorized access. The employee may be required to reimburse the agency for damage to state property.

All teleworkers shall read, understand, and comply with *SPP-0008 Remote*

Access and Security and SPP-0026 Information Technology Security & Usage Policy and Procedures. Teleworkers shall comply with all current Standard Policy and Procedures.

In the event of VPN connection failure or malfunction, teleworkers shall contact the CDLE Help Desk immediately in order to affect repair of such connection. The Help Desk is available Monday through Friday from 7:00 a.m. to 5:00 p.m. at (303) 318-8300. Employees shall notify their supervisor, or alternate if the supervisor is not available, in the event of hardware failure, a delay in the repair of VPN connection, or any other circumstance, which makes work from the alternate location impossible. Under such circumstances, the supervisor may require the teleworker to report to the regular office.

Confidential Information

Some information may be deemed confidential by the employer. Teleworkers shall ensure that all of the employer's security safeguards and policies are followed such that the protections against unauthorized disclosure, loss, or damage of information meet or exceed the level practiced in the regular office. This may require that the employee take extra precautions to secure all information before leaving their work area even for a break, given that, unlike co-workers in the office, visitors or other occupants of the teleworker's alternate location are not authorized to view confidential information.

All work is to be saved to the teleworkers work drive through VPN, and never to the teleworker's hard drive. Teleworkers will not use their personal e-mail for work purposes.

Workspace

The teleworker shall designate a workspace within the remote work location for placement and installation of equipment to be used while teleworking. The teleworker shall maintain this workspace in a safe condition, free from hazards and other dangers to the employee and equipment.

The agency shall approve the site chosen as the employee's remote workspace. A site inspection and approval process may be implemented as part of the teleworking approval process. The supervisor or the employer's designated agent has the right to make on-site visits 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 agency-owned equipment, software, data or supplies.

The teleworking employee is responsible for utilities, home maintenance, or any other cost associated with the use of the home as an alternate work site.

Mileage between the employee's regular office and their telework location shall be considered commute mileage and not subject to reimbursement.

Office Supplies

Most work or notes pertaining to work will be performed electronically; therefore the need for office supplies at the remote location is unlikely in most circumstances. However, if any minimal supplies or materials are needed, they will be provided by the agency. The teleworker will keep the agency's supplies in the designated remote location's work area and ensure they are not accessible to other occupants. Out-of-pocket expenses for supplies will not be reimbursed unless by prior written approval of the supervisor.

Worker's Compensation

Teleworkers are covered by workers' compensation insurance for injuries arising out of the course and scope of employment. Employees are required to immediately report work-related injuries to their supervisor or designated alternate (if the supervisor is not available) and shall comply with all requirements and policies established in law and/or by the employer for workers' compensation claims.

Employee understands that s/he remains liable for injuries to third persons, including family members, at the alternate location. Employee agrees to indemnify and hold harmless the Employer from any and all claims, demands or liability resulting from any injury to persons caused, directly or indirectly, by the duties and obligations under this Agreement, except where such claims or liability arise solely from the gross negligence or willful misconduct of the Employer. The Employer is not liable for damages to the Employee's personal or real property except to the extent of liability under Colorado law in the regular office.

Liability

The agency is not liable for loss, destruction, or injury that may occur in or to the employee's home. This includes family members, visitors, or others that may become injured within or around the employee's home. The employer is not liable for damages to the employee's personal or real property except to the extent of liability under Colorado law in the regular office.

Care of Dependents and Others

Teleworkers will not be available during their telework hours to provide supervision or care for dependents or other individuals and will not use teleworking as a substitute for such care. The employee may be asked to provide documentation of formal care arrangements in place for individuals who rely on the employee for care or supervision.

Income Tax

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

Communication

Employees shall be reasonably available by phone and email during the telework hours as agreed upon in the *Telework Participation Agreement*. For example, a supervisor may require the teleworker to e-mail them at the beginning and/or end of the teleworker's work time or may require other communication frequency or methods. No in-person client or co-worker interactions are to be conducted at the teleworker's home, unless the interaction arises out of a staff member's duty to facilitate the employee's teleworking, i.e. a risk management's inspection or assessment of the home worksite. Teleworkers shall still be available for staff meetings, and other meetings deemed necessary by management.

Evaluation

The employee shall agree to participate in all studies, inquiries, reports and analyses relating to this program.

Step by Step Guidelines for Implementing an Individual Teleworking Arrangement.

The forms necessary to apply for, evaluate, and approve teleworking follow this policy and guideline:

STEP #:

- 1) The employee expresses an interest in teleworking by completing, electronically signing and e-mailing a **Request to Telework Form** to his/her supervisor.
- 2) If the completed *Request to Telework Form* documents that the employee has the potential to be eligible, the supervisor advises the employee to complete and return the **Telework Screening Survey for Employees** and the **Teleworker's Worksite Self-Checklist**. The employee e-mails those completed documents.
- 3) The supervisor completes the **Telework Screening Survey for Supervisors**.
- 4) The supervisor forwards (by e-mail) the completed *Request to Telework Form*, the *Telework Screening Survey for Employees*, and the *Telework Screening Survey for Supervisors* to the Appointing Authority for review and preliminary approval.
- 5) If the Appointing Authority signs off with preliminary approval on the *Telework Screening Survey for Supervisors*, the employee is made aware of the relevant SPP's listed in the *Telework Participation Agreement: Remote Access, Information Technology Security & Usage*, and the *Telework Policy*. The supervisor discusses the policies and the potential details of the telework arrangement with the employee.
- 6) If teleworking is feasible to all parties, a **Telework Participation Agreement** is completed by the supervisor and signed by the supervisor and the employee.
- 7) The completed *Telework Participation Agreement* is e-mailed to the Appointing Authority for final approval. The hard copy signature page is forwarded to Gloria Elmer in Human Resources (or scanned and emailed to Gloria) and a copy retained at the work unit level.
- 8) The appointing authority forwards electronic copies of all remaining forms to the supervisor for retention at the work unit level. The signature page is forwarded per the instructions.
- 9) The supervisor will then implement the planned teleworking arrangement by first submitting the RFS for the employee's VPN to CDLE's Information Management Office. The RFS needs to include the employee's name, Q ID, Computer Tag # and prefix, the computer name, and what operating system the employee will be using, i.e. Windows XP or Vista.
- 10) The supervisor will schedule the employee for OHR's *Ergonomics Awareness Course for CDLE Teleworkers* when this training becomes available.
- 11) After completion of the training (if applicable) and upon receipt of the VPN disc, with the supervisor's final go-ahead, the employee will begin teleworking as agreed upon in the written, signed *Telework Participation Agreement*.