




# OREGON DEPARTMENT OF FISH AND WILDLIFE POLICY

## Human Resources Division

<b>Title:</b>	<b>Telecommuting and Teleworking</b>	<b>HR_450_06</b>
<b>Supersedes:</b>	HR_450_06, dated November 16, 2009	
<b>Applicability:</b>	All employees (where not in conflict with the labor agreement)	
<b>Reference:</b>	State Policy 50.050.01; HR Policy_420_04 Fair Labor Standards Act; ORS 240.855; Department of Administrative Service (DAS) Enterprise Information Strategy and Policy Division (EISPD) Information Technology (IT) and Information Security (IS) Policies	
<b>Effective Date:</b>	October 1, 2013	<b>Approved:</b> 

### I. PURPOSE

To provide specific criteria and procedures to ensure consistency throughout the department when telecommuting or teleworking is identified as an available work option and an employee's work habits and position are suitable as determined by the department.

### II. DEFINITIONS

- A. **Alternate Worksite:** A worksite alternate to the central worksite, in the employee's home or in a building owned or leased by the state, or in a mutually agreed upon location.
- B. **Central Worksite:** The traditional office, official workstation, or workplace.
- C. **Suitable:** As used in this policy refers to positions that have limited need for direct supervision and access to hardcopy or electronic files, limited need for face-to-face contact with other employees, clients, and customers, and limited need for access to the department's resources.
- D. **Telecommuting:** A mutually agreed upon work option between the department and the employee in which the employee works at an alternate worksite on regular basis on specified days.
- E. **Teleworking:** A mutually agreed upon work option between the department and the employee in which the employee works at an alternate worksite on an occasional, irregular basis with the remainder of his or her time at the central worksite.

### III. POLICY

It is the policy of the Department of Fish and Wildlife (ODFW) to allow employees, where suitable, to telecommute or telework.

- A. Request and Consideration
  - 1. Telecommuting and teleworking are privileges and may be a work option for some positions.
  - 2. An employee who wants to telecommute or telework shall discuss the request with his or her supervisor and shall complete the Telecommuting / Teleworking Application. In deciding whether to accept or deny an employee's request, the

supervisor may consider a number of factors, including, but not limited to, the following:

- a. If the position is suitable for telecommuting or teleworking.
  - b. If the employee consistently demonstrates work habits that are well-suited to teleworking or telecommuting, including, but not limited to, self-motivation, self-discipline, the ability to work independently, the ability to manage distractions, the ability to meet deadlines, and a demonstrated record of meeting established performance expectations.
  - c. Whether approval or denial of the request is a consistent application of the policy throughout the department.
  - d. Whether a telecommuting or teleworking arrangement will meet the department's business or operation needs or a need of the department's customers.
3. The supervisor shall consider the employee's request in relation to the department's operating and customer needs, and shall consult with the Division Administrator / Region Manager and the Human Resources Administrator prior to making a decision to approve telecommuting.

B. Agreement

1. The department may require teleworking or telecommuting at the time of hire as a condition of employment. Under those circumstances, the department has discretion to discontinue the arrangement at any time. In addition, teleworking and telecommuting may be arranged by mutual agreement between the department and an employee.
2. Telecommuting and teleworking employees shall sign and abide by an agreement between the employee and the supervisor and the department. The employment relationship remains the same as for employees not working from an alternate worksite. Unless otherwise provided in the agreement, either the department or the employee may discontinue the arrangement at any time, generally giving one week's notice. Note: All telecommuting and teleworking arrangements require the written approval of the supervisor, the region manager/division administrator, the department's Information Security Officer and the Human Resources Division Administrator, in conjunction with the appropriate deputy director.
3. Approved telecommuting and teleworking agreements shall not extend beyond the end of the biennium in which they begin and must be resubmitted and reapproved each new biennium. The supervisor and the employee should review the telecommuting and telework agreement during the employee's annual performance review. Completed telecommuting and teleworking agreements must be forwarded to Human Resources at the end of the approval period or no later than the end of the biennium.
4. The department has the discretion to approve employees working in alternate worksites when the worksite is in Oregon. When an employee's alternate worksite is outside of Oregon, the Human Resources Administrator must request a workers' compensation insurance assessment from DAS Risk Management to determine if out-of-state workers' compensation coverage is needed. If additional coverage is needed, DAS Risk Management arranges for the coverage. (Discuss with DAS Risk Management if an assignment will last more than 14 workdays, the period set by DAS Risk Management for initial assessment and approval of out-of-state worksites..

5. An employee's salary, benefits and employer-sponsored insurance coverage do not change as a result of telecommuting or teleworking.
6. Managers will monitor employee compliance with the telecommuting and teleworking agreement, relevant state policies, performance standards, expectations for work products, productivity and time accountability. Employees must be available during established work hours. Absences (including unavailability during work hours) must be pre-approved. Employees must account for all time worked and use other leave, as appropriate, with prior management approval only. Management may consider an employee's request to alter regular work hours on a telecommuting or telework day, if the alteration is necessary for the employee to accomplish assigned work tasks. Management will discuss the employer's expectations with the employee such as assignments to be completed, timely response to e-mail and phone calls, etc.
7. Employee's work schedules must comply with the Fair Labor Standards Act, the collective bargaining agreement, or HR policy 420\_04 Fair Labor Standards Act, as applicable. If subject to the FLSA and eligible for overtime compensation, the telecommuter shall get the supervisor's advanced written approval for working overtime.
8. Management has discretion to determine whether to allow telework when an employee's dependents may be in the home during teleworking hours. If approved, time the employee spends caring for dependents, or time spent on other personal business, will not be counted as time worked. The employee must gain pre-approval from management prior to using any accrued leave. The telecommuter shall not act as primary care giver for dependents or perform other personal business during hours agreed upon as work hours. Dependents may be in the home during telecommuting hours, but they shall not require the telecommuter's attention during work hours.
9. Security
  - a. The supervisor will ensure that the employee can work at the alternate worksite without endangering state information. The agreement must contain assurance that the supervisor and employee will follow all ODFW policies and DAS-EISPD policies related to information and data security. Complying with these policies mitigates risk and ensures appropriate level of security for confidential state information (paper and electronic) in transit or at the alternate worksite.
  - b. The supervisor will provide the employee with ongoing training on how to protect confidential state information.
  - c. The department will ensure that the employee has secure network access to the state's systems and that devices used by the employee contain an appropriate level of security software and configurations.
10. State information stored on an employee's personal electronic equipment is subject to public records requests, and to review by the department. Reasonable notice of inspection and/or investigation will be given to the telecommuter.
11. Telecommuting or teleworking shall not adversely affect customer service or delivery, employee productivity, or the progress of an individual or team assignment.

12. Products, documents and records used and/or developed while telecommuting shall remain the property of the department, and are subject to state and department policies regarding confidentiality and records retention requirements.
13. The telecommuter shall not be paid for time involved in travel between the telecommuting site and central worksite. Travel between the telecommuting site and the central worksite shall not be reimbursed.
14. The employee shall promptly notify the supervisor when unable to perform work assignments due to equipment failure or other unforeseen circumstances. Supervisors may reassign employees to another project and/or work location in the event of equipment failure.

C. Logistics for Alternate Worksites

1. Employees are expected to have sufficient telephone arrangements to perform their work and to participate in telephone conferences during agreed-upon working hours. The supervisor and the employee shall use the most efficient and effective way of handling long distance calls whether that is the use of a state calling card, department cell phone or reimbursement for long distance business calls. If reimbursement is approved, the employee shall submit an expense reimbursement request with a log of long distance business calls and a copy of the phone bill on a monthly basis.
2. Employees are expected to have sufficient Internet access if work assignments require use of Web resources in the performance of their duties while working at an alternate worksite.
3. Employees will not hold business visits or in-person meetings with department customers or co-workers at the alternate worksite unless approved by the employee's supervisor. The state does not assume responsibility for injury to any persons other than the telecommuter at the telecommuting site.
4. The department provides office supplies for the alternate worksite.
5. The department may provide equipment and software for use at the alternate worksite. The equipment and software are for department business only, and must comply with the department's desktop security and maintenance policies and practices.
6. If the employee provides equipment and software it must comply with the department's desktop security and maintenance policies and practices, and any additional safeguards required by the department. Note: State information stored on personal electronic equipment may be subject to department review, public records requests and discovery. If the employee will connect to an ODFW network, then ODFW supplied workstations are required. If the employee will only use Mallard (the Outlook Web Access e-mail), then it is acceptable for the employee to use his or her personal workstation for access. Employees' personal flash drives are not permitted to be used on ODFW equipment.
7. The employee normally provides home worksite furniture and equipment and should maintain a clean and safe workspace. The employee must immediately report to the supervisor any injury or illness that occurs during work hours. The supervisor shall notify the Safety and Health Manager of all on-the-job injuries and illnesses that occur during telecommuting or teleworking. The state is not responsible for loss, damage, repair, replacement, or wear of personal property or equipment.
8. The department may require telecommuting and teleworking employees to share workspace with other telecommuting employees.

9. State and department policies, rules, and practices shall apply at the alternate worksite, including those governing communicating internally and with the public, employee rights and responsibilities, facilities and equipment management, financial management, information resource management, purchasing of property and/or services, and safety.
10. Telecommuters and teleworkers shall attend job-related meetings, training sessions, and conferences, as requested by supervisors. In addition, telecommuters and teleworkers may be requested to attend “short notice” meetings. When possible and effective, telephone conference calling shall be offered as an alternative to in-person attendance.
11. The department may pursue recovery from the telecommuter or teleworker for state property that is deliberately, or through negligence, damaged, destroyed, or lost while in the telecommuter’s care, custody, or control.
12. Employees are advised to contact their insurance agent and tax consultant for information regarding home worksites.

D. The Personnel Records Unit shall maintain records pertaining to telecommuting assignments.

- Attachment A Telecommuting / Teleworking Application
- Attachment B Telecommuting Agreement
- Attachment C Teleworking Agreement
- Attachment D Alternate Worksite Office Checklist