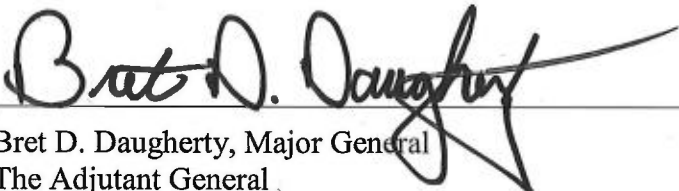




## Department Policy No. HR-225-02

<b>Subject:</b>	Telework – Mobile Work Environment
<b>Former Number:</b>	18-00
<b>Authorizing Source:</b>	RCW 70.94 Commute Trip Reduction WAC 357 Department of Enterprise Services Governor’s Executive Order 16-07 Modernization of the Workplace
<b>Information Contact:</b>	Human Resource Director Building 33 (253) 512-7942
<b>Effective Date:</b>	April 30, 2002
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<b>Approved By:</b>	 Bret D. Daugherty, Major General The Adjutant General Washington Military Department Director

### Purpose

This policy establishes the Washington Military Department’s (WMD) policy, eligibility criteria and approval process for teleworking as required by the Governor’s Executive Order Number 16-07, which directs agencies to encourage mobility by adopting technologies and policies that support a culture of *it’s what you do, not where you do it*. A flexible telework policy supports agency staff in maintaining a work life balance, as well as supports continuity of operations in times of disaster, emergency or unnatural events. In addition this policy provides the prerequisite training requirements for both supervisors and employees who engage in a telework agreement.

### Scope

This policy applies to all state employees of the Washington Military Department. This policy does not apply to guard members on state active duty or to federal personnel to include Active Guard Reserve (AGR) members, traditional Washington National Guard members in a federal military status or military technicians, but federal supervisors of state employees are expected to facilitate implementation of this policy.

## Definitions

1. **Ad Hoc Telework:** Non-routine telework on an exception basis to eliminate travel time between meetings at offsite locations, complete special projects, accommodate unforeseen or unavoidable circumstances, or meet workload deadlines or accomplish job required training.
2. **Alternate Work Station:** A location, other than an employee's primary work station, where they conduct their job duties. An alternate work station can be a designated work space in the employee's home, an alternate state agency office, or another suitable worksite for which the employee can provide a physical address.
3. **Primary Work Station:** A location at a WMD property where an employee is assigned to work.
4. **Reasonable Accommodation Telework:** Telework that is authorized to an employee in a telework eligible position as a reasonable accommodation as a result of a medical need in accordance with the agency's reasonable accommodation policy.
5. **Situational Telework:** Telework that is temporary caused by unforeseen circumstances where a governor's order or disaster declaration restrict an employee from working at their primary workstation for purposes of safety and security (pandemic as an example).
6. **Mobile Work:** The ability to work in a variety of locations to maximize productivity, continuity and operational flexibility. Mobility also encompasses remote work that is functionally required for some jobs, such as field work. Telework is a subset of mobile work.
7. **Telework:** The practice of working from home or other alternative locations through the use of technology which allows the employee to access normal work material (email, telephone, electronic documents, etc.). Telework may be scheduled or done on an ad hoc basis. Telework is a subset of mobility.
8. **Telework Eligible Position:** A specific position that includes job duties that can be conducted from home or another alternate work station and is designated as "telework eligible" in the Human Resources Management System (HRMS). Telework eligible positions will be identified in position description forms as either ad hoc, part time or full time.
9. **Telework Ineligible Position:** A specific position that includes duties that can not be conducted from home or another alternate work station and is designated as "telework ineligible" in the HRMS. Situational telework may be granted with accountability to productive assignments.
10. **Telework Schedule:** A fixed weekly work schedule that routinely allows the employee to work from an alternate worksite, rather than from the primary work station. Schedules for telework eligible positions can be part time (1-32 hours per week on average) or full time (33 to 40 hours per week on average). Ad hoc telework generally occurs within the employee's assigned work hours.

## Policy

Telework and mobile work options help attract and retain talented employees by providing flexibility in how, when and where work gets done. Allowing telework contributes to the improvement of recruitment and retention of high-quality, diverse employees through enhancements to employees' quality of life. Telework is a basic element of Continuity of Operations (COOP) planning, as it enables operations to continue anytime and anywhere, providing the agency the ability to be resilient and responsive during emergencies and natural disasters. Telework also reduces traffic, building and parking congestion, energy consumption and transportation costs. Utilization of telework can increase productivity and decrease absenteeism.

The WMD's mission and complexity of its operations require many business functions to be conducted on site at Camp Murray, at other WMD properties or in designated field operation locations. However, many positions have job duties that are amenable to working remotely and can be designated telework eligible. Duties that are conducive to telework include those that are portable, computer-oriented, telephone-intensive, and/or require critical thinking and writing. In those cases, employees may, with supervisor and division director approval, be authorized for approval of telework per the conditions established in this policy.

1. **Telework Eligibility Criteria.** Employees are eligible to request telework under the following conditions:
  - a. The supervisor has confirmed the position has been deemed by the division director to be telework eligible and it has been denoted accordingly in the position description form and the Human Resources Management System (HRMS).
  - b. Duties to be conducted while teleworking do not generally require the transportation of physical documents or files that are considered sensitive or confidential in nature (e.g., personnel files or payroll records), do not require the employee to be physically present at a particular worksite, and do not require in-person interactions with clients, stakeholders or coworkers.
  - c. Employee is not under any disciplinary action, a performance improvement plan, or a medical verification plan due to absenteeism.
  - d. Probationary and trial service staff who are hired into telework eligible positions will be assessed by their immediate supervisor and may be considered for telework following Orientation with expectations and has an approved telework agreement in place.

Exceptions to these criteria will be considered on a case by case basis by the Division Director.

2. **Scheduled Telework.**

Employees may request scheduled telework under the following conditions if they meet the eligibility criteria established in Section 1.

- a. Eligible employees may request scheduled telework up to the number of hours defined in their position description form. (See definitions)

- b. Supervisors and division directors will determine whether telework is an appropriate option for the employee based on the employee's work habits, communication abilities, and the operational needs of the agency ([WMD Form #2027-15](#)).
- c. Employees must submit a request for telework application ([WMD Form #2026-15](#)) for review and approval by their supervisor and division director. If the application is approved, the terms and conditions of the telework arrangement are documented in the telework participant agreement ([WMD Form #2024-15](#)) to be completed by the employee and supervisor. Copies of the approved agreement must be filed in the employee's official personnel file and supervisory desk file. Original signed documents are sent to the commute trip reduction coordinator in the state Human Resources Office.
- d. Telework is a voluntary benefit and a management option. It is not an employee entitlement and does not change employment terms and conditions. Either the employee or the supervisor may terminate the telework arrangement with reasonable notice. If it is determined that a telework arrangement is having an adverse impact on work operations or employee performance or productivity, the supervisor may terminate the arrangement by providing a minimum of two week's written notice to the employee, noting the business reasons for the termination. The supervisor may disallow telework, temporarily or permanently, at any time, to meet operational needs.
- e. A telework employee, like a non-telework employee, shall remain flexible to accommodate highly concentrated periods of work. The telework employee is expected to return to work at the primary worksite when directed with reasonable notice based on the circumstances.
- f. Employees and their supervisors have three options to maintain accountability while teleworking:
  - i. The employee may submit a telework report ([WMD Form #2025-15](#)) to their supervisor upon completion of the telework period as determined in the telework participant agreement.
  - ii. The employee may send their supervisor an email listing the tasks accomplished at the end of the telework period at least weekly or as determined in the telework agreement.
  - iii. The employee and their supervisor may share an electronic copy of a pre-approved spreadsheet or document in an agreed-upon format. The employee will update the spreadsheet or report at least weekly or as determined in the telework agreement.

Supervisors are responsible to review telework reports and retain telework reporting records for a period of one year. Aged reporting records will be removed at the employee's annual evaluation ensuring that one year in arrears is kept for internal audit purposes. All reports are subject to internal control audits.

- 3. **Ad Hoc Telework.** Where operational need, workload or other extraordinary circumstances arise, an employee may request to ad hoc telework. With supervisory authorization ad hoc telework is permitted to minimize travel time before or after an offsite meeting, to accommodate workloads that require working outside an employer's regularly scheduled hours (provided the employee follows all requirements of the Fair

Labor Standards Act), to enable an employee to continue to work despite emergency or unforeseen circumstances such as road closures, inclement weather or other circumstances as required. Ad hoc telework is expected to be temporary and short term. Supervisors have the discretion to require or waive telework based on the reason requested. To be eligible for ad hoc telework a position that is not normally telework eligible must have designated specific duties that can be performed for the time it is approved.

4. **Situational Telwork.** Where operational need due to a naturally occurring disaster that causes a building or office to close or is uninhabital or public health emergency such as a pandemic requires employees to be assigned telework for their own health and safety they may be placed on situational telework. Non telework eligible positions may be considered with the agency director's approval.
5. **Reasonable Accommodation Telework.** An employee may request to telework as a reasonable accommodation for an injury, illness or other medical need. Reasonable accommodation telework must be requested according to the WMD's reasonable accommodation policy and must be pre-approved by the Human Resources Office. There are no exceptions to this requirement, as reasonable accommodation is a formal process used to identify solutions for employees with temporary or permanent restrictions that are the result of a disability as defined under the law. Both the position and the employee must be considered as telework eligible to be considered as a reasonable accommodation with telework as an option. Every telework eligible position has been assigned by the supervisor as either telework eligible part or full time; or telework ineligible. A telework participant application, agreement and schedule are required and each request will be looked at individually.
6. **Mobile Work.** Many jobs within the WMD require mobility. These include jobs where the primary duties include traveling to remote or disparate locations such as readiness centers and armories, staffing the State Emergency Operations Center or a joint field office, meeting with stakeholders or attending conferences and other events. Employees who do mobile work are not required to submit telework reports under this policy, but the supervisor retains the right to require reporting as necessary to maintain accountability.
7. **Timekeeping and Leave.**
  - a. An employee's required working hours, salary, responsibilities and state provided benefits will not change as a result of telework or mobile work.
  - b. Time spent in a telework status must be accounted for and reported on the employee's timesheet the same as if they were working at their primary worksite, unless the employee is exempt from completing timesheets. Being exempt from completing timesheets does not release an employee from required telework reporting.
  - c. All Washington Administrative Codes (WACs) regarding leave, hours of work, overtime and scheduling work; Fair Labor Standards Act (FLSA) on overtime; Office of Financial Management (OFM) rules, collective bargaining agreements and WMD policies and procedures on travel, vehicle use, leave, etc., apply to all employees who telework and use alternate worksites.

- d. The policies for requesting leave remain the same. Telework is not intended to replace the need for use of accrued leave in the event of the employee's personal illness or absence. An employee who feels well enough to work but does not want to spread potential disease to their coworkers may be approved to engage in ad hoc telework as long as there is productive work to be completed.
  - e. Employees are responsible for management of vacation, sick leave, holiday and overtime by submitting punctual time sheets, leave slips, travel vouchers and other required paperwork, etc., through appropriate channels within established deadlines.
8. **Employee Availability and Communications While Teleworking.** Employees will be available at a pre-designated phone number during their scheduled working hours to their supervisors, managers, division directors, other WMD staff and customers, similar to their availability if they were working at their primary worksite. Employees are responsible to keep their work designated telephone lines updated with current information indicating the telephone number and times in which they can be reached while engaged in telework activities. Employees and their supervisors may develop additional standards for more effective communication, if necessary. Employees shall adhere to current WMD policy for use of internet and responding to e-mail, voicemail and other messages.
9. **Performance Management.** An employee who is teleworking is expected to perform their duties to the same standard as if they were working at their primary worksite. Performance management is conducted using the same process as for employees that do not telework. Supervisors are expected to establish performance standards and expectations for telework employees that are the same as for non-telework employees. Professionalism in terms of job responsibilities, work output and customer orientation will continue to follow the high standards required from all WMD personnel.
10. **Workplace and Safety Standards.**
- a. The employee's designated workspace while teleworking is considered an extension of the primary worksite.
  - b. Telework shall not normally be used as a substitute for leave due to medical need, family care or other situations that limit an employee's ability to do their job. If so, advance approval is required of the employee's supervisor.
  - c. Workers' Compensation liability will be limited to the scheduled work hours and designated workspace as opposed to applying to all areas of the alternate worksite (such as the entirety of the employee's home). The WMD retains the right to make onsite inspections at the alternate worksite. The telework employee must follow WMD procedures for reporting work-related injuries.
  - d. Prior to performing telework duties, the employee is responsible to ensure, to the best of their ability, that the immediate work area is free of recognized hazards. In addition, the employee is required to report any and all injuries or hazards that are directly related to the immediate work area and incurred when performing WMD business at their respective telework station.

- e. When the alternate worksite is in the employee's home, the employee shall be responsible for maintaining a designated workspace in a safe, healthy, professional and secure manner.
- f. The state assumes no liability for loss, damage, or wear of any employee-owned equipment or facilities used while teleworking.
- g. Employees are responsible for personal office equipment such as desks, file cabinets and chairs as well as any additional expenses caused by the telework arrangement. The additional expenses may include, but are not limited to, auto/homeowners' insurance, internet service provider, cellular service including overage costs associated with data or minute usage, incidental residential utility costs, and individual tax implications.
- h. Employees who do scheduled telework must designate the alternate worksite at which they intend to telework in the Telework Participant Agreement.

#### **11. Tools and Resources.**

- a. It is reasonable to expect that all employees might occasionally need to do mobile work, whether it be due to a disaster or emergency that requires relocation, or a minor event such as inclement weather. To enable employees to continue operations despite the circumstances as much as possible, employees are provided access to productivity tools (such as Microsoft Office 365) that allow access to communications tools, applications, and resources from any location. For employees whose jobs require regular mobility, the agency will provide tools, resources and capabilities that enable the employees to fulfill their job duties remotely. These tools and resources include mobile phones, laptop computers, mobile hot spots, Wi-Fi enabled devices, and productivity tools as necessary. Employees who have a need for equipment other than what they are normally issued shall make a request of their supervisor and provisions will be dependent upon budget and availability.
- b. Employees are required to follow all WMD policies regarding use of technology while teleworking.
- c. Equipment and supplies furnished to the mobile work employee by the State remain the property of the WMD and shall be used only by authorized persons for official state business as specified in RCW 42.52.160.
- d. Employees are responsible for following all agency technology use policies, public records retention and disclosure policies, state ethics laws, Drug and Alcohol Policy, and any other applicable agency policies while working in mobile or telework status.
- e. Only authorized WMD Information Technology (IT) personnel will perform repairs or necessary maintenance on any WMD equipment that is provided to the employees. Repairs or maintenance must be performed on WMD property and not in an employee's home or alternate work area. Any repairs, upgrades or patches that need to occur on such equipment will be performed by IT Division staff. Employees who are teleworking are required to follow the direction of the Computer Information Security Officer (CISO) in order to ensure timely installation of upgrades or patches that protect agency assets. For repairs or troubleshooting, it is the employee's responsibility to submit work order requests as they normally would and bring their computer to the Information Technology Shop on Camp Murray.

- f. All hardware or software that is checked out to a WMD employee for mobile work must be returned before the employee leaves WMD or upon termination of the telework participant agreement.
- g. With the exception of charges incurred related to long distance service by SCAN or other provided telecommunication sites, the WMD will not be responsible for telephones, data lines, utility expenses, installation, monthly charges or costs incurred by the telework employee in connection with the approved telework participant agreement. Employees will not be reimbursed for costs associated with the use of equipment not located at a WMD facility or assigned telework center (copiers, fax machines, printers) unless authorized due to emergency circumstances.

## **12. Records Management.**

- a. All records created, accessed, modified, or otherwise utilized in the course of business by an employee on telework status remain public records, subject to retention requirements and disclosure per RCW 40.14 and RCW 42.56.
- b. Records utilized by employees must remain in a location available for discovery as pre-approved by WMD; e.g., SharePoint, Outlook, OneDrive or shared drives. Employees cannot store records in off-site locations on personal devices, mobile storage locations (thumb drives), or in non-approved web-based locations such as Dropbox.

## **Responsibilities**

### **1. Employee**

- a. Submits their completed telework application to their supervisor if they wish to telework and meet eligibility criteria established in this policy.
- b. Submits requests, changes or updates of any current agreement through the appropriate channels.
- c. Takes responsibility to ensure that their work computer is updated with all relevant security patches and software updates as directed by Information Technology Chief Information Security Officer.
- d. Notifies the supervisor if they no longer desire to telework.
- e. Follows all agency policies while teleworking, including the requirements established in this policy.
- f. Submits telework reports to their supervisor as agreed upon in their telework agreement.
- g. Maintains communication with their supervisor and co-workers on a daily basis or as required in the telework agreement and ensures that customers and stakeholders have the same access to assistance as they would if the employee were in the office.
- h. Manages use of vacation, sick leave, holiday and overtime by submitting punctual time sheets, travel vouchers, and other required paperwork, etc., through appropriate channels within established deadlines.