

## **IPP. 0006.Telework Policy**

### **I. PURPOSE/REASON:**

To provide flexible work arrangements for eligible employees while maintaining business operations of the Ohio Department of Job and Family Services.

### **II. REFERENCE/AUTHORITY:**

#### **A. REFERENCES**

*Note: Ohio Revised Code (ORC) and Ohio Administrative Code (OAC) references can be accessed at <https://codes.ohio.gov/>*

1. AFSCME/OCSEA Labor Agreement Article 30.03
2. SEIU 1199 AFL/CIO Labor Agreement Article 14
3. The Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 201, *et seq.*
4. 29 CFR Chapter V
5. ORC 124.387
6. OAC 123:1-34-09
7. ORC 5101.02
8. OBM Travel Policy Guidelines

#### **B. AUTHORITY**

1. This policy is established by order of the Director, ODJFS, hereinafter referred to as Director.
2. Per ORC 5101.02, all duties conferred on the various work units of the department by law or by order of the Director shall be performed under such rules as the Director prescribes and shall be under the Director's control.

### **III. SUPERSEDES:**

ODJFS-IPP.0006.Telework Policy dated September 10, 2022.

### **IV. SCOPE:**

This policy applies to all ODJFS employees based upon the employee groups described.

### **V. DEFINITIONS:**

- A. **In-Office Work:** “In-Office Work” refers to a standard work arrangement wherein an employee works a normal forty hours/week schedule at a designated ODJFS office location.
- B. **Hybrid Work:** “Hybrid Work” refers to a flexible work arrangement when an employee is directed or permitted to work a specific number of hours each week from their designated home office location while permitted to work the balance of the work week in an ODJFS office location.
- C. **Telework:** “Telework” refers to a flexible work arrangement where an employee is directed or permitted to work remotely from a designated home office location outside of the traditional onsite work environment.
- D. **Situational Work:** Employees may be authorized to telework on a situational basis such as during a declared Public Safety Emergency pursuant to HR-11 and/or any applicable collective bargaining agreement, health crisis, implementation of the business continuity plan, or other unforeseen situations resulting in a need for critical services to be performed remotely or at an alternate work location other than the employee’s normal report in location and/or ODJFS offices.

## **VI. POLICY:**

All ODJFS positions are “in-office” positions. Teleworking is an option that may be offered to provide flexibility to employees. Only ODJFS employees who are specifically authorized pursuant to this policy can engage in a telework or hybrid work arrangement. Working remotely, whether fulltime or as a hybrid worker, is a management decision, not an employee right that an employee can expect or demand. Employees who enter into telework agreements must adhere to the terms and conditions of this policy.

ODJFS may utilize telework or hybrid work only in the following circumstances:

1. the arrangement is in conjunction with an approved Transitional Work Program;
2. the arrangement fits the definition of situational telework;
3. the arrangement addresses an operational need or provides an operational benefit to the agency.

Additionally, the telework arrangement must provide a business benefit to the agency and maintain ODJFS’s operational standards. Even where the above described circumstances exist, ODJFS’s decision to authorize a telework arrangement is discretionary.

## **VII. PROCEDURES:**

- A. **AUTHORIZATION:** Teleworking can only be authorized in specific situations or for specific work units, and only where the teleworking arrangement will provide an operational benefit to ODJFS. Prior to engaging in telework or a hybrid work arrangement, eligible employees must be authorized by the ODJFS Human Resources Director.
- i. **OPERATIONAL BENEFIT:** Eligible employees may be authorized to telework when there is an operation benefit derived from services performed at an alternate work location other than ODJFS headquarters or office locations. If operational needs will suffer, telework or hybrid work will not be authorized.
  - ii. **TRANSITIONAL WORK PROGRAM:** Eligible employees may be authorized to telework in conjunction with an approved Transitional Work Program when the essential duties of the position can be performed remotely at an alternate work location other than ODJFS headquarters.
- B. **REQUEST TO TELEWORK:** When a need has been identified and ODJFS would benefit from services being performed at an alternate work location, the employee must:
- i. Review and acknowledge IPP 0006 Telework Policy
  - ii. Complete and submit form JFS 00014 - ODJFS Teleworking Agreement; and
  - iii. Complete form JFS 00016 - Teleworking Acknowledgement of Receipt of ODJFS Property.
- C. **EMPLOYEE ELIGIBILITY:** Teleworking is not available for every employee or for all positions. All the following criteria must be met for an employee to be eligible for teleworking:
- i. **JOB DUTIES:** The employee must be able to perform all necessary operational functions and job duties from the alternate work location.
  - ii. **PRIMARY CARE GIVER:** The employee must not be the permanent primary caregiver for any individual during scheduled work hours unless the employee is on approved leave. Alternative supervision within the teleworking location or care outside of the teleworking location must be established prior to the initiation of teleworking. It is the discretion of the agency to determine appropriate alternative supervision within the teleworking location. The agency may request documentation to ensure that the employee is not using telework as a substitute for dependent care. With prior management approval and in limited and infrequent circumstances where an employee is able to complete assigned duties

while also caring for a dependent (e.g. a sick child must stay home from school), the employee may be permitted to telework, even if only for a portion of the work day.

- iii. **ACTIVE DISCIPLINE:** It is at the agency's discretion to determine if active discipline disqualifies an employee from teleworking. If an employee is issued a working suspension, he/she may be required to report to his/her headquarter location to serve the suspension.
- iv. **PERFORMANCE:** The employee's performance in the year prior to the teleworking authorization request must be satisfactory. If an employee is on a performance improvement plan, he/she may not be eligible to telework.
- v. **IT SECURITY HISTORY:** History of poor information security practices (e.g. an employee who repeatedly responds to phishing attempts) may make an employee ineligible to work remotely.

#### D. TERMS OF EMPLOYMENT

- i. **TERMS AND CONDITIONS:** Teleworking does not affect an employee's basic terms and conditions of employment with the State of Ohio. Employees who are authorized to telework are still obligated to comply with; all applicable collective bargaining agreements; all statewide and ODJFS rules, policies, practices, and instructions; and all applicable federal and state rules, regulations and policies. Employees are expected to maintain all aspects of a professional work environment (i.e. appropriate behavior, dress, on-screen backgrounds and other distractions). Any violation of the above may result in removal from the teleworking arrangement and/or disciplinary action up to and including removal pursuant to ODJFS work rules, applicable collective bargaining agreements, and/or applicable law.
- ii. **PAY AND BENEFITS:** An employee's rate of pay, retirement benefits and State of Ohio sponsored insurance coverage are not affected by the teleworking arrangement.
- iii. **WORK HOURS AND LEAVE USAGE:** All work hours, overtime compensation, and leave usage must comply with; any applicable collective bargaining agreement provision; all statewide and ODJFS rules, policies, practices, and instructions; and all applicable federal and state rules, regulations, and policies. Employees are still responsible for submitting their time worked. When an employee reflects less than eight hours of time worked in a given day or less than 40 hours worked in a given week in which teleworking has been authorized, the employee must submit an appropriate request for leave.

- iv. CALL OFF PROCEDURE: An employee authorized to telework must continue to comply with ODJFS call off policies and procedures while in a teleworking arrangement. Any request for leave while participating in a teleworking arrangement shall be made in accordance with ODJFS policy and procedure.
- v. SCHEDULE: Unless on approved leave, an employee authorized to telework must perform their job duties at a designated alternate work location during their scheduled work hours (and scheduled days if hybrid) for the duration of the teleworking arrangement. **ODJFS shall maintain the right to require the employee to change their schedule and/or work location based on operational needs if the employee's presence is required at an ODJFS office location**; all applicable collective bargaining agreements; all statewide and ODJFS rules, policies, practices, and instructions; and all applicable federal and state rules, regulations and policies. An employee's supervisor will make a reasonable effort to provide notice to the employee in the event of a schedule change.
- vi. TAXES: For payroll purposes, local tax withholding while teleworking will be done in accordance with applicable state and local tax laws and the State of Ohio Policy Regarding Local Income Tax Withholding.
- vii. HEADQUARTER LOCATION: An employee's home shall not be their headquarter location. An ODJFS office location shall be assigned to every employee as a headquarter location.
- viii. TRAVEL: An employee will generally not receive mileage reimbursement or travel time from the alternate workplace to the location where they would otherwise be assigned to work if not teleworking. This is considered part of the employee's regular commute. If a hybrid or teleworking employee is scheduled or required to report into their headquarter or normal report-in location, they will not receive mileage reimbursement and such time will not be considered hours worked.

If an employee must begin his/her workday at a site other than their headquarter or normal report-in location, which is farther from home than their headquarter or normal report-in location, shall have any additional travel time counted as hours worked and any additional mileage as reimbursable subject to the OBM Travel Rule (OAC 126-1-02). If an employee's workday has started and the employee is then required to travel, all travel time is counted as work time.

#### E. ALTERNATIVE WORK LOCATION

- i. **ESTABLISHING AN PRIMARY ALTERNATIVE WORK LOCATION:** An employee who is authorized to telework will have their home location designated as their alternate work location. The alternate work location should be secure, reasonably quiet and free of distractions or any noises inconsistent with an office environment.
- ii. **ESTABLISHING AN SECONDARY WORK LOCATION:** An employee who is authorized to telework will have their home location designated as their primary alternate work location. The secondary work location is where an employee will be working if the primary alternative home address is not available.
- iii. **TEMPORARY TELEWORK LOCATION:** A temporary telework location is an approved alternative work location outside of the home and secondary alternative work location. In special circumstances, approvals may be granted on a temporary basis to allow an employee to work from a temporary telework location. Management will review requests to evaluate the situations case-by-case. Employees need to submit in writing a temporary telework location request to the supervisor. If approved, an itinerary outlining the days and hours when the employee will be working, including any use of accrued leave time being used while working at the temporary telework location. A supervisor pre-approval must be given before any work shall begin at the temporary telework location. The supervisor should determine if the reason and need to work at a temporary telework location falls under FMLA or other existing wellness programs before approving temporary telework location and an itinerary.
- iv. **INSPECTIONS, APPROVAL, AND ONSITE VISITS:** ODJFS maintains the right to inspect and approve the alternate work location before teleworking can begin. Once teleworking begins, ODJFS maintains the right to conduct onsite visits to the alternate work location. Onsite visits may only be made during the employee's schedule work hours but can be done without notice during those hours. Failure on the part of the employee to permit an onsite visit during scheduled work hours could be cause for termination of the teleworking arrangement.
- v. **COMPLIANCE WITH BUILDING AND ZONING CODES:** Employees are responsible for ensuring that their alternate work location meets all applicable building and zoning codes and that no hazardous materials are present in the alternate work location. Any fines or fees that are incurred by the employee while participating in teleworking are not the responsibility of ODJFS.

F. **EQUIPMENT AND SUPPLIES**

- i. **APPROVAL AND ISSUANCE:** ODJFS shall provide and/or approve the equipment, supplies and software that are necessary for the employee to conduct agency business while at the alternate work location. Employees are generally responsible for ensuring the alternate work location has adequate workspace, including internet capabilities, to perform agency business.
  
- ii. **ASSESSMENT OF EQUIPMENT AND INTERNET CAPACITY:** An employee authorized to telework will complete an acknowledgement of their assigned equipment and internet connectivity capacity at the alternate work locations. The employee must inventory equipment issued by ODJFS to the employee through completion and submittal of the Teleworking Acknowledgement of Receipt of ODJFS Property (Form JFS 00016). The employee will be required to report to an ODJFS office to pick-up and/or drop-off equipment. An employee must maintain sufficient internet capabilities as determined by ODJFS to perform required agency business in order to participate in any teleworking capacity as outlined in ODJFS Teleworking Agreement (JFS 00014). (i.e. minimum of 20mbps download and 2mbps upload). ODJFS may provide the employee with equipment including, but not limited to, any of the following:
  1. Laptops/Surface Pros
  2. Software
  3. Monitors
  4. Office supplies
  5. Mobile phones/smart phones
  6. Cables
  7. Docking Stations
  
- iii. **NOTIFICATION OF EQUIPMENT OR SYSTEM FAILURE:** In an event of equipment and/or system failure that prevents the performance of work while teleworking, the employee shall notify their supervisor immediately.
  1. The employee may be required to report to an ODJFS facility or office location depending on the duration of the system outage or equipment failure.
  2. The employee may be required to report to an office location to address equipment issues if requested by management or the Office of Information Services.

3. Work may be reassigned until such time the system or equipment issues can be addressed.
  4. If an employee is required to report to an ODJFS facility or office location, due to system outage, equipment failure, or to address equipment issues as requested by management or the Office of Information Services, then such travel shall be conducted in accordance with all of the requirements listed above in Section VII (D).
  5. If an employee is required to report to an ODJFS facility or alternative work location due to electricity outage, internet connectivity and/or cannot sufficiently conduct work duties as determined by management, the employee will travel on their own time or use paid leave. Mileage will not be reimbursed for this travel.
- iv. **PURCHASE OF EQUIPMENT:** Equipment purchases must follow the existing pre-approval guidelines. Additionally, such purchases may only be authorized when the equipment is necessary for the telecommuting employee to perform their job duties.
  - v. **COMPLIANCE:** An employee authorized to telework shall comply with all State of Ohio and ODJFS information technology (IT) policies, standards and procedures regarding state-owned equipment, software, licensing, connection, security, and overall management/support requirements.
  - vi. **RETURNING EQUIPMENT:** ODJFS equipment provided to an employee shall remain the property of ODJFS. Upon separation from employment, a teleworking employee shall promptly return to ODJFS all items and equipment provided by the agency. Upon termination of an employee's participation in the teleworking arrangement, the employee shall return all ODJFS equipment **IN PERSON** at the ODJFS facility located at 2098 Integrity Drive North, Columbus, Ohio 43209. Monday through Friday between 8:00 a.m. and 3:30 p.m. Such equipment shall be returned in the same operating condition as it was received.
    1. The teleworker is liable for any damage to, or loss of state-owned equipment provided under the teleworking program due to some fault of the employee.
    2. It is the teleworker's duty to immediately report to their supervisor and file an incident report for any lost, stolen, damaged, or



potentially compromised state-owned equipment and/or state data in their possession.

- vii. **USAGE:** The use of equipment, software, data, and supplies, if provided by ODJFS, is limited to use by authorized persons and for purposes related to State business only. ODJFS management has the right to monitor activity on all ODJFS property.
- viii. **SECURITY:** An employee authorized to telework will be responsible for the security of all items furnished to them by the State. Employees shall be responsible for protecting all data accessed and extreme care shall be taken regarding sensitive data and/or personally identifiable information. All such data must be maintained in accordance with ODJFS policies, standards and procedures.

#### G. EXPENSES & REIMBURSEMENTS

- i. **OFFICE SUPPLIES:** General office supplies will be provided by ODJFS. Expense for supplies regularly available at the main office will not be reimbursed unless pre-purchase approval has been granted by the teleworker's supervisor.
- ii. **REIMBURSEMENT:** ODJFS will provide all necessary equipment and supplies to perform assigned job duties. Any additional items purchased by the employee such as furniture, internet, internet enhancement equipment, all utilities, office supplies, etc., will not be reimbursed.

#### H. COMMUNICATION AND MONITORING

- i. **AVAILABILITY:** An employee authorized to telework must be reachable during scheduled work hours. Employees shall provide a telephone number for the agreed alternate work location where they can be reached during scheduled work hours.

Employees found to be unavailable for prolonged periods of time may be deemed Absent Without Leave (AWOL) and subject to discipline.

- ii. **SUPERVISOR RESPONSIBILITY:** The employee's supervisor will be responsible for ensuring work conducted at an alternate work location while teleworking is monitored and that all necessary supervisory functions are performed, including approval of hours worked and leave requests.

#### I. INJURIES

- i. **WORKERS' COMPENSATION:** Teleworking is covered under the State of Ohio workers' compensation law for injuries occurring in the course and arising out of the performance of official duties at the main office or alternate work location.
- ii. **NOTIFICATION OF ACCIDENT/INJURY:** An employee authorized to telework or someone acting on the employee's behalf shall immediately notify the employee's supervisor of any accident or injury that occurs at the main office or alternate work location.
- iii. **COMPLIANCE:** The supervisor and employee will be required to follow applicable policies regarding the reporting of injuries for employees injured while at work.
- iv. **LIABILITY:** Other than injuries discussed above in this section of the policy, ODJFS is not liable for any accidents and/or injuries resulting from the teleworker's failure to comply with all safety and health rules and regulations and any violation of the ODJFS's Teleworking Policy. The teleworker, not ODJFS, shall be responsible for the teleworker's own damages and non-compensable injuries and for any third party's damages and injuries resulting from the teleworker's failure to comply with all safety and health rules and regulations and any violation of the ODJFS Teleworking Policy.
- v. **PROPERTY DAMAGE:** ODJFS is not liable for damages to the teleworker's personal or real property while the teleworker is working at their main office or alternate work location, except to the extent adjudicated to be liable under Ohio law.

**J. TERMINATION OF THE TELEWORKING ARRANGEMENT:**

- i. Any teleworking arrangement described in this policy and authorized by ODJFS is at the discretion of the ODJFS Director and/or the ODJFS Human Resources Director and may be modified or terminated at any time. 14-day notice will be provided unless such circumstances exist that warrant immediate termination of the teleworking arrangement.
- ii. Any hybrid or teleworking employee may terminate their teleworking arrangement by providing 14-day notice to their supervisor in writing.

**K. DISCIPLINE**

- i. **COMPLIANCE:** All expectations of compliance with existing statewide and ODJFS policies and procedures or applicable collective bargaining unit agreements are unaffected by participation as a teleworker.

ii. **DISCIPLINARY ACTION:** ODJFS may take appropriate disciplinary action, up to and including removal if a teleworker fails to comply with the provisions of this teleworking policy. Revocation of the teleworking arrangement does not constitute a disciplinary action.

L. **PUBLIC RECORDS REQUIREMENTS:** Although employees authorized to telework may perform work off-site, public records requirements in Chapter 149 of the Ohio Revised Code and ODJFS policy still apply. Teleworkers shall comply with all applicable agency record retention schedules. Teleworkers must ensure that mobile devices are never the single authoritative source for state data. Records on mobile device shall be considered records-in transit and must never be stored permanently on a personal or state-issued mobile device.

**VIII. APPENDIXES:**

A. **SUBJECT MATTER EXPERT**

<b>Owning Entity</b>	<b>Address</b>	<b>Name (SME)</b>	<b>Contact Information</b>
Labor Relations	30 E. Broad St. 30th Floor Columbus, Ohio 43215	Labor Relations Staff	<a href="mailto:IPPM_STAFF@jfs.ohio.gov">IPPM_STAFF@jfs.ohio.gov</a>

B. JFS 00014-Teleworking Agreement  
<http://jfs.ohio.gov/form00014>

C. JFS 00016-Acknowledgement of Receipt of ODJFS Property –  
<http://jfs.ohio.gov/form00016>

December 1, 2022 - Revised  
September 10, 2021 - Original