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## State of Ohio Administrative Policy

### Teleworking

No: Human Resources  
**HR-32**

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Effective: June 27, 2016

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Issued By:

Robert Blair, Director

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#### 1.0 Purpose

The purpose of this policy is to establish statewide standards and guidelines for teleworking arrangements where an employee is directed or permitted to work from a designated alternative work location. The standards and guidelines contained in this policy should be used by agencies in drafting agency specific teleworking policies. This policy also contains standards for the use of technology and protection of data while teleworking which may be incorporated into agency specific teleworking policies. This policy applies only to agencies, boards, and commissions under the purview of the Governor and does not apply to separately elected officials.

A glossary of terms can be found in each policy and is located in Appendix A – Definitions. The first occurrence of a defined term is in ***bold italics*** and linked to Appendix A. To go directly to a term’s definition, click on the bold and italicized term. To return to the body of the policy, click on the defined term.

#### 2.0 Policy

***Teleworking*** is an option that may be used by agencies with approval of the Department of Administrative Services. An agency that is considering teleworking shall ensure that its use provides a business benefit to the agency while maintaining operations and services to internal and external customers. In order to implement telework, an agency shall create a teleworking policy and have the policy approved by the Department of Administrative Services in accordance with section 2.6 below.

Teleworking is a management option and not an employee right that an employee can expect or demand. Not every position is suited for teleworking, nor is every employee. The agency policy

shall include specific eligibility criteria for teleworkers. The agency may choose to limit teleworking to employees in certain classifications, certain positions, or certain circumstances.

Agencies may also consider distinguishing in the policy telework from occasional work which may be done remotely. For example, the policy may contain a provision such as “Occasional remote access work, necessary to perform agency business functions, is not ‘teleworking.’ Such remote access work has its own approval criteria and is beyond the scope of this policy. Any agency employee with questions about remote access should direct questions to his/her supervisor or Human Resources.”

2.1 **Authorized Teleworking Arrangements:** Agencies must determine under what circumstances teleworking will be authorized. For example, teleworking may only be authorized in field worker arrangements, on a situational case-by-case basis, or for classifications that can perform their essential job functions in a teleworking environment while producing a business benefit to the agency. For any of the following telework arrangements, agencies shall define the authorization process, including how to document the arrangement.

2.1.1 **Field Worker Arrangements:** Teleworking may be utilized for those employees who primarily work in the field. The agency shall determine which classifications or positions have duties that are performed primarily in the field. Once identified, employees holding those classifications or positions may be eligible for teleworking.

2.1.2 **Situational Teleworking Arrangements:** Teleworking may be utilized on a case-by-case basis due to the operational needs of the agency, emergency situations, or any other reason that would benefit the agency to have an employee perform their assigned job responsibilities at an alternative work location. For example, teleworking may be an option for an employee who is absent from the workplace but can still perform their job functions from an alternative location (i.e. during an emergency).

2.1.3 **Teleworking Arrangements based on the Functions of a Classification:** Certain classifications have essential functions that are not primarily conducted in the field but can still be fulfilled in a teleworking environment while maintaining both the operations of the agency and service to internal and external customers. If the agency uses this option, the agency shall identify which classifications are eligible in the agency policy. Agencies shall establish a process for how employees will be selected to participate.

2.2 **Eligibility:** Specific eligibility criteria for teleworking may be dictated by the particular context of the teleworking arrangement. In general, the agency shall determine the eligibility criteria. In determining eligibility criteria for teleworking, considerations may include job functions, cost effectiveness, scheduling, and the ability to monitor/measure the employee. For example, the agency may require that an employee successfully complete their probationary period before entering into a teleworking arrangement. In addition, the agency may also take into account the employee’s most recent performance evaluation or an employee’s active disciplinary record. For job functions that regularly

access or input ***sensitive or personally identifiable information***, agencies shall consider if there are any risks of an employee accessing that information from an alternative work location.

- 2.3 **Employment Information:** Agencies shall also address certain employment information within the agency policy to ensure that both the teleworker and the agency understand how teleworking impacts other areas of employment. The following is a non-exhaustive list of considerations.
- 2.3.1 **Conditions of Employment:** Teleworking does not affect employees' basic terms and conditions of employment with the State of Ohio. Employees are still obligated to comply with all statewide and agency rules, policies, practices and instructions. Teleworkers must understand that violation of such may result in removal from teleworking and/or disciplinary action, up to and including removal pursuant to agency work rules, any applicable collective bargaining agreements, and/or applicable law.
- 2.3.2 **Pay and Benefits:** A teleworker's rate of pay, retirement benefits, and State of Ohio sponsored insurance coverage are not affected by the teleworking arrangement.
- 2.3.3 **Leave:** A teleworker must comply with agency call off policies and procedures in the event of an illness. Any request for leave while participating in a teleworking arrangement shall be made in accordance with the applicable agency policy and procedure for requesting and obtaining approval to utilize leave.
- 2.3.4 **Overtime:** A teleworker earns overtime or compensatory time in accordance with State of Ohio or agency policy or applicable collective bargaining agreement while participating in a teleworking arrangement. Agencies shall continue to require pre-approval when applicable.
- 2.3.5 **Work Location/Temporary Reassignment:** The teleworker will perform their job duties at the designated alternative work location. However, the agency shall maintain the right to require the employee to change his/her schedule or work location based on operational need if the employee's presence is required in the office. The agency shall make an effort to provide reasonable notice to the employee in the event of a schedule change.
- 2.4 **Alternative Work Location:** For other than situational teleworking arrangements, the agency must work with the teleworker to identify the alternative work location and indicate the space where the work will be performed and where equipment can be installed for conducting agency business, if necessary. Generally, teleworking locations should be reasonably quiet and free of distractions or any noises inconsistent with an office environment. For situational teleworking arrangements, this may be at the discretion of the agency.

The agency shall retain the right to inspect and approve the alternative work location before the teleworking can begin. For employees who primarily telework during regularly scheduled work hours, it is a best practice for agencies to document the location of the alternative work location and establish a process and notice requirements for the teleworker if they wish to change the designation of this location. Teleworkers not designated to work in a State building shall be responsible for ensuring that their teleworking location meets all applicable building and zoning codes and that no hazardous materials are present in the alternative work location. Any fines or fees that are incurred by the teleworker while participating in a teleworking arrangement will not be the responsibility of the agency.

The following is a non-exhaustive list of other topics that are recommended for inclusion in agency specific teleworking policies.

- 2.4.1 **Equipment and Supplies:** If additional equipment and supplies are required, other than those that an employee normally maintains (e.g. a laptop computer that is used by the employee regardless of where work is performed), an Agency teleworking policy shall address who is responsible for providing equipment and/or supplies while an employee is teleworking. Agencies shall provide and/or approve the equipment, supplies and software that are necessary for the teleworker to conduct agency business while at the alternative work location. General office supplies shall be provided by the agency. Agencies are not under any obligation to reimburse a teleworker for any out of pocket expenses for supplies. Teleworkers are typically responsible for ensuring that the alternative work location has adequate Internet capabilities to perform agency business. Teleworkers are responsible for providing their own office furniture and space. Agency policies shall provide that teleworkers are responsible for physically securing their equipment, data, and hard copy documents and files in accordance with agency and statewide policies.
- 2.4.2 **Expenses:** Teleworkers are responsible for the cost of maintenance, repair and operation of any personal equipment not provided by the State.
- 2.4.3 **Public Records Requirements:** The agency specific teleworking policy shall address public records requirements to the extent that teleworkers understand their obligations with respect to public records. Teleworkers shall be informed that although work may be performed off-site and possibly even with personal IT equipment, public record requirements as outlined in Ohio Revised Code Chapter 149 and in agency policy still apply. Teleworkers shall also comply with all applicable agency record retention schedules. Agencies shall ensure that teleworkers understand that personal or state-issued **mobile computing devices (MCDs)** shall never be the single, authoritative source for state data. Records on an MCD shall be considered records in transit and shall never be stored permanently on a person or state-issued MCD.
- 2.4.4 **Worksite Visits:** While participating in a teleworking arrangement, the agency shall retain the right to conduct onsite visits to the alternative work location.

Visits shall only be made during the teleworker's scheduled work hours but the agency does not have to give the teleworker advance notice of the visit. Failure on the part of the teleworker to permit an on-site visit may be cause for termination of the teleworking arrangement.

2.4.5 **Dependent Care:** Teleworking is a not a substitute for dependent care. The teleworker must not be the permanent primary caregiver for any individual during the teleworker's scheduled work hours. Alternative supervision or care outside of the teleworking location must be established prior to the initiation of teleworking. Agencies may request documentation to ensure that the employee is not using teleworking as a substitute for dependent care.

2.4.6 **Injuries:** Teleworking is covered by the State of Ohio workers' compensation laws for injuries occurring in the course of and arising out of the performance of the employee's official job duties. The teleworker and the teleworker's supervisor shall be required to follow any applicable policies regarding the reporting of injuries for employees injured while at work.

Other than the injuries discussed above in this section, the State of Ohio is not liable for any accidents and/or injuries resulting from the teleworker's failure to comply with all safety and health rules, regulations, or any violation of the statewide teleworking policy. The teleworker, and not the State of Ohio, shall be responsible for the teleworker's own damages, non-compensable injuries, and for any third party's damages, and injuries resulting from the teleworker's failure to comply with all safety and health rules and regulations and any violation of the statewide teleworking policy.

2.4.7 **Communication and Monitoring:** The agency and the teleworker must establish a method of communication while the employee is teleworking. Teleworkers shall be required to provide a telephone number for the agreed teleworking location that they can be reached at during their scheduled work hours. Teleworkers must be available for contact by the Agency at their teleworking location during their approved work schedule.

Agencies shall establish procedures for monitoring employees while they are teleworking to ensure that the arrangement is continuing to provide a business benefit to the agency. Individual monitoring may differ depending on the classification, the needs of the agency, and the employee. Agencies shall clearly establish the responsibilities of the supervisor in a teleworking arrangement and make sure those expectations are clearly articulated to the supervisor.

2.4.8 **Termination of the Teleworking Arrangement:** Agency teleworking policies shall clearly state that the teleworking arrangement is at the discretion of the agency and may be modified or terminated by the agency at any time and for any reason.

2.4.9 **Termination/Resignation of Employment:** In the event of termination or resignation from employment with the State of Ohio, the teleworker shall be

required to promptly return any state-owned equipment, supplies, and data. If personal IT equipment was authorized for state business use, any state data shall be removed from the personal IT equipment. Agencies shall have procedures in place to include appropriate security measures to protect state data and equipment. Agencies shall ensure that they adhere to the requirements outlined in Ohio Administrative Policy ITP-E.1, "Disposal, Servicing and Transfer of IT Equipment."

2.4.10 **Discipline:** All expectations of compliance with existing statewide and agency policies and procedure and/or collective bargaining agreements are unaffected by the teleworking arrangement. The agency may initiate disciplinary action, up to and including removal, if a teleworker fails to comply with the provisions of the teleworking policy. Revocation of the teleworking arrangement does not constitute a disciplinary action.

2.5 **Use of information technology while teleworking:** In order for the teleworker to fulfill job responsibilities while teleworking, in most circumstances, the use of information technology (IT) resources is required. Agencies are encouraged to address items related to the use of IT resources in the agency specific teleworking policy. However, the following items apply to all agencies, boards, and commissions that authorize telework and to the teleworkers in agencies, boards, and commissions covered by this policy.

2.5.1 **Technology Compliance:** Teleworkers shall agree to comply with all Ohio and agency information technology (IT) policies, standards and procedures regarding IT equipment, software licensing, connection, security, and overall management/support requirements. In addition, authorized teleworkers shall agree not to modify or alter any IT configuration settings without prior approval.

The use of state **IT resources** shall comply with Ohio Administrative Policy IT-04, "Use of Internet, E-mail and Other IT Resources," as well as with any agency policies on the appropriate use of state IT resources. In addition, agencies and teleworkers shall ensure that any software that is used complies with Ohio Administrative Policy ITP-A.26, "Software Licensing." Agencies shall address technology compliance in the agency policy and any teleworking agreements.

2.5.2 **IT Security Requirements:** Teleworkers are responsible for the security and protection of any IT equipment, software, and data provided to them by the agency. Any IT equipment and software owned by the State of Ohio shall only be used and operated by the authorized teleworker. When a personal device is authorized for state business use pursuant to applicable statewide policy, teleworkers shall not allow any unauthorized parties to use the IT equipment when he/she is authenticated to state services.

Agency CIOs/lead IT administrators or his/her designee shall ensure that all approved telework applications meet the specified IT participation requirements. Any specified IT security requirements shall be in alignment with Ohio IT Standard ITS-SEC-02, "Enterprise Security Controls Framework."

Agency CIOs/lead IT administrators or his/her designee shall also require that the information assets used to connect to the agency IT infrastructure are checked periodically to validate that up-to-date operating system software and security software are in use (e.g., anti-virus, firewall). If a personal device is authorized for state business use, agencies shall still periodically assess the controls to ensure the assets are operating securely.

2.5.3 **Access to State Resources**: Teleworkers shall only be granted access to those resources which are necessary to carry out work assignments. Agencies shall make deliberate access decisions based upon the principal of ***least-privilege***. For instance, a teleworker may only need access to state e-mail and a telephone to complete telework assignments. Teleworkers may not necessarily need the same level of access provided at the main work site.

2.5.4 **Protecting Sensitive Data and/or Personally Identifiable Information (PII)**: Teleworkers shall protect all data, but extreme care shall be taken regarding ***sensitive data*** and/or ***personally identifiable information (PII)***. All sensitive data and/or PII shall be maintained in accordance with any applicable federal law, Ohio Revised Code, State of Ohio and agency policies, standards and procedures. Agencies, if necessary, may prohibit employees with access to sensitive data and/or PII from participating in telework if the risk outweighs the benefit to the agency.

2.5.5 **Incident Response**: Agencies shall ensure teleworkers understand statewide and agency incident response procedures and immediately report lost, stolen or potentially compromised IT equipment and/or state data.

2.5.6 **IT Support Expectations**: Agencies shall develop plans that clearly define the level of IT support that will be provided for teleworkers. Agencies shall identify whether or not personal IT equipment will be supported. Agencies are under no obligation to provide support for personal IT equipment authorized for state business use.

2.6 **Procedures**: In order to implement teleworking as an option, the agency must create a teleworking policy and have that policy approved by the Department of Administrative Services (DAS). The proposed policy, with any attachments, must be submitted to the Department of Administrative Services, Labor Relations and Human Resources Policy Section. The submission shall include:

2.6.1 A justification for telework that describes the business benefit for the agency and how the arrangement will be monitored on an ongoing basis.

2.6.2 A draft policy which addresses all of the areas covered in this policy, with any attachments.

2.6.3 A draft telework agreement to be signed by the teleworking employee.

Agencies that have DAS-approved policies shall re-submit the policy within 90 days of the effective date of this policy.

### 3.0 Authority

ORC 124.09

### 4.0 Revision History

Date	Description of Change
06/27/2016	Original policy.

### 5.0 Inquiries

Direct inquiries about this policy to:

Labor Relations and Human Resources Policy Section  
Office of Collective Bargaining  
Ohio Department of Administrative Services  
1602 West Broad Street  
Columbus, Ohio 43223

(614) 752-5393 | [DASHRD.HRPolicy@das.ohio.gov](mailto:DASHRD.HRPolicy@das.ohio.gov)

State of Ohio Administrative Policies may be found online at  
[www.das.ohio.gov/forStateAgencies/Policies.aspx](http://www.das.ohio.gov/forStateAgencies/Policies.aspx)

## Appendix A - Definitions

- a. Field Worker. An employee that spends the majority of his/her time away from the employee's headquarter location. Field workers are not teleworkers simply because the nature of their job duties requires them to spend time away from the headquarter location. However, agencies may consider utilizing telework for field workers when such arrangement would benefit the agency.
- b. Least-privilege. A method for assigning privileges in a system. The objective is to assign only those privileges that are necessary to perform the required functions, and ensure that other privileges are not assigned and cannot be improperly accessed. For example, a typical system user should not be assigned rights to read, write, and execute all of a department's files when the user only requires the ability to read a subset of these files to do an assigned job.
- c. Mobile computing devices (MCDs). For the purposes of this policy, an MCD is defined as a smartphone or tablet device, which does not run a workstation operating system.
- d. Personally Identifiable Information. Information that can be used directly or in combination with other information to identify a particular individual. It includes:

- A name, identifying number, symbol, or other identifier assigned to a person,
  - Any information that describes anything about a person,
  - Any information that indicates action done by or to a person,
  - Any information that indicates that a person possesses certain personal characteristics.
- e. Sensitive Data. Sensitive data is any type of data that presents a high or medium degree of risk if released or disclosed without authorization. There is a high degree of risk when unauthorized release or disclosure is contrary to a legally mandated confidentiality requirement. There may be a medium risk and a potentially high risk in cases of information for which an agency has discretion under the law to release data, particularly when the release must be made only according to agency policy or procedure. The data may be certain types of personally identifiable information that is also sensitive such as medical information, social security numbers, and financial account numbers. The data may also be other types of information not associated with a particular individual such as security and infrastructure records, trade secrets, and business bank account information.
- f. IT Resources. Any information technology resource, such as computer hardware or software, IT services, telecommunications equipment and services, digital devices such as digital copiers and facsimile machines, supplies and the Internet, made available to public servants in the course of conducting state government business in support of agency mission and goals.
- g. Teleworking. A flexible work arrangement where an employee is directed or permitted to work remotely from a designated alternative work location.