



DEPARTMENT OF ADMINISTRATIVE SERVICES
INTERNAL POLICIES AND PROCEDURES

250 Telecommuting

Effective: June 13, 2014
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References: DAS Policy 240, *Cell Phone Service*; DAS Policy 310, *Mobile Device Management*; [Utah Code §63G-2, Government Records Access and Management Act](#); [Administrative Rule R477-8-2, Telecommuting](#); and [Administrative Rule R895-7, Acceptable Use of Information Technology Resources](#)

Purpose:

This policy defines the telecommuting program of the Utah Department of Administrative Services (DAS) and the rules and guidelines under which it operates. This policy further establishes the criteria by which qualified DAS employees, in authorized positions, may perform their assigned responsibilities at a remote location.

DAS recognizes that a carefully planned telecommuting program is a viable work option and expects to benefit from a telecommuting program in the following ways:

- Improve employee effectiveness, productivity, and morale;
- Reduce absenteeism;
- Enhance employee recruitment and retention;
- Improve energy efficiency and air quality; and
- Effectively resume business as part of a disaster recovery or emergency plan.

Definitions:

For the purpose of this policy:

1. "DAS" means the Utah Department of Administrative Services.
2. "Division" means the organizational units of DAS identified in [Utah Code §63A-1-109](#).
3. "Director" means a division director, and includes the coordinator established by Utah Code §63G-3-401.
4. "Employee" means a person who is employed on a full or part-time basis by DAS.
5. "DTS" means the Utah Department of Technology Services.
6. "GRAMA" means the Governmental Records Access and Management Act (Utah Code §63G-2).
7. "UPM" means the Utah Performance Management system provided by the Department of Human Resource Management and utilized by DAS.



Policy:

1. Telecommuting is not an employee right nor is it a universal employee benefit. Participation in the telecommuting program is at the discretion of, and subject to, the prior written approval of management. Management may modify or terminate the telecommute agreement at any time.
2. Employee participation in the telecommuting program is voluntary. Supervisors may not direct or coerce an employee to participate. An employee may discontinue participation in the telecommuting program at any time, for any reason, upon written notice to the employee's supervisor.
3. An employee may initiate a request to participating in the telecommuting program at any time.
4. An employee's participation in the telecommuting program should be transparent to any other entity interfacing with the telecommuter and may not adversely affect the performance of other employees. The decision to allow an employee to telecommute may not put a burden on staff remaining in the office. An equitable distribution of work must be maintained and methods implemented to ensure that employees working in the office do not have to handle the telecommuter's work. An employee authorized to telecommute is required to report to the office on a scheduled telecommuting day if needed or requested by the supervisor.
5. If a telecommuter is required to come into the office on a regularly scheduled telecommute day, there shall be no expectation that the telecommute day shall be rescheduled.
6. A telecommuting agreement shall identify the number of days required in the office. For weeks with a holiday, the telecommute day(s) may need to be eliminated in that week.
7. Telecommuting employees shall comply with all applicable laws, state administrative rules, regulations, policies and procedures including, but not limited to, the Department of Technology Services' Acceptable Use Rule R895-7, and the Government Records Access and Management Act (GRAMA), Utah Code §63G-2.
8. An employee authorized to telecommute shall maintain proper security of the telecommuting environment to protect State information in accordance with GRAMA and authorized agency records schedules. Unauthorized disclosure of State information subjects the employee to disciplinary action, criminal prosecution as provided by law, or both.
9. An employee authorized to telecommute shall perform official duties during duty time at the alternate worksite.
10. An employee authorized to telecommute shall not provide care for children, elders, or others who would otherwise require a provider's care.
11. In order to telecommute, the employee shall, upon 24 hours' notice, allow DAS to make inspections of the telecommuting worksite for document and information security, equipment security, safe working conditions, program compliance, and management reviews.



12. No clause in this policy precludes DAS and its divisions from taking any appropriate disciplinary or adverse action against an employee who fails to comply with the provisions of this policy.
13. The employee and supervisor shall determine as part of the telecommute agreement how job performance shall be measured. A copy of the agreement shall be submitted to the Executive Director's Office. The employee and supervisor shall meet quarterly to evaluate performance and these meetings shall be documented by the supervisor in the employee's UPM.
14. The participating employee is solely responsible for investigating any individual tax implications resulting from using a part of the home as a telecommuting workspace. Participating employees should consult their tax advisor.
15. Prior to commencement of telecommuting, the employee, supervisor, and division director shall sign a Telecommuting Contract, that outlines the terms and conditions of the telecommuting arrangement. The telecommuting contract shall be valid for a period up to 12 months. At the conclusion of the Telecommuting Contract period, the employee, supervisor, and division director may renew the telecommuting contract in accordance with the terms of this policy. The authorization of the Telecommuting Plan must be documented in the Telecommuting AAA and the contract must be attached to the employee's performance plan in the UPM.
16. No additional expense to the State may be incurred because of a voluntary telecommuting arrangement.
17. A telecommuting employee shall be available by phone and by online messaging during agreed upon workhours. The employee understands that regular checks of computer/network activity are part of the telecommute agreement.
18. The standard telecommute agreement shall be for one day per five-day workweek. Any variations from this agreement must be approved through the Executive Director's Office.

Types of Telecommuting

19. DAS permits two types of telecommuting arrangements, "regular and recurring" and "ad hoc." Some telecommuting situations require occasional or infrequent arrangements while others are more conducive to longer periods of scheduled arrangements. The intent in offering two types of telecommuting is to provide supervisors and managers with the maximum flexibility to establish a telecommuting arrangement that is conducive to a particular situation.
20. "Regular and recurring" telecommuting means a continuing arrangement under which an employee works at an alternate worksite for some portion of the work week or pay period.
21. "Ad hoc" telecommuting means an arrangement under which an employee may periodically work at an alternate worksite to complete one-time or unique assignments that can be performed away from the traditional office. This does not include an employee whose work requires off-site work regularly.



Requests to Participate in the Telecommuting Program

22. An employee may initiate a request to participate in the telecommuting program at any time by submitting form F250A, *Telecommute Application*, to the employee's immediate supervisor.
23. Each request for permission to participate in the telecommuting program shall be evaluated on its individual merit. If the supervisor determines that telecommuting will serve a business purpose or fulfill a business need. The supervisor, in cooperation with the employee, shall prepare and complete form F250B, *Telecommute Contract*. The form F250B, *Telecommute Contract*, must include clear objective performance measures, and standards to ensure that the employee's performance as established in the employee's individual performance plan. Those standards and metrics may not be diminished as a result of telecommuting.
24. The supervisor shall submit the form F250A, *Telecommute Application*, and F250B, *Telecommute Contract*, to the Division Director for approval.
25. A copy of the form F250B, *Telecommute Contract*, with all necessary signatures, shall be submitted to the Executive Director's Office.

Approval Criteria

26. **Position Criteria:** The determination of whether a position is suitable for telecommuting should be based on job content rather than title. Tasks and functions that are generally suited for telecommuting include, but are not limited to: (a) writing (editing, drafting reports or decisions); (b) analysis (data, program, policy and financial); (c) call center functions; and (d) computer-oriented tasks (programming, data entry, and word processing).
27. Given that the operational needs of the department remain paramount, the department retains sole discretion to deny an employee's application to telecommute or to rescind a previously granted authorization to telecommute. Due consideration, on a case by case basis, should be given to the following:
 - a. **Public/Agency Contacts:** A position may not be suitable for telecommuting if a substantial portion of the job is devoted to face-to-face contact with the public, other agencies, internal agency staff, or a combination of these.
 - b. **Information Security:** A position may not be suitable for telecommuting if the integrity or security of information cannot be maintained in accord to information security policies, or the level of security cannot be duplicated at the alternate worksite in a cost effective manner.
 - c. **Reference Material:** A position may not be suitable for telecommuting if the employee requires access to material that cannot or should not be removed from the office.
 - d. **Resources:** A position may not be suitable for telecommuting if the agency does not have sufficient staff so that the employee's absence from the office adversely affects others left in the office or causes problems for the manager in managing



office workload or coverage. Furthermore, a position may not be suitable for telecommuting if appropriate equipment is unavailable.

- e. **Task Scheduling:** A position may not be suitable for telecommuting if tasks that can be completed outside the office cannot be grouped and scheduled for telecommuting days, or the employee has insufficient duties or work activities that can be performed in an alternate worksite.
28. **Basic Employee Criteria:** The determination of whether an employee is suited for telecommuting should be based on documented, objective criteria. A DAS employee is eligible to participate in the Telecommuting Program if:
- a. The employee is a permanent employee, whether full-time or part-time, of DAS;
 - b. The employee's current performance evaluation rating is "successful," or higher;
 - c. The employee is currently not on a performance improvement plan; and
 - d. The employee is not being disciplined, or currently subject to a correction plan, to address violation of employee conduct rules and policies.
29. **Other Factors for Consideration:** A supervisor should consider factors other than the Basic Employee Criteria when evaluating a request to participate in the Telecommuting Program. However, these factors cannot be used to arbitrarily restrict participation. Factors appropriate for consideration are:
- a. **Conduct:** A record of misconduct does not automatically exclude an employee from the Telecommuting program; however, documented misconduct may be a deciding factor when the nature of the misconduct casts doubt on an employee's ability to work at an alternate worksite. In any event, an employee who is the subject of corrective or disciplinary action within the previous twelve (12) months is prohibited from participating in the telecommuting program.
 - b. **Attendance:** An employee with a documented history of unexcused absences or leaving the worksite without permission may not be a suitable candidate for telecommuting.
 - c. **Independence:** An employee with a documented history of requiring frequent or constant supervision may not be a suitable candidate for telecommuting.
 - d. **Time Management Skills:** An employee with a documented history of being unable to prioritize work effectively or completing projects after deadlines have passed may not be a suitable candidate for telecommuting.
 - e. **Quality of Work:** An employee with a documented history of submitting sub-standard work may not be a suitable candidate for telecommuting.
 - f. **Other:** Other documented job related factors may be considered.

Working Conditions

30. An employee participating in the DAS Telecommuting Program shall receive the same benefits and protections that are provided to other DAS employees. This includes worker's compensation benefits, as well as defense and indemnification for claims



against an employee arising out of the employee's employment, as provided by the Governmental Immunity Act of Utah, Title 63G, Chapter 7.

31. Fair Labor Standards Act (FLSA) rules apply to telecommuters. The amount of time that an employee is required or allowed to work will not change due to participation in the Telecommuting Program.
32. The telecommuter's performance should be monitored in the same manner as the employees working at the traditional office.

Job Performance and Work Scheduling

33. A telecommuter and the supervisor should maintain a balance between the telecommuter's scheduling needs and preferences and agency's business needs. A normal telecommuting schedule shall be agreed to at the beginning of the telecommuting arrangement. The schedule shall be documented in form F250B, *Telecommute Contract*. The supervisor and division director must be informed of, and agree to any changes to the agreed upon work schedule in writing.
34. Policies and procedures currently in place for requesting the use of leave or compensatory remain unchanged. The participating employee is responsible for requesting leave in advance from his/her supervisor and informing timekeepers of leave usage.
35. Management may require overtime work when needed. Unless requested by management, approval for overtime work must be obtained in advance of work. Failure to obtain approval in advance may result in the termination of the telecommute contract, disciplinary action, or both.
36. The employee shall be available for contact during the duty hours agreed upon by the employee and the employee's supervisor. There should be no perceived difference in responsiveness or services provided attributable to work location.
37. The employee shall complete all assigned work according to procedures mutually agreed upon by the employee and supervisor.
38. Documented declines in performance or violations of employee conduct rules and policies are grounds for terminating the telecommute contract, initiating corrective or disciplinary action, or both.

Employee – Manager Communications

39. The employee and supervisor shall agree to regularly provide employee performance reports.
40. The employee and supervisor shall agree to hold regular performance evaluations.
41. A performance report shall be submitted to the Executive Director's Office annually; the report shall include the agreed-upon metrics and a printout of quarterly evaluations.



Worksite Requirements

42. The telecommuter's workspace is considered an extension of DAS workspace. The State's liability for job-related accidents continues during the understood and approved work hours, but is limited to that approved workspace rather than applying to all areas of the home. The employee shall notify the supervisor immediately of any accident or injury that occurs at the workspace, shall complete any required forms, and be evaluated by the State's contracted medical provider.
43. The telecommuting program does not include personal customer contact or interaction with people on official business at the workspace. The State does not cover injuries to third parties at the workspace.
44. An employee may not telecommute if the employee has conflicting care obligations for family members or other dependents, or if the presence of any third parties in the workspace would limit the employees' ability to protect the confidentiality of any records, physical or electronic, to which the employee has access.
45. The State is not liable for damages to the employee's personal or real property while the employee is working at the telecommuting worksite unless damages are caused as a direct result of malfunctioning state-owned equipment.
46. The State is not responsible for any costs associated with using an employee's home as the telecommuting worksite such as, maintenance, insurance, and utilities.
47. In the event that the telecommuting arrangement involves activities that must be cleared through local zoning ordinances or home association regulations, the employee is responsible for initiating the approval process, complying with the applicable terms and conditions, and paying for all required costs.
48. The workspace must provide an environment similar to the office environment that is conducive to work, and free from distractions or unrelated activities.

Expenses

49. Payment for the installation of, and monthly service charges associated with a separate telephone line(s) for business use by an employee who must receive business calls as a function of their job, by the participating employee's division is left solely at the discretion of the director. The installation of telecommunication facilities and equipment shall be ordered through the participating employee's division.
50. An employee authorized to telecommute requiring only occasional communications is expected to use the employee's own telephone line. Only additional costs, if any, for business use of a personal line may be reimbursed.
51. Reimbursement for cell phone service is at the discretion of the director consistent with DAS Policy 240, *Cell Phone Service*. Generally, home internet service will not be provided or reimbursed.
52. An employee shall obtain supplies for business use at the alternate worksite from the employee's primary worksite. Generally, out-of-pocket expenses will not be reimbursed. Any exception must be approved by the employee's supervisor in advance of purchase.



53. Except for unique situations with pre-approval from the employee's supervisor, copying costs will not be reimbursed. All copying shall be done at the primary worksite.
54. A telecommuter may not be reimbursed for travel miles or receive compensation for time spent on the first commute to the employee's primary worksite on any given day. A telecommute required by management to make additional trips to the employee's primary worksite during scheduled work hours is eligible for expense reimbursement and compensation.
55. A supervisor may consider any expense not specifically covered in this policy on a case-by-case basis, considering the appropriateness of the expense reimbursed for similar non-telecommuting positions, and overall budget.

State-owned Hardware, Software, and Other Equipment

56. The provision by the division of computer hardware, software, communications equipment, and other ancillary equipment needed to perform job functions in a telecommuting work environment is left solely at the discretion of the participating employee's director.
57. A division that provides State-owned computer hardware, software, and other equipment to a participating employee shall establish internal policies pertaining, but not limited to, ownership, inventory, proper use, modification, control, and maintenance of State-provided equipment. Failure to abide by internal policies governing State-provided computer hardware, software, and other equipment may lead to the termination of the telecommute contract, disciplinary action, correction action, or a combination of these.

Employee-owned Hardware, Software, and Other Equipment

58. An employee may not use employee-owned computer hardware, software, or other equipment under the terms of a telecommute contract without the express permission of the director and the DAS Chief Security Office.
59. If the director and DAS Chief Security Office grant authorization to use employee-owned computer hardware, software, and/or other equipment, the supervisor shall confirm that the configuration thereof is compatible with the State's information technology infrastructure. The employee must certify that:
 - a. Up-to-date DTS-approved anti-virus software is installed and maintained on employee-owned equipment prior to telecommuting; and
 - b. Mobile Device Management software has been installed as required by DAS Policy 310, *Mobile Device Management*.
60. A request to telecommute may be denied based on the failure to certify that DTS-recommended safeguards have been installed.
61. State data, especially data categorized as sensitive, private, protected, controlled, or proprietary, may not be downloaded on employee-owned hardware.



62. The employee is responsible for the installation, maintenance, repair or replacement of employee-owned hardware, software, and other equipment. The State may not provide technical support for employee-owned equipment.
63. The participating employee must notify his or her supervisor immediately if the employee-owned equipment malfunctions. In the event of equipment failure, the employee is expected to return to their primary worksite.

Procedures

64. The employee reads this policy.
65. The employee completes and signs form F250A, *Telecommute Application*. The form is forwarded to the employee's immediate supervisor.
66. The employee and supervisor complete form F250B, *Telecommute Contract*.
67. The supervisor submits F250A and F250B to the division director for approval and to be signed. Where applicable, F250A and F250B are submitted to the Executive Director or the Executive Director's designee for exception approval.
68. The supervisor attaches a copy of the completed F250A and F250B the employee's UPM.