



# DEPARTMENT OF ADMINISTRATION

## Enterprise Policy

### HR-TELEWORKING-2018

### DIVISION OF HUMAN RESOURCES

#### Teleworking Policy

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#### 1. Purpose

- a. The purpose of this Teleworking Policy is to define the State of Rhode Island's Teleworking program and the guidelines under which it will operate. This policy is designed to assist managers and employees in understanding the teleworking environment. It provides a general framework for assessing and approving teleworking arrangements in Executive Branch State Agencies.
- b. The Department of Administration (DOA) allows Executive Branch State Agencies to enter into a teleworking agreement for emergencies and for individual and agency circumstances in which there is a compelling reason for such arrangement. Appropriately planned and managed telework is a viable work option that can benefit managers, employees and customers of the State of Rhode Island.
- c. This Policy establishes the guidelines for teleworking by employees of the Executive Branch of the State of Rhode Island, including the following:
  - (i.) Establishing the rules that each Executive Branch agency must follow when analyzing and approving requests to telework;
  - (ii.) Establishing the terms and conditions of teleworking arrangements;
  - (iii.) Memorializing the arrangements; and,
  - (iv.) Reporting on the arrangements to the Department of Administration, Division of Human Resources.

#### 2. Applicability/Suitability

- a. This Policy applies to employees and Agencies of the Executive Branch. Agency leadership must consider the mission and operational needs of their Agency when entering into a teleworking agreement. The employee's work must be of a nature wherein office based face-to-face interaction is infrequent or may be scheduled to permit teleworking. Due to tax and insurance consequences, teleworking sites must be in Rhode Island.
- b. Jobs that require independent work time, infrequent office-based face-to-face interaction, and have defined tasks with specific, measurable results are suitable for telework. Telework is not suitable for all employees or positions, therefore, many employees and/or positions may be unable to participate in telework.

#### 3. Definitions

- a. **Teleworking (or telecommuting):** Teleworking is an authorized work flexibility arrangement whereby an employee performs the duties and responsibilities of his or her position from a home office or an alternate work location for part of his or her workweek in order to reduce transit and commuting time, decrease the need for parking and office facilities, benefit the environment, maximize productivity and efficiency, and improve work-life balance. Teleworking is not an entitlement or a State wide benefit. It is an alternative method of meeting the needs of the State.
- b. **Emergencies:** A situation that prevents an Agency from performing its mission-essential functions from its primary and other essential facilities, leading to the activation of the Agency's Continuity of Operations Plan (COOP), or a temporary or emergency situation due to weather, a natural disaster, or pandemic health crisis. During this type of teleworking, a formal agreement is not required.
- c. **Teleworking Agreement:** A written agreement between the Agency and the employee that details the terms and conditions of the employee's work away from his/her principal office/work station location. A Teleworking Agreement is required in order for telecommuting to be approved.
- d. **Alternate Work Location:** An approved work site other than the employee's principal office/work station location where official State business is performed. Such locations may include, but are not limited to, employees' homes or satellite offices.

#### 4. Procedures for Compliance

##### a. General

- (i.) Any employee of a state agency may be authorized by the Director of such state agency, or the Director's designated representative, and the Executive Director of Human Resources/Personnel Administrator to participate in a teleworking arrangement. Approval of such arrangement may be granted only where it is determined to be in compliance with the guidelines established in this policy. The guidelines of the teleworking program and the determination of whether an employment position is appropriate for such program shall not be subject to collective bargaining.
- (ii.) Participation in a teleworking arrangement is voluntary and subject to the prior written approval of the employee, the employee's immediate supervisor, the Agency Director, and the Executive Director of Human Resources/Personnel Administrator. Approval must be completed prior to the start of the employee's telework schedule by execution of a Teleworking Agreement. The original Teleworking Agreement and any revisions must be kept by the agency, with a copy of each document provided to the employee and a copy forwarded to the Executive Director of Human Resources/Personnel Administrator for the employee's personnel file.
- (iii.) The employing agency in coordination with the Executive Director of Human Resources/Personnel Administrator has the sole discretion to approve or deny teleworking requests based upon its assessment of the individual's proposal in accordance with the guidelines set forth in this policy and the business needs of the agency.

- (iv.) All teleworking arrangements shall be on a temporary basis only, and may be terminated as required by agency operating needs. The maximum duration of a teleworking arrangement is twelve (12) months. If a teleworker and the agency want to continue the teleworking arrangement, the employee must submit a new request for consideration to the agency.
- (v.) Teleworking is not an entitlement or employee right. It is a management option, approved on a case by case basis. The duration of permission for the Teleworking arrangement is entirely at the will and discretion of the appointing authority, which retains the right to determine the time, place and manner of the Teleworking agreement. The Teleworking employee is covered by and will adhere to all laws, regulations and state and agency policies and procedures. Failure to follow laws, regulations and state and agency policies and procedures may result in termination of the teleworking arrangement and/or disciplinary action.
- (vi.) Teleworking does not change the nature of the work a state employee is expected to perform, the hours the employee is expected to be working, and/or the employee's principal office/work station location.
- (vii.) If a teleworker is moved into a new job classification requiring a probationary or trial period, has a change of position, transfers to another agency or division, or assumes duties inconsistent with teleworking, the teleworking arrangement will be terminated effective the date of appointment or transfer.
- (viii.) An employee's participation in the Teleworking program is voluntary. The employee, manager, director, or other authorized official may terminate the Teleworking arrangement at any time for any reason; however, advance notice should be given when feasible. Issues regarding approval for participation in the Teleworking program cannot be appealed, grieved, nor are they subject to review.

**b. Eligibility**

- (i.) An employee must meet the following criteria to be eligible to participate in the Teleworking program:
  1. Be employed in or assigned to a position which is conducive to Teleworking in that the job has defined tasks with clearly measurable results, assignments do not require frequent office-based face-to-face interaction, and the employee requires minimal or no special materials or equipment to perform his/her job duties;
  2. Have been currently assigned to the agency and position for at least six (6) months;
  3. Demonstrate satisfactory performance and productivity;
  4. Have no record of disciplinary action within the past twelve (12) months that would cast doubt on the employee's ability to successfully telework or that would negatively impact the integrity of the Teleworking program;
  5. Have demonstrated self-motivation, self-discipline, the ability to work independently, and the ability to meet or exceed deadlines.

6. Be available for and attend on-site meetings, training sessions and conferences as requested by the supervisor, manager, or agency director, or as regularly scheduled.
  7. Be reachable by phone, email or other established method during regular work hours or other hours as required of the position and available for all required conference calls.
  8. The teleworker must be able to establish and maintain a dedicated workspace that is quiet, clean and safe from hazards and other dangers to the employee and equipment, with adequate lighting and ventilation.
  9. Comply with all State, agency and departmental policies, procedures and regulations.
- (ii.) Emergencies may create the need for temporary teleworking, as duty assignments permit, due to weather, a natural disaster, or pandemic health crisis. During this type of teleworking arrangement, a formal agreement is not required. However, Agency Director approval is required in all instances where an employee performs work at an alternate site.
- c. Process**
- (i.) Any employee who desires to telework, must submit a formal request to his/her direct supervisor/manager for review. The supervisor will coordinate the review of the formal request with any other applicable management personnel and the Agency Director. Upon determination by the Agency Director that there is a compelling reason for an employee to telework, the Agency Director may, with approval of the Executive Director of HR/Personnel Administrator, prepare a Teleworking Agreement and establish a Teleworking schedule for the employee.
  - (ii.) The Agency Director in coordination with the Executive Director of HR/Personnel Administrator, has the sole discretion to approve or deny teleworking requests based on the assessment of the employee's proposal, the eligibility criteria (as described above), and the operating needs of the Agency.
  - (iii.) If the Teleworking arrangement is approved, the supervisor/manager will meet with the employee to sign the Teleworking Agreement and ensure the employee fully understands his/her responsibilities, and will provide a fully signed copy to the employee, Agency Director, and the Executive Director of HR/Personnel Administrator for the employee file.
- d. Terms and Conditions**
- (i.) **Terms of Employment.** The teleworker's terms and conditions of employment shall remain the same as for non-teleworking employees. Employee salary, benefits, leave and work hours shall not change as a result of teleworking. Salary, benefits, work status and work hours will remain subject to the rules governing the appropriate collective bargaining agreement or existing State statutes and regulations.

1. Employee rights provided under the employee's collective bargaining agreement between the State and the employee unions are neither enhanced nor abridged by participating in a Teleworking Agreement.
- (ii.) Policies. The teleworking employee is bound by all state and agency policies, practices, rules and procedures as if working at the principal office/work station. Failure to follow state and agency policies, practices, rules and procedures may result in termination of the teleworking arrangement and/or disciplinary action.
- (iii.) Work Product. All employment-related work product and programs created or developed by the teleworker in the course of employment, whether created using Information Technology Resources ("ITRs") or the telecommuter's software, hardware, or other equipment, is and will remain the property of the State of Rhode Island.
- (iv.) Hours of Work. The teleworker will have regularly scheduled work hours. Work schedules for employees must be in compliance with the Fair Labor Standards Act and all applicable Merit Rules. The employee must have the manager's written approval for any special arrangements to the schedule, including overtime worked.
- (v.) Communication. While teleworking, the employee shall be reachable by telephone and email during regular working hours. The employee and supervisor shall agree upon an expected turnaround time for responses. The teleworker must notify the supervisor if he/she leaves the teleworking location during work hours just as the employee would if he/she were in the office. The teleworker must also notify the supervisor if he/she is not performing work due to illness or personal reasons and must follow the normal procedures for requesting time off.
- (vi.) Meetings. Employees must be on-site for all required meetings or at the manager's request. Business meetings shall not be held at the employee's home office or alternate work site. When a meeting is called with short notice, the manager may provide a telephone conference line as an alternative to requesting in person attendance.
- (vii.) Performance and Evaluations. Work tasks and projects, corresponding deadlines and the expected work performance will be defined and measured. The teleworker will meet with the supervisor to receive assignments and to review completed work. The teleworker will complete all assigned work according to procedures mutually agreed upon with the supervisor. The teleworker will be required to adhere to those performance standards agreed upon with the supervisor for telecommuting purposes and the evaluation of the employee's job performance will be based on such established standards. The teleworker and supervisor will meet at regular intervals to review the teleworker's work performance. Performance must remain satisfactory to remain a telecommuter
- (viii.) Home Work Office. As noted above, the teleworker must establish and maintain a dedicated workspace that is quiet, clean and safe, free from hazards and other dangers to the employee and equipment, with adequate lighting and ventilation. Management reserves the right to inspect such home work office or alternate

location upon approval of the teleworking arrangement and from time to time thereafter.

- (ix.) Equipment. Home workspace furniture, equipment, telephone lines and internet services, including all expenses related thereto, will be provided by and are the responsibility of the teleworker.
1. Consistent with the State of Rhode Island Department of Information Technology's (DoIT's) Virtual Private Network (VPN) Access Policy, DoIT will, in most cases, provide access to and support for VPN and the network. The network, VPN and DoIT applications and data are State of Rhode Island information technology resources (ITRs). With the exception of VPN and DoIT's network, employees are responsible for the equipment, software, connectivity, maintenance and support required by them to telework. The State is not responsible for any damages to the teleworker's equipment or property that may result from participation in this teleworking agreement.
  2. At the sole discretion of the agency, and subject to the availability of spare equipment, the agency may provide the teleworker with computer equipment. For agencies that have the ability to provide a computer or other job-specific equipment to be used at the home office or alternate worksite, the teleworker is responsible for the equipment's safekeeping, including while in transport. All electronic equipment must be connected to a grounded electrical outlet and a surge protector.
  3. Teleworkers must comply with all provisions of DoIT's VPN Access Policy, including DoIT's rules regarding the security and confidentiality of State of Rhode Island data and information.
  4. State equipment and software shall be used exclusively by the teleworker for the purpose of conducting agency business. Personal use is prohibited, including use by any other members of the household.
  5. Any equipment provided by the agency remains the property of the State and must be returned at the conclusion of the telecommuting agreement or as requested by the agency at any time. State owned equipment used in the normal course of employment will be maintained, serviced and repaired by the State.
  6. The teleworker must comply with all State of Rhode Island, DoIT policies and procedures
  7. (<http://operations.doit.ri.gov/policy/>), Enterprise policies and procedures
  8. (<https://www.ri.gov/app/doa/policies/?page=7>), and Agency policies and procedures to ensure that all security measures are in place to protect equipment and data from physical damage, theft, loss or access by unauthorized individuals.
  9. The teleworker will be responsible for any intentional damage to State equipment, damage resulting from gross negligence of the employee or any other person in the employee's household, damage resulting from a power

surge if a surge protector is not used, and State equipment lost while in the care, custody or control of the teleworker.

10. The teleworker's supervisor shall maintain an inventory of State-owned equipment at the teleworker's home office or alternate work location. The supervisor will ensure that all such equipment is immediately returned upon request, termination of the Teleworking Agreement and/or termination of employment.
- (x.) Expenses. Expenses incurred as a result of a teleworking arrangement will not be reimbursed by the State including, but not limited to, the following: usage, maintenance and repair fees for privately owned computers, heating, electricity, water, security, insurance, telephone, internet, space usage and travel between principal work location and teleworking site. In addition, time spent travelling between the principal work location and teleworking site is not compensable as time worked and will not be included for the purpose of calculating overtime. Such travel is commute time.
1. The teleworker may be allowed reimbursement for the use of his/her automobile for official state business in accordance with the Office of Accounts and Controls Policy/Procedure A-46 and A-46ET (<http://controller.admin.ri.gov/Policies/index.php>) pertaining to In-State Travel.
  2. Teleworkers with state-issued cellular phones must comply with the Office of Accounts and Controls Policy/Procedure A-69 (<http://controller.admin.ri.gov/Policies/index.php>). For teleworkers who do not have state-issued cellular phones, any work-related long distance phone calls should be planned for in office days. However, where this is not feasible, and prior approval is obtained from the supervisor, the teleworker will submit an expense report along with a log of long distance business calls and an itemized copy of the telephone bill listing the additional charges.
- (xi.) Office Supplies. The agency will provide any necessary office supplies. Office supplies should be obtained during the teleworker's days in the principal office. Out of pocket expenses for supplies normally available through the agency will not be reimbursed.
- (xii.) Dependent Care. Telecommuting is not intended to serve as a substitute for child, adult care or other personal obligations. If children or adults in need of primary care are in the alternate work location during the employee's work hours, another individual must be present to provide the care.
- (xiii.) Emergency/Inclement Weather. If the State offices are closed due to an emergency or inclement weather, and the teleworker is an "essential employee" as determined by their respective department or agency head (or his/her designee), the supervisor will contact the teleworker. The teleworker may then continue to work at the teleworking site. If there is an emergency at the telework site, such as a power outage, the teleworker must notify the supervisor as soon as possible. The teleworker may be assigned to the principal office/work station location or may

request the supervisor's approval to discharge annual leave or leave without pay in accordance with normal policy.

- (xiv.) Injuries. The employee will be covered by workers' compensation insurance for job related injuries that occur in the designated teleworking workspace, including the teleworker's home office, arising strictly out of and within the course of employment, during the defined work hours. If a work related injury occurs during the defined work hours, the employee must immediately report the injury to the supervisor and follow the State's protocol regarding the reporting of injuries for employees injured in the principal office/work station. The State reserves the right to access and inspect the teleworking location to investigate reports of injury.
  - 1. Workers' compensation does not apply to injuries which occur in the home that are non-job related. The State does not assume responsibility for injuries occurring outside of the designated work hours, outside the agreed upon designated telecommuting home office, based on activities that are not work related, and to persons other than the teleworker at the teleworking site. Any such injuries are the responsibility of the teleworker.
- (xv.) Leave. The teleworker will be required to use applicable sick, vacation or other leave accruals if the employee is unable to work any portion of the scheduled work day. The employee must obtain supervisory approval prior to taking leave in accordance with State policy. Telecommuting may not be used in lieu of any type of leave.
- (xvi.) Confidential/Privileged Information. Security of confidential information is of the utmost concern and importance to the State. For telework arrangements that have security and/or confidentiality requirements, procedures must be established by the agency and teleworker to guarantee protection of confidential information. Teleworkers must take all precautions necessary to safeguard and secure confidential and/or proprietary information in their home office or alternate work location and prevent unauthorized access to any State data and systems, consistent with the expectations of information and asset security for employees working at the principal office/work station. Please refer to the Division of Information Technology's (DOITs) Acceptable Use Policy for more information.
  - 1. Materials, documents, etc., that the teleworker transports to and from the official workstation to the teleworking location are his/her responsibility and must be kept confidential and secure. The teleworker must protect the agency records from unauthorized disclosure or damage and must comply with all state and agency policies and procedures regarding such matters. Breaches of information security while telecommuting, whether by accident or otherwise, may be grounds to immediately terminate the telecommuting arrangement and may be cause for disciplinary action.
- (xvii.) Taxes. Telecommuters are solely responsible for the tax and legal implications of the use of their home office or alternate work location for business purposes and are solely responsible for any IRS, state, and local government regulations and

restrictions. The State will not provide tax guidance nor assume any additional tax liabilities.

- (xviii.) Insurance. Homeowners/renters and auto insurance are the responsibility of the teleworker. Teleworkers are advised to consult with their insurance agent for information regarding home offices.
- (xix.) Zoning Ordinances. The teleworker is responsible for ensuring compliance with any local zoning ordinances related to maintaining a home office.
- (xx.) Records Retention. Products, documents, and records used, revised and/or developed while teleworking shall be stored in the State's computerized record system, on secured State owned flash drives or, as necessary in hard copy file folders and maintained in accordance with records retention requirements. Such products, documents and records shall remain the property of the State.
- (xxi.) Conduct. In accordance with Personnel Rule 6.02, it is the duty of every employee to so conduct himself/herself inside and outside his/her office as to be worthy of the esteem a public employee must enjoy.
  - 1. Similarly, in accordance with RIGL5 36-14-1, it is the policy of the state of Rhode Island that public officials and employees must adhere to the highest standards of ethical conduct, respect the public trust and the rights of all persons, be open, accountable, responsive, avoid the appearance of impropriety, and not use their position for private gain or advantage. Behavior that discredits a Department and the State cannot and will not be tolerated.
  - 2. Therefore, teleworkers must be mindful of the image presented during the workday and must not be involved in any activities which would in any way interfere with the teleworker's performance of duties or reflect negatively on the State. For example, working in the yard, grocery shopping, running personal errands, etc. would all be prohibited during teleworking hours.

**5. Repercussions for Noncompliance**

- a. Failure to follow state and agency policies, practices, rules and procedures may result in termination of the teleworking arrangement and/or disciplinary action.
- b. Unless otherwise prohibited by law, the State expressly reserves the right to modify this policy without notice.

**6. Signatures**

  
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Division Director

6-27-18  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Director of Administration

7/3/18  
\_\_\_\_\_  
Date

