

# POLICY

<b>Approved by:</b> Rebecca R. Hunter, Commissioner	<b>Policy Number:</b> 14-001 (rev. 09/16)
<b>Signature:</b>	<b>Supersedes:</b> 14-001
<b>Application:</b> Executive Branch Agencies, Executive Branch Employees, Human Resource Officers	<b>Effective Date:</b> September 20, 2016
<b>Authority:</b> T.C.A. § 4-3-1703; T.C.A. § 8-30-104	<b>Rule:</b> 1120-02

**Subject:**

## ALTERNATIVE WORKPLACE SOLUTIONS

The purpose of this policy is to outline the various types of Alternative Workplace Solutions (AWS) arrangements as well as the requirements for each arrangement. AWS arrangements utilize mobile technologies, flexible work schedules, and multi-user workstations to maximize efficiency of work processes while reducing costs associated with office space. This policy is designed to provide the structure needed for effective implementation and operation of mobility. Agencies are responsible for ensuring compliance with the provisions of this policy. This policy affirmatively rescinds and replaces Department of Human Resources Policy 14-001 (Telework). It should be noted that all employees will not be eligible for participation in AWS and many employees will continue to report to their regularly assigned physical building. This Policy addresses three (3) specific AWS arrangements:

1. Work from Home
2. Mobile Work
3. Free Address

### Work from Home

This AWS arrangement provides employees the opportunity to work at a place other than his or her regularly assigned office location, such as the employee's residence or an alternate location approved by the employee's supervisor/manager. Employees using this arrangement will work from his or her residence a minimum of three (3) days per week or upon a schedule mutually agreed upon by the supervisor and the employee. On the days the employee is not scheduled to work from home, the employee will report to his or her regularly assigned office location. For employees utilizing this arrangement, their residence (or other approved alternate location) will be their official designated reporting station for the days he or she works out of the office. The employee's official work station will remain as designated by the agency, as employees may be required to report to this office location as

# DOHR Policy: Alternative Workplace Solutions

Policy Number: 14-001

requested by management for meetings, etc. Additional information about this arrangement can be found in Appendix A.

## Mobile Work

This AWS arrangement provides flexibility of schedules for employees whose responsibilities require them to be away from the office for much or all of the regular workday due to community interaction. Mobile workers will not be assigned a permanent office, but will instead utilize the free address option when reporting to the regularly assigned office location. The employee's official work station will remain as designated by the agency. Additional information about this option can be found in Appendix A.

## Free Address

This AWS arrangement may be suitable for an employee whose primary place to conduct state business is in a regularly assigned building, but who frequently collaborates with different groups and/or engages in a variety of different projects. This arrangement is also suitable for mobile workers and work from home employees when they are physically present in the office. This option includes an arrangement whereby employees utilize unassigned, non-permanent workstations on an as needed basis. Agencies may require employees to reserve the workspace in advance, or the workspaces may be used on a first-come first-serve basis. Additional information about this arrangement can be found in Appendix B.

## Factors to consider when designating a position as suitable for AWS arrangement

Agencies shall consider AWS for all possible job classifications which would lead to efficiencies and effectiveness in daily operations. However, not all job classifications may be appropriate for AWS arrangements. Each participating agency shall identify job classifications eligible for AWS and should consider the following factors when determining which positions may be eligible for AWS arrangements:

1. Nature of the work performed by positions considered for AWS arrangements;
2. Efficiency of work processes;
3. Impact on ability to provide quality customer service;
4. Utilization of office space;
5. Utilization of technology and environmental impact;
6. Effectiveness of existing project teams;
7. Impact on agency travel expenses; and
8. Impact on employee quality of life.

When determining whether to implement AWS arrangements, agencies should ensure that the arrangement does not violate any state or federal laws not contemplated in this Policy.

## Eligibility of employees for AWS arrangement

All employees in positions designated by the agency as eligible shall be qualified to participate in AWS, and all eligible employees are authorized to participate to the fullest extent possible without diminished individual or organizational performance.

An employee may not be eligible to participate in AWS (*pursuant to agency discretion*) if:

## Alternative Workplace Solutions

1. He/she is subject to official discipline for performance or conduct, including suspension, demotion, or recommendation for termination;
2. He/she has documented violation of the State's Code of Conduct;
3. He/she has demonstrated diminished individual or organizational performance;
4. He/she has violated the terms of the AWS agreement;
5. His/her position involves the direct handling of secure material (daily or on a frequent basis) which the agency determines is inappropriate for AWS. This may include materials for which the agency maintains a written policy restricting access or use of the material or for which appropriate mitigating IT security measures do not exist; or
6. His/her position requires daily, or on a defined consistent basis, onsite work activities that cannot be handled remotely or at an alternative worksite.

### Supervisor's responsibilities when utilizing an AWS arrangement

Supervisors of employees utilizing AWS arrangements have certain responsibilities which include, but are not limited to, the following:

1. Setting forth appropriate measures to protect confidential information;
2. Ensuring that customer service is not adversely affected by the AWS;
3. Undertaking the necessary risk assessments of the office design and working practices;
4. Clearly defining and setting forth the AWS employee's responsibilities;
5. Maintaining effective communication with AWS employees;
6. Informing employees of reservation system requirements for free address space (agency discretion);
7. Ensuring there is not a hardship or burden placed on other employees (additional work, etc.);
8. Maintaining responsibility and accountability for treating all AWS and non-AWS employees similarly in acts involving managerial discretion, including but not limited to: distribution of assignments among employees in the work unit, use of appropriate tracking and communication tools, performance management, both informal and formal feedback, performance coaching, learning and development, reassignment, promotions, retention, and discipline;
9. Providing advance notice, if practicable, to AWS employees regarding requests to report to the regularly assigned office location (notice is not required and does not absolve an employee's responsibility to be physically present upon request); and
10. Completing AWS training for supervisors and annually signing an employee's AWS acknowledgement form.

### Employee's responsibilities when utilizing an AWS arrangement

Employees utilizing an AWS arrangement have certain responsibilities depending on which arrangement is utilized, including, but not limited to, the following:

1. Maintaining established performance standards;
2. Ensuring that the alternative worksite is appropriate and provides the work environment, connectivity, technology, resource access, and security authority consistent with the work in which the employee is engaged;

## Alternative Workplace Solutions

3. Procuring and providing internet services appropriate to the work effort at their own expense;
4. Maintaining flexibility and responsiveness to the needs of the supervisor, work team, and agency (communication and collaboration);
5. Reporting to the regularly assigned office location , pursuant to agency needs, for all or part of the workday during which they would otherwise be engaged in an AWS arrangement;
6. Documenting AWS work time in accordance with established DOHR and agency time and attendance policies;
7. Complying with DOHR and agency rules and practices pertaining to requesting and obtaining approval for leave, overtime, or any change to the employee's work schedule;
8. Maintaining effective communication with supervisors and other employees with whom communication is essential for successfully implementing the arrangement;
9. Being considerate of employees sharing workspace, and maintaining a clean workspace at all times;
10. Properly maintaining and protecting confidential information, and following data security procedures at all times;
11. Using a shared workspace only so long as needed;
12. Maintaining a high level of customer service at all times; and
13. Completing AWS training for employees and annually signing an AWS acknowledgement form.

Participation in an AWS arrangement of Work from Home is based on an employee's job responsibilities as determined by the agency. If an employee's productivity decreases or other performance/conduct issues arise, the supervisor should treat the AWS employee no differently than an employee working in the regularly assigned office location. This means that coaching and counseling should take place and, if necessary, the supervisor has the authority to issue disciplinary action as appropriate.

Employees who participate in an AWS arrangement are considered to be in an official duty status during the employee's designated work schedule. Work from Home employees are prohibited from providing dependent or adult care while working from home. Failure to adhere to applicable state and federal laws and state and agency rules and policies may result in discipline, up to and including dismissal.

Commute time from home to work and from work to home are not considered work hours and are not compensable under 5 C.F.R. § 551.422 and 5 C.F.R. § 550.112 (j)(2). An employee may be compensated for commute time if he or she is officially directed to perform work while commuting. However, an employee cannot be compensated for travel to and from his/her official duty station as a normal incident of employment.

Supervisors retain the authority to disapprove an employee's selection of a particular alternative worksite arrangement if, in the supervisor's opinion, the worksite is not business appropriate and/or fails to provide a working environment compliant with this Policy.

# DOHR Policy: Alternative Workplace Solutions

Policy Number: 14-001

## Training

Employees who utilize an AWS arrangement shall complete AWS training (online and in person) for employees before starting the AWS option, or if already participating in an AWS option, within six (6) months of the effective date of this Policy. Supervisors who have at least one (1) employee utilizing an AWS arrangement shall attend or complete the AWS training for supervisors as well as Change Management course as soon as practicable, but not later than six (6) months after the effective date of the AWS agreement. The Agency AWS Coordinator and/or Agency Learning and Development Coordinator is responsible for tracking this information and ensuring that completion of these courses is entered into Edison ELM in a timely manner.

## AWS Acknowledgement Form

An AWS Acknowledgement Form shall be signed by the employee, the supervisor, the agency Human Resources Director, the agency AWS Coordinator, and the appointing authority. This acknowledgement form remains in effect indefinitely, but may be modified in response to a request by either the supervisor or employee, changes in position or employee eligibility, or to address the impact of the arrangement on individual or organizational performance. All parties shall sign the acknowledgement form annually to ensure the goals for the AWS arrangement and the agency's overarching mission continue to be best served by the option. The Acknowledgement Form shall not become part of the employee's official personnel file. Appendix D includes a sample AWS acknowledgement form.

## Agency Guidelines

Each agency participating in AWS shall create guidelines for administration of AWS program within the agency. The guidelines should be submitted to the Department of Human Resources for review and approval before being distributed to agency employees. The guidelines should include, but not limited to, the following information:

1. Job classifications that are eligible for AWS arrangements, including criteria for identification;
2. Process of how employees will be notified of their eligibility to participate in AWS;
3. Reference to this Policy and appendices for clarification on definitions and other important information;
4. Guidance to supervisors/managers on advising employees that they will continue to be measured using the current performance management system;
5. Clear communication to employees that participate in AWS arrangements will be eligible for the same opportunities as employees not utilizing an AWS arrangement, including: assignments, development opportunities, promotions, and awards/recognition);
6. Details regarding the administration of available AWS arrangements within their respective agency;
7. Agency-specific AWS acknowledgement form;
8. Information on procedure for free address reservation system (if applicable);
9. AWS training requirements;

# DOHR Policy: Alternative Workplace Solutions

Policy Number: 14-001

10. Name and contact information of AWS Agency Coordinator (mentioned below);
11. Information on procedure to request modification of AWS arrangement; and
12. Clear desk protocol.

## AWS Agency Coordinator

Appointing authorities shall designate an AWS Agency Coordinator who will be responsible for the following:

1. Retaining signed AWS acknowledgement forms for the each employee;
2. Serving as primary point of contact for employees who have questions/concerns about AWS arrangements;
3. Developing or assisting with agency guideline development/implementation as well as development of agency form;
4. Serving as an advisor for agency leadership regarding AWS;
5. Serving as a resource for supervisors with AWS issues or concerns; and
6. Assisting with compilation of metrics to ascertain effectiveness of AWS arrangements.

## Acceptable Use Policy and Information Technology

AWS employees utilizing State-owned hardware, software, internet, email, and other forms of State-owned communication media shall do so in a manner consistent with the State's Acceptable Use Policy, Code of Conduct, and other State laws, rules, and policies.

Employees have a responsibility to safeguard government property and are responsible for the care, security, and effective utilization of such property, including computers, tablets, phones, and related equipment used to perform official duties. Employees may be financially responsible for the property if it is lost, stolen, damaged, or destroyed as a result of negligence, improper or willful actions.

AWS employees may use non-state issued property, but must enable an approved firewall, virus scan, and security patch. Information on the most current programs and other requirements are included in the STS guidelines, included as Appendix C.

## Clear-Desk Protocols/ Maintaining Sanitary Shared Workspace

Agencies are encouraged to implement clear-desk protocols when employees have workspace-sharing arrangements. Such protocols typically require employees to clear the workspace of all work and personal items after use. Such practices help provide an accommodating workspace for all users, and reduce the threat of confidentiality and data security breaches.

Agencies should take measures to maintain a sanitary workspace, including providing anti-bacterial wipes and hand sanitizer to be used on shared telephones and other such equipment with multiple users. Disinfecting the area on a regular basis will reduce the spread of contagions and promote the overall health of the workforce.

<b>DOHR Policy:</b> Alternative Workplace Solutions	<b>Policy Number:</b> 14-001
--	------------------------------

Questions regarding this policy should be directed to the Department of Human Resources' Office of the General Counsel or the Agency AWS Coordinator.