



Subject: Telecommuting Program

Date: June 13, 2014

Ref: Utah Administrative Code [R477-8-2](#) Telecommuting

Purpose:

This policy defines the Telecommuting Program of the Department of Administrative Services (DAS) and the rules and guidelines under which it operates. This policy further establishes the criteria by which qualified DAS employees, in authorized positions, may perform their assigned responsibilities at a remote location.

DAS recognizes that a carefully planned telecommuting program is a viable work option and expects to benefit from a telecommuting program in the following ways:

- Improve employee effectiveness, productivity and morale
- Reduce absenteeism
- Enhance employee recruitment and retention
- Improve energy efficiency and air quality
- Effectively resume business as part of a disaster recovery or emergency plan

Policy:

1. Telecommuting is not an employee right nor is it a universal employee benefit. Participation in the Telecommuting Program is at the discretion of, and subject to, the prior written approval of management. Management may modify or terminate the telecommute agreement at any time.
2. Employee participation in the Telecommuting Program is voluntary. Supervisors may not direct or coerce employees to participate. Employees may discontinue participation in the Telecommuting Program at any time, for any reason, upon written or verbal notice to their supervisor.
3. Employees may initiate a request to participate in the Telecommuting Program at any time. Employees who receive approval to participate in the Telecommuting Program must sign a Telecommuting Contract prior to the commencement of telecommuting.
4. An employee's participation in the Telecommuting Program shall not adversely affect the performance of other employees. Telecommuting should not put a burden on staff remaining in the office. An equitable distribution of work must be maintained and methods implemented to ensure that employees working in the office do not have to handle the telecommuter's work. Participating employees will be required to report to the office on scheduled telecommuting days if needed or requested by the supervisor.
5. Telecommuting employees shall comply with all applicable laws, state administrative rules, regulations, policies and procedures including, but not limited to, the State of Utah Department of Technology Acceptable Use Rule and the Government Records Access and Management Act, U.C. 63-2-101, et. seq. (GRAMA).
6. Confidentiality of State information must be maintained in the telecommuting environment according to GRAMA. Unauthorized disclosure will subject the employee to disciplinary action



and/or penalties provided by law. Telecommuters shall perform official duties during duty time at the alternate worksite. Telecommuters shall not provide care for children, elders, or others who would otherwise require a provider's care.

7. In order to participate in the Telecommuting Program, employees shall, upon 24 hours notice, allow DAS to make inspections of the telecommuting worksite for document confidentiality, equipment security, safe working conditions, program compliance and management reviews.
8. Nothing in this policy precludes DAS and its divisions from taking any appropriate disciplinary or adverse action against an employee who fails to comply with the provisions of this policy.
9. The employee agrees to provide regular performance reports to their supervisor so their job performance may be evaluated. The employee and manager shall meet on at least a quarterly basis to evaluate performance.
10. The participating employee is solely responsible for investigating any individual tax implications resulting from using a part of the home as a telecommuting workspace. Participating employees should consult their tax advisor.
11. Prior to the commencement of telecommuting, the employee, supervisor, and Division Director shall sign a Telecommuting Contract that outlines the terms and conditions of the telecommuting arrangement. The telecommuting contract may be valid for a period of up to 12 months. At the conclusion of the Telecommuting Contract period, the employee and the employee's supervisor may renew the telecommuting contract in accordance with the terms of this policy.

Types of Telecommuting

1. DAS permits two types of telecommuting arrangements, "regular and recurring" and "ad hoc." Some telecommuting situations require occasional or infrequent arrangements while others are more conducive to longer periods of scheduled arrangements. The intent in offering two types of telecommuting is to provide supervisors and managers with the maximum flexibility to establish telecommuting arrangement that is responsive to their particular situation.
2. "Regular and recurring" telecommuting means a continuing arrangement under which an employee works at an alternate worksite for some portion of the work week or pay period.
3. "Ad hoc" telecommuting means an arrangement under which an employee may periodically work at an alternate worksite to complete one-time or unique assignments that can be performed away from the traditional office.
4. Telecommuting is not:
 - a. Work extension. Many employees take work home with them. This is remote work, but is not considered telecommuting within the scope of policy.
 - b. Mobile Work. Some divisions have employees who, by the nature of their jobs, are generally off-site and may even use their home as their "home base." Because their work requires this setup and they travel frequently, they are not considered telecommuters.



Requests to participate in the telecommuting program:

1. Employees may initiate a request to participate in the Telecommuting Program at any time by submitting a Telecommuting Application (Attachment A) to their immediate supervisor.
2. Each request for permission to participate in the Telecommuting Program shall be evaluated on its individual merit. The supervisor, in cooperation with the employee shall prepare and complete a Telecommuting Contract (Attachment B). The Telecommuting plan must include clear, objective performance measures, and standards to ensure that the employee's performance, as established in their individual performance plan, is not diminished as a result of telecommuting.
3. The supervisor shall submit the Telecommuting Application, and Telecommuting Contract to the Division Director for final approval.

Approval Criteria:

1. **POSITION CRITERIA** – The determination of whether a position is suitable for telecommuting should be based on job content rather than title. Tasks and functions that are generally suited for telecommuting include, but are not limited to: (a) writing (editing, drafting reports or decisions); (b) analysis (data, program, policy and financial); (c) telephone intensive tasks; and (d) computer-oriented tasks (e.g., programming, data entry, and word processing).
2. The operational needs of the department remain paramount. Due consideration, on a case by case basis, should be given to the following:
 - a. **Public/Agency Contacts** – A position may not be suitable for telecommuting if a great portion of the job is devoted to face-to-face contact with the public, other agencies, and internal agency staff.
 - b. **Information Security** – A position may not be suitable for telecommuting if the integrity of secure and confidential information cannot be maintained in accordance to information security policies, or the level of security cannot be duplicated at the alternate worksite in a cost effective manner.
 - c. **Reference Material** - A position may not be suitable for telecommuting if the employee needs access to material that cannot or should not be removed from the office.
 - d. **Resources** - the agency does not have sufficient staff so that that the telecommuter's absence from the office adversely affects others left in the office or causes problems for the manager in managing office workload. Likewise, position may not be suitable for telecommuting if appropriate equipment is unavailable.
 - e. **Task Scheduling** - A position may not be suitable for telecommuting if tasks that can be completed outside the office cannot be grouped and scheduled for telecommuting days, or the employee has insufficient duties or work activities that can be performed in an alternate worksite.
3. **BASIC EMPLOYEE CRITERIA** – The determination of whether an employee is suited for telecommuting should be based on documented, objective criteria. A DAS employee is eligible to participate in the Telecommuting Program if:



- a. The employee is a permanent employee, whether full-time or part-time, of DAS;
 - b. The employee's current performance evaluation rating is "successful."
 - c. The employee is currently not on a performance improvement plan.
4. Other Factors for consideration. Supervisors should consider factors other than the Basic Employee Criteria when evaluating a request to participate in the Telecommuting Program. However, these factors cannot be used to arbitrarily restrict participation. Factors appropriate for consideration are:
- a. Conduct – A record of misconduct does not automatically exclude an employee from the Telecommuting program but documented misconduct may be a deciding factor when the nature of the misconduct casts doubt on an employee's ability to work at an alternate worksite.
 - b. Attendance – An employee with a documented history of unexcused absences or leaving the worksite without permission may not be a suitable candidate for telecommuting.
 - c. Independence - An employee with a documented history of requiring constant supervision may not be a suitable candidate for telecommuting;
 - d. Time Management Skills – An employee with a documented history of being unable to prioritize work effectively or completing projects after deadlines have passed may not be a suitable candidate for telecommuting;
 - e. Quality of Work - An employee with a documented history of submitting sub-standard work may not be a suitable candidate for telecommuting.
 - f. Other – other documented job related factors may be considered.
5. Employees who are the subject of corrective or disciplinary action within the previous twelve (12) months are prohibited from participating in the Telecommuting Program.

Working Conditions:

1. Employees participating in the DAS Telecommuting Program shall receive the same benefits and protections that are provided to other DAS employees. This includes worker's compensation benefits, as well as defense and indemnification for claims against an employee arising out of his/her employment, as provided by the Utah Government Immunity act.
2. Fair Labor Standards Act (FLSA) rules apply to telecommuters. The amount of time that an employee is required or allowed to work will not change due to participation in the Telecommuting Program.
3. The telecommuter's performance should be monitored in the same manner as the employees working at the traditional office.



Job Performance and Work Scheduling:

1. Telecommuters and management should maintain a balance between the telecommuter's scheduling needs and preferences and agency's business needs. A normal telecommuting schedule shall be agreed to at the beginning of the telecommuting arrangement. The schedule shall be documented in Telecommuting Contract. Management must be informed of, and agree to any changes to the agreed upon work schedule in writing.
2. Policies and procedures currently in place for requesting the use of leave or compensatory remain unchanged. The participating employee is responsible for requesting leave in advance from his/her supervisor and informing timekeepers of leave usage.
3. Management may require overtime work when needed. Unless requested by management, approval for overtime work must be obtained in advance of work. Failure to obtain approval in advance may result in the termination of the Telecommuting Contract and/or disciplinary action.
4. The employee shall be available for contact during the duty hours agreed upon by the employee and the employee's supervisor. There should be no perceived difference in responsiveness or services provided attributable to work location.
5. The employee shall complete all assigned work according to procedures mutually agreed upon by the employee and supervisor.
6. Documented declines in performance may be grounds for the cancellation of the Telecommuting Contract, corrective or disciplinary action, or both.

Worksite Requirements:

1. The telecommuter's workspace will be considered an extension of DAS workspace. The State's liability for job-related accidents will continue during the understood and approved work hours but will be limited to that approved workspace rather than applying to all areas of the home. The employee shall notify the supervisor immediately of any accident or injury that occurs at the workspace and to complete any required forms.
2. The Telecommuting Program does not include personal customer contact or interaction with people on official business at the workspace. The State does not cover injuries to third parties at the workspace.
3. The state is not liable for damages to the employee's personal or real property while the employee is working at the telecommuting worksite unless damages are caused as a direct result of malfunctioning state-owned equipment.
4. The State will not be responsible for any costs associated with using an employee's home as the telecommuting worksite such as, maintenance, insurance, and utilities.
5. In the event that the telecommuting arrangement involves activities that must be cleared through local zoning ordinances or home association regulations, the employee is responsible for initiating the approval process, complying with the applicable terms and conditions, and paying for all required costs.



Expenses:

1. Payment for the installation of, and monthly service charges associated with a separate telephone line(s) for business use by an employee who must receive business calls as a function of their job, by the participating employee's Division is left solely at the discretion of the Division Director. The installation of telecommunication facilities and equipment shall be ordered through the participating employee's division.
2. Telecommuters requiring only occasional communications will be expected to use their own telephone lines. Only the additional costs, if any, for business use of a personal line shall be reimbursed.
3. Reimbursement for internet access is at the discretion of the participating employee's Division Director. Divisions that authorize reimbursement for internet access shall establish internal policies governing reimbursement.
4. Employees shall obtain supplies for their use at the alternate worksite from their primary worksite. Generally, out-of-pocket expenses will not be reimbursed. Exceptions must be approved by the employee's supervisor in advance of purchase.
5. Except for unique, management approved situations, copying costs will not be reimbursed. All copying shall be done at the primary worksite.
6. Telecommuters will not be reimbursed for travel miles or receive compensation for time spent on the first commute to their primary worksite on any given day. Telecommuters required by management to make additional trips to their primary worksite during scheduled work hours will be eligible for expense reimbursement and compensation.
7. Any expenses not specifically covered above will be considered on a case-by-case basis, considering the appropriateness of the expense, other expenses reimbursed for similar non-telecommuting positions, and the overall budget.

State-owned Hardware, Software, and other Equipment:

1. The provision by DAS Divisions of PC hardware, software, communications equipment, and other ancillary equipment needed to perform job functions in a telecommuting environment is left solely at the discretion of the participating employee's Division Director and availability within the department.
2. Divisions that provide State-owned hardware, software and other equipment to participating employees shall establish internal policies pertaining, but not limited to, ownership, inventory, proper use, modification, and maintenance of State-provided equipment. Failure to abide by internal policies governing State-provided hardware, software, and other equipment may lead to the termination of the Telecommuting Contract, as well as disciplinary and/or corrective action.

Employee-owned Hardware, Software, and other Equipment:



8. Use of employee-owned hardware, software and other equipment is voluntary.
9. Employee-owned hardware, software, and other equipment must have a configuration that is compatible with the State's information technology infrastructure. The employee must certify that anti-virus software is installed and maintained in employee-owned equipment prior to telecommuting. A request to telecommute may be denied based on the failure to certify that DTS recommended safeguards have been installed. DTS recommends that employees install and maintain Norton or McAfee anti-virus software.
10. The employee is responsible for the installation, maintenance, repair or replacement of employee owned hardware, software and other equipment. The state will not provide technical support for employee-owned equipment.
11. The participating employee must notify his or her supervisor immediately if the employee-owned equipment malfunctions. In the event of equipment failure, the employee is expected to return to their primary worksite.

Procedures:

1. The employee reads the DAS Telecommuting Policy.
2. The employee completes and signs the Telecommuting Application Form. The form is forwarded to the employee's immediate supervisor.
3. The employee and supervisor complete the Telecommuting Contract in the Utah Performance Management (UPM)
4. The supervisor submits the Telecommuting Application Form, and the Telecommuting Contract to the Division Director for Final Approval.
5. The employee, supervisor, and Division Director complete and sign the Telecommuting Contract.