



# Virginia Department of Corrections

## Human Resources

### Operating Procedure 110.5

#### *Telework*

#### **Authority:**

Directive 110, *Time Utilization*

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None

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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.

*The content owner reviewed this operating procedure in May 2024 and determined that no changes are needed.*

## COMPLIANCE

This operating procedure applies to all units operated by the Virginia Department of Corrections (DOC). Practices and procedures must comply with applicable State and Federal laws and regulations, American Correctional Association (ACA) standards, Prison Rape Elimination Act (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 workstations, other work sites, etc.

**Central Workplace** - The employee's main work location, where the employee is normally located for work.

**Mobile Worker** - Employees who work a clear majority of their planned schedule in a mobile mode away from agency offices/facilities out in the field.

**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 telework agreements.

**Standard Telework Agreement** - The written agreement between the Agency and employee that details the terms and conditions of an employee's work away from their central workplace. Work agreements are required for any teleworking; see *Standard Telework Agreement*.

## 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 (DHRM) Policy 1.61, *Teleworking*.

## PROCEDURE

### I. Telework

- A. The DOC supports 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 all 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. Determinations of telework eligibility are based on the type of work, job requirements and tasks of the position, and the ability of the employee to perform work duties assigned to the individual and the team.
- C. Employees allowed to telework from home or off-site for some or all their employment remain subject to the terms and conditions of employment. The employee is required to comply with all applicable DHRM policies, other applicable state policies and guidelines which may affect conditions of employment, and DOC operating procedures.
- D. Employee compensation, benefits, working conditions, core responsibilities and performance expectations, and required total hours worked in a work period do not change because 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.

### II. Telework Classifications

#### A. Position Availability for Telework

All agency positions will be classified in Human Resource information systems as either available for telework or not available for telework. These determinations of telework availability are based on the purpose of the position, nature and responsibilities of work performed, job requirements and tasks of the position, etc.

#### B. Employee Eligibility for Telework

- 1. Employees will be designated as eligible for telework, not eligible for telework, or mobile worker.
- 2. Eligibility for telework is based on type of work, job requirements and tasks the position, the ability of the employee to perform work duties assigned to the individual and team, individual performance, etc.
  - a. A position can be available for telework, but the employee may be deemed ineligible for telework by the Organizational Unit Head. These determinations can be made on factors such as an employee's understanding of job and performance expectations, an employee not demonstrating an approach that is organized or dependable, performance, lack of technology, or other employee or supervisory considerations.
  - b. Employees who occupy positions with telework availability and eligibility may initiate a request to telework as outlined in Section III of this operating procedure.

#### C. Mobile Workers



1. Employees who work a clear majority of their planned schedule in a mobile mode away from agency offices or facilities may be classified as mobile workers.
2. Mobile workers may be required to report to an agency worksite(s) to attend meetings, record time, or receive assignments. Mobile workers may perform 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 their supervisor.
3. A *Standard Telework Agreement* is not required for mobile workers, but the Organizational Unit Head must notify the Compensation Unit of these designations for updating human resource information systems.

### III. Initiation, Renewal, and Termination of Telework Agreements

#### A. Initiation of Telework Agreements

1. Eligible employees who are considering teleworking must first discuss with their supervisor, reviewing the telework policies and expectations if approved. The employee must agree to the expectations and conditions outlined in the telework agreement, including pre-set work hours, productivity requirements, alternative work locations, equipment, continuity of operations expectations, and the safety checklist.
2. If the employee's desire to telework is supported by their supervisor and Organizational Unit Head, the appropriate Human Resource Officer (HRO) will initiate the request in the *COV Telework Application*, an electronic portal for centralizing and automating forms. All requests for new or revised telework status must be submitted using the electronic telework application. For routing purposes, the HRO will modify the supervisor field to the appropriate Organizational Unit Head.
3. Once initiated, the employee will receive an e-mail to complete the electronic telework agreement in the *COV Telework Application*. Submission of the telework agreement by the employee acknowledges that they have read, understand, and will abide by the terms and responsibilities described within the agreement, as well as accompanying operating procedures.
4. Once electronically submitted by the employee, the request will automatically route to the Organizational Unit Head. The Organizational Unit Head will determine if the employee is eligible for telework and verify the form is completed accurately. If approved by the Organizational Unit Head, the *COV Telework Application* will route the telework application for appropriate reviews and approvals.
  - a. Requests for one telework day per week require approval from the Director of Corrections.
  - b. Requests for two telework days per week require approval from the Secretary of Public Safety.
  - c. Requests for more than two telework days per week must be approved by the Chief of Staff.
5. Once the telework agreement is approved at the appropriate level, the employee will receive an automated e-mail notification. The employee will then notify their supervisor and confirm a start date before implementing their telework arrangement.
6. The Office of Human Resources will monitor electronic telework approvals and record approvals in applicable personnel systems. This recording will include updating position and employee information, including the number of days per week approved.
7. Approved teleworking agreements remain effective for one year, subject to termination by the Agency at any time. The telework agreement must be reviewed and updated annually.

#### B. Renewal of Telework Agreements

1. Organizational Unit Heads must review each employee's telework agreement annually and determine whether to renew or update the agreement for the upcoming fiscal year (July 1 - June 30).
2. By June 1st of each calendar year, Organizational Unit Heads must conduct a review of all employees telework agreements within their Unit.



- a. If changes or updates are needed to any employee's telework agreement, the agreement will need to be resubmitted through the defined process described in the initiation section above.
- b. Telework agreements with no changes do not need to be resubmitted.
- c. Once the review is complete, the Organizational Unit Head must e-mail [CompInfo@vadoc.virginia.gov](mailto:CompInfo@vadoc.virginia.gov) to certify the annual review has been completed with note of any agreements that have been resubmitted for approval due to changes or termination.
- d. By July 1 of each year, the Compensation Unit will prepare an Agency Telework Certification for the Director. Once certified, the Compensation Unit will update applicable personnel systems.

#### C. Termination of Telework Agreements

1. DOC supervisory staff is responsible for managing the affairs and operations of the DOC; thus, the DOC has the sole discretion to designate which positions are eligible to telework and may terminate a telework agreement at any time.
2. Employees should be given advanced notice (two weeks is recommended) if a decision is made to terminate the agreement; however, advance notice is not required.
3. The Organizational Unit Head or Human Resource Officer must notify the [CompInfo@vadoc.virginia.gov](mailto:CompInfo@vadoc.virginia.gov) mailbox of any terminated agreements for appropriate updates in personal information systems.

#### IV. Telework for Unplanned or Temporary Circumstances

- A. With approval from their chain-of-command, the Organizational Unit Head may approve temporary telework for unplanned/temporary circumstances for situations such as family illness, injury, or illness for up to two weeks.
  1. 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. In these circumstances employees who do not have an approved *Standard Telework Agreement* must submit one for the period of temporary telework.
- B. The DOC may enter a temporary *Standard Telework Agreement* to utilize teleworking as a Return-to-Work Opportunity, for an FLMA request, or for disability accommodations. These cases must be reviewed by the Employee Benefits Manager and handled in accordance with Operating Procedure 150.3, *Reasonable Accommodations*.
- C. 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.
- D. If teleworking employees experience work stoppage due to an interruption with internet services, power failure, or employee-owned equipment failure, they must contact their supervisor immediately. The supervisor, in conjunction with the Organizational 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.

#### V. Schedules and 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 *Standard Telework Agreement* to the contrary, must work during normal scheduled work hours.
  2. 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*.

3. Whether work is performed in the office, on-site, or remote, leave policies and practices do not change. Personal time off must be recorded as leave in accordance with Operating Procedure 110.1, *Hours of Work and Leaves of Absence*.
  4. Teleworkers must receive approval from their supervisor to temporarily shift their telework location or schedule from those approved in the *Standard Telework Agreement*. This approval should be documented in writing and outline the temporary location and/or schedule as well as any other expectations.
- 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.

## VI. Emergency Closings of the Central Workplace

- A. Teleworking employees can provide a vital service during periods of emergencies or authorized office closings.
- B. Non-designated staff who have an approved *Standard Telework Agreement* are expected to work during authorized office closings to ensure continuity of operations and meet customer demand.
1. If the employee is unable to telework during an emergency due to illness or dependent care responsibilities, the employee must take appropriate leave.
  2. These employees are not eligible for compensatory leave while working during the closing.

## VII. 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*. Where agreements specify, employees may be authorized to use their own equipment.
1. *Standard 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 way 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*, always when using DOC equipment or accessing DOC data and information.



- F. The DOC is not responsible for operating costs, home maintenance, or any other incidental costs, e.g., utilities, internet service provider costs, etc., in the use of employee homes or other alternate work locations for telework.

#### VIII. Safety and Workers' 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 employee will verify the safety of an alternate worksite using the safety checklist in the *Standard Telework Agreement*. 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 Inmates and Probationers/Parolees*, apply to all categories of teleworkers.
  - 1. Inmate/Probationer/Parolee contact and visitation should occur only at approved facility workstations or sites and with approved DOC devices and telephones.
  - 2. Inmate/Probationer/Parolee contact and visitation is prohibited at any employee's residence or through any employee's personal telephonic or electronic devices.

#### IX. Handling Sensitive Information while Teleworking

- A. Any DOC employee operating from an alternate work location, regardless of their telework category, is subject to DOC operating procedures related to professional conduct, confidentiality, information security, and data governance standards. Both sensitive and business-related information is to be securely maintained at any alternate work location.
- B. 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.
- C. Signature of Documents When Teleworking
  - 1. Electronic signatures processed through DocuSign, Adobe and Word are permissible.
  - 2. Email verification in lieu of a signature is permitted in some circumstances within DOC at the Organizational Unit Head's discretion requesting the signature. This is not recommended for documents going outside of the agency.

#### X. Evaluation and Resources

- A. Organizational Unit Heads and supervisors are responsible for assessing, individual and team objectives, and ensuring that overall performance expectations are being achieved. Teleworking arrangements must not impede an employee's ability to fulfill the fullness of the duties outlined in their Employee Work





Profile, and/or compromise productivity or performance.

- B. All telework agreements and arrangements are subject to regular evaluations to ensure appropriate results and efficiencies are being achieved.
- C. An interim evaluation should be completed after a four-month period, including an evaluation of the *Standard Telework Agreement* telework arrangements, and the performance of the teleworking employee in the form of an interim performance evaluation.
- D. 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.
- E. DHRM offers an online toolkit of teleworking resources for managers and employees.

## 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 Resource Management Policy 1.61, *Teleworking*

Department of Human Resource Management Teleworking Toolkit

Operating Procedure 135.2, *Rules of Conduct Governing Employees Relationships with Inmates and Probationers/Parolees*

Operating Procedure 150.3, *Reasonable Accommodations*

Operating Procedure 261.3, *Workers' Compensation*

Operating Procedure 310.2, *Information Technology Security*

*Data Governance Telework Guidance FAQ*

## ATTACHMENTS

Attachment 1, *Information Technology Equipment Management for Teleworking*

## FORM CITATIONS

Department of Human Resource Management, *Standard Telework Agreement*

*IT Asset 110\_F5*