

COMMENT DUE DATE: July 22, 2022

Date: July 12, 2022

Brent Oldland, Administrative Officer
Brandi C. Smith, Policy Specialist
Holli Kyker, Programs Administrator

405-522-6008
405-982-2703
405-982-2217

It is important that you provide your comments regarding the **draft copy** of policy by the comment due date. Comments are directed to *STO.LegalServices.Policy@okdhs.org.

SUBJECT:

CHAPTER 2. ADMINISTRATIVE COMPONENTS

Subchapter 1. Human Resource Management

Part 9. Telecommuting and Alternate Work Location

OKDHS:2-1-301 [REVISED]

(Reference WF 22-B)

SUMMARY:

The proposed amendment updates agency telework policy by amending procedures with the written belief that employees who can telework are expected to telework while formally establishing the spoken policy that employees may work in the office no more than two days per week without division director approval.

SUBCHAPTER 2. HUMAN RESOURCES MANAGEMENT

PART 9. TELECOMMUTING AND ALTERNATE WORK LOCATION

OKDHS:2-1-301. Telework

Revised ~~11-1-20~~ 07-12-22

(a) **General provisions.** This Section discusses Oklahoma Human Services (OKDHS) rules governing teleworking by its employees. Within state government agencies, teleworking is permitted by, and managed, per Office of Management and Enterprise Services (OMES) Human Capital Management (HCM), Oklahoma Administrative Code, and ~~Sections 840-4.3 and Section 840-4.19 of Title 74 of the Oklahoma Statutes (74 O.S. §§ 840-4.3 and § 840-4.19).~~ OKDHS complies with all elements of ~~those directives that directive while~~ by encouraging its employees to telework whenever possible. OKDHS believes a workforce who can routinely and proficiently use office systems along with developing technology capabilities is a key component of a modern, agile, and responsive service provider. The alternative workplace flexibility offered by a dynamic and expansive program contributes immeasurably to superior performance, high morale, job satisfaction, reduced attrition, and enhanced retention. Managers, supervisors, and employees who are expected to work cooperatively to grow the OKDHS teleworking footprint whenever and as much as possible. able to telework are expected to do so. They may work in the office no more than two days per week without special permission. Division directors may approve others to work in an office more or less than two days per week when circumstances may dictate.

(b) **Telework criteria.** ~~The terms of an OKDHS telework agreement are agreed upon between an employee and his or her direct supervisor.~~

(c) **Definitions.** The following words and terms when used in this Section have the following meanings unless the context clearly indicates otherwise:

(1) **"Official duty station"** means the official designated workspace or OKDHS office where an employee is assigned to perform the duties and responsibilities of the position for which he or she is hired.

(2) **"Telework"** means work performed outside of the employee's assigned duty station. When teleworking, an employee's job duties, obligations, and responsibilities are the same as those for employees assigned to official duty stations.

(3) **"Telework duty station"** means the ~~designated~~ workspace, other than the official duty station, where an employee ~~has agreed to~~ performs the duties and responsibilities of the position for which he or she is hired. ~~To provide for the employee's quick response to emergent situations, the telework duty station can be no farther than 75 road miles from the official duty station unless otherwise approved, based upon the employee's special circumstances.~~

(c) **Telework criteria.** An employee and his or her direct supervisor shall agree upon an employee's telework duty station and the conditions under which the employee will perform his or her duties while teleworking. If the employee is teleworking out of state for any length of time, Division director approval is required. Such agreement also includes expectations when and under what circumstances an employee is expected to appear in person at his or her official duty station.

(d) **Telework request and approval process.**

~~(1) The SharePoint Human Resource Management (HRM) Telework Agreement site has the TeleworkApp form. Once the requested information is entered in the form, the employee and supervisor sign it electronically and the supervisor uploads it to the site.~~

~~(2) Supervisors must review the agreement with the employee at least annually, uploading a new form each time.~~

~~(3) A TeleworkApp Form is not needed for employees who work at community partner spaces that have a memorandum of understanding with OKDHS.~~

~~(e) **Compensation and benefits.** An employee's compensation and benefits do not change as a result of teleworking. Teleworkers accrue leave benefits at the same rate as they did, prior to teleworking. Compensation and benefits accrue at the same rate whether an employee is teleworking or in an office.~~

~~(f) **Teleworking hours.** The total number of hours that an employee is expected to work does not change, regardless of work location. Every employee is required to work 40 hours per week. Regulations governing the Fair Labor Standards Act (FLSA) and the Family Medical Leave Act (FMLA) remain in effect under the telework program. Teleworking is not:~~

~~(1) intended to serve as a substitute for child or adult 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.~~

~~(g)(e) **Appearance during Business business meetings.** When teleworking, employees must ensure their dress, appearance, and behavior are what they would display during traditional office meetings. appropriate for the circumstances. For example, business casual dress is expected when engaged in remote meetings or encounters with parties not associated with OKDHS.~~

~~(h)(f) **Information security and confidentiality.** When an employee is obligated to conduct business in a public location, the employee must take steps to mitigate the risks of inadvertently disclosing confidential information to third parties. Such steps include restricting any other person's ability to view the employee's electronic devices or documents and not discussing confidential case specific information, including over any phone or other electronic device, when individuals are capable of listening or intercepting the employee's communications. Any employee who anticipates conducting business in a public location must receive training that addresses information security and confidentiality. All internet-based use of an employee's work computer in a public location must be conducted utilizing the employee's VPN login credentials for heightened security purposes and not solely utilizing a public Wi-Fi network.~~

~~(i) **OKDHS telework location inspections.** OKDHS supervisors may inspect an employee's teleworking workplace:~~

~~(1) with the his or her consent and at an agreed upon date and time; and~~

~~(2) to ensure the employee is complying with OKDHS requirements including, but not limited to:~~

~~(A) maintaining confidential information; (B) records retention;~~

~~(C) secure document destruction; and~~

~~(D) information security guidelines.~~

~~(j)(g) **Job-related illness or injuries while teleworking.** Teleworking employees must immediately report any illness or injury to supervisors, just as they would when working~~

at an official duty station. The Risk Management Unit may arrange with the employee to inspect the location in the event of a reported job-related illness or injury.

~~(k)(h)~~ **Equipment** Form 11AD020E, TeleworkApp Agreement, specifies if an employee uses his or her own equipment or OKDHS-owned equipment when teleworking. OKDHS provides each employee with a laptop computer and a cellular telephone, both of which support teleworking.

~~(1)~~ When OKDHS provides equipment and materials for an employee telework, the employee and supervisor must complete Form 23AM001E, Assets Accountability.

~~(A)~~ Employees may use OKDHS-owned equipment only for legitimate OKDHS business-related purposes.

~~(B)(2)~~ The employee is responsible for ~~protecting~~ using due diligence to protect OKDHS-owned equipment from theft, damage, or unauthorized use.

~~(C)~~ OKDHS-owned equipment can include, but is not limited to:

- ~~(i)~~ a computer or laptop;
- ~~(ii)~~ a computer monitor; or
- ~~(iii)~~ an office chair.

~~(2)~~ When an employee uses his or her own equipment:

~~(A)~~ OKDHS does not assume responsibility for the:

- ~~(i)~~ equipment cost, repair, or service; and
- ~~(ii)~~ operating costs; and

~~(B)~~ he or she does not use personal cellular devices for OKDHS work purposes other than phone calls.

~~(3)~~ When an employee uses his or her home as a telework location, except as described in the telework agreement, OKDHS does not assume responsibility for:

- ~~(A)~~ home maintenance; or
- ~~(B)~~ other incurred costs.

~~(h)(i)~~ **Employee travel.** When teleworking the employee's stated official OKDHS duty station ~~on the TeleworkApp Agreement~~ is the location of origin in calculating mileage unless the telework location is closer to the employee's destination duty station is more cost-effective in terms of either time or distance. Mileage to, and from, the employee's ~~designated remote location and official duty station is not a reimbursable expense.~~

~~(m)~~ **Telework assignment termination.** An employee's direct supervisor or anyone in his or her supervisory chain may terminate the TeleworkApp Agreement.

~~(n)(j)~~ **Telework reporting.** The HRM Human Resource Management director has executive oversight of the OKDHS telework program.