



State of Ohio Administrative Policy

Teleworking

No:
State Human Resources Division
HR-32

Effective:
August 31, 2021

Issued By:

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1.0 Purpose

The State of Ohio supports telework as a model for employees. In instances where an employee's job can be performed in a telework status, telework can improve an employee's work/life balance and increase employee productivity. There may also be savings associated with telework for both the agency and the employee.

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 requirements for the use of technology and protection of data while teleworking, which should be incorporated into agency specific teleworking policies. This policy applies only to agencies, boards, and commissions under the authority of the Governor and does not apply to separately elected officials.

A glossary of terms 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 the 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. 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 2.7 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. Even if teleworking full-time is not an option, agencies should consider whether certain classifications or positions could telework part of the time (sometimes referred to as a hybrid or blended telework arrangement), allowing the employee to reduce the number of days in the office.

Telework is distinct from occasional work which may be done remotely. 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 be authorized for specific classifications that can perform their essential job functions in a teleworking environment while producing a business benefit to the agency, or it may be limited to ***field worker*** arrangements, or a situational case-by-case basis. For any of the following telework arrangements, agencies shall define the authorization process, including how to document the arrangement. Individual telework agreements should be completed before teleworking commences whenever practicable. The telework agreements should be reviewed annually.

2.1.1 **Teleworking Arrangements based on the Functions of a Classification:** Certain classifications have essential functions that can 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. These types of arrangements could be full time or part of the time depending on the operational needs. Arrangements where employees telework part of the time are sometimes referred to as hybrid or blended telework. In these instances, an employee would work in the office on some days and telework on other days on a schedule determined by the employee's supervisor. Agencies shall establish a process for how employees participate.

2.1.2 **Field Worker Arrangements:** Teleworking may be used 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.

2.1.3 **Situational Teleworking Arrangements:** Teleworking may be used on a case-by-case basis due to the operational needs of the agency, as part of an agency's business continuity plan, 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 inclement weather). In this instance, employees may need to transition to telework outside of the agency's normal procedure. Agencies should consider addressing "unscheduled telework" in the agency policy.

- 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 take into account the employee's most recent performance evaluation, history of poor information security practices (e.g. an employee who repeatedly responds to phishing attempts), or an employee's active disciplinary record. For certain classifications, the agency may require that an employee successfully complete their probationary period before entering into a teleworking arrangement. For job functions that regularly access or input ***sensitive data*** or ***personally identifiable information***, agencies shall consider ways to minimize any information security risks before determining that telework is not an option (see Section 2.6).
- 2.3 **Roles and Responsibilities:** To make telework successful, the employee (teleworker), the supervisor, managers, agency human resources, and information technology office must each play an important role. All parties must read the statewide and agency telework policies and the individual telework agreement and address any questions as soon as possible.
- 2.3.1 **Role of the Teleworker:** The teleworker is responsible for performance of all regular job duties, unless modified by the supervisor or in the telework agreement. The teleworker is responsible for regular communication with the supervisor in the manner/method established by the supervisor and teleworker. The teleworker is responsible for communicating to the supervisor any circumstances that prevent the teleworker from being available via that communication method during work hours (e.g. power outage at the alternative work location).
- The teleworker is also responsible for regular communication with co-workers and/or other individuals as necessary to complete job duties.
- 2.3.2 **Role of the Supervisor:** The supervisor continues to be responsible for day-to-day work direction and performance monitoring of the teleworker. Although the methods of observation may change in a virtual environment, the obligations of the supervisor to communicate expectations and provide performance feedback are the same as if the employees were in a traditional office setting. At the start of the telework arrangement, the supervisor and the teleworker must establish a method of communication while the employee is teleworking. Teleworkers must be available for contact by the Agency at their teleworking location during their approved work schedule.

The supervisor is responsible for communicating with agency human resources representatives if there are any circumstances impacting the

telework arrangement (e.g. declining performance or consistent connectivity issues).

The supervisor shall also be responsible for establishing a regular work schedule with the teleworker and communicating to the teleworker any expectations to report to a location other than the alternative work location.

The supervisor shall establish a plan with the teleworker to address unexpected contingencies that may impair a teleworker's ability to complete regular job duties (e.g. power outage, internet outage).

2.3.3 Role of the Manager: The manager of any office, department, or division where employees are teleworking is responsible for reviewing the telework program periodically to ensure that it is meeting the stated objectives. Any concerns should be brought to agency human resources. The manager is also responsible for ensuring that supervisors and teleworkers have established appropriate methods of communication and that expectations are being communicated clearly to teleworkers.

2.3.4 Role of Agency Human Resources: Agency human resources representatives will serve as coordinators of the agency's telework program. Human resources (HR) plays an integral role in determining eligibility for telework in the agency. HR also helps facilitate interaction with agency information technology personnel to ensure that teleworkers have access to appropriate equipment and technology necessary to perform their jobs. HR is responsible for ensuring that managers and supervisors are aware of expectations and have the necessary tools to monitor employee performance while teleworking. HR shall also ensure that teleworkers have access to information regarding setting up an ergonomic workstation.

2.3.5 Role of Agency Information Technology: Agency information technology offices must establish standard **Information Technology (IT) Equipment** for teleworkers and procedures for providing IT support to teleworkers. Agency HR shall coordinate with the agency IT office to identify situational telework arrangements that the agency IT office may need to support.

2.4 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.

2.4.1 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.

- 2.4.2 **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.
- 2.4.3 **Leave:** 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 use leave. In the event of an illness, a teleworker must comply with agency call off policies and procedures.
- 2.4.4 **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.
- 2.4.5 **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 or at another location (e.g. a training site). The agency shall make an effort to provide reasonable notice to the employee in the event of a schedule change.
- 2.4.6 **Travel Time/Travel Reimbursement:** Travel time and travel reimbursement may differ based on different circumstances. Agencies should also refer to the applicable collective bargaining agreement for specific provisions related to travel.

Generally, employees do not receive mileage reimbursement from the alternative work location to the location where the employee would be working if the employee was not teleworking. This is considered the employee's regular commute. Travel time expectations should be clearly established between the teleworker and the supervisor, with guidance from HR to ensure consistency. Generally, if the teleworker is directed to report for the day to the location where the employee would be working if the employee was not teleworking, travel time should not be counted as work time. If the teleworker is traveling as part of the workday to locations other than the alternative work location, travel time should be counted as work time.

- 2.5 **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, free of distractions or any noises inconsistent with an office environment and provide for privacy to prevent the inadvertent disclosure of sensitive information if applicable. 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. Prior to the start of a telework arrangement, the teleworker may be required to complete a self-certification safety checklist. An example is provided in Attachment 1.

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

2.5.1 Equipment and Supplies: If additional equipment and supplies are required, other than those that an employee normally maintains (e.g. a laptop computer), an agency teleworking policy and the employee's telework agreement 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. Agencies shall consider information security and privacy risks when providing and/or approving equipment.
- 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 shall go through normal agency channels to request needed supplies that are not available at the office location.
- 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. Teleworkers are responsible for the cost of maintenance, repair and operation of any personal equipment not provided by the State.
- 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, including Ohio Administrative Policy IT-14, "Data Encryption and Securing Sensitive Data."
- Agencies should consider using automated or paperless systems for teleworkers instead of hard copy documents, whenever possible.
- If a teleworker must print and/or maintain hard copy documents that contain sensitive data or personally identifiable information, the agency should consider providing the teleworker with a secure and appropriate

method for doing so (e.g. providing a lock box and/or a shredder, or access to a printer).

- 2.5.2 Public Records Requirements: 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 and statewide policy still apply, including Ohio Administrative Policy IT-07, "Electronic Records." Teleworkers shall also comply with all applicable statewide and agency record retention schedules. Agencies shall ensure that teleworkers understand that personal or state-issued **mobile devices** (e.g., smartphone, tablet) shall never be the single, authoritative source for state data. Records on a mobile device shall be considered records in transit and shall never be stored permanently on a personal or state-issued mobile device.
- 2.5.3 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. If the alternative work location is the employee's residence, the visit shall be conducted by two agency representatives.
- 2.5.4 Dependent Care: Teleworking is 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. In limited and infrequent circumstances where an employee is able to complete assigned duties while also caring for a dependent (e.g. a sick child must stay home from school), the employee may still be permitted to telework, even if only for a portion of the work day.
- 2.5.5 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.

- 2.5.6 Termination of the Teleworking Arrangement: Any 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. Agencies shall clearly state this in the agency policy.
- 2.5.7 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 IT-05, "Disposal, Servicing and Transfer of IT Equipment."
- 2.5.8 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 or any other agency work rules. Revocation of the teleworking arrangement does not constitute a disciplinary action.
- 2.6 Use of Information Technology while Teleworking: For a teleworker to fulfill job responsibilities, 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.
- 2.6.1 Technology Compliance: Teleworkers shall agree to comply with all Ohio and agency information technology (IT) policies, standards and procedures regarding IT resources, software licensing, remote access, **virtual private networks (VPN)**, 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 IT-03, "Software Licensing." Agencies shall address technology compliance in the agency policy and any teleworking agreements.
- 2.6.2 IT Security and Privacy Requirements: Teleworkers are responsible for the security and protection of any IT equipment and resources provided to

them. Teleworkers are also responsible for helping to ensure the privacy of state information. Any IT resources 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, 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., antivirus, firewall). If a personal device is authorized for state business use, agencies shall periodically assess the controls to ensure the assets are operating securely.
- Agencies are encouraged to have teleworkers regularly review required IT security training.

2.6.3 Access to State Resources: Teleworkers shall only be granted access to those resources which are necessary to carry out work assignments. 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.

2.6.4 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 (e.g., Protected health information under the Health Insurance Portability and Accountability Act (HIPAA), Federal Tax Information under the Internal Revenue Code, Criminal Justice Information governed by Federal CJIS Policy, and Social Security Administration data governed by the Social Security Act), Ohio Revised Code, State of Ohio and agency policies, standards and procedures, including Ohio Administrative Policy IT-14, "Data Encryption and Securing Sensitive Data." 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.

2.6.5 Incident Response: Agencies shall ensure teleworkers understand statewide and agency incident response procedures and immediately report lost, stolen or potentially compromised IT equipment, compromised accounts, and/or state data in accordance with OIT Enterprise Procedure OEP-SEC.4001, "Statewide Incident Response Reporting."

2.6.6 **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.

2.7 **Procedures:** 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:

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

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

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

3.0 Authority

ORC 124.09

4.0 Revision History

Date	Description of Change
06/27/2016	Original policy.
12/11/2020	Revised policy, added roles and responsibilities, updated IT terminology.
08/31/2021	Reissued policy.

5.0 Inquiries

Direct inquiries about this policy to:

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

614.752.5393 | DASHRD.HRPolicy@das.ohio.gov

State of Ohio Administrative Policies may be found online at
www.das.ohio.gov/forStateAgencies/Policies.aspx

6.0 Attachments

Attachment 1 –Teleworking Workstation Safety Checklist

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. Information Technology (IT) Equipment. For the purposes of this policy, any information technology equipment, such as computer hardware; telecommunications equipment; digital devices such as digital copiers and facsimile machines; mobile computing devices; operational technology (e.g., building and manufacturing controls); or Internet of Things (IoT) devices that are capable of persistent data storage.
- c. Information Technology (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 employees, contractors, temporary personnel and other agents of the state in the course of conducting state government business in support of agency mission and goals.
- d. Mobile Device. A portable computing device that: (i) has a small form factor such that it can easily be carried by a single individual; (ii) is designed to operate without a physical connection (e.g., wirelessly transmit or receive information); (iii) possesses local, non-removable or removable data storage; and (iv) includes a self-contained power source. Mobile devices may also include voice communication capabilities, on-board sensors that allow the devices to capture information, and/or built-in features for synchronizing local data with remote locations. Examples include smartphones, tablets, and E-readers.¹
- e. 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.

¹ "NIST Special Publication 800-53 Revision 4, Security and Privacy Controls for Federal Information Systems and Organizations," U.S. Department of Commerce National Institute of Standards and Technology, April, 2013 <<http://nvlpubs.nist.gov/nistpubs/SpecialPublications/NIST.SP.800-53r4.pdf>>.

- f. Sensitive Data. Sensitive data is any type of data that presents a high or moderate degree of risk if released, disclosed, modified, or deleted 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 moderate risk and potentially a 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 are also sensitive such as medical information, social security numbers, and financial account numbers. It includes Federal Tax Information under IRS Special Publication 1075, Protected Health Information under the Health Insurance Portability and Accountability Act, Criminal Justice Information under Federal Bureau of Investigation's Criminal Justice Information Services (CJIS) Security Policy, and the Social Security Administration Limited Access Death Master File. 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.
- g. Teleworking. A flexible work arrangement where an employee is directed or permitted to work remotely from a designated alternative work location.
- h. Virtual Private Network (VPN). Protected information system link utilizing tunneling, security controls, and endpoint address translation giving the impression of a dedicated line.²

² "NIST Special Publication 800-53 Revision 4, Security and Privacy Controls for Federal Information Systems and Organizations," U.S. Department of Commerce National Institute of Standards and Technology, April, 2013
<http://nvlpubs.nist.gov/nistpubs/SpecialPublications/NIST.SP.800-53r4.pdf>.