

Internal Operating Policy 46-07

Submitted by Director to the Georgia Public Defender Standards Council: 8/24/2007

Approved by Standards Council: __/__/2007

Effective: __/__/2007

Authority: O.C.G.A. § 17-12-5(c) (2)¹

Subject: Policy on Teleworking

The following is the Standards Council's policy² on employees working from another location besides the principal office of business:

The Standards Council believes that teleworking will allow employees to work more productively which will benefit the agency. This policy will do the following:

1. Establish expectations for employees and monitor employee performance;
2. Identify eligible employees;
3. Identify eligible positions suitable for teleworking;
4. Determine if office-like space is required;
5. Determine if state equipment will be provided to the employee to use at home;
6. Establish how the teleworker will maintain regular contact with clients, office, co-workers, and supervisors;
7. Determine how the agency will handle restricted access materials, security issues, and taking electronic or paper records from the primary work place;
8. Ensure that practices are consistent with state policy and law in the use of state technology and administration of telework agreement;
9. Deliver telework training to employees;

¹ O.C.G.A. § 17-12-5 (c) (2) provides as follows: “(c) The director shall... (2) Develop such rules, policies, procedures, regulations, and standards as may be necessary to carry out the provisions of this chapter and comply with all applicable laws, standards, and regulations, and submit these to the council for approval”.

² This policy is in compliance with the Statewide Policy on Teleworking promulgated by the Georgia Merit System, and it outlines how the Standards Council will administer teleworking.

10. Ensure that individual work schedules and reporting for non-exempt employees are in compliance with FLSA regulations and state policy (See State Personnel Board Rule 18 Leave and OPB/State Personnel Board Policy Memorandum # 1 Rules, Regulations and Procedures Governing Working Hours, the Payment of Overtime and the Granting of Compensatory Time, January 17, 1986); and
11. Ensure that each employee's request to telework is considered in relation to the agency's operating and customer needs.

The employee will review and sign the telework agreement which documents the mandatory policies in effect and the results of any other agreements between the supervisor and the teleworker. The agreement must be signed by both parties prior to the start of teleworking agreeing that both parties will abide by the terms and conditions of teleworking. The agreement must be reviewed and renewed at least annually to ensure that the guidelines for participating in the program indicate continued eligibility and are well understood. A supervisor may elect to revise the agreement when a need arises. In addition, the teleworking agreement should be reviewed and revised if necessary when there is a change in supervisor, job responsibilities, or change in work circumstances or performance. The agreement is essential to the management and legal protection needed in teleworking.

The agreement shall cover topics including but not limited to the following:

- Employee performance expectations and monitoring;
- Liability and workers compensation – employee and employer understand who is liable and for what;
- Safety – the employee must self-certify that the alternate workplace is safe and conducive to work (see sample in Attachment C);
- Equipment – responsibility and use of personal and state equipment at home and inventory of state equipment used outside the primary workplace;
- Security – taking records away from the office, accessing the agency's computer system, and accessing information over the Internet (see section 12 of this policy);
- Work schedule – when and where the employee will telework and procedures for overtime and leave approvals;
- Accessibility – how the employee will keep in communication with clients, co-workers, supervisors, and those the employee may supervise while teleworking; and

- Expectations of the supervisor and employee – terminating the agreement, reimbursement of expenses, and standards of conduct.

The agreement must have a place where the employee acknowledges that he or she has read and agreed to the terms of the policy and items listed in the agreement. Any employee who teleworks must sign a Telework Agreement and complete training. An example of an agreement is included in Attachment A.

Exceptions to the Policy:

(A) In extenuating circumstances, the director, at his discretion, may grant an employee an exception to this policy if (1) the supervisor recommends an exception, (2) the quality and quantity of the employee's work does not decline, and (3) if the exception will not cause a disruption to the productivity and work flow of the agency or division. The exception shall be in writing.

(B) In extenuating circumstances, the circuit public defender, at his or her discretion, may grant an employee of the respective circuit public defender office an exception to this policy if (1) the supervisor recommends an exception, (2) the quality and quantity of the employee's work does not decline, and (3) if the exception will not cause a disruption to the productivity and work flow of the agency or division. The exception shall be in writing.

1. Establish expectations for employees and monitor employee performance:

Employees who are authorized to telework are expected to regularly meet performance goals. The employee and respective supervisor will work together to come up with reasonable performance goals with a timeline to achieve those goals. If the employee is not meeting any performance goals, the supervisor shall discipline the employee accordingly. Disciplinary actions include suspension of teleworking privileges.

2. Identify eligible employees:

Employees whose job duties do not require them to be at the principal office of business and can satisfactorily perform job duties from a remote location are eligible for teleworking. These employees must exhibit good time management skills and self-motivation in order to be eligible. The employee's supervisor shall determine whether the employee is a good candidate for telework.

3. Identify eligible positions suitable for teleworking:

Eligible positions include Information Technology staff that can remotely troubleshoot and handle technological needs of the agency, attorneys who are not

required to be at court on a regular basis, and any other staff position that satisfies the requirements of section 2 above.

4. Determine if office-like space is required:

An office-like space is optimal, though not required.

5. Determine if state equipment will be provided to the employee to use at home:

Eligible employees who are authorized to telework may bring state equipment home for use. However, the employee is responsible for any damage to the state equipment caused by their own negligence. [See IOP 39-07]

6. Establish how the teleworker will maintain regular contact with clients, office, co-workers, and supervisors:

Employees who are teleworking are required to regularly check in with the supervisor. They are also required to return any messages on a timely basis.

7. Determine how the agency will handle restricted access materials, security issues, and taking electronic or paper records from the primary work place:

Confidential business documents are to remain in the principal business location unless the employee needs to remove those documents to the remote business location in order to properly perform essential job duties. In the event that the employee must remove confidential business documents, then employee must maintain control over those documents and are responsible for those materials.

8. Ensure that practices are consistent with state policy and law in the use of state technology and administration of telework agreement:

The employee's supervisor is responsible for ensuring that the employee is satisfying the requirements.

9. Deliver telework training to employees:

Each employee will receive a copy of the policy as well as all applicable forms.

10. Ensure that individual work schedules and reporting for non-exempt employees are in compliance with FLSA regulations and state policy (See State Personnel Board Rule 18 Leave and OPB/State Personnel Board Policy Memorandum # 1 Rules, Regulations and Procedures Governing Working Hours, the Payment of Overtime and the Granting of Compensatory Time, January 17, 1986):

Non-exempt employees as identified in Internal Operating Policy 48-07 must follow the regular business hours as agreed upon and authorized by the

supervisor. Proper timesheets must be kept by the employee and approved by the supervisor in writing.

11. Ensure that each employee's request to telework is considered in relation to the agency's operating and customer needs.

Each employee's request to telework will be considered in accordance with this policy.