

**SECTION: 6.47**

**SUBJECT: Telework**

**AUTHORITY: Executive Director, Section 110.171, Florida Statutes (F.S.)**

**Policy:**

The agency supports telework as a viable alternative work arrangement when appropriate. FWC will give equal consideration to all employees for participation in telework. However, telework is not necessarily appropriate for every position and employees are not guaranteed approval to telework. Occasional and sporadic work from home does not meet the definition of "telework".

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**Procedure:**

**6.47.1 Definitions**

- A. Telework** - Section 110.171(1)(c), F.S., defines telework as a work arrangement that allows a state employee to conduct all or some of his or her work away from the official worksite during all or a portion of the state employee's established work hours on a regular basis. For FWC purposes, telework is designated by an official signed agreement.
- B. Telework Agreement** - A document that specifies the terms and conditions of telework, which is signed and agreed to by the teleworker and the chain-of-command supervisor through the Division Director or designee(s).

**6.47.2 Employee Eligibility and Participation**

- A.** For a position to be designated eligible for telework, the supervisor must determine the employee's tasks can be performed successfully away from the office.
- B.** An employee whose current evaluation rating is below "Meets Expectations" or who has documented performance deficiencies in the previous six months is not eligible to participate in telework.
- C.** Participation in telework will not adversely affect an employee's eligibility for advancement or any other employment rights or benefits.
- D.** Participants are subject to all rules and internal policies and procedures that are applicable to non-telework employees.

- E. Participants are covered by State of Florida workers' compensation coverage while performing official duties at an approved telework work location. If an injury is determined to have been caused by employee negligence or the employee's failure to maintain safe working conditions over which the employee had control, the employee may be subject to disciplinary action.
- F. Employees participating in telework may not conduct face-to-face state business at the telework work location except for installation and maintenance of equipment or work-site delivery of office supplies or equipment or delivery of work-related materials and assignments.
- G. The agency may terminate participation in writing at any time with ten-business days notice. If the termination of participation is related to employee discipline or failure to abide by the Telework Agreement, the ten-business day notice is not required. The employee may terminate participation in writing at any time via written notice. The supervisor will bring the employee back into an official worksite as quickly as possible upon receipt of the employee's written notice to terminate participation.

#### **6.47.3 Home Designated as Official Work Location**

Employees whose home is designated as the "official work location" do not meet the statutory definition of a teleworker. Such employees are required to sign a *Home is Office Agreement* to ensure the supervisor and employee are clear as to expectations, work-schedule, equipment arrangement, information security standards and verify the home is free of safety and fire hazards.

#### **6.47.4 Approval of Participation in Telework Program**

- A. An eligible employee may request to enter into a telework agreement or any chain-of-command supervisor of the employee may request the employee enter into a telework agreement. Employee participation is voluntary. Approved participation in telework must be supported by a Telework Agreement. The participating employee and chain-of-command supervisors through the Division Director or designee(s) must sign the agreement and forward to Human Resources for review prior to beginning telework. Failure to comply with provisions of the agreement may result in termination of the agreement and disciplinary action. The agreement must include:
  1. A work schedule for the employee;
  2. Verification by the employee that the telework work location provides a workspace free of safety and fire hazards;
  3. Provisions that hold the state and FWC harmless against any and all claims, excluding workers' compensation claims, resulting from an employee working at an approved telework work location;
  4. A description of the security controls that FWC determines necessary to protect state-owned equipment and information;
  5. A description of the appropriate use and maintenance of FWC equipment or items provided to the teleworker. The description shall, at minimum, include a description of the installation and maintenance of telephone or computer equipment and the responsibility for incurring or paying for any

ongoing communications expenses incurred at the telework work location related to the performance of official duties.

- B.** If the employee is required to telework as part of normal business operations the chain-of-command supervisor shall:
  - 1. Include the requirements to telework and the associated terms and conditions as part of the position description specifying the minimum amount of telework required.
  - 2. Provide at least 30 calendar days' written notice to affected employees of intent to impose or remove a requirement to telework.
  - 3. Provide at least 15 calendar days' written notice to affected employees of intent to revise the terms and conditions of the current telework arrangement.
  - 4. Specify the telework requirement in any recruitment activities.

#### **6.47.5 Work Schedules/Assignments and Time Reporting**

- A.** The employee must be accessible by phone or e-mail during the approved working hours.
- B.** The employee is expected to meet with the supervisor to receive work assignments and to review completed work as necessary on a schedule determined by the supervisor. The employee will continue to complete all assigned work in accordance with normal work directives/procedures, guidelines, and performance standards.
- C.** Participants must receive prior approval from their supervisor to deviate from their approved work schedule, including requests for the use of leave. In order to utilize sick leave on a telework workday, employees must contact their supervisor at the beginning of the workday, except in case of a medical emergency.
- D.** Supervisors may require employees to work at their official worksite on their regular telework workday for meetings, to meet workload requirements, or for other reasons as determined necessary.
- E.** The employee must attend all required meetings and training programs at locations designated by the supervisor.

#### **6.47.6 Equipment/Resources/Supplies**

- A.** FWC will determine the appropriate equipment and materials needed for each telework arrangement based upon the nature of the employee's duties. A supervisor should carefully consider any excessive need for specialized materials or equipment before approving a position for telework.
- B.** FWC-owned computers shall be used at the employee's telework work location to conduct FWC business. FWC-owned equipment will be serviced and maintained by the agency. The employee is expected to protect the equipment against damage and unauthorized use. Equipment supplied by FWC is to be used in accordance with IMPP 3.2 Remote Access Policy.
- C.** The employee is responsible for maintenance of personal equipment used in telework. The state will not be liable for any damages to the employee's property caused by telework. The state will not be responsible for operating

cost, home maintenance or any incidental costs (such as but not limited to utilities, waste management) associated with the use of the telework work location.

- D. General office supplies necessary for teleworker's will be provided. Employees must receive prior approval before purchasing office supplies or other items for use at the telework work location.
- E. FWC will reimburse the employee for approved business-related expenses such as business-related phone calls or shipping costs that are reasonably incurred while performing job duties. Section Leaders or their designee may approve installation and/or monthly costs for internet service.

#### **6.47.7 Reporting Requirements**

- A. In accordance with 110.171, F.S., agencies shall review all new FTE and OPS positions and designate those positions that the agency deems appropriate for telework. The agency list of positions eligible for and currently approved to telework is posted on the Human Resources SharePoint site. *The Guidelines for Identifying Job Classifications and Positions Appropriate for Telework and Determining Employee Eligibility* is available to assist in the determination process.
- B. In accordance with Florida Statutes, reporting requirements the FWC Facilities Services Manager or designee shall reference the agency's Telework Program within the Facilities Inventory Tracking System (FITS) annual report to the Department of Management Services.
- C. Telework Agreements must be reviewed in conjunction with the employee's annual review. The agreement will remain valid until amended or terminated in writing by either party in accordance with section 6.47.2 of this policy. A copy of any agreement changes or termination must be forwarded to the Office of Human Resources.

#### **6.47.8 Security Controls**

- A. The employee will apply safeguards, approved and provided by the supervisors, to protect public records in the custody of the employee from unauthorized disclosure or damage and the employee will comply with all public records requirements set forth in Chapter 119, F.S. The employee must retain all records, papers, and correspondence and return them as directed by the supervisor. Release or destruction of any records shall only take place at the official worksite in accordance with statutes and regulations. Electronic files are considered official records and must be similarly protected.
- B. Participants agree to allow inspection of the telework work location by the immediate supervisor, management, and/or Office of Information Technology staff during established work hours upon 24-hour written or verbal notice, to ensure compliance with appropriate protocols. Investigative staff of the Office of Inspector General is not subject to the 24-hour notice requirement. Noncompliance may result in the termination of telework privileges. Participants may waive the required notification time.

Established 9/7/2009; Revised 10/19/2012

**APPROVED:**

**Gregory L. Holder**  
Executive Director or Designee

**October 30, 2012**  
Date