



# Kansas Judicial Branch Remote Work Policy

| Policy Information              |  |
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| Scope                           | All judicial officers and employees working for the Kansas Judicial Branch |
| Effective Date                  | May 2021   |
| Revision Date                   |  |
| Authority (Statute, Rule, etc.) | N/A  |
| Owner                           | Director of Personnel  |

## 1. Objectives of this Policy.

- 1.1 **Purpose of the Policy.** This policy authorizes and provides guidance for remote work arrangements.
- 1.2 **Reason for the Policy.** The Kansas judicial branch piloted remote work during the 2020-2021 pandemic response. Through the pilot, the judicial branch determined that remote work benefitted the judicial branch and employees, and it improved some areas of court service delivery. This policy establishes guidelines to create long-term remote work arrangements.

## 2. Definitions.

- 2.1 **"Alternate workplace"** is a location other than the judicial branch workplace to which an employee is or would be assigned to perform their position's duties that is linked electronically to the employee's judicial branch workplace. The electronic connection may be by phone, internet, computer, or other means. An employee's alternate workplace must be identified in the remote work agreement in effect between the employee and the employer.
- 2.2 **"Appointing authority"** is the person or persons authorized by statute or Kansas Court Personnel Rules (KCPR) to make human resource decisions as assigned by the appropriate administrative authority.
- 2.3 **"Eligible employee"** is an employee in an eligible position who has been identified by their supervisor as satisfactorily meeting their employment performance standards, terms, and conditions. Other characteristics of an

eligible employee are listed in 3.1. An employee who receives formal disciplinary action (as defined by KCPR 7.0) within the current or prior evaluation period is ineligible.

**2.4 "Eligible position"** is a position that has measurable quantitative or qualitative results-oriented performance standards with duties structured to be performed independently. An eligible position needs minimal supervisory support and can be performed remotely without impacting service quality or organizational operations. Other characteristics of an eligible position are listed in 3.2. What constitutes an eligible position may change depending on circumstances. The appointing authority determines position eligibility.

**2.5 "Judicial branch"** includes the following:

- a) the Supreme Court;
- b) the Court of Appeals;
- c) district courts;
- d) the Office of the Appellate Reporter;
- e) the Office of the Clerk of the Appellate Courts;
- f) the Office of the Disciplinary Administrator;
- g) the Office of Judicial Administration; and
- h) the Kansas Lawyers Assistance Program.

**2.6 "Judicial branch workplace"** is the office, cubicle, or other area that is or would be assigned to an employee if remote work was not an option.

**2.7 "Remote work arrangement" or "RWA"** is an agreement that authorizes an employee to perform their position's duties on a long-term basis from an alternate workplace. RWA is a cooperative arrangement between the appointing authority and an employee based on the needs of the job, work group, and the courthouse or judicial branch office. RWA is a management option and is not an entitlement or a universal employee benefit and it in no way changes the terms and conditions of employment with the judicial branch. There are three types of RWA:

- a) **"Full-time RWA"** is an arrangement in which the employee performs the duties of their position solely from an alternate workplace. A full-time RWA must be authorized by both the appointing authority and the director of personnel. Circumstances under which full-time RWA might be permitted include:

- 1) The position is difficult to recruit for and the incumbent lives too far from the work location to commute and is unable or unwilling to relocate;
- 2) The position's work is conducted in multiple locations primarily (more than 50% of the time) away from the judicial branch workplace, so the workplace is rarely if ever needed; and
- 3) The work is primarily done by phone and computer, so the employee's presence in the judicial branch workplace is not required to successfully complete duties.

b) **"Hybrid remote work arrangement"** occurs when an employee has regularly scheduled days to work at their alternate workplace and at their assigned judicial branch workplace. Scheduling is flexible based on circumstances. Hybrid remote work arrangements may be on the agreement of the employee and the supervisor. Circumstances conducive to hybrid RWAs include:

- 1) It is difficult to find qualified applicants for the position and a hybrid RWA may help retain the incumbent who lives too far from the judicial branch workplace to commute daily and is unable or unwilling to move closer;
- 2) It is difficult to find qualified applicants for the position and a hybrid RWA is an effective way to attract applicants; or
- 3) Work can be completed remotely without negatively impacting the judicial branch workplace.

c) **"Occasional remote work"** occurs when an employee works at an alternate workplace on an infrequent basis, with the advance approval of their supervisor. Approval is usually task- or project-specific and is approved at least the day before the employee teleworks. For purposes of this policy, occasional remote work does not require a signed remote work agreement.

**2.8 "Remote work agreement"** is the written document signed by an employee and their supervisor setting out the terms and conditions for the employee to perform their position's duties from an alternate workplace. Full-time RWAs also require authorization by the appointing authority and director of personnel.

### **3. Procedures.**

A supervisor must complete these steps before recommending or authorizing remote work arrangements:

#### **3.1 Determine employee eligibility.**

An employee most likely to succeed at working remotely through a remote work arrangement exhibits these or similar characteristics:

- a) Is self-motivated;
- b) Has current performance evaluations ratings of successful or beyond expectations;
- c) Has a history of dependability;
- d) Functions well independently without direct supervision;
- e) Is well organized, with good time management skills;
- f) Has an appropriate alternative workplace that includes privacy and lack of distraction;
- g) Has an adequate level of job skills and knowledge;
- h) Has not had formal disciplinary actions (as defined by KCPR 7.0) within the current or prior review period; and
- i) Has demonstrated good work habits.

#### **3.2 Determine position eligibility.**

A position is eligible for remote work if it includes these or similar characteristics:

- a) Duties can be performed primarily through telephone or electronic communication,
- b) Position assumes a high degree of independence and control of scheduled work assignments;
- c) There is limited need for reference material or individuals located at the judicial branch workplace;
- d) It is possible to physically and electronically secure all data required for performing position duties;
- e) It has measurable quantitative or qualitative results-oriented standards of performance; and
- f) Objectives for each work product are clear.

#### **3.3 Complete remote work agreement.**

The remote work agreement documents the expectations the judicial branch, supervisor, and appointing authority have for the employee working remotely. The

agreement must be fully executed before initiating remote work. The agreement is essential to managing necessary parameters in remote work arrangements. The agreement will include, at a minimum, provisions that address the following:

- a) A statement that employment is subject to KCPR;
- b) The employee's self-certification that the alternate workplace is safe and conducive to their successful performance of position duties;
- c) Specified responsibility for, and permitted use of, personal, county and state equipment at home, with inventory of state and county equipment the remote worker uses outside the judicial branch workplace;
- d) Security measures required for protecting all judicial branch hard copy and electronic data;
- e) Work schedule reflecting the remote worker's regular performance of position duties and procedures for overtime and leave approvals;
- f) The remote worker's required availability to clients, coworkers, supervisors, and direct reports; and
- g) The supervisor's and employee's expectations regarding the agreement's termination, work-related expenses for reimbursement, and standards of conduct.

#### **3.4 Annual review and renewal of remote work agreement.**

The remote work agreement must be discussed and renewed at least annually, whenever there is a major job change (such as a promotion), or whenever the remote worker or supervisor change positions. In their discretion, the appointing authority may elect to revise an agreement as needed. Because remote working was selected as a feasible work option based on a combination of job characteristics, employee characteristics, supervisor characteristics, and business needs, a change in any one of these elements may require a review or discontinuation of the remote work arrangement.

#### **3.5 Discipline.**

Nothing in this policy or in the remote work agreement precludes the judicial branch from taking any appropriate disciplinary or adverse action under the KCPR against a remote worker who fails to comply with the agreement.

### **4. Forms.**

#### **4.1 Remote Work Agreement.** See Attachment A.

5. **Related Policies or References.** KCPR 1.0 Definitions; KCPR 5.0 Employment Policies; KCPR 5.11 Outside Employment; KCPR 5.25 Regular Business Hours; KCPR 7.0 Disciplinary Procedures; KCPR 8.0 Hours of Work, Leave and Holidays.