

POLICY



MEMORANDUM

SUBJECT: Statewide Telework Policy	Effective Date: September 1 2020
ISSUED BY: DEPARTMENT OF ADMINISTRATIVE SERVICES GOVERNOR'S OFFICE OF PLANNING AND BUDGET	

I. Introduction

The State of Georgia recognizes that an employee telework program may positively affect the workplace with potential for increased productivity, enhanced employee recruitment and retention, cost reduction, work/life balance and environmental sustainability. Telework may be a viable option for certain employees, dependent upon the employee's position and duties, performance expectations, and availability of a suitable telework location.

II. Purpose

This policy is intended to provide a framework for the telework program for agencies under which eligible employees may be authorized to perform work at an approved alternative workplace location other than their conventional worksite. The framework provides guidelines under which an agency may establish and operate a telework program to promote flexibility and productivity while reducing operational costs.

III. Authority

The Department of Administrative Services is charged with assisting agencies with establishing conditions of service which will attract and retain employees of character and ability, and increasing efficiency and economy in governmental departments by improving the methods of personnel administration with full recognition of the requirements and needs of management pursuant to O.C.G.A. § 45-20-4.

The Governor's Office of Planning and Budget is tasked with promoting economy and efficiency in the fiscal management of state government pursuant to O.C.G.A. § 45-12-70, et seq.

IV. Applicability

The provisions of this Policy apply to all Executive Branch agencies. This Policy does not apply to the Board of Regents of the University System of Georgia, the Legislative Branch, or the Judicial Branch.

V. Definitions

For purposes of this policy, the following definitions apply:

- (a) “Agency” or “agencies” means any executive branch agency, authority, board, bureau, commission, council, department, office, unit, entity, or instrumentality of any kind, and others as may be designated by the Governor, or to the extent that such designation does not conflict with state law. The term does not include the Board of Regents of the University System of Georgia.
- (b) “Alternate workplace” means a workplace other than the agency’s conventional worksite, such as the employee’s residence.
- (c) “Conventional worksite” means the normal agency worksite where the employee would perform his or her work if he or she were not teleworking, whether agency headquarters or a satellite location.
- (d) “Eligible employee” means an employee who is in a position eligible for telework and has been identified by the employing agency as meeting the agency’s conditions for telework.
- (e) “Eligible position” means a position determined by the employing agency as eligible for telework. The eligibility of a position may change depending on circumstances.
- (f) “Non-exempt employee” means an employee that is not exempt from the overtime compensation provisions of the Fair Labor Standards Act (FSLA) and who may be entitled to overtime compensation.
- (g) “Primary work station” means the location the employee is considered to report to for work and designated as such by the employing agency per the State Accounting Office Statewide Travel Policy. The primary workstation may be the conventional worksite or the alternative workplace.
- (h) “Teleworker” means an employee approved to work at an alternate workplace.
- (i) “Telework agreement” means the document outlining the understanding between the employing agency and eligible employee regarding the telework arrangement.

VI. General Provisions

- (a) Telework is generally a voluntary work arrangement which may be ended at any time by the teleworker, supervisor, or other authorized agency official. Telework may be

required in some instances. Agencies are responsible for determining positions for which telework is cost efficient and establishing proper protocols and procedures.

- (b) In no circumstance should telework be considered a right or entitlement of the employee but is instead a management option utilized at the discretion of the employing agency. Telework may be considered a reasonable accommodation under the Americans with Disabilities Act (ADA).
- (c) Telework does not change an employee's conditions of employment, performance expectations, salary, benefits, or employer-sponsored insurance coverage.

VII. Agency Participation and Responsibility

- (a) Agencies may establish telework programs in accordance with this policy when it is determined to benefit the agency. Any agency establishing a telework program must apply criteria and procedures of such program consistently throughout the agency. Agencies should provide instruction to teleworkers and supervisors to ensure both parties can maintain a successful telework arrangement.
- (b) It is the responsibility of each agency to determine the specific criteria under which employee eligibility will be determined. Not all employees and positions may be suitable for telework. Some considerations of criteria for telework eligibility include, but are not limited to:
 - 1. Job duties that can be performed independently and away from the office with minimal impact to quality or productivity;
 - 2. Job duties that do not require close in-person supervision;
 - 3. Minimal need for special equipment;
 - 4. Employees with demonstrated successful job performance; and,
 - 5. Appropriate utilization of telework in connection with an agency's workers' compensation return-to-work program pursuant to the Department of Administrative Service's guidelines.
- (c) The employing agency must designate the primary workstation as either the conventional worksite or the alternate workplace as required by the State Accounting Office Statewide Travel Policy. This designation is relevant for mileage reimbursement purposes.
- (d) Agencies must provide temporary workspace or alternative solutions in the event teleworking is temporary or permanently compromised
- (e) Agencies implementing telework programs shall establish an agency telework policy. The agency telework policy shall include at a minimum:

1. Expectations for meeting job performance requirements;
 2. Criteria for identifying eligible employees;
 3. Criteria for eligible alternate workplaces;
 4. Mechanisms/measures to monitor teleworker performance/productivity;
 5. What state equipment, if any, will be provided to the teleworker to use at the alternate workplace;
 6. Required communication standards for maintaining contact with customers, coworkers, supervisor, and other agency officials;
 7. The management and access of restricted-access materials, security concerns, and the transportation and storage of electronic and paper records away from the conventional worksite;
 8. Adherence to agency and state policies and law related to the use of state technology;
 9. Ensuring that work schedules are in compliance with Fair Labor Standards Act (FLSA) regulations and State Policy No. 7, *Rules, R Regulations and Procedures Governing Working Hours, the Payment of Overtime, and the Granting of Compensatory Time*.
- (f) Agencies shall require all teleworkers to complete a telework agreement prior to the start of telework. Exceptions may be necessary, but a telework agreement should be completed as soon as practicable under such conditions. See Section IX, Telework Agreement.

VIII. Employee Participation and Responsibility

- (a) Teleworkers shall adhere to all policies, rules, and regulations of the employing agency and the state.
- (b) Alternate Workplace.

The alternate workplace is an extension of the conventional worksite. All state and agency policies regarding standards of conduct apply during all work time, including work performed at the alternate workplace.

- (c) Work Time.
1. Teleworkers shall report all time accurately to the employing agency. Teleworkers must devote all time reported as teleworked to completing agency assignments. Teleworkers must not engage in secondary employment activity or otherwise conduct personal business while in official work status. Intentionally misreporting time worked will result in disciplinary action, up to and including termination.
 2. Work Schedule.

Teleworkers may telework full-time, one or more days per week on a consistent basis, on an infrequent basis (i.e., occasional), or may be required to do so under extenuating circumstances such as during a declared State of Emergency.

Teleworkers must adhere to the telework schedule agreed upon in the telework agreement or receive prior approval from their supervisor or designee before modifying their telework schedule. If a telework agreement has not yet been signed due to extenuating circumstances, the supervisor or designee will determine and/or approve the telework schedule.

3. Child and Dependent Care.

Teleworkers must continue to make arrangements for child or dependent care to the same extent necessary during work performed at the conventional worksite.

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 of teleworkers that are balancing the care of a child or dependent.

4. Non-exempt Employees and Overtime.

Non-exempt employees must obtain prior approval before performing overtime. If a non-exempt employee performs overtime without such prior approval, the agency may terminate the telework arrangement and/or take other appropriate action.

(d) Security and Access to Information.

1. Teleworkers must adhere to agency, state, and federal internet use, technology use, and data laws, regulations and policies, including but not limited to:
 - A. Georgia Technology Authority Security Policy on Technology Guidelines for the Remote Worker (GS-21-001)
 - B. Georgia Technology Authority Security Policy on Telework and Remote Access (SS -08-037)
 - C. Georgia Technology Authority Security Policy on Software Management Standard (SM-19-001)
 - D. Georgia Technology Authority Security Policy on Multi-Factor Authentication Policy (PS-19-001)

- E. Georgia Technology Authority Security Policy on Network Security (SS-08-047)
- F. Georgia Technology Authority Security Policy on Network Access & Session Controls (SS-08-048)
- G. Georgia Technology Authority Security Policy on Access Control (PS-08-009)
- H. Georgia Technology Authority Security Policy on Appropriate Use of Information Technology Resources (PS-08-003.2)
- I. Georgia Technology Authority Security Policy on Appropriate Use and Monitoring (SS-08-001)
- J. Georgia Technology Authority Security Policy on Network Security Controls (PS-08-027)

- 2. Teleworkers are responsible for maintaining the same level of confidentiality and security of information, data, and records at the alternate workplace as is required at the conventional worksite.
- 3. Teleworkers are responsible for preventing unauthorized access to agency computers systems, applications, records, and files while working from the alternate workplace.

(e) Teleworkers are responsible for maintaining the alternate workplace if it is a personal residence in a safe manner when it is used for teleworking.

(f) Teleworkers may be required to participate in studies, inquiries, reports, or analyses relating to teleworking upon request.

IX. Telework Agreement

(a) Telework agreements shall outline the parameters of the telework arrangement and must be signed by the teleworker and the supervisor or other agency official.

(b) Telework agreements may be revised as necessary and as determined by the supervisor or other agency official.

(c) Telework agreements should include a minimum:

- 1. Teleworker performance expectations and productivity measurements;
- 2. A self-attestation that the alternate workplace is safe and conducive to meeting established work expectations;

3. The responsibility and use of personal and state equipment at the alternate workplace;
4. The protocol for ordering, receiving, and returning any agency provided supplies/assets;
5. The required security measures for records that are transported away from the conventional worksite and the accessing of information over the internet;
6. The approved work schedule;
7. Procedures for the requesting of leave and overtime;
8. Required communication accessibility;
9. Required standards of conduct; and,
10. The right of the agency to terminate the agreement at any time.

X. Equipment and Supplies

- (a) Generally, office supplies (e.g., pens and paper) may be provided by the agency, but this is not required. If applicable, agencies must provide the teleworker with instructions on how to retrieve any such supplies from the agency's designated office location.
- (b) Agencies will determine the appropriate equipment needs for each teleworking arrangement. Equipment may include hardware (e.g., laptops and monitors), software, or other office equipment which would reasonably be supplied by an employer.
- (c) Teleworkers shall adhere to agency procedures for requesting supplies and equipment while teleworking. If employees choose to use any personal supplies while teleworking, the agency/state is not responsible for reimbursement absent a prior approval for a specific out-of-pocket expense for reimbursement.
- (d) Any equipment supplied by the agency is the property of the agency/state. Agencies retain the responsibility for the inventory and maintenance of such state-owned property. All agency and state policies and laws regarding state property must be followed including State Policy No. 4, *Rules, Regulations and Procedures Governing the Acquisition and Use of Telecommunications Services and Equipment (PM040002)*. Teleworkers are expected to use reasonable care to safeguard agency/state equipment from unauthorized use, loss, damage, or destruction. Teleworkers shall return any and all equipment and unused supplies provided and owned by the agency/state at the request of the agency and/or upon termination of employment.
- (e) Teleworkers are generally expected to use their own furniture, data communication and/or services, and other equipment except for any equipment provided by the agency. Teleworkers are responsible for the maintenance, repair, and operation of personal equipment not provided by the agency/state.

- (f) If necessary equipment or other resources (e.g. internet access or power sources) are temporarily unavailable at the alternate workplace and are necessary to perform job duties, then the telework arrangement should be suspended until such equipment or resources is fully functioning. If this occurs, the employee may take equivalent leave, if approved, or return to the conventional workplace to perform their job duties.
- (g) Agencies should limit the issuance of duplicate equipment and issue equipment to teleworkers that can be utilized at either the conventional worksite or the alternate workplace (e.g. laptops).

XI. Liability

(a) Workers' Compensation.

1. The alternate workplace is generally considered an extension of the conventional worksite only during the time it is used for teleworking. If an injury occurs during teleworking hours, the teleworker shall immediately report the injury to the supervisor or per the agency's procedures for reporting workplace injuries. The agency shall follow the same procedures and state policies for reporting workplace injuries as those which occur in the conventional worksite.
 2. Teleworkers may not host business guests at their alternate workplace if the alternate workplace is their residence/personal property.
 3. The state is not responsible for injuries to non-employees such as family members in the teleworker's alternate workplace.
 4. The employing agency and the state reserve the right to inspect the alternate workplace.
- (b) The state is not responsible for any loss or damage to the teleworker's property, real or otherwise, or property owned by the teleworker's family members, visitors, or other individuals in the teleworker's alternate workplace.

XII. Exceptions to the Policy

- (a) Exceptions to this policy may be required. Agency Heads or Agency Head designees may grant an exception to this policy if it is determined to be necessary and in the best interest of the agency.

(b) During a declared State of Emergency or other extenuating circumstances designated by the Governor or designee, limited exceptions may be made to this policy in order to ensure necessary business continuity.

Revision History

Version	Date
1.0	2005
2.0	2020