

COMMISSION FOR HIGHER EDUCATION

Friday, February 10, 2012

DECISION ITEM C: **Telework Policy**

Staff Recommendation That the Commission for Higher Education approve and adopt the proposed Telework Policy.

Background The Commission for Higher Education staff occasionally work remotely for various reasons. This proposal creates a formal policy to guide staff and supervisors in determining the eligibility and expectations of teleworking.

Supporting Document *Telework Policy*, February 1, 2012.

TELEWORK POLICY

1. DEFINITIONS

Commission. Commission for Higher Education and any administrative units or subdivisions therein.

Flex schedule. A modified work schedule that may begin and/or end earlier or later than normal hours of operation. Flex schedules are subject to supervisor approval. Flex schedules must add up to 40 hours per work week (Sunday through Saturday).

Ghost employment. Engaging in, or directing others to engage in, work other than the performance of official duties during working hours, except as permitted by general written agency, departmental, or institutional policy, or regulation. See IC §35-44-2 for additional definitions.

Network. The Commission's and State of Indiana's integrated systems of servers, personal computers, laptops, telephony, voicemail, enterprise software, and other technology.

Assigned duties. The tasks, duties, and activities prescribed in an employee's job description and related duties as assigned.

Operating hours. Normal hours of operation for the Commission, typically 8:00A to 5:00P or equivalent period flex period.

Telework. Performing assigned duties from a remote location, typically via the Internet or telephone.

VPN. Virtual Private Network. A type of secure connection used to access the Commission's network, including SSL VPN.

2. POLICY STATEMENT

Pursuant to State Personnel Policies regarding telework, the Commission for Higher Education has adopted the following policy with regards to working remotely. Teleworking is an employment privilege, not a right. It does not modify any other terms of employment except as denoted below. Approval, denial, or requirement of specific remote work arrangements is solely within the discretion of the Commissioner.

2.1 WORK HOURS

All employees, unless given express permission from the Commissioner, must work no less than thirty (30) hours onsite at the Commission's Offices with exceptions for the following:

- I. Travel to meetings, conferences, symposia, etc. in the normal discharge of an employee's duties.

- II. Attending Commission or related committee meetings as required by the employee's supervisor.

Hours worked should generally be during the Commission's normal operating hours, unless the employee is participating in an approved flex schedule.

2.2 PARTICIPATION

An employee is eligible to participate in the Commission's telework program if the following conditions are met.

- I. There is sufficient justification to warrant the need to work remotely, as determined by the Commissioner
- II. The employee's assigned duties can be reasonably performed offsite, as determined by the Commissioner
- III. There are no outstanding disciplinary or work performance issues (within the immediately-preceding twelve months)
- IV. The employee already has or will have the requisite equipment, materials, supplies, and space to perform the assigned job functions. At a minimum, this includes (but is not limited to):
 - a. A personal computer or laptop
 - b. A high speed internet connection (DSL/Cable/etc.; no dial-up)
 - c. A printer
 - d. A telephone with long distance access
 - e. A defined workspace that is reasonably free from hazards and other dangers
- V. A Telework Agreement is on file and signed by both the Commissioner and the employee

Written agreements are not required for isolated instances of remote work such as may be necessitated by implementation of a continuity of operations (COOP) plan, emergency conditions, or other similar contingency.

The Commission will not reimburse the employee for supplies, facility costs, or other charges incurred as a result of teleworking. The Commission is not liable for loss or destruction of the employee's personal property arising from teleworking.

Travel from the employee's home to their station shall not be reimbursed.

The employee must be reachable by telephone and/or e-mail during the teleworking hours.

2.3 TERMINATION OF AGREEMENT

The Commissioner or immediate supervisor may, at any time, revoke, rescind, or modify the Telework Agreement as necessary and without prior notice if it is determined to be in the best interests of the Commission. Employees, by virtue of accepting the agreement, acknowledge and agree to this provision. Upon the termination of the Teleworking Agreement, the employee returns to their regular schedule effective the next business day unless otherwise advised in writing.

An employee may terminate the Telework Agreement and return to their normal work schedule at any time by notifying their supervisor and Human Resources via e-mail. However, if the needs of the agency require the employee to work in a remote location, such as in an emergency or due to irregular operations (as declared by the Commissioner), the employee is required to perform the assigned duties in the assigned locations.

2.4 CONNECTIONS AND SECURITY

Any access to the Commission's network shall be via a VPN connection or remote desktop using current credentials issued to and maintained by the employee. Any technology connecting to the network must be protected by anti-virus software, have malware detection, and be up-to-date with the most recent patches and service packs. Updates and security scans should be completed weekly. All connections and activity are subject to the Commission's technology policies and will be monitored. Other standards and provisions may be promulgated, without prior notice, from the Commissioner, the Commission's IT Division, or State of Indiana.

Technology used to telework must be inaccessible to others. Any breach of security must be reported to the Commissioner and the CHE IT Division immediately via telephone or in person.

2.5 PERFORMANCE EXPECTATIONS

The productivity and performance expectations of teleworking should not be significantly different than normal levels in the office. The employee's supervisor may require proof of work and deliverables. The employee is responsible for providing adequate documentation of effort and results. The teleworking hours are flexible and mutually agreed upon by the supervisor and employee; however, no schedule should adversely impact the Commission's business functions.

All workplace policies and performance standards applicable in established work locations are also applicable in remote work locations. Policy violations or failures to meet standards are subject to appropriate corrective action in the same manner as if the policy or standard were violated in the established work location. An accurate reporting of all hours worked and leave time used is required no less frequently than on the biweekly pay cycle. No overtime hours may be performed by staff who are non-exempt under the overtime and minimum wage provisions of the Fair Labor Standards Act without the express, advance approval of appropriate authorities. Authorized business expenses must be submitted in accordance with State reimbursement policies.

2.6 WORKER'S COMPENSATION LIABILITY

Worker's Compensation applies to employees on telework assignments and in telework locations in the same manner as to employees in traditional work stations and assignments. An employee who is injured must follow normal reporting procedures for workplace injuries.

2.7 GHOST EMPLOYMENT

Pursuant to IC §35-44-2 and 42 IAC 1-5-13, any employee who claims time worked when not actually working (see statute references for complete description) commits a Class D Felony. Commission employees who commit ghost employment will be subject to disciplinary action, up to and including termination in addition to any civil and/or criminal proceedings as required by law.

2.8 CONFIDENTIALITY AND INTEGRITY

Any and all electronic and/or hardcopy documents, files, or other records taken home in the discharge of assigned duties must be stored in the defined workspace in a secure manner. This data and information must not be accessible to others without proper clearance.

3. SCOPE OF POLICY

All sections, in their entirety, apply to all Commission employees.

Section 2.4, in its entirety, applies to any contractor, intern, or state employee from another agency who connects the Commission's network or has credentials to access the Commission's network.

4. POLICY INFORMATION AND HISTORY

Effective date: February 10, 2012

References and Authority: State Personnel Department Telework Policy
State Personnel Department Hours of Work Policy
31 IAC 2-11-1
Commission By-Laws, Article VII
IC §35-44-2
42 IAC 1-5-11 et seq.

Revisions: None – initial.

Approval: _____
Teresa Lubbers, *Commissioner*

Date approved by *Commission for Higher Education*