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|  Montana Operations Manual Policy | Category | Human Resources/ Employee Benefits |
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| Issuing Authority | Department of Administration State Human Resources Division | |
| Telework Policy | | |

I. Purpose

This policy establishes uniform guidelines for conducting telework in Montana state government. The State of Montana permits and encourages agency management to designate positions and employees eligible to work at agency-approved alternate work sites, usually the employee's home, for all or part of their workweek to promote general work efficiencies. Telework may also support a reasonable accommodation under the Americans with Disability Act (ADA).

II. Scope

This policy covers all positions in Montana's executive branch except those employed by the Montana university system, the Montana State Fund, elected officials, the personally appointed staff of elected officials, and any other position specifically excluded under Sections [2-18-103](#) and [2-18-104](#), MCA.

Agencies must follow the provisions of this policy unless they conflict with collective bargaining agreements, which will take precedence to the extent applicable.

III. Procedures

A. General Provisions

1. Agency management is responsible for managing the affairs and operations of state government; thus, agencies have sole discretion to:

- a. designate positions for telework,
 - b. determine suitable and appropriate telework locations, and
 - c. approve employees to telework.
2. Telework is not work extension. Employees may take work home with them on occasion. This option is remote work and is not considered telework within the scope of this policy.

B. Conditions of Employment

1. Telework assignments do not change the conditions of employment. Work performed at alternate locations is considered official state business. Agencies may establish specific conditions that apply to employees working at alternate locations. Employees on telework assignments are required to comply with all appropriate policies and procedures.
2. Agency management and the employee should mutually agree to telework arrangements. However, agency management may establish telework as a condition of employment based on business need. This requirement should be included for all new hires when the position is advertised and in correspondence offering employment.
3. An employee's compensation and benefits will not change as a result of telework.
4. **Attendance at Meetings:** Supervisors may require employees to report to a central workplace as needed to attend work-related meetings or other events. Supervisors may meet the employee in the alternate work location as needed to discuss work progress or other work-related issues.
5. **Workers' Compensation Liability:** Agencies may be liable for work-related injuries or disease occurring at alternate work sites. Agencies should consult with the Department of Administration, Health Care and Benefits Division, Workers' Compensation Management Bureau.

C. Hours of Work

1. The total number of hours employees are expected to work will not change, regardless of work locations. Employees must agree to conduct state work and business during identified work hours in accordance with [2-2-121](#), MCA, as if in the central work location.

2. Agency management must ensure procedures are in place to document the work hours of employees who telework. Work hours must be documented in accordance with the Employee Records Management Policy (ARM [2.21.6601](#) et seq.), Montana wage and hour laws, and the federal Fair Labor Standards Act.

D. Use of Leave

1. Agency management may determine whether it is appropriate to offer telework as an opportunity for partial or full return to work following sickness or injury based on agency policy and the criteria normally applied to decisions regarding the approval of telework and reasonable accommodations.
2. Telework is not intended to be used in place of sick leave, Family and Medical Leave, Workers' Compensation leave, or other types of leave.

E. Equipment and Materials

1. Normally, the state of Montana will provide equipment and materials needed by employees to perform their duties effectively. However, telework agreements (see section H) may require employees to use their own equipment.
2. **State-Owned Equipment:**
 - a. The provisions of [2-2-121](#), MCA, apply to state-owned equipment used by state employees for telework.
 - b. Employees are responsible for protecting state-owned equipment from theft, damage, and unauthorized use.
 - c. The agency will maintain, service, and repair state-owned equipment used in the normal course of employment.
 - d. The telework agreement should specify who is responsible for transport and installation of equipment. The telework agreement should also state how the equipment will be

returned to the central workplace for repairs and service or upon termination of the telework agreement.

- e. Agencies may use appropriated funds to provide utility equipment and services generally available in the central work location. Examples include but are not limited to:
 - i. pay for leased telephone lines in the alternate work location,
 - ii. install, and provide basic telephone service in the alternate work locations, or
 - iii. provide cell phones for use in the alternate location.
- f. If phones are not provided, agencies may reimburse employees for business-related long-distance calls made from their personal telephones.

- 3. **Employee-Owned Equipment:** The agency will not assume responsibility for cost, repair, or service when authorizing employees to use their own equipment unless approved by management.

F. Costs Associated with Telework

When agency management determines the need to have employee's telework, the agency generally assumes responsibility for operating, maintaining, or paying for the costs associated with the employees' telework alternate location, which most commonly is the employee's home. If an employee requests an alternate work location other than the employee's home, agency management must approve that alternate work location. If approved, the employee may be responsible for any costs associated with this alternate work location, unless agency management agrees to pay for the costs associated with the approved alternate work location, as it may agree to do if the situation is mutually beneficial for both the agency and the employee. Agency management must document this agreement.

G. Integrity and Confidentiality of Work Information

- 1. Employees must safeguard agency information used or accessed while at the alternate location.
- d. Agency managers must grant permission according to agency procedures for employees to work on restricted-access

information or materials at alternate work locations. Employees must follow agency-approved security procedures to ensure the protection, security, and confidentiality of sensitive data.

H. Agency Responsibilities

1. Establish Agency Policy:

- a. Each agency will establish internal policies and procedures related to telework if telework is allowed. Such policies should maximize the appropriate use of telework without diminishing employee performance or service delivery.
- b. At a minimum, agency policies should:
 - i. identify positions appropriate for telework. Agency managers can use the Statewide Accounting, Budgeting, and Human Resource System (SABHRS) to identify positions eligible for telework.
 - ii. require telework agreements between agency management and employees.
 - iii. designate in writing the agency telework coordinator. The coordinator should serve as the focal point for questions about the agency's or state's telework policies and provide guidance.

2. Develop Telework Agreements:

- a. Agency management and the employee must agree to the terms of telework before an employee can work at an alternate work location. Both the employee and agency management must sign the telework agreement. (For a telework agreement example, see the [Managers Telework Fact Sheet](#).)
- b. At a minimum, agencies should include the following in the telework agreement:
 - i. the duration of the agreement;
 - ii. the work schedule and procedures for how it will be determined (this information is the same as if the employee works in the central office);
 - iii. how leave is to be requested and approved;

- iv. status of the employee during emergency and weather-related closings affecting the central or alternate workplace;
 - v. how routine communication between the employee, management, co-employees, and customers will be handled;
 - vi. employee performance plan or expectations;
 - vii. the alternate work location, identifying whether the agency or the employee is responsible for costs associated with the alternate work location;
 - viii. the equipment and/or supplies that will be used and who is responsible for providing and maintaining them;
 - ix. any applicable data-security procedures;
 - x. safety requirements to maintain safe work conditions and practice appropriate safety habits (For a safety checklist example, see “A Manager’s Guide to Telework” located at <https://hr.mt.gov/Portals/201/newdocs/factsheets/2010%20TW%20Fact%20Sheet.pdf>.);
 - xi. certification that the work location is free from hazards; and
 - xii. authorization and a procedure for the employee's supervisor to access the alternate work location during normal work hours as defined by the telework agreement.
- c. Agency management may include additional conditions in telework agreements requiring employees to:
- i. comply with all state and agency rules, policies, practices and instructions;
 - ii. use agency-provided equipment and supplies only for business purposes, and notify agency management immediately when equipment malfunctions;
 - iii. notify their supervisors immediately of any situations that interfere with their ability to perform their jobs;
 - iv. notify their supervisors immediately of any injury occurring while working;

- v. absolve the agency from liability for damages to real or personal property resulting from participation in telework; and
 - vi. be responsible for security of information, documents, and records in their possession or used during telework, and not take restricted-access material home without the written consent of their supervisor.
- d. The telework agreement must:
- i. be signed by the employee, immediate supervisor, and the next higher supervisor;
 - ii. be reviewed and renewed at least annually;
 - iii. be reviewed and revised when a change occurs with supervision, job responsibilities, change in work circumstances, or performance;
 - iv. be filed in the employee's personnel file; and
 - v. state that agency management may revise the agreement at any time.

I. Termination of Agreement

Agency managers may terminate the telework agreement at their discretion. Agency management is encouraged, when feasible, to give employees 30 days' advance notice if a decision is made to terminate the telework agreement, but advance notice by management is not required.

J. Training Managers and Supervisors

Agency management may encourage the successful and appropriate use of telework by encouraging or mandating training of supervisors and managers regarding how to manage teleworkers effectively. The Professional Development Center offers a course called "Remote Management" specifically designed for managers who are not located with their employees.

K. Report

An annual agency telework report is due no later than 30 days after the conclusion of each fiscal year (August 1) to the Department of Administration, State Human Resources Division. The report shall

contain the number of full-time and part-time permanent employees under a written telework agreement who teleworked during the previous fiscal year.

IV. Resources

- A. The State Human Resources Division publishes a Telework Guide, available at <https://hr.mt.gov/Portals/201/newdocs/factsheets/2010%20TW%20Fact%20Sheet.pdf>
- B. The Risk Management and Tort Defense Division's Telecommuting Insurance Coverage Policy is available at <http://rmt.d.mt.gov/aboutus/statutesrulespolicies.asp>
- C. The Health Care and Benefits Division, Workers' Compensation Management Bureau. For more information see <http://workerscomp.mt.gov/>
- D. Professional Development Center offers a workshop "Remote Management." For more information see <http://pdc.mt.gov/>
- E. Federal Telework guide at <http://www.telework.gov>

V. Definitions

All definitions under [2-18-101](#), MCA, apply to this policy. For the purposes of this policy, the following definitions apply:

Alternate Work Site: Approved work locations within Montana other than the employee's central workplace where official state business is performed. Such locations may include, but are not necessarily limited to, employees' homes or satellite offices.

Central Workplace: An agency's place of work where employees normally are located.

Telework Agreement: A written agreement between agency management and the employee detailing the terms and conditions of an employee's work away from the central workplace. Work agreements are required for telework.

Work Schedule: The employee's hours of work in the central workplace or in the alternate work locations.