

# Georgia Department of Public Safety Policy Manual

<b>SUBJECT</b> <b>TELEWORKING</b>	<b>POLICY NUMBER</b> <b>5.17</b>
<b>DISTRIBUTION</b> <b>ALL EMPLOYEES</b>	<b>REVISED DATE</b> <b>10/16/2020</b>
	<b>POLICY REVIEWED</b> <b>10/16/2020</b>

## 5.17.1 Purpose

To establish policy and procedures governing teleworking activities of departmental employees.

## 5.17.2 Policy

It shall be the policy of the Georgia Department of Public Safety to offer a teleworking program that is in compliance with the statewide policy on teleworking. The department's participation in the Teleworking Program shall include authorized teleworking arrangements with employees where such arrangements yield specific, measurable results and/or benefits for the department, including the potential for increased productivity, enhanced employee recruitment and retention, work/life balance and environmental sustainability.

## 5.17.3 Definitions

- A. "Alternate workplace" means a workplace other than the department's conventional worksite, such as the employee's residence.
- B. "Conventional worksite" means the normal worksite where the employee would perform his or her work if he or she were not teleworking, whether at headquarters or field location.
- C. "Eligible employee" means an employee who is in a position eligible for telework and has been identified as meeting the department's conditions for telework.
- D. "Eligible position" means a position determined by the department as eligible for telework. The eligibility of a position may change depending on circumstances.
- E. "Non-exempt employee" means an employee that is not exempt from the overtime compensation provisions of the Fair Labor Standards Act (FLSA) and who may be entitled to overtime compensation.
- F. "Primary workstation" means the location the employee is considered to report to for work and designated as such by the department pursuant to the State Accounting Office Travel Policy. The primary workstation may be the conventional worksite or the alternative workplace.
- G. "Teleworker" means an employee approved to work at an alternative workplace.

- H. "Telework agreement" means the document outlining the understanding between the department and eligible employee regarding the telework arrangement.

#### **5.17.4 General Provisions**

- A. Employees may be allowed to telework when there are tangible benefits to the department and all job duties and essential functions of the employee's position are fully met. The job duties and essential functions of the employee's position must be of such a nature as to be satisfactorily performed away from the primary work station in order for the teleworking option to be considered.
- B. Teleworking is generally a voluntary work arrangement which may be ended at any time by the teleworker, supervisor or other authorized department official. Telework may be required in some instances.
- C. Teleworking is not an employee right or entitlement but is instead a management option utilized at the discretion of the department. Telework may be considered a reasonable accommodation under the Americans with Disabilities Act (ADA).
- D. Telework does not change an employee's condition of employment, performance expectations, salary, benefits, or employer-sponsored insurance coverage.

#### **5.17.5 Eligibility**

- A. Identification of Eligible Positions
  - 1. Due to the nature of the department's public safety operations, many of our positions will not be suitable for teleworking. Only those positions with job duties conducive to teleworking will be considered eligible positions within the meaning of this policy.
  - 2. Specific criteria for position eligibility include, but are not limited to:
    - a. Job duties that can be performed independently and away from the office with minimal impact to quality of productivity.
    - b. Job duties that do not require close, in-person supervision.
    - c. Minimal need for special equipment.
    - d. Appropriate utilization of telework in connection with the department's return-to-work program pursuant to the Department of Administrative Services' guidelines.
- B. Identification of Eligible Employees
  - 1. In order to be considered eligible to participate in a teleworking arrangement, a departmental employee must:
    - a. Be employed in an eligible position;
    - b. Not have received any formal disciplinary action in the previous six months; and

- c. Have received an overall rating of 3.0 or greater on the most recent performance evaluation. For newly hired employees who have not yet been officially evaluated in the Performance Management Process, the employee must have demonstrated successful job performance.
- C. Division Directors shall make the final determination regarding eligibility for positions and employees under their command. Division Directors may request the Human Resources Director, or designee, to review the duties and responsibilities of a position and/or performance of an employee and provide a recommendation regarding the suitability of the position and/or employee for teleworking participation.

### **5.17.6 Employee Participation and Responsibility**

- A. Teleworkers shall adhere to all policies, procedures, rules and regulations of the department and the state.
- B. Teleworkers are governed by the same performance expectations as are applied in the primary workstation. A supervisor or manager may require the teleworker to demonstrate their compliance with performance expectations at any time, with or without advance notice.
- C. Because measurable results are essential to the success of a teleworking arrangement, a teleworker's inability to provide evidence of expected performance may result in immediate termination of the teleworking arrangement and may subject the employee to disciplinary action. Supervisors and managers should confer with Human Resources when issues of this nature arise.
- D. Teleworkers must remain accessible to their supervisor or manager, customers, and co-workers during any period of teleworking via one or more of the following: telephone, cellular telephone, e-mail, video-conferencing or other agreed upon methods. Specific methods of contact must be agreed upon in advance by the employee and the supervisor or manager.
- E. Teleworkers must designate the primary workstation as either the conventional worksite or the alternate workspace as required by the State Accounting Office Statewide Travel Policy. Such designation will be documented in the Telework Agreement.
- F. Teleworkers may be required to report to the primary work station during periods of teleworking when, in the determination of the supervisor or manager, circumstances so require.
- G. Alternate Workplace
  - 1. The alternate workplace is an extension of the conventional worksite. All state and departmental policies, specifically including those governing hours of work, leave, and code of conduct, apply to all work time, including work performed at the alternate workplace.
  - 2. Teleworking employees shall maintain a clean, safe workspace that is adequate for work and free of obstructions and distractions. To ensure that productive working conditions exist, it may be necessary on a case-by-case basis for the department to make on-site visits at mutually agreed upon times.
  - 3. Teleworkers are responsible for maintaining the alternate workplace if it is a personal residence in a safe manner when it is used for teleworking.

4. Teleworkers are prohibited from utilizing an alternate workplace at any location(s) associated with an organization for which the teleworker is an employee, contractor or volunteer.

#### H. Work Time

1. Teleworkers shall report all time accurately. Teleworkers must devote all time reported as teleworked to completing agency assignments.
2. Teleworkers are prohibited from engaging in secondary employment activities or otherwise conducting personal business while in official work status.
3. Intentionally misreporting time worked will result in disciplinary action, up to and including termination.

#### 4. Work Schedule

- a. 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.
- b. Teleworkers must adhere to the telework schedule and work hours agreed upon in the telework agreement or receive prior approval from their supervisor or designee before modifying their telework schedule or work hours. 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 and work hours.
- c. Teleworkers must obtain approval from their supervisor in advance before taking leave during a designated telework day.

#### 5. Child and Dependent Care

- a. Teleworkers must continue to make arrangements for child or dependent care to the same extent necessary during work performed at the conventional worksite.
- b. 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, supervisors may be flexible regarding the work schedules of teleworkers that are balancing the care of a child or dependent.

#### 6. Non-exempt Employees and Overtime

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

#### I. Security and Access to Information

1. Teleworkers must adhere to departmental, state, and federal internet use, technology use, and data laws, regulations and policies, including but not limited to the following Georgia Technology Authority Security policies:
    - a. Access Control (PS-08-009);
    - b. Accountability of Assets (PS-08-002);
    - c. Appropriate Use of Information Technology Resources (PS-08-003.2);  
and
    - d. Appropriate Use and Monitoring (SS-08-001).
  2. Teleworkers are responsible for maintaining the same level of confidentiality and security of information, data, and records at the alternate workplace as required at the conventional worksite.
  3. Teleworkers are responsible for preventing unauthorized access to agency computer systems, applications, records, and files while working from the alternate workplace.
- J. Teleworkers may be required to participate in studies, inquiries, reports or analyses related to teleworking upon request.

#### **5.17.7 Supervisor Responsibilities**

- A. Supervisors are responsible for fully reviewing and understanding the provisions of this policy and the DPS Teleworking Agreement.
- B. Supervisors shall review any proposed Teleworking Agreement submitted by an employee and objectively consider the employee's teleworking request within the provisions of this policy, including the following:
  1. Determine whether a teleworking arrangement is beneficial to the department and the employee.
  2. Assess the eligibility of the position and the employee within the provisions of this policy.
  3. Assess staffing needs for the unit at the conventional worksite.
  4. Ensure that performance expectations are measurable and clearly stated.
  5. Ensure that sufficient work exists to enable the teleworking employee to work a productive day from an alternate location.
- C. If determined to be appropriate, supervisors should review the proposed DPS Telework Agreement with the employee and discuss any needed changes. Supervisors must forward the final version to the Division Director for final review and approval.
- D. If the teleworking arrangement is to be denied, supervisors must meet with the employee to discuss the reason(s) for denial.

- E. Supervisors are responsible for continuing normal supervisory activities with teleworkers under their command, including assessing performance, providing feedback, completing performance evaluations, etc.

### **5.17.8 Telework Agreement**

- A. The DPS Telework Agreement (DPS-065) must be completed, signed and submitted to Human Resources for any employee approved to telework on a regular or occasional basis.
- B. Telework agreements should be reviewed, revised, and/or discontinued as necessary when there is a change in supervisor, job responsibilities, work circumstances, or performance, or as determined by the supervisor or Division Director.

### **5.17.9 Equipment and Supplies**

- A. Generally, office supplies (e.g., pens and paper) will be provided by the Department. Teleworkers must contact their supervisors to determine the appropriate way to retrieve any such supplies from the department office location.
- B. The Department 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 departmental procedures for requesting supplies and equipment while teleworking. If employees choose to use any personal supplies while teleworking, the Department is not responsible for reimbursement absent a prior approval for a specific out-of-pocket expense for reimbursement.
- D. Any equipment supplied by the Department is the property of the Department. The Department is responsible for the inventory and maintenance of such property. All departmental and state policies and laws regarding state property must be followed including State Policy No. 4, *Rules and Regulations and Procedures Governing the Acquisition and Use of Telecommunications Services and Equipment*.
- E. Teleworkers are expected to use reasonable care to safeguard department/state equipment from unauthorized use, loss, damage, or destruction.
- F. Teleworkers shall return all equipment and unused supplies provided and owned by the Department at the request of the Department and/or upon termination of employment.
- G. Teleworkers are generally expected to use their own furniture, data communication and/or services, and other equipment except for any equipment provided by the Department. Teleworkers are responsible for the maintenance, repair and operation of personal equipment not provided by the Department.
- H. If necessary equipment or other resources (e.g., internet access or power sources) are temporary unavailable at the alternate workplace and are necessary to perform job duties, then the telework agreement should be suspended until such equipment or resources are fully functioning. If this occurs, the employee may take leave, if approved, or return to the conventional workplace to perform their job duties.

- I. The Department, when possible, will issue equipment to teleworkers that can be utilized at either the conventional worksite or the alternate workplace (e.g., laptops). The issuance of duplicate equipment should be avoided, when possible.

### **5.17.10 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. The supervisor 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 the alternate workplace if their 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 Department 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.

### **5.17.11 Record Keeping**

All approved Telework Agreements shall be forwarded to Human Resources for tracking and filing in the employee's 201 file.

### **5.17.12 Exceptions to Policy**

- A. Exceptions to this policy may be required. The Commissioner, or designee, may grant an exception to this policy if it is determined to be necessary and in the best interest of the Department.
- 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.