

**UTAH DEPARTMENT OF HUMAN SERVICES
POLICY AND PROCEDURES**

Policy: 02.21

Effective Date: July 1, 2021

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DEPARTMENT TELECOMMUTE POLICY

RATIONALE: This policy provides direction for **Utah Department of Human Services (DHS)** participation in the [State of Utah's A New Workplace](#) and [Utah Code 67-19-46](#), Workforce Solutions for Air Quality Management. It provides the structure for consistent application and operation of alternative workplace strategies across agencies. This policy complies with the [DHS Telework Policy](#) (02.20) and DHRM's telework rule ([D HRM Rule 477-8-2](#)).

Each **DHS division, institution, bureau or office (DIBO)** is responsible for ensuring compliance with this policy. This policy supersedes any policies on telework or telecommuting established by a DIBO prior to the effective date of this policy. This policy replaces all existing DHS or DIBO telecommuting policies in place prior to July 1, 2021.

DIBOs may have supplemental telecommute practice and procedure documents that add clarity for specific tasks and functions in the DHS policy. Any DIBO supplemental documents, guidelines, or policies related to this policy must be approved by the DHS Telework Coordinator and the DHS Deputy Director who supervises the DIBO.

I. DEFINITIONS

Alternate worksites: Work environments, not in a state building, that include internet connectivity, required technology, resource access, safety and security where the teleworker or telecommuter performs their tasks with the same quality as in an office location. Typically in an employee's residence, mobility ("in the field"), or an alternate location approved by the employee's supervisor.

Assigned state building: Workers with a telework or telecommute agreement are designated an assigned state building by their DIBO to which they will report for in-office hours (if applicable) or where the supervisor requires the remote worker to report in person, when applicable. A worker designates just one assigned state building on their telework or telecommute agreement for mileage and air quality reporting.

DHS/department: Utah Department of Human Services

DIBO: Divisions, Institutions, Bureaus, Offices (DIBO) of the Utah Department of Human Services

Free Address Workspaces: Unassigned shared workspaces available for use by teleworkers when coming to a state building. Free Address workspaces are accessed on a first-come first-served basis or reserved based on a DIBO's specific protocols. They may be allocated into

neighborhoods (i.e. by confidentiality clearance), or pooled across groups, for greater availability and shared costs.

Home base: The employee's home residence, assigned state building, or an alternate work location approved by the employee's supervisor.

Mobile work: Mobile work arrangements provide flexibility of work locations for employees whose responsibilities require them to be away from the office for much or all of the regular workday due to community interaction or other job requirements. *Example: Field work, site visits.* A Mobile worker will be assigned to a regular office location but will likely not be assigned a permanent workspace. The employee's official work station will be designated by the agency and Free Address workspaces will be available as needed. Employees may be required to report to and work in the office location as requested by management.

Remote work: Remote work provides a qualified employee the opportunity to work at a place other than a regularly assigned office location, such as the employee's residence, mobility, or an alternate location approved by the employee's supervisor. Remote work schedules do not preclude field work, in-home visitation, or site visits required by the role.

Telecommuter: Not an interchangeable term with telework. Employees who have an arrangement with their supervisor to work fewer than 50% of their pay period hours from an alternate worksite location, mobile work, or combination of the two. The arrangement may be a regularly set schedule or ad hoc remote work. *Example: work remotely each Wednesday.* The individual may still have an assigned office space at a building or be required to use a Free Address space or shared space when in an office. Requires a signed Telecommuting Agreement annually. Employees may be required to report to and work in the office location on scheduled telecommuting days as requested by management. See [DHS Telecommute Policy 02-21](#).

Teleworker: Not an interchangeable term with telecommuter. Workers who have an arrangement with their supervisor to work more than 50% of their pay period hours from an alternate worksite location, mobile work, or combination of the two. In most cases, the workspace at the Assigned Office Building will be an unassigned Free Address shared workspace approved by the employee's hiring agency. Must annually sign an Employee's Acknowledgement and Telework Agreement. See [DHS Telework Policy 02-20](#).

Surge Telework: State employees who are "Surge Telework eligible," including all those who have a signed telework or telecommute agreement, are required to work from home or another approved location (including scheduled appointments) to protect air quality, employee health, or employee safety on mandatory action days or special circumstances days. See [DHS Surge Telework Policy 02-22](#).

Mandatory Action Day: A day where notice has been issued at least 48 hours in advance by the director of the Division of Air Quality that the concentration of air pollutants measured in any monitored county are predicted to reach or exceed levels of air pollution that are unhealthy for sensitive groups.

Special Circumstance Day: A day where predicted heavy snowfall or other situations pose a risk to employee safety or health as determined by the Governor or their Chief of Staff.

II. TELECOMMUTE ELIGIBILITY AND RESPONSIBILITIES AGREEMENTS

1. Telecommute **arrangements are an electable option**, not a universal worker benefit or right per DHRM's telework rule ([DHRM Rule 477-8-2](#)). DHS/DIBO management and an employee's direct supervisor reserve the right to change, terminate or suspend a telecommute arrangement at any time.
2. **DIBOs shall consider telecommuting for any remote work eligible employee who does not choose to sign a telework agreement as well as for any additional job classification** that would lead to efficiencies and effectiveness in daily operations on a fewer than 50% remote work schedule. Not all job classifications may be appropriate for telecommuting. Telecommuting should only be considered if mutually beneficial for DHS and the employee.
3. Positions that are suitable for telecommuting typically have one or more of the following characteristics:
 - a. The role is suitable for telework (more than 50% remote work hours in a pay period) but the employee's ability or choice is to remote work fewer than 50% of pay period hours;.
 - b. The role is not suitable for telework (more than 50% remote work hours in a pay period), but could be productive on a schedule of fewer than 50% remote work per pay period;
 - c. Collaboration and communication with colleagues can be conducted virtually;
 - d. The employee's physical presence is not required to ensure output or quality (e.g. quality of customer service, institution direct care, required staffing ratios); or
 - e. Work is not dependent on specialty equipment, tools/materials and settings (e.g. laboratory, machines) that cannot be reasonably accommodated remotely
4. A worker may n ot participate in telecommuting if:
 - a. The worker is subject to official unresolved discipline for performance or conduct, including suspension, demotion, or recommendation for termination;
 - b. The worker has a documented violation of the Employee Code of Conduct in the past two years;
 - c. The worker has demonstrated diminished individual or organizational performance in documented UPM performance plans in the past two years;
 - d. DHS management has determined that telecommute is inappropriate. Where that determination applies to a job classification that is an otherwise eligible telecommute job classification, the employee's supervisor shall document that determination in the employee's performance plan with an explanation for determining the employee is not eligible to telecommute.
5. Telecommuters will not conduct any unauthorized personal business including but not limited to dependent care, elderly care, home repairs, other business activities, while in official duty status.

6. Employment-related rules, policies and procedures regarding overtime, compensable hours, work-related travel, acceptable use of IT resources, site or home visitation apply to teleworkers regardless of their worksite location.
7. Telecommuters are responsible for maintaining the safety requirements for their alternative worksite and complying with all [Enterprise Information Security Policies](#) outlined by the Department of Technology Services, Utah Administrative Code R895-7 and by DIBO.
8. Employees telecommuting will supply all furnishings and any technology equipment for the alternative worksite beyond a laptop, phone, and single charger at their own expense, including maintaining an acceptable internet service at an alternative worksite defined as at least 25 mbps download and 6 mbps upload. Equipment and furnishings at the employee's assigned office building space is determined by the needs of the role and the supervisor.
9. The employee agrees to use approved safeguards to protect state records from unauthorized disclosure, damage, or release of confidential business information and to comply with all requirements set forth by the agency and State laws, rules, policies, and regulations when telecommuting.
- 10. To be accepted as a formal telecommuter, the employee agrees:**
 - a. To complete a [DHS Telecommute Agreement](#) in DHS Forms and receive signature approval from their immediate supervisor on an annual basis;
 - b. To comply with [DHS Surge Telework Policy 02-22](#) and will telecommute on Mandatory Action Days and Special Circumstance Days even if scheduled to work from an assigned office building on these days;
 - c. To comply with emergency telework as stated in the [D HS Telework Policy 02-20](#);
 - d. Use in-office workstation as designated by the agency (assigned, Free Address, shared, etc.).
 - e. Follow DHRM and DHS/DIBO policy to request the use of leave and use appropriate leave;
 - f. To provide any information related to performance metrics, surveys, or other data that may be required;
 - g. Attend any in-office meeting or other activities as requested by the supervisor or management even on scheduled telecommuting days.
 - h. No in-person meetings with clients, vendors or other workers shall occur at the telecommuter's alternate worksite.
11. The employee will immediately inform the supervisor of a deviation from schedule or alternative worksite location and complete a new [DHS Telecommute Agreement](#).
12. Understands the employee's performance will be evaluated in their annual performance plan.
- 13. Business travel from the alternate worksite to other locations**, including a telecommuter's assigned state building, shall be minimal:

- a. Mileage shall not be reimbursable for the telecommuter to travel to or from the alternate worksite to their assigned state building for any reason.
- b. State vehicles are accessible for the telecommuter from their assigned state building for reasons allowed per [DHS travel policy](#). Mileage from the alternate worksite to and from their assigned state building to use a state vehicle is not reimbursable.
- c. Calculating mileage reimbursement for business activities shall be determined using the employee's home base. Each employee, regardless of their remote working status, has at least two home bases; their assigned state building, home residence, or an alternate work location approved by the employee's supervisor. Mileage reimbursements shall be calculated using the home base closest to the trip destination. For trips with multiple destinations, mileage reimbursement for the initial destination is determined using the closest home base; each subsequent destination is reimbursed in accordance with actual mileage. Trips between home bases are not reimbursable.
- d. Eligible, approved mileage shall only be reimbursed at the lesser state mileage rate.
- e. Exceptions or questions related to mileage shall be directed to the Office of Fiscal Operations.

B. To accept a worker's formal participation in *A New Workplace*, the supervisor shall:

1. Determine eligibility and suitability of the role for telecommuting and obtain an official copy of the telecommuter's work schedule in the [DHS Telecommute Agreement](#) form.
2. Annually sign each employee's [DHS Telecommute Agreement](#) in DHS Forms (must be connected to the state network either on-site or VPN); and
3. Within a reasonable time, or no more than 60 days after an employee completes a telework agreement, identify and track performance measures for which the employee's job performance will be evaluated utilizing the [Utah Performance Management](#) system; and,
4. Track productivity or other performance and employee conduct issues that arise utilizing the Utah Performance Management System.

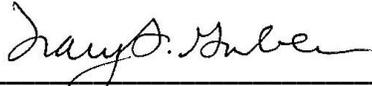
III. TERMINATION OF TELECOMMUTE AGREEMENT

- A.** An employee may notify their supervisor in writing of their request to terminate their Telecommute Agreement at any time for any reason.
- B.** An employee's supervisor may determine if telecommuting is no longer appropriate for an employee, as described in Section II.4. Upon that determination, the supervisor shall 1) provide immediate notice to the employee with an effective date the Telecommute Agreement is rescinded and 2) document in the employee's performance plan an explanation for the decision to rescind the Telecommute Agreement.
 - a. An employee will be ineligible to participate in a Telecommute Agreement until determined appropriate by the supervisor.

- b. The employee may still be eligible to comply with required surge telework as outlined in [DHS Surge Telework Policy 02-22](#).

IV. EMERGENCY TELEWORK

In the event of an immediate emergency need as defined by the DHS Executive Director or designee, total or segmented temporary telework may be required of those in a Telecommute Agreement and may extend beyond the provisions of this policy. These exemptions may include the requirement of participation, in-office scheduling, signing of formal agreements, vacating of workspaces, and formal reporting, for any time period determined necessary.



July 1, 2021

Tracy S. Gruber

Utah Department of Human Services Executive Director