



Operating Procedure

Effective Date June 1, 2017	Number 110.5
Amended	Operating Level Department
Supersedes Operating Procedure 110.5 (5/1/14)	
Authority COV §2.2-1200 et. seq., §2.2-2817.1	
ACA/PREA Standards None	
Office of Primary Responsibility Human Resources Director	

Subject

TELEWORK

Incarcerated Offender Access Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Public Access Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
	Attachments Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

I. PURPOSE

This operating procedure provides guidance for Department of Corrections employees to participate in teleworking in compliance with Executive Order 19 (2010) and Department of Human Resources policies.

II. COMPLIANCE

This operating procedure applies to all units operated by the Department of Corrections (DOC). Practices and procedures shall comply with applicable State and Federal laws and regulations, Board of Corrections policies and regulations, ACA standards, PREA standards, and DOC directives and operating procedures.

III. DEFINITIONS

Alternate Work Location - Approved work sites other than the employee’s central workplace where official state business is performed; such locations may include, but are not limited to, employee’s home, approved facility work stations, other work sites, etc.

Central Workplace - The employer’s (Unit Head) main work location, where the employee is normally located for work

Telework - A work arrangement in which supervisors direct or permit employees to perform their usual job duties away from the central workplace in accordance with work agreements

Telework Agreement - The written agreement between the Unit Head and employee that details the terms and conditions of an employee’s work away from their central workplace; work agreements are required for teleworking. ([Telework Agreement](#) 110_F4)

IV. PROCEDURE

A. Telework

1. The Department of Corrections supports the expansion of the Commonwealth’s telework program as a means of achieving administrative efficiencies, increasing productivity, reducing operating and transportation costs, enhancing recruitment and retention efforts, and improving employee morale while ensuring the operational needs of the Department are met.
2. This operating procedure applies to full-time and part-time employees in positions identified by the respective Unit Head as eligible to telework, and approved by the appropriate Chief of Corrections Operations, Deputy Director, or Director’s staff member.
3. Employees who are allowed to telework from home or off-site (for some or all of their employment) remain subject to the terms and conditions of employment and are required to comply with all applicable policies and operating procedures.
4. At minimum, the DOC considers teleworking to be an average of one day a week or at least 32 hours per month at an alternate work location. More infrequent teleworking arrangements may be made but should be handled in accordance with this operating procedure.
5. Management is responsible for managing the affairs and operations of the DOC; thus, the DOC has

sole discretion to:

- a. Designate which positions are eligible to telework
 - b. Approve employees who are eligible to telework
 - c. Cancel *Telework Agreements* at any time
6. Eligible employees and their respective Unit Head who are considering teleworking, should mutually develop a [Telework Agreement](#) 110_F4 including pre-set work hours, productivity requirements, and alternative work locations. *Telework Agreements* may contain mutually agreed upon grounds for cancellation; however, the DOC reserves the right to cancel *Telework Agreements* at any time.

B. Telework Categories (as defined by DHRM)

1. Office/Facility Worker

- a. Office, campus, or facility based employee who reports to and works from a defined central agency workplace(s).
- b. Employee may occasionally travel off-site for work activities, meetings, or conferences when approved by management, but spends a clear majority of their time working at an assigned agency worksite(s).

2. Mobile Worker

- a. Employee works a clear majority of their planned schedule in a mobile mode away from agency offices/facilities out in the “field.”
- b. Employee may be required to report to an agency worksite(s) to attend meetings, record time, or receive assignments.
- c. May include limited work from the employee’s home and the employee may occasionally travel away from normal work area(s) for meetings or conferences when approved by management.

3. Full-Time Teleworker

- a. Employee has an active telework agreement on file and teleworks all or a clear majority of their planned schedule from a defined and agreed upon alternate, central workplace.
- b. Employee will normally not have permanently assigned office space at any agency facility, but may be assigned to work from an alternate agency facility close to their residence if:
 - i. Sufficient Internet access is not available at their residence
 - ii. Systems access is only available at the agency location
 - iii. Personal situations precludes residence-based telework
- c. Employee may occasionally travel for work activities, meetings, or conferences when approved by management, but is expected to spend a clear majority of their time teleworking at the agreed upon alternate worksite(s).
- d. Employee may be required to telework in support of continuity of operations during emergency closings and crisis management situations.

4. Hybrid Teleworker

- a. Employee has an active telework agreement on file and consistently teleworks a minimum of 32 hours or more per month (but less than full-time).
- b. Typically these employees will telework from defined alternate worksite(s) one to two days a week on a consistent and regular basis.
- c. Employee has an assigned or shared workspace at an agency worksite(s) and functions as an Office/Facility Worker when not teleworking.
- d. The base point for these teleworkers is the central workplace where they perform their duties on a routine basis (see Operating Procedure 323.2, *Commuting in a State Vehicle*).
- e. With management approval, the employee may sometimes travel to other state agency or institution work sites for meetings or other work or occasionally to non-agency sites for reasonable and necessary conferences or meetings.

- f. Employee may be required to telework in support of continuity of operations during emergency closings and crisis management situations.

5. Limited Teleworker

- a. Employee has an active telework agreement on file and teleworks consistently less than 32 hours a month on a limited, sporadic, or task driven basis in response to a specific agency need(s).
- b. The need to telework could include, but is not limited to special projects, continuity of operations, emergency closings, and crisis management situations.
- c. Employee has an assigned or shared workspace at an agency worksite and functions as an Office/Facility Worker when not teleworking.
- d. Employee may occasionally travel off-site for work activities, meetings, or conferences when approved by management.
- e. Employee may be required to telework in support of continuity of operations during emergency closings and crisis management situations.

C. Schedules/Hours of Work

1. Supervisors are accountable to ensure approved teleworkers work the required hours that are commensurate with their compensation level.
 - a. The total number of hours that employees are expected to work will not change, regardless of work location or schedule.
 - b. Teleworkers, in the absence of a *Telework Agreement* to the contrary, must work during normal scheduled work hours.)
 - c. Management must ensure that procedures are in place to document the work hours of teleworking non-exempt employees; ensuring compliance with the [Fair Labor Standards Act](#).
2. Supervisors may require employees to report to a central workplace as needed for work-related meetings or other events or may meet directly with the employee at the alternate work location as needed to discuss work progress and/or other work-related issues. Employees may be required to adjust their schedules to ensure attendance at meetings or work-related events.
3. Telework is not to be used in place of sick leave, Family and Medical Leave, leave under Virginia Sickness and Disability Program, Worker's Compensation leave, or other types of leave.
4. The DOC may enter into temporary *Telework Agreements* to utilize teleworking as a Return to Work opportunity (see Operating Procedure 150.3, *Reasonable Accommodations*, and Operating Procedure 261.3, *Workers Compensation*).

D. Evaluation

1. All *Telework Agreements* and telework arrangements are subject to interim evaluation to ensure appropriate results and efficiencies are being achieved.
2. An interim evaluation should be completed after a four month period, including an evaluation of the *Telework Agreement* telework arrangements, and the performance of the teleworking employee in the form of an interim performance evaluation.
3. Supervisors may complete interim evaluations at any time to ensure measured results or they may, following the initial four month period, return to the annual performance cycle evaluation for the employee and an annual evaluation of the agreement.

E. Equipment

1. Normally the DOC will provide a laptop computer for teleworking employees to perform their duties at alternative work locations (peripheral hardware may be provided in some instances).
 - a. *Telework Agreements* must specify equipment requirements.
 - b. In rare instances, employees may be authorized to use their own equipment (for access to non-sensitive applications); however, this must be pre-approved by the Virginia Information

Technologies Agency (VITA) and the DOC Corrections Technology Services Unit (CTSU), since special requirements apply to the use of personal devices connecting to the Commonwealth's network.

2. Employees are responsible for DOC equipment used off-site. Needed repairs or service should be reported immediately to their supervisor. The DOC is not responsible for personal equipment.
3. Employees must maintain the security and confidentiality of DOC information and assets at alternative work locations, including travel to and from those locations, in the same manner in which it is maintained at the central work location; including proper access, discard, and disposal.
4. Only authorized employees may use DOC equipment and only for authorized legitimate DOC business. Employees must comply with Operating Procedure 310.2, *Information Technology Security*, at all times when using DOC equipment or accessing DOC data and information.

F. Safety and Worker's Compensation

1. All alternative work locations must comply with safety standards applied to the central work location; including a work space that is free of clutter, exposed wiring, slippery surfaces, etc. The DOC reserves the right to inspect the alternative work location to ensure hazards do not exist.
2. The DOC may be liable for job-related injuries that occur at alternative work locations during agreed upon work hours; all applicable reporting guidelines for injuries/accidents should be followed.
3. Offender contact/visitation should occur only at approved facility work stations or sites and with approved DOC devices and telephones. Offender contact/visitation is prohibited at any employee's residence or through any employee's personal telephonic or electronic devices.

G. Office Closings

1. Teleworking employees can provide a vital service during periods of office closings and if their telework location is their home, they are expected to work from home on those days, and will not earn compensatory time.
2. If the teleworking employee's alternate work location is not the home and this work location is closed, they are governed by that decision.
3. Teleworking may be authorized temporarily by supervisors to ensure continuity and the completion of critical work during periods of inclement and other emergency/critical situations. Supervisors must pre-approve these arrangements and work to be completed. *Telework Agreements* are not required for this type of temporary arrangement.

V. REFERENCES

DHRM Policy 1.61, Telework
Executive Order 19 (2010)
Fair Labor Standards Act
Operating Procedure 150.3, *Reasonable Accommodations*
Operating Procedure 261.3, *Workers Compensation*
Operating Procedure 310.2 *Information Technology Security*
Operating Procedure 323.2, *Commuting in a State Vehicle*

VI. FORM CITATIONS

[Telework Agreement](#) 110_F4

VII. REVIEW DATE

The office of primary responsibility shall review this operating procedure annually and re-write it no later than three years after the effective date.

Signature Copy on File

5/4/17

N. H. Scott, Deputy Director for Administration

Date