



# Things a Court Manager Should Consider Regarding Remote Work

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**Zach Zarnow**  
Principal Court Management Consultant

**Daniel J. Hall**  
Vice President, Court Consulting Services  
National Center for State Courts  
707 17th Street, Suite 2900  
Denver, Colorado 80202-3429  
(303) 293-3063



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## Introduction

The purpose of this document is to help a court manager think through the process of designing and implementing a remote work policy. Throughout this document you will find considerations grouped into categories, along with examples that demonstrate practices from a few jurisdictions' remote work policies. Examples are given and considerations are raised, but ultimately a remote work policy should be shaped by a specific court system and its needs. A policy for a decentralized system may not work in a centralized system. A limited jurisdiction court may have different considerations than a general jurisdiction court. Your policy should also not remain static. As your understanding of remote work evolves, problems are raised and solved, and employees and technology change, you will have to revisit and revise your remote work policy. As with the development of any policy, the more feedback you elicit and the clearer the expectations and policy are, the better the results will be.

This document was written during the COVID-19 pandemic and builds on earlier work designed to assist courts as they navigated the rapid changes in work practices brought about by the pandemic. This updated version anticipates that courts will soon begin to shift back to more in-person work and the provision of more in-person services, but acknowledges that the practices implemented during the pandemic will have long lasting impact on the structure of work and the ways in which courts organize their workforce. As courts start to plan for an eventual return to a post-pandemic normal, evaluation of remote working practices will be made, and so this document is particularly timely as court managers prepare to adjust and codify practices put in place on an emergency basis. If there is anything positive to be said about the COVID-19 pandemic, it is that this has shown court systems that they are more flexible than they may have thought, and that remote work should be considered broadly as a productive and potentially preferential way of working moving forward. To that end, this paper is also a living document. As courts learn more this paper will be periodically updated to reflect those lessons and to provide continued guidance in this evolving area.

## Initial Consideration: Vision Statements and Change Management

At the core of many of the decisions that will need to be made about the nature of a hybrid in-person and remote work environment is what kind of workplace culture do employees and management want, and how will those decisions effect the way it “feels” to work at your court. This can impact everything from recruitment and retention to promotions to employee satisfaction and productivity. A vision statement is an opportunity to capture this shared understanding of the way it should feel to work at your court. It is also an opportunity to build in values and a framework for considering change. Change is inevitable; values shape that change and make sure that it happens in a considered and appropriate way.

## Initial Consideration: Defining Remote Work

How will your policy define remote work? It should address whether remote work is a privilege, right, or a need. In some circumstances, remote work may be responsive to personal circumstances or an emergency that requires remote work to ensure continuity of operations.

During the pandemic, many employees have come to enjoy and expect some degree of flexibility regarding being physically present in the office. Therefore, the ability to work remotely may be an attractive feature of an employment package, and could aid in recruitment and retention of talent, especially as the broader marketplace, including comparable institutions like other government agencies, embrace remote work. In any case, court managers are encouraged to develop policies related to each type of circumstance – as a regular part of business operations and as an essential component of the court’s Continuity of Operations Plan (COOP). It should be specific regarding positions and those people who may or may not be eligible. Are certain positions better suited to remote work than others? Do managers have discretion to make the determination that just because a position may be eligible for remote working, a particular employee may not be a good fit? In the event of an emergency, how is the plan implemented and who makes that determination?

### The Differences between Teleworking and Telecommuting (Is It All Remote Work?)

Both "[telecommuting](#)" and "[telework](#)" are terms that refer to a working arrangement where employees or contractors regularly perform their work outside the traditional on-site work environment. Although the two terms are often used interchangeably, originally the two terms referred to different situations. Before the commonplace use of personal computers, Jack Nilles, co-founder and president of JALA International, coined the phrases "telecommuting" and "telework" in the 1970's as follows -

**Teleworking:** *Any form of substitution of information technologies (such as telecommunications and/or computers) for normal work-related travel; moving the work to the workers instead of moving the workers to work.*

**Telecommuting:** *Periodic work out of the principal office, one or more days per week, either at home, a client's site, or in a telework center; the partial or total substitution of information technologies for the commute to work. The emphasis here is on reduction or elimination of the daily commute to and from the workplace. Telecommuting is a form of teleworking.<sup>1</sup>*

In today’s workplace, the terms teleworking, telecommuting, and remote working are often used interchangeably. Each term generally refers to the practice of working from home or off-site, making use of the internet, email, chat, phone or mobile devices, and applications and other remote technologies to perform duties that once were carried out only in an office environment. While some of the sample court policies offered here use a variety of terms, for this paper, we will use one term – remote working.

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<sup>1</sup> Nilles, J.M., Carlson, F.R., Gray, P. and Hanneman, G.J. (1976) *The Telecommunications Transportation Trade-off*, Chichester, Wiley.

### Policy Excerpt: An Organization's Definition of Remote Working 1

Teleworking is a work arrangement that allows an employee to perform work, during any part of regular, paid hours, at an approved alternative worksite. It is not a formal, universal employee benefit. Rather, it is an alternative method of meeting the needs of the employer and employee. The employer has the right to refuse to make teleworking available to an employee and to terminate a teleworking arrangement at any time. Employees are not required to telework. Employees have the right to refuse to telework if the option is made available.

### Policy Excerpt: An Organization's Definition of Remote Working 2

Telework is a work assignment whereby an employee may be allowed to work from his/her residence on a periodic or regular basis. In all instances telework is viewed as a mechanism for facilitating the fulfillment of organizational and departmental goals. Telework as a work alternative is not designed as a substitute for day care or elder care or to routinely accommodate employees' inability to report to work due to illness or other similar circumstances.

### Policy Excerpt: An Organization's Definition of Remote Working 3

As a critical component of the court's Continuity of Operations Plan (COOP), the use of telework enables certain functions to continue through hazardous weather, pandemic, physical attacks, or any other event that would interrupt the operations of the courts, while ensuring employee safety. The court may maintain a separate telework agreement detailing any emergency telework responsibilities specific to a continuity and/or emergency event, as appropriate, setting forth expectations for teleworking protocols during such events. The Federal Government provided guidance to agencies during the [Coronavirus Disease 2019 \(COVID-19\)](#) pandemic highlighting the need to incorporate teleworking into their COOP and the National Center for State Courts (NCSC) providing resources on their [website](#).

### Initial Considerations: The Nature of Your Court

Different courts have different needs. For example, an Appellate Court without a lot of in-person traffic may be better suited to remote work, in general, than a district, circuit, or trial court with a high volume of in-person visitors and needs. Likewise, those practicing in an Appellate Court may be more comfortable with remote technologies, whereas the high volume of self-represented litigants at a local court may require more services available in-person and in the building. Certain organs of the court system, like administrative offices, may not be as public facing, so they too may be better suited to remote working arrangements. It is also worth noting that courts are part of an ecosystem, and the remote work policies and practices put in place by other government agencies can impact the courts as well. Those other organizations may compete in hiring, and if they are agencies that court employees are familiar with, they can become a natural comparison point, which may impact the perception of court employees when they regard the court's remote work policies and practices.

If remote work is new to your court, or if you are contemplating expanding or altering the way remote work currently operates, this will require you to consider existing contracts and policies. For example, does your court have a unionized workforce? How will remote work impact current contracts and contract negotiations? Can someone be required to work remotely? Can someone's role be shifted back from remote to in person? Is this a disciplinary action? What processes will you put in place? How will you handle ADA or other accommodations that may be covered by a contract?

### **Initial Considerations: Work Characteristics**

Not all work is appropriate for remote work, though standards have shifted rapidly as courts have gained knowledge and experience during the pandemic. Still, there are characteristics that make certain kinds of work more appropriate than others. When drafting a policy, and even when thinking of how to define remote work in your policy, consider tasks, their purpose, and the larger organizational needs and goals. The appropriateness of remote work for a given individual is discussed below, but it is also worth noting that regardless of the person filling the role, some roles, by the nature of their funding source (local or state) or other characteristics, may require careful consideration before being designated as remote work eligible. Your court may wish to conduct employee and supervisor surveys that ask about responsibilities and functions to better understand what certain roles entail and how the people filling those roles view their work. This is also an opportunity to find out about preferences around remote work, lessons learned during the pandemic, and suggestions. See sample surveys in the Appendix.

### Policy Excerpt: How an Organization Determines if Work is Remote Appropriate 1

Employees eligible for teleworking must meet established criteria. Requests for teleworking will be determined on a case-by-case basis based upon the needs of the employer.

Work characteristics appropriate for teleworking include, but are not limited to:

1. A high amount of time spent communicating via telephone and/or personal computer.
2. A high degree of independence and control of scheduled work assignments.
3. Limited need for in-office reference material or in-person meetings.
4. Limited need for physical security of data.
5. Job duties that are measured quantitatively.
6. Clear objectives for each work product.

Work characteristics that are not appropriate for teleworking include, but are not limited to:

1. Need to closely supervise the work of others.
2. Compromised efficiency when the employee is not present at the official work location.
3. Frequent supervision, direction or input required from others who are at the official work location.
4. Being physically present is essential to the business needs due to need to access information that can't be retrieved remotely, to provide in-person customer service, to service physical equipment or facilities vital to operations, to have sensitive HR-related discussions that are more effective in-person, and to provide in-person security.

### Policy Excerpt: How an Organization Determines if Work is Remote Appropriate 2

The Telework Policy is based on the following premises:

Telework is not suited to all jobs or all job tasks. Consequently, telework assignments will be applied to those situations where the most effective results can be achieved. Work that is typically suitable to being performed off site usually does not require close supervision, is performed independently, does not require access to physical central files/records systems, and results in a work product that is outcome or results oriented. Examples include but are not limited to:

- Preparation of written documents (grants, proposals, reports, research papers, policies, contracts, etc.);
- Reading/reviewing voluminous, detailed materials;
- Preparation of budget materials, training materials;
- Screening of employment applications;
- Development/preparation of network, database or other technology driven work; or
- Other types of assignments as deemed appropriate by supervisor and approved by the respective senior manager

## Initial Considerations: Individual Characteristics

Just as some work is more or less appropriate for remote working, so too are some individual employees. Some of that appropriateness may be tied to the position they hold within your organization, but managers may also find that employees holding the same position may not also be equally suited for a remote working arrangement. It is also important to note that sometimes the reason a given employee may want or need to work remotely is because of family, health, or other issues that can lead to stress and mental health concerns.<sup>2</sup> This has certainly been true during the pandemic. Managers and supervisors should be sensitive to this fact, and should acknowledge that, depending on the circumstances, remote work may be an indicator of other, larger concerns that should be taken into account when assigning tasks and evaluating work. Similarly, it should be acknowledged that an employee working from home may share space with children, pets, and family members all share that space and don't always understand or abide by working hours. As such, the remote worker should identify a work space that is generally conducive to a productive working environment.

### Policy Excerpt: How an Organization Determines if An Employee Is a Good Fit for Remote Working 1

Individual characteristics that generally make good teleworkers include, but are not limited to:

1. Self-motivated
2. Successful performance evaluations
3. History of dependability
4. Function independent of direct supervision
5. Well organized, with good time management skills
6. Has an appropriate home work site that includes privacy and lack of distraction
7. Has adequate level of job skills and knowledge
8. Has demonstrated good work habits

Generally, requests to telework should not be contemplated when:

1. The employee's performance evaluations do not indicate sustained high performance.
2. The employee's observed productivity levels are problematic.
3. The employee's is not responsive in terms of regular communication or remote meeting attendance.
4. The employee has received disciplinary action within the previous twelve months or has a demonstrated attendance problem.

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<sup>2</sup> See, for example, "Addressing the Mental Health And Well-Being of Judges and Court Employees" NCSC, in collaboration with the National Judicial Task Force to Examine State Courts' Response to Mental Illness, for CCJ/COSCA's Rapid Response Team (1/16/21), available at: [https://www.ncsc.org/\\_data/assets/pdf\\_file/0023/59603/Addressing-the-Mental-Health-and-Well-being-of-Judges-and-Court-Employees-Final.pdf](https://www.ncsc.org/_data/assets/pdf_file/0023/59603/Addressing-the-Mental-Health-and-Well-being-of-Judges-and-Court-Employees-Final.pdf).

### Policy Excerpt: How an Organization Determines if An Employee Is a Good Fit for Remote Working 2

Additionally, the approval of telework assignments take into consideration employees' work performance, work habits and other job-related factors that may be indicative of the suitability of the job and/or employees for a telework assignment.

#### Initial Considerations: Employee Surveys

As noted above, the easiest way to find out what employees want is to ask them. An effective remote work policy will take into consideration the needs and desires of employees. For example, do people prefer shared in-office spaces or individual spaces? Would they be willing to share if necessary? Do they want to come into the office on a semi-regular basis? Are there certain meetings or types of work that they prefer to do from the office or from elsewhere?

#### Remote Work Basics: Spaces

What requirements, if any, does your court have regarding a remote workspace outside the office? Do employees need to get a space approved? Does the space have to be a dedicated workspace, separate from other parts of a house or apartment? Is the employee responsible for providing their work furniture and equipment and internet access or will the court provide this or a financial reimbursement? If some employees are no longer in the office most days, the physical spaces they used to occupy, and their needs when they do come into the office, should also be considered. For example, remote employees that do need to come to the office occasionally could be offered "floating" offices or desks that can be reserved, shared offices assigned on a schedule, flex stations or docking stations, "huddle rooms" that can be used as temporary offices, or other arrangements. Some employees may need a room with a door, while others could use a cubical. Some employees may need an assigned place to store their things, while others may be comfortable with an unassigned locker or workstation. Likewise, if significant numbers of employees will regularly be working from home, the physical layout and positioning of desks may need to be reconsidered. For example, it may be necessary to create spaces where confidential or private conversations can take place when a remote worker is in the office, though there may not be such a need when that employee is working elsewhere. During a temporary remote working situation, requirements for space may not be as specific as for regular remote workers and should focus more on equipment needs and security.

### Policy Excerpt: Spaces Outside of the Office 1

Employee agrees to:

- a. Maintain a dedicated, safe and ergonomically sound work environment.
- b. Report work-related injuries to the supervisor at the earliest opportunity, and to hold the employer harmless for injury to others at the teleworking location.
- c. Report to employee's supervisor any incidents of loss, damage, or unauthorized access at the earliest reasonable opportunity.
- d. Utilize Internet access ensuring appropriate bandwidth to operate with employer network.

The employee agrees to make any arrangements necessary to ensure that the employee can apply his/her full attention to his/her duties and assignments, during the days and hours that the employee works at the alternate workplace. During the approved hours of work when the employee will be teleworking, the employee shall not be the primary caregiver of any children, adults or elders.

With reasonable notice and at a mutually agreed upon time, the employer may make on-site visits to employee's teleworking location to ensure that the designated workspace is safe and free from hazards, provides adequate protection and security of employee property, and to maintain, repair, inspect, or retrieve employer property.

#### Policy Excerpt: Spaces Outside of the Office 2

The employee agrees to work at the office or teleworking location and not from another unapproved site. Failure to comply with this provision may result in termination of the agreement and/or other appropriate disciplinary action.

#### Policy Excerpt: Spaces Outside of the Office 3

The supervisor and/or the applicable Information System Support staff may inspect the teleworking location, i.e., designated work location at the home or another place apart from the employees' usual place of work, to ensure its appropriateness for performing work.

#### Policy Excerpt: Spaces at the Office 1

Employees who telework on a regular, full-time (five days per week) basis will not have an assigned office space at the home office location. Employees who have approved telework assignments on a regular, part-time basis will have assigned office space at their respective home office location but may be required to share office space.

### Remote Work Basics: Technology Resources

As a first step, make sure that court systems have capabilities built into them and that an employee working remotely can still securely access needed applications. Court systems that permit employees to work remotely will need to decide the technology resources that will be provided to the remote workers and who pays, supports, and ultimately owns those resources. The answer to these questions may differ depending on whether the remote work is voluntary or the result of an emergency situation. Consideration will also need to be given to expenses and availability for telephone, cellular service and internet and how those expenses are paid or reimbursed. As to equipment, some courts may decide to provide the employee with only a laptop while others may supply a laptop, computer monitor(s), web camera(s), mobile device, printer, or other needed equipment. Taking this latter approach has several advantages, such as providing control over the equipment your remote worker is using. Providing such will also ensure compliance with the court's cybersecurity program and simplify technology support. An additional benefit is that it will place the remoter worker on equal footing with colleagues that

could have morale and [productivity benefits](#). Also, if the court provides ergonomic equipment, it can avoid worker's compensation claims and lost work time due to injury. The disadvantage of this plan is cost. Purchasing and maintaining all equipment needed and having it delivered to an employee's home office may be expensive.<sup>3</sup> Employees may also be required to assemble the equipment as well. This cost should also be considered if the employee will be working from the office as well and will therefore require two sets of equipment. And if or when the worker leaves the court, the court will face the prospect of getting it back.<sup>4</sup>

All employer-supplied resources should be documented with an inventory of the supplied resources and specific performance requirements for both the employer and employee.

As courts have learned during the pandemic, there are a host of remote work software platforms and tools designed to enable online collaboration. Consideration should be given to communication tools such as instant messaging, video conferencing and workforce scheduling. As best it is able, the remote work policy should explain which tools are required, which are optional, and which are not allowed. Courts across the country have standardized the types of platforms and software packages they will use, often due to business needs and cybersecurity considerations. Moving forward, the policy should be forward thinking and lay out reasons why a certain software package may or may not be appropriate, whether there are reasons why preferences are given for certain tools over others, and whether these tools can be installed on personally owned equipment.

### **Remote Work Basics: Data Security**

What are your security expectations? Do employees need to follow certain procedures or utilize certain software to ensure cyber security? What about physical access to the remote working space and any documents (electronic or otherwise) contained therein – does the employee need to take special precautions to ensure the security of data and equipment? Are there disaster preparedness or response protocols that would need to be followed? Will court policies or state or federal privacy laws mandate certain equipment in the remote working space, such as a secure VPN internet connection or paper shredder? Will it require antivirus or firewall protection through endpoint protection options and mobile device management? Are there ways to mitigate potential security breaches, such as auto surveillance and prohibitions on connecting work devices to printers? Will IT staff need to inspect or regularly audit the employee's compliance and/or assist with installation of physical items or software? Do employees need to allow virtual access to their desktop or remote control of their computer for software installs or oversight? What happens if the worker is fired or leaves the court? Firewalls, physical security tokens, passwords, encryption, employee awareness and limiting the availability of confidential data to only those in the courts who need it will help minimize damage from security threats heightened by off-site access to the court's systems and network.

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<sup>3</sup> Many IT departments do not make repairs or do work in a person's home to avoid any liability for possible damages to furniture or other, non-court-owned equipment.

<sup>4</sup> A court's IT department may also not want to deal with returns of certain equipment, due to the challenge of managing licenses and ensuring a proper erasure of data and restoration to factory settings.

If a vendor or outside contractor is involved in developing software or technology solutions, some of these same concerns will need to be addressed. Who owns what data, who is responsible for updates/repairs, who is responsible for what aspects of security and who responds to a breach and how? A remote work policy is not applicable to an outside vendor, but Requests for Information, Requests for Proposals, and Statements of Work are places where the court can specify these requirements.

Policy Excerpt: Technology and Data Security 1

1. Employer will provide the employee with the following employer-owned equipment:
  - a. Personal computer, mouse and keypad
  - b. Mobile device
  - c. Printer with facsimile function
  - d. Office supplies purchased through state contract
2. Employee understands that all equipment, records, and materials provided by the employer shall remain the property of the employer.
3. Employee agrees to protect employer-owned equipment, records, and materials from unauthorized or accidental access, use, modification, destruction, or disclosure. The precautions described in this agreement apply regardless of the storage media on which information is maintained, the locations where the information is stored, the systems used to process the information, or the process by which the information is stored.
4. Employee agrees to provide a secure location for employer-owned equipment and materials, and will not use, or allow others to use, such equipment for purposes other than employer business. All equipment, records, and materials provided by the employer shall remain employer property. The teleworker agrees to allow the employer reasonable access to its equipment and materials.
5. Employee agrees to follow all employer information technologies procedures and training that include physical equipment security and disaster recovery protocols.
6. Employee agrees to return employer equipment, records, and materials within five (5) days of termination of this agreement. All employer equipment will be returned by the employee for inspection, repair, replacement, or repossession with two (2) days written notice.
7. Employee understands that employee is responsible for tax consequences, if any, of this arrangement, and for conformance to any local zoning regulations.

### Policy Excerpt: Technology and Data Security 2

The Employee will be allowed to use [specified equipment] which will be provided by the Court System. Employee agrees to protect any State-owned equipment and to use the equipment only for official purposes. Use by family members and others is prohibited. The Court System agrees to install, service, and maintain any State-owned equipment issued to the teleworking employee. Any State-owned equipment will be returned to the Court System at termination of the Teleworking Agreement. All Court System data must be handled in a secure and confidential manner.

### Policy Excerpt: Technology and Data Security 3

Records: The employee will apply approved safeguards to protect Courts System records from unauthorized disclosure or damage and will comply with the public record requirements set forth in court rules and state statutes, and any applicable State Courts System information security and privacy policy. Work performed in accordance with this agreement is considered official Courts System business. All records, papers, and correspondence must be safe guarded until their return to the official location. Release or destruction of any records may only be done at the official location according to statute and rule. Computerized files are considered official records and shall be similarly protected as set forth in court rules and state statutes.

### Policy Excerpt: Technology and Data Security 4

Court-Owned Equipment: To effectively perform assigned tasks, the employee may use State Courts System equipment at the employee's teleworking location with the approval of the employee's supervisor. The equipment must be protected against damage and unauthorized use. State-owned equipment will be serviced and maintained by the Courts System if the equipment is returned to the employee's centrally located worksite and may be monitored electronically in accordance with any applicable policy. Routine maintenance and repairs for Courts System provided equipment that cannot be returned in a cost-effective manner to the centrally located worksite may be conducted at an employee's home if it is approved in advance by the employee's supervisor and is coordinated with the appropriate Information System Services staff person. Equipment provided by the employee will be at no cost to the Courts System and will be maintained by the employee. The employee may use the equipment or communication lines for personal activities in accordance with current applicable policy. The employee is expected to establish and maintain proper safety precautions to ensure the teleworking site is free from safety hazards to the employee or court-owned equipment.

### Interactions with Other Policies and Laws

Policies should be clear about any differences in remote work policies for exempt versus non-exempt employees. Likewise, they should spell out who is responsible for making tax or benefits considerations as it relates to working from home. Remote work may be a means of providing for Americans with Disabilities Act (ADA) accommodations and may also interact with FMLA and other forms of leave. Remote work policies should take into account these laws and regulations, as well as others, like the Fair Labor Standards Act. Remote work may have insurance implications

as well. Does the court want to verify that employees have renter's or homeowner's insurance? How will remote working potentially interact with workers compensation claims? What about the accrual and use of vacation time? Do remote workers get allowances for travel to the office? Given the ability to work remotely, some employees may relocate, and this may cause interactions with policies and laws from another state or jurisdiction.

Don't forget substantive and procedural court rules as well. For instance, if a rule requires that certain data only be accessed through court issued devices, then an emergency remote work policy that allows the use of personal devices with safeguards would have to also be part of a package of rule changes or temporary orders permitting their use. Likewise, if a current procedure requires a wet signature or notary, and no exceptions are put in place, then a remote employee may need to travel or use a printer or scanner.

#### Policy Excerpt: Workers' Compensation 1

The employee must maintain safe conditions in the work area and practice the same safety habits in the designated work area as the employee would in the employee's office on the Court System's premises.

Workers' compensation coverage will be provided for the employee while in the teleworking arrangement when injuries are sustained in conjunction with the employee's regular work duties. The Court System assumes no liability for injuries occurring to the employee at the work site outside of the agreed-upon work schedule or when injuries sustained are not in conjunction with the performance of the regular work duties.

The Court System will not be liable for damages to the employee's property resulting from participation in the teleworking program. In signing this document, the employee agrees to hold the Court System harmless against any and all claims, excluding workers' compensation claims.

#### Policy Excerpt: Workers' Compensation 2

Workers' Compensation: The State Courts System and the State will be held harmless against any and all claims, excluding Workers' Compensation claims, resulting from an employee working at the teleworking location. The employee is covered under the Workers' Compensation Law if injured in the course of performing official duties at the teleworking location. The employee agrees to maintain a safe working environment and understands that verified negligence or failure in this regard may subject the employee to disciplinary action.

### Policy Excerpt: Americans with Disabilities Act

Requests for teleworking as a reasonable accommodation under the provisions of the Americans with Disabilities Act (ADA) will be determined on a case-by-case basis and will require medical documentation of the ADA claim. The Court's ADA Coordinator must be consulted prior to the approval process.

If the request is under the provisions of ADA, the manager is to coordinate with both the Office of Personnel Services and the Court's ADA Coordinator. A recommendation will be made to the approving authority, as appropriate, as to whether such a request is feasible based upon the tasks assigned to the employee, work characteristics, and the employee's past performance. The application package must be accompanied by the appropriate medical documentation that validates the ADA claim, describes any accommodations that may be required, and specifically lists any limitations. The OSCA may request a second medical opinion.

### Policy Excerpt: Insurance

*[If the work site is a personal residence]* Prior to beginning work under this Agreement, the employee must submit proof of commercial general liability coverage to the Court System indicating the limits of coverage at the home worksite.

### Policy Excerpt: Tax Implications

Employee understands that employee is responsible for tax consequences, if any, of this arrangement, and for conformance to any local zoning regulations.

### Scheduling and Workflow

The nature of your court may dictate when remote work is appropriate. Remote working may be beneficial on days when some staff have to do time-sensitive tasks, but not possible on days when certain staff are physically needed to assist with hearings and other matters of the court.

### Policy Excerpt: Scheduling and Workflow 1

The employee will work away from the central office setting at *[specify his/her home or teleworking office]*. The employee's work schedule will be set and mutually agreed upon between the employee and the employee's immediate supervisor on a *[specify weekly or other]* basis. The employee will complete assigned work as agreed upon. Time and attendance will be recorded according to the Fair Labor Standards Act (FLSA) in accordance with Court System policy. Time spent teleworking must be indicated on the time report submitted.

### Policy Excerpt: Scheduling and Workflow 2

Regular, full-time employees may be considered for telework assignments provided the work to be performed is determined by the *[supervising authority]* or a designee to be suitable for the assignment. Telework agreements must be made in writing on the appropriate form and must be submitted to and approved by the immediate supervisor and the respective vice president or executive director **prior to the date work is to begin off site. All such assignments are granted at the discretion of the *[supervising authority]* or designee.** A copy of the approved request must be sent to the Human Resource Office.

Telework assignments may be approved as follows:

1. **On a periodic basis:** This option allows telework assignments to be made and approved to meet periodic needs and is usually associated with specific project work. It is not meant to be an on-going arrangement. The telework assignment may be for a period of time from one half day up to five days.
2. **On a regular basis:** This telework option allows telework assignments to be made and approved to meet organizational/departmental needs that are on-going and long-term in duration. The telework assignment may be for a period of time from one half day up to four days (part-time) or five days (full-time) per week on a regular basis. Approval for this telework option must be in writing on the appropriate form and may be approved for duration of up to 12 months. Approval to telework may be rescinded or modified at any time to meet organizational/departmental goals, for non-compliance to the agreement, disciplinary action, or any other reason by the respective vice president/executive director or a designee.

### Teambuilding and Team Cohesion

A team of both remote and in-person employees can pose challenges to teambuilding and cohesion. Supervisors and managers will have to work to ensure that there are physical and virtual spaces for teambuilding that allow for acknowledgement of all team members. This could be certain events that require in-person attendance, some kind of regularly occurring hybrid virtual/in-person meeting, or discrete or targeted moments that focus on certain subgroups of employees, such as a project team or a group that perform the same function or work on the same schedule. The court may also wish to utilize recognition and appreciation software to acknowledge peer-to-peer support. Ongoing and new employee training should also be considered in this context. It may be more appropriate for an initial or onboarding training to take place in person so that employees can meet, but future trainings may not require in-person attendance.

### Supervision and Evaluation

There are a number of questions your policy should seek to answer in this area. What level of oversight do managers need to ensure that work is being done? Is there a requirement to

appear? Do employees need to provide a list of tasks they hope to achieve? Is it necessary to track time? How are employees currently monitored when they are working in the office? Relatedly, what does a successful employee in a given position who works remotely look like? What denotes success? Is the process of evaluating their work any different than for an in-office employee? Are there different metrics for success? Will your remote work policy require the use of human resource management tools to include performance management software to provide for transparency and accountability? For example, to help managers view and keep track of project resource schedules and time-sensitive activities, several remote management tools are showing promising results. Products such as Trello ensuring team members are aware of progress on delegated tasks and giving visibility into pending action items and Saviom's Resource Management software providing reports on capacity and demand, utilization, and availability, all of which capture efforts invested and let you know where your workforce stands. In addition to email and instant messaging, remote workers can use asynchronous communication tools like Range or Slack to be more effective with check-ins and status updates. How does remote work impact promotions and the ability to move into a supervisory role?<sup>5</sup> Like any other process, simply taking what previously existed and retrofitting it to a remote context is not a recipe for success. Managers should consider their current performance management systems and tools and ensure that they are properly calibrated to evaluate remote workers.

#### Policy Excerpt: Supervision

While teleworking, employee will:

- a. Remain accessible during the telecommute work schedule.
- b. Check in with the supervisor to discuss status and open issues.
- c. Be available for teleconferences, scheduled on an as-needed basis.
- d. Be available to come into the office if a business need arises.
- e. Request supervisor approval in advance of working any overtime hours (if employee is non-exempt).
- f. Request supervisor approval to use vacation, sick, or other leave in the same manner as when working at employee's regular work location.

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<sup>5</sup> Emerging research suggests that employees who work from home are at a disadvantage when it comes to promotions. See, e.g., "Don't Let Employees Pick Their WFH Days" by Nicholas Bloom, available at: <https://hbr.org/2021/05/dont-let-employees-pick-their-wfh-days>.

### Policy Excerpt: Evaluation 1

Employee's duties, obligations, responsibilities, and conditions of employment with the [Court or Department] remain unchanged except those obligations and responsibilities specifically addressed in this agreement. Job responsibilities, standards of performance, and performance appraisals remain the same as when working at the employer's work site. The supervisor reserves the right to assign work as necessary at any work site.

The parties acknowledge that this agreement may be evaluated on an ongoing basis to ensure that employee's work quality, efficiency, and productivity are not compromised by the telecommuting arrangement described herein.

### Policy Excerpt: Evaluation 2

The evaluation of the employee's job performance will be based on established standards. Performance must remain satisfactory to remain as a telecommuter. Employees will not be allowed to telework while on a performance improvement plan.

### Policy Excerpt: Evaluation 3

Evaluation: The evaluation of the employee's job performance will be based on norms or other criteria derived from past performance or previously stated standards for job duties. For those assignments without precedence or without standards, the supervisor will use biweekly monitoring reports completed by the employee to rate job performance. The employee must be meeting all current performance and stated job duty standards and have had no disciplinary actions within the past 12 months in order to participate or continue to participate in the teleworking program.

## Natural Disasters, Public Health Emergencies, and Other Events

Court system have long had to contend with all manner of emergencies that force them to modify their normal business practices. How does your remote work policy scale? If your policy is intended to apply to a certain subset of employees, but events result in more employees than normal remote working, does your policy have contingencies? Do you need a [separate remote work policy for emergencies](#), or does your disaster policy need to be updated to incorporate remote working as a response? If your plan initially calls for providing employees with equipment, do you have enough? What about a hybrid situation, where some employees use court owned equipment and others use personal equipment? What is the plan if the emergency calls for not only court employees, but also court users, to interact with the court remotely?<sup>6</sup> Does this change your policy or are additional safeguards required? For temporary remote work situations, what are the requirements for forwarding office telephones, responding to email, and addressing incoming mail? Policies related to remote working in temporary situations should include details of the remote worker's use of the equipment that normally accompanies an employee

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<sup>6</sup> See, e.g., NCSC's Coronavirus and the Courts page, which collects emergency orders from courts, along with best practices and guidance for operating remotely: <https://www.ncsc.org/newsroom/public-health-emergency>.

throughout the day and if it can be removed from the office. The court should ensure proper coverage for insurance in determining which equipment is covered and under what circumstances.

## **Conclusion**

The purpose of this document is to provide advice to those creating or updating a court system's remote working policy. There is no one perfect remote work policy – each court manager will need to draft their policy keeping in mind the unique characteristics and needs of their court. Hopefully the examples and considerations listed above, as well as the policies reproduced below in the Appendix, will all help them to do that successfully.

Note: During the drafting of this document court systems were required to move many court operations online and engage with remote working at an unprecedented speed due to the COVID-19 public health emergency. This document is not meant to be fully responsive to those unique circumstances. However, the principles described above will certainly be helpful in considering remote working best practices, even during turbulent times, and can serve as a guide as courts prepare to continue services with new pandemic responsive modifications to operations. The Appendix also contains several example remote work policies drafted by states in response to the crisis.

## Appendix 1: State Court Remote Work Policies

### 1. Telework Policy (NCSC)

#### SECTION IX: Teleworking

The purpose of this policy is to provide the National Center for State Courts with a framework appropriate for making job assignments to employees that involve the utilization of off-site work arrangements.

Telework is a work assignment whereby an employee may be allowed to work from his/her residence on a periodic or regular basis. In all instances telework is viewed as a mechanism for facilitating the fulfillment of organizational and departmental goals. Telework as a work alternative is not designed as a substitute for day care or elder care or to routinely accommodate employees' inability to report to work due to illness or other similar circumstances.

The NCSC Telework Policy is based on the following premises:

Telework is not suited to all jobs or all job tasks. Consequently, telework assignments will be applied to those situations where the most effective results can be achieved. Work that is typically suitable to being performed off site usually does not require close supervision, is performed independently, does not require access to central files/records systems, and results in a work product that is outcome or results oriented. Examples include but are not limited to:

- Preparation of written documents (grants, proposals, reports, research papers, policies, contracts, etc.)
- Reading/reviewing voluminous, detailed materials
- Preparation of budget materials, training materials
- Screening of employment applications
- Development/preparation of network, database or other technology driven work
- Other types of assignments as deemed appropriate by supervisor and approved by the respective senior manager

Additionally, the approval of telework assignments take into consideration employees' work performance, work habits and other job related factors that may be indicative of the suitability of the job and/or employees for a telework assignment.

#### 9.02 Approval Process

Regular, full-time employees may be considered for telework assignments provided the work to be performed is determined by the division director or a designee to be suitable for the assignment. Telework agreements must be made in writing on the appropriate form and must be submitted to and approved by the immediate supervisor and the respective vice president or executive director **prior to the date work is to begin off site.** All such assignments are granted

**at the discretion of the division's vice president/executive director or designee.** A copy of the approved request must be sent to the Human Resource Office.

Telework assignments may be approved as follows:

3. **On a periodic basis:** This option allows telework assignments to be made and approved to meet periodic needs and is usually associated with specific project work. It is not meant to be an on-going arrangement. The telework assignment may be for a period of time from one half day up to five days.
4. **On a regular basis:** This telework option allows telework assignments to be made and approved to meet organizational/departmental needs that are on-going and long-term in duration. The telework assignment may be for a period of time from one half day up to four days (part-time) or five days (full-time) per week on a regular basis. Approval for this telework option must be in writing on the appropriate form and may be approved for duration of up to 12 months. Approval to telework may be rescinded or modified at any time to meet organizational/departmental goals, for non-compliance to the agreement, disciplinary action, or any other reason by the respective vice president/executive director or a designee.

### 9.03 Office Space

Employees who telework on a regular, full-time (five days per week) basis will not have an assigned office space at the home office location (Arlington, Denver, Williamsburg). Employees who have approved telework assignments on a regular, part-time basis will have assigned office space at their respective home office location but may be required to share office space.

Employees who telework on a regular, full-time basis will be required to report to their respective home office location on a schedule defined by the respective vice president/executive director or a designee. The NCSC contribution, if any, to the cost of transportation and lodging associated with these required trips will be determined by the respective senior manager and subject to the approval of the President.

Employees who telework on a regular full-time basis will, where currently applicable, be eligible for bus passes, parking, metro tickets as is afforded to other employees at the respective office locations.

### 9.04 Equipment

Computer equipment will be provided for those employees who have regular, full-time telework assignments. This will include a laptop computer, software consistent with that used within the NCSC and the monthly cost of an additional telephone line.

The NCSC will provide other guidance and assistance necessary to properly set up equipment and establish dial-in capabilities for all employees who have telework assignments.

## 9.05 Employee Responsibilities

Employees who are approved to telework are responsible for providing an environment/site at their home that will meet the work requirements and that is free of recognized hazards that might cause injury.

Employees who are approved to telework are fully responsible for the cost of furniture, lighting, space modifications, etc. associated with initial setup of home offices.

Employees who telework under either of the options must be accessible to their immediate supervisor, clients, and other NCSC staff by telephone and e-mail during the normal business hours (8:30 a.m. to 5:00 p.m. EST, MST or PST) of the NCSC. Any planned absences must have supervisory approval. All existing NCSC personnel policies and practices are applicable to employees who have approved telework assignments

2. **Telework Policy (FL).** OSCA was in the process of updating its teleworking policy when the pandemic occurred. OSCA will continue that effort with the benefit of lessons learned during COVID-19.

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# Policy

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Office of the State Courts Administrator Tallahassee, FL 32399-1900	Effective: April 2, 2012	Page 1 of 9
	Revised:	
Subject: Telecommuting	Approved:	
Section 4: Personnel		

## Purpose

This telecommuting policy is designed to give employees of the Office of State Courts Administrator (OSCA) an alternative to work that is normally performed on-site by allowing eligible employees to work at home or at an alternate work site.

## Definitions

*State Courts ADA Coordinator:* Individual appointed to review requests for reasonable accommodations based on disability.

*Americans with Disabilities Act (ADA):* Federal law effective in 1990 and amended in 2008 that prohibits discrimination on the basis of disability.

*Approving Authority:* The Deputy State Courts Administrator may authorize telecommuting applications provided by his/her direct report managers. All other telecommuting applications must be approved by the State Courts Administrator, or her/his designee. The Approving Authority may also authorize the use of state-owned equipment and/or services.

*Official Work Location:* The office to which the employee is assigned.

*Telecommuting:* A work arrangement whereby employees are allowed to perform the normal duties and responsibilities of their positions through the use of computers or telecommunications at home or another place apart from the employees' usual place of work.

*Teleworking:* The terms "telecommuting" and "teleworking" are interchangeable.

*Telecommuting Work Location:* A designated work location at the home or another place apart from the employee's usual place of work.

## **Scope**

- A. This policy applies to Office of the State Courts Administrator employees, excluding OPS employees.
- B. This policy does not pertain to performance of required work duties away from the official work location and outside of established work hours on an occasional basis and sporadically working away from the official work location during some portion of the established work hours.

## **Duration**

- A. All telecommuting arrangements are granted on a temporary and revocable basis, and may be discontinued by the approving authority at any time and for any reason. In addition, an employee may discontinue participation in telecommuting at any time.
- B. In making telecommuting arrangements, both the manager and the employee must be mindful that the program is designed to provide a relatively long-term working arrangement, and should not be used as a constant series of short-term arrangements. Employees who change their mind frequently about participating will not be permitted to telecommute.

## **Policy Statements**

- A. Telecommuting is a management option and not a universal employee benefit. In general, telecommuting is a privilege which may be granted under appropriate circumstances to high performing employees whose job responsibilities are suited to such an arrangement.

- B. Participation in the telecommuting program is voluntary and must be mutually agreed to by the employee and the manager.
- C. Employees eligible for telecommuting must meet established criteria. Requests for telecommuting will be determined on a case-by-case basis based upon the needs of the Unit.
- D. Work characteristics appropriate for telecommuting include, but are not limited to:
  - 1. a high amount of time spent communicating via telephone and/or personal computer;
  - 2. a high degree of independence and control of scheduled work assignments;
  - 3. limited need for in-office reference material or individuals;
  - 4. limited need for physical security of data;
  - 5. job duties that are measured quantitatively; and
  - 6. clear objectives for each work product.
- E. Work characteristics that are not appropriate for telecommuting include, but are not limited to:
  - 1. need to closely supervise the work of others;
  - 2. compromised efficiency when the employee is not present at the official work location; and
  - 3. frequent supervision, direction or input required from others who are at the official work location.
- F. Individual characteristics that generally make good telecommuters include, but are not limited to:
  - 1. self-motivated;
  - 2. successful performance evaluations;
  - 3. history of dependability;
  - 4. function independent of direct supervision;
  - 5. well organized, with good time management skills;
  - 6. has an appropriate home work site that includes privacy and lack of distraction;
  - 7. has adequate level of job skills and knowledge; and
  - 8. has demonstrated good work habits.

- G. Generally, requests to telecommute should not be contemplated when:
1. The employee's performance evaluations do not indicate sustained high performance.
  2. The employee's observed productivity levels are problematic.
  3. The employee has received disciplinary action within the previous twelve months or has a demonstrated attendance problem.
- H. Requests for telecommuting as a reasonable accommodation under the provisions of the Americans with Disabilities Act (ADA) will be determined on a case-by-case basis and will require medical documentation of the ADA claim. The State Courts ADA Coordinator must be consulted prior to the approval process.
- I. To be eligible to participate in telecommuting, an employee must have completed six months of satisfactory employment with the OSCA. This six month requirement may be waived at the discretion of the State Courts Administrator. An employee must be meeting all current performance standards and have had no performance deficiencies or disciplinary actions within the past twelve months in order to have a telecommuting application considered. Employees on a Performance Improvement Plan are not eligible for telecommuting.
- J. Telecommuting may be approved for up two days per week by the unit manager. Requests for an extended telecommuting schedule, based on unique and compelling circumstances, may be approved only by the State Courts Administrator.
- K. Telecommuting is not intended to permit employees to have time to work at other jobs or to run their own businesses. Failure to fulfill normal work requirements, both qualitative and quantitative, during scheduled working hours on account of other employment may be cause for disciplinary action, up to and including termination.
- L. The employee is prohibited from conducting face-to-face state court business at the telecommuting site.
- M. The employee will be covered by worker's compensation for all job related injuries that occur in the designated work space at the telecommuting site during the employee's defined work period.

Worker's compensation will not apply to non-job related injuries that might occur at the telecommuting site.

- N. The telecommuting agreement is not an employment contract or a guarantee of employment and is not to be construed as such. The State Courts System is an "at will" employer.
- O. Failure to comply with the provisions of the telecommuting agreement may result in termination of the agreement and/or disciplinary action.
- P. Nothing in this policy prevents the State Courts Administrator from instituting telecommuting as part of the continuity of operations plan.

## **Procedures**

### *A. Telecommuting Application*

1. Employees requesting to participate in telecommuting must complete and submit a Telecommuting Application ([Appendix A](#)) to their supervisor.
2. Managers are encouraged to give serious consideration to all reasonable telecommuting requests and work with the Chief of Personnel Services to determine whether a position is considered appropriate for telecommuting. However, telecommuting arrangements are to be authorized only when it is in the best interest of OSCA to do so.
3. Upon receiving an employee's application to telecommute, the manager will submit the application package to the Chief of Personnel Services and coordinate the request with him/her.
4. The application package must include a current copy of the employee's approved position description, signed by the employee and the employee's supervisor and a copy of the most recent performance review.
5. If the request is under the provisions of ADA, the manager is to coordinate with both the Office of Personnel Services and the State Courts ADA Coordinator. A recommendation will be made to the

approving authority, as appropriate, as to whether such a request is feasible based upon the tasks assigned to the employee, work characteristics, and the employee's past performance. The application package must be accompanied by the appropriate medical documentation that validates the ADA claim, describes any accommodations that may be required, and specifically lists any limitations. The OSCA may request a second medical opinion.

6. Prior to submitting the application, the supervisor and/or the applicable Information System Support staff may inspect the telecommuting location, i.e., designated work location at the home or another place apart from the employees' usual place of work, to insure its appropriateness for performing work.
7. The telecommuting application package may be modified as a result of changes in work or employee's needs. Written documentation of the modification must be approved by the manager and the approving authority.
8. A request to extend a previously approved telecommuting request must include a copy of the most recent performance evaluation.

#### *B. Telecommuting Agreement*

1. The Agreement ([Appendix B](#)) establishes the respective obligations of the parties under the telecommuting program. It is the responsibility of the supervisor to insure the agreement is completed in all respects for approved requests.
2. Termination of an employee's participation in the telecommuting program is not, by itself, grounds for a complaint or subject to appeal.

#### *C. Manager's Responsibilities*

Upon approval of the telecommuting request by the approving authority, the manager is required to:

1. Establish clearly defined work assignments and expectations with the employee.
2. Maintain and update a list of telecommuting equipment (such as telephone, computer hardware, software, manuals, etc.) loaned to the employee and secure such equipment at the expiration of the employee's participation in the telecommuting program.
3. Monitor the quality and quantity of work products and document performance on a regular basis but no less than on a biweekly basis. Managers should use the attached form to document monitoring activities or use an appropriate substitution ([Appendix C](#)). Additionally, the manager should monitor the employee's availability during the workday and the employee's attendance at required meetings, conferences, etc.
4. Work through problems and/or obstacles that may arise; measure performance by results rather than through direct observation.
5. Provide regular feedback on performance.
6. Assess the office's/work unit's benefits derived by supporting telecommuting, including reduced absenteeism and turnover and increased productivity and commitment; telecommuting must support the office's/work unit's goals, including productivity, cost effectiveness, and service to internal and external customers.
7. Modify the telecommuting agreement, as necessary as a result of State Courts Systems needs.
8. Return the approved telecommuting application package and agreement to the Office of Personnel Services. The original will be maintained in the employee's personnel file and copies sent to the employee and manager.

#### *D. Employee Responsibilities*

Upon approval of the telecommuting request by the approving authority, the employee is required to:

1. Comply with all State Courts System rules, policies, practices, instructions, telecommuting guidelines, and the Telecommuting Agreement with the understanding that violation of such may result in cancellation of the telecommuting agreement and/or disciplinary action, up to and including termination of employment.
2. Remain accessible during designated work hours.
3. Maintain all equipment, records, and materials provided by the State Courts System, all of which shall remain the property of the State.
4. Take responsibility for official documents; any loss of these documents that is attributable to the employee's negligence shall subject the employee to appropriate disciplinary action.
5. Understand that all obligations, responsibilities, terms and conditions of employment with the State Courts System remain unchanged.

#### *E. Chief of Personnel Services' Responsibilities*

The Chief of Personnel Services will be responsible for the following:

1. Serve as a resource for information, procedural inquiries, forms and training pertaining to the OSCA's telecommuting program.
2. Maintain and update the telecommuting policy and other related documents as required.
3. Review the telecommuting application packages submitted.
4. As appropriate, coordinate the review process with the OSCA ADA Coordinator and/or the General Counsel's Office.

5. Coordinate with the approving authority and provide reports upon request.
6. Insure the original application and agreement are made part of the employee's personnel file.

## **Forms**

- Telecommuting Application ([Appendix A](#))
- Telecommuting Agreement ([Appendix B](#))
- Telecommuting Monitoring Form ([Appendix C](#))

a. Telecommuting Application (FL)

## APPENDIX A: TELECOMMUTING APPLICATION

### Instructions

If you are interested in telecommuting as an alternative work arrangement, you may complete this form to stimulate discussion with your supervisor. After you complete the form, submit it to your supervisor with the request that he or she review it and meet with you to discuss your interest in telecommuting.

### SECTION I – TO BE COMPLETED BY EMPLOYEE

Employee Name:	Job Title:
Office Location:	Home Location:
Office Phone:	Home Phone:
Supervisor's Name:	Miles from office to home:

1. Summarize your job duties/responsibilities and attach an updated and approved position description signed by you and your supervisor.
  
2. Rate each of the following job characteristics according to your current job requirements. If there is a high requirement for this aspect of your job, then check the **HIGH** column. If it has little importance, check the **LOW** column.

JOB REQUIREMENTS	HIGH	LOW
Ability to control and schedule work.		
Clear and understandable work assignment objectives.		
Work autonomy.		
Concentration required.		
PC or computer terminal work.		
Amount of face-to-face contact required.		
Amount of telephone communication required.		
Amount of in-office reference material required		
Amount of data security required.		



8. What equipment would you need to enable you to telecommute? (Check all that apply.)

- Telephone                      Personal Computer / Laptop                      Printer                      Modem
- Fax machine                      Additional phone line                      Copy machine
- Office furniture                      Software (*specify*) \_\_\_\_\_
- Remote access requested?    Yes                      No

9. What distractions or obligations might make it difficult to work at home? How are you planning to resolve these obstacles?

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I have read the Telecommuting Policy and understand the requirements and obligations I am expected to accept and meet as a telecommuter.

I understand that approval of this application does not create an employment contract between me and the State Courts System. This application does not create any contractual rights or entitlements. No promises for assurances, whether written or oral, which are contrary to or inconsistent with this paragraph create any contract of employment.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

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**SECTION II – TO BE COMPLETED BY SUPERVISOR**

<b>SUPERVISOR CHECKLIST</b>	<b>YES</b>	<b>NO</b>
Are the job duties to be performed by the employee conducive to telecommuting?		
Is the employee's job performance conducive to telecommuting? ( <i>Consider the employee's work habits and past job performance.</i> )		
Performance expectations have been explained to the employee.		
Can arrangements for equipment be made without presenting a financial hardship for the office or for the State Courts System?		
Is the employee's home office space appropriate for performing work?		
Can a cost saving be realized from this telecommuting arrangement? (e.g. office space reduced) <i>If yes, please specify.</i>		

## Approval of Telecommuting Application

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Approved	Denied	Immediate Supervisor's Signature	Date
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Approved	Denied	Manager's Signature (if necessary)	Date
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*Notice: A Telecommuting Agreement must be signed and approved before the telecommuting arrangement becomes official. The signed agreement should be filed in the employee's official personnel file once all signatures have been obtained.*

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### Reviewed by:

Approving Authority's Signature	Date
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State Courts Technology Officer Signature	Date
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Chief of Personnel Services Signature	Date
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b. Telecommuting Agreement (FL)

## APPENDIX B: TELECOMMUTING AGREEMENT

Employee Name:	Date:
Job Title:	Office/Work Unit:
Supervisor's Name:	Phone Number:
Manager's Name: <i>(if different from Supervisor)</i>	Approving Authority:

**The terms and conditions of the Telecommuting Program are:**

- 1) The employee volunteers to participate in the Telecommuting Program and **agrees** to adhere to the guidelines and policies as stated in this agreement.
- 2) This agreement will become effective on \_\_\_\_\_ and remain valid until \_\_\_\_\_, or \_\_\_\_\_ until canceled by either party.
- 3) **Attendance:** The performance of official duties at the telecommuting site will be recorded in the employee's time and attendance record as hours worked.
- 4) **Caregiver Responsibilities:** The employee shall not be responsible for direct care-giving duties while simultaneously performing the employee's job responsibilities. The employee agrees that any time spent in care-giving responsibilities will not conflict with the hours spent preparing work assignments.
- 5) **Dual or Additional Employment:** The employee shall not have a second job unless a Dual Employment form has been submitted, reviewed for conflicts of interest, and approved.
- 6) **Evaluation:** The evaluation of the employee's job performance will be based on norms or other criteria derived from past performance or previously stated standards for job duties. For those assignments without precedence or without standards, the supervisor will use biweekly monitoring reports completed by the employee to rate job performance. The employee must be meeting all current performance and stated job duty standards and have had no disciplinary actions within the past 12 months in order to participate or continue to participate in the telecommuting program.
- 7) **Inspection:** The supervisor and/or the applicable Information System Support staff may inspect the telecommuting location periodically to ensure proper maintenance of state equipment. There must be at least 24 hours advance notice given to the employee of the inspection, which must occur during normal working hours.
- 8) **Leave:** The employee must obtain supervisory approval before taking leave in accordance with Section 4 of the State Courts System Personnel Regulations, Attendance and Leave. By signing this form, the employee agrees to follow established procedures for requesting and obtaining approval of leave.

9) **Liability:** The State Courts System or the State of Florida will not be liable for damages to the employee's property that result from participation in the telecommuting program. The employee certifies that his/her home provides a safe working environment. For example:

- the work area has adequate ventilation;
- electrical equipment is free of recognized hazards;
- surge protectors are used to protect state-owned equipment;
- work area is neat, clean, and reasonably quiet;
- smoke detectors are working; and,
- a fire extinguisher is easily accessible.

Exceptions are covered by section 768.28, Florida Statutes.

10) **Supreme Court/Office Closures:** If there is an "official closing" (e.g., Administrative Order) of the OSCA offices by the Chief Justice, administrative leave will be granted for the time the office is closed.

11) **Overtime and Compensatory Leave:** If the employee works overtime that has been ordered and approved in advance, the employee will be compensated in accordance with applicable law and Personnel rule. The employee understands that the supervisor **will not** tolerate unapproved overtime work. By signing this agreement, the employee agrees that failing to obtain proper approval for overtime work may result in the employee's removal from the telecommuting program, disciplinary action, or other appropriate action.

12) **Records:** The employee will apply approved safeguards to protect State Courts System records from unauthorized disclosure or damage, and will comply with the public record requirements set forth in Chapter 119, F.S. and any applicable State Courts System information security and privacy policy. Work performed in accordance with this agreement is considered official State Courts System business. All records, papers, and correspondence must be safe guarded until their return to the official location. Release or destruction of any records may only be done at the official location according to statute and rule. Computerized files are considered official records and shall be similarly protected as set forth in Chapter 119, F.S.

13) **Reimbursement:** The State Courts System or the State of Florida will not be responsible for operating costs, home maintenance, or any other incidental cost (e.g., utilities) associated with the use of the employee's residence. The employee does not relinquish any entitlement to reimbursement for authorized expenses incurred while conducting business for the state, as provided for by statute and implementing rules.

14) **Standards of Conduct:** The employee agrees to abide by all standards of conduct and other established state laws, State Courts System policies, procedures and acceptable practice, and understands that failure to do so may subject the employee to disciplinary action.

15) **State Owned Equipment:** To effectively perform assigned tasks, the employee may use State Courts System equipment at the employee's telecommuting location with the

approval of the employee's supervisor. The equipment must be protected against damage and unauthorized use. State-owned equipment will be serviced and maintained by the State Courts System if the equipment is returned to the employee's centrally located worksite and may be monitored electronically in accordance with any applicable policy. Routine maintenance and repairs for State Courts System provided equipment that can not be returned in a cost effective manner to the centrally located worksite may be conducted at an employee's home if it is approved in advance by the employee's supervisor and is coordinated with the appropriate Information System Services staff person. Equipment provided by the employee will be at no cost to the State Courts System and will be maintained by the employee. The employee may use the equipment or communication lines for personal activities in accordance with current applicable policy. The employee is expected to establish and maintain proper safety precautions to ensure the telecommuting site is free from safety hazards to the employee or state-owned equipment.

- 16) **Remote Access:** Remote access to the State Courts System's network may be provided to the employee, and updated periodically, at the discretion of the employee's supervisor and in consultation with the appropriate Information System Services staff person. If the remote access system includes internet access or other dial-in services, the employee may only use the State Courts System provided internet access or other dial-in services in a manner consistent with that of employees at the centrally located worksite. Employees who telecommute are subject to the same internal policies regarding the use of state-owned equipment and services as that of employees at the official work site.
- 17) **Termination of the Agreement:** The employee may request to terminate participation in this program at any time. The manager or approving authority has the right to remove the employee from the program at any time. Upon reasonable notice, the employee will be expected to report for work at the official work location or other location as assigned by the supervisor.
- 18) **Travel:** Travel from home to the official work site will not be reimbursed nor will such travel count as hours worked. Any local travel entitlement will be based on "point of origin", which means the geographic location of the traveler's official work site or the geographic location where travel begins, whichever is lesser distance from the destination ( Division of Financial Services, *Reference Guide for State Expenditure* [reference to *Attorney General Opinion 75-275*]).
- 19) **Work Assignments:** The employee will meet with the supervisor to receive assignments and to review completed work as necessary or appropriate. The employee will respond to a supervisor's phone call or e-mail request within a reasonable time during their specified work hours. The employee will complete all assigned work according to work procedures mutually agreed upon by the employee and the supervisor according to guidelines and standards stated in the employee's position description and/or performance standards and attend all required meetings, conferences, and/or training sessions. All meetings will be conducted at the centrally located work site. No face-to-face meetings will be conducted at the telecommuting site. The Telecommuting Monitoring form will be completed and submitted to the supervisor for approval along with a copy the time sheet.





c. Telecommuting Monitoring Form (FL)



3. Teleworking Request and Agreement (NCSC)  
**NATIONAL CENTER FOR STATE COURTS**

**TELEWORK ASSIGNMENT REQUEST**

JOB/EMPLOYEE DATA

**Incumbent's Name:** \_\_\_\_\_ **Job Title:** \_\_\_\_\_

**Division/Unit Name:** \_\_\_\_\_

**Telework Option To Be Approved:** \_\_\_\_\_ 1. Regular, Part-Time Schedule (1/2 day – 4 days)  
# of days approved: Circle one ( ½, 1, 2, 3, 4 )  
\_\_\_\_\_ 2. Regular, Full-Time Schedule

**Telework Assignment Start Date:** \_\_\_\_\_ **End Date (If Applicable):** \_\_\_\_\_

**Description Of Work To Be Done (If Option 3 selected, you may say 100% of job duties as described in the job description):**

\_\_\_\_\_  
\_\_\_\_\_

---

(You may attach additional pages as necessary.)

**APPROVAL GRANTED:** \_\_\_\_\_ **APPROVAL DENIED:** \_\_\_\_\_

COMMENTS/JUSTIFICATION

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SUPERVISOR'S SIGNATURE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**DIVISION DIRECTOR SIGNATURE:** \_\_\_\_\_

**DATE:**

\_\_\_\_\_

\*\*\*\*\*  
\*\*\*\*\*

**EMPLOYEE TELEWORK DATA**

**WORK SITE**

**ADDRESS:** \_\_\_\_\_

\_\_\_\_\_

**WORK SITE PHONE NUMBER:** \_\_\_\_\_

**WORK SITE FAX NUMBER (If Applicable):**

\_\_\_\_\_

In entering into this telework agreement I acknowledge and understand the following:

- The terms of the agreement may be reviewed, revised or rescinded by management at any time;
- I am subject to all NCSC human resources and administrative policies, practices and procedures currently in effect;
- Failure to comply with any of these policies, practices and procedures may result in disciplinary action as prescribed by policy; and
- The agreement establishes an alternate work site and does not constitute an employment contract of any kind.

**EMPLOYEE'S SIGNATURE:** \_\_\_\_\_

**DATE:**

\_\_\_\_\_

4. Telecommuting Agreement (ND)

**TELECOMMUTING AGREEMENT  
North Dakota Court System**

Employee Name	Position	Administrative Unit/Supreme Court
Central Office Name & Location		Supervisor

This Agreement between \_\_\_\_\_ *[employee name]* \_\_\_\_\_ and the \_\_\_\_\_ *[North Dakota Court System name]* \_\_\_\_\_ is to formalize a process whereby \_\_\_\_\_ *[employee name]* \_\_\_\_\_ will be conducting state business in \_\_\_\_\_ *[specify his/her home or telecommuting office]* \_\_\_\_\_ for a \_\_\_\_\_ month period. This arrangement will begin on \_\_\_\_\_ *[date]* \_\_\_\_\_ and at any time can be terminated at the will of the employee, \_\_\_\_\_ *[employee name]* \_\_\_\_\_ or the North Dakota Court System with written notification.

Both parties to this Agreement voluntarily agree to the following terms and conditions of telecommuting:

1. This Agreement is for the period \_\_\_\_\_ *[specify dates or time periods]* \_\_\_\_\_, which may be extended, and is of mutual benefit to the North Dakota Court System and to \_\_\_\_\_ *[employee name]* \_\_\_\_\_, hereinafter referred to as Employee.
2. *[If the work site is a personal residence]* Prior to beginning work under this Agreement, the Employee must submit proof of commercial general liability coverage to the North Dakota Court System indicating the limits of coverage at the home worksite.
3. The Employee will work away from the central office setting at \_\_\_\_\_ *[specify his/her home or telecommuting office]* \_\_\_\_\_. The Employee's work schedule will be set and mutually agreed upon between the Employee and the Employee's immediate supervisor on a \_\_\_\_\_ *[specify weekly or other]* \_\_\_\_\_ basis. The employee will complete assigned work as agreed upon. Time and attendance will be recorded according to the Fair Labor Standards Act in accordance with North Dakota Court System policy. Time spent teleworking must be indicated on the time report in the Overtime and Other Explanation.
4. Compensation, benefits, and work status will not change due to this Agreement when the employee is performing the same work as when in the central office setting.
5. The Employee will be allowed to use \_\_\_\_\_ *[specified equipment]* \_\_\_\_\_ which will be provided by the North Dakota Court System. Employee agrees to protect any State-owned equipment and to use the equipment only for official purposes. Use by family members and others is prohibited. The North Dakota Court System agrees to install, service, and maintain any State-owned equipment issued to the telecommuting employee. Any State-owned equipment will be returned to the North Dakota Court System at termination of the Telecommuting Agreement.
6. Employees must obtain supervisory approval before taking leave in accordance with established procedures. The employee agrees to follow established procedures for requesting and obtaining approval of leave.
7. The North Dakota Court System will supply materials necessary to complete assigned work at the work site through the Employee's in-office visits. Out-of-pocket expenses for supplies normally available through the North Dakota Court System will not be reimbursed.

8. Necessary telephone lines will be provided by the employee. Long distance business calls and internet connection fees will be [specify reimburse, made on credit cards, etc.].
9. All North Dakota Court System data must be handled in a secure and confidential manner.
10. The Employee must maintain safe conditions in the work area and practice the same safety habits in the designated work area as the Employee would in the Employee's office on the North Dakota Court System's premises.
11. Workers compensation coverage will be provided for the Employee while in the telecommuting arrangement when injuries are sustained in conjunction with the employee's regular work duties. The North Dakota Court System assumes no liability for injuries occurring to the Employee at the work site outside of the agreed-upon work schedule or when injuries sustained are not in conjunction with the performance of the regular work duties.
12. The employee will continue to work in pay status while working at a home office. An employee working overtime, ordered and approved in advance, will be compensated in accordance with the Fair Labor Standards Act and North Dakota Court System policy. The employee agrees that failing to obtain proper approval for overtime work may result in removal from the telecommuting program or other appropriate action.
13. The North Dakota Court System will not be responsible for operating costs, home maintenance, or any other incidental costs (e.g. utilities) associated with the use of the employee's residence. The employee does not give up any reimbursement for authorized business for the North Dakota Court System because the employee works from home or another location.
14. The North Dakota Court System will not be liable for damages to the employee's property resulting from participation in the telecommuting program. In signing this document, the employee agrees to hold the North Dakota Court System harmless against any and all claims, excluding worker's compensation claims.
15. The evaluation of the employee's job performance will be based on established standards. Performance must remain satisfactory to remain as a telecommuter. Employees will not be allowed to telecommute while on a performance improvement plan.
16. The employee will apply safeguards that are approved by the employer to protect records from unauthorized disclosure or damage. All records, papers, and correspondence must be safeguarded for their return to the office.
17. The employee agrees to work at the office or telecommuting location and not from another unapproved site. Failure to comply with this provision may result in termination of the agreement and/or other appropriate disciplinary action.

We agree to abide by the terms and conditions of this agreement:

Employee Signature	Date
Supervisor Signature	Date
Appointing Authority Signature	Date

5. Teleworking Policy (GA)

	<h2>Judicial Council</h2> <h1>Administrative Office of the Courts (JC/AOC)</h1>	
	<b>Policy Procedure Owner</b>	<b>Human Resources</b>
<b>Policy Title</b>	<b>Teleworking</b>	
<b>Policy Number</b>	<b>HR-07-10-001</b>	
<b>Effective Date</b>	<b>2/23/2005</b>	
<b>Revision Date</b>	<b>7/16/2015</b>	

**Effective Date:** July 16, 2015

**Previous Effective Date:** July 1, 2010

**References:** O.C.G.A. §15-5-24  
O.C.G.A. § 48-7-29.11

**1. Introduction**

To meet the needs of the judiciary 24/7, teleworking is an option that a state agency providing services may consider. Teleworking may not be suitable for all employees and/or positions. The JC/AOC may implement teleworking as a work option for certain eligible employees based on specific criteria and procedures consistently applied throughout the agency.

**2. Applicability**

All JC/AOC employees, designated contract employees, and interns are subject to this policy.

**3. Policy Statement**

The purpose of this teleworking policy (“Policy”) is to define and outline the teleworking program (“Program,” also known as telecommuting) of the JC/AOC, and guidelines and rules under which the program will operate. To be considered as a work option in a particular situation, teleworking must be beneficial to the JC/AOC and the State of Georgia. This Policy applies to all teleworking activities of the JC/AOC. All applicable persons should be familiar with the contents of this policy and its supporting guidelines.

**4. Definitions**

- A. Telework is defined as working at home or at other off-site locations that are linked electronically (via computer, fax, etc.) to the JC/AOC office. Teleworking is a cooperative arrangement between the JC/AOC and an employee, based upon the needs of the job, work group, and the JC/AOC. Teleworking is not a right, and may be revoked by management at any time, and shall not be used as a condition

of employment. This policy also applies to situations where a supervisor occasionally allows an employee to work at home on a temporary, irregular basis.

- B. Eligible Position** – A position having measurable quantitative or qualitative results-oriented standards of performance that are structured to be performed independently of others and with minimal need for support and can be scheduled at least one day a pay period without impacting service quality or organizational operations. The eligibility of a position may change depending on circumstances.
- C. Eligible Employee** – An employee, in an eligible position, who has been identified by the employee’s supervisor as satisfactorily meeting performance standards, terms, and conditions of employment of their position. The employee shall have no active formal disciplinary actions on file for the current year or review period.
- D. Primary Workplace: The JC/AOC office in Atlanta or location assigned as the employee’s primary workplace.
- E. Alternate Workplace: A work site other than teleworker's primary workplace. The alternate workplace may include teleworker's home, a telework center, or another site approved by teleworker’s supervisor.
- F. Telework Center: A facility that offers office-like workstations and electronic equipment that may be used by state agencies to house teleworking employees.
- G. Teleworker: An employee, who has entered into a telework agreement with the JC/AOC, and who performs normal and regular work functions on a workday that ordinarily would be performed at the primary workplace at a different location, thereby eliminating or substantially reducing physical commute to and from the primary workplace. This term shall not include extensions of the workday, or work performed on a weekend or holiday.
- H. Occasional Teleworker: A teleworker, who, with the approval of their supervisor, works at an alternate workplace on an infrequent basis. Approval is usually task or project specific and normally approved at least the day before the employee teleworks. Occasional teleworkers do not telework on a scheduled basis. For purposes of this Policy, occasional teleworkers are considered teleworkers.
- I. Mobile Worker: An employee who travels during at least 50% of their work hours, and whose current work location is their home or an assigned office, or an employee whose primary job responsibilities require indirect or limited interaction with internal customers, stakeholders or constituents at least 60 to 75% of the time. The duties of these positions generally allow the employee to meet and work off-site with clients/customers who are dispersed throughout a geographic territory, or who can transact business via electronic means most of

the time. For the purposes of this Policy, mobile workers are not considered teleworkers.

- J. Teleworking: An employee working at a location other than the employee's primary workplace.
- K. Teleworking Agreement: A document signed by the JC/AOC and the participating employee, that defines the terms of a telework arrangement, including the number of days per year the employee will telework (Attachment 1 – Teleworking Agreement).

## **5. Procedure**

### **Teleworking Agreement**

The teleworker agreement documents the mandatory policies in effect and the results of any other agreements between the division manager, supervisor, the teleworker, and Human Resources. The agreement must be signed by all parties prior to the start of teleworking agreeing that all parties will abide by the terms and conditions of teleworking. 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;
- 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 and accessing information over the Internet (see Security and Access to Information 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.

## **Disciplinary Action**

Nothing in this Agreement precludes JC/AOC from taking any appropriate disciplinary or adverse action against teleworker if teleworker fails to comply with the provisions of this Agreement or terms and conditions of employment.

## **Review and Renewal of Teleworking Agreement**

The Teleworker Agreement (“Agreement”) must be discussed and renewed at least annually, whenever there is a major job change (such as a promotion), or whenever the teleworker, supervisor, or Division Manager changes positions. In their discretion, the Director may elect to revise this Policy when a need arises. Because teleworking was selected as a feasible work option based on a combination of job characteristics, employee characteristics, supervisor characteristics, and division manager characteristics, a change in any one of these elements may require a review of the teleworking arrangement.

## **Work Space and Work Hours**

- A. Work Space: Teleworker shall maintain a clean, safe alternate workspace that is adequate for work and free of obstructions and distractions. To ensure that productive working conditions exist, it may be necessary for the state or JC/AOC to make on-site visits to the alternate workplace at mutually agreed-upon times. However, this will be handled by the JC/AOC on a case-by-case basis. Teleworker shall designate a specific workspace at the alternate workplace and will conduct work for the JC/AOC from that location.
- B. Work Hours: Teleworker shall develop a work schedule with teleworker’s Division Manager and supervisor, and teleworker’s supervisor must agree in advance to any changes to teleworker’s work schedule. Teleworkers subject to mandatory overtime must obtain approval from their supervisors before performing overtime. A non-exempt teleworker working overtime without such approval may cause the JC/AOC to terminate the teleworking option and/or take other appropriate action. Teleworker must obtain approval in advance from their supervisor before taking leave during a designated teleworking day.

## **Employee Participation**

- A. Discretionary: **Offering the opportunity to work at home or another alternate workplace is a management option and is not an employee right.** An employee’s participation in the JC/AOC’s teleworking program is entirely voluntary and at the discretion of the JC/AOC. Teleworker, the Director, Division Manager, or teleworker’s supervisor, may terminate

teleworking with or without cause upon written notice to the teleworker if given by the supervisor, Division Manager or Director, or to teleworker's supervisor if given by teleworker. Teleworking is a work arrangement between an individual employee, their Division Manager and supervisor. **A Division Manager or supervisor has no authority to require an employee to telework unless it is a clearly stated requirement in the job description.**

- B. Applicable Policies, Rules, and Regulations: Teleworker shall adhere to all policies, rules, and regulations of the JC/AOC and state while teleworking. Other than those duties and obligations expressly imposed on teleworker under the Teleworking Agreement, the duties, obligations, responsibilities, and conditions of teleworker's employment with JC/AOC remain unchanged. Teleworker's salary and participation in the pension and benefit plans shall remain unchanged.
- C. Contact with Office: Teleworker must maintain contact with the office as may be specified in the work schedule, JC/AOC Policy, and Teleworking Agreement.
- D. Personal Business: Teleworker agrees to perform only official duties and not to conduct personal business while on work status at the alternate work location. For this purpose, "personal business" includes but is not limited to caring for children or dependents and making home repairs. Teleworker shall continue to make arrangements for child or dependent care to the same extent as if teleworker were working at the primary workplace.
- E. Work-related Meetings: Teleworker agrees not to conduct any work-related meetings in-person at the alternate work location if that alternate work location is teleworker's home; however, even a teleworker working at their home can conduct virtual meetings by phone or electronic means, equipment permitting, and subject to the other limitations in this policy.
- F. Outside Activities: Teleworker's activities outside the time of work or outside the place designated for work will be deemed to be in teleworker's own personal time and place, unconnected with work activities.

### **Equipment and Supplies**

- A. Office Supplies: Office supplies (e.g. pens and paper) for use while teleworking shall be provided by the JC/AOC and should be obtained by teleworker during teleworker's in-office work period. Out-of-pocket

expenses for supplies regularly available at the primary workplace will not be reimbursed unless previously approved by JC/AOC.

- B. Personal Furniture, Etc.: Teleworker is expected to use their own furniture, telephone lines, and other equipment when teleworking unless otherwise specified in the Agreement. Any use of private facilities of teleworker will be at teleworker's discretion and not at the behest or expense of the state. This applies to all physical improvements and conveniences as well as services.
- C. Operating and Other Costs: Teleworker agrees that JC/AOC will not be responsible for operating costs, home maintenance, or any other incidental cost (e.g. utilities, insurance) whatsoever, associated with the use of teleworker's residence or computer equipment. JC/AOC will reimburse teleworker for expenses authorized by teleworker's supervisor in advance and incurred while conducting business for JC/AOC. Teleworker's supervisor must agree in advance that the JC/AOC will reimburse an expense not otherwise allowed hereunder or under the Agreement in order for the same to be reimbursed by the JC/AOC.
- D. Approval for Use of JC/AOC Equipment: No JC/AOC equipment shall be utilized at an alternate workplace without the prior approval of teleworker's supervisor. JC/AOC equipment shall remain the property of the State of Georgia and shall be utilized only for official JC/AOC business.

### **Security and Access to Information**

Teleworker agrees that all JC/AOC-owned data, files, software, equipment, facilities, and supplies must be properly protected and secured. JC/AOC-owned data, software, equipment, facilities, and supplies must not be used to create teleworker-owned software or personal data. Teleworker will comply with all JC/AOC and state policies and instructions regarding security of confidential information. Any software, products, or data created as a result of work-related activities are owned by JC/AOC and must be produced in the approved format and medium.

Teleworker agrees to protect JC/AOC records from unauthorized disclosure or damage and will comply with all requirements of law regarding disclosure of JC/AOC information.

Teleworker is responsible for maintaining confidentiality and security at the alternate workplace, as teleworker would at the primary workplace. Teleworker must protect the security and integrity of data, information, paper files, and access to JC/AOC computer systems. JC/AOC information

technology and internet usage policies apply to teleworking, as they would in the primary workplace.

### **Expenses and Compensable Time**

- A. Approved Alternate Workplace: Teleworker may work from an alternate workplace that has been approved by the employer. Mileage between the home and teleworker's assigned office or telework center shall be considered commute mileage and not subject to reimbursement.
- B. Long-distance Calls: Work-related long distance phone calls should be planned for in-office days. At the discretion of the Director or supervisor, expenses for business-related long distance calls and cell phone calls, which must be made from teleworker's approved alternate workplace, may be reimbursed if the reasons and costs for the calls are documented.
- C. Miscellaneous Costs: Teleworker is responsible for the cost of maintenance, repair, and operation of personal equipment, and for all other costs not provided by the JC/AOC or state.

### **Liability**

- A. Workers' Compensation: Teleworker's workspace at an alternate workplace, when used for teleworking, is an extension of the JC/AOC workspace. The state's liability for job-related accidents will continue to exist during the approved work schedule and in teleworker's designated work location. Teleworker is covered under the State's Workers' Compensation Law for injuries occurring in the course of the actual performance of official duties at the alternate workplace.

If an injury occurs during teleworking work hours, teleworker shall immediately report the injury to the supervisor. Teleworker, supervisor, and JC/AOC should follow the state's policies regarding the reporting of injuries for employees injured while at work.

- B. Damage to Property: Teleworker understands that neither the state nor JC/AOC will be liable for damages to teleworker's personal or real property while teleworker is working at the alternate work location, except to the extent adjudicated to be liable under Georgia Law.
- C. Injuries to Others: Neither the State of Georgia nor JC/AOC is responsible for any injuries to family members, visitors, and/or others in teleworker's home.
- D. Liability: To the extent permitted by law, teleworker will not attempt to hold

the state or JC/AOC responsible or liable for any loss or liability in any way connected to teleworker's non-work-related use of their own home. To the extent permitted by law, neither the state nor the JC/AOC shall be so liable.

- E. Responsibilities of Teleworker: At their expense, if teleworker elects to do so, teleworker is responsible for contacting teleworker's insurance agent and a tax consultant and consulting local ordinances for information regarding home workplaces.

### **Program Reporting and Evaluation**

Teleworker agrees to provide notice of work assignments to teleworker's supervisor, a teleworking report delineating work completed at the conclusion of the work day, and participate in studies, inquiries, reports or analyses relating to teleworking at the JC/AOC's direction and discretion.

### **Exceptions to this Policy**

In extenuating circumstances, the supervisor, Division Manager, or Director, at their discretion, may grant an employee an exception to this Policy if (1) the quality and quantity of the employee's work does not and will not decline, and (2) the exception will not cause a disruption to the productivity and work flow of the JC/AOC. Such exception(s) must be reviewed and approved by Human Resources management to ensure exceptions comply with existing JC/AOC policies. Such exceptions will be confined to the period of time directed by the Director-, Division Manager, supervisor or Human Resources management and may contain conditions which shall be binding upon teleworker.

## **6. Attachments**

Attachment 1: Teleworking Agreement Form

## **7. Record Retention**

Attachment 1: Place in employee's official personnel folder for the length of employment.

Upon termination of State employment, withdraw the official personnel folder and place in inactive file for seven years for full-time, and six years for temporary employees.

6. Teleworking Policy Agreement (GA)

**Judicial Council**

**ADMINISTRATIVE OFFICE OF THE COURTS OF GEORGIA**

TELEWORKING POLICY AGREEMENT

This Teleworking Agreement (hereinafter "Agreement"), effective \_\_\_\_\_ is between \_\_\_\_\_ (Employee Name)

(hereinafter "teleworker"), an employee of the Judicial Council/Administrative Office of the Courts of Georgia, and the Administrative Office of the Courts of Georgia (also referred to as "Agency" herein), an agency of the Judicial Branch of the State of Georgia, county of Fulton. The parties agree as follows:

General Terms

**A. Policy:** The parties agree to be bound by the terms of the Administrative Office of the Courts of Georgia Teleworking Policy (hereinafter "Policy"), attached hereto as *Exhibit A* and incorporated herein by reference.

**B. Term:** Teleworker will begin teleworking for the purposes of this Agreement between the following dates:

\_\_\_\_\_ and \_\_\_\_\_  
(Begin Date) (End Date)

The end date of the teleworking period will be applied unless, per the Policy guidelines, a review of this Agreement is conducted prior to that end date, or unless this Agreement is terminated as per the procedures outlined in this Agreement and Policy.

**C. Termination:** Teleworker agrees that teleworking is voluntary and a privilege, and at the discretion of the Agency and may terminated by the teleworker, teleworker's supervisor, Division Manager or the Human Resources Manager, with or without cause, including for violation of any of the terms of this Agreement, upon written notice to teleworker if given by the Human Resources Manager or supervisor, or Division Manager upon written notice to teleworker's supervisor if given by teleworker. The parties agree the Agency will not be held responsible for costs, damages, or losses resulting in cessation of participation as a teleworker. The parties further agree that this Agreement is not a contract of employment and may not be constructed as such.

**D. Applicable Law:** This Agreement is a Georgia agreement and shall be construed, interpreted, and enforced according to the laws of the State of Georgia.

#### Alternate Workplace

Teleworker affirms that the alternate workplace is safe and suitable for performance of teleworker's official duties. Teleworker agrees to maintain this workplace in a safe condition, free from hazards and other dangers to teleworker and equipment.

#### Inspections

Teleworker understands that the Agency reserves the right to make on-site visits to the alternate workplace for the purposes of determining if the site is conducive to productive work or to investigate Teleworker's compensation claim. Such visits will be conducted at mutually agreed-upon times.

#### Work Schedule and Work Status

Teleworker agrees to develop a telework schedule with teleworker's supervisor and Division Manager which is not to exceed more than one (1) day per week. Special provisions may be allowed for extenuating circumstances which fall within the purview of existing policies approved by Human Resources Management. The teleworker, teleworker's supervisor, and Division Manager must agree, in advance, to any changes to teleworker's work schedule. **(Changes to the work schedule must be reported immediately to Human Resources)**. Once a teleworking arrangement has been approved, teleworker is responsible for reporting assignments, producing a teleworking report of completed assignments at the end of the work day, and maintaining regular contact with his or her Supervisor. The Supervisor shall be teleworker's primary contact within the central work location. It is expected that the Supervisor and teleworker will act together to keep each other apprised of events or information obtained during the working day.

Teleworker agrees that activities outside the time of work or outside the place designated for work will be deemed to be in teleworker's own personal time and place, unconnected with work activities.

#### Specific Terms

**A. Alternate Workplace Information:** List the following information about each alternate workplace to be utilized by teleworker under this Agreement. If the information is the same as teleworker's work information, write "work" in the space (for example, if teleworker will utilize his or her regular work email address while telecommuting, write "work" under "Email"):

**B.**

<b>Alternate Workplace (Ex. Teleworker's Home)</b>	
<b>Address</b>	
<b>Phone/Cell</b>	
<b>Fax</b>	
<b>Email</b>	

**C. Use of Equipment:** List any **Agency** or **State** equipment that teleworker will use at the alternate workplace (attach additional documentation as needed):

Item Description	Inventory Number	Date Out	Date Returned

**D. Work Schedule Information:** Provide information about teleworker's agreed upon work schedule while teleworking. You may want to specify days, hours, and lunch period. Also **see section #4.** If the work schedule will be the same as when teleworker is in the office, you may write "same as in office."

Insert comments here

**E. Special Conditions and Requirement:** If workload for the agreed telework day conflicts with the need for the employee to physically be in the office, the teleworker will have to forfeit the telework day for that week if critical work demands and staffing shortages do not allow for teleworking on another day of that same week. This also applies when a State Holiday falls on the telework day for that week.

Amendment

This Agreement contains the entire agreement between the parties with respect to its subject matter and supersedes all prior and contemporaneous statements, agreements, and understandings between the parties regarding its subject matter. Only a document signed by the parties may amend this Agreement, with the exception of Item 5, "Specific Terms," which may be amended by mutual agreement of the teleworker, teleworker's supervisor, Division Manager and immediately reported to Human Resources.

**I have read and understand this Agreement and the Teleworking Policy, attached hereto as Exhibit A and incorporated herein by reference, and I agree to abide by and operate in accordance with the terms and conditions described in both. I agree that the sole purpose of this Agreement is to regulate teleworking and that it constitutes neither an employment contract nor an amendment to any existing contract and that it may be cancelled at any time.**

\_\_\_\_\_  
Teleworker (Print Name)

\_\_\_\_\_  
Teleworker (Signature)

Date

\_\_\_\_\_  
Supervisor (Print Name)

\_\_\_\_\_  
Supervisor (Signature)

Date

\_\_\_\_\_  
Division Manager (Print Name)

\_\_\_\_\_  
Division Manager (Signature) Date

\_\_\_\_\_

\_\_\_\_\_

**HR Manager (Print Name)**

**HR Manager (Signature)**

**Date**

## Virginia Remote Working Policy

### REMOTE WORKING

#### POLICY STATEMENT

It is the policy of the Judicial system to allow eligible employees, with the approval of their manager, to work at alternate work locations for all or part of their workweek.

#### PURPOSE AND SCOPE

This policy applies to full-time and part-time employees as well as wage employees. The purpose of this policy is to set forth the Judicial system's philosophy and administrative guidelines for Remote work programs throughout the state. Its intent is to promote Remote work as a means of sustaining the hiring and retention of a highly qualified workforce by enhancing work/life balance.

#### GENERAL PROVISIONS

Managers/supervisors are responsible for managing the affairs and operations of the Judicial system; therefore, they have the discretion (with the hiring authority's oversight) to:

- Develop Remote work programs that support their business cultures and missions;
- Designate positions that are eligible for full-time, intermittent, or occasional Remote work; and,
- Designate and approve employees for Remote work.

#### Conditions of Employment

- Remote work assignments do not change the conditions of employment or required compliance with policies.
- To the extent possible, the supervisor and the employee should mutually agree to Remote work arrangements. However, supervisors may establish Remote work as a condition of employment, based on the business needs of that worksite.
  - If it is a condition of employment, this requirement should be included when the position is advertised and in correspondence offering employment.

#### Compensation and Benefits

An employee's compensation and benefits will not change as a result of Remote work arrangements.

#### Hours of Work

- The total number of hours that employees are expected to work will not change, regardless of work location.
- Employees agree to apply themselves to their work during work hours.
- Supervisors must ensure that procedures are in place to document the work hours of employees who Remote work to ensure compliance with the Fair Labor Standards Act (FLSA).
- Supervisors may require employees to report to a central workplace as needed for work-related meetings/other events or may schedule alternate meeting methods; i.e., online meetings or conference calls.

### **Eligibility for Remote work**

Determinations of Remote work eligibility should be focused on the work and the ability of the employee to effectively perform work duties at the alternate work location.

- Remote work for unplanned or temporary circumstances.
  - If the employee has a Remote work agreement, Remote work for unplanned circumstances such as school closings, family illness, etc., may be approved.
  - The supervisor may exercise discretion in determining whether an employee can accomplish at least some part of his/her duties from the Remote work site in such a situation and when leave should be used.
- Remote work temporarily in a different geographic location.
  - The employee must receive approval from his/her supervisor to temporarily shift his/her Remote work site to a different location from the one approved in the Remote work agreement.
  - This temporary change in Remote work location should be in writing and handled as an addendum to the Remote work agreement. It should outline the period (dates) for the temporary change in location and any other expectations.
  - This approval is intended for temporary arrangements. If the short-term arrangement has to be extended, the supervisor should reassess the situation, focused upon whether the supervisor is willing to have the employee continue to perform work in a different location as a remote worker.

### **Use of Leave**

- Remote work is not intended to be used in place of paid leave.
- Supervisors, with the assistance of OES HR, may determine whether or not it is appropriate to offer Remote work arrangements as an opportunity for temporary, partial, or full return to work from illness/injury or for disability accommodations based on Judicial system policy and the criteria normally applied to decisions regarding the approval of Remote work.

### **Workers' Compensation Liability**

The Judicial system may be liable for job-related injuries or illnesses that occur during employees' established work hours in their alternate work locations.

### **Equipment and Materials**

The supervisor may provide equipment and materials needed by employees to effectively perform their duties. In cases where full-time Remote work is a condition of employment, the supervisor should provide the necessary equipment and materials. However, where agreements specify, employees may be authorized to use their own equipment.

- Laptops owned or issued by the Judicial system may be used only for authorized work purposes by authorized employees. The Judicial system does not allow printers, scanners, monitors or desktop computers to be taken to employees' homes.

- Employees are responsible for protecting Judicial system-owned or issued equipment from theft, damage and unauthorized use.
- Judicial-owned or issued equipment used in the normal course of employment will be maintained, serviced and repaired by the Judicial system.
- Supervisors should stipulate who is responsible for transporting and installing equipment, and for returning it to the central workplace for repairs or service.
- When employees are authorized to use their own equipment, the Judicial system will not assume responsibility for the cost of equipment, repair, or service or other costs incurred by employees in the use of their homes or other alternate work locations for Remote work. Employees must safeguard Judicial system information used or accessed while Remote working.
- Supervisors must grant permission according to Department of Judicial Information Technology (DJIT) security procedures for employees to work on restricted-access information or materials, at alternate work locations.
- Employees must agree to follow all applicable security procedures in order to ensure confidentiality and security of data.

#### **EMPLOYER RESPONSIBILITIES**

Work performed in alternate work locations is considered official Judicial system business; therefore, managers/supervisors may establish specific conditions that apply to employees working in alternate locations. Each supervisor must establish internal policies and procedures related to Remote work. Such policies should maximize the appropriate use of Remote work arrangements without diminishing employee performance or service delivery.

#### **Identify Ineligible Positions**

The Judicial system is responsible for identifying broad categories of positions that are ineligible for Remote work and for providing appropriate justification for that determination.

#### **Develop Remote work Agreements**

- Supervisors and employees must agree to the terms of Remote work arrangements before an employee may work at an alternate work location. Refer to Attachment A - Sample Remote work Agreement.
- Supervisors may choose to create their own Remote work agreement. However, it must be reviewed and approved by OES HR and Division Director prior to use.
- Supervisors should include the conditions listed below in work agreements:
  - the duration of the agreement;
  - the work schedule and how it can be changed;
  - how leave is to be requested and approved by the supervisor;
  - status of employees during emergencies or weather-related closings affecting the central or alternate worksite under Policy 1.103, Emergency Closings;
  - how routine communication between the employee, supervisor, co-workers, and customers will be handled;
  - employee's performance plan/expectations;
  - the equipment and/or supplies that will be used;

- Judicial system-provided equipment/supplies are to be used for business purposes only. The supervisor or the Judicial system Help Desk needs to be notified immediately when equipment malfunctions;
- any applicable data security procedures;
- require that the employee shall
  - comply with all Judicial system rules, policies, practices and instructions;
  - notify his/her supervisor immediately of any situations which interfere with his/her ability to perform the job;
  - permit DJIT access to the alternate work location during normal work hours;
  - maintain safe work conditions and practice appropriate safety habits;
  - confirm that the work location is free from hazards;
  - notify his/her supervisor immediately of any injury incurred while working;
  - release the Judicial system from liability for damages to real or personal property resulting from participation in the Remote work program; and,
  - assume responsibility for the security of information, documents, and records in his/her possession or used while Remote working and not take restricted-access material home without the written consent of his/her supervisor.

### **Termination of Agreement**

The supervisor may terminate the Remote work agreement at its discretion. A supervisor should give an employee advance notice (two weeks is recommended) if a decision is made to terminate the agreement; however, advance notice is not required.

### **Train Managers and Supervisors**

Supervisors must determine which positions are appropriate for Remote work and notify OES HR when they:

- establish or re-establish a position; or,
- change the designation of the position.

### **Emergency Closings of the Central Workplace**

Supervisors must communicate to employees eligible to Remote work the expectations for continuing to work during emergency closings and must document this expectation in the employee's Remote work agreement.

## **GLOSSARY**

**Alternate Work Location** - Approved work site other than the employee's central workplace where official state business is performed. Such location may include, but is not necessarily limited to, employee's home and satellite office.

**Central Workplace** - An employer's place of work where employees normally are located.

### **Full-Time Remote worker**

- Employee who has an active Remote work agreement on file and Remote works all or a clear majority of his/her planned schedule from a defined and agreed upon alternate worksite(s).
- Employee will normally not have permanently assigned office space, but may be assigned to work from an alternate worksite close to his/her residence if sufficient Internet access

is not available at his/her residence; or where needed systems access is only available at the worksite; or where a personal situation precludes residence-based Remote work.

- Employee may from time to time travel for work activities, meetings, or conferences when approved by management, but is expected to spend a clear majority of his/her time Remote working at the agreed upon alternate worksite(s).
- Employee may be required to Remote work in support of continuity of operations during emergency closings and crisis management situations.

#### **Hybrid Remote worker**

- Employee who has an active Remote work agreement on file and consistently Remote works a minimum of 32 hours or more per month (but less than full-time), typically Remote working from a defined alternate worksite(s) one to two days a week and on a consistent and regular basis.
- Employee has an assigned or shared workspace at a worksite(s) and functions as an office worker when not Remote working.
- With management approval, employee may sometimes travel to other work sites for meetings or other work, or from time to time to other sites for reasonable and necessary conferences or meetings.
- Employee may be required to Remote work in support of continuity of operations during emergency closings and crisis management situations.

#### **Limited Remote worker**

- Employee who has an active Remote work agreement on file and Remote works consistently less than 32 hours a month on a limited, sporadic, or task driven basis in response to a specific work need(s). Needs could include, but are not limited to, special projects, continuity of operations, emergency closings, and crisis management situations.
- Employee has an assigned or shared workspace at a worksite and functions as an office worker when not Remote working.
- Employee may from time to time travel off-site for work activities, meetings, or conferences when approved by management. Employee may be required to Remote work in support of continuity of operations during emergency closings and crisis management situations.

**Office Worker** – Office-based employee who reports to and works from a defined central workplace(s). Employee may from time to time travel off-site for work activities, meetings, or conferences when approved by management, but spends a clear majority of his/her time working at an assigned worksite(s).

- Workers in Remote work eligible positions who choose not to Remote work should be assigned this category.
- When an employee is traveling for approved meetings or conferences, s/he may call-in or perform work remotely without a formal Remote work agreement.

**Mobile Worker** - Employee works a clear majority of his/her planned schedule in a mobile mode away from assigned offices out in the “field.” Employee may be required to report to a worksite(s) to attend meetings, record time, or receive assignments. May include limited work from the employee’s home and the employee may from time to time travel away for normal work area(s) for meetings or conferences when approved by management.

- Mobile workers generally do not have required dedicated office space at an office worksite; these are traditional “field” type roles. Note: Expectations related to mobile work, required resources/equipment, and performance expectations) should be implemented and maintained.
- When employee is traveling for approved meetings or conferences, s/he may call-in or perform work remotely without a formal Remote work agreement.

**Remote work** - A work arrangement in which supervisors direct or permit employees to perform their usual job duties away from their central workplace.

**Remote worker** - An employee who, under formal agreement with his/her supervisor, performs his/her usual job duties in an alternate work location.

**Remote work Agreement** - The required, written agreement between the employer and employee that details the terms and conditions of an employee’s work away from his/her central workplace.

**Work Schedule** - The employee’s hours of work in the central workplace or in alternate work locations.

#### INTERPRETIVE AUTHORITY

This policy is issued by the Office of the Executive Secretary. The Office of the Executive Secretary is responsible for official interpretation of this policy. Questions regarding the application of this policy should be directed to the Office of the Executive Secretary. The Office of the Executive Secretary reserves the right to revise or eliminate this policy as necessary.

## Virginal Remote Work Agreement

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### Terms of Remote Work Agreement

The terms of this agreement must be read in conjunction with Judicial system specific Remote work policies. Signatories certify they will abide by the terms of this agreement, all applicable Remote work policies, and all agreement specific terms established by the Judicial system.

#### 1. Safety

- Employee will verify the safety of an alternate worksite using the safety checklist in Section II of this agreement.
- Employee is covered by the Workers' Compensation Program and/or the Virginia Sickness and Disability Program (VSDP), as appropriate, if injured while working at the alternate worksite.
- Employee agrees to bring to the immediate attention of his/her supervisor any accident or injury that occurs while working at an approved alternate work location.
- Supervisor will investigate all accident and injury reports immediately following notification.
- Supervisor reserves the right to inspect the alternate work location to ensure safety standards are met.

#### 2. Confidentiality and Information Security

- Employee will apply approved safeguards to protect Judicial system records from unauthorized disclosure or damage and will comply with all records and data privacy requirements set forth in state law and Judicial system policies.
- Employee will conduct work at the alternate work location in compliance with all information security standards.

#### 3. Work Standards and Performance

- Employee will meet with his/her supervisor to receive assignments and to review completed work as the supervisor deems necessary or appropriate.
- Employee may be required to return to the central work location on scheduled Remote work days based on operational requirements.
- Employee will complete all assigned work according to procedures mutually agreed upon by the employee and the supervisor, and according to guidelines and expectations stated in the employee's performance plan.
- Supervisor will regularly evaluate and provide feedback on the employee's job performance as defined in the employee's performance plan.
- Employee agrees to perform Remote work at an approved alternate work location(s) and times defined in this agreement unless s/he notifies and receives explicit approval from a supervisor to temporarily shift Remote work to another alternate work location or time period. Failure to comply with this provision may result in loss of pay, termination of the Remote work agreement, and/or appropriate disciplinary action.
- If children or adults in need of primary care are in the alternate work location(s) during the employee's work hours, some other individual must be present to provide the care.

#### 4. Compensation and Benefits

- All pay/salary rates, leave/retirement benefits, and travel reimbursements will remain as if the employee performed all

#### 4. Compensation and Benefits (cont.)

- A non-exempt employee who Remote works approved overtime at the direction of a supervisor will be compensated in accordance with applicable law and Judicial system policy.
- Employee understands that supervisor will not accept unapproved overtime work from non-exempt employees. By signing this form, employee agrees that failing to obtain proper approval for overtime work may result in termination of the Remote work agreement and/or appropriate disciplinary action.
- Employee must obtain supervisory approval before taking leave in accordance with established office procedures. By signing this form, employee agrees to follow established procedures for requesting and obtaining approval of leave.

#### 5. Equipment and Expenses

- Employees who are issued laptops will agree to protect it in accordance with Judicial system guidelines. This laptop will be serviced and maintained by the Department of Judicial Information Technology (DJIT).
- If employee provides his/her own laptop or desktop computer, employee is responsible for servicing and maintaining it..
- The Judicial system will not be liable for damages to an employee's personal or real property during the performance of assigned work or while using a Judicial system laptop in the employee's residence.
- The Judicial system will not be responsible for operating costs, home maintenance, or any other incidental costs (e.g., utilities) associated with the use of the employee's residence.

#### 6. Initiation and Termination of Agreement

- The supervisor and employee understand that Remote work shall be governed by the same Judicial system human resources policies as those applicable to employees at the central workplace except as modified by this agreement.
- Supervisor concurs with employee participation and agrees to adhere to applicable policies and procedures.
- Employee may terminate this Remote work agreement at any time unless Remote work is a condition of employment. Two weeks' notice to the supervisor should be provided when possible.
- The supervisor may terminate this Remote work agreement at any time. (Agreement may be terminated for reasons to include, but not limited to, declining performance and organizational benefit). Two weeks' notice to the employee is recommended when feasible.

7. Employee understands that network and device metrics will be collected and monitored as necessary to help supervisors and team leads with productivity management.

**NOTE:** The language used in this agreement does not create an employment contract between the employee and the Judicial system. This agreement does not create any contractual rights or entitlements, but, instead, establishes conditions for permitting an employee to qualify for and continue to exercise the privilege of Remote working. The supervisor reserves the right to revise the content of this agreement or its

In whole or in part, at its discretion. No promises or assurances, whether written or oral, which are contrary to or inconsistent with the terms of this agreement are binding upon the Judicial system.

## Utah Teleworking Policy

### **HR08-2. Teleworking.**

1. Teleworking is an option that may be considered by management for a variety of reasons, including but not limited to maximizing efficiency of judicial branch business, meeting needs of court patrons, leveraging cost-savings measures, etc. It is not a universal employee benefit and may be terminated by management at any time.
  
2. Before beginning a routine teleworking arrangement, management and an employee shall establish a written agreement specifying the conditions of the routine teleworking work status, including the expectation to comply with this policy and any other applicable expectations the district, office, or team may require.
  - a. The written agreement shall be endorsed by management and by the employee.
  - b. Management shall send the endorsed agreement to HR for maintenance in the official personnel file, or alternatively, upload the agreement directly in the employee's Utah Performance Management (UPM) account.
  - c. Any amendments to this agreement shall require a new written agreement endorsed by management and by the employee to supersede the old agreement and shall be maintained by HR in the official personnel file, or alternatively, shall be uploaded directly in the employee's [Utah Performance Management \(UPM\)](#) account.
  
3. Routine teleworkers are required to protect confidential and/or sensitive information in accordance with federal and state regulations and in accordance with judicial branch rules and policies.
  - a. Unauthorized disclosure of such information is subject to penalties provided by law.
  - b. Unauthorized disclosure of information may also result in disciplinary action up to and including termination of employment.
  
4. Management shall establish and monitor performance standards in order to monitor how the needs of court patrons and other

judicial branch stakeholders are either met or exceeded by a routine teleworking arrangement.

5. Management may require a routine teleworker to attend in-person meetings, conferences, or other activities away from the teleworking work location.

a. Mileage to and from the required activity will be reimbursed when the location of the activity is more than 50 miles from the primary work site, but only for such mileage in excess of 50 miles in each direction of travel.

b. Time spent traveling during the normal work schedule shall be counted as work hours.

c. Travel time outside of the normal work schedule shall only be counted as work hours if the activity is more than 50 miles from the primary work site.

6. Routine teleworkers are responsible to establish and provide home internet and telephone services for the purposes of teleworking.

a. The quality of internet service must be able to support all work-related applications, systems, and devices.

b. All initial set-up costs or costs associated with a teleworker changing teleworking work locations are the responsibility of the teleworker.

7. Routine teleworkers are required to use state-owned computer equipment and software.

a. They may not install unauthorized hardware or software on state-owned equipment nor copy or distribute state provided software.

b. All state owned equipment shall be returned to the judicial branch at the time the teleworking arrangement is terminated, including by termination of employment.

8. Occasional teleworkers using their own computer equipment or software acknowledge that they do so at their own risk and agree to release the judicial branch from any and all liability associated with business use of personal items. The judicial branch will not reimburse occasional teleworkers for damage to their own computer equipment incurred when the employee is teleworking.

9. No travel, equipment, or service-related reimbursements will be provided for occasional teleworking.

1. Teleworking employees must abide by all time-keeping policies and restrictions against working unauthorized overtime.

## Kansas Remote Work Policy 2021

Kansas Remote Work Policy 2021 [Remote Work Policy, 2021](#). This policy, effective May 2021, defines remote work arrangements for all judicial officers and employees working for the Kansas Judicial Branch.

## Kansas Remote Work Agreement

2021 [Remote Work Agreement](#). This document and form governs the remote-work arrangements of the Kansas Judicial Branch.

## Minnesota Remote Work Policy

The Minnesota Judicial Branch Policy No. 322 defines the branch's remote work policy, implementation authority and executive limitations.



## Minnesota Judicial Branch Policy

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<b>Policy Source:</b>	Minnesota Judicial Council
<b>Policy Number:</b>	322
<b>Category:</b>	Human Resources
<b>Title:</b>	Remote Work
<b>Effective Date:</b>	March 15, 2007; May 20, 2021
<b>Revision Date:</b>	May 20, 2021
<b>Supersedes:</b>	Telecommuting Policy - Intercourt, October 17, 2001

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### Remote Work Policy

#### I. POLICY STATEMENT

It is the policy of the Minnesota Judicial Branch to allow judicial branch employees to work from a remote location, provided the remote work arrangement meets a defined business need of the courts, increasing efficiency or performance, or is a voluntary arrangement mutually agreed upon by the employee and the employer. Remote work shall not negatively impact service to the public.

#### II. IMPLEMENTATION AUTHORITY

Implementation of this policy shall be the responsibility of the State Court Administrator, acting as the Judicial Council's agent.

#### III. EXECUTIVE LIMITATIONS

In carrying out this implementation authority, the State Court Administrator shall consult with the Judicial Administrators and Directors Advisory Workgroup (JAD). The State Court Administrator shall determine remote work eligibility criteria in consultation with JAD.

## Minnesota Remote Work Policies and Procedures

This document, revised for 2021, defines the Minnesota Judicial Branch policy and procedures for remote work and includes the Remote Work Agreement Form



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### Minnesota Judicial Branch Policy/Procedures

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<b>Policy Source:</b>	State Court Administrator
<b>Policy Number:</b>	322(a)
<b>Category:</b>	Human Resources
<b>Title:</b>	Remote Work Policy and Procedures
<b>Origination Date:</b>	April 14, 2010
<b>Effective Date:</b>	May 10, 2010; April 1, 2016; June 1, 2021
<b>Revision Date:</b>	December 29, 2011; March 7, 2016; April 28, 2021
<b>Contact:</b>	Director of Human Resources

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#### Remote Work Policy and Procedure

#### POLICY

Remote work allows or requires employees to perform their duties from an alternative work location, such as the employee's home.

The purpose of this policy is to establish guidelines to ensure consistency across the Minnesota Judicial Branch (MJB). Remote work arrangements must be approved and related tools entered into the appropriate tracking system.

Remote work may be requested by the employee or mandated by the employer. At the employer's discretion, a remote work arrangement may be terminated at any time.

#### APPLICABILITY

This policy and procedure applies to all employees who work remotely.

#### DEFINITIONS

- A. Alternative work location.** Anywhere an employee works that is not a traditional office space provided by the employer
- B. Remote worker.** An employee who performs duties from an alternative work location.

## PROCEDURES

### A. Remote Work Agreements

1. Formal documentation of the remote work arrangement is required for employees who work only in an alternative work location. Use the Remote Work Agreement form in Appendix A.
2. All other remote work arrangements may be documented at the supervisor's discretion.

### B. Remote Work Conditions

1. Remote workers are expected to perform all duties and responsibilities in accord with MJB policies, procedures, and processes. Failure to comply may result in termination of the remote work arrangement and/or discipline up to and including discharge.
2. Remote work arrangements must comply with appropriate state and federal laws including Fair Labor Standards Act (FLSA), Occupational Safety and Health Administration (OSHA), and Workers' Compensation.
3. Supervisors, in consultation with human resources, shall designate a permanent or temporary work location based on the best interest of the Courts for purposes of determining and calculating travel reimbursements.
4. With the exception of those jobs that require frequent travel as part of the job duties, remote workers must notify their supervisors if they leave their worksites during their scheduled work hours (excluding breaks and rest periods).

### Work Schedule

1. The supervisor and remote worker will agree in advance to a work schedule, including work days and hours. Some arrangements will have set office hours, while some may have more flexible schedules as determined by business needs.
2. A non-exempt (hourly) employee will not work a schedule that exceeds 40 hours per work week unless approved in advance by the supervisor.
3. Remote workers will request supervisor approval to use vacation, sick, or other leave.
4. Unless approved in advance, remote workers may not adjust their work schedule in order to avoid using vacation or sick leave for absences during their regular work schedules.
5. For information on how weather and other emergencies affect the work day, see [Policy 300\(i\) Emergency Closure Procedure](#).

### Work Space

For employees working from an alternative work location, this remote workspace will be considered the primary worksite during scheduled work hours.

1. It is the remote worker's responsibility to configure their workstation according to ergonomic guidelines. Remote workers must report any ergonomic concerns to their supervisors. [Resources on ergonomics](#) are available on the MJB HR SharePoint.
2. Remote workers are required to keep the remote workspace free of safety hazards such as loose or damaged power cords, clutter, sharp objects, etc.

3. For purposes of workers' compensation, remote workspaces are an extension of the central worksite during remote working hours only. The employer is responsible for job-related accidents or injuries to the remote worker during agreed upon work hours in the designated remote workspace. If injured, the remote worker must report the injury to their supervisor immediately.
4. The remote worker will be responsible for any costs associated with remodeling of the remote workspace and/or utilities.
5. Any tax implications related to the remote workspace are the responsibility of the employee.
6. Employees may not conduct in-person regular business meetings at their remote workspaces. Meetings should be scheduled at central offices or other public mutually convenient locations.
7. The employer assumes no liability to third parties for injuries or property damage occurring at the employee's home. Employees are responsible for retaining liability for such injuries and damages.

#### Equipment, Software, and Internet Access

1. Equipment, software, and other supplies provided by the employer remain the property of the employer and are subject to the same business restrictions as if located in the traditional work location.
2. Equipment must be logged in the appropriate tracking system, The remote worker and their supervisor must review and update their entries in the tracking system as any changes occur in the status of the equipment.
  - a. 4th District employees should use the [tracking system](#) specific to their district.
  - b. All other employees should use the [MJB Remote Work Inventory Tracking System](#).
3. The remote worker must have high speed internet access. All internet connections, computer equipment, and software must meet Information Technology Division (ITD) specifications necessary to perform the work. If a sufficient internet connection is not available or consistent access to court applications needed to perform work is not possible, the employee will not be allowed to work remotely.
4. If an equipment or software malfunction prevents a worker from performing work assignments, the remote worker
  - a. Must notify their supervisors to alert them of work stoppages,
  - b. May notify ITD promptly to request assistance for court-owned equipment, and
  - c. May be assigned to another work project, be required to report to work in a court location, or be required to use appropriate paid time or unpaid leave.
5. Remote workers are responsible for the safekeeping of MJB-owned equipment and must report lost, stolen, or damaged equipment in compliance with MJB Finance and IT policies and procedures.
6. Advance approval must be obtained from the Cyber Security Unit before taking a Branch-owned device (defined as workstations, laptops and Surfaces) out of the country.
7. MJB is not liable for any damage or theft of employee-owned equipment.

### Information Technology Division (ITD) Support

1. ITD support hours are 24 hours per day, 7 days per week.
2. Remote workers should submit an ITD Service Desk Ticket to request technical support.
3. If unable to connect to the network, remote workers may call the ITD Service Desk at 651-291-5334, or 888-735-2267.
4. ITD provides technical support of court-owned equipment over the telephone or via remote access, and does not provide in-person support at the home location. Court-owned equipment will need to be brought into the office for servicing.
5. ITD will not provide support for personally owned equipment.

### Data Security

1. MJB confidential data accessed at the remote workspace are:
  - a. For purposes of conducting court business only,
  - b. Not to be used by non-court employees, and
  - c. Not to be used for personal purposes.
2. MJB owns any documents, reports, or data created as a result of work-related activities.
3. The remote worker must take precautions to ensure software integrity including maintaining records of licenses, etc.
4. Remote workers may take restricted-access material and data out of the official central worksite or access it through the computer only with supervisory approval.
5. Remote workers must follow the provisions of the Rules of Public Access to Records of the Minnesota Judicial Branch, as well as other applicable laws. Failure to comply may result in the loss of remote working privilege, disciplinary action up to and including termination, and/or criminal or civil litigation.
6. Remote workers must protect the privacy and confidentiality of data when working at the home worksite or transferring data to and from work sites. Remote workers must restrict access to confidential and private data from family members and others.
7. Remote workers must follow all departmental data retention, backup and security procedures.

### Expenses

Remote workers must obtain prior approval from their supervisors to incur expenses. Approved expenses will be reimbursed according to MJB Finance policies.

### RESOURCES

Minnesota Judicial Branch Policies and Procedures:

[205\(a\) Travel Reimbursement Procedures](#)

[300\(i\) Emergency Closure Procedures](#)

[300\(l\) Workers' Compensation & Return to Work Program and Procedure](#)

[317 Internet-Electronic Communication Policy](#)

[322 Remote Work Policy](#)

[MJB HR SharePoint Ergonomics Page](#)

[MJB Remote Work Inventory Tracking System](#)  
[4th District Employee Inventory Tracking System](#)

REVISION HISTORY

April 1, 2016 – Clarified definition of teleworker. Changed occasional to intermittent. Added that the supervisor shall designate the work location. Clarified workers' compensation if worksite is in another state. Updated ITD support information. Updated Teleworking Arrangement Acknowledgement Form.

April 28, 2021– Changed tracking requirements to reflect Remote Work Inventory Tracking System. Removed inventory tracking form. Updated terminology (telework to remote work), simplified definitions.

Approval:



\_\_\_\_\_  
Jeffrey Shorba, State Court Administrator

April 28, 2021  
Date



# MINNESOTA JUDICIAL BRANCH

## REMOTE WORK AGREEMENT

Employee Name: \_\_\_\_\_

Supervisor Name: \_\_\_\_\_

Primary Work Address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Primary Contact Number:

---

**Primary Work Schedule** (May be altered with approval of supervisor):

Hours per week: \_\_\_\_\_ Days per week: \_\_\_\_\_ Working hours (e.g. 8:00 a.m. to 4:30 p.m.): \_\_\_\_\_

**Other Information:**

**Agreement Statement**

*My signature indicates that I have read, understand, and accept the terms and conditions specified on this form as well as the MJB Remote Work Policy and Procedures. I understand management has the right to revoke this agreement at any time at its discretion.*

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Supervisor Signature: \_\_\_\_\_ Date: \_\_\_\_\_

- No office space is assigned and remote work is required.
- Office space is available but full-time remote work is approved by supervisor.
- Other: \_\_\_\_\_

**Approval:**

*Judicial District Administrator (JDA), Director, or State Court Administrator for court administration, district administration, or State Court Administrator's Office staff; Chief Judge or Chief Justice for judicial staff; or designee.*

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed: \_\_\_\_\_

**Please submit signed form to Human Resources for inclusion in Personnel File.**

## Appendix 2: Legal Aid Remote Work Policies

Legal Aid is a close partner to the courts and it is sometimes instructive to see how similar but different organizations approach the same question.

1. Nebraska Legal Aid (2018)

# Guide to Flexible Working Arrangements

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## ***Introduction***

Legal Aid of Nebraska (Legal Aid) encourages and supports flexible work arrangements when they meet the needs of both the organization and the individual and are possible within the operating and/or customer service needs of a program or department.

Work arrangements define when, where, and how work gets done. Flexible work arrangements are alternatives to the traditional workday, the standard workweek, or the traditional workplace.

Flexibility enables individuals to make adjustments to changing circumstances. These alternatives can assist employees in balancing work, personal commitments and retirement planning, while meeting agency needs and objectives. Additionally, supervisors/managers can use flexible schedules as tools to promote productivity, enhance job satisfaction, and develop management

and leadership skills. These same alternatives can enhance recruitment and retention of valuable staff.

This guide is designed to assist the Legal Aid community in maximizing the benefits while reducing the risks associated with job flexibility.

The availability of flexible work arrangements is not intended to change the program or department's regular hours of operation, nor does it alter the responsibility or diminish the authority of managers to establish and adjust work schedules.

## ***Eligibility***

The primary criterion for determining approval at Legal Aid is whether a flexible work arrangement is possible within the needs of the program or department.

Eligibility may vary for different types of flexible work arrangements, as some alternatives may not be appropriate for particular jobs or for certain employees. As of January 2018, Receptionist and Intake Paralegal positions are not eligible for telecommuting arrangements. All proposals should be treated equitably, regardless of the employee's reason for requesting flexibility.

The following are a few suggested guidelines to explore when thinking in terms of a flexible work arrangement.

- In any flexible work arrangement, employees will be expected to meet the same performance standards as they did previously, and supervisors/managers will be expected to use the same measurement criteria that were previously in place.
- Typically, an employee will not be granted flexibility unless his or her prior performance has demonstrated the skills and qualities necessary to succeed in the proposed flexible work arrangement. However, a supervisor/manager may choose to consider a proposal if a flexible arrangement will contribute to improving performance.
- New employees may be hired into a flexible work arrangement if the arrangement meets the organizational needs at the time of hire, with the understanding that such an arrangement may be changed if needs dictate.
- Employees who propose a telecommuting arrangement should ensure a safe and suitable workspace that is appropriately confidential and free of distractions and interruptions that may interfere with work. Where applicable, telecommuters will need to find ways to maintain a distinct separation between work activities and personal activities.
- Employees who propose a telecommuting arrangement must review technology requirements for their position with their supervisor and the IT department. See Appendix C
- All flexible work arrangements are subject to ongoing review and may be terminated at any time, given cause, or when organizational needs dictate.

## ***Flexibility Options***

Many employees might describe their current schedule as “somewhat flexible.” Occasionally, with approval from the supervisor/manager, an employee might come to work late to keep a Doctor’s appointment or leave early to attend a child’s soccer game. Such informal flexibility often exists where there is respect and trust between supervisor/manager and employee - trust that job commitments and responsibilities will be met. These arrangements that are occasional or modest in nature without significant impact on supervisor/manager, co-workers, the units, or clients probably will not require a formal request in writing.

The formal proposal process in this guide is designed for those employees and supervisors who want to institute a different category of arrangement that consistently differs from their department’s or unit’s standard hours or work location.

<b><i>Flextime</i></b>	A work schedule with variable starting and ending times, within limits set by one’s supervisor/manager. Employees still work the same number of scheduled hours as they would under a traditional arrangement
<b><i>Part-time Work</i></b>	A work schedule that is less than full-time (40 hours)
<b><i>Compressed Work Week</i></b>	A work schedule that condenses one or more standard workweeks into fewer, longer days.
<b><i>Telecommuting</i></b>	A work arrangement in which employees work at home or at an alternative worksite.

## ***Guidelines for Flexible Work Arrangements***

Flexible work arrangements may arise at Legal Aid as a result of individual negotiations between employees and supervisors/managers, when these arrangements are mutually beneficial and meet or exceed organizational needs.

Legal Aid is an organization with diverse work environments. No one alternative fits all situations, and no guidance can be appropriate for all situations. However, many Legal Aid environments can use at least one form of workplace flexibility, provided that the following principles are met:

- The arrangement must support the unit, office or department’s goals, including productivity, cost effectiveness, and service to internal and external clients. For example, the arrangement should be achieved without: curtailing normal Legal Aid service hours; incurring overtime costs; impairing the unit’s effectiveness in carrying out its function; placing undue burden on others in the unit, whether individual employees or supervisors/managers; or creating problems of safety, security, or supervision.
- The individual’s work style and work history must support the requirements of the arrangement.

- The job tasks must be adaptable to the flexible arrangement.
- Special arrangements for communication and accountability should be established to assist successful implementation of the new flexibility arrangement.
- To assure that all parties understand the expectations of the arrangement, a written proposal and agreement should be developed.
- Approval should be based on the merits of the individual proposal.
- A trial period should be established in some cases to provide an opportunity for the employee and supervisor/manager to work together in good faith to implement the proposal and to work out minor problems. The proposal should be re-negotiated at least annually. Some jobs do not lend themselves to flexibility. Consequently, both parties should be prepared to agree that an arrangement either may need some sorting out or may need to be discontinued if it is not working.
- It should be made clear that approval is subject to change or revocation at any time, should organizational or performance concerns arise. Impacts of alternative work policies and arrangements should be well understood with an overall consideration for all employees in the office or department who may be impacted by such a change.
- Alternative work and flexible arrangements should be well communicated to all employees in the office or department.

## ***How Employees Can Develop a Proposal: Elements to Include***

If an employee is interested in a flexible work arrangement, a written proposal describing how it is to be implemented must be developed and submitted to his or her supervisor/manager for consideration. A proposal form is included in this guidance packet. See Appendix A.

There are a number of questions that the proposal should address. (See Table I.)

The employee and supervisor should discuss the proposal, and the critical questions should be reviewed. Improvements can thus be made wherever necessary. Both partners should be prepared to discuss alternatives and to ask for assistance from others whenever necessary.

Before submitting the proposal, the employee should be sure to understand what, if any, impact the proposed arrangement might have on his or her pay, benefits, and Legal Aid employment status.

### **Your Proposal Should Include the Following Elements:**

- The exact type and schedule for your flexible work arrangement.
- A description of how you will accomplish the major components of your job.
- The business case for your flexible work arrangement: what benefits it offers to your work team, office, or the organization (e.g., greater efficiency, increased productivity, expanded hours of service).
- An explanation of how client and co-worker needs will be handled (e.g., backup, email, voicemail) without sacrificing quality or responsiveness.
- A description of how you will handle regular communications with clients, co-workers, supervisees, and supervisors/managers without sacrificing accessibility or quality.
- An acknowledgment that it is your responsibility to make this arrangement work.
- An expressed willingness to consider alternative arrangements and solutions with your supervisor/manager.
- An acknowledgment that you will be flexible and willing to make adjustments to ensure success.
- A start date for transitioning to a new schedule if your proposal is approved.
- A recommendation for a trial period with regular intervals of evaluation.
- An acknowledgement that the arrangement is subject to termination at any time should needs change or performance issues arise.

**Table 1: Questions to Consider**

A successful proposal should adequately address each of the following questions as applicable:

<p><b>Your Job</b></p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> What are your key responsibilities and what are the tasks required for success in your job?</li> <li><input type="checkbox"/> Do you supervise others? How will a flexible work arrangement affect your supervision of others?</li> <li><input type="checkbox"/> How will a flexible work arrangement sustain or enhance your ability to get your job done?</li> <li><input type="checkbox"/> Will you be able to adequately protect any confidential information that you handle?</li> </ul>
<p><b>Your Clients</b></p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> How will organizational needs be met (or exceeded)?</li> <li><input type="checkbox"/> How flexible can you be to changing needs?</li> <li><input type="checkbox"/> Who are your key clients?</li> <li><input type="checkbox"/> How will clients be impacted by your restructured schedule?</li> <li><input type="checkbox"/> How will you ensure that customer service needs will be met?</li> </ul>
<p><b>Your Co-Workers, Supervisor/Manager, and Supervisees</b></p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> What will the impact be on your co-workers and your supervisor?</li> <li><input type="checkbox"/> What will the impact be on those you supervise?</li> <li><input type="checkbox"/> How will your restructured schedule affect work volume, peak periods, and/or projects in progress?</li> <li><input type="checkbox"/> What will be the impact on coverage within your work group (co-workers' illnesses/leaves/vacations)? How does your plan address this?</li> </ul>
<p><b>Tools and Resources for Your Job</b></p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> What are the tools, resources, and best working environments required for success in your job?</li> <li><input type="checkbox"/> What equipment/technology will your flexible work arrangement require?</li> <li><input type="checkbox"/> How will resources you need be supported or funded?</li> <li><input type="checkbox"/> What are the cost implications?</li> <li><input type="checkbox"/> Are there any cost savings for you or Legal Aid that might result from your flexible work arrangement?</li> </ul>
<p><b>Your Performance</b></p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> How will your work/performance be reviewed and evaluated?</li> <li><input type="checkbox"/> How will your success be measured?</li> </ul>
<p><b>Your Self</b></p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Are you self-directed and comfortable working without close supervision?</li> <li><input type="checkbox"/> Do you manage your time well?</li> <li><input type="checkbox"/> Are you comfortable working alone for long periods of time?</li> <li><input type="checkbox"/> How do you manage those employees who report to you?</li> </ul>
<p><b>Your Pay and Benefits</b></p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> What are the benefit implications (e.g., if your flexible work arrangement includes a request for reduced hours)?</li> <li><input type="checkbox"/> What impact, if any, will a flexible work arrangement have on your Legal Aid status and your salary, vacation, 403b, etc.? Note that, if the arrangement involves a reduction in hours, it may not be possible to increase those hours later.</li> </ul>

## ***Request and Review Process for Employees and Supervisors/Managers***

Decisions regarding the appropriateness of an arrangement should be made on a case-by-case basis. Organizational needs are a priority in the consideration and evaluation of an employee proposal. There are no standardized rules for what will make an arrangement acceptable or unacceptable; however, personal opinions and biases should not influence decision making. If a supervisor/manager declines to accept the proposal, then he or she must make every effort to ensure that the employee fully understands the reason(s).

### **Steps for the Employee to Follow**

- Think through which option makes sense and whether that option provides the flexibility you need. It is important to consider how the arrangement may impact your work and the work of your colleagues. It is also a good idea to talk to other individuals who have flexible work arrangements before deciding on your ideal plan.
- Once you have decided on your ideal plan, write up a proposal and fill out a proposal form, (Appendix A) if required, to present to your supervisor/manager. Schedule an appointment with him or her to talk about it. In this meeting, finalize any details and develop a compromise plan if necessary.
- Once the proposal is approved, you, together with your supervisor/manager, should communicate the new arrangement to co-workers, clients, and supervisees. Determine milestones for checking progress and measuring success.
- Agree upon the trial period (usually 3–6 months).
- Create a contingency plan to respond to unexpected circumstances or changes that may result and affect your flexible work arrangement.

### **Steps for the Supervisor/Manager to Follow**

- Respond to each proposal in a timely manner, to keep the employee informed of its status.
- Consider each proposal for a flexible work arrangement on its own merits, and give equal consideration to all requests. If you have questions, ask for assistance or guidance from Human Resources.
- If the employee's proposal seems to address any health issues, contact Human Resources for assistance.
- Consult your own supervisor/manager and others as required to ensure consistency within your office or program.
- Gain approval from your own supervisors/managers for the proposal.
- Keep focused on the organizational benefits derived by supporting flexible work arrangements, which potentially include reduced absenteeism and turnover and increased productivity and commitment.
- If the request is unacceptable, be supportive, and, if practical, suggest alternatives. Encourage the employee to rework the proposal if possible.
- If the request is denied, clarify with the employee why you cannot approve it.
- If the request is approved, both you and the employee should sign the proposal form together.

- Communicate the new arrangement to other staff in the department, as this makes it easier to work through problems and/or obstacles that may arise. This way everybody is operating from the same set of expectations.
- Develop and communicate clearly defined tasks and expectations. For example, ensure that job descriptions are current and performance reviews are conducted annually.
- Submit necessary changes to IT.
- Submit the proposal to Human Resources.
- Meet regularly with the employee to review the success of the arrangement, especially within the initial trial period. Discuss and re-approve the arrangement at the conclusion of the trial period and then at least annually.

## **Modification or Termination of a Flexible Work Arrangement**

Since a flexible work arrangement is an organizational decision, it can be modified or terminated if necessary. Terms and conditions of the arrangement should be clear up front.

Some examples follow that could trigger a modification or termination of a flexible work arrangement:

- Organizational needs are no longer being met.
- Job or job requirements change.
- Performance falls below an acceptable level.
- Current coverage or staffing needs change.
- An unexpected staff shortage develops.
- Valid negative client or co-worker feedback is received.

As circumstances, needs, and job requirements evolve over time, adjustments and modifications may become necessary. As with any other work arrangement, flexible work arrangements should not be considered permanent. Both supervisors/managers and employees must be responsive to change and should monitor the arrangement to ensure that it continues to meet the needs of the program or department.

In some situations, it may be necessary to discontinue the original plan or seek an alternative. The process used in revising or ending a work arrangement should be just as carefully thought through as when initiating one.

The supervisor/manager and employee should review both the original proposal and the contingency plan at the end of the trial period. If a change seems to be necessary, refer to the contingency plan that was discussed during the proposal process. If an altogether different flexible work arrangement seems necessary, then a new proposal should be prepared. Finally, if a supervisor/manager sees a need for a new long-term schedule change, he or she must inform the employee.

If at some point the employee wishes to return to a standard work schedule, he or she must give notice to his or her supervisor/manager. In some cases, budgetary or staffing limitations may eliminate opportunities to increase hours. It may not be possible for an employee to return full-time if the flexible work arrangement resulted in reduced hours.

In general, both a supervisor/manager and an employee should give at least 30 days' notice in advance of ending or changing arrangement.

## ***Conclusion***

The preceding pages are intended to serve as a reference guide for employees and supervisors/managers who are considering a flexible work arrangement at Legal Aid. It is important to remember that flexibility can be a valuable tool for a department or program.

There is no one arrangement that fits all situations. This guide is a suggested starting point, introducing the options that fall under the general heading of flexible work arrangements. More detailed information and examples are included in the appendices that follow.

These appendices offer guidelines, not only to supervisors/managers and employees, but also to key decision makers. It is hoped that reviewing these guidelines will clarify and facilitate the process for all concerned.

## APPENDIX A: FLEXIBLE WORK ARRANGEMENT PROPOSAL FORM

Name: _____	Date Submitted: _____
Title: _____	
Current Status:      Full Time      or      Part Time      Exempt      or      Non Exempt	
Program/Department: _____	
Supervisor/Manager's Name: _____ Requested Start Date: _____	

<b>Type of Flexible Work Arrangement Being Proposed (See Appendix B for description):</b>		
Flexible Hours	Telecommuting	Part-Time Schedule
Compressed Work Week		Other***
<b>** If your flexible work arrangement is other than those described above, please attach a description.</b>		

### CURRENT AND PROPOSED WORK SCHEDULE

(Please indicate location if it is not an LEGAL AID workplace, e.g., home on Thursdays).

<b><u>Current Work Schedule</u></b>			<b><u>Proposed Work Schedule</u></b>		
Start-End	Total	Location	Start-End	Total	Location
Sunday			Sunday		
Monday			Monday		
Tuesday			Tuesday		
Wednesday			Wednesday		
Thursday			Thursday		
Friday			Friday		
Saturday			Saturday		

**On a separate piece of paper, please answer the following questions. Please be as specific as possible.**

1. Describe the business rationale associated with your proposed flexible work arrangement.
2. Describe how you will accomplish your job under the proposal arrangement. Be specific.
3. Describe the impact your proposed flexible work arrangement will have on the following groups: clients (external and internal), co-workers, supervisors/managers, supervisees, Legal Aid, and your department or office (e.g., space, cost, retention, savings, and morale).
4. Describe the solutions you propose to overcome any challenges presented by this arrangement.
5. Explain how client needs will be handled in your absence if applicable (e.g., backup, buddy system, voicemail).
6. Describe how regular communications will be handled.
7. Describe how and when your work will be reviewed and measured, and how your performance will be assessed. (The arrangement should support any goals or objectives you have set for the year.)

I understand that Legal Aid is not obligated to approve a proposal for a flexible work arrangement for any employee. The decision is at the discretion of my supervisor/manager. Flexible work schedules are subject to ongoing review and may be subject to termination at any time based on performance concerns or organizational needs. Generally, the supervisor/manager or the employee should give at least 30 days' notice in advance of ending or changing an arrangement, business needs permitting. In some instances, a resumption of the original schedule may no longer be possible and alternatives should be identified.

\*\*If telecommuting, I understand and agree to the Telecommuting Obligations

\_\_\_\_\_  
Employee Signature    Date

\_\_\_\_\_  
Supervisor/Manager's Signature    Date

\_\_\_\_\_  
HR Director's Signature    Date

Request Approved

Request Denied\*

Trial period: Arrangement will be reviewed on \_\_\_\_\_

Arrangement should be re-approved at least once a year.

\*If request is not approved, please attach an explanation indicating your reasons

Following completion of the process, copies of this form and any attachments should be provided to the employee.

## **APPENDIX B.1: FLEX SCHEDULE (“FLEX TIME”)**

Flex time allows employees to begin and end work at nonstandard times within limits set by management.

### **Examples**

- Staggered hours within a fixed schedule: Employees establish starting and ending times that differ from the department’s norm, but keep the same schedule each day (e.g., Monday–Friday, 11–7).
- Core hours within a variable schedule: Employees must be present during specified core hours determined by the supervisor/manager, but may adjust their arrival and departure times each day (e.g., set coverage 10–2 every day, but the other four hours per day vary). It is expected that the employee will work a set number of hours each week.
- Variable day: Employees may work a consistent schedule of a different number of hours each day as long as they achieve the expected number of hours within the week (e.g., Monday, Wednesday ten hours; Tuesday, Friday eight hours; Thursday four hours).
- Mid-Day Flextime: Employees may take a longer scheduled break than usual if they make up the extra time by starting work earlier or staying later (e.g., work 8–12; break 12–2; work 2–6).

### **Benefits**

- Employee keeps full pay and benefits, unless number of hours worked each week decreases
- Employee’s working and time off hours more closely meet their needs
- Provides a low-cost employee benefit
- May ease employee’s commute
- Often enhances employee’s productivity
- May facilitate recruiting and retention
- Can reduce absenteeism and tardiness
- May improve coverage or extend hours

### **Challenges**

- May not free as much time as employee needs
- May not provide supervision at all hours
- May cause understaffing at times
- Key people may be unavailable at certain times, requiring cross-training to ensure coverage
- May create difficulty in scheduling meetings, coordinating projects, etc.
- May make it more difficult to keep track of hours
- How department or office coverage will be maintained (possibly establish core hours)
- How effective channels of communication will be established and maintained
- Flexible schedule proposals need to define tasks to be completed during times when supervisor/manager is absent

## **APPENDIX B.2: COMPRESSED WORK WEEK**

A compressed work week allows employees to work full-time hours in fewer than five days per week.

### **Examples (for a 40-hour-per-week employee):**

- A full-time schedule of work is accomplished by working four 10-hour days.
- A full-time schedule of work is accomplished over two weeks by working 80 hours in nine days (eight 9-hour days plus one 8-hour day, for example).
- "Summer Hours": Longer hours Monday through Thursday and shorter hours on Friday (often during summer vacation months).

### **Benefits**

- Employee keeps full pay and benefits unless number of hours worked each week decreases
- May reduce employee's child-care or elder-care costs
- Provides employee with larger blocks of time off
- May reduce commuting time and costs
- May enhance productivity, with fewer interruptions during atypical office hours
- May enhance the use of facilities or equipment
- May increase total staff hours on especially busy days

### **Challenges**

- Employee may or may not be as productive on longer-day schedule
- Employee may not receive supervision at all hours
- May cause understaffing at times
- Key people may be unavailable at times, require cross-training to ensure coverage
- May create difficulty in scheduling meetings, coordinating projects, etc.
- For exempt staff, difficulty defining a full work load
- For non-exempt staff, the need to be careful not to incur overtime
- How office coverage will be maintained
- How to coordinate schedules
- How effective channels of communication will be established
- Compressed work week proposals need to address:
  - Definition of tasks during times when supervisor/manager is absent
  - For exempt staff, possible issue of equity (justifying a part-week schedule as full-time, particularly if nine-hour days are common among five-day-a-week staff)
  - The Fair Labor Standards Act requires that non-exempt staff receive time and a half for work over 40 hours in a week.

## **APPENDIX B.3: PART-TIME HOURS**

Reduced work hours increase free time and can increase flexibility. However, employees may be reluctant to consider temporary, and especially permanent, part-time schedules due to financial considerations or to the perception that working part-time could negatively affect career advancement. Because of this, employee/supervisor discussions should address the employee's career goals and opportunities.

In addition, it is important to carefully analyze the requirements of the job for managing and evaluating a part-time employee, particularly an employee who moves from full-time to part-time.

### **Examples**

- Three days a week, 8-hour days.
- Five days a week, 4- to 5-hour days.
- Two days a week, 10-hour days.

### **Benefits**

- Provides more time for personal responsibilities
- Provides flexibility to alter schedule in response to home or work demands
- Can reduce absenteeism and tardiness
- Often enhances employee's morale, productivity, and commitment
- May facilitate recruitment and/or retention
- May allow employer to reduce costs without reducing staff
- Can be used for phased-in retirement to reduce employee's hours over time and train his or her replacement, enabling Legal Aid to benefit from the retiring employee's experience and knowledge of the job

### **Challenges**

- Employee loses income benefits
- Re-assigning the rest of the employee's job duties
- Employee may be viewed as less committed by colleagues or supervisor/manager
- May cause understaffing at times
- May create difficulty in scheduling meetings, coordinating projects, etc.
- Measuring the performance of part-timers
- What work will be accomplished in the employee's reduced hours
- How the rest of the employee's work will be handled
- Regular part-time work proposals need to address:
  - o How the employee's performance will be evaluated
  - o The impact on the employee's future (career advancement, future hours, etc.)
  - o Legal Aid offers medical benefits to employees working at least 30 hours per week.

## **APPENDIX B.4: TELECOMMUTING (“FLEX-PLACE”)**

Flex-place means some work is done from home or remote location; telecommuting means being connected by computer, fax, and/or telephone to the department or office.

### **Examples**

- Work at home once a month, as negotiated with supervisor/manager
- Regularly work part-time at another work location ('From the Field' designated by supervisor/manager)
- Temporary arrangement for a personal need (e.g., after birth or adoption of a child)
- Temporary arrangement for a specific project (e.g., writing a final report)
- Work at home before or after appointment or meeting instead of traveling to the office

### **Benefits**

- Employee keeps full pay and benefits
- Employee saves commuting time and costs
- Enhanced productivity: some tasks may be better done away from the office, less interruption
- May provide extended hours of service.
- May provide heightened sense of autonomy and enhanced capacity for setting, achieving objectives

### **Challenges**

- Fewer networking opportunities for the employee
- Employee needs organized work space at home and may incur some additional hidden expenses (increased heat and electric bills, etc.) while saving on commuting costs
- Not all employees may work as productively in this arrangement
- Not all jobs are performed easily off-site
- May be more difficult to supervise and evaluate
- It is generally not possible to be fully productive while simultaneously providing care to others in the household, such as young children. Other care-taking arrangements may be required
- Possible equipment purchases
- Possible liability issues regarding at-home site may need to be researched.
- May create difficulty in scheduling meetings, coordinating projects, etc.
- How work will get done and how meetings and joint projects will be handled
- How communication with co-workers and supervisor/manager will continue uninterrupted
- Telecommuting proposals need to address:
  - How much time will be spent in the office, and when
  - How arrangement will be supervised and evaluated
  - What equipment is needed and who will provide it (See Appendix C)
  - What technical support is needed (See Appendix C)

## ***Telecommuting Obligations***

A telecommuter is expected to devote his or her full energies, abilities, attention and work time to the performance of his or her employment obligations and responsibilities while telecommuting and not to engage in any activity that conflicts or interferes with, or in any way compromises, performance of those obligations and responsibilities.

A telecommuter may not engage in personal activity that is restricted or prohibited by LSC or other funding sources during agreed upon work hours or using Legal Aid provided equipment or software. A telecommuter remains subject to all Legal Aid program policies and regulatory requirements. All work time must be documented in PIKA.

Legal Aid employees, including telecommuting employees, are granted access to confidential and proprietary Legal Aid data, including, but not limited to: data related to Legal Aid's clients, grants, accounting, etc. Accordingly, the telecommuter must not divulge, and must provide assurances that security measures, including passwords, locked cabinets or other measures are put in place to protect all confidential Legal Aid data or information and the employee shall not make use of it for his or her own purposes or the purposes of another. Legal Aid will retain indefinitely the proprietary rights and interest in all accounts, and all related intellectual property such as computer programs, systems, software, data and all employee work product.

All client paper files, if any maintained, must be returned to the affiliate Legal Aid office for appropriate filing, retention, and archiving in accordance with Legal Aid file retention policies.

The telecommuter will protect, maintain and keep confidential all correspondence, memoranda, reports, summaries, manuals, proposals, contracts and other documents of any kind which relate in any way to Legal Aid business, including specifically all materials which comprise or refer to Legal Aid confidential information.

The employee understands and agrees that Legal Aid's Workers Compensation policies will cover only employee work-related injuries. Legal Aid assumes no liability for injuries occurring in the employee's home worksite location outside of work hours or unrelated to the workspace and Legal Aid will be expressly relieved of such liability as a condition of telecommuting. The telecommuting employee is responsible for ensuring that the home workplace is free of hazards that might cause injury. Legal Aid reserves the right to inspect and monitor the home workspace in connection with a telecommuting arrangement.

The employee shall not invite or permit any other person onto the home workplace for work-related purposes, except to permit Legal Aid-requested inspection or upon express approval.

It is the employee's responsibility to secure liability insurance (whether their homeowners or renter or other policy) to cover theft, loss, destruction of property or bodily injury arising out of or relating to business use of the home premises.

## ***APPENDIX C: Technology Policies for Flexible Work Arrangements***

### **Working “From the Field”**

#### ***Telephone:***

For many positions where there is an expectation on the part of Legal Aid that employees do extensive out-reach or have regular “office hours” with a partner organization, the employee is issued a cellular phone paid for by Legal Aid. If the employee has been issued a cellphone by Legal Aid, it is understood and expected that this cellphone will be used for conducting work purposes when working “from the field”.

Upon request at any time, IT staff can assist these staff in setting up their office desk phone to “roll over” to their cell phone when calls to the office are missed.

Employees who are not issued cellular phones by Legal Aid but have occasional need to “work from the field”, may choose to use a personally-owned cell phone for work-related purposes, at their own cost. Employees are urged not to divulge their personal phone number to clients or others, but to use one of the following options:

1. Dial \*67 before dialing a phone number in order to block caller ID.
2. The IT Department has a limited number of licenses for Allworx Reach, a smartphone app which allows users to make and receive calls as if they were at their desk. Incoming calls will ring in the app while it is running, and outbound calls will display Legal Aid of Nebraska’s caller ID information. It requires some setup however, so if an employee is interested in having this option available, they must contact the IT department to request setup and training on Allworx Reach. Please note that Allworx Reach may use considerable data, and that the employee is solely responsible for any data charges or overages associated with use of this app.

Please note that even if employee has not chosen otherwise to use a personally-owned cellular phone for work purposes (i.e., by installing Outlook or Teams), even a device which is used only for occasional phone calls or looking up information for work purposes should be secured by at least a pin code to unlock the screen, and should be encrypted. Installation of the Company Portal app and enrollment in Office 365 mobile device management is the easiest way to ensure compliance, but will not be required where Outlook or Teams are not installed.

#### ***Computer***

Under no circumstances should an employee use a computer not owned either by Legal Aid of Nebraska, or by the employee, for work purposes. Any use of an employee-owned computer for

work purposes is subject to the “bring your own device” policies laid out elsewhere in this document.

### **Internet Access**

If the employee has been issued a cellular phone by Legal Aid of Nebraska, this cellphone should be used in hotspot mode for internet access while working from the field.

If employee has not been issued a cellular phone but wishes to use a personally owned phone in hotspot mode for internet access while working in the field, employee may do so solely at their own expense.

Employees may use wifi or Ethernet internet connectivity provided by a community partner, a business, a hotel, or other untrusted wifi networks only in conjunction with a security- and privacy-oriented VPN service such as [www.privateinternetaccess.com](http://www.privateinternetaccess.com) or [https://www.f-secure.com/en\\_US/web/home\\_us/freedom](https://www.f-secure.com/en_US/web/home_us/freedom). Budget permitting, the IT department may also have other VPN options available on a limited, first-come-first-serve basis for staff who do not work from the field often enough to justify purchase of a VPN subscription.

Whether VPN access subscription is to be paid for by the employee or by Legal Aid shall be determined on a case by case basis depending on whether the need for such access is based on program needs, or employee convenience.

### **Safeguarding Workstation Access**

While working “from the field” employees must take care at all times to safeguard against unauthorized access of Legal Aid of Nebraska equipment and confidential information.

This means that employees must:

- \* Never allow non-employees of Legal Aid to borrow or use Legal Aid Equipment.
- \* Watch out for “shoulder surfing” behavior, i.e., unauthorized persons observing confidential information displayed on one’s computer screen.
- \* Never leave legal aid equipment unlocked and unattended. Even if stepping away from a workstation for a moment, the screen must at least be locked with  + L
- \* Computer passwords, email passwords, Pika passwords, and passwords to other sensitive systems should be memorized and not kept in written form in the field.

## **Working from Home**

### **Telephone**

Policies for use of a firm-issued or employee-owned cell phone are the same when working from home as working from the field.

Additionally, employees may request assistance and training from IT staff to allow their desk phone to be taken home and set up as a remote phone. This may require purchase by the employee of either a power adaptor or a power-over-ethernet (PoE) injector. These typically cost \$25 or less.

Employees may also opt to purchase an Allworx phone so that they do not need to transport and reconfigure the phone every time it is moved.

Configuration of a remote phone may take considerable time and assistance by the IT department, so it should be scheduled with the IT department well in advance of the day when the setup will occur.

Employees should be aware of, and prepared for, requests by IT for temporary access to any home firewalls or routers in order to make configuration changes necessary to the employee's home network to allow for connectivity of a remote phone. Such configuration changes shall be made on a best effort basis, and employees may be requested to purchase a different home router if it proves to not be possible to make the configuration changes necessary.

### **Peripherals**

IT staff will exert best efforts to support employee-selected and employee-purchased peripherals such as printers, scanners, monitors, docking stations, mice, keyboards, etc in the employee's home. However, IT staff reserves the right to request that employees select and purchase substitute peripherals if significant difficulty is encountered while troubleshooting these peripherals.

In particular, staff are encouraged to configure any home printer for USB connectivity rather than wireless use.

### **Internet Access**

Employees working from home should use a privacy-and-security oriented VPN service for internet access as described under "working from the field" above. In addition, IT staff may request information, screenshots, or temporary access to the employee's home network in order to confirm secure internet access configuration. If employees choose to use wifi on their home network, it must use a strong password and WPA2 encryption. The encryption key should not be shared with others outside the employee's household such as occasional visitors or friends.

### **Safeguarding Workstation Access**

Employees should have a dedicated space for their workstation which is not shared by other household members. Employees must provide a photograph of this dedicated space to IT staff upon approval of work-from-home arrangements. Employees must not allow household members or other non-employees of legal aid to access their workstation, and must take care to lock their screen whenever they are away from their desk and others may be present in their home.

### **Technical Support Efforts**

Employees must be understanding of the reality that it is often considerably more difficult and complicated for IT staff to provide technical support to remote employees due to the increased number of technological factors outside of the control of IT staff. Employees must be prepared to come into the office with their workstation when they encounter significant technical difficulties that IT staff are not able to quickly resolve if IT staff suspects that the root issue may be with employee-owned peripherals, the employee's residential internet connection, or other issues specific to providing remote access to needed services and systems.

### **Periodic Local Office Connectivity**

Legal Aid of Nebraska computers are joined to a Windows active directory domain for purposes of maintenance, administration and control. This means that they must be connected to a local office network in order for certain administrative changes to be applied, and they also must be connected to a local office network in order to change a logon password. So long as the employee works from a local office at least once every 1 to 2 weeks and completes a reboot and logon while connected to a local office network, there should not be any issues with the machine being outside of the network the rest of the time. Legal Aid of Nebraska's IT department does not currently have the budget for the resources necessary to support users working remotely 100% of the time.

### **Bring Your Own Device**

Generally, the primary guiding principle of Legal Aid of Nebraska's "bring your own device" policy is that employee-owned devices used for work purposes should be treated the same as firm-owned devices.

Invariably, this will mean surrendering some control over your device, and granting some control to IT staff. Ownership of the device will always remain with you however, and upon request at any time, if you no longer wish to use a device you own for work purposes, you may request IT staff assistance with returning complete administrative control of the device to you. "Bring your own device" is neither an obligation nor a right, but rather an optional perk offered to employees to support flexible work arrangements.

IT staff may refuse to support "bring your own device" for devices which do not meet security requirements.

#### ***Mobile phones and tablets:***

Generally, any Android or iOS cellular phone or tablet which will run the Microsoft Company Portal app and supports whole-device encryption will be compatible with the bring your own device policy. Please note that while the app permissions noted at time of install of the company portal app mentions quite wide-reaching access by the app, the company portal app does not allow IT staff to access your phone's file system, camera, or other hardware. The Company Portal app only allows IT staff to enforce encryption and lock screen requirements, and also allows for partial or complete

remote wipe. Complete remote wipe will only ever be completed for an employee-owned device upon request of the employee.

Any mobile phone or tablet used for work purposes must be exclusively used by the employee, and not shared. The lock screen password should not be shared with family members or others.

## **Workstations**

Any workstation selected and purchased by the employee for work purposes must come licensed with Windows 8 or 10, in either the professional or enterprise edition. Windows home editions cannot be used because they cannot be joined to an active directory domain and do not support bitlocker drive encryption. Employee is responsible for purchase of all necessary software licenses, including Windows Professional or Enterprise and Microsoft Office Professional 2013 or later.

Before beginning to use an employee-purchased machine for work purposes, the employee must bring the machine to IT staff in order to join the machine to the domain, remove local administrator access, install remote maintenance, management and antivirus software, and help the user set up Zee Drive (Zee Drive licenses are provided by Legal Aid). Employee will not have the ability to make system configuration changes or install software without IT assistance, just as with a firm-issued machine.

Unlike the Company Portal app for mobile devices, the remote management and support software for workstations does allow IT staff to access the file system of the employee-owned device.

Employees will be expected to upgrade their machine and version of Windows and Office periodically in order to ensure they are able to work efficiently and securely as time goes on. Generally, a machine which was manufactured more than five years ago or software which is no longer supported by the developer should not be used.

2. Michigan Statewide Advocacy Services (2020)

## **MSAS Remote Work Policy and Request Form**

### **I. Remote Work Philosophy**

Michigan Statewide Advocacy Services (MSAS) believes it is in the best interest of both the organization and our staff to promote a work-life balance, enabling staff members to meet their responsibilities both inside and outside the workplace. MSAS also recognizes its programs are statewide programs and in most cases, have multiple offices across the state. In consideration of this, MSAS offers a Remote Work Policy to accommodate ever-changing needs of a diverse workforce. This policy does not mean that permission must be sought in order to do small amounts of work outside the office - many staff check email at home in the evening, or while out of the office on a sick or vacation day. This policy addresses arrangements for regular and/or significant work done outside the office.

### **II. Remote Work Policy**

#### **A. General Considerations.**

- a. Remote work arrangements are paid work hours performed away from the employee's primary MSAS office location for an agreed upon day or days, either on occasion or on a regular basis. Remote work arrangements may be routine and approved for occurrence on a regular basis, or occasional, subject to approval by the employee's supervisor on each occasion. Remote work arrangements do not include when the employee is traveling for work. It is unlikely that approval will be given for an employee to have a regular remote work schedule that has the employee working exclusively from a remote location, but rather the regular remote work schedule should include standard days on which the employee performs work in their assigned MSAS office location.
- b. All employees are eligible to request permission to work remotely; however, not every position lends itself to approval. MSAS will determine whether a specific job may be performed effectively off-site and whether an individual is effective working without in-person supervision.
- c. When needed and with reasonable notice, an employee with an approved remote work arrangement may be required to come into the office or meeting site on regularly scheduled remote work days to attend meetings or other events where remote access is either not possible or not conducive to the goals of the meeting or event.
- d. Remote work is not an entitlement, but rather a privilege intended to help employees manage work demands. Working remotely in no way changes the terms and conditions of employment with MSAS.
- e. Remote work is not a replacement for dependent care or other non-work related activities during work hours. Although an individual employee's schedule may be modified to accommodate childcare needs, the focus of the arrangement must be on job performance and meeting work responsibilities. Employees contemplating a telecommuting arrangement are encouraged to discuss telecommuting expectations and requirements with their family members.

B. Form of Request to Work Remotely.

- a. An employee may request permission to work remotely in writing to their managing attorney or other relevant manager using the Remote Work Request form. The request shall include:
  - i. The proposed remote work schedule;
  - ii. The length of the remote work arrangement, not to exceed one year;
  - iii. The hours and days proposed; and
  - iv. How the employee will assure the proper use and safeguard of MAP's property and confidential information (including phone calls) while working remotely.
- b. Remote work requests will be forwarded to one of the Co-Directors with a recommendation from the manager. Whether such requests are granted rests within the discretion of the Co-Directors who shall consider all relevant factors, including, but not limited to:
  - i. The employee's job position
  - ii. The operational needs of the practice group, and the program
  - iii. The impact of the request on the practice group and the program
  - iv. The performance and attendance record of the employee
  - v. Office coverage needs
  - vi. The need to have the person in the office to perform supervisory tasks
  - vii. Whether the employee has maintained a good work record prior to making the request. (For example, no excessive or unexcused absences and no corrective action within the last six months of employment.)
- c. Permission to work remotely shall not be denied in an arbitrary or unreasonable manner, or for reasons solely based on supervisor preference for non-remote work. Denials of permission to work remotely should be based on reasons reasonably related to job duties and performance.

C. Termination or modification of a remote work arrangement.

- a. All routine remote work arrangements are on a trial basis for the first three (3) months and may be modified or discontinued by the employee's supervisor at any time. The employee's supervisor is responsible for evaluating the employee's performance during the trial period and for addressing with the employee any issues that arise. At the conclusion of the trial period, the employee and supervisor are expected to each evaluate the arrangement and make recommendations for continuance or modification.
- b. The availability of the remote work arrangement can be discontinued by the employee or by MSAS. In the event MSAS decides to discontinue the arrangement, MSAS shall provide the employee with reasonable notice (up to 30 days) given the impact of the change upon the employee's work routine. The notice shall state the reasons for discontinuation in sufficient detail to provide the employee with an understanding of why the change was necessary. In the event that the employee decides to discontinue the arrangement, the employee should provide MSAS with reasonable notice (30 days if possible) and understand that

their part-time on-site work space might not immediately be available for full-time on-site work.

D. Routine remote work from another program office.

- a. Employees requesting routine remote work arrangements at another program office must have been employed with MSAS for a minimum of 3 months of continuous, regular employment and must not be subject to a performance improvement plan or disciplinary action.
- b. Approval of requests to work from another program office are contingent upon there being adequate appropriate space and equipment (computer, phone, etc.) at the host office that is not needed for another full-time employee of the host office. The host office manager must approve the request before submission to the director for approval.
- c. The employee and supervisor will agree on the number of days of remote work allowed each week, the work schedule the employee will customarily maintain, and the manner and frequency of communication during remote work days. The employee agrees to be accessible by phone, email, and chat within a reasonable time period during the agreed-on work schedule.
- d. Remote work requests can be granted for up to one year at a time, after which the employee can submit another request.

E. Routine remote work from an off-site location.

- a. Employees requesting routine remote work arrangements from an off-site location must have been employed with MSAS for a minimum of 12 months of continuous, regular employment and must not be subject to a performance improvement plan or disciplinary action.
- b. Employees shall provide their own equipment (computer, phone, internet access, etc.) necessary for the performance of their job.
- c. Employees will be expected to ensure the protection of proprietary agency and confidential client information accessible from their home office. Protective measures include the use of locked file cabinets and desks, properly maintained passwords on computer and phone equipment, password-protected internet connection. Staff must enroll their personal device via Microsoft Intune Company Portal; alternatively, MPLP IT can provide Open VPN access in cases where it is needed. Employees must adhere to the MAP Technology Policy at all times.
- d. The employee and supervisor will agree on the number of days of remote work allowed each week, the work schedule the employee will customarily maintain, and the manner and frequency of communication during remote work days. The employee agrees to be accessible by phone, email, and chat within a reasonable time period during the agreed-on work schedule.

F. Occasional remote work from another program office or an off-site location.

- a. Requests for approval of occasional remote work arrangements should be made via email to the employee's supervisor, copying the Co-Directors. When possible,

these requests should be made 48 hours in advance of the need for the remote work arrangement. Supervisors shall determine approval of an occasional remote work arrangement on a case-by-case basis, focusing first on MSAS's business needs and the appropriateness of the request.

- b. The employee's supervisor is responsible for ensuring employee has appropriate work requirements for the occasion, including that the employee has access to a suitable home or other office environment with a computer and a secure internet connection, and employee's other responsibilities that day (such as caring for a sick child, waiting for a repair or delivery, etc.) will not interfere with the ability to work remotely for the hours planned.
  - c. Employees should not be approved for more than 4 days of occasional remote work in a month; instead, the employee should submit a routine remote work request.
  - d. Emergencies: in the event an unplanned absence, the employee may work remotely for the time required to make arrangements for coverage of their job duties for that day.
- G. Office Closures.
- a. When a MSAS manager declares an office closure due to inclement weather or other factor, employees should work remotely to the extent possible; otherwise, the snow day policy applies.

**REMOTE WORK REQUEST FORM**

Employee \_\_\_\_\_ Position \_\_\_\_\_

Supervisor \_\_\_\_\_ MSAS Program \_\_\_\_\_

1. Schedule Type (Mark One): Routine \_\_\_\_\_ Occasional \_\_\_\_\_

2. Describe the remote work location, including the mode of internet access and information and equipment security measures (including phone calls). If requesting to work from another program office, indicate where in that office you will be located.

3. Routine Remote Work Schedule (not applicable for occasional remote work requests)

Day	Work Location (select one)	Start Time	End Time
Monday	<input type="checkbox"/> Office <input type="checkbox"/> Remote at: _____		
Tuesday	<input type="checkbox"/> Office <input type="checkbox"/> Remote at: _____		
Wednesday	<input type="checkbox"/> Office <input type="checkbox"/> Remote at: _____		
Thursday	<input type="checkbox"/> Office <input type="checkbox"/> Remote at: _____		
Friday	<input type="checkbox"/> Office <input type="checkbox"/> Remote at: _____		

Schedule Start Date: \_\_\_\_\_ Schedule End Date (if applicable): \_\_\_\_\_

I understand that this remote work request, if approved, is subject to periodic review by my supervisor and MSAS management and may be discontinued at any time based on the needs of the organization. Occasional remote work is subject to supervisor approval for each occasion requested.

I will abide by the terms of the Remote Work Policy and MAP Technology Policy and I will be available by phone, email, and instant message systems while working remotely, and my work schedule will be entered on my MSAS electronic calendar.

Employee Signature \_\_\_\_\_ Date \_\_\_\_\_

Supervisor Approval \_\_\_\_\_ Date \_\_\_\_\_

Host Office Manager Approval (if needed) \_\_\_\_\_ Date \_\_\_\_\_

Executive Director Approval \_\_\_\_\_ Date \_\_\_\_\_

If denied, reason for denial:

### 3. New Mexico Legal Aid (2020)



#### **NMLA Telecommuting Policy**

New Mexico Legal Aid, Inc. (hereinafter “NMLA”) considers telecommuting to be a viable alternative work arrangement in cases where position requirements are best suited to such an arrangement. Telecommuting allows employees to work at home, on the road or in a satellite location for all or part of their regular workweek. Telecommuting is a voluntary work alternative that may be appropriate for some employees and some jobs. The general goal of the telecommuting program is to provide alternative work spaces in rural areas of the state in order to address those employees who do not feel safe in those offices, or when travel to those offices becomes overly burdensome to employee or organizational efficiency, or in other situations that may arise. It is not an entitlement, it is not a company-wide benefit, and it in no way changes the terms and conditions of employment with NMLA. Occasions may arise where telecommuting will be appropriate for employees to work from home when none of the above conditions apply. These will be determined on a case by case basis.

When circumstances dictate, NMLA may implement telecommuting arrangements that vary from this policy. Public or organizational emergencies, as declared by appropriate public authorities and/or by the NMLA Board or the Executive Director, may require the summary suspension of all or some of the provisions of this telecommuting policy and the implementation of other measures. Telecommuting agreements with individual staff will note the circumstances and the variations whenever possible. However, overall, this policy will govern and any arrangements that vary will be temporary, enduring so long as circumstances require.

#### **Telecommuting Arrangement Requirements**

All telecommuting arrangements are made on a case by case basis and must be approved in advance, based on the needs of NMLA. Consideration will be given to operational requirements, the job duties of the employee, the employee’s work performance and attendance, and other logistical information.

Normally individuals requesting formal telecommuting arrangements must have been employed with NMLA for a minimum of 12 months of continuous, regular employment and must meet performance standards in accordance with the company’s performance appraisal process. Occasionally, telecommuting arrangements may be made at time of hire or prior to the 12 months of continuous employment if there is a legitimate business need or reason.

Any telecommuting arrangement made will be on a trial basis for the first three months and may be discontinued at any time at the request of either the telecommuter or NMLA. Exceptional circumstances may cause this requirement to vary.

### **Office and Hardware Requirements**

The employee will establish an appropriate work environment within his or her home for work purposes. NMLA will not be responsible for costs associated with initial setup of the employee's home office such as remodeling, furniture or lighting, nor for repairs or modifications to the home office space. Employees will be offered appropriate assistance in setting up a work station designed for safe, comfortable work.

NMLA will determine, with information supplied by the employee and the supervisor, the appropriate equipment needs (including hardware, software, hot spots, facsimile software, and remote printing and scanning) for each telecommuting arrangement on a case-by-case basis. In most cases, at least a minimum bandwidth of 100mbps is needed for video conferencing. The human resource and information technology consultants will serve as resources in this matter. Equipment supplied by the organization will be maintained by the organization. Equipment supplied by the employee, if deemed appropriate by the organization, will be maintained by the employee. NMLA accepts no responsibility for damage or repairs to employee-owned equipment. NMLA reserves the right to make determinations as to appropriate equipment, subject to change at any time. Equipment supplied by the organization is to be used for business purposes only. The telecommuter should sign an inventory of all office property and agrees to take appropriate action to protect the items from damage or theft. Upon termination of employment all company property will be returned to the company, unless other arrangements have been made.

NMLA will supply the employee with appropriate office supplies (pens, paper, etc.) for successful completion of job responsibilities. NMLA will also reimburse the employee for all other business-related expenses such as phone calls and shipping costs that are reasonably incurred in accordance with job responsibilities. NMLA will try to provide employees with the necessary tools to avoid these costs. Should they be necessary, to the extent possible, these costs must be approved in advance by a supervisor before they become reimbursable.

Employees entering into a telecommuting agreement may be required to forfeit use of a personal office or workstation in favor of a shared arrangement to maximize organization office space needs.

In certain limited circumstances, NMLA may contract with an office space provider to meet the needs of employees who wish to telecommute but who do not have appropriate home office space, or for groups of employees whose proximity to the organization and to each other makes such an arrangement feasible.

### **Office Security Requirements**

Consistent with NMLA's expectations of information asset security for employees working at the office, telecommuting employees will be expected to ensure the protection of proprietary organizational and client information accessible from their home office. Steps include, but are

not limited to, use of locked desks, locked file cabinets, and media storage; regular password maintenance; password manager; two factor authentication; and/or any other steps appropriate for the job and the environment. Employees who telework should follow best practices for security: avoiding public Wi-Fi when possible, use hotspot or encrypted web connection, never leave a laptop or NMLA owned device in automobiles, and never leave equipment unattended when connected to NMLA network.

### **Policies, Procedures and Scheduling for Telecommuting Employees**

Employees are expected to follow all procedures and work rules as if they were in the office, including but not limited to: logging in and out of system, working their normal schedule, and maintaining productivity. Telecommuting employees who are not exempt from the overtime requirements of the Fair Labor Standards Act will be required to record all hours worked in a manner designated by the organization. Telecommuting employees will be held to a higher standard of compliance than office-based employees due to the nature of the work arrangement. Hours worked in excess of those specified per day and per workweek, in accordance with state and federal requirements, will require the advance approval of the supervisor.

The employee and manager will agree on the number of days of telecommuting allowed each week, the work schedule the employee will customarily maintain, and the manner and frequency of communication. The employee agrees to be accessible by phone or modem within a reasonable time period during the agreed-on work schedule.

Before entering into any telecommuting agreement, the employee and manager, with the assistance of the human resource consultant, will evaluate the suitability of such an arrangement paying particular attention to the following areas:

- Employee suitability. The employee and manager will assess the needs and work habits of the employee, compared to traits customarily recognized as appropriate for successful telecommuters.
- Job responsibilities. The employee and manager will discuss the job responsibilities and determine if the job is appropriate for a telecommuting arrangement.
- Equipment needs, workspace design considerations and scheduling issues.
- Tax and other legal implications for the business use of the employee's home based on Internal Revenue Service (IRS) and state and local government restrictions. Responsibility for fulfilling all obligations in this area rests solely with the employee. (NMLA will keep all necessary documentation on file.)

If the employee and manager agree, and the human resource consultant concurs, a draft telecommuting agreement will be prepared and signed by all parties, and a three-month trial period will commence.

Evaluation of telecommuter performance during the trial period will include daily interaction by phone and e-mail between the employee and the manager, and weekly face-to-face meetings to discuss work progress and problems. At the conclusion of the trial period the employee and manager will each complete an evaluation of the arrangement and make recommendations for continuance or modifications. Evaluation of telecommuter performance beyond the trial period

will be consistent with that received by employees working at the office in both content and frequency but will focus on work output and completion of objectives rather than on time-based performance.

An appropriate level of communication between the telecommuter and supervisor will be agreed to as part of the discussion process and will be more formal during the trial period. After conclusion of the trial period, the manager and telecommuter will communicate at a level consistent with employees working at the office or in a manner and frequency that seems appropriate for the job and the individuals involved.

Telecommuting is *not* designed to be a replacement for appropriate dependent care. Although an individual employee's schedule may be modified to accommodate dependent care needs, the focus of the arrangement must remain on job performance and meeting business demands. Prospective telecommuters are encouraged to discuss expectations of telecommuting with family members prior to entering into a trial period.

The availability of telecommuting as a flexible work arrangement for employees of NMLA can be discontinued at any time at the discretion of the employer. Every effort will be made to provide 30 days' notice of such a change to accommodate commuting, dependent care and other problems that may arise from such a change. There may be instances, however, when no notice is possible.

I have read and understand this telecommuting policy and I understand that if provided a telecommuting arrangement, I am to abide by the conditions outlined in this policy.

Employee Signature: _____	Date: _____
Manager Signature: _____	Date: _____
Executive Director Signature: _____	Date: _____

**A. Employee Information**

Name: \_\_\_\_\_  
Job Title: \_\_\_\_\_ FLSA Status:  Exempt  Non-exempt  
Direct Supervisor: \_\_\_\_\_ Telephone: \_\_\_\_\_

**B. Telecommuting Work Site**

Street Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Work Phone: \_\_\_\_\_ Email: \_\_\_\_\_  
Cell Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

**C. Work Schedule and Hours**

Telecommuting Work Schedule  
Begin Date: \_\_\_\_\_ End Date: \_\_\_\_\_  
Provide regular telecommuting work hours agreed to:

Monday: \_\_\_\_\_ to \_\_\_\_\_ Friday: \_\_\_\_\_ to \_\_\_\_\_  
Tuesday: \_\_\_\_\_ to \_\_\_\_\_ Saturday: \_\_\_\_\_ to \_\_\_\_\_  
Wednesday: \_\_\_\_\_ to \_\_\_\_\_ Sunday: \_\_\_\_\_ to \_\_\_\_\_  
Thursday: \_\_\_\_\_ to \_\_\_\_\_

**D. Equipment** NMLA property that will be  
utilized at the telecommuting location:

Employee-owned equipment that will be utilized  
at the telecommuting location:

## Appendix 3: COVID-19 Responsive Remote Work Plans



# ALABAMA UNIFIED JUDICIAL SYSTEM

## ADMINISTRATIVE OFFICE OF COURTS TELEWORKING POLICY AND GUIDELINES

### 1. Purpose

In light of the ongoing public health crisis arising from the novel coronavirus (COVID-19) pandemic occurring across the world, and the State of Emergency declared by the Governor of Alabama, and guidance provided by the Alabama Department of Public Health (“ADPH”) in conjunction with the federal Centers for Disease Control and Prevention (“CDC”), the following policy establishes procedures for supporting employees who may be exposed to or infected with COVID-19. The goal of this policy is to maintain a safe and healthy workplace, to protect the privacy of infected persons, and to let all employees know their rights in discharging leave and remote work options during this public crisis.

### 2. Responsibilities of Appointing Authorities and Employees

- A. The AOC’s decisions involving persons who may be exposed to or infected with COVID-19 shall be based on current and well-informed medical judgements from ADPH and the CDC.
- B. Appointing Authorities will cooperate with the Chief Justice of the Alabama Supreme Court, Governor of Alabama Directives, ADPH, and the Administrative Office of Courts (“AOC”) in the event that an employee reports potential exposure to COVID-19.
- C. All employees have a responsibility to prevent the spread of COVID-19 when they are aware that they are or may be a carrier of COVID-19. For the purposes of this policy, employees are “aware” that they may have contracted COVID-19 if they;
  - 1.) have a confirmed case of COVID-19;
  - 2.) have come into contact with a person with a confirmed case of COVID-19;
  - 3.) are required to self-quarantine by order of the Governor, ADPH, CDC or licensed healthcare provider; or
  - 4.) are presented with signs of illness consistent with COVID-19, such as unexplained fever, cough, and shortness of breath (for more information on signs of illness, please reference the CDC website at <https://www.cdc.gov/coronavirus/2019-ncov/about/symptoms.html>).

- D. The AOC respects the right to privacy of any employee who is directly exposed to or infected with COVID-19. Information about the risk to employees related to COVID-19 will be disclosed only to the extent necessary to minimize the health consequences to co-workers and others while complying with state and federal privacy and confidentiality laws.
- E. The AOC will not tolerate any discrimination against and/or harassment of an employee as a result of an employee's contraction of or exposure to COVID-19. Any discrimination against and/or harassment of an employee may result in disciplinary action.
- F. Appointing Authorities shall promote social distancing practices between employees and/or members of the public and may authorize temporary teleworking arrangements and/or establish flexible work hours as necessary to continue operations with minimal in-office staffing during the COVID-19 public health crisis.

**3. Procedures for Employees Who Contract COVID-19 or are Exposed to COVID-19**

- A. Positive Diagnosis of COVID-19. An employee who receives a positive diagnosis of COVID-19 shall:
  - 1.) Immediately leave the workplace and/or remain out of the workplace for the duration of their illness.
  - 2.) Notify their immediate supervisor by speaking directly to the supervisor via telephone. If that is not possible, the employee may leave a message for the supervisor via call, text, or email, including a contact number where the employee can be reached. Understanding that the employee's medical condition may not allow them to contact their supervisor, the Appointing Authority shall make every effort to reach the employee's emergency contact if an employee has an unexplained absence from work.
  - 3.) Provide a medical report from a licensed healthcare provider to the Appointing Authority confirming the diagnosis.
  - 4.) Guidelines regarding leave during this period will be outlined in a separate document.
  - 5.) Prior to returning to work, the employee shall present a written statement from his or her physician indicating that the employee is no longer infectious and, as of a specified date, is able to return to work and carry out the essential job functions. The employee shall not be allowed to return to work until such time as the statement is provided. Employees should consult with administrator and/or immediate supervisor regarding working from home or returning to their workplace.
- B. Required Quarantine. Employees who fall into the following categories shall be required to stay home from work and self-monitor for any symptoms for the specified quarantine period as determined by ADPH and the CDC:
  - 1.) Employees who have returned from any international or domestic travel within the last 14 days;
  - 2.) Employees who have travelled on a cruise ship in the last 14 days;
  - 3.) Employees who are aware that they have come into direct contact with a person with a confirmed case of COVID-19;
  - 4.) Employees who have been notified by ADPH of a potential exposure;

- 5.) Any other circumstances warranting quarantine by the ADPH.

Employees subject to required quarantine shall immediately notify their supervisor. Employees subject to required quarantine may be eligible for leave according to the newly enacted “Family First Coronavirus Response Act”. Guidelines are forthcoming.

- C. Supervisor shall report instance of absences under subsections A and B above to the Appointing Authority as soon as possible.
- D. Where telework is a viable work option and approval is granted in accordance with this Policy, an employee may temporarily work from home. An employee shall be paid wages for time spent teleworking and need not discharge accrued leave for hours teleworked.

#### 4. Other Absences

- A. Employees remain encouraged to stay home when they are sick and not to report to work until they are free of fever, signs of a fever, and any other symptoms for at least 24 hours, without the use of fever-reducing or other symptom-altering medicines (e.g. cough suppressants). Employees shall notify their supervisor and stay home if they are sick. In accordance with ADPH guidelines, employees presenting with signs of illness consistent with COVID-19, such as unexplained fever, cough, and shortness of breath, are advised to contact their medical provider via phone. Employees who develop **emergency warning signs** for COVID-19, such as difficulty breathing or shortness of breath, persistent pain or pressure in the chest, new confusion or inability to arouse, and bluish lips or face, are advised to get **emergency medical attention immediately**. (\*This list of emergency warning signs is not all-inclusive; please consult your medical provider via phone for any other symptoms that are severe or concerning.)
- B. Employees who are absent from work (i.e. not teleworking) shall discharge accrued leave, if available. If no accrued leave is available, employees shall be placed on a leave without pay status. The AOC reserves the right to revisit or revise this policy as this public health crisis develops.

#### 5. Temporary Teleworking Assignments

- A. Appointing Authorities may authorize temporary teleworking arrangements for employees in order to ensure the continuation of operations during the COVID-19 public health crisis. Employees authorized for temporary teleworking shall be determined by the Appointing Authority. The determination of whether an employee or position is eligible for temporary teleworking shall not be grieved or appealed or subject to review.
- B. The maximum duration of a temporary teleworking arrangement shall be limited to the duration of the COVID-19 public health crisis but may be terminated earlier by the Appointing Authority within its sole discretion, for any reason.
- C. The Appointing Authority retains the right to determine the time, place and manner of the teleworking arrangement and to approve alternative work sites (teleworking sites).

- D. The teleworking employee is covered by and will adhere to all laws, regulations, and AOC and court policies and procedures. Failure to follow laws, regulations, and AOC and court policies and procedures may result in termination of the teleworking arrangement and/or disciplinary action up to and including termination.
- E. Teleworking does not change the nature of the work an employee is expected to perform, the hours the employee is expected to be working, and/or the employee's principal office/workstation location.
- F. Employees authorized by their Appointing Authority to telework shall:
  - 1.) Establish and maintain a dedicated workspace that is quiet, clean, safe and secure from hazards and other dangers to the employee and equipment, with adequate lighting and ventilation;
  - 2.) Be reachable by phone, email, or other established method during regular work hours or other hours as required of the position and available for all required conference calls;
  - 3.) Be available to report to work at the regular worksite and/or to attend on-site meetings as required or requested by the Appointing Authority or designee; and
  - 4.) Comply with all State UJS, AOC, and court policies, procedures and regulations.
- G. When an Appointing Authority authorizes an employee to telework, the Appointing Authority shall provide a copy of this Policy to the employee and require his/her written and dated acknowledgment of receipt. The written acknowledgement must on its face reference the "COVID-19 Personnel Policy and Procedures" and may be provided to the Appointing Authority by email or other sufficient means, subject to the approval of AOC. All written acknowledgements shall be provided to the Appointing Authority and/or the AOC Human Resources Department for inclusion in the employee's local personnel file.
- H. Teleworking Terms and Conditions
  - 1.) Terms of Employment. The teleworker's terms and conditions of employment shall remain the same as for non-teleworking employees. Employee salary, benefits, leave and work hours shall not change as a result of teleworking. Salary, benefits, work status and work hours will remain the same subject to the UJS Personnel Rules and Regulations.
  - 2.) Policies. The teleworking employee is bound by all state and UJS policies, practices, rules and procedures as if working at the principal office/worksite. Failure to follow state and UJS policies, practices, rules and procedures may result in termination of the teleworking arrangement and/or in disciplinary action up to and including termination.
  - 3.) Work Product. All employment-related work product and programs created or developed by the teleworker in the course of employment, whether created using AOC Information Technology Resources ("AITR") or the teleworker's software, hardware, or other equipment, is and will remain the property of the UJS/AOC.
  - 4.) Hours of Work. The teleworker will have regularly scheduled work hours. Work schedules for employee must be in compliance with the Fair Labor Standards Act and all applicable UJS Personnel Rules and Regulations. The employee must have the administrator's written approval for any special arrangement to the schedule, including overtime worked, if any.

- 5.) Communication. While teleworking, the employee shall be reachable by telephone and email during regular working hours. The employee and supervisor shall agree upon an expected turnaround time for responses. The teleworker must notify the supervisor if he/she leaves the teleworking location during work hours just as the employee would if he/she were in the office. The teleworker must also notify the supervisor if he/she is not performing work due to illness or personal reasons and must follow the normal procedures for requesting time off.
- 6.) Meetings. Employees must be on-site and/or remote for all required meetings at the administrator's request. Business meetings shall not be held at the employee's home office or alternate work site. When a meeting is called with short notice, the manager may provide a telephone conference line as an alternative to requesting in-person attendance.
- 7.) Performance and Evaluations. Work tasks and projects, corresponding deadlines, and the expected work performance may be defined and measured by the supervisor. The teleworker shall complete all assigned work according to procedures mutually agreed upon with the supervisor. Work performance must remain satisfactory to maintain teleworking arrangement.
- 8.) Home Work Office. As noted above, the teleworker must establish and maintain a dedicated workspace that is quiet, clean, safe, secure, and free from hazards and other dangers to the employee and equipment, with adequate lighting and ventilation.
- 9.) Equipment. Home workspace furniture, equipment, telephone lines and internet services, including all expenses related thereto, will be provided by and are the sole responsibility of the teleworker.
  - a. Consistent with the UJS policy, the AOC technology team will, in most cases, provide access to and support for AOC issued laptops, VPN Access, and the UJS network. The laptops, network, VPN, and AOC applications and data shall constitute the AOC Information Technology Resources (AITRs). With the exception of AOC-issued laptops, VPN, and the AOC's network and applications, employees are responsible for the equipment, connectivity, maintenance and support required by them to telework. The UJS is not responsible for any damages to the teleworker's equipment or property that may result from participation in a temporary teleworking arrangement.
  - b. At the sole discretion of the UJS, and subject to the availability of spare equipment, the UJS may provide the teleworker with other job-specific equipment to be used at the home office or alternate worksite; in such a case, the teleworker is responsible for the equipment's safekeeping, including while in transport. All electronic equipment must be connected to a grounded electrical outlet and/or surge protector.
  - c. Teleworkers must comply with all UJS rules regarding the security and confidentiality of UJS data and information.
  - d. UJS equipment and software shall be used exclusively by the teleworker for the purpose of conducting agency business. Personal use is prohibited, including use by any other members of the household.

- e. Any equipment provided by the UJS remains the property of the UJS and must be returned at the conclusion of the teleworking arrangement or as requested by the AOC at any time. AOC owned equipment shall be maintained, serviced and repaired exclusively by the AOC.
  - f. The teleworker must comply with all UJS, AOC, and court policies and procedures to ensure that all security measures are in place to protect equipment and data from physical damage, theft, loss, or access by unauthorized individuals.
  - g. The teleworker will be responsible for any intentional damage to UJS equipment, damage resulting from gross negligence of the employee or any other person in the employee's household, damage resulting from a power surge if a surge protector is not used, and UJS equipment lost while in the care, custody or control of the teleworker.
  - h. The teleworker's supervisor shall maintain an inventory of UJS owned equipment at the teleworker's home office or alternate work location. The supervisor will ensure that all such equipment is immediately returned upon request, termination of the teleworking arrangement, and/or termination of employment.
  - i. Please refer to the "Protocol for Taking a Desktop Computer Home" as outlined in the email sent with this policy.
- 10.) Office Supplies. The Appointing Authority shall provide any necessary office supplies to the teleworker upon approval of a temporary teleworking arrangement. Out of pocket expenses for supplies normally available through the UJS or Appointing Authority shall not be reimbursed absent exigent circumstances.
- 11.) Emergency. If the courts or UJS offices are closed due to an emergency, and an employee has been authorized for temporary telework by the Appointing Authority, the supervisor shall contact the teleworker. The teleworker may then commence teleworking at the telework site. If there is an emergency at the telework site, such as a power outage, the teleworker must notify the supervisor as soon as possible. The teleworker may be assigned to an alternate work site for the duration of the emergency at the telework site, or the teleworker may request the supervisor's approval to discharge accrued leave or leave without pay in accordance with normal UJS/AOC Policy.
- 12.) The teleworker will be required to use applicable sick, vacation or other leave accruals if the employee is unable to work any portion of the scheduled work date. The employee must obtain supervisory approval prior to taking leave in accordance with the UJS/AOC Policies.

13.) Confidential/Privileged Information. Security of confidential information is of the utmost concern and importance to the UJS/AOC. For telework arrangements that have security and/or confidentiality requirements, procedures must be established by the Appointing Authority and teleworker to guarantee protection of confidential information. Teleworkers shall take all precautions necessary to safeguard and secure confidential and/or proprietary information in their home office or alternate work location and prevent unauthorized access to any UJS data and systems, consistent with the expectations of information and asset security for employees working at the principal office/work location.

Materials, documents, etc., that the teleworker transports to and from the official workstation to the teleworking location are his/her responsibility and must be kept confidential and secure. The teleworker must protect the records from unauthorized disclosure or damage and must comply with all UJS/AOC and court policies and procedures regarding such matters. Breaches of information security while teleworking, whether by accident or otherwise, may be grounds to immediately terminate the teleworking arrangement and may be cause for disciplinary action up to and including termination.

14.) Teleworkers are solely responsible for the tax and legal implications of the use of their home office or alternate work location for business purposes and are solely responsible for any IRS, state, and local government regulations and restrictions. The UJS/AOC will not provide tax guidance nor assume any additional tax liabilities.

15.) Insurance. Homeowners/renters and auto insurance are the responsibility of the teleworker. Teleworkers are advised to consult with their insurance agent for information regarding home offices.

16.) Records Retention. Products, documents and records used, revised and/or developed while teleworking shall be stored electronically on an UJS/AOC computerized record system. Such products/documents and records shall remain the property of the UJS/AOC.

17.) Conduct. In accordance with UJS policy and the employee code of conduct, it is the duty of every

employee to conduct himself/herself inside and outside his/her office as to be worthy of the esteem as a public employee.

Similarly, it is the policy of the UJS that public officials and employees must adhere to the highest standards of ethical conduct, respect the public trust and the rights of all persons, be open, accountable, responsive, avoid the appearance of impropriety, and not use their position for private gain or advantage. Behavior that discredits a court or the UJS cannot and will not be tolerated.

Therefore, teleworkers must be mindful of the image presented during the workday and must not be involved in any activities which would in any way interfere with the teleworker's performance of duties or reflect negatively on the UJS. For example, working in the yard, grocery shopping, running personal errands, and similar activities of a personal nature shall be prohibited during teleworking hours.

**6. Submission of Employee Attendance During COVID-19 Public Health Crisis**

A. Submission of time attendance and reporting thereof, shall be determined by the local administrator in accordance with the guidelines, rules, policies of the UJS/AOC/Local Administrator.

**7. Amendment and Suspension of Policy**

This Policy, or any portion thereof, may be amended or rescinded by the Administrative Director of Courts, with the approval of the Chief Justice.

I acknowledge that I have received a copy of the COVID-19 Personnel Policy and Procedures. I also understand that my local administrator will retain a copy of this signed document in my local personnel file. If I am unable to provide a signed copy of this policy to my local administrator, I will provide acknowledgment of receipt via telecommunication and/or via email.

\_\_\_\_\_  
Employee's Name (Print) Date

\_\_\_\_\_

Employee's Name (Signature)

Date

\_\_\_\_\_

\_\_\_\_\_  
Administrator's Name (Print)

Date

\_\_\_\_\_

\_\_\_\_\_  
Administrator's Name (Signature)

Date

Date: April 3, 2020

## Alabama Clerks' Court Specialist Sample Teleworking Plan



## *Jamie Neeley Scarbrough*

*Clerk, Circuit Court  
Pike County Courthouse*

*Mailing Address  
120 W. Church Street  
Troy, AL 36081*

*Email  
jamie.scarbrough@alacourt.gov*

*Website  
<http://pike.alacourt.gov>*

*Telephone  
334.566.5113  
334.566.4622  
Fax  
334.807-5009*

**April 1, 2020**

### **Potential Work for Court Specialist Working from Home**

At the request of Dr. Rich Hobson, Administrator Director of Courts, State of Alabama, a group of Circuit Clerks from across the state, comprised of small, medium and large counties have developed a possible 'work plan' for Court Specialists if required to work-from-home. These are duties that can be performed, without the necessity of a printer, but will require access to AlacourtPlus and SJIS.

#### **ON-CALL FOR EMERGENCIES/DROP-BOX/MAIL**

All employees should understand that at any time, they can be called in for any Emergency. If they are on-call for warrants and Emergency Petitions, they are working. We will have calls from our office forwarded to an 'Emergency Cell Phone' for our office, which will be designated for employees. There may be an option in place for a designated employee to go to the courthouse to check the drop-box (especially if you have one located outside), pick up mail from the post office, file in documents, process payments. \*For my office, I will do this and I will enter the courthouse at night to process payments and prepare deposits for the office. *Because of DORM regulations, I will be the only employee to pick up drop box and prepare mail log.*

#### **PENDING CASES**

Run a report of all pending cases for every division of court. Run this report, without the designation of a Judge ID, so that you get a true list of cases with no dispositions. Cross-check these older cases in SJIS and AlacourtPlus. Dispose of cases that were potentially missed having dispositions entered in SJIS when the cases were ordered disposed.

### **RRIVA DOCKET**

In order to work on a RRIVA Docket, you do not have to have a 'date scheduled'. If you run a list, employees can research defendants and try to locate updated addresses. Once you have a date, you can set these cases to a docket and the addresses will be current (possibly).

### **NON-DISBURSEMENT REPORTS**

Run these reports of non-disbursed funds (or use the one from where you just closed out your books for the month of March). Have employees track down recipients that we have not been able to locate. Email attorneys that need to file a 'Motion to Condemn Funds'. Check for cash bonds that may be on hold, where cases have been disposed. Identify cases that have had money on hold more than 5 years and are ready for orders to pay over to the county (if you cannot locate the recipient).

### **CHECK OUTSTANDING ALIAS WARRANTS and WR WARRANTS**

Run reports in DC, CC and TR of all cases with outstanding warrants. Cross-check to make sure that warrants did not get overlooked when cases were disposed. Also, run a list of outstanding WR warrants. Some warrants were never 'DUP-ADD' and still show outstanding in the system, but have been served.

### **OUTSTANDING BOND FORFEITURES**

From your pending cases report in TR, DC & CC, check for any Bond Forfeitures that need to have Orders of Final Forfeiture entered or if they are ready for Executions.

### **OUTSTANDING BAIL BOND FEES**

Run your report of Bail Bond Fees that have not been paid. Update the list and make sure that you have coded the sureties properly. \*If a fee was paid in DC, but may show due in CC, vice versa. Have the list updated and ready to turn over to the DA upon our return to the office. \*I have the first notices that I send to the sureties and can be filled in by hand. I will go ahead and prepare them from home and scan when we return to work.

### **D999 REPORTS/COST RECOVERY**

Run your cost recovery list. I would run a 120-day delinquent report rather than the 90-day delinquency report we usually run.

### **CIVIL EXHIBITS**

Go to your vault or area where you keep exhibits. Identify cases that the time requirement has passed for you to notify the attorney's concerning their exhibits. Have a form prepared that the employee can write in the information and process when they can return to work. If the attorney does not respond, the judge may issue an order that the exhibits can be destroyed, if no attorney requests the return.

### **REVIEW FIDUCIARY ACCOUNTS/CD'S/INTEREST**

Review all your cases that are investments. Make sure all have interest receipted, posted to an Excel Spreadsheet, check maturity dates.

### **REVIEW OLD CASE FILES IN ALACOURTPLUS—REDACT, REDACT, REDACT!**

Before having a redaction tool, many old case files were scanned in AlacourtPlus. Check old files for the information that is public and should be redacted. This would be enough to keep everyone busy for a month, 24 hrs a day! Redact those SS#s and victims' names!!

### **RUN REPORT OF OUTSTANDING CHECKS**

Contact the recipients and see if they need checks to be reissued to them. You can prepare a 'fill in the blank' form for employees to do from home, so no printing will be necessary.

## **EMPLOYEES WITH NO INTERNET ACCESS**

**\*\*MANY AREAS OF OUR STATE DO NOT HAVE INTERNET ACCESS. THESE EMPLOYEES MAY NOT BE 'ONLINE' WORKING, BUT THERE ARE OPTIONS FOR WORK\*\***

### **PREP FILES FOR SCANNING**

If you are comfortable, allow employees to take old files home and prep them to get ready to scan (remove staples, paperclips, etc...). If I were to do this, I would have a 'check-out' list and make sure that all files that left with that employee were returned by that employee.

### **UPDATE INSTRUCTIONAL GUIDES**

Take home your instructional guides. Whatever you consider your 'Work Bible' and update any notes that are relevant to updated procedures in AlacourtPlus and basic office procedure. Your more seasoned employees could work on instructional guides and 'cheat sheets' from intake to the disposition of a case.

### **PICK-UP MAIL FROM POST OFFICE AND PROCESS/FILE**

For an employee that does not have internet access, they could be designated to pick up the mail from the Post Office and process. They would need a file-stamp and make sure that all documents are timely stamped. Prepare a 'mail-log' for payments received in the mail. They would need to have proper supplies, including boxes to store daily mail to return to the office, paperclips, stapler, etc...whatever you utilize when processing mail daily. For my office—this will be me. DORM regulations take precedence over any office policy—be cautious when making decisions concerning payments.

### **ANSWERING PHONE CALLS**

There are many questions that could be answered by telephone. Have them a phone that they can answer for questions. If they do not have access to SJIS or AlacourtPlus, they could refer them to another number, or utilize the ZOOM app to have a face-to-face call with another employee that could assist with the 'internet' side of things.

### **OLD TRAFFIC TICKETS**

Employees could take home the old traffic ticket boxes. These would have to be checked for any DUI tickets (they need to be retained and scanned with waivers of counsel). The other tickets could be shredded/destroyed if the Retention time has expired. This is a great way to make some space and get rid of old records. They would need to be properly shredded or destroyed, in accordance to Clerks policy on old records.

### **PREPARE CERTIFIED MAIL CARDS FOR EASY MAILING**

Address the back of green cards with Clerks return address. Use an office address stamp if you have one available.

### **PREPARE RECORDS ON APPEAL**

For a large case or defendants with multiple cases, it is easier to print, compile together, and then re-scan as one document.

Hon. Jamie N. Scarbrough, Pike County  
Hon. Carla Woodall, Houston County  
Hon. Chris May, Randolph County  
Hon. Mary Roberson, Lee County  
Hon. Jojo Schwarzauer, Mobile County  
Hon. Jackie Smith, Jefferson County  
Hon. Jeannie Gibson, Crenshaw County

Hon. Cassandra Johnson, Etowah County  
Hon. Rashawn Harris, Bullock County  
Hon. Dwayne Amos, Cherokee County  
Hon. Mary Ann Jones, Lamar County  
Hon. Brad Curnutt, Limestone County  
Hon. Kim McCarson, Calhoun County  
Hon. Brian York, Talladega County

Rhode Island Judiciary COVID-19 Personnel Policy (March 23, 2020)



## RHODE ISLAND JUDICIARY

### COVID-19 PERSONNEL POLICY AND PROCEDURES

REVISED March 23, 2020

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#### **1. Authority**

Pursuant to G.L. 1956 §§ 8-15-4(b) and (c), the State Court Administrator, under the direction of the Chief Justice, is vested with the duty “to perform all necessary functions relating to the administration of the courts” and “to act upon all administrative matters affecting the operation of the Judiciary.”

#### **2. Purpose**

In light of the ongoing public health crisis arising from the novel coronavirus (COVID-19) pandemic occurring across the world, the State of Emergency declared by the Governor on March 9, 2020, and guidance provided by the Rhode Island Department of Health (“RIDOH”) in conjunction with the federal Centers for Disease Control and Prevention (“CDC”), the following policy establishes procedures for supporting employees who may be exposed to or infected with COVID-19. The goal of this policy is to maintain a safe and healthy workplace, to protect the privacy of infected persons, and to let all employees know their rights in discharging leave and remote work options during this public health crisis.

#### **3. Responsibilities of Appointing Authorities and Employees**

- A. The Judiciary’s decisions involving persons who may be exposed to or infected with COVID-19 shall be based on current and well-informed medical judgments from the RIDOH and the CDC.
- B. Appointing Authorities will cooperate with the RIDOH and the Judiciary’s Administrative Office of State Courts (“AOSC”) including the Office of Employee Relations (“OER”) in the event that an employee reports potential exposure to COVID-19.
- C. All employees have a responsibility to prevent the spread of COVID-19 when they are aware that they are or may be a carrier of COVID-19. For the purposes of this policy, employees are “aware” that they may have contracted COVID-19 if they:
  - 1.) have a confirmed case of COVID-19;
  - 2.) have come into contact with a person with a confirmed case of COVID-19;
  - 3.) are required to self-quarantine by order of the Governor, RIDOH, CDC, or a licensed healthcare provider; or
  - 4.) are presenting with signs of illness consistent with COVID-19, such as unexplained fever, cough, and shortness of breath (for more information on

signs of illness, please reference the CDC web site at <https://www.cdc.gov/coronavirus/2019-ncov/about/symptoms.html>).

- D. The Judiciary respects the right to privacy of any employee who is directly exposed to or infected with COVID-19. Information about the risk to employees related to COVID-19 will be disclosed only to the extent necessary to minimize the health consequences to co-workers and others while complying with state and federal privacy and confidentiality laws.
- E. The Judiciary will not tolerate any discrimination against and/or harassment of an employee as a result of an employee's contraction of or exposure to COVID-19. Any discrimination against and/or harassment of an employee may result in disciplinary action.
- F. Appointing Authorities shall promote social distancing practices between employees and litigants or members of the public and may authorize temporary teleworking arrangements and/or establish flexible work hours as necessary to continue operations with minimal in-office staffing during the COVID-19 public health crisis.

#### **4. Procedures for Employees Who Contract COVID-19 or are Exposed to COVID-19**

- A. Positive Diagnosis of COVID-19. An employee who receives a positive diagnosis of COVID-19 shall:
  - 1.) Immediately leave the workplace and/or remain out of the workplace for the duration of their illness.
  - 2.) Notify their immediate supervisor by speaking directly to the supervisor via telephone. If that is not possible, the employee may leave a message for the supervisor via call, text, or email, including a contact number where the employee can be reached. Understanding that the employee's medical condition may not allow them to contact their supervisor, the Appointing Authority shall make every effort to reach the employee's emergency contact if an employee has an unexplained absence from work.
  - 3.) Provide a medical report from a licensed healthcare provider to the Appointing Authority confirming the diagnosis.
  - 4.) The employee may discharge accrued leave, if any; if accrued leave is exhausted, the employee will be placed on an authorized leave without pay status.
  - 5.) Prior to returning to work, the employee shall present a written statement from his or her physician indicating that the employee is no longer infectious and, as of a specified date, is able to return to work and carry out the essential job functions. The employee shall not be allowed to return to work until such time as the statement is provided.
- B. Required Quarantine. Employees who fall into the following categories shall be required to stay home from work and self-monitor for any symptoms for the specified quarantine period as determined by RIDOH and the CDC:

- 1.) Employees who have returned from any international or domestic travel within the last 14 days;
- 2.) Employees who have travelled on a cruise ship in the last 14 days;
- 3.) Employees who are aware that they have come into direct contact with a person with a confirmed case of COVID-19;
- 4.) Employees who have been notified by RIDOH of a potential exposure;
- 5.) Any other circumstances warranting quarantine by the RIDOH.

Employees subject to required quarantine shall immediately notify their supervisor. Employees subject to required quarantine may be eligible for a limited period of paid administrative leave (AL) subject to the approval of the Appointing Authority; however, employees who departed the United States for international travel, or who departed for travel by cruise ship, on or after March 12, 2020 shall not be eligible for paid administrative leave during any quarantine period occasioned by such travel.

- C. Supervisors shall report instances of absences under subsections A and B above to the Appointing Authority as soon as possible. Appointing Authorities shall in turn report such absences to the Assistant State Court Administrator, Employee Relations.
- D. Where telework is a viable work option and approval is granted in accordance with this Policy, an employee may temporarily work from home. An employee shall be paid wages for time spent teleworking and need not discharge accrued leave for hours teleworked.

## 5. Other Absences

- A. Employees remain encouraged to stay home when they are sick and not to report to work until they are free of fever, signs of a fever, and any other symptoms for at least 24 hours, without the use of fever-reducing or other symptom-altering medicines (e.g. cough suppressants). Employees shall notify their supervisor and stay home if they are sick. In accordance with RIDOH guidelines, employees presenting with signs of illness consistent with COVID-19, such as unexplained fever, cough, and shortness of breath, are advised to contact their medical provider. Employees who develop **emergency warning signs** for COVID-19, such as difficulty breathing or shortness of breath, persistent pain or pressure in the chest, new confusion or inability to arouse, and bluish lips or face, are advised to get **emergency medical attention immediately**. (\*This list of emergency warning signs is not all-inclusive; please consult your medical provider for any other symptoms that are severe or concerning.)
- B. Employees who are absent from work (i.e. not teleworking) shall discharge accrued leave, if available. If no accrued leave is available, employees shall be placed on a leave without pay status. The AOSC reserves the right to revisit or revise this policy as the public health crisis develops.

- C. Under limited circumstances, and with the approval of the State Court Administrator, an Appointing Authority may authorize a short period of paid administrative leave due to COVID-19 concerns, when in the best interests of the Judiciary. Appointing Authorities shall notify the Assistant State Court Administrator, Employee Relations of all paid administrative leave granted to employees under this Policy.
- D. The COVID-19 public health crisis shall not render employees eligible for short-term disability insurance benefits through AFLAC or another source unless they are otherwise eligible (i.e. disabled from work due to an illness or injury). Employees who suffer an illness or injury which prevents them from performing their job functions during the COVID-19 public health crisis must notify the Appointing Authority and the OER immediately.

## **6. Temporary Teleworking Arrangements**

- A. Appointing Authorities may authorize temporary teleworking arrangements for employees in order to ensure the continuation of operations during the COVID-19 public health crisis. Employees authorized for temporary teleworking shall be determined by the Appointing Authority. The determination of whether an employee or position is eligible for temporary teleworking shall not be subject to collective bargaining, nor can it be grieved or appealed or subject to review.
- B. The maximum duration of a temporary teleworking arrangement shall be limited to the duration of the COVID-19 public health crisis but may be earlier terminated by the Appointing Authority within its sole discretion, for any reason.
- C. The Appointing Authority retains the right to determine the time, place and manner of the teleworking arrangement and to approve alternative work sites (teleworking sites).
- D. Employees who reside outside of Rhode Island may be authorized to telework on a temporary basis during the COVID-19 public health crisis. Employees who reside outside of Rhode Island are responsible for the payment of any taxes due to their state of residence which are incurred because of the employee's temporary teleworking arrangement. The employee shall indemnify and/or repay the State of Rhode Island for any interest, penalties or taxes paid by the State of Rhode Island on behalf of the employee as a result of the temporary teleworking arrangement contemplated by this Policy. Any issues, claims or causes of action arising from an employee's approved temporary out of state teleworking arrangement shall be filed in the State of Rhode Island and governed by Rhode Island law.
- E. The teleworking employee is covered by and will adhere to all laws, regulations, and Judiciary and court policies and procedures. Failure to follow laws, regulations, and Judiciary and court policies and procedures may result in termination of the teleworking arrangement and/or in disciplinary action.

F. Teleworking does not change the nature of the work a Judiciary employee is expected to perform, the hours the employee is expected to be working, and/or the employee's principal office/work station location.

G. Employees authorized by their Appointing Authority to telework shall:

- 1.) Establish and maintain a dedicated workspace that is quiet, clean, safe and secure from hazards and other dangers to the employee and equipment, with adequate lighting and ventilation;
- 2.) Be reachable by phone, email, or other established method during regular work hours or other hours as required of the position and available for all required conference calls;
- 3.) Be available to report to work at the regular worksite and/or to attend on-site meetings as required or requested by the Appointing Authority or designee; and
- 4.) Comply with all State, Judiciary, and court policies, procedures and regulations.

H. When an Appointing Authority authorizes an employee to telework, the Appointing Authority shall provide a copy of this Policy to the employee and require his/her written and dated acknowledgment of receipt. The written acknowledgment must on its face reference the "COVID-19 Personnel Policy and Procedures" and may be provided to the Appointing Authority by email or other sufficient means, subject to the approval of OER. All written acknowledgments shall be provided to OER for inclusion in the employee's personnel file.

I. Teleworking Terms and Conditions

- 1.) **Terms of Employment.** The teleworker's terms and conditions of employment shall remain the same as for non-teleworking employees. Employee salary, benefits, leave and work hours shall not change as a result of teleworking. Salary, benefits, work status and work hours will remain subject to the rules governing the appropriate collective bargaining agreement or the Judiciary Personnel Rules and Regulations. Employee rights provided under the employee's collective bargaining agreement between the Judiciary and the employee unions are neither enhanced nor abridged by participating in a temporary teleworking arrangement.
- 2.) **Policies.** The teleworking employee is bound by all state and Judiciary policies, practices, rules and procedures as if working at the principal office/worksite. Failure to follow state and Judiciary policies, practices, rules and procedures may result in termination of the teleworking arrangement and/or in disciplinary action.
- 3.) **Work Product.** All employment-related work product and programs created or developed by the teleworker in the course of employment,

whether created using Information Technology Resources (“ITRs”) or the teleworker’s software, hardware, or other equipment, is and will remain the property of the Rhode Island Judiciary.

- 4.) **Hours of Work.** The teleworker will have regularly scheduled work hours. Work schedules for employees must be in compliance with the Fair Labor Standards Act and all applicable Judiciary Personnel Rules and Regulations. The employee must have the manager's written approval for any special arrangements to the schedule, including overtime worked.
- 5.) **Communication.** While teleworking, the employee shall be reachable by telephone and email during regular working hours. The employee and supervisor shall agree upon an expected turnaround time for responses. The teleworker must notify the supervisor if he/she leaves the teleworking location during work hours just as the employee would if he/she were in the office. The teleworker must also notify the supervisor if he/she is not performing work due to illness or personal reasons and must follow the normal procedures for requesting time off.
- 6.) **Meetings.** Employees must be on-site for all required meetings or at the manager's request. Business meetings shall not be held at the employee's home office or alternate work site. When a meeting is called with short notice, the manager may provide a telephone conference line as an alternative to requesting in-person attendance.
- 7.) **Performance and Evaluations.** Work tasks and projects, corresponding deadlines, and the expected work performance may be defined and measured by the supervisor. The teleworker shall complete all assigned work according to procedures mutually agreed upon with the supervisor. Work performance must remain satisfactory to maintain a teleworking arrangement.
- 8.) **Home Work Office.** As noted above, the teleworker must establish and maintain a dedicated workspace that is quiet, clean, safe, secure, and free from hazards and other dangers to the employee and equipment, with adequate lighting and ventilation. Management reserves the right to inspect such home work office or alternate location for compliance with this Policy.
- 9.) **Equipment.** Home workspace furniture, equipment, telephone lines and internet services, including all expenses related thereto, will be provided by and are the sole responsibility of the teleworker.
  - a. Consistent with Judiciary policy, the Judicial Technology Center (“JTC”) will, in most cases, provide access to and support for laptops, VPN Access, and the Judiciary network. The laptops, network, VPN,

and Judiciary applications and data shall constitute the Rhode Island Judiciary's Information Technology Resources (ITRs). With the exception of Judiciary-issued laptops, VPN, and the Judiciary's network and applications, employees are responsible for the equipment, connectivity, maintenance and support required by them to telework. The Judiciary is not responsible for any damages to the teleworker's equipment or property that may result from participation in a temporary teleworking arrangement.

- b. At the sole discretion of the Judiciary, and subject to the availability of spare equipment, the Judiciary may provide the teleworker with other job-specific equipment to be used at the home office or alternate worksite; in such a case, the teleworker is responsible for the equipment's safekeeping, including while in transport. All electronic equipment must be connected to a grounded electrical outlet and a surge protector.
- c. Teleworkers must comply with all Judiciary rules regarding the security and confidentiality of Judiciary data and information.
- d. Judiciary equipment and software shall be used exclusively by the teleworker for the purpose of conducting agency business. Personal use is prohibited, including use by any other members of the household.
- e. Any equipment provided by the Judiciary remains the property of the Judiciary and must be returned at the conclusion of the teleworking arrangement or as requested by the Judiciary at any time. Judiciary-owned equipment shall be maintained, serviced and repaired exclusively by the Judiciary.
- f. The teleworker must comply with all Judiciary, JTC, and court policies and procedures to ensure that all security measures are in place to protect equipment and data from physical damage, theft, loss, or access by unauthorized individuals.
- g. The teleworker will be responsible for any intentional damage to Judiciary equipment, damage resulting from gross negligence of the employee or any other person in the employee's household, damage resulting from a power surge if a surge protector is not used, and Judiciary equipment lost while in the care, custody or control of the teleworker.
- h. The teleworker's supervisor shall maintain an inventory of Judiciary-owned equipment at the teleworker's home office or alternate work location. The supervisor will ensure that all such equipment is

immediately returned upon request, termination of the teleworking arrangement, and/or termination of employment.

- 10.) **Expenses.** Expenses incurred as a result of a teleworking arrangement will not be reimbursed by the Judiciary including, but not limited to, the following: usage, maintenance and repair fees for privately owned computers, heating, electricity, water, security, insurance, telephone, internet, space usage and travel between principal work location and teleworking site. In addition, time spent travelling between the principal work location and teleworking site is not compensable as time worked and will not be included for the purpose of calculating overtime. Such travel shall constitute commute time.
  - a. The teleworker may be allowed reimbursement for the use of his/her automobile for official state business in accordance with Judiciary policy pertaining to in-state travel.
  - b. Teleworkers with state-issued cellular phones must comply with the applicable Judiciary policy. For teleworkers who do not have state-issued cellular phones, any work-related long distance phone calls should be planned for in-office days; however, where this is not feasible, and prior approval is obtained from the supervisor, the teleworker may submit an expense report along with a log of long distance business calls and an itemized copy of the telephone bill listing the additional charges to the employee.
- 11.) **Office Supplies.** The Appointing Authority shall provide any necessary office supplies to the teleworker upon approval of a temporary teleworking arrangement. Out of pocket expenses for supplies normally available through the Judiciary shall not be reimbursed absent exigent circumstances.
- 12.) **Emergency.** If the courts or Judiciary offices are closed due to an emergency, and an employee has been authorized for temporary telework by the Appointing Authority, the supervisor shall contact the teleworker. The teleworker may then commence teleworking at the telework site. If there is an emergency at the telework site, such as a power outage, the teleworker must notify the supervisor as soon as possible. The teleworker may be assigned to an alternate work site for the duration of the emergency at the telework site, or the teleworker may request the supervisor's approval to discharge accrued leave or leave without pay in accordance with normal Judiciary policy.
- 13.) **Leave.** The teleworker will be required to use applicable sick, vacation or other leave accruals if the employee is unable to work any portion of the scheduled work day. The employee must obtain supervisory approval

prior to taking leave in accordance with Judiciary policy. Teleworking may not be used in lieu of any type of leave.

- 14.) **Confidential/Privileged Information.** Security of confidential information is of the utmost concern and importance to the Judiciary. For telework arrangements that have security and/or confidentiality requirements, procedures must be established by the Appointing Authority and teleworker to guarantee protection of confidential information. Teleworkers shall take all precautions necessary to safeguard and secure confidential and/or proprietary information in their home office or alternate work location and prevent unauthorized access to any Judiciary data and systems, consistent with the expectations of information and asset security for employees working at the principal office/work station.

Materials, documents, etc., that the teleworker transports to and from the official workstation to the teleworking location are his/her responsibility and must be kept confidential and secure. The teleworker must protect the records from unauthorized disclosure or damage and must comply with all Judiciary and court policies and procedures regarding such matters. Breaches of information security while teleworking, whether by accident or otherwise, may be grounds to immediately terminate the teleworking arrangement and may be cause for disciplinary action.

- 15.) **Taxes.** Teleworkers are solely responsible for the tax and legal implications of the use of their home office or alternate work location for business purposes and are solely responsible for any IRS, state, and local government regulations and restrictions. The Judiciary will not provide tax guidance nor assume any additional tax liabilities.
- 16.) **Insurance.** Homeowners/renters and auto insurance are the responsibility of the teleworker. Teleworkers are advised to consult with their insurance agent for information regarding home offices.
- 17.) **Records Retention.** Products, documents, and records used, revised and/or developed while teleworking shall be stored in the Judiciary's computerized record system, on secured Judiciary-owned flash drives, or as necessary, in hard copy file folders and maintained in accordance with records retention requirements. Such products/documents and records shall remain the property of the Judiciary.
- 18.) **Conduct.** In accordance with Judiciary policy and the employee code of conduct, it is the duty of every employee to so conduct himself/herself inside and outside his/her office as to be worthy of the esteem a public employee must enjoy.

Similarly, it is the policy of the Judiciary that public officials and employees must adhere to the highest standards of ethical conduct, respect the public trust and the rights of all persons, be open, accountable, responsive, avoid the appearance of impropriety, and not use their position for private gain or advantage. Behavior that discredits a court or the Judiciary cannot and will not be tolerated.

Therefore, teleworkers must be mindful of the image presented during the workday and must not be involved in any activities which would in any way interfere with the teleworker's performance of duties or reflect negatively on the Judiciary. For example, working in the yard, grocery shopping, running personal errands, and similar activities of a personal nature shall be prohibited during teleworking hours.

## **7. Submission of Employee Attendance During COVID-19 Public Health Crisis**

- A. OER shall circulate to all Judiciary employees an electronic time card to use for the purpose of documenting attendance during the COVID-19 public health crisis. OER shall also circulate to the Appointing Authorities an electronic payroll summary sheet to use for the purpose of reporting to OER a weekly summary of employee attendance during the COVID-19 public health crisis.
- B. On a weekly basis all employees shall complete and submit electronic time cards in the normal course using email as the method of transmission. An electronic time card shall be deemed to be signed by the employee upon transmission. If an employee is unable to submit a time card via email, the employee shall make other sufficient arrangements with his or her supervisor, subject to OER approval, to document and certify the employee's attendance during the COVID-19 public health crisis.
- C. All electronic time cards and similar records shall be maintained by the Appointing Authorities until they are requested by OER. Electronic time cards shall not be submitted to OER until such time that they are requested, likely as a bulk transmittal upon the conclusion of the COVID-19 public health crisis.
- E. During the COVID-19 public health crisis, Appointing Authorities shall submit to OER completed payroll summary sheets summarizing all employees' attendance, on a weekly basis. Payroll summary sheets shall be deemed to be certified by the Appointing Authority upon transmission to OER.
- F. Time cards and payroll summary sheets shall specifically designate: 1) all hours worked in a Judiciary building or office location; and 2) all hours worked remotely (i.e. teleworked).

**8. Special Approval of Out-of-State Travel Required**

A. Effective immediately, the Judiciary is suspending all state-sponsored international and domestic (out-of-state) travel. The Judiciary, in consultation with the RIDOH and its partners, will continually reassess this suspension. The following exceptions to the travel suspension shall apply with the signed permission of the State Court Administrator:

- 1.) Travel deemed critical to maintaining operations of government;
- 2.) Travel related to COVID-19 management and public health efforts;
- 3.) Court-ordered travel; and
- 4.) Travel deemed necessary for public health and safety.

B. It is the responsibility of the employee to cancel scheduled trips occurring during the suspension period with timely notice. To cancel your upcoming state-sponsored travel, please follow these steps:

- 1.) Cancel through the entity(ies) through which you booked the travel and related expenses, such as hotel stays. If you booked through the State’s travel agent, Short’s Travel, please be sure to cancel through Short’s Travel and request all documentation related to the trip cancellation. If you booked directly with a hotel or through a conference, please cancel through the same channel and request cancellation documentation.
- 2.) Request documentation of any refunds, credits, and/or cancellation fees, if applicable. If a copy of the entity’s refund/credit/cancellation policy is available, please include that with your other documentation.
- 3.) Submit all trip cancellation-related documentation to the Office of Finance & Budget.

C. Employees shall not be allowed to book future travel during the suspension period.

**9. Amendment and Suspension of Policy**

This Policy, or any portion thereof, may only be amended or rescinded by the State Court Administrator, with the approval of the Chief Justice.

Approved on March 23, 2020

by: \_\_\_\_\_  
/s/  
J. Joseph Baxter  
State Court Administrator

Approved on March 23, 2020

by: \_\_\_\_\_  
/s/  
Paul A. Suttell  
Chief Justice

Georgia Teleworking Policy Social Distancing Addendum (March 16, 2020)



# Judicial Council Administrative Office of the Courts (JC/AOC)

<b>Policy Procedure Owner</b>	<b>Human Resources</b>
<b>Policy Title</b>	<b>Telework - Social Distancing Addendum</b>
<b>Policy Number</b>	<b>HR-07-10-001A</b>
<b>Effective Date</b>	<b>03/16/2020</b>
<b>Revision Date</b>	

**Effective Date:** March 16, 2020

**Previous Effective Date:**

**References:** O.C.G.A. §15-5-24

## 1. Introduction

To meet the ongoing needs of the judiciary in fulfilling its governmental duties, 24/7, a state agency may consider providing services to the judiciary through teleworking. While Teleworking (also known as telecommuting) may not be suitable for all employees and/or positions, the JC/AOC may implement teleworking as a work option for certain eligible employees based on specific criteria and procedures consistently applied throughout the agency.

## 2. Applicability

All JC/AOC employees, designated contract employees, and interns are subject to this policy.

## 3. Policy Statement

The purpose of this Social Distancing Teleworking Policy ("Policy") is to serve as an addendum to the teleworking program already in effect at the JC/AOC ("Program," also known as telecommuting) and to provide guidelines and rules under which the program will operate. To be considered as a work option in a particular situation, teleworking must be beneficial to the JC/AOC and the State of Georgia. This Policy applies to all teleworking activities of the JC/AOC during a state of emergency. All applicable persons should be familiar with the contents of this policy and its supporting guidelines.

If a county has closed schools or public gathering places, it is likely for the benefit of all that an employee affected by such closure begin teleworking immediately. While we know there will be distractions for those with children or other family members at home, employees should do their best to telework or time shift work as needed. Maintaining a high level of communication with the employee's manager is essential.

#### 4. Definitions

- A. **Telework** - is defined as working at home or at other off-site locations that are linked electronically (via computer, fax, phone, etc.) to the JC/AOC office and JC/AOC employees. Teleworking is a cooperative arrangement between the JC/AOC and an employee, based upon the needs of the job, work group, and the JC/AOC. Teleworking is not a right, and may be revoked by management at any time, and shall not be used as a condition of employment. This policy also applies to situations where a state of emergency has been declared.
- B. **Eligible Position** – A position that may be performed remotely without impacting service quality or organizational operations is eligible for teleworking. The eligibility of a position may change depending on circumstances.
- C. **Teleworking Agreement** - A document signed by the JC/AOC, the participating employee, and Human Resources that documents the mandatory policies in effect for teleworking. Each Division Director must turn in the Teleworking Agreement to Human Resources. (Attachment 1 – Teleworking Agreement).

#### 5. Procedure

##### Teleworking Agreement

Each employee must have a signed Teleworking Agreement in place prior to teleworking. All parties will abide by the terms and conditions of teleworking. The agreement is essential to the management of and legal protection needed for teleworking.

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

- Employee performance expectations and monitoring - Each Division leader should start every day at 9 a.m. with an email or phone call to each employee. Every employee needs to be on that 9 a.m. call or responsive to the email unless prior notification has been given that they are not well or otherwise engaged. At the conclusion of the workday the Teleworker shall notify their manager of work completed;
- Liability and workers compensation;
- Every Monday, all Senior Staff and the Executive Assistant will have a conference call at a designated time led by the Director or an appointed designee;
- Safety – the employee must self-certify that the alternate workplace is safe and conducive to work;
- Equipment – the 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 and accessing information over the Internet (see Security and Access to Information 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.

## **Disciplinary Action**

Nothing in this Agreement precludes JC/AOC from taking any appropriate disciplinary or adverse action against the teleworker if the teleworker fails to comply with the provisions of this Agreement or terms and conditions of employment.

## **Review and Renewal of Teleworking Agreement**

The Teleworker Agreement must be discussed and renewed at least annually or may be discussed and renewed whenever there is a declared state of emergency or pandemic. In his or her discretion, the JC/AOC Director may elect to revise this Policy when a need arises.

## **Work Space and Work Hours**

- Work Space: Teleworker shall maintain a clean, safe, alternate workspace that is adequate for work and free of obstructions and distractions. To ensure that productive working conditions exist, it may be necessary for the state or JC/AOC to make on-site visits to the alternate workplace at mutually agreed-upon times. However, this will be handled by the JC/AOC on a case-by-case basis. Teleworker shall designate a specific workspace at the alternate workplace and will conduct work for the JC/AOC from that location.
- Work Hours: Teleworker shall develop a work schedule with teleworker's Division Director and supervisor, and teleworker's supervisor must agree in advance to any changes to teleworker's work schedule. Teleworkers subject to mandatory overtime must obtain approval from their supervisors before performing overtime. A non-exempt teleworker working overtime without such approval may cause the JC/AOC to terminate the teleworking option and/or take other appropriate action. Teleworker must obtain approval in advance from his or her supervisor before taking leave during a designated teleworking day.

## **Employee Participation**

- Mandatory. In the event of an official emergency, the Director, a Division Director, Manager or supervisor **may** require an employee to telework unless exempted due to approved leave status, medical reasons, or a natural disaster prevents an employee from doing so.

- B. Applicable Policies, Rules, and Regulations: Teleworker shall adhere to all policies, rules, and regulations of the JC/AOC and the State of Georgia while teleworking. Other than those duties and obligations expressly imposed on the teleworker under the Teleworking Agreement, the duties, obligations, responsibilities, and conditions of teleworker's employment with JC/AOC remain unchanged. Teleworker's salary and participation in the pension and benefit plans shall remain unchanged.
- C. Contact with Office: Teleworker must maintain contact with the office as may be specified in the work schedule, JC/AOC Policy, and Teleworking Agreement.
- D. Personal Business: Teleworker agrees to perform only official duties and not to conduct personal business while on work status at the alternate work location. For this purpose, "personal business" includes but is not limited to caring for children or dependents and making home repairs. Teleworker shall continue to make arrangements for child or dependent care to the same extent as if teleworker were working at the primary workplace. If child or dependent care is unavailable due to an emergency, the Teleworker shall communicate a work schedule with their supervisor to accommodate both teleworking and care needs.
- E. Work-related Meetings: Teleworker agrees not to conduct any work-related meetings in -person at the alternate work location if that alternate work location is teleworker's home; however, even a teleworker working at their home can conduct virtual meetings by phone or electronic means, equipment permitting, and subject to the other limitations in this policy.
- F. Outside Activities: Teleworker's activities outside the time of work or outside the place designated for work will be deemed to be on teleworker's own personal time and place, unconnected with work activities.

## **Security and Access to Information**

JC/AOC Division Directors or supervisors must maintain a log of any JC/AOC-owned equipment, furnishings, supplies or property used by the Teleworker to ensure all items are properly accounted for. Teleworker agrees that all JC/AOC-owned data, files, software, equipment, facilities, and supplies must be properly protected and secured. JC/AOC-owned data, software, equipment, facilities, and supplies must not be used to create teleworker-owned software or personal data and are not for personal use. Teleworker will comply with all JC/AOC and state policies and instructions regarding security of confidential information. Any software, products, or data created as a result of work-related activities are owned by JC/AOC and must be produced in the approved format and medium.

Teleworker agrees to protect JC/AOC records from unauthorized disclosure or damage and will comply with all requirements of law regarding disclosure of JC/AOC information.

Teleworker is responsible for maintaining confidentiality and security at the alternate workplace, as Teleworker would at the primary workplace. Teleworker must protect the security and integrity of data, information, paper files, and access to JC/AOC computer systems. JC/AOC information technology and internet usage policies apply to teleworking, as they would in the primary workplace.

### **Expenses and Compensable Time**

- A. Approved Alternate Workplace: Teleworker may work from an alternate workplace that has been approved by the employer. Mileage between the home and teleworker's assigned office or telework center shall be considered commute mileage and not subject to reimbursement.
- B. Long-distance Calls: Work-related long distance phone calls should be planned for in-office days. At the discretion of the Director or supervisor, expenses for business-related long distance calls and cell phone calls, which must be made from teleworker's approved alternate workplace, may be reimbursed if the reasons and costs for the calls are documented.
- C. Miscellaneous Costs: Teleworker is responsible for the cost of maintenance, repair, and operation of personal equipment, and for all other costs not provided by the JC/AOC or the State of Georgia.

### **Liability**

- A. Workers' Compensation: Teleworker's workspace at an alternate workplace, when used for teleworking, is an extension of the JC/AOC workspace. The state's liability for job-related accidents will continue to exist during the approved work schedule and in the Teleworker's designated work location. Teleworker is covered under the State's Workers' Compensation Law for injuries occurring in the course of the actual performance of official duties at the alternate workplace.

If an injury occurs during teleworking work hours, teleworker shall immediately report the injury to the supervisor. Teleworker, supervisor, and JC/AOC should follow the state's policies regarding the reporting of injuries for employees injured while at work.

Damage to Property: Teleworker understands that neither the State of Georgia nor JC/AOC will be liable for damages to teleworker's personal or real property while teleworker is working at the alternate work location, except to the extent adjudicated to be liable under Georgia Law.

- B. Injuries to Others: Neither the State of Georgia nor JC/AOC is responsible for any injuries to family members, visitors, and/or others in teleworker's home.

- C. Liability: Teleworker will not attempt to hold the State of Georgia or the JC/AOC responsible or liable for any loss or injury in any way connected to teleworker's non-work-related use of their teleworking location. Neither the state nor the JC/AOC shall be liable for any loss or injury connected to a teleworker's non-work-related use of their teleworking location.

### **Program Reporting and Evaluation**

Every Friday, each teleworker agrees to submit a short report summarizing their work for that week to their Division Director or Department Manager which will be part of the Division Director's report. The Teleworker also agrees to participate in studies, inquiries, reports, or analyses relating to teleworking at the JC/AOC's direction and discretion.

### **6. Attachments**

Attachment 1: Teleworking Agreement Form

### **7. Record Retention**

Attachment 1: Place in employee's official personnel folder for the length of employment.

Upon termination of State employment, withdraw the official personnel folder and place in inactive file for seven years for full-time, and six years for temporary employees.

## Appendix 4: Survey Instruments

### Denver Job Analysis Questionnaire

## Job Analysis Questionnaire

To use this form, you **MUST** have Adobe installed on your computer.

**Before completing this form, first save a copy to your computer. Then, close out the web browser and open the newly saved document in Adobe. DO NOT COMPLETE THIS FORM IN A WEB BROWSER.**

You must utilize the e-signature field and complete the form electronically using **Adobe**. If you are using any other program aside from Adobe, this form will **not** work correctly.

**To utilize the e-signature field for the first time:** Click on the field that is designated for your signature. Adobe will ask you to set up your signature. Follow the Adobe wizard instructions. The e-signature information will be saved on your computer for future use with Adobe forms.

## Employee Instructions

1. The questionnaire is to be completed by the employee whose position is being evaluated.
2. Please ensure your answers are concise, exact, and essential to the questions asked because this information will be used to classify your position correctly. If you run out of space, please attach additional documentation.
3. Describe your position as it exists today, not as it was in the past or how it might be in the future.
4. Include enough information, and the level of physical demand, so that someone who is not familiar with your position can gain a clear idea of the duties and responsibilities involved in performing your work.
5. Avoid using abbreviations, ambiguous phrases, and technical terminology that may make reading your responses difficult or confusing to the reader. Refer to other people by their job title and not by their name.
6. Complete the questionnaire by signing on page 8. Email your completed questionnaire to your supervisor for review and approval.
7. Copying and pasting from a classification specification in order to complete the Job Analysis Questionnaire may result in the audit being dismissed, completed as a no change, and/or be hindered from a timely completion. Please use your own words to describe your position's specific duties.

## Supervisor Instructions

1. Review the employee's completed questionnaire. **If you do not agree** with the duties being described by the employee, please work with the employee to remedy any discrepancies before submitting to Classification & Compensation for review.
2. Email completed and signed questionnaire to: [compensation@denvergov.org](mailto:compensation@denvergov.org).

If you have questions or concerns, please contact your Class/Comp Analyst for additional information.

For form assistance, please first ensure you are using **Adobe**. If the problem persists, please call the Classification and Compensation team at 720-913-5714 or email [compensation@denvergov.org](mailto:compensation@denvergov.org).



Specific Example of Essential Function #1

<b>Essential Function #2</b>	Level of Physical Demand:	% of Time
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Specific Example of Essential Function #2

<b>Essential Function #3</b>	Level of Physical Demand:	% of Time
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Specific Example of Essential Function #3

**Essential Function #4**

Level of Physical Demand:

% of Time

Specific Example of Essential Function #4

**Essential Function #5**

Level of Physical Demand:

% of Time



Specific Example of Essential Function #5

**Miscellaneous Functions**      Other duties performed less than 10% of the time that are essential.      % of Time

Specific Examples of Miscellaneous Functions



### **Level of Decision Making & Problem Solving**

Provide an example of your independent decision making.

Describe an example of an issue or problem you would take to your supervisor.

### **Program Responsibilities**

Are you responsible for (or work within) a program? A program is a specialized area with specific components that include its own policies, procedures, goals, objectives, budget, and tasks that distinguish it from the main body of an agency/department. A program may complement the core goals and objectives of an agency/department, but it is separate from the functional areas that support the core goals and objectives. Please describe your role within the program and your responsibilities.

### **Project Responsibilities**

Are you responsible for projects that have short-term or long-term impacts to your organization? Please describe your projects that impact policies and procedures, require strategic planning and analysis, require building complex models, eliminate waste, improve business processes, or solve undefined problems.

**Supervision Exercised**

Do you supervise (job duties involve general scheduling, prioritization, and review of work)?

No, I do not supervise.

**Lead-worker Level** - Performs permanently assigned lead-work over a group of employees. Provides input for personnel decisions such as hiring, terminations, performance evaluation, and discipline.

**Supervisor Level** - Supervises two or more employees. Recommends personnel actions such as hiring, terminations, discipline, performance evaluations, and pay changes.

**Manager level** - Supervises supervisors, lead workers, and individual contributors. Has approval-level input concerning personnel actions such as hiring, terminations, discipline, performance evaluations, and pay changes. Responsible for assessing the needs of and planning for a specific functional unit or work group.

**Director level** - Has approval-level input concerning as hiring, terminations, discipline, performance changes. Responsible for assessing the needs of and department or functional area.

**Executive level** - Responsible for assessing the needs of and planning for an entire division, multiple functional areas, and/or an entire agency/department.

How many employees do you directly supervise?

Please list the titles and describe the work performed by each of the jobs you supervise. Indicate how many employees are in each of the classifications.

**Financial Management**

Are you responsible for a budget?

Total Budget

Are you responsible for allocating funds and making financial expenditures?

\$ Limit

**Classification and Compensation**

201 W. Colfax Ave Dept 412  
Denver, CO 80202  
Compensation@denvergov.org



Are you responsible for financial authorizations?

\$ Limit

**Office of Human Resources Questionnaire Job Findings Agreement**

I attest that the responsibilities described in this questionnaire are a true and accurate representation of the current, permanently assigned job responsibilities. *Please utilize the e-signature fields to electronically sign.*

Employee Signature

Supervisor Signature

**SUPERVISOR SECTION**

Please provide any additional information you feel was not addressed in a previous section.

## Minnesota Survey for Employees

The Minnesota Judicial Branch revised its Quality Court Workplace employee survey to capture changes to their work caused by the pandemic.



## Minnesota Judicial Branch Quality Court Workplace Survey for Employees

### Welcome to the Quality Court Workplace Survey for Employees!

This survey has 31 questions, including several demographic questions, and an opportunity to include comments at the end.

Plan to take the survey when you have 10-15 minutes to complete it without interruption.

You cannot exit the survey and continue at a later time. If you do not complete the entire survey, your responses will not be included in the final results.

With changes to your work during the Covid-19 Pandemic, a few questions may be more difficult to answer. Guidance on how to respond will be available throughout the survey. If you need more clarification or have additional questions, please visit the [Quality Court Workplace site](#) and review the 2021 QCWS FAQs. This document lists common questions and will provide you with a list of individuals you can contact for additional information.

Thank you for making the time to participate in this survey.

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## Confidentiality of Survey Responses

Your answers will be confidential. Your individual survey responses will not be shared with anyone, but will be combined with others and reported at a summary level. Comments will be shared in reports, unless they refer to a specific individual.

Summary information will not be reported for groups of fewer than 10 people (e.g. gender, years with the branch, etc.).

Please click "Next" to begin the Quality Court Workplace Survey.

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\* For which of the following locations do you work?

- District 1
  - District 2
  - District 3
  - District 4
  - District 5
  - District 6
  - District 7
  - District 8
  - District 9
  - District 10
  - Supreme Court/Court of Appeals/SCAO (including Boards)
-

\* What is your role?

- Law Clerk
- Manager
- Staff

\* What is your role in the courts?

- Administrator (District or County)
- Court Reporter/Law Clerk
- Manager
- Referee/Magistrate
- Staff
- Supervisor/Leadworker

Please indicate your level of agreement with the following statements.

	Strongly Disagree	Disagree	Neither Disagree nor Agree	Agree	Strongly Agree
My work unit looks for ways to improve processes and procedures.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I am kept informed about matters that affect me in my workplace.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
As I gain experience, I am given responsibility for new and exciting challenges at work.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
My court is respected in the community.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The people I work with can be relied upon when I need help.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please indicate your level of agreement with the following statements.

How do I respond to questions about my experiences at work during Covid-19?

	Strongly Disagree	Disagree	Neither Disagree nor Agree	Agree	Strongly Agree
I have an opportunity to develop my own special abilities.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I understand how my job contributes to the overall mission of the Minnesota Judicial Branch.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I am treated with respect.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
When I do my job well, I am likely to be recognized and thanked by my supervisor.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
My working conditions and environment enable me to do my job well.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please indicate your level of agreement with the following statements.

How do I respond to questions about my experiences at work during Covid-19?

	Strongly Disagree	Disagree	Neither Disagree nor Agree	Agree	Strongly Agree
I feel valued by my supervisor based on my knowledge and contribution to my department, unit, or division.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Important information is communicated to me in a timely manner.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The leadership provided by the Judicial Council meets the needs of my court.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I enjoy coming to work.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The people I work with take a personal interest in me.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Managers and supervisors follow up on employee suggestions for improvements in services and work processes.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please indicate your level of agreement with the following statements.

	Strongly Disagree	Disagree	Neither Disagree nor Agree	Agree	Strongly Agree
I have regular meetings with my supervisor that are useful and meaningful.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
When appropriate, I am encouraged to use my own judgment in getting the job done.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I have the materials, equipment, and supplies necessary to do my job well.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
My coworkers care about the quality of services and programs we provide.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
On my job, I know exactly what is expected of me.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please indicate your level of agreement with the following statements.

	Strongly Disagree	Disagree	Neither Disagree nor Agree	Agree	Strongly Agree
I am proud that I work in my court.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
My time and talents are used well.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I get the training I need to do my job well.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I know what it means for me to be successful on the job.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
My supervisor is available when I have questions or need help.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I am able to keep up with my workload without feeling overwhelmed.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please indicate your level of agreement with the following statements.

How do I respond to questions about workplace safety during Covid-19?

	Strongly Disagree	Disagree	Neither Disagree nor Agree	Agree	Strongly Agree
My workplace is engaged in creating an environment where all persons are valued and treated with respect regardless of differences in individual characteristics (i.e. age, gender, religion, race/ethnicity, sexual orientation, disability, etc.).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I am able to collaborate effectively with those outside my immediate county/division to improve our work.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
My court is committed to improving communications and working effectively with clients and/or court users from diverse backgrounds.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I feel safe at my workplace.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please indicate your level of agreement with the following statements.

	Strongly Disagree	Disagree	Neither Disagree nor Agree	Agree	Strongly Agree
My work unit looks for ways to improve processes and procedures.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I am kept informed about matters that affect me in my workplace.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
As I gain experience, I am given responsibility for new and exciting challenges at work.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The Minnesota Judicial Branch is respected in the community.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The people I work with can be relied upon when I need help.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

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Please indicate your level of agreement with the following statements.

How do I respond to questions about my experiences at work during Covid-19?

	Strongly Disagree	Disagree	Neither Disagree nor Agree	Agree	Strongly Agree
I have an opportunity to develop my own special abilities.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I understand how my job contributes to the overall mission of the Minnesota Judicial Branch.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I am treated with respect.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
When I do my job well, I am likely to be recognized and thanked by my supervisor.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
My working conditions and environment enable me to do my job well.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

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Please indicate your level of agreement with the following statements.

How do I respond to questions about my experiences at work during Covid-19?

	Strongly Disagree	Disagree	Neither Disagree nor Agree	Agree	Strongly Agree
I feel valued by my supervisor based on my knowledge and contribution to my department, unit, or division.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Important information is communicated to me in a timely manner.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The leadership provided by the Judicial Council meets the needs of my office/SCAO.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I enjoy coming to work.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The people I work with take a personal interest in me.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Managers and supervisors follow up on employee suggestions for improvements in services and work processes.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please indicate your level of agreement with the following statements.

	Strongly Disagree	Disagree	Neither Disagree nor Agree	Agree	Strongly Agree
I have regular meetings with my supervisor that are useful and meaningful.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
When appropriate, I am encouraged to use my own judgment in getting the job done.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I have the materials, equipment, and supplies necessary to do my job well.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
My coworkers care about the quality of services and programs we provide.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
On my job, I know exactly what is expected of me.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please indicate your level of agreement with the following statements.

	Strongly Disagree	Disagree	Neither Disagree nor Agree	Agree	Strongly Agree
I am proud that I work in my office/SCAO.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
My time and talents are used well.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I get the training I need to do my job well.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I know what it means for me to be successful on the job.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
My supervisor is available when I have questions or need help.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I am able to keep up with my workload without feeling overwhelmed.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please indicate your level of agreement with the following statements.

How do I respond to questions about workplace safety during Covid-19?

	Strongly Disagree	Disagree	Neither Disagree nor Agree	Agree	Strongly Agree
My workplace is engaged in creating an environment where all persons are valued and treated with respect regardless of differences in individual characteristics (i.e. age, gender, religion, race/ethnicity, sexual orientation, disability, etc.).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I am able to collaborate effectively with those outside my immediate county/division to improve our work.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
My office/SCAO is committed to improving communications and working effectively with clients and/or court users from diverse backgrounds.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I feel safe at my workplace.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

## Additional demographics

\* How long have you been employed by the Minnesota Judicial Branch?

- 3 years or less
- 4-10 years
- 11-20 years
- 20+ years

Is your position temporary?

Yes

No

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\* Please select the answer below that most appropriately describes your current work environment.

How do I respond if my work environment is impacted by Covid-19?

Traditional Office

Remote

Alternate Schedule (e.g. work in office, but a non-traditional schedule such as four 10-hour days per work week)

Hybrid (e.g. mix of working from home and in office)

---

What is your race/ethnicity? (Please select all that apply.)

American Indian or Alaska Native

Asian

Black or African American

Hispanic or Latino

Native Hawaiian or Other Pacific Islander

White

Race/ethnicity not listed

Prefer not to answer

Please describe

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What gender do you identify as?

- Female
- Male
- Gender not listed
- Prefer not to answer

Please describe

---

Please include any additional comments regarding your workplace environment in the box provided below.

### Minnesota Survey for Judges/Justices

The Minnesota Judicial Branch revised its Quality Court Workplace survey for judges and justices to capture changes to their work caused by the pandemic.



## Minnesota Judicial Branch Quality Court Workplace Survey for Judges/Justices

### **Welcome to the Quality Court Workplace survey for Judges/Justices.**

This survey has 25 questions, including several demographic questions, and an opportunity to include comments at the end.

Plan to take the survey when you have 10-15 minutes to complete it without interruption. You cannot exit the survey and continue at a later time. If you do not complete the entire survey, your responses will not be included in the final results.

With changes to your work during the Covid-19 Pandemic, a few questions may be more difficult to answer. Guidance on how to respond will be available throughout the survey. If you need more clarification or have additional questions, please visit the [Quality Court Workplace site](#) and review the 2021 QCWS FAQs. This document lists common questions and will provide you with a list of individuals you can contact for additional information.

Thank you for making the time to participate in this survey.

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## Confidentiality of Survey Responses

Your answers will be confidential. Your individual survey responses will not be shared with anyone, but will be combined with others and reported at a summary level. Comments will be shared in reports, unless they refer to a specific individual.

Summary information will not be reported for groups of fewer than 10 judges (e.g. years with the branch).

Please click "Next" to begin the Quality Court Workplace Survey.

---

In which of the following locations do you work?

- Appellate Courts
  - District 1
  - District 2
  - District 3
  - District 4
  - District 5
  - District 6
  - District 7
  - District 8
  - District 9
  - District 10
-

Please indicate your level of agreement with the following statements.

	Strongly Disagree	Disagree	Neither Disagree nor Agree	Agree	Strongly Agree
My court looks for ways to improve processes and procedures.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I am kept informed about matters that affect my work.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
My court is respected in the community.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
My judicial colleagues can be relied upon when I need help.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I understand how my position contributes to the overall mission of the Minnesota Judicial Branch.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please indicate your level of agreement with the following statements.

[How do I respond to questions about my experiences at work during Covid-19?](#)

	Strongly Disagree	Disagree	Neither Disagree nor Agree	Agree	Strongly Agree
I am treated with respect.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
My working conditions and environment enable me to do my job well.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Important information is communicated to me in a timely manner.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I enjoy coming to work.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The people I work with take a personal interest in me.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please indicate your level of agreement with the following statements.

	Strongly Disagree	Disagree	Neither Disagree nor Agree	Agree	Strongly Agree
My district/court has regular bench meetings that are useful and meaningful.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I have the materials, equipment, and supplies necessary to do my job well.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
My colleagues care about the quality of services and programs we provide.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I know exactly what is expected of me as a judge/justice.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I am proud that I work in my court.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please indicate your level of agreement with the following statements.

	Strongly Disagree	Disagree	Neither Disagree nor Agree	Agree	Strongly Agree
My time and talents are used well.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I get the educational resources I need to do my job well.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I know what it means for me to be successful on the job as a judge/justice.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
My court is engaged in creating an environment where all persons are valued and treated with respect regardless of differences in individual characteristics (i.e. age, gender, religion, race/ethnicity, sexual orientation, disability, etc.).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I am able to collaborate effectively with those outside my court to improve our work.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please indicate your level of agreement with the following statements.

How do I respond to questions about workplace safety during Covid-19?

	Strongly Disagree	Disagree	Neither Disagree nor Agree	Agree	Strongly Agree
My court is committed to improving communications and working effectively with clients and/or court users from diverse backgrounds.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I have an appropriate level of autonomy in my court.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The leadership provided by the Judicial Council meets the needs of my court.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I feel safe at my workplace.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I am able to keep up with my workload without feeling overwhelmed.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

## Additional demographics.

How long have you been a judge/justice of the Minnesota Judicial Branch?

- 3 years or less
- 4-10 years
- 11-20 years
- 20+ years

What is your race/ethnicity? (Please select all that apply.)

- American Indian or Alaska Native
- Asian
- Black or African American
- Hispanic or Latino
- Native Hawaiian or Other Pacific Islander
- White
- Race/ethnicity not listed
- Prefer not to answer

Please describe

What gender do you identify as?

- Female
- Male
- Gender not listed
- Prefer not to answer

Please describe

Please include any additional comments regarding your workplace environment in the box provided below.

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## Appendix 5: Additional Documents

Department of Labor Poster Recommendations



December 23, 2020

FIELD ASSISTANCE BULLETIN No. 2020-7

MEMORANDUM FOR: Regional Administrators  
Deputy Regional Administrators  
Directors of Enforcement  
District Directors

FROM: Cheryl M. Stanton  
Administrator

SUBJECT: Electronic posting for purposes of the FLSA, FMLA, Section 14(c)  
of the FLSA, EPPA, and SCA

This Field Assistance Bulletin (“FAB”) provides guidance to Wage and Hour Division (WHD) field staff regarding the posting of required notices electronically under certain criteria described below.

### **Introduction**

As more employees work remotely due to the COVID-19 pandemic, WHD has received questions from employers regarding the use of email or postings on an internet or intranet website, including shared network drive or file system, to provide employees with required notices of their statutory rights. This Field Assistance Bulletin (FAB) provides guidance to WHD field staff on when, as a matter of enforcement policy, WHD will consider these forms of electronic notice to satisfy the notice requirements under the following statutes and their corresponding regulations: the Fair Labor Standards Act (FLSA), the Family and Medical Leave Act (FMLA), Section 14(c) of the FLSA (Section 14(c)), the Employee Polygraph Protection Act (EPPA), and the Service Contract Act (SCA).<sup>1</sup> In most cases, these electronic notices supplement but do not replace the statutory and regulatory requirements that employers post a hard-copy notice. Whether notices are provided electronically or in hard-copy format, it is an employer’s obligation to provide the required notices to all affected individuals.<sup>2</sup>

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<sup>1</sup> WHD issued Field Assistance Bulletin No. 2019-3 on March 15, 2019 on the subject of compliance with the H-1B Notice Requirement by Electronic Posting, and nothing in this FAB replaces the guidance in that previously issued Field Assistance Bulletin.

<sup>2</sup> EPPA and FMLA also require notices to be readily seen by both employees and applicants for employment. 29 C.F.R. §§ 801.6, 825.300(a)(1).

## **General Principles**

### Continuous Posting

As explained below, several of the statutes and their corresponding regulations administered by WHD, such as the FLSA, and FMLA, require employers to “post and keep posted” or require the posting of a notice “at all times” and, thus do not permit employers to meet their notice obligations through a direct mailing or other single notice to employees. If a statute and its regulations require a notice to be continuously posted at a worksite, in most cases, WHD will only consider electronic posting an acceptable substitute for the continuous posting requirement where (1) all of the employer’s employees exclusively work remotely, (2) all employees customarily receive information from the employer via electronic means, and (3) all employees have readily available access to the electronic posting at all times. This ensures the electronic posting satisfies the statutory and regulatory requirements that such postings be continuously accessible to employees. Where an employer has employees on-site and other employees teleworking full-time, for example, the employer may supplement a hard-copy posting requirement with electronic posting and the Department would encourage both methods of posting.

### Individual Notices

As explained below, some of the statutory provisions discussed in this FAB, such as the SCA and Section 14(c), permit employers to meet notice requirements by delivering individual notices to each employee. Where particular statutes and regulations permit delivery of notices to individual employees, the notice requirements may be met via email delivery (or another similar method of electronic delivery), only if the employee customarily receives information from the employer electronically. This is consistent with WHD’s existing regulations, which permit electronic delivery of required communications only where employees already regularly use such electronic communications. *See, e.g.*, 29 C.F.R. §§ 13.26, 13.5.

### Access

If an employer seeks to meet a worksite posting requirement through electronic means, such as on an intranet site, internet website, or shared network drive or file system posting, the electronic notice must be as effective as a hard-copy posting. As a number of the statutory provisions below require that affected individuals be able to readily see a copy of the required postings, where an employer chooses to meet a worksite posting requirement through electronic means, the same requirements apply in the electronic format. As a practical matter, a determination of whether affected individuals can readily see an electronic posting depends on the facts. For instance, the affected individuals must be capable of accessing the electronic posting without having to specifically request permission to view a file or access a computer. *See, e.g.*, Field Assistance Bulletin No. 2019-3. Consistent with its existing regulations, WHD will not consider electronic posting on a website or intranet to be an effective means of providing notice if an employer does not customarily post notices to affected employees or other affected individuals electronically. *See, e.g.*, 29 C.F.R. §§ 13.26, 13.5

Furthermore, consistent with WHD practice, if the employer has not taken steps to inform employees of where and how to access the notice electronically, WHD will not consider the employer to have complied with the posting requirement. *See, e.g.*, Field Assistance Bulletin

No. 2019-3. Posting on an unknown or little-known electronic location has the effect of hiding the notice, similar to posting a hard-copy notice in an inconspicuous place, such as a custodial closet or little-visited basement. Moreover, if the affected individuals cannot easily determine which electronic posting is applicable to them and their worksite, WHD will consider the posting insufficient.

#### Fair Labor Standards Act

An employer employing any employees subject to the FLSA's minimum wage, overtime, or Break Time for Nursing Mothers provisions is required to post and keep posted a notice explaining the FLSA in conspicuous places in every establishment where such employees are employed so as to permit them to observe readily a copy, *see* 29 C.F.R. § 516.4. Given the requirement that employers maintain a continuous FLSA posting in every *establishment* where employees are employed where every employee can *readily observe a copy*, WHD will consider an electronic posting to be sufficient to meet the above requirements only if (1) all of the employer's employees exclusively work remotely, (2) all employees customarily receive information from the employer via electronic means, and (3) all employees have readily available access to the electronic posting at all times. For example, where all employees exclusively work from home and communicate with the employer through electronic means, an employer may satisfy the FLSA posting requirements by posting the required FLSA notice on an employee information internal or external website, or shared network drive or file system that is accessible at all times to all employees. In this circumstance, where there is no physical establishment where employees are employed and employees can access the electronic posting at any time, WHD will consider such electronic posting to meet the regulatory requirements that the notice be posted in a conspicuous place where employees are employed so as to permit them to readily observe a copy. *See* 29 C.F.R. § 516.4.

#### Family and Medical Leave Act

The FMLA regulations permit electronic posting of the general FMLA notice as long as the electronic posting otherwise meets the regulatory posting requirements, which require each employer covered by the FMLA to post and keep posted, in conspicuous places on the premises where employees are employed a general notice explaining the FMLA's provisions and providing information concerning the procedures for filing complaints of violations of the FMLA with WHD. 29 U.S.C. § 2619(a); 29 C.F.R. § 825.300(a)(1). The notice must be posted prominently where it can be readily seen by employees and applicants for employment, and the poster and text must be large enough to be easily read and contain fully legible text. 29 C.F.R. § 825.300(a)(1). Consistent with the statute and its implementing regulations, WHD will consider electronic posting to satisfy the FMLA posting requirements where, for example, all hiring and work is done remotely and an employer posts the appropriate FMLA notice on an internal or external website that is accessible to all employees and applicants. In this circumstance, where there is no physical establishment where employees are employed or where interviewing or hiring takes place and the electronic posting is accessible to employees and applicants at all times, WHD will consider such electronic posting to meet the regulatory requirements that the notice be posted in a conspicuous place where employees are employed so as to permit employees and applicants to readily observe a copy. *See* 29 C.F.R. 825.300(a)(1).

### Section 14(c) of the Fair Labor Standards Act

An employer who has workers employed under Section 14(c) subminimum wage certificates is required at all times to display and make available to employees a poster as prescribed and supplied by the Administrator. 29 C.F.R. § 525.14. Such a poster must explain, in general terms, the conditions under which subminimum wages may be paid and shall be posted in a conspicuous place on the employer's premises where it may be readily observed by the workers with disabilities, the parents and guardians of such workers, and other workers. *Id.* Where the employer finds it inappropriate to post such a notice, the regulations permit an employer to satisfy this requirement by providing the poster directly to all employees subject to its terms. *Id.* Therefore, if an employer finds it inappropriate to post a physical notice to employees, an employer may satisfy the Section 14(c) posting requirements in 29 C.F.R. § 525.14 by emailing or direct mailing the poster to workers employed under 14(c) subminimum wage certificates or, where appropriate, the parents and/or guardians of such employees.

### Employee Polygraph Protection Act

An employer subject to the Employee Polygraph Protection Act (EPPA) must post and keep posted a notice explaining the EPPA in a prominent and conspicuous place in every establishment of the employer where it can readily be observed by employees and applicants for employment. 29 C.F.R. § 801.6. Given the requirement that employers maintain a continuous EPPA workplace posting, electronic posting may be sufficient to meet this posting requirement if, as discussed above, (1) all employees exclusively work remotely and the hiring process for applicants occurs remotely, (2) all employees and applicants customarily receive information from the employer via electronic means, and (3) all employees or applicants have readily available access to the electronic posting at all times. For example, where all hiring and work is done remotely and employees and applicants communicate with the employer via electronic means, an employer may satisfy the EPPA posting requirements by posting this notice on an employee information internal or external website, or network shared drive or filing system that is accessible at all times to all employees and applicants. In this circumstance, where there is no physical establishment where employees are employed or where interviewing or hiring takes place and employees and applicants can access the electronic posting at all times, WHD will consider such electronic posting to meet the regulatory requirements that the notice be posted in a prominent or conspicuous place where employees are employed so as to permit employees and applicants to readily observe a copy. *See* 29 C.F.R. § 801.6.

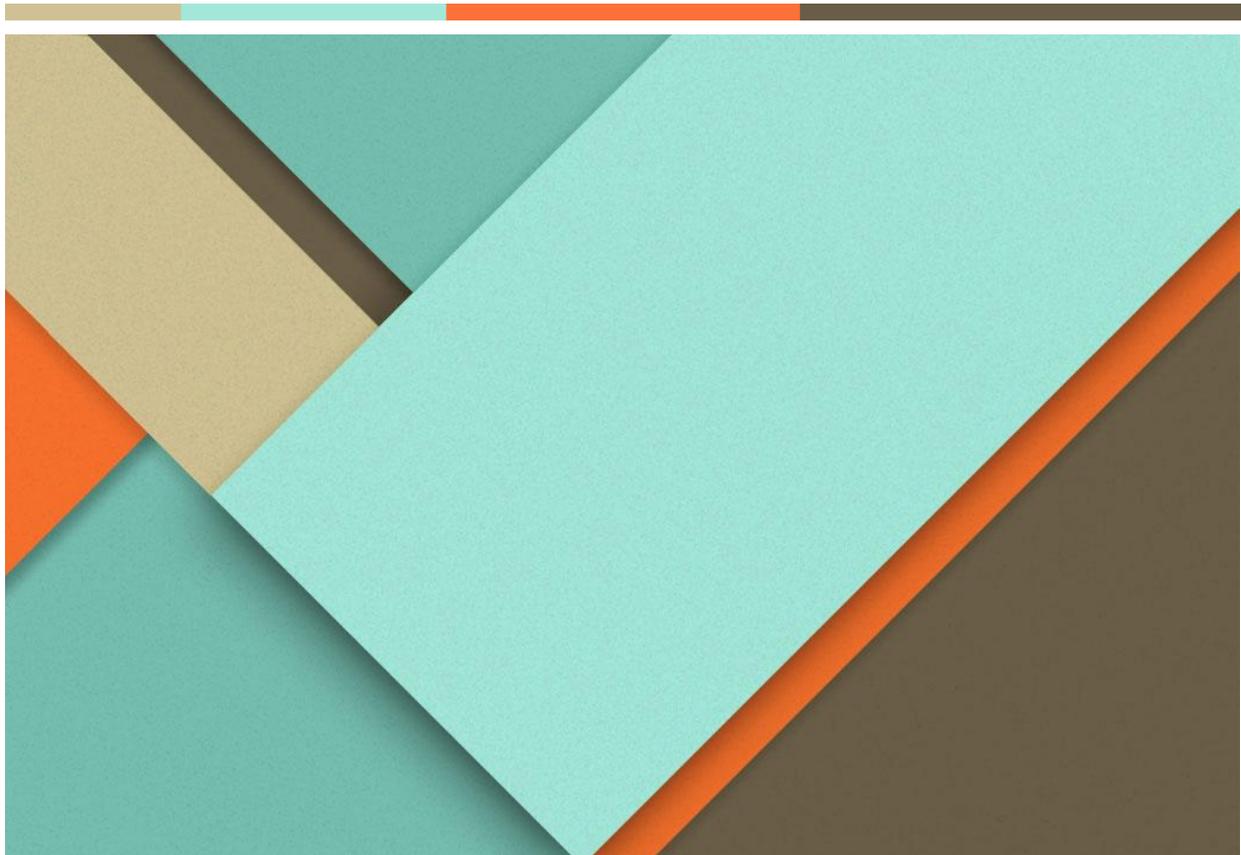
### Service Contract Act

All contractors and subcontractors (hereafter referred to generally as contractors) subject to the SCA working on contracts in excess of \$2,500 are required to notify employees commencing work on which the SCA applies of the required compensation and fringe benefits by using WH Publication 1313 and any applicable wage determination to provide such notice. *See* 41 § U.S.C. 6703(4); 29 C.F.R. §§ 4.183-4.184. This notice may be delivered to each employee (including via email, if email is customarily used by that employee to communicate with the contractor regarding their work on the contract), or posted in a prominent and accessible place at the worksite where it may be seen by employees performing work on the contract. 29 C.F.R. § 4.184. Where, as described above, (1) all of the employer's employees exclusively work remotely, (2) all employees customarily receive information from the employer via electronic means, and (3) all employees have readily available access to the electronic posting at all times,

WHD would consider this worksite posting requirement to be met if an electronic posting of WH Publication 1313, and the applicable wage determination, is as readily accessible to those workers as a hard-copy posting would be. As described above, an electronic posting will not be considered readily accessible if an employee must specifically request access to a computer or ask for file permissions to view the posting, and an employer must take steps to inform employees of how and where to access the electronic posting.

Please forward questions about this FAB to the National Office, Office of Policy, via regular channels.

## Utah Long-term Strategy Proposal



# Long Term Telework Strategy Proposal

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Holly Albrecht  
Michelle Johnson  
John Larsen  
Jeremy Marsh

## Introduction

COVID-19 created near immediate concerns for the Utah State Courts to fulfill its mission while also assuring Court employees and patrons maintained health, social distancing, and quarantine guidelines. In order to fulfill the mission, the Courts approved paid leave as well as teleworking.

These approvals were meant for a short period of time. However, as COVID-19 still continues to be a concern and the future of the workforce is moving toward more teleworking, this task force was created to find solutions for a more long-term plan as it relates to fulfilling the mission of the Courts and teleworking. Additionally, this proposal does not intend to encompass all the circumstances, policies, or types of telework an employee and their supervisor may face. It is imperative to continue to refer to policy as well as contact Human Resources if there is any question or concern as it relates to teleworking.

The goals of this proposal are to:

1. Provide teleworking guidance and support to managers to help fulfill the mission of the courts.
2. Offer proposals, plans, and potential costs for long term teleworking.

In order to better accomplish those goals, it is important to first identify the difference between telecommuting and teleworking. Telecommuting refers to the elimination of a daily commute. Whereas, teleworking refers to working from a distance (remote). Because of the dynamic job functions of the Utah State Courts, this proposal will use the term telework in order to encompass a larger number of options as it relates to working remotely.

This document will be categorized into four sections: Management Principles, Policy, Long Term Options, Equipment Needs. Ideally, each section will contain information that will help management fulfill the mission of the courts, navigate teleworking options, and effectively manage teleworking employees.

## Management Principles of Telework

### I. Clear Expectations

Make sure you have clearly defined and written expectations outlining the details of your arrangement and job duties. Revisit these often, as changes may take place or new considerations may arise. Templates for performance expectations may be found on [this page](#) of the Courts HR Website.

### II. Good Communication

Clarify the norms and protocols for communicating with supervisors and coworkers. Regularly scheduled check-ins can be advantageous. Also, request feedback on your work products to assure you are meeting objectives. Telework must not interfere with communicating to customers, coworkers, and managers. Teleworkers must be able to respond seamlessly to workplace needs as they arise.

### III. Effective Boundaries

Establish special rules and boundaries with family or others who share the work space vicinity. Others need to understand the work schedule to minimize interruptions and maintain required security. Creating a start and end routine for the work day may also help distinguish work time from personal time and assist with compliance in time reporting. This [checklist](#) is a good place to start.

#### IV. Signed Agreement

Create a [signed agreement](#) that outlines the telework policy along with expectations and communication standards. Equipment owned by the state that is loaned to a remote work location should be tracked and communicated to Facilities and/or IT as appropriate. Expectations to return the equipment should be documented in the agreement.

### Policy

#### I. Current HR Policy and Proposed HR Policy

Current HR [policy](#) provides a relatively basic guidance on teleworking. However, a new proposed [policy](#), as part of a broader HR Policy rework, has already been completed. If approved by the Judicial Council in the coming months, the new policy should offer better guidance and support to management in organizing and managing employees who telework. This long-term proposal uses future proposed policy as a stop-gap measure for immediate needs.

#### II. Telework Agreement

In order to comply with the updated HR policy, a new [telework agreement](#) has been created. This agreement provides specific tools and instructions for management. Specifically, it explains the need to develop performance expectations, identify Court owned equipment, and outlines other specific requirements of teleworking. The Pandemic Response Phase level of the courts may determine how to appropriately use a [telework agreement](#):

- Phase Red
  - All employees will complete the [Telework Agreement](#) and a determination of off-site work arrangements for employees not necessarily eligible for teleworking (special projects not typically in the job description) will be noted/negotiated. During Phase Red, if the court location is closed to the public and employees, the ineligible employee may be given special projects and/or be allowed to use administrative/other leave until a time the employee can return to work.
- Phase Yellow
  - All employees will complete the [Telework Agreement](#) and a determination of their on-site/off-site schedule and remote job functions will be noted.
- Phase Green
  - Employees requesting to work remotely will complete and negotiate the [Telework Agreement](#) with management.

### III. Ergonomic Assessments and ADA Accommodations

Ergonomic Assessments and ADA accommodations may also apply to telework options. If needed, an employee and/or supervisor should contact HR to help schedule an Ergonomic Assessment or to begin the ADA interactive process to find reasonable accommodations.

## Long Term Options

As teleworking has proved to be an effective way to accomplish the mission of the courts, it is important to look at potential long term solutions.

### I. Types of Telework

#### Remote Teleworking

A qualified employee works at a place other than their regularly assigned court/office location; this could be the employee's home or other alternate location. An employee using this option would be in the regularly assigned office location a maximum of three days per week or on a schedule negotiated between the supervisor/manager and employee. Management may request employees to report to and work in a regular location at times other than negotiated.

Phase Red: Work strictly remote with limited exposure to court/office location

Phase Yellow: Work a mixture of regular location and alternate location: maximum three days per week in regularly assigned court/office location

Phase Green: Work a negotiated schedule

#### Mobile Teleworking

This option provides the qualified employee flexibility of work locations because the employee's responsibilities require them to regularly work away from their assigned court/office location. This type of worker may or may not be assigned a permanent workspace in their regular court/office location depending on space available. Management may request employees to report to and work in a regular location at times other than negotiated.

Phase Red: Work strictly remote or limited exposure to court/office location

Phase Yellow: Work a mixture of regular location and alternate location

Phase Green: Work a negotiated schedule

#### Resident Teleworking

A resident worker is an employee whose job description does not allow them to work at locations other than their assigned court/office. Resident workers will have a permanently assigned cubicle/office at their primary location. Management may request employees to report to and work in a regular location at times other than negotiated.

Phase Red: Work with limited exposure to court/office location, utilizing leave as necessary/required

Phase Yellow: Work at regularly assigned location four days, remotely one day or as negotiated with management

Phase Green: Work a regular schedule at assigned court/office location

### Ad Hoc Teleworking

An employee who works in a primary court/office location but is given an opportunity to work remotely for a specific timeframe and a specific reason. This may include an employee who is completing a special project not requiring them to be on-location, or who may need to work from home for medical reasons. This is designed to be short-term with a negotiated end-date set by management. Management may request employees to report to and work in a regular location at times other than negotiated.

Phase Red: Work remotely with limited exposure to court/office location, utilizing leave as necessary/required.

Phase Yellow: Work remotely with limited exposure within court/office location

Phase Green: Work a regular schedule at assigned court/office location

### Free Spacing

Designated workstation areas located in each Courthouse for use by employees not assigned to that building. For example, Jane X is an employee with a permanent work area located in West Jordan however she is in Richfield for court business. She would have access to a free-space workstation in Richfield to use while she is there; eliminating her searching around for a conference room, empty office, etc. to set up her laptop and work.

This option includes an arrangement whereby an employee utilizes unassigned, non-permanent workstations on an as-needed basis. Management may require employees to reserve the workspace in advance, or the workspaces may be used on a first-come, first-serve basis

At the present time, there is no dedicated space in the Courthouses for 'Free Spacing'. The space could be made available through the efforts of the Trial Court Executives and the Facilities Director as a building project.

## II. Eligibility

### Who is eligible for Telework?

Eligibility for telework is based on job functions and whether those functions can be performed successfully off-site; the job functions must also have the ability to be measured successfully when working off-site. Managers, Supervisors, and Directors must evaluate the job description of each employee requesting to work remotely to determine what functions can be performed and measured successfully working off-site. Management may determine not all job functions can be performed off-site and require

the employee to work a determined number of hours at the assigned court/office location.

Additionally, employees may be eligible to telework during emergency or disaster circumstances.

#### Questions for management to consider when determining eligibility:

- Can the job function be performed remotely?
- Can the job functions be successfully measured out of office?
- Is the employee required to be in-office for their primary job function?
- Does the employee need to be in-office to assist customers or other employees?
- Does the position have the autonomy to work remotely?
- Does the employee have the trust and responsibility to make day-to-day decisions without frequent check-ins with management?
- Is telework being considered as part of an emergency/disaster situation?

Once determination has been made the employee's functions are eligible for off-site completion, the [Telework Agreement](#) will need to be negotiated and signed by both management and the employee. Management must have a success measurement in place for the evaluation of the employee's remote working. Management reserves the right to revoke teleworking privileges for employees who have not successfully worked the required hours or failed to perform at a sufficient level.

## Equipment Needs

Just as an employee who works at a Courts facility is provided the appropriate equipment to fulfill their job duties, the Courts should provide teleworking employees similar equipment. IT's long term strategy is to migrate court employees from fixed equipment, such as desktop computers, to mobile friendly alternatives such as laptops. As current desktops are replaced, whenever possible they will be replaced with laptop computers.

For a standard work from home option, the following software and hardware equipment is recommended. Included are the current costs. Please note that due to the changing nature of technology and technology pricing, these recommendations and costs are subject to change. Use of personal equipment may be authorized by management as needed.

### Software

**Jabber** - Jabber is an application that allows for the use of our standard VOIP phone access on the laptop so that employees can access and utilize their work phone from home. Cost is included in the present licensing agreement.

**Webex** - Webex is our current teleconferencing and team communication platform. Cost is included in the present licensing agreement.

**VPN** - This software allows for users to access the internal courts network. It is not required to access webmail or any google services such as calendar or drive. It is also not required to access the Juvenile CARE system.

### Hardware

**Standard Courts Laptop** - Current cost is approximately \$1100 per unit. Supervisors are encouraged to replace desktops with laptops as computers come to the end of life.

**Monitor** - If a remote worker desires, a monitor with a standard basic stand can also be issued. Basic cost is approximately \$125.

**Docking station** - If the user often moves the laptop from location to location, or desires to connect auxiliary items such as dual monitors, a docking station is convenient but not required. Cost is approximately \$100.

**Mouse/keyboard** - A mouse and keyboard set up are also available to work with a laptop. Many of these can be found in inventory but a planning cost is approximately \$100.

### Total Cost

The total cost of a full recommended setup is approximately \$1425. A full recommended setup for an employee who currently has a laptop is approximately \$325.

Users may require additional equipment. With manager approval, requests may be submitted to IT to be considered on a case by case criteria in relation to job duties. These can include:

- Speakers
- Camera
- Dual Monitors
- Unique/Non Standard Monitors
- Unique/Non Standard Laptop

The following items require special approval from the CIO and are not recommended because of the difficulty and cost in servicing and supporting them from an IT perspective. .

- Printers
- Scanners