

SECTION 18.05 TELEWORK PROGRAM

Last Update: 1/12

Purpose

The purpose of this program is to provide parameters for using telework opportunities for State of Iowa contract and non-contract employees and managers. It is designed to provide the structure needed for effective implementation and operation of telework for the State.

Program

The State of Iowa will provide its employees with the opportunity to participate in telework when practical and consistent with the agency mission.

Definitions

Agency – the state agency entering into a telework agreement.

Management – a person in the chain of command at a level of program manager or higher.

Manager – a manager with the authority to enter into telework agreements with subordinate employees.

Official Work Site – the official physical address established as the place of business for the state agency, division or program for which a telework arrangement has been approved or an alternate location identified within the terms of the telework agreement.

The Telework Program – an employee-initiated or employer-mandated pre-approved arrangement to work at a location away from the employee's regular work site.

Telework Agreement – a written agreement between an employee and manager requiring each to adhere to applicable guidelines of this program and any other terms required by management.

Telework Site (alternative work site) – the management approved physical address(es) from which the employee engaged in the telework agreement conducts state business.

Teleworker – the employee engaging in the telework agreement.

Guidelines of the Telework Program

1. Use of the Telework Program is for those projects/duties that are well-suited for completion at an alternative work site. An employee may be allowed to participate in the telework program if management decides the employee's duties are appropriate for offsite work and the employee meets all criteria for eligibility established by this policy.
2. Telework is a management option. Approval for participation in the Telework Program is within management's authority and is not an employee entitlement. The operational needs of the State, the mission of the agency, and the goals and responsibilities of a particular program and its employees determine how often and to what extent telework is approved.
3. Participation in the Telework Program may be voluntary or mandated and employees must meet agency eligibility criteria to participate in the Telework Program.
4. Prior to telework commencing, the employee must have a suitable workspace, utilities adequate for installing equipment and a general work environment that is free from interruptions and provides reasonable security and protection of state property and information.

5. An employee's participation in the Telework Program must not adversely affect the workload or performance of other employees in the office.
6. Teleworkers must report to their official work site on scheduled telework days if requested by the manager. A request by the manager or the employee to report to the official work site shall not be construed as a termination of the telework arrangement. The employee's travel to the official work site is considered commute time, not hours of work, unless the employee is called into the official work site unexpectedly during the scheduled hours of a telework day.
7. Teleworkers must satisfactorily complete all assigned work, consistent with the standards adopted for all other employees in the work group, and according to standards and guidelines in the employee's performance plan.
8. A telework agreement must be in effect prior to any telework commencing. When an employee makes a request in writing to participate in the telework program, the manager must consider the request and respond in writing within thirty (30) calendar days.
9. Telework arrangements may be modified, adjusted, terminated or temporarily suspended at any time deemed necessary by management or when requested by an employee and should be made on a case-by-case basis and based on business needs or employee performance.
10. If a telework request is denied, terminated or temporarily suspended, the manager will provide a written explanation within five (5) working days as to the reason why the employee cannot participate in the telework program.
11. Telework does not alter the terms and conditions of employment, including an employee's rate of pay, benefits, individual rights, or obligations. Matters regarding pay, such as a change in official work site, overtime, call back, leave, travel entitlements, etc., will be administered in accordance with applicable collective bargaining agreements, current law, rules and regulations. Telework shall not affect other conditions of employment, (e.g., hours of work), unless specified in a written agreement.
12. Participation in telework shall not affect an employee's eligibility for receipt of awards, promotions or any other condition of employment.

Classification Eligibility and Work Suitability

Positions suitable for the Telework Program may include contract-covered and non-contract-covered positions. Positions identified as being suitable for teleworking are at the discretion of management.

1. Telework jobs are those that can be performed independent of the official work site for at least a portion of the work week and do not adversely affect the accomplishment of work or the performance of the participating employee or others at the official work site.
2. A position may be suitable for telework if any of the following examples apply:
 - a. Work activities are portable, can be performed as effectively outside of the official work site and are conducive to supervisory oversight at the telework site.
 - b. Job tasks are easily quantifiable or primarily project oriented.
 - c. An employee's participation in the telework program will not adversely affect the workload or performance of other employees.
 - d. Contact with other employees and/or customers is predictable.
 - e. Technology and equipment needed to perform the job offsite are available.
 - f. Office coverage, access to the customer, team involvement and access to the manager are unaffected by the employee's location.
3. A position may not be suitable for telework if any of the following examples apply:

- a. Daily access to sensitive materials is needed and may not be removed from the official work site or is not accessible by computer.
- b. Regular face-to-face contact or other official work site activities are required to fulfill assigned responsibilities of the position and cannot be achieved at a telework site.
- c. If the position is a trainee, emergency, seasonal or entry-level position.
- d. Special facilities or equipment necessary to perform the job cannot be made available.
- e. Provision of security at the telework site is too costly as determined by management.

Employee Initiated Eligibility Criteria

In order for an employee initiated request to be considered for eligibility to enter into a telework agreement, the employee should meet the following conditions:

1. Have been an employee of the Executive Branch for at least twelve (12) months.
2. Have a current evaluation of *meets* or *exceeds expectations* on file.
3. Not have received any disciplinary/adverse actions in the last twelve (12) months.

Telework Agreements

Prior to the commencement of a telework arrangement, a telework agreement must be completed and executed by the manager and the employee. This applies to contract and non-contract employees, managers and supervisors, regardless how frequently or infrequently an employee intends to telework. Managers must retain copies of all telework agreements in force and for a period of three years after the close of the fiscal year in which an agreement is terminated.

The employee and manager must sign a telework agreement that covers the terms and conditions of the employee's telework arrangement.

The purpose of the telework agreement is to specify the terms and conditions of the telework arrangement. The telework agreement shall address all of the following items:

1. A statement as to the benefit to the State as a result of the telework arrangement.
2. The duties to be performed by the employee.
3. Telework site.
4. Work days and duty hours at the telework site.
5. Responsibilities for documenting time, attendance, approval of leave requests, provisions governing the approval of overtime and compensatory time.
6. Performance requirements and measurement.
7. Proper use and safeguard of government property.
8. Maintenance of records and standards of conduct.

Denial, Suspension, Modification and Termination of Telework Agreements

1. Denial of telework must be based on a valid business reason and is at the discretion of management. Examples include, but are not limited to:
 - a. *Performance of the Employee* - Managers may deny telework if an employee's performance does not meet or exceed expectations.

- b. *Organizational Needs* - Managers may deny telework in instances which may result in severe work interruption, insufficient office coverage, lack of appropriate security/equipment or where the nature of the work otherwise precludes participation.
 - c. *Equal Treatment* – Managers may deny telework in instances where the approval of an agreement creates a disparate treatment of similarly-situated employees.
2. Managers may temporarily suspend, modify or terminate a telework agreement. Decisions to temporarily suspend, modify, or terminate a telework agreement must be made by the manager on a case-by-case basis and must be based on business needs or employee performance. Examples of reasons for temporary suspension, modification or termination of a telework arrangement may include, but are not limited to:
- a. Anytime an employee does not meet the employee eligibility criteria.
 - b. An employee is required to provide coverage at the official work site.
 - c. The employee's performance is below “meets expectations.”
 - d. Any disciplinary/adverse action that would have otherwise rendered the employee ineligible to participate.
 - e. A change in the employee's duties for any reason which would render the employee ineligible to participate.
 - f. Refusal of a telework site inspection designed to ensure that information systems and appropriate sensitive information protection is in place at the telework site and to ensure compliance with safety standards.

Responsibilities

State of Iowa managers and employees have a responsibility to ensure a successful telework arrangement. Managers and employees are encouraged to work together to develop telework arrangements that work best for the specific needs of their work unit.

Responsibilities of Managers

The responsibilities of managers are as follows:

1. Review, approve or deny written applications for the Telework Program.
2. Determine when job tasks/duties are appropriate for a telework arrangement.
3. Meet with teleworking employees a minimum of twice a year for the purpose of discussing, reviewing and updating the telework agreement.
4. Meet with employees to give assignments and review work as necessary.
5. Develop and discuss performance plans and goals with employees prior to beginning the telework assignment.
6. Communicate expectations, successes and deficiencies with employees.
7. Direct teleworkers to report to the official work site for events requiring their presence.
8. Properly certify time and attendance of teleworkers. Managers have the ultimate responsibility for ensuring their employees track telework participation.
9. Work with employees to design the telework arrangement so as to minimize employee isolation from the remainder of the staff and facilitate communication between the office and teleworker. Managers should ensure that efforts are made to include teleworkers as part of the team. Teleworkers should be kept abreast of office events that may be of interest to them.

10. Managers must identify the appropriate reference sources and other materials necessary to work at the alternate work site, and ensure that the teleworker has access to those items.

Responsibilities of Employees

The responsibilities of the telework employee are as follows:

1. Inform management when unable to perform work due to illness or personal situations for which paid leave is authorized, or in extenuating circumstances, when leave without pay may be appropriate.
2. Accurately report time and attendance. Employees must submit their time and attendance in with existing policy making certain to appropriately code their hours of telework.
3. Contact the official work site to retrieve messages and to request from management approval of a change in telework site.
4. Meet organizational requirements regarding communication and accessibility.
5. Protect all state equipment by securing unattended laptops or other equipment (e.g., Blackberries, flash drives, CDs, diskettes) whether it is in the office, home or while in travel status.
6. Transportation of supplies, computers, software, printers and other data processing equipment between the official work site and the telework site is the responsibility of the employee.
7. Report information system security incidents.
8. Report any work-related accidents.

Time and Attendance

1. Managers must accurately certify time and attendance to ensure employees are paid only for work performed and absences are appropriately requested, approved and entered on the employee's timesheet.
2. An employee's telework time must be reported. Employees must submit their time and attendance in accordance with existing policy of the official work site.
3. Overtime and compensatory time must be approved by management in advance.

Leave

1. Regulations regarding leave remain unchanged under the Telework Program. Leave must be requested and approved in accordance with existing practices, laws, collective bargaining agreements, regulations and agency and departmental policy.
2. Managers must clearly articulate the rules for use of leave and the leave approval process. Telework employees are expected to adhere to the same policies and procedures as non-telework employees.
3. Employees at a telework site who experience an emergency (e.g., power outage) must contact their manager. Employees may be directed to report to the official work site or another approved telework site to complete their workday.

Home Utility Expenses

The State of Iowa assumes no responsibility for any operating costs associated with an employee using his or her personal residence as an alternative work site. This includes home maintenance, insurance, utilities, telephone lines, etc. When a telework agreement is employer initiated, and an adequate internet connection is required to meet the work needs of the agency, the employee will be compensated monthly for the cost of an internet connection. This connection may be achieved through a direct line or an air

card, based on the physical needs of the residence. Compensation will be for the actual cost of internet charges and shall not exceed \$50 per month. When an adequate phone line is required for faxing capabilities to meet the needs of the agency, the employee will be compensated monthly for the cost of a phone line connection. Compensation shall not exceed \$25 per month. When a telework agreement is employee initiated, internet compensation and fax phone line compensation are at the discretion of the employer. Internet compensation will be added to the employee's taxable wages and is subject to taxable withholdings and reporting.

Equipment

Managers should assess the equipment needed for telework employees to accomplish their jobs and determine whether such equipment is available to be supplied to the employee. State-owned computers and telecommunications equipment may be placed in employee homes. While it is recognized that technology must be available to support the Telework Program in order for the agency to achieve its mission, it is also understood that the agency may not necessarily make additional equipment/technology purchases for the purpose of facilitating the Telework Program. Employees conducting telework full-time shall be issued a state cell phone for the purpose of state business only.

State-Owned Computers, Equipment and Information

1. As part of the telework agreement, state-owned property, including computers, docking stations, software and other telecommunications equipment may be used by employees in their private residences, provided the property is used exclusively for official state business. The State of Iowa will retain ownership and control of hardware, software and data in all situations. Software other than that provided by the State shall not be installed on state-owned equipment.
2. The State of Iowa is responsible for maintenance, repair and replacement of state-owned equipment. The employee must notify the manager immediately following a malfunction of state-owned equipment. The employee may be required to bring some equipment such as a desktop or laptop computer into the office for repairs. If repairs are extensive, and replacement equipment is not available, the employee may be required to report to the official work site until suitable equipment is available.
3. If state-owned equipment and/or software is damaged by non-employees (e.g., relatives or dependents of the employee), the employee will be liable for all repair costs or replacement.
4. Only hardware/software configurations approved by the State of Iowa and authorized by management for the telework site shall be installed on state-owned computers. No personally owned computers, printers or software will be used for processing work-related information. All secure information, including sensitive but unclassified information, in the possession of the employee must be kept in a locking file cabinet or drawer.
5. Employees must comply with State of Iowa security procedures, and ensure adequate security measures are in place to protect the equipment and information housed or stored on assigned computers. Failure to comply with security procedures and regulations may be grounds for disciplinary action.

Office Supplies

Employees participating in the Telework Program will be allowed to use general office supplies (e.g., paper, pens, toner, etc.) needed to perform official duties.

Home Inspections

1. Unless otherwise agreed, a minimum of twenty-four (24) hours advance notice must be given before management may inspect the employee's telework site to ensure that Information systems and sensitive information protection measures are in place at the telework site. Such inspections shall be conducted during the employee's normal working hours.

2. If the employee refuses a telework site inspection, the manager may immediately terminate the employee's telework agreement and the employee must surrender all state-owned equipment and supplies and return to the official work site.

Telework and Reasonable Accommodation

The Telework Program may be used to provide reasonable accommodation for employees who qualify, including those employees who have partially recovered from an injury/illness and who can perform work on a full- or part-time basis from a telework site.