



Virginia Department of Corrections

Human Resources

Operating Procedure 110.5

Telework

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REVIEW

The Content Owner will review this operating procedure annually and re-write it no later than three years after the effective date.

COMPLIANCE

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

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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 Organizational Unit Head's main work location, where the employee is normally located for work

Non-Designated Staff - Employees who are not required to report to the central or other designated work location during an authorized closing because their positions have not been designated as essential during emergency conditions.

Sensitive information - Sensitive information is data that must be protected from unauthorized access or disclosure to safeguard the privacy and security of an individual or organization. Sensitive information can be on paper, electronic (computer or phone), or verbal.

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

Telework Agreement - The written agreement between the Organizational 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; see [Telework Agreement](#) 110_F4.

PURPOSE

This operating procedure provides guidance for Department of Corrections (DOC) employees to participate in teleworking in compliance COV §2.2-2817.1, *State agencies to establish alternative work schedules; reporting requirement* and Department of Human Resources Management Policy 1.61, *Teleworking*.

PROCEDURE

- I. Telework
 - A. The Department of Corrections (DOC) 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 meeting the essential needs of the DOC.
 - B. This operating procedure applies to full-time and part-time employees in positions identified by the respective Organizational Unit Head as eligible to telework, and approved by the Director, Chief of Corrections Operations, or appropriate Deputy Director.
 - C. Employees allowed to telework from home or off-site for some or all of their employment remain subject to the terms and conditions of employment. The employee is required to comply with all applicable Department of Human Resource Management (DHRM) policies, other applicable state policies and guidelines other than those of the DHRM which may affect conditions of employment, and DOC operating procedures.
 - D. Employees' compensation, benefits, working conditions, core responsibilities and performance expectations, and required total hours worked in a work period do not change as a result of telework agreements.
 - E. 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.
 - F. DOC supervisory staff is responsible for managing the affairs and operations of the DOC; thus, the DOC has sole discretion to:
 1. Designate which positions are eligible to telework
 2. Approve employees who are eligible to telework
 3. Cancel *Telework Agreements* at any time
 - G. Eligible employees who along with their respective Organizational Unit Head who are considering teleworking for the employee, should mutually develop a [Telework Agreement](#) 110_F4, including pre-set work hours, productivity requirements, alternative work locations, environmental, and safety features. *Telework Agreements* may contain mutually agreed upon grounds for cancellation; however, the DOC reserves the right to cancel *Telework Agreements* at any time.

II. Telework Categories

The Department of Human Resource Management (DHRM) defines the following telework categories:

A. Office/Facility Worker

1. Office, facility, or other Organizational Unit employee who reports to and works from a defined central agency workplace(s)
2. Employee may occasionally travel off-site for work activities, meetings, or conferences with prior approval of supervisory staff, but spends a clear majority of their time working at an assigned agency worksite(s).

B. Mobile Worker

1. Employee works a clear majority of their planned schedule in a mobile mode away from agency



offices/facilities out in the “field”.

2. Employee may be required to report to an agency worksite(s) to attend meetings, record time, or receive assignments.
3. 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 supervisory staff.

C. Full-Time Teleworker

1. 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.
2. Employee will normally not have a permanently assigned office space at any agency facility, but may be assigned to work from an alternate agency facility close to their residence if:
 - a. Sufficient internet access is not available at their residence
 - b. Systems access is only available at the agency location
 - c. Personal situations precludes residence-based telework
3. Employee may occasionally travel for work activities, meetings, or conferences when approved by supervisory staff, but is expected to spend a clear majority of their time teleworking at the agreed upon alternate worksite(s).
4. Employee may be required to telework in support of the Organizational Unit’s *Continuity of Operations Plan* during emergency closings and crisis management situations.

D. Hybrid Teleworker

1. 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).
2. Typically, these employees will telework from defined alternate worksite(s) one to two days a week on a consistent and regular basis.
3. Employee has an assigned or shared workspace at an agency worksite(s) and functions as an Office/Facility Worker when not teleworking.
4. 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*.
5. With supervisory staff 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.
6. Employee may be required to telework in support of their Organizational Unit’s *Continuity of Operations Plan* during emergency closings and crisis management situations.

E. Limited Teleworker

1. 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).
2. The need to telework could include, but is not limited to special projects, continuity of operations, emergency closings, and crisis management situations.
3. Employee has an assigned or shared workspace at an agency worksite and functions as an Office/Facility Worker when not teleworking.
4. Employee may occasionally travel off-site for work activities, meetings, or conferences when approved by supervisory staff.
5. Employee may be required to telework in support of their Organizational Unit’s *Continuity of Operations Plan* during emergency closings or crisis management situations.

III. Schedules/Hours of Work

- A. The total number of hours that employees are expected to work will not change, regardless of work location or schedule. Supervisors are accountable to ensure approved teleworkers work the hours required.
1. Teleworkers, in the absence of a *Telework Agreement* to the contrary, must work during normal scheduled work hours.
 2. Teleworkers must receive approval from their supervisor to temporarily shift their telework location or schedule from those approved in the *Telework Agreement*. This approval should be documented in writing and outline the temporary location and/or schedule as well as any other expectations.
 3. Supervisory staff must ensure that procedures are in place to document the work hours of teleworking non-exempt employees; ensuring compliance with the 29 U.S.C., Chapter 8, *Fair Labor Standards*.
- B. 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.
- C. Telework for Unplanned or Temporary Circumstances
1. If an employee has a telework agreement, telework, outside the terms and scope of the *Agreement*, for unplanned circumstances may be approved. The Organizational Unit Head or designee may exercise discretion in determining whether the employee can accomplish their job duties from the telework site in such a situation, or whether leave should be requested.
 2. Employees must receive approval from their supervisor to temporarily shift their telework site to a different location from the central or alternate location approved in the telework agreement.
 3. The Organizational Unit Head, supervisor, and/or Human Resource Officer may determine whether it is appropriate to approve telework arrangements as a Return to Work opportunity or for disability accommodations; see Operating Procedure 150.3, *Reasonable Accommodations*, and Operating Procedure 261.3, *Workers' Compensation*.
 4. If a teleworking employee experiences work stoppage due to an interruption with internet services, power failure, or employee-owned equipment failure, they must contact their supervisor as soon as possible. The supervisor, in conjunction with the Unit Head, will determine under what conditions the teleworking employees may be reassigned to the office, alternate DOC work location or continuing to allow operating at their assigned teleworking location.
- D. The DOC may enter into temporary *Telework Agreements* to utilize teleworking as a Return to Work opportunity; see Operating Procedure 150.3, *Reasonable Accommodations*.

IV. Evaluation

- A. All *Telework Agreements* and telework arrangements are subject to interim evaluations to ensure appropriate results and efficiencies are being achieved.
- B. 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.
- C. Supervisors may complete an interim employee evaluation on teleworking employees 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.

V. Equipment

- A. Normally the DOC will provide a laptop computer for teleworking employees to perform their duties at alternative work locations. Peripheral hardware and other equipment may be provided in some

instances based on a legitimate business need and availability of funds.

- B. In cases where full-time telework is a condition of employment, the employee should be provided with the approved equipment and materials. See Attachment 1, *Information Technology Equipment Management for Teleworking*. However, where agreements specify, employees may be authorized to use their own equipment.
 - 1. *Telework Agreements* must specify equipment requirements.
 - 2. 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 Information Technology Unit (ITU), since special requirements apply to the use of personal devices connecting to the Commonwealth's network.
- C. Employees are responsible for DOC equipment used off-site, which includes protecting the equipment from theft, damage and unauthorized use.
 - 1. Needed repairs or service should be reported immediately to their supervisor.
 - 2. The DOC is not responsible for the cost, repair, or service of personal equipment.
- D. 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.
- E. Only authorized employees may use DOC equipment and only for authorized and 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. The DOC is not responsible for operating costs, home maintenance, internet service fees or charges or other costs incurred by employees who use their homes or other alternate work locations for telework.

VI. Safety and Worker's Compensation

- A. All alternative work locations must comply with safety standards applied to the central work location; including a workspace 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.
- B. 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; see Operating Procedure 261.3, *Workers' Compensation*.
- C. All provisions established in Operating Procedure 135.2, *Rules of Conduct Governing Employees Relationships with Offenders*, apply to all categories of teleworkers.
 - 1. Offender contact/visitation should occur only at approved facility workstations or sites and with approved DOC devices and telephones.
 - 2. Offender contact/visitation is prohibited at any employee's residence or through any employee's personal telephonic or electronic devices.

VII. Office Closings

- A. Teleworking employees can provide a vital service during periods of office closings.
 - 1. Non-designated staff who are able to telework or work remotely are expected to work during authorized closings to ensure continuity of operations.
 - 2. In these circumstances, a *Telework Agreement* must be on file or the supervisors must pre-approve these arrangements.
- B. These employees are not eligible for compensatory leave while working during the closing.
- C. Non-designated staff who are unable to telework or work remotely during an authorized closing will receive their regular pay during the closing, if they worked or took paid leave the day before and the day

after the authorized closing.

VIII. Handling Sensitive Information while Teleworking

Any DOC employee operating from an alternate work location, regardless of their telework category, is subject to DOC operating procedures related to confidentiality, data governance standards and professional conduct. Both sensitive and business related information is to be maintained secure at any alternate work location.

A. Protecting Documents When Teleworking

1. Documents containing sensitive information should not be accessible to anyone who is not authorized to view the material.
2. Only print what is absolutely needed. Once printed, a sensitive document will need to be stored or discarded in an appropriate manner.
3. Documents with sensitive information that are used on an ongoing basis will be securely stored at the telework site.
4. Paper copies that are no longer needed, but that are needed to be stored, will be brought back to the office when returning. Paper copies that are no longer needed should be shredded.
5. Employees should follow specific legal guidelines regarding required hard copy retention, as and when required, hard copies should only be maintained for the period specified. Employees who are unsure if a hard copy of a document should be retained will seek guidance for their Organizational Unit Head.

B. Signature of Documents When Teleworking

1. Electronic signatures processes through Adobe and Word are permissible.
2. Email verification in lieu of a signature is permitted in some circumstances within VADOC at the Organizational Unit Head's discretion requesting the signature. This is not recommended for documents going outside of the agency.

REFERENCES

29 U.S.C., Chapter 8, *Fair Labor Standards*

COV §2.2-2817.1, *State agencies to establish alternative work schedules; reporting requirement*

Department of Human Resources Management Policy 1.61, *Teleworking*

Operating Procedure 135.2, *Rules of Conduct Governing Employees Relationships with Offenders*

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*

"Data Governance Telework Guidance FAQ"

ATTACHMENTS

Attachment 1, *Information Technology Equipment Management for Teleworking*

FORM CITATIONS

[Telework Agreement](#) 110_F4

[IT Asset](#) 110_F5