



SUBJECT: Teleworking	PAGE <u> 1 </u> OF <u> 7 </u>
	NUMBER: 35-PAY-09
RULE/CODE REFERENCE:	SUPERSEDES: 35-PAY-09 dated 01/13/2011
RELATED ACA STANDARDS:	EFFECTIVE DATE: January 27, 2017
	APPROVED: 

I. AUTHORITY

This policy is issued in compliance with Ohio Revised Code 5120.01 which delegates to the Director of the Department of Rehabilitation and Correction the authority to manage and direct the total operations of the Department and to establish such rules and regulations as the Director prescribes.

II. PURPOSE

The purpose of this policy is to establish a teleworking policy for specific situations and assignments within the Ohio Department of Rehabilitation and Correction (DRC).

III. APPLICABILITY

This policy applies to all full-time, non-probationary, exempt, and bargaining unit eligible employees of the Ohio Department of Rehabilitation and Correction (DRC).

IV. DEFINITIONS

Alternate Work Location - A work site approved by the agency, which may include an approved teleworker’s home, a public work center such as a library or a customer site.

Field Worker - An employee that spends the majority of his/her time away from the employee’s headquarter location. Field workers are not teleworkers simply because the nature of their job duties requires them to spend time away from the headquarter work location. However, DRC may consider utilizing telework for field workers when such an arrangement would benefit the agency.

Headquarter Work Location - The physical address/location of an employee’s assigned office/work area of record with the Ohio Department of Rehabilitation and Correction (DRC). The headquarter work location shall not be assigned to an employee’s personal owned/leased residence or property.

Personally Identifiable Information - Information that can be used directly or in combination with other information to identify a particular individual.

Sensitive Data - Any type of data that presents a high or medium degree of risk if released or disclosed without authorization. There is a high degree of risk when unauthorized release or disclosure is contrary to a legally mandated confidentiality requirement. There may be a medium risk and a potentially high risk in cases of information for which DRC has discretion under the law to release data, particularly when the release must be made only according to DRC policy and procedure. The data may be certain types of personally identifiable information that is also sensitive such as medical information, social security numbers, and financial account numbers. The data may also be other types of information not associated with a particular individual such as security information, infrastructure records, business and bank account information.

Teleworking - A flexible work arrangement where an employee is directed or permitted to work remotely from a designated alternative work location.

V. **POLICY**

Teleworking refers to a flexible work arrangement where an employee is directed or permitted to work remotely from a designated alternative work location outside of the traditional on-site work environment. DRC may utilize teleworking to allow specific employees to be able to perform their assigned job responsibilities and duties from an alternate work location (e.g., home), based on an operational need or during disasters or emergency situations, including, but not limited to: public safety emergencies, weather associated events, or pandemic circumstances. Teleworking is a management option and not an employee right that an employee can expect or demand. Teleworking arrangements must be authorized and utilized in accordance with this policy only, unless otherwise authorized by the Director.

VI. **PROCEDURES**

A. **Authorization**

Teleworking may only be authorized in specific situations, for a limited period of time and only where the teleworking arrangement will provide a benefit to DRC. Eligible employees must be authorized to telework by the immediate supervisor, the managing officer and the managing director.

1. **Operational Need** - Eligible employees may be authorized to telework when there is a unique or significant temporary operational need for services to be performed at an alternate work location other than their headquarter work location.
2. **Emergency Situations** - Essential or eligible employees may be authorized to telework during an emergency situation, such as a disaster, health crisis or other emergency situations resulting in a need for critical services to be performed remotely or at an alternate work location other than their headquarter work location.
3. **Weather Associated Events** - Eligible employees may be authorized to telework, including teleworking from home, during weather associated events such as declared weather emergencies, and/or localized dangerous/impassable road conditions. Teleworking authorization may be given prospectively for potential weather associated events, especially but not limited to the winter months. An employee pre-authorized to

telework must notify and gain approval from the immediate supervisor before each instance of teleworking during weather associated events. The employer reserves the right to modify or disapprove each instance of telework on a case-by-case basis.

B. Procedure

1. Request to Telework - When there is a need for services to be performed at an alternate work location, the immediate supervisor or the employee requesting authorization shall obtain a Teleworking Authorization form (DRC1520). Requests should be made in advance of known or potential situations where teleworking is appropriate.
2. Authorization Form - A completed Teleworking Authorization form (DRC1520) must be submitted to the immediate supervisor for each employee who may be teleworking. The immediate supervisor may recommend or not recommend the Teleworking Authorization. Teleworking Authorizations recommended by the immediate supervisor shall be submitted to the managing officer for review and approval. If approved, the managing officer shall submit the completed Teleworking Authorization (DRC1520) to the appropriate managing director for final review and approval.
 - a. Teleworking approval does not constitute a permanent scheduling assignment and may be rescinded at any time. Approved telework authorizations for potential weather associated events, especially but not limited to the winter months, must be reviewed annually by the immediate supervisor, managing officer, and appropriate managing director for continued approval.
3. Response - The decision of the immediate supervisor, managing officer and/or managing director should be made in writing on the Teleworking Authorization form (DRC1520); however, if it is not possible to provide the decision in writing, the decision may be made verbally and confirmed later in writing, which may include email. Telework shall not be considered approved without authorization from both the managing officer and the appropriate managing director for that area.
4. Employee Acknowledgement - Upon authorization to telework, or as soon as reasonably possible following approval to telework, the authorized teleworking employee must also sign the Teleworking Authorization form (DRC1520), acknowledging the teleworking guidelines and expectations listed in this policy.
5. Telework Authorization Record - Approved and acknowledged Teleworking Authorization forms (DRC1520) shall be maintained in the teleworking employee's personnel file with copies maintained by the teleworker, the managing officer, and the immediate supervisor.

C. Eligibility

Occasional remote access work necessary to perform agency business functions, as well as field worker assignments, are not teleworking and are beyond the scope of this policy.

Teleworking is not available for every employee or for all positions. All of the following criteria must be met for an employee to be eligible for teleworking:

1. Probationary Period - The employee must have completed their initial probationary period.
2. Job Duties - The employee must be able to perform all required operational functions and job duties from the alternate work location.
3. Primary Care Giver - The employee must not be the permanent primary caregiver for any individual during approved telework hours.
4. Active Discipline - An employee's active disciplinary record may be cause to deny a telework request, subject to the review and approval of the managing officer and the appropriate managing director for that area.
5. Performance Evaluation - The employee's last performance evaluation (conducted within a calendar year of the teleworking authorization request) must have resulted in an overall meets/satisfactory or better evaluation result.

D. Employment Information

1. Compliance - Teleworking does not affect an employee's basic terms and conditions of employment with the State of Ohio. Employees that are authorized to telework are still obligated to comply with all statewide and DRC rules, policies, practices and instructions. Any violation of the above may result in the rescinding of the teleworking agreement and may result in disciplinary action, up to and including removal.
2. Benefits - An employee's rate of pay, retirement benefits and State of Ohio sponsored insurance coverage are not affected by the teleworking arrangement.
3. Work Hours and Leave Usage - All work hours, overtime compensation, and leave usage will comply with any applicable collective bargaining agreement provision, statute, rule or policy. Employees are still responsible for maintaining accurate time and attendance in Kronos per DRC policy 35-PAY-04, Payroll and Timekeeping Procedures.
4. Call Off Procedure - An employee authorized to telework must continue to comply with institution/work location call off policies and procedures while teleworking. Any request for leave while teleworking shall be made in accordance with DRC policy and procedure.
5. Schedule - An employee authorized to telework shall perform their job duties at a designated alternate work location for the duration of the teleworking agreement. However, DRC shall maintain the right to require the employee to change his/her schedule based on operational needs if the employee's presence is required at their headquarter location. An employee's supervisor shall make a reasonable effort to provide notice to the employee in the event of a schedule change. There shall be no change of headquarter county during the teleworking agreement.

6. Taxes - For payroll purposes, local tax withholding while teleworking will be done in accordance with the applicable state and local tax laws and the State of Ohio Policy Regarding Local Income Tax Withholding.

E. Alternate Work Location

1. Establishing an Alternate Work Location – An employee who is authorized to telework will work with their supervisor to identify the alternate work location and the space where the work shall be performed, to include, if applicable, where equipment may be installed for the purposes of conducting DRC business. Employees are responsible for providing and/or ensuring adequate internet and communication capabilities to conduct assigned job duties. The alternate work location should be reasonably quiet and free of distractions or any noises inconsistent with an office environment.
2. Inspection, Approval and Onsite Visits – DRC maintains the right to inspect and approve the alternate work location before the teleworking can begin. Once teleworking begins, DRC maintains the right to conduct onsite visits to the alternate work location. Onsite visits may only be made during the employee’s scheduled work hours; however, may be done without notice during those hours. Failure on the part of the employee to permit an onsite visit during scheduled work hours shall be cause for termination of the teleworking arrangement.
3. Compliance with Building and Zoning Codes – Employees are responsible for ensuring their alternate work location meets all applicable building and zoning codes and that no hazardous materials are present in the alternate work location. Any fines or fees that are incurred by the employee while participating in teleworking are not the responsibility of DRC.

F. Data, Equipment and Supplies

1. Equipment Issuance and Maintenance – DRC may provide equipment depending on the nature of the job, equipment availability and funds. DRC is responsible for the maintenance and support of all equipment that is provided to employees and may require the employee to transport said equipment to a DRC facility or office for repair and maintenance. Any hardware, software or other items issued by DRC remain the property of DRC and must be returned to DRC upon DRC’s request.
2. Equipment Usage – All equipment, software, supplies or other materials purchased or maintained by DRC are to be used only by the teleworker and only for official DRC business in accordance with statewide and agency use policies.
3. Compliance – An employee authorized to telework shall comply with all State of Ohio and DRC Bureau of Information and Technology Services (OIT) policies, standards and procedures regarding state owned equipment, software, licensing, connection, security and overall management/support requirements.
4. Equipment Security – The teleworker is liable for any damage to or loss of state owned equipment provided under the telecommuting program due to some fault of the employee.

It is the teleworker's duty to immediately report to their supervisor any lost, stolen, damaged, or potentially compromised state owned equipment and/or state data in their possession.

5. Software Security – Software accessed, used, stored or transmitted by the teleworker during the course of employment may not be duplicated for use by the teleworker except as formally authorized and in accordance with DRC Bureau of Information and Technology Services policies, standards, procedures and the manufacturer's software licensing agreements. Software must be removed from the teleworker's computer in accordance with DRC Bureau of Information and Technology Services policy and procedures and pursuant to any licensing agreements upon the termination of the teleworker's agreement.
6. Data Security – Employees shall be responsible for protecting all data accessed with extreme care taken regarding sensitive data and/or personally identifiable information. All data/information accessed, used, transmitted and stored by the teleworker in the scope of employment remains the property of the State and such data must be maintained in accordance with DRC policies, standards and procedures. Failure on the part of the employee to ensure the aforementioned shall be cause for termination of the teleworking arrangement and may result in disciplinary action, up to and including removal.
7. Office Supplies – Supplies required by the teleworker to complete assigned duties should be obtained from the teleworker's state office. Supplies shall be provided to the teleworker as arranged between the teleworker and the teleworker's supervisor. Expenses for materials and supplies which are available at the state office but purchased elsewhere, will not be reimbursed by DRC.
8. Personal Peripheral Equipment, Furnishings and Supplies – Teleworkers who have their own computing equipment peripherals, such as a personal printer, may use the peripheral as long as the equipment meets the standards established by the DRC Bureau of Information and Technology Services. An employee authorized to telework will be responsible for the cost of maintenance, repair and operation of all personal peripheral equipment, personal furniture and other supplies not provided by DRC.
9. Other Expenses – The teleworker must receive prior approval from the teleworker's managing officer and/or managing director before incurring any DRC business expense, including long distance telephone charges. A teleworker's pre-authorized expenditures incurred at the request of DRC shall be reimbursed in accordance with DRC policies and procedures.

G. Communication and Monitoring

1. Availability – An employee authorized to telework must be reachable during scheduled work hours and must provide a telephone number for the agreed alternate work location.
2. Accountability – Time spent teleworking must be recorded by the teleworker in Kronos under Transfer/Location.

3. Supervisor Responsibility – The employee’s supervisor shall be responsible for ensuring work conducted at an alternate work location while teleworking is monitored and that all necessary supervisory functions are performed, including Kronos payroll and timekeeping approval.

H. Injuries

1. Workers’ Compensation – Teleworking is covered under the State of Ohio workers’ compensation law for injuries occurring in the course and arising out of the performance of official duties at the main office or alternate work location.
2. Notification of Accident/Injury – The supervisor and employee shall be required to follow applicable policies regarding the reporting of injuries for employees injured while at work. An employee authorized to telework, or someone acting on the employee’s behalf, shall immediately, but no later than before the end of shift, notify the employee’s supervisor of any accident or injury that occurs at the alternate work location.
3. Liability - DRC is not liable for any accidents and/or injuries resulting from the teleworker’s failure to comply with all safety and health rules and regulations and any violation of the DRC Teleworking Policy. The teleworker, not DRC, shall be responsible for the teleworker’s own damages and non-compensable injuries and for any third party’s damages and injuries resulting from the teleworker’s failure to comply with all safety and health rules and regulations and any violation of the DAS Teleworking Policy.
4. Property Damage – DRC is not liable for damages to the teleworker’s personal property while the teleworker is working at an approved alternate work location.

I. Termination of the Teleworking Agreement

1. Any teleworking agreement may be modified or terminated at any time.
2. In the event of termination of the telework agreement for any reason, including but not limited to separation from employment, the teleworker shall be required to promptly return any state-owned equipment, supplies and data. If personal IT equipment was authorized for state business use, any state data shall be removed from the personal IT equipment.
3. All expectations of compliance with existing DRC policies and procedures or applicable collective bargaining unit agreements are unaffected by participation as a teleworker.
4. DRC may take appropriate disciplinary action, up to and including removal, if a teleworker fails to comply with the provisions of this teleworking policy. Revocation of the teleworking arrangement does not constitute a disciplinary action.

Related Department Forms:

Teleworking Authorization

DRC 1520