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|  <p><b>OFFICE OF THE STATE INSPECTOR GENERAL</b><br/><b>POLICY AND PROCEDURE</b></p> <p><b>SUBJECT</b></p> <p><b>TELEWORK POLICY</b></p> | <b>Effective Date</b><br><b>April 30, 2021</b>   | <b>Number</b><br><b>102</b>  |
|  | <b>Supersedes</b><br><b>July 1, 2020</b>   |  |
|  | <b>Authority</b><br>Code of Virginia § <a href="#">2.2-1175</a> .                      |  |
|  | <b>FOIA Exempt</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | <b>Attachments</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |

**I. PURPOSE**

This operating procedure provides guidance for Office of the State Inspector General (OSIG) employees to participate in teleworking in compliance with *Code of Virginia* § [2.2-2817.1](#) and Department of Human Resource Management (DHRM) policies.

**II. COMPLIANCE**

This operating procedure applies to all organizational components of OSIG. Practices and procedures shall comply with applicable state and federal laws, DHRM policies and OSIG directives and operating procedures. Additional specific guidance for teleworking may be found in the Department of Human Resource Management Policy Manual located at [DHRM Telework Policy 1.61](#).

**III. DEFINITIONS**

**Alternate Work Location** — Approved work sites other than the employee’s central workplace where official state business is performed. Such locations may include, but are not limited to, employee’s home, approved facility work stations, other work sites, etc. OSIG prohibits telework outside the contiguous United States.

**Central Workplace** — The employer’s main work location (i.e., assigned offices located in the James Monroe building, VDOT District office), where the employee is normally located for work.

**Teleworking** — A work arrangement in which supervisors direct or permit employees to perform their usual job duties away from the central workplace in accordance with work agreements.

**Teleworking Agreement** — The written agreement between the Deputy Inspector General and/or his/her designee and the employee that details the terms and conditions of an employee’s work away from his or her central workplace. Written agreements are required for teleworking. (see **Attachment 1**, Teleworking Agreement).

#### IV. PROCEDURE

##### A. General

1. OSIG supports the increased utilization of teleworking in the Commonwealth. Code § 2.2-2817.1 requires each state agency to pursue a goal of not less than 20 percent of its eligible workforce teleworking at least 32 hours per month. In addition, OSIG will support and promote annually National Telework Week, by encouraging participation of all active teleworkers and other initiatives that create opportunities for further growth in the program. In support of this goal, OSIG identifies positions that will be eligible to telework and that support the operational needs of OSIG. OSIG seeks to enhance productivity, manage operating costs, enhance recruitment, and improve retention rates and employee morale by using telecommuting.
2. This operating procedure applies to all full-time and part-time employees. Employees permitted to telework from home or off-site remain subject to the terms and conditions of employment and are required to comply with all applicable policies and operating procedures.
3. Teleworking will be limited to two days a week at an alternate work location, with individual circumstances or accommodations requiring approval by a supervisor. More infrequent telecommuting arrangements may be made in accordance with [DHRM Policy 1.61](#), Telework.

B. Supervisors have the authority to approve employees to telework, as well as cease a teleworking agreement at any time. Supervisors also have the authority and flexibility to approve ad-hoc changes to a single employee agreement or a group of employee agreements (e.g., day of the week or additional days in a week, hours of work, etc.) to accommodate business objectives. Employees have the right to decline the opportunity to telework for various reasons, unless teleworking is a requirement of the position.

C. An employee's position designated as telework eligible does not mean that the employee is a good candidate for telework. Characteristics of successful teleworkers are:

1. Demonstration of at least a contributor level of performance, which is sustained over time (this may include assessment of active or pending disciplinary action, if related).
2. Low need for face-to-face interaction.
3. Defined deliverables/milestones.
4. Individual control over work pace.
5. Strong communication skills.
6. Strong organization skills.
7. Dependable and trustworthy.
8. Work productively on their own.

Probationary employees are not excluded from teleworking arrangements (in fact, teleworking may be a condition of employment); however, it is strongly recommended that supervisors make an appropriate assessment of the employee's work behaviors and

characteristics, which may include on-site demonstration of performance and a trial period of telework before a long-term arrangement is agreed upon. Supervisors have the discretion to determine the length of time in which they will make the assessment. In addition, employees who are initially assessed to have these traits and approved to telework, but who later develop performance or discipline issues should be reassessed for eligibility. Telework arrangements can be rescinded at any time at the discretion of management.

- D. Employees and their immediate supervisors should mutually develop telework agreements (see **Attachment 1**), including typical work hours, productivity requirements and alternative work locations. Telework agreements may contain mutually agreed upon termination grounds; however, OSIG reserves the right to cancel telework agreements at any time. Telework agreements should be reviewed annually and revalidated at least once every two years in accordance with DHRM policy.
- E. Schedules/Hours of Work
1. The number of hours that employees are expected to work will not change, regardless of work location or schedule. Teleworkers, in the absence of a Telework Agreement to the contrary, must apply themselves to work during normal scheduled work hours, unless a variation in hours is pre-approved by a supervisor. Management must ensure that procedures are in place to document the work hours of teleworking non-exempt employees, ensuring compliance with the Fair Labor Standards Act.
  2. While on telework, all full-time employees must be reachable during normal office hours (8:30 a.m. – 5 p.m.) and ensure coverage of his/her area of responsibility.
  3. Employees are required to report in to their supervisor at the start and end of each day when they are teleworking via email from the employee-issued laptop.
  4. Supervisors may require employees to report to a central workplace as needed for work related meetings or other events, or may meet directly with the employee at the alternate work location as needed to discuss work progress and/or other work-related issues. Employees may be required to adjust their schedules to ensure attendance at meetings or work related events.
  5. When attending meetings or conducting interviews, OSIG employees shall not record meetings and/or interviews without the knowledge and consent of every Executive branch agency employee in attendance. If any attendee indicates that he/she is recording the meeting, each attendee shall document consent in a sworn statement; however, this statement does not apply to administrative activities or criminal investigations as required or authorized by law. OSIG will provide a copy of this sworn statement to all meeting attendees within 24 hours of the meeting conclusion.
  6. Teleworking is not to be used in place of sick leave, Family and Medical Leave Act leave under the Virginia Sickness and Disability Program, Worker's Compensation leave or other types of leave.

7. OSIG may enter into temporary telework agreements to use teleworking as a Return to Work opportunity. These arrangements will be done in consultation with DHRM.

#### F. Evaluation

1. All telework agreements and telework arrangements are subject to interim evaluation to ensure appropriate results and efficiencies are being achieved.
2. Supervisors may complete interim evaluations at any time to ensure measured results, or they may, following the initial four-month period, return to the annual performance cycle evaluation for the employee and an annual evaluation of the agreement.
3. Supervisors are responsible for ensuring that telework is a productive arrangement. Failure to ensure this may result in disciplinary action for the supervisor.

#### G. Equipment

1. OSIG will provide a laptop computer for teleworking employees to perform their duties at alternative work locations (peripheral hardware may be provided in some instances). Telework agreements must specify equipment requirements. In rare instances, employees may be authorized to use their own equipment (for access to non-sensitive applications); however, this must be pre-approved by the OSIG Technology and Security Services Manager and Virginia Information Technologies Agency (VITA) because special requirements apply to the use of personal devices that connect to the Commonwealth's network.
2. If laptops are not already equipped with internal cameras, OSIG will provide an external laptop camera for teleworking employees to participate in virtual meetings. Employees are expected to use laptop cameras to the greatest extent possible.
3. Employees are responsible for OSIG equipment used off-site. Needed repairs or service should be reported immediately to their supervisor. OSIG is not responsible for personal equipment. If equipment, email or other IT resources are not functioning properly, the supervisor may temporarily suspend the telework agreement until the equipment or resources are in working order.
4. Employees must maintain the security and confidentiality over OSIG information and assets at alternative work locations, including travel to and from those locations, in the same manner in which it is maintained at the central work location to include the proper access, discard and disposal of the information and equipment.
5. Only authorized employees may use OSIG equipment and only for authorized, legitimate OSIG business. Employees must comply with [VITA Information Technology Security Standards](#) at all times when using OSIG equipment or accessing OSIG data and information.
6. Employees must complete all training requirements for information technology security prior to teleworking.

#### H. Safety and Worker's Compensation

1. All alternative work locations must comply with safety standards applied to the

central work location, including a work space that is free of clutter, exposed wiring, slippery surfaces, etc. OSIG reserves the right to inspect the alternative work location to ensure hazards do not exist.

2. OSIG may be liable for job-related injuries that occur at alternative work locations during agreed upon work hours. All applicable reporting guidelines for injuries/accidents should be followed.

#### V. REFERENCES

- *Code of Virginia* § [2.2-2817.1](#) State agencies to establish alternative work schedules; reporting requirement.
- [DHRM Policy 1.61](#) - Teleworking
- Fair Labor Standards Act

#### VI. REVIEW DATE

This procedure shall be reviewed annually and updated no later than **April 1, 2022**.

*Signature copy on file*

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*MICHAEL C. WESTFALL*  
State Inspector General