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Scott Crow, Director Oklahoma Department of Corrections		Signature on File	

Telework

The Oklahoma Department of Corrections (ODOC) utilizes telework where appropriate. The agency can mandate telework when needed as an alternative to incurring costs for additional office space for state government or when unsafe working conditions exist, and the conditions are projected to exist for an extended period. Employees shall follow these procedures as written unless deviation or adjustment is required, as determined by the agency director or their designee. This procedure outlines the internal processes and does not create legally enforceable rights or obligations.

I. Purpose

This procedure permits the ODOC to allow telework as a viable alternative work arrangement in cases where individual, job, and supervisor characteristics are best suited to such an arrangement. Telework enables an employee to work outside the traditional work environment for all or part of the regular workweek.

Telework is not a right but rather an option subject to utilization at ODOC’s discretion. Due to the nature of specific job duties in the agency, telework will not be an option for every position.

II. Definitions

A. Telework

Any work allowed by the agency to be performed outside of the employee's assigned duty station under an approved routine or situational agreement.

B. Telework Location

An approved work site other than the employee's assigned duty station.

C. Primary Work Location

The official designated work site where the employee is assigned to perform the duties and responsibilities of the position for which he or she is hired.

D. Telework Agreement

An agreement between ODOC and the employee for the employee to utilize a telework arrangement to perform the position's duties either in part or in whole at an alternative work location.

E. Active Telework Participant

An employee with an approved telework agreement pursuant to this procedure who is utilizing telework routinely and does not have a written termination of the telework agreement.

F. Routine Telework

Telework which occurs regularly on an established schedule.

G. Situational Telework

Telework on an occasional, episodic, or short-term basis which is not regularly scheduled.

III. Telework Criteria

The employee participating in a telework arrangement:

- A. Must provide a readily accessible phone number during scheduled business hours;
- B. Remain readily responsive to any request;
- C. Remain available to return to the primary work location within two hours during scheduled business hours without prior notice;

- D. Must complete all necessary in-office training for the job and demonstrate proficient performance and understanding of duties to the supervisor;
- E. Demonstrate a “meets standards” or above in accordance with the state’s Performance Management Program (PMP) ([HCM-111](#)). Supervisors shall ensure all employees participating in a telework arrangement have a current PMP and meet the requirement set forth above. An exception can be made for new employees who are office sharing or at the discretion of the agency director due to hazardous safety or weather conditions;
- F. Must not have been on a leave-without-pay status in the previous 12 months; however, an employee who has exhausted leave due to an FMLA-qualifying event or workers’ compensation claim may still be considered for a telework arrangement. The supervisor will review these events on a case-by-case basis;
- G. Must not have a formal disciplinary action or disciplinary action with Civil Service Division (CSD) complaint rights on file within the last two years. An approved teleworking employee who receives a discipline with CSD complaint rights may be removed from telework;
- H. As the supervisor directs, report to the primary work location for the designated workday hours (e.g., 8 hours, 10 hours, etc.). While at the primary work location, the employee must connect the assigned computer to the network to allow for required updates; and
- I. The requirements for an approved telework agreement and those above in Section III. items D. through F. may be waived in the event of an emergency, hazardous weather, or when an agency office must be closed due to unsafe working conditions. Notification of any waiver must be sent to the chief administrator of Human Resources or their designee.

IV. Telework Approval Process

A teleworking employee’s duties, obligations, and responsibilities are the same as if working at the primary work locations.

Employees may request telework pursuant to this procedure. Employees required to office share and desire to telework due to office space limitations will submit requests pursuant to this procedure.

No employee shall begin a telework arrangement until they have completed the necessary paperwork and submitted it to their supervisor for consideration. The telework agreement will not be effective until all signatures have been obtained.

- A. The employee will complete the “Telework Self-Assessment Survey” ([Attachment A](#), attached), the “Telework Location Safety Checklist” ([Attachment B](#), attached), and the “Telework Agreement” ([Attachment C](#), attached).

1. Telework is not a replacement for appropriate dependent care. The focus of the work hours in the telework location must be on job performance and meeting agency requirements.
 2. Before entering into a telework agreement, the supervisor will discuss expectations of telework with the employee and encourage employee discussion with other residents at telework location about these expectations.
- B. The supervisor shall evaluate the employee's suitability for telework, considering the nature of the employee's position, the needs of the agency or division, and the employee's work habits. The supervisor shall also evaluate job responsibilities, workspace consideration, work schedules, and equipment needs to determine if the position is appropriate for a telework arrangement.
1. Productivity performance measures and performance reporting metrics for each telework position are to be established by the supervisor and before submitting the telework agreement to the division administrator or designee.
 2. The supervisor will require aligning performance measures for each telework position to the reporting unit's performance measures and performance targets for approval. Supervisors should partner with Human Resources to ensure consistency across divisions.
 3. The supervisor shall determine the work schedule the employee will maintain and the manner and frequency of communication.
 4. All employees are required to record all hours worked. In the telework agreement, all telework employees should work only hours specified per day and per week. Telework employees will need the advance written approval of the supervisor to work hours over those set per day and per work week, in accordance with state and federal requirements.
 5. Supervisors shall ensure telework employees report one time each month to the workstation at the designated duty station. The in-person (face-to-face time with the supervisor) will be consistent with the hours specified per day for a typical telework workday.
- C. Employees participating in telework will have a telework schedule. The supervisor will still set the teleworking schedule, work hours, and adjustments to the workweek for employees participating in telework.
- D. Once a telework arrangement is appropriate, the supervisor will forward the telework agreement with their comments and recommendation to the division administrator or designee.

- E. After approval by the division administrator or designee, the supervisor will forward the telework agreement to the employee's Human Resources unit.
- F. Human Resources will maintain the signed telework agreement in the employee's personnel file. Human Resources is the repository of all telework agreements.

V. Equipment

ODOC will determine, with information supplied by the employee and the supervisor, the appropriate equipment needs (e.g., hardware, software, telephone, etc.) for each telework arrangement on a case-by-case basis. ODOC reserves the right to change its determination as to appropriate equipment.

- A. An employee participating in a telework arrangement shall comply with the state Information Security Policies, Procedures and Guidelines, and applicable data security laws, rules, and regulations to protect information accessible from any telework location.
- B. Employees shall be responsible for removing work hazards and ensuring adequate protection of proprietary, consumer, and other confidential information accessible from the telework location. ODOC shall determine adequate protection.
- C. The employee shall establish an appropriate work environment at the telework location. Telework employees must complete a Telework Location Safety Checklist along with the Telework Agreement attesting the telework location meets the minimum requirements set forth on the checklist. The work environment of the telework location shall include the computer, any state-owned equipment, and any items included on the Telework Location Safety Checklist.
- D. The employee must provide a secure internet connection for telework at their own expense.
- E. Telework employees must anticipate the need and request appropriate office supplies (i.e., pens, paper, etc.) in advance from their unit.
- F. Authorized employees may use state-owned equipment only for legitimate business purposes. The employee is responsible for protecting state-owned equipment from theft, damage, and unauthorized use.
- G. Accommodations such as ergonomic chairs, stand-up desks, etc., are not part of the telework agreement.
- H. When an employee is authorized to use personally-owned equipment:
 - 1. ODOC does not assume responsibility for the cost, repair, service of the equipment, or operating costs; and

2. Employees are not authorized to save or store any confidential or HIPAA-related information on their equipment.
- I. When an employee uses their home as an alternate work location, except as described in the agreement, ODOC does not assume responsibility for:
 1. Home maintenance; or
 2. Other incurred costs.
- J. When the telework arrangement is discontinued, the employee shall return all state-owned property to the agency within three business days. The employee shall be liable for the replacement or repair cost, as applicable, of state-owned equipment that is lost, damaged, or unreturned after the termination of the telework agreement.

VI. Compensation and Benefits

- A. An employee's compensation and benefits do not change due to telework. An employee on a telework agreement will continue to accrue annual leave, sick leave, and all other leave benefits at the same rate as before the telework agreement. The employee may not work overtime without prior authorization. The total number of hours an employee is expected to work does not change, regardless of work location. Regulations governing the Fair Labor Standards Act (FLSA) and the Family Medical Leave Act (FMLA) remain under the Telework Agreement. Telework is not:
 1. Intended to serve as a substitute for child or adult primary care. When children or adults in need of primary care are in the telework location during the employee's assigned work hours, another individual must provide care; and
 2. Used in place of sick leave, family medical leave, workers' compensation, administrative leave, educational leave, or other leave for disability or other purposes, unless authorized by the agency director.
- B. ODOC is not responsible for and does not provide advice related to tax or legal issues arising from an employee's use of a telework location under this telework arrangement. Employees should seek tax or legal advice from their tax or legal advisor if they have any questions related to the telework arrangement.
- C. All active telework participants will be ineligible for administrative leave granted to employees during inclement weather or an emergency at the primary work location. As active telework participants, employees can telework even on non-scheduled telework days and, therefore, will not be eligible for

administrative leave (Personnel Administration Rule 260:25-15-71(c)). Employees actively participating in telework must telework or take other leave as approved by their supervisor unless an exception applies. Exceptions the agency director may consider include but are not limited to:

1. Weather — the agency director may approve administrative leave to a telework employee who, in the agency director's judgment, could not telework due to weather conditions at the telework location.
2. Unsafe telework location — the agency director may approve administrative leave to a telework employee who is prevented from safely working at the telework location due to severe weather or other emergency events.

VII. Termination of Telework Assignment

The agency may discontinue any telework arrangement at its sole discretion. Telework participants may also request to stop telework unless the ODOC mandates telework due to office sharing or unsafe working conditions. The agency shall make every effort to provide a 30-day notice of such a change; however, there may be instances when less notice or no notice is possible. Termination agreements do not expire, and any termination of a telework agreement shall be in writing.

The ODOC retains the right and sole discretion to modify the teleworking arrangement in any manner to meet the agency's needs.

VIII. References

Personnel Administration Rule 260: 25-15-71(c)

IX. Action

The affected senior staff/employee is responsible for compliance with this procedure.

The chief Financial Officer is responsible for the annual review and revisions.

Any exceptions to this procedure will require prior written approval from the agency director.

This procedure is effective as indicated.

Replaced: OP-110250 entitled "Telework" dated June 23, 2021

Distribution: Policy and Operations Manuals
Agency Website

<u>Referenced Forms</u>	<u>Title</u>	<u>Location</u>
HCM-111	“Performance Management Process”	www.hcm.ok.gov

<u>Attachments</u>	<u>Title</u>	<u>Location</u>
Attachment A	“Telework Self-Assessment Survey”	Attached
Attachment B	“Telework Location Safety Checklist”	Attached
Attachment C	“Telework Agreement”	Attached