Department of Administration Telework Policy

Purpose and Overview

The purpose of telecommuting is to promote telework as a means of achieving administrative efficiencies, reducing transportation/real estate costs, supporting continuity of operations plans and sustaining the hiring and retention of a highly qualified workforce by enhancing work/life balance. It also may be utilized in an emergency declaration where work at the conventional worksite is not possible. Time spent in telework is meant to be free from distractions and is for the purpose of completing assigned work as would be expected in a regular worksite.

Telework may be a permanent, lasting arrangement or a temporary situation to accommodate an injury, illness, pregnancy, natural disaster, pandemic or planned event such as moving the office or a special project. Telework is not intended to be used in place of sick leave, Family and Medical Leave (FMLA), Workers' compensation leave or other types of leave programs. Agency management may determine whether it is appropriate to offer telework as an opportunity for partial or full return-to-work following illness or injury.

Telework is not an employee right or benefit but is instead a management option utilized at the discretion of the agency. The agency may terminate the telework agreement at its discretion for any reason, including employee performance issues, and advance notice is not required. Termination of a teleworking arrangement by management is not grievable.

Telework does not change an employee's conditions of employment, performance expectations, salary, benefits, or employer-sponsored insurance coverage.

Assessment and Planning

Telework is not appropriate for every job, employee, supervisor or situation. Rules, regulations and policies such as Workers Compensation, FLSA, FMLA, and other laws apply when working at an alternative worksite. For these reasons, it is critical that agencies carefully assess when and how they may utilize telework in meeting their business needs.

A position may be suitable for telework if any of the following examples apply:

- Work activities are portable, can be performed effectively outside of the official worksite and are conducive to supervisory oversight at the telework site.
- Job tasks are easily quantifiable or primarily project oriented.
- An employee's participation in the telework program will not adversely affect the workload or performance of other employees.
- Technology, information and equipment needed to perform the job offsite are available.
- Security of information and equipment can be provided for efficiency at the telework site.
- Office coverage, access to the customer, team involvement and access to the manager are unaffected by the employee's location.
- The work of the employee is such that he/she can work and resolve routine problems independently.

In addition to determining whether a position is suitable for telework, it is also important to consider the employee who is being considered as a potential teleworker as well. In order to be considered as a potential teleworker, an employee must be:

- Fully proficient in their work duties and performing at a level where operating remotely wouldn't be detrimental to the agency.
- Currently meeting or exceeding all performance objectives.
- Not received any reprimands or disciplinary actions in the previous twelve (12) months (or since their date of hire if shorter than 12 months).

Once a determination is made that both the position and the employee occupying the position are suitable for telework, it is necessary to determine whether the employee can provide for an adequate alternative worksite. While most employees can take a laptop home and claim that they can effectively do work from their home, for telecommuting to truly be effective, there is a need to provide for a dedicated "office" space with control over noise, interruptions, work equipment, and materials.

In considering whether an alternative worksite is conducive to telework, the agency should consider the following basic standards:

- The environment must be free of safety and fire hazards.
- The location must have adequate workspace with access to telephone and electrical outlets, as well as an internet connection.
- The work area must be separate from on-going domestic activities and provide for the safety and security of work materials.

If approved, the supervisor or other designated agency staff may visit the teleworker's alternative worksite during scheduled telework hours in order to verify that the employee is teleworking as scheduled, confirm that the site remains safe and free from hazards and to maintain, repair, inspect or retrieve agency-owned equipment, software, data or supplies.

During a declared State of Emergency or other extenuating circumstances identified by the Governor's Office which affects the availability of schools and/or childcare providers, agencies may be flexible regarding the work schedules or teleworkers that are balancing the care of a child or dependent.

Equipment and Materials

Agencies are not obligated to assume responsibility for operating cost, home maintenance, or other costs incurred by employees in the use of their homes or other alternate worksites for telework. Where appropriate, an agency may provide equipment and materials needed by employees to effectively perform their duties but where agreements specify, employees may be authorized to use their own equipment.

Where State-owned or issued equipment and/or materials are deemed appropriate, they may be used only for authorized agency purposes by authorized employees. Employees are responsible for protecting state-owned or issued equipment from theft, damage and unauthorized use. State-owned or issued equipment used in the normal course of employment will be maintained, serviced and repaired by the state.

When employees are authorized to use their own equipment, agencies will not assume responsibility for the cost of equipment, repair, or service.

Regardless of the equipment used, employees must safeguard agency information used or accessed while teleworking.

Responsibilities in Telework

The responsibilities of the telework employee are as follows:

- Abide by all work-related policies and regulations, work behavior and expectations as required of employees in non-alternative worksites.
- Adhere to all State of Kansas information technology (IT) and IT-security policies, including accessing workplace files remotely only through the secure, VPN connection.
- Spend agreed-upon time at the agreed-upon alternative worksite and attend meetings as required.
- Inform management when unable to work and accurately report time and attendance in accordance with existing policy.
- Regularly contact the conventional worksite to retrieve messages and maintain contact with their supervisor.
- Protect all state equipment and information while it is at the alternative worksite or while in travel status.
- Maintain or store all electronic files with PII or other confidential information only on secure, workplace devices and do not print or otherwise maintain any paper documents with such information at the remote worksite.
- Report all IT security incidents and any work-related accidents.
- Maintain safe conditions in the work area and if working at home, maintain adequate homeowners, renters, or commercial general liability insurance.

The responsibilities of supervisors and/or managers of telework employees are as follows:

- Evaluate and monitor cost/benefit effectiveness of the telework arrangement.
- Meet with teleworking employees a minimum of each quarter for the purpose of discussing, reviewing and updating the telework agreement.
- Meet with employees to give assignments and review work as necessary.
- Develop and discuss performance plans and goals with employees prior to beginning the telework assignment. This would include an active PD and PMP, which clearly illustrates the responsibilities and expectations of the employees teleworking.
- Clearly establish when teleworkers are expected to report to the conventional worksite for events requiring their presence.

Telework Agreement

No employee may begin teleworking until he or she and his or her supervisor have completed and signed the State of Kansas Telework Agreement.

Provisional Period:

- At the beginning of the Telework arrangement, there is a 90-day provisional period.

- During or immediately after the provisional period, the supervisor or manager will conduct a review to determine if the Telework arrangement is the best work arrangement for the agency, board or commission.
- After the initial review, the State of Kansas Telework Agreement is to be reviewed at least annually, or when there is a major job change (e.g., promotion), the Telework employee or manager or supervisor change positions, or any portion of the arrangement covered by the agreement changes.

Exceptions to the Policy

- During a declared State of Emergency or other extenuating circumstances designated by the Governor's Office, limited exceptions may be made to this policy in order to ensure necessary business continuity.

Questions

For questions regarding telework arrangements, please contact Kyle Williams at Kyle.Williams@ks.gov or by phone at (785) 296-6895.