

Approved:



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Chief Human Resources Officer

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I. PURPOSE

To establish a teleworking policy for specific situations and assignments within the Department of Transportation (“DOT” or “Agency”).

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II. POLICY

“Telework” 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. Only ODOT employees who are specifically authorized pursuant to this policy can telework. Telework is a management option, not an employee right that an employee can expect or demand. ODOT may utilize telework only in the following circumstances: the arrangement is in conjunction with an approved Transitional Work Program; the arrangement is necessary due to an emergency situation or disaster; or, to otherwise address an operational need of the agency. Additionally, the telework arrangement must provide a business benefit to the agency and maintain ODOT’s operational standards. Even where the above described circumstances exist, ODOT’s decision to authorize a telework arrangement is discretionary.

Occasional remote access used to perform ODOT’s business functions does not constitute teleworking. Such remote access work must be approved through appropriate supervisory channels.

1.0 Authorization

Teleworking can only be authorized in specific situations or for specific work units, for a limited period of time (including pilot-program basis) and only where the

teleworking arrangement will provide an operational benefit to ODOT. Prior to engaging in telework, eligible employees must be authorized by the ODOT Chief Human Resources Officer, Assistant Director of Business and Human Resources or Director.

1.1 OPERATIONAL NEED: Eligible employees may be authorized to telework when there is an operational benefit derived from services performed at an alternate work location.

1.2 TRANSITIONAL WORK PROGRAM: Eligible employees may be authorized to telework in conjunction with an approved Transitional Work Program when the essential duties of the position can be performed remotely or at an alternate work location.

1.3 EMERGENCY SITUATIONS: Essential or eligible employees may be authorized to telework during an emergency, such as a disaster, health crisis, declared weather emergency, or other emergency situation resulting in a need for critical services to be performed remotely or at an alternate work location.

2.0 Procedure

2.1 REQUEST TO TELEWORK: When a need has been identified and would require services to be performed at an alternate work location, the ODOT Division or District Deputy Director or his/her designee will contact the ODOT Chief Human Resources Officer and request a teleworking authorization. If the operational need is foreseeable, requests should be made to the ODOT Chief Human Resources Officer at least a week in advance of the requested teleworking date.

2.2 AUTHORIZATION FORM: A completed ODOT Teleworking Authorization form (Appendix A) must be submitted by the Deputy Director or his/her designee for each employee who may be teleworking. The completed form will be submitted to the ODOT Chief Human Resources Officer for approval or denial. At a minimum, the following information must be provided on the form:

- 2.2.1 The name of the employee for whom the teleworking request is being made
- 2.2.2 A list of operational needs
- 2.2.3 The reason(s) teleworking is necessary
- 2.2.4 The benefit or cost savings for ODOT
- 2.2.5 The schedule and projected duration for the teleworking arrangement
- 2.2.6 A description of the work to be performed
- 2.2.7 The alternate work location where the teleworking will be performed
- 2.2.8 A description of the employee's capabilities to access the Internet.

2.3 RESPONSE: The decision of the ODOT Chief Human Resources Officer, Assistant Director of Business and Human Resources, or Director should be made in writing on the teleworking authorization form; however, if this is not immediately possible the decision can be made orally but must be confirmed in writing, which may include email.

- 2.4 **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, acknowledging the teleworking guidelines and expectations listed in this policy and on the form.
- 2.5 **BLANKET APPROVALS:** If a situation were to occur that individual approvals of telework were impractical, the Director can use ODOT's pre-existing list of telework capable employees to issue approvals for any of those employees at his or her discretion without an individual approval form.

3.0 Employee Eligibility

Unless otherwise directed by the Director, teleworking is not available for every employee or for all positions. All the following criteria must be met for an employee to be eligible for teleworking:

- 3.1 **PROBATIONARY PERIOD:** The employee must have completed their initial probationary period.
- 3.2 **JOB DUTIES:** The employee must be able to perform all necessary operational functions and job duties from the alternate work location.
- 3.3 **PRIMARY CARE GIVER:** The employee must not be the permanent primary caregiver for any individual during scheduled work hours unless the employee is on approved leave. Alternative supervision or care outside of the teleworking location must be established prior to the initiation of teleworking. The agency may request documentation to ensure that the employee is not using telework as a substitute for dependent care.
- 3.4 **ACTIVE DISCIPLINE:** The employee shall not have an active disciplinary action greater than a reprimand and shall not be the current subject of an administrative investigation.
- 3.5 **PERFORMANCE:** The employee's performance in the year prior to the teleworking authorization request must be satisfactory. If an employee is on a performance improvement plan, he/she is not eligible to telework.
- 3.6 **BROADBAND CAPABILITY:** The employee must have sufficient broadband connectivity available in order to perform essential functions of their job. The minimum requirement is 1 Mbps upload and 1 Mbps download speeds.
- 3.7 **DIRECTOR DISCRETION:** In the event of an emergency (e.g., pandemic), the Director can override the eligibility items above with the exception of 3.2, 3.3, & 3.6.

4.0 Employment Information

- 4.1 **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 ODOT rules, policies, practices, and instructions. Any violation of the above may result in

removal from the teleworking arrangement and/or disciplinary action, up to and including removal pursuant to ODOT work rules, applicable collective bargaining agreements, and/or applicable law.

4.2 PAY AND BENEFITS: An employee's rate of pay, retirement benefits and State of Ohio sponsored insurance coverage are not affected by the teleworking arrangement.

4.3 WORK HOURS AND LEAVE USAGE: All work hours, overtime compensation, and leave usage must comply with any applicable collective bargaining agreement provision, statute, rule, or policy. Employees are still responsible for submitting their time worked. When an employee reflects less than eight hours of time worked in a given day or less than 40 hours worked in a given week in which teleworking has been authorized, the employee must submit an appropriate request for leave.

4.4 CALL OFF PROCEDURE: An employee authorized to telework must continue to comply with ODOT call off policies and procedures while in a teleworking arrangement. Any request for leave while participating in a teleworking arrangement shall be made in accordance with ODOT policy and procedure.

4.5 SCHEDULE: Unless on approved leave, an employee authorized to telework must perform his/her job duties at a designated alternate work location during his/her scheduled work hours for the duration of the teleworking arrangement. However, ODOT shall maintain the right to require the employee to change his/her schedule and/or work location based on operational needs if the employee's presence is required. An employee's supervisor will make a reasonable effort to provide notice to the employee in the event of a schedule change. There will be no change of headquarter county during the teleworking arrangement.

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

5.0 Alternate Work Location

5.1 ESTABLISHING AN ALTERNATE WORK LOCATION: An employee who is authorized to telework will work with their supervisor to identify the alternate work location and indicate the space where the work will be performed and where equipment can be installed for the purposes of conducting ODOT business. The alternate work location should be reasonably quiet and free of distractions or any noises inconsistent with an office environment.

5.2 INSPECTION, APPROVAL, AND ONSITE VISITS: ODOT maintains the right to inspect and approve the alternate work location before the teleworking can begin. Once teleworking begins, ODOT 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 but can be done without notice during those hours. Failure on the part of the employee to permit an onsite visit during

scheduled work hours could be cause for termination of the teleworking arrangement.

- 5.3 COMPLIANCE WITH BUILDING AND ZONING CODES: Employees are responsible for ensuring that 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 ODOT.

6.0 Equipment and Supplies

- 6.1 APPROVAL AND ISSUANCE: ODOT shall provide and/or approve the equipment, supplies and software that are necessary for the employee to conduct agency business while at the alternate work location. Employees are generally responsible for ensuring the alternate work location has adequate workspace, including Internet capabilities, to perform agency business.
- 6.2 ASSESSMENT OF EQUIPMENT AND INTERNET CAPACITY: An employee authorized to telework will fill out an assessment of their personal equipment and web connectivity capacity at the alternate work location. The employee and supervisor must sign an inventory of all equipment issued by ODOT to the employee. In the event of a need for a blanket telework authorization, the signing of the inventory list can be waived.
- 6.3 NOTIFICATION OF EQUIPMENT OR SYSTEM FAILURE: In an event of equipment and/or system failure that prevents the performance of critical work while teleworking, the employee shall notify his/her supervisor immediately, so the work can be reassigned until such time the failure can be corrected. The supervisor will also assess whether the employee can perform other duties at the current location, will need to report to another location, or the employee can take appropriate leave if mutually agreeable.
- 6.4 PURCHASE OF EQUIPMENT: Equipment purchases must follow the existing pre-approval guidelines. Additionally, such purchases may only be authorized where the equipment is necessary for the telecommuting employee to perform his/her job duties.
- 6.5 COMPLIANCE: An employee authorized to telework shall comply with all State of Ohio and ODOT information technology (IT) policies, standards and procedures regarding state owned equipment, software, licensing, connection, security, and overall management/support requirements.
- 6.6 RETURNING EQUIPMENT: ODOT equipment provided to an employee shall remain the property of ODOT. Upon termination of an employee's participation in the teleworking arrangement, the employee shall return to ODOT all equipment provided by the agency. Such equipment shall be returned in the same operating condition as it was received.
- 6.6.1 The teleworker is liable for any damage to or loss of state-owned equipment provided under the teleworking program due to some fault of the employee.

6.6.2 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.

6.7 USAGE: The use of equipment, software, data, and supplies, if provided by ODOT, is limited to use by authorized persons and for purposes related to State business only.

6.8 SECURITY: An employee authorized to telework will be responsible for the security of all items furnished to them by the State. Employees shall be responsible for protecting all data accessed and extreme care shall be taken regarding sensitive data and/or personally identifiable information. All such data must be maintained in accordance with ODOT policies, standards and procedures.

7.0 Expenses

7.1 OFFICE SUPPLIES: General office supplies shall be provided by ODOT. Expenses for supplies regularly available at the main office will not be reimbursed unless pre-purchase approval has been granted by the teleworker's supervisor. Employees may not use an assigned procurement card to purchase items available at the main office.

7.2 PERSONAL EQUIPMENT AND SUPPLIES: An employee authorized to telework will be responsible for the cost of maintenance, repair, and operation of all personal equipment not provided by the State.

8.0 Communication and Monitoring

8.1 AVAILABILITY: An employee authorized to telework must be reachable during scheduled work hours. Employees shall provide a telephone number for the agreed alternate work location that they can be reached at during scheduled work hours.

8.2 SUPERVISOR RESPONSIBILITY: The employee's supervisor will be responsible for ensuring work conducted at an alternate work location while teleworking is monitored and that all necessary supervisory functions are performed, including approval of hours worked and leave requests.

9.0 Injuries

9.1 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.

9.2 NOTIFICATION OF ACCIDENT/INJURY: An employee authorized to telework, or someone acting on the employee's behalf shall, before the end of shift, notify the employee's supervisor of any accident or injury that occurs at the main office or alternate work location.

9.3 COMPLIANCE: The supervisor and employee will be required to follow applicable policies regarding the reporting of injuries for employees injured while at work.

9.4 LIABILITY: Other than injuries discussed above in this section of the policy, ODOT 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 ODOT's Teleworking Policy. The teleworker, not ODOT, 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 ODOT Teleworking Policy.

9.5 PROPERTY DAMAGE: ODOT is not liable for damages to the teleworker's personal or real property while the teleworker is working at their main office or alternate work location, except to the extent adjudicated to be liable under Ohio law.

10.0 Termination of the Teleworking Arrangement

Any teleworking arrangement described in this policy and authorized by ODOT is at the discretion of the ODOT Chief Human Resources Officer, Assistant Director of Business and Human Resources, or Director and may be modified or terminated at any time.

11.0 Termination or Resignation of Employment

In the event of termination or resignation of employment from ODOT, 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.

12.0 Discipline

12.1 COMPLIANCE: All expectations of compliance with existing statewide and ODOT policies and procedures or applicable collective bargaining unit agreements are unaffected by participation as a teleworker.

12.2 DISCIPLINARY ACTION: ODOT 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.

13.0 Public Records Requirements

Although employees authorized to telework may perform work off-site, public records requirements in Chapter 149 of the Ohio Revised Code and ODOT policy still apply, even when personal IT equipment is used to perform the work. Teleworkers shall comply with all applicable agency record retention schedules. Teleworkers must ensure that mobile computing devices (MCDs) are never the single,

authoritative source for state data. Records on MCDs shall be considered records-in-transit and must never be stored permanently on a personal or state-issued MCD.

Appendix A: Teleworking Authorization

Please refer to ODOT's Teleworking Policy for more information about teleworking and this form.

To Be Completed by Deputy Director of Teleworking Employee:

<p><i>a. Name of Employee being requested to telework:</i></p>
<p><i>b. List of operational needs that must be met:</i></p>
<p><i>c. The reason teleworking is necessary to meet the operational needs listed above:</i></p>
<p><i>d. The benefit or cost savings for ODOT by allowing the employee to telework:</i></p>
<p><i>e. The employee's teleworking schedule and the projected duration for the teleworking assignment/work:</i></p>
<p><i>f. Description of work to be performed during the teleworking assignment:</i></p>

