

Executive Branch Baseline Telework Policy

Department of Administrative and Financial Services Bureau of Human Resources

Includes Maine Department of Health and Human Services (DHHS) Supplemental Policies

As the second largest employer in Maine, we are in a position to be a leader in workplace innovation, environmental stewardship, and economic development. After many years of contemplating the viability and possibility of remote work for State employees, at the onset of the Covid-19 pandemic, a large portion of the State's workforce was moved to ad hoc telework, accelerating us past mere contemplation of telework to full implementation – including an evaluation of the impact of telework for both operations and employees. An ongoing and thoughtful conversation about telework is certain to unfold as we continue to process the unexpected lessons of the pandemic telework experience.

To that end, the Executive Branch of State government has developed a Telework Policy to provide supervisors the framework and expectations for the following:

- Supporting employee wellbeing and work/life balance,
- Recruitment and retention of a skilled workforce,
- Supporting the needs of the public,
- Protecting our climate through lower greenhouse gas emissions and a reduced carbon footprint,
- Protecting State operational and financial interests.

This Bureau of Human Resources Baseline Telework Policy applies to all Departments and agencies of the Executive Branch, and represents the minimum required provisions for all Executive Branch telework policies. If a separately developed Department or agency telework policy is less rigorous or is silent on a provision, the provisions in this policy take precedence. This policy must be provided to all employees seeking telework.

This policy will be evaluated on an ongoing basis and is subject to revision at the discretion of the Bureau of Human Resources. Any revisions will supersede prior versions. Adjustments during a transition period are expected.

This policy is intended to comply with applicable provisions of collective bargaining agreements, civil service rules, work rules, and State and Federal laws. If in any instance a conflict arises, precedence shall be given to the provisions with higher authority.

The Department of Health and Human Services (DHHS) welcomes the opportunity to launch an historic move to telework building on the lessons of maintaining our mission through the COVID-19 pandemic. Below are several additions to the Baseline Telework Policy that apply to DHHS employees. As with the Baseline Policy, the DHHS policy will be evaluated on an ongoing basis and is subject to revision.

1. General provisions

- 1.1. Telework is a mutually agreed upon work arrangement where an employee performs assigned duties and authorized activities during their agreed upon telework hours at an agreed upon telework site on a regular or occasional basis. Teleworking is discretionary workplace flexibility based on operational need. Not all employees or positions are eligible to telework.

DHHS: Maximum amount of telework ("max telework"): With supervisor approval, a DHHS employee may telework up to three days per week. (updated 10/8/21)

Exceptions to maximum amount of telework:

- a. *Employees whose functions required routine and consistent field work prior to the pandemic are not subject to this maximum.*

- b. *In limited circumstances, employees who receive approval from their supervisors, HR and/or DHHS Commissioner's Office may have an exception to the max telework expectations in accordance with operational needs for a period of time specified by leadership. These circumstances will be extremely limited and related to fulfilling a critical Department function rather than an individual's circumstances. This is distinct from accommodations under the Americans with Disabilities Act.*
- c. *In limited circumstances, certain job types may be allowed to telework a monthly equivalent of 3 telework days per week (e.g. an assigned schedule that concentrates max telework days in one or two weeks). This option will be made available to the applicable job types directly and is intended for employees who regularly conduct their work in-person and through a longer-term (e.g. monthly) rotational schedule. (updated 10/8/21)*

1.2. A Telework Authorization may be adjusted or terminated in response to a request from the employee or at the discretion of the supervisor. A Telework Authorization can be adjusted or terminated for reasons including but not limited to: if an employee's performance does not meet expectations, if the teleworking arrangement fails to meet organizational needs, including if the employee is unable to perform their work in a safe, effective and secure manner, or if the employee fails to meet the requirements of their Telework Authorization and this policy. Eligible employees may be allowed to telework part time or full time, based on employee request, operational need, supervisory, and leadership approval as required by an employee's Department or agency.

1.3. Two types of Telework Authorizations are available:

- *Regular telework:* Regular Telework Authorizations are for an ongoing agreed upon work schedule. Teleworking days and hours will be determined in advance and, in general and based on operational need, will not vary. The arrangement can last for a defined period or can continue indefinitely with regular review.
- *Occasional telework:* Occasional Telework Authorizations are approved on a case-by-case basis, are infrequent, and not regularly scheduled. Occasional telework can allow employees flexibility to attend appointments, continue to perform work during workplace disruptions including emergency situations, or provide uninterrupted time for project work.

1.4. Telework employees may or may not be assigned a permanently designated workspace at their headquarters location. Supervisors will assign employee workspaces when Telework Authorizations are reviewed. Generally, workspaces will fall into three categories:

- Dedicated, permanently assigned, workspaces that are not shared;
- Dedicated, permanently assigned workspaces that are shared, where 2 or more staffmembers "rotate" use on a set schedule; and
- "Drop in" or "hoteling" spaces that consist of unassigned seating that is available either on a first-come, first-served basis, or is reserved in advance.

DHHS: Employees opting for the maximum amount of telework – three days – may need to share workspaces, i.e., they may no longer have dedicated, permanently assigned workspaces (e.g., offices, cubicles). If opting into the maximum telework option, the employee's workspace may be reassigned based on operational need. Consistent with past practice, and depending on office space requirements, employees opting for less than the maximum telework schedule may also be required to forego dedicated workspace, but not before employees opting for max telework.

1.5. A Telework Authorization does not represent an official assignment of headquarters (different rules apply to employees with an official assignment of headquarters at their home). The employee's official headquarters will remain the office location where the employee is generally expected to report for on-site work, whether or not the employee has a dedicated, permanently assigned workspace at that location, and regardless of the number of days per week the employee is expected to report to that location. When an employee commutes to their official headquarters location, mileage between the employee's telework location and official headquarters is not reimbursable.

- 1.6. For Telework Authorizations, an employee will designate an area as a telework workspace that allows for privacy and confidentiality of work and is removed from other distractions at the telework location. The employee must maintain the designated workspace in a safe condition, free from hazards and other dangers. The employee will work at the designated telework location during their agreed upon work schedule, unless they have received prior written approval to temporarily work elsewhere.
- 1.7. Teleworkers are covered under the State of Maine Workers Compensation Act when performing official duties in the agreed upon telework workspace. If an employee becomes injured while performing their duties via teleworking, they must report the injury to their supervisor immediately.
- 1.8. The teleworker must protect State-owned equipment from possible theft and/or damage and ensure the security of all official or confidential data and documents. Appropriate IT, data and document security and safety requirements will be established to ensure the security of confidential information during storage, transfer, or use at a teleworksite.
- 1.9. Operating costs associated with an employee's use of a telework location or use of personal equipment at a telework location, including but not limited to maintenance, insurance and utilities, are not reimbursable by the State. The State is not liable for damages to an employee's personal or real property while an employee is teleworking.
- 1.10. The employee is responsible for determining any income tax implications of maintaining a telework site at their home (home office). The State will not provide tax guidance; employees are encouraged to consult with a qualified tax professional to discuss income tax implications.
- 1.11. State owned equipment in use at an agreed upon telework location will be covered by an agency's insurance through the Office of the State Controller, Risk Management division, subject to relevant terms and conditions including the responsibility of the employee to ensure the equipment is adequately safeguarded and secured. Teleworkers should consult with their personal insurance agent to ensure there are no coverage deficiencies or adverse impacts to personal property or liability insurance.
- 1.12. Telework Authorizations are intended for employees who live within regular and reasonable commuting distance of their headquarters office. A request for a Telework Authorization for an employee residing outside of the State of Maine must be reviewed and approved in advance by the Bureau of Human Resources, due to the complexity of labor laws, tax requirements, and other rules and regulations. An employee with an existing Telework Authorization that moves outside of the State of Maine must obtain prior approval to continue teleworking from BHR and leadership as required by an employee's Department or agency.
- 1.13. Employee performance and productivity is subject to supervision and monitoring whether the employee is working on-site or teleworking. When an employee is teleworking, supervision and monitoring may include remote options such as electronic monitoring of computer activity (with HR approval). The State reserves the right to visit employees at agreed upon telework locations to assess performance, productivity, safety, security, and compliance with this telework policy. Any visits to telework sites will be coordinated with the appropriate human resources staff.

2. Eligibility

- 2.1. Positions eligible for telework are assessed according to the functions and duties of the position. Positions eligible for telework are those involving tasks and work activities that are portable, measurable, and not dependent on the employee being in the traditional worksite and are conducive to supervisory oversight at the telework site.
- 2.2. To be eligible for telework, employees must demonstrate: dependability, ability to handle responsibility, ability to self-motivate, ability to prioritize work effectively, ability to utilize good time-management skills, ability to work with their supervisor to clearly define tasks and performance expectations appropriate for telework, and ability to establish an appropriate telework workspace.
- 2.3. Positions not eligible for telework are those that involve tasks not suitably performed away from the office. This can include but is not limited to: positions that require an employee's physical presence to perform the functions and duties of the position; use of classified data or access to material that cannot

be removed from the office; frequent attendance at critical in-person meetings; work activities that if performed away from the office would create an undue burden for on-site staff.

3. Scheduling, time and attendance:

- 3.1. Teleworking days and hours will be determined in advance and, in general and based on operational need, will not vary. Teleworkers are expected to adhere to their agreed upon work schedule and telework hours as approved by their supervisor; schedules will be developed based on operational need and number of employees requesting telework. Occasional, non-recurring schedule changes may be approved by an employee's supervisor on a case-by-case basis, based on operational need and availability of workspace. Long term or permanent changes to the telework schedule will require an updated Telework authorization and must be approved by the supervisor in advance.
- 3.2. An employee's manager or supervisor may, based on operational need, require the employee to work from their headquarters location on a regularly scheduled telework day. Advance notice will be provided when possible, however, if unforeseen circumstances arise an employee may be required to report to their headquarters location during agreed upon telework hours with little or no advance notice. When employees are required to work from headquarters on a scheduled telework day, supervisors may (but are not required to) approve an employee request to reschedule the telework day, subject to operational requirements.
- 3.3. Employees are required to participate in meetings regardless of work location and may be required to attend meetings in person. Teleworking employees shall not request to reschedule meetings based on their telework schedule. An employee is not permitted to delegate normally assigned duties to co-workers because the employee is unable to complete the task as a result of teleworking or does not have access to the necessary equipment at the telework site.
- 3.4. Except when engaged in other work-related activity, teleworkers must be reachable and responsive during their agreed upon telework hours via Teams/chat, phone, email, or other agreed upon method.
- 3.5. Teleworkers are required to provide their supervisor with access to an up to date schedule including details regarding work schedule and times available and unavailable, via their Outlook calendar or other agreed upon method.
- 3.6. Teleworking employees are expected to be focused on their work, in a dedicated space, and must not be responsible for caring for children or others during their scheduled work hours. Time spent taking care of household tasks or personal business is not considered timeworked.
- 3.7. Time spent teleworking must be reported in the same manner as if the employee were working at their assigned headquarters. Employees who telework are subject to standard overtime provisions; overtime may only be worked when approved in advance by a supervisor.
- 3.8. Should technical or other difficulties arise while teleworking, such as loss of internet, loss of power, increased telework location distractions, etc. the teleworker must notify their supervisor and begin alternate work arrangements. A teleworker must work with their supervisor in advance to establish alternate work arrangements which may include reporting to their headquarters location if space allows, adjusting their work schedule for the day, or ensuring that the teleworker has work with them that can be accomplished without internet connectivity.
- 3.9. In general, time spent commuting to a headquarters location is not considered time worked, even if the employee was scheduled to telework that day.

4. Disruptions to State services

- 4.1. Certain situations may result in disruption of commuting and/or government operations, and may require closure of State offices or a delayed arrival or early release authorization. These situations might be forecasted or unexpected and could occur due to a wide range of events, including but not limited to: building maintenance issues, network outages, security issues, weather events, natural disasters, and local or national declared emergencies.
- 4.2. All employees approved for regular or occasional telework are required to be prepared to work at their agreed upon telework site during forecasted disruptive situations. Teleworkers will be required to

transport laptops, portable equipment and any materials required to perform job functions to their telework location when a disruption is expected.

- 4.3. Supervisors may require designated teleworkers to transport laptops, portable equipment and any materials required to perform job functions to their telework location on a daily basis, in preparation for any unknown disruptive situation that may occur, as an integral part of the State's effort to ensure continuity of operations.
- 4.4. If the situation results in technical or other difficulties such as loss of internet, power, heat, school closures, etc., teleworkers must notify their supervisor and begin previously agreed upon alternate work arrangements. In cases where safe and productive alternate work is not possible, an agency in coordination with human resources may grant administrative leave to a teleworker on a case by case basis as appropriate.

5. Equipment and supplies

- 5.1. The State will not be responsible for furnishing or maintaining a telework site workspace; however the State is working to develop special employee-only Surplus Property sales and will negotiate with vendors to make every effort to obtain government pricing for State employees to purchase items necessary for telework space.
- 5.2. The State will only assign one set of IT equipment to an employee, based on the nature and type of work performed and as approved by a supervisor; this can include a laptop, docking station, keyboard, mouse, appropriate number of monitors, printer, etc. If an employee has a designated workspace and equipment at their headquarters location, they will not be provided duplicate equipment for a telework location. A detailed inventory will be maintained of any equipment removed from an employee's headquarters location to a telework worksite.
- 5.3. Office supplies such as paper, pens, etc. should be obtained at an employee's official headquarters, and the teleworker may take such supplies as are necessary to perform job functions and may not be used for personal activities; if an employee chooses to purchase supplies, out-of-pocket expenses will not be reimbursed.
- 5.4. State-owned equipment or State-provided telework services must be used for official purposes only and use must comply with MaineIT's User Device and Commodity Policy and BHR's Acceptable Use Policy.
- 5.5. Family members and friends of teleworkers are not authorized to use State-owned equipment.
- 5.6. All State-owned equipment must be returned at the conclusion of the Telework Authorization, termination of employment, or at the department or agency's request.

6. Security considerations

- 6.1. Failure to comply with any security policies, procedures and guidelines may result in immediate termination of a Telework Authorization.
- 6.2. Scheduled telework must be performed using State-owned equipment, including printers, or personally owned equipment with appropriate security measures employed by Maine IT.
- 6.3. Security of all State data and protection of State-owned equipment and property containing confidential information will be ensured by the teleworker.
- 6.4. Materials and workspace must be secured when not working if the employee works with any Personally Identifiable Information (PII), Federal Tax Information (FTI), or other confidential or sensitive information.

7. Responsibilities

- 7.1. Departmental / agency leadership's, supervisors' and managers' responsibilities:
 - a. Determine which of their positions might be eligible for telework.
 - b. Determine whether employees requesting telework are in an eligible position and meet minimum requirements to be eligible for telework.
 - c. Evaluate on-site workspace needs.

- d. Ensure there is adequate coverage to enable operations to continue to be carried out in an efficient and economical manner.
- e. Ensure procedures are in place to maintain effective communication across members of a workgroup and with other workgroups.
- f. Work with agency leadership to approve or disapprove requests for telework, and document in writing the basis for disapproval or termination of telework.
- g. Complete required training for performance management and mentoring of teleworkers.
- h. Ensure that telework staff remain connected and effective members of the workgroup.
- i. Ensure tracking and accountability of State-owned equipment assigned to teleworkers.
- j. Contact Human Resources for guidance if an employee requests telework as an accommodation under ADA or requests to telework for any medical related reasons for themselves or a family member, or requests that equipment be provided for a medical reason when working at a telework location.
- k. Ensure employees complete required telework training.
- l. Ensure employees complete the safety, security and compliance checklist
- m. If an ergonomic assessment is requested, ensure that it is performed; it can be arranged with the Bureau of Human Resources, Office of Employee Health and Wellness.
- n. Ensure employees have a current, signed Telework Authorization in place.
- o. Review Telework Authorizations with their employees on a regular basis, but no less than annually as part of the annual performance review process.
- p. Maintain and make available a telework schedule to allow all staff to know when to expect employees to be on site or teleworking.
- q. *DHHS: Offer training on how to operate AV equipment to hold hybrid meetings when in offices.*

7.2 Employee responsibilities:

- a. Read and understand this Telework Policy and sign a Telework Authorization.
- b. Review the Telework Authorization with their supervisor on a regular basis, but no less than annually as part of the annual performance review process.
- c. Complete required telework training.
- d. Complete the safety, security and compliance checklist.
- e. Designate an area as a telework workspace that allows for privacy and confidentiality of work, and is removed from other distractions at the telework location.
- f. Furnish and maintain the designated telework workspace in an ergonomically correct and safe condition, free from hazards and other dangers to the employee and other State of Maine personnel. Employee must notify their supervisor if they need or want an ergonomic assessment, which can be arranged with the Bureau of Human Resources, Office of Employee Health and Wellness. The employee must agree to correct the workspace as advised in the assessment. The employee is responsible for the payment for any needed furniture or workspace alterations.
- g. Ensure adequate internet connection that allows for participation in work-related activities and meetings via audio and video when required. The amount of internet speed required will vary based on the requirements of the position.
- h. Comply with office policies or supervisor/manager requests to enable their camera for meeting attendance.
- i. Adhere to agreed upon telework hours and properly report actual hours worked.
- j. Maintain a level of performance that meets expectations.
- k. Be reachable and responsive during their agreed upon telework hours.
- l. Provide their supervisor with access to an up to date schedule.
- m. Be prepared to report to office/headquarters location on designated telework days if necessitated by work requirements or if directed by supervisor or manager.
- n. Protect State-owned equipment from possible theft and/or damage and ensure the security of all official or confidential data and documents.
- o. *DHHS: Be present using video camera when appropriate and possible during video meetings and*

adhere to the working norms that guide our workplace engagement.

8. **Resource links** – available on [DHHS' Office Reentry Planning for DHHS Staff site](#)