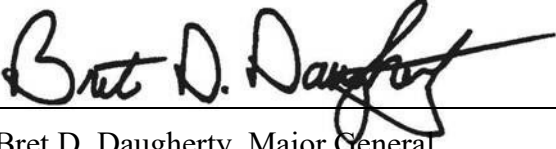




## Department Policy No. HR-225-02

<b>Subject:</b>	Telework – Mobile Work Environment
<b>Former Number:</b>	18-00
<b>Authorizing Source:</b>	<a href="#">State Rules on Commute Trip Reduction</a> (RCW 70.A15.4000 – 4110) <a href="#">WAC 357</a> Office of Financial Management/State HR <a href="#">Governor’s Executive Order 16-07</a> Building a Modern Work Environment <a href="#">Governor’s Executive Order E 19-01</a> Veteran and Military Family Transition and Readiness Support
<b>Resources:</b>	<a href="#">Office of Financial Management guidance</a> <a href="#">Employee Space Use Guidance</a>
<b>Information Contact:</b>	Human Resource Division Director Building 20B (253) 512-7130
<b>Effective Date:</b>	April 30, 2002
<b>Revised</b>	March 30, 2022
<b>Mandatory Review Date:</b>	March 30, 2026
<b>Approved By:</b>	 Bret D. Daugherty, Major General The Adjutant General Washington Military Department Director

### Purpose

Teleworking in some capacity has become a normal part of how we work as a workforce. This policy establishes the eligibility criteria and approval process for teleworking to provide a supportive and productive work environment that attracts and retains employees.

### Scope

This policy applies to all state employees of the Washington Military Department (WMD). This policy does not apply to members of the Washington National Guard on state active duty, Active Guard Reserve, Title 5 Federal employees, members of the Washington State Guard and/or traditional drilling National Guard members. For represented employees, the collective bargaining agreement will supersede any conflicting provisions stated in this policy.

## Definitions

1. **Official duty station:** The city, town, or other location where the employee is assigned to work when not teleworking. An employee's official station is to be designated by the agency and not assigned because it is the home or preferred living area of an employee. This is identified in each position description as to where the position is located.
2. **Situational or Ad Hoc Telework:** Telework on an exception basis that is temporary and non-routine. Situational or ad hoc telework allows employees to continue to perform work during workplace disruptions, provide for uninterrupted work to meet workload demands, accommodate unforeseen or unavoidable circumstances, for purposes of safety and security, or other business needs.
3. **Telework:** The practice of working from home or an alternative location(s) other than the official duty station through the use of technology. Telework may be scheduled and routine or done on an ad hoc or situational basis.
4. **Telework Ineligible Position:** A specific position where the essential functions need to be performed on-site and are not suitable for routine telework on a predictable schedule.

## Policy

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, positions with job duties that are amenable to working remotely can be designated telework eligible.

Telework will be managed in a manner that will:

- Enhance employees' productivity, satisfaction, and ability to collaborate;
- Improve recruitment and retention;
- Support a modern work environment;
- Reduce vehicle trips and associated pollutants, congestion, and energy use;
- Promote continuity of operations during worksite disruptions (or anticipated); and
- Consider eligibility based on business needs, employee safety, and essential duties of the position.

Duties that are conducive to regular, routine telework include those that are portable, computer-oriented, telephone-intensive, and/or require critical thinking and writing.

Employees should also consider their own individual suitability based on social and professional needs, technology and workspace conducive to productivity and performance expectations, and effective communication with customers, coworkers and management. Telework may also be approved as a form of a reasonable accommodation (Refer to department policy HR-211-05).

## 1. Telework Eligibility Criteria

Employees may be eligible for telework under the following conditions:

- a. The position has been approved by the division director to be telework eligible on the position description form.

Factors to consider when evaluating telework position eligibility include duties and frequency that require the employee to be physically present at a particular worksite, in-person interactions with clients, stakeholders or coworkers, and transportation of physical documents or files that are considered sensitive or confidential in nature (e.g., personnel files or payroll records).

- b. The employee is not under any disciplinary or corrective action such as a performance improvement plan or medical verification plan due to absenteeism.
- c. Employees serving a review period may be considered for telework following their initial onboarding.

Exceptions to these criteria will be considered on a case by case basis by the division director.

## 2. Scheduled Telework

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 written notice and documented in the cancellation section of the Telework Participant Agreement. If it is determined that a telework arrangement is having an adverse impact on work operations or employee performance or productivity, the supervisor may disallow telework, temporarily or permanently, at any time, to meet operational needs.

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 official duty station when directed with reasonable notice based on the circumstances.

## 3. Out of State Telework

WMD allows out-of-state telework in certain circumstances. The circumstances are based upon Office of Financial Management guidance and Executive Order E 19-01.

Considerations for out-of-state telework include:

1. Military spouses: A permanent employee who is the spouse or registered domestic partner of a military service member. If an employee who is a military spouse must leave the state and their position is not fully telework-suitable, WMD will search vacancies to identify a telework-suitable position. The employee may remain on the position search list for up to two years after relocation.
2. Family care: An employee who is responsible to care for a family member for whom they are the sole caretaker. Eligible dependents include spouses, registered domestic partners, children (biological, adopted, foster, or step), parents, legal guardians, siblings, grandchildren, grandparents, and spouse's or registered domestic partner's parents and grandparents. This may require documentation from a licensed healthcare provider.

3. Hiring and retention: Applies to anyone with a skillset or background unique to the mission of the agency and may be hard to find, attract, and/or retain. WMD may identify positions with specific duties and/or licensure requirements for out-of-state work.

Out-of-state telework requires documented approval from the division director. This includes part-time, full-time, temporary, and/or permanent out-of-state telework.

Out-of-state telework imposes burdens on both the employee and WMD. Examples include state and local taxes, health insurance, unemployment insurance, and workers compensation. State-offered health care plans may not include providers in other states. WMD employees working out-of-state may not be eligible for Washington state workers' compensation in the event of an on-the-job injury.

Employees working out-of-state must have a telework participant agreement that identifies a work schedule using the Pacific Time Zone. Additionally, the telework participant agreement must document expectations for on-site presence. Travel to/from Washington state and all associated costs will be at the employee's expense and on their personal time unless unanticipated and/or unplanned travel is required without sufficient notice. The employee accepts responsibility for notifying the agency of all special local taxes for the area they live in and to follow any laws or rules of the city and state related to telework. The agency will withhold and report required state and local taxes.

In the event that an employee working out-of-state is required to return to Washington to work on a regular basis, at least 60 days' notice will be provided. Employees are responsible for travel costs.

Employees who wish to telework permanently from another country may not do so.

#### 4. **Travel and Timekeeping**

- a. An employee's required working hours, salary, responsibilities and state provided benefits will not change as a result of telework.
- b. An employee cannot count travel to their official duty station or remote work site as work time if prior to the telework day the employee knows that attendance is required. If a meeting request is made during the telework day, travel to and from the official duty station is considered work time.
- c. Traveling between an alternate work location and official duty station is generally not considered travel status and would not be reimbursable (exception for unanticipated and/or unplanned travel). Refer to department policy FIN-10-02 for details on reimbursable mileage.
- d. 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 official duty station, unless the employee is exempt from completing timesheets.
- e. 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.

## **5. Workplace and Safety Standards**

- a. When 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. An employee may be covered for worker's compensation if injured while performing work on behalf of the agency during scheduled work hours. Promptly report any injury to your supervisor and/or the Safety Officer. The state of Washington is not responsible for any injuries to family members, visitors, and others in an alternate workspace.
- b. Telework should not 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.
- c. No in-person meetings in an official capacity will occur at an employee's home.
- d. Employees are responsible for any additional personal 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, office supplies, incidental residential utility costs, and individual tax implications. The state assumes no liability for loss, damage, or wear of any employee-owned equipment or facilities used while teleworking.

## **6. Technology and Equipment**

- a. Employees approved for regularly scheduled telework will be provided with agency standard tools and resources that enable them to fulfill their job duties. This may include mobile phones, laptop computers, monitors, docking stations, mobile hot spots, and/or Wi-Fi enabled devices. Employees who have a need for equipment other than what they are normally issued shall make a request of their supervisor. Provisions will be dependent upon business necessity, budget and availability.
- b. Equipment and supplies furnished to the 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.
- c. Only authorized WMD information technology (IT) personnel will perform repairs or necessary maintenance on any WMD equipment that is provided to employees. Physical repairs or maintenance must be performed on WMD property and not in an employee's home. 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 Chief 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 a service ticket as they normally would and bring their equipment in for repair or maintenance upon request from IT staff.
- d. All equipment checked out to a WMD employee for telework must be returned before the employee leaves WMD or upon termination of the telework participant agreement.

## 7. 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 Participant Agreement form to their supervisor for consideration.
- b. Submits requests for changes, updates or cancellation of any current agreement through the appropriate channels.
- c. Takes responsibility to set up their workspace in a manner that supports ergonomics, safety, and productivity.
- d. Ensures that their work computer is updated with all relevant security patches and software updates as directed by IT. State employees utilizing the Federal network may have additional responsibilities for ensuring updates.
- e. Follows all agency policies while teleworking, to include technology use policies, public records retention and disclosure policies, state ethics laws, drug and alcohol policy, and the requirements established in this policy.
- f. Maintains communication with their supervisor and co-workers and ensures that customers and stakeholders have the same access to assistance as they would if the employee were in the office.
- g. Complies with all overtime regulations and work schedule requirements.

### 2. Supervisor

- a. Evaluates position description(s) for positions they supervise to identify and make recommendation to division director of telework eligibility.
- b. Evaluate an employee's telework participant agreement for approval or denial. Consideration should be given to position requirement, impact on the team, employee performance and if the employee can effectively perform their job duties while teleworking.
- c. If the participant agreement is approved, works with employee to establish appropriate communications expectations/processes and reporting requirements during telework.
- d. Maintains inventory records of all equipment checked out by an employee for the purposes of telework.
- e. Ensures overtime eligible staff are working their approved scheduled shift reporting all hours worked.

- f. Consults with the Human Resources Office and division director if necessary to resolve any concerns that arise during telework, especially if the supervisor is considering rescinding telework authorization.
- g. If management has determined that a telework participant agreement should be denied or cancelled, the supervisor completes the cancellation/denial portion of the telework participant agreement.

Reasons for cancelling or denying a telework participant agreement include:

- Essential job function(s) are not suitable for telework;
- Changes to the business needs require the employee's presence in the office;
- Violation of this policy and/or the telework participation agreement; and/or
- Employee work performance does not meet documented expectations and/or standards.

The employee may send a written appeal to The Adjutant General (TAG) or designee within 15 calendar days. A decision response will be provided within 25 calendar days following receipt by TAG or designee.

### 3. Division Director

- a. Affirms position telework eligibility with signature on position description form.
- b. Approves or denies telework participant agreement.
- c. Oversees use of telework for employees within the division to ensure appropriate management controls and accountability are in place.

### 4. Human Resources

- a. Maintains records of position telework eligibility and telework participant agreements as required.
- b. Consults with management on telework policy, process, and telework participant agreements to include cancellation or denial.

The approved telework participation agreement for in-state telework remains in effect while the employee remains in the position unless otherwise noted in the agreement. Supervisors are encouraged to complete an annual review of the approved telework agreements to ensure no changes or updates are needed.

Out-of-state telework participant agreements must be reviewed annually for compliance, currency, and effectiveness unless otherwise noted in the agreement of an earlier end date.