

MANAGEMENT DIRECTIVE

Commonwealth of Pennsylvania Governor's Office

Subject: Telework	Number: MD 505.36
Date: April 7, 2021	By Direction of:  Michael Newsome, Secretary of Administration
Contact Agency: Office of Administration, Human Resources and Management, Office of Employee Relations & Workforce Support, Telephone 717.787.5514	

This directive establishes policy, responsibilities, and procedures for the use of Telework in Commonwealth agencies. This directive authorizes Telework for only Non-Represented Employees; it does not apply to temporary Telework that occurs during a period of emergency, which is governed by *Management Directive 505.33 Amended*.

1. **PURPOSE.** To establish policy, responsibilities, and procedures that will enable Commonwealth agencies to provide opportunities for employees to work at locations other than their Commonwealth Headquarters and continue to perform all agency obligations and responsibilities required by law while maintaining the appropriate level of service delivery, efficiency of operations, and reduction of costs.
2. **SCOPE.** This directive applies to Non-Represented Employees in all departments, offices, boards, commissions, and councils (hereinafter referred to as "agencies") under the Governor's jurisdiction.
3. **OBJECTIVE.** To define and establish policy for agencies considering the use of Telework and for employees who are approved to work from an Alternate Worksite on a full-time, part-time, or ad hoc basis.
4. **DEFINITIONS.**
 - a. **Ad Hoc Telework.** Type of Telework in which an employee is approved as a Part-Time Teleworker who works from Headquarters on a regular basis but must request and secure the supervisor's consent in advance of scheduling a day to Telework. Ad Hoc Telework is intended to accommodate situations such as an inaccessible Headquarters, blocked commuter routes (i.e., major road construction, storm, or a disaster) or a special work project requiring an extended period of uninterrupted time.

- b. **Agency Telework Coordinator (ATC).** A Non-Represented Employee with working knowledge of all policies related to Telework, who is responsible for development and implementation of the agency Telework Plan and Telework Agreement in consultation with the Enterprise Telework Coordinator (ETC).
- c. **Alternate Worksite.** An agency-approved remote office location or site within the Commonwealth of Pennsylvania, other than an employee's Headquarters, where an employee Teleworks. Such Alternate Worksite must be within reasonable travel distance of the Teleworker's Headquarters or another facility where the Teleworker could be operational, as agreed to by the Teleworker's agency.
- d. **Critical Business Functions.** Those functions, stated or implied, that an agency must perform in the course of normal operations, and during or after a period of emergency, either because they are required by statute, regulation or executive order, or because they are otherwise necessary to provide vital services, exercise civil authority, maintain the safety and well-being of the general populace, and sustain critical support to the citizens of Pennsylvania or other agencies.
- e. **Eligible Position.** A position having measurable quantitative or qualitative results-oriented standards of performance that has work structured to be performed independently of others without adversely impacting service quality, performance, organizational operations, or Critical Business Functions.
- f. **Enterprise Telework Coordinator (ETC).** A Non-Represented Employee, designated by the Human Resources and Management (HRM) or designee, who is responsible for the Commonwealth's Telework program, Telework training curriculum and content; assisting agencies in developing agency Telework Plans; providing guidance and clarification on Telework; and acting as a liaison between the Office of Administration (OA) and the agencies on Telework.
- g. **Full-time Telework.** Type of Telework in which an employee works from an Alternate Worksite on all workdays, except those occasional days when required to report to a physical location, including the Headquarters, or other approved sites, for meetings, training or other on-site duties, or as directed by a supervisor.
- h. **Headquarters.** The work location to which an employee is assigned, including Commonwealth office buildings outside the Harrisburg area, commonly referred to as an employee's assigned main office. For Teleworkers, the Headquarters is the location to which they would report when their Alternate Worksite is unusable for any reason.
- i. **Non-Represented Employees.** Commonwealth employees who occupy job classes and/or positions that are not union-covered; this term is synonymous with non-bargaining unit employees.

- j. Part-time Telework.** Type of Telework in which an employee works from an Alternate Worksite on a regular schedule, but less than a full-time basis.
- k. Technology.** Remote access tools to enable Teleworkers to perform duties from an Alternate Worksite, including but not limited to landline telephones, cell phones, portable computers, and secure remote access such as Virtual Private Network (VPN).
- l. Telework.** An approved work flexibility arrangement, formalized in a Telework Agreement, under which an employee performs the duties and responsibilities, and other authorized activities, of such employee's position on a Full-Time, Part-Time or Ad Hoc basis from an Alternate Worksite other than the employee's Headquarters.
- m. Telework Agreement.** A written agreement voluntarily entered into and signed by a Teleworker and the Teleworker's supervisor, that details the terms and conditions under which an employee is permitted to Telework.
- n. Telework Plan.** A document developed by the agency identifying specific information and requirements for the agency's Telework program that apply to the agency or a group of Teleworkers within the agency.
- o. Teleworker.** An employee in a Telework Eligible Position, who has been approved, under a Telework Plan, to perform job duties at an Alternate Worksite on a Full-Time, Part-Time, or Ad Hoc basis pursuant to a Telework Agreement.

5. POLICY.

- a.** Given the benefits that Telework can have on employee recruitment and retention, its positive impact on continuity of operations and its potential to reduce office space requirements and affiliated costs, agencies shall consider implementation of a Telework program.
- b.** Telework may be considered for union-represented employees who are covered by a collective bargaining agreement/memorandum of understanding, as approved by the Deputy Secretary for HRM or designee.
- c.** Telework is not an employee right or a guaranteed employee benefit, and the implementation and/or continuation of Telework is at the sole discretion of the Commonwealth.
- d.** Teleworkers must abide by all agency and Commonwealth policies, as well as all applicable laws and regulations, that all non-Teleworking Commonwealth employees are required to follow.
- e.** It is imperative that employees who remain at the Headquarters are not required to compensate for the absence of a Teleworker from the Headquarters or otherwise incur extra duties.

- f.** Agencies with Telework programs that predate this directive must develop and implement a new agency Telework Plan in accordance with this directive, complete required training, and execute revised Telework Agreements.
- g.** The commitment and support of management and agency senior staff is required to ensure that an agency Telework Plan is successful. Effective management practices such as clear communication, goal setting, and regular check-ins are essential to ensuring the success of Telework.
- h.** Agencies shall ensure that Teleworkers and their supervisors complete required Commonwealth-provided Telework training prior to the commencement of Telework.
- i.** Agencies must ensure that the overall functions, including Critical Business Functions, of the organization are not compromised by Telework. Telework may not be suitable for all employees and/or positions.
- j.** Each agency opting to utilize Telework is required to develop an agency Telework Plan, which lays out the details of the Telework program parameters specific to that agency. The OA will provide Telework-specific guidance and tools for use by the agency and ATCs in preparing the Telework Plan, which guidance will be posted on the OA website at oa.pa.gov. At a minimum, an agency Telework Plan shall specify policies that:

 - (1)** Establish expectations for Teleworkers' performance and identification of supervisory monitoring techniques;
 - (2)** Establish standards for a Teleworker's Alternate Worksite that require the Alternate Worksites to be safe from conditions that would pose a hazard to the Teleworker's safety and security or present a danger to assigned equipment or data;
 - (3)** Outline the specifics of how the agency will handle restricted access materials, security issues, and the removal of electronic or paper records from Headquarters;
 - (4)** Outline how the Teleworker is to handle protected, sensitive, confidential or restricted data or records;
 - (5)** Ensure through the administration of the individual Telework Agreements that the use of Commonwealth Technology is consistent with Commonwealth policy and the law; and,
 - (6)** Verify that individual work schedules and reporting of hours worked for non-exempt Teleworkers are in compliance with the *Fair Labor Standards Act of 1938, as amended, 29 U.S.C. §§ 201-219*, applicable regulations, and Commonwealth policy.

- k.** The OA will develop a standard Telework Agreement to document the terms and conditions of Telework, as well as to document the Teleworker's work schedule and the Alternate Worksite. Agencies or organizations that have unique operational requirements may develop addenda to the standard Telework Agreement. Telework Agreements and addenda are subject to the review and approval of the ETC, prior to their use. The Telework Agreement must be executed by each participating Teleworker and their supervisor prior to commencing Telework. The Telework Agreement is essential to the management of the Telework arrangement and, at a minimum, the Telework Agreement shall address the following necessary elements:
- (1)** Teleworker performance expectations and monitoring;
 - (2)** Acknowledgement that the Teleworker must abide by all applicable Commonwealth rules, policies, procedures, laws, and regulations that would apply while working at the Teleworker's Headquarters;
 - (3)** Notice that the Teleworker's Alternate Worksite is to be considered an extension of Commonwealth workspace for purposes of workers' compensation, and Commonwealth liability for job-related accidents continues during the approved work hours;
 - (4)** Self-certification by the Teleworker that the Alternate Worksite is safe from conditions that would pose a hazard to the Teleworker's safety and security or present a danger to assigned equipment or data, and is conducive to the performance of the Teleworker's job duties;
 - (5)** Acknowledgement by the Teleworker of responsibility to properly secure, use and maintain Commonwealth-issued equipment while at the Alternate Worksite and to return it upon the retirement or other separation of the Teleworker from employment or departure from the position approved for Telework;
 - (6)** Waiver by the Teleworker of the Commonwealth's responsibility for any costs associated with the use of an Alternate Worksite (e.g., internet, insurances, maintenance, utilities, etc.);
 - (7)** Acknowledgement by the Teleworker of responsibility to ensure the security of Commonwealth data and records, as well as maintaining records in accordance with the agency's records retention schedule and in accordance with *Manual 210.09 Amended, The Commonwealth of Pennsylvania General Records Retention and Disposition Schedule*;

- (8) Acknowledgement by the Teleworker that approved use of personal devices may be subject to access and review in accordance with *Management Directive 205.34 Amended, Commonwealth of Pennsylvania Information Technology Acceptable Use Policy* and the *Right-to-Know Law, 65 P.S. §§ 67.101 - 67.3104*;
- (9) Procedures for the pre-approval of overtime, work schedule changes, and/or requests for use of earned and compensatory leave;
- (10) Acknowledgement that when scheduled to work on a date that is declared to be an official paid office closing that the Teleworker is expected to and will work at the approved Alternate Worksites;
- (11) Acknowledgement that the Teleworker must immediately notify the supervisor of an equipment failure or power outage at the Alternate Worksites, and that the Teleworker may be required to report to Headquarters for the remainder of that day or to utilize leave, in such an event;
- (12) Required completion of activity sheets, assignment logs, or other performance-monitoring tools, as deemed necessary by the agency;
- (13) Acknowledgement that the Teleworker is responsible for any tax implications resulting from use of the Teleworker's home as an Alternate Worksites;
- (14) Notice that Teleworkers will not be reimbursed for travel miles or receive compensation for time spent commuting to the Headquarters on any given day; and,
- (15) Acknowledgement that Teleworkers must make advance arrangements for dependent care to ensure a productive work environment. Telework is not intended to be a substitute for dependent care, or other personal obligations, and the Teleworker shall continue to make arrangements for and utilize dependent care to the same extent as if the Teleworker were working at Headquarters.

- I. Each agency will establish basic parameters to determine Telework Eligible Positions and criteria to assess whether employees in Telework Eligible Positions are suitable for Full-Time, Part-Time or Ad Hoc Telework. The following steps should be utilized to determine Telework Eligible Positions within the Telework Plan:
 - (1) **Identify Telework Eligible Positions.** Only those positions that are assigned measurable quantitative or qualitative results-oriented standards of performance that can be remotely evaluated and that have work structured to be performed independently of others without adversely impacting service quality or organizational operations may be designated as "Telework Eligible Positions" in the core HR system. Some designated Telework Eligible Positions may be designated as "Telework Preferred" in the core HR system, meaning the Telework Eligible Position requires the employee in the position to Telework on a full-time basis.
 - (2) **Document agency criteria for assessing whether a position is Telework Eligible.** Position eligibility for Telework should be based on job duties and functions rather than job title. Duties and functions that are generally better suited for Telework include but are not limited to:
 - (a) Writing (drafting/editing policies, reports or decisions)
 - (b) Analysis (financial, program, data, and policy)
 - (c) Telephone-intensive tasks
 - (d) Computer tasks (programming, data entry, word processing)
 - (e) Research
 - (3) **Consideration about the extent to which duties can be remotely performed.** Whether there are identifiable and quantifiable duties of the job which can be done away from the Headquarters should be considered. If the duties of the job can be routinely performed at an Alternate Worksite, then the position may be eligible for Full-Time Telework. However, if only certain duties may be performed at an Alternate Worksite, or the employee is required to routinely engage in in-person interactions with customers or be on-site at the Headquarters to access on-site records and/or properly supervise staff, then Telework on either a part-time or ad hoc basis may be more appropriate. Regardless, all Teleworkers are required to report to the Headquarters for those duties that may only be performed at the Headquarters, as directed by the supervisor or set forth in the Telework Agreement (e.g., in-person staff meetings, instructor-led training sessions, etc.).

- (4) **Degree to which the job is supervision intensive.** If the position requires continuous in-person supervision or input from others that is only available at the Headquarters, then the position should not be considered for Telework. Consideration of the knowledge required for the position and the need for access to that knowledge in the Headquarters should be part of the assessment.
- (5) **Training requirements.** If there are training requirements that obligate a position to report to the Headquarters for a designated time period, then Telework may not be appropriate for the position, or perhaps only Part-Time Telework should be considered. However, if such training may be accomplished through web-based training, then the position may be eligible for Telework.
- (6) **Amount of required direct customer contact.** The degree to which the job requires a substantial amount of face-to-face contact with the public, co-workers, or other staff is also something that should be considered. If the work can be structured to allow for communication via phone or a computer equipped with a telecommunications application utilized by the Commonwealth from an Alternate Worksite, then the position may be eligible for Telework. If required in-person contacts may be scheduled on non-Telework days or alternatives may be established to provide such contacts while Teleworking (e.g., teleconferencing where the involved parties agreed to such as a suitable alternative to in-person meetings), then the position may be Telework eligible.
- (7) **Required access to reference materials.** If all or a portion of the job is dependent on the use of reference materials or resources that are accessible only at the Headquarters, the position shall not be Telework eligible. However, if resources are available on collaboration websites or are duplicated and may be taken from Headquarters, Telework may be considered for the position.
- (8) **Access to IT systems and data.** Jobs that require access to files stored on network servers may be a factor to consider in whether a position is Telework eligible. If remote access to the files is available within the parameters of applicable IT security guidelines, as well as other applicable policies or laws and regulations, the position may be Telework eligible. If such data is accessed off site, the question of whether the integrity and security of electronic information can be maintained shall be considered in determining if the position may be Telework eligible.
- (9) **Specialized equipment.** If the job relies in whole or in part on access to specialized office equipment (e.g. photocopiers, fax, or binding machines, etc.), the position may not be appropriate for Telework.

(10) Travel requirements. Where a job requires extensive field work and travel, the position may not be appropriate for Telework. If so, designating an employee as home-headquartered may be a suitable alternative to Telework.

m. Once the position is designated as a Telework Eligible Position, the agency should establish criteria to assess whether individual employees in Telework Eligible Positions are suitable for Telework. Each agency shall provide supervisors with guidance on determining employee suitability. Documented and objective criteria to assist in determining whether an employee in a Telework Eligible Position is suitable for Telework must be identified in the applicable agency Telework Plan and may include but is not limited to the following:

- (1)** Job knowledge and the degree to which the employee is in a training and/or probationary status;
- (2)** Level of self-motivation;
- (3)** Ability to work independently and to effectively manage time;
- (4)** Level of responsiveness, proactive collaboration with colleagues and leadership, strong listening skills, willingness to seek clarification when needed, ability to manage tasks with high level of competency;
- (5)** Dependability and trustworthiness;
- (6)** Overall Performance Evaluation Rating;
- (7)** Record of attendance;
- (8)** Disciplinary record; and,
- (9)** Level of skill in use of required Technology.

n. The eligibility of a position for Telework may change depending on circumstances, thus, necessitating ending Telework at any time. The suitability of an employee to Telework may also change depending on circumstances, thus, necessitating ending Telework. In any event, the Commonwealth may terminate the Telework Agreement at any time without the consent of the employee.

6. RESPONSIBILITIES.

a. OA, the Deputy Secretary for Human Resources and Management (HRM) or designee shall:

- (1)** Develop, maintain and communicate enterprise-wide Telework policy, training, templates, job aids, and web presence.

- (2) Ensure that all labor obligations are met prior to approving Telework Plans or agreements for union-represented employees for whom the Deputy Secretary for HRM or designee has granted approval to Telework.
- (3) Provide guidance to agencies concerning the application of this directive.
- (4) Designate an employee to serve as the ETC.

b. OA, Office for Information Technology (OIT) shall:

- (1) Establish appropriate Technology policies and procedures to enable Teleworking pursuant to this directive.
- (2) Provide consultative services to agencies who are seeking guidance on Technology to facilitate Teleworking.
- (3) Provide securely configured remote access end-user Technology, as determined necessary, for employees to Telework.
- (4) Ensure that Technology provided to Teleworkers to work from Alternate Worksites is tested for compatibility with new systems or applications.
- (5) Develop, test, implement, and maintain a custom-built software application to support enterprise Telework.

c. Agency Heads, or designees, shall:

- (1) Identify overall operations, Critical Business Functions and normal daily work that must be performed during the course of regular operations at the Headquarters and which may be performed at Alternate Worksites.
- (2) Keep OIT apprised of the total number of Teleworkers to ensure OIT has the ability to assess and monitor the demand for remote network capability and address any known or potential shortfalls.
- (3) Designate a primary and a secondary ATC.
- (4) Review agency Telework Plans for compliance with this directive. Ensure that such documents are drafted in a manner consistent with this policy to ensure expectations are met and that Teleworkers, at a minimum, maintain their level of performance as compared to that realized prior to Telework.
- (5) Submit agency Telework Plans and any addenda to the standard Telework Agreement to the ETC for review and approval.

d. The **ETC** shall:

- (1) Develop and administer the enterprise-wide Telework policies and guidelines.
- (2) Establish a continuing Telework training program with appropriate curriculum and content.
- (3) Assist, support, and provide oversight to ATCs in developing agency Telework Plans and Telework Agreement addenda that adhere to the requirements of this policy.
- (4) Provide ongoing enterprise-wide Telework policy updates, communications, website content updates, and other necessary programmatic directions.
- (5) Serve as the primary Telework resource for the Secretary of Administration and OA senior staff.
- (6) Have access to all agency Telework Plans, Telework Agreements, and associated assessments for the purpose of quality assurance and compliance with this directive.
- (7) Review and issue final approval of agency Telework Plans and/or any addenda to the Telework Agreement.
- (8) Collect and analyze assessments and reports from ATCs on the effects of Telework on Commonwealth business operations.

e. **ATCs** shall:

- (1) Develop the agency Telework Plan in consultation with agency head or designee and assist with the development of individual agency or organization Telework Agreement addenda if unique agency or organization circumstances require an addendum.
- (2) Establish criteria consistent with this directive to determine Telework Eligible Positions.
- (3) Identify positions in the agency that are appropriate for Telework and ensure that Eligible Positions are designated at the position level in SAP.
- (4) Assist in the development of criteria to assess whether employees in Telework Eligible Positions are suitable for Telework.
- (5) In consultation with OIT, determine the Technology, equipment, and services Teleworkers need to effectively perform their job duties.
- (6) Assist in the development of Teleworker activity reports or other tracking tools.

- (7) Ensure that Teleworkers and their supervisors complete the required training prior to the commencement of Telework.
- (8) Verify that each employee in a Telework Eligible Position, who is deemed suitable for Telework, signs a Telework Agreement and is designated as a Teleworker at the employee level in SAP.
- (9) Conduct assessments of the agency Telework program, in compliance with standards set by the ETC, to ensure that agency Telework programs are meeting outlined goals and are not having an adverse impact on overall operations, Critical Business Functions, program objectives, efficiency, productivity, service, benefits, and/or safety.
- (10) Monitor agency compliance with enterprise-wide Telework policies, responsibilities, and procedures.
- (11) Oversee and provide day-to-day coordination and management of the agency's Telework Plan and provide ongoing Telework policy guidance and direction to agency senior managers.
- (12) Regularly seek feedback from agency employees on how to improve Telework.

f. Supervisors shall:

- (1) Work with the ATC to determine Telework Eligible Positions.
- (2) Determine whether employees in Telework Eligible Positions are suitable for Telework in accordance with the criteria in Section 5.m. of this management directive, criteria in the Telework Agreement, and agency-specific criteria.
- (3) Through the use of Teleworker activity reports or other tracking tools, provide specific, measurable, and attainable performance expectations for the Teleworker by providing clear assignments, deadlines, and expectations on the quality and quantity of work required.
- (4) Ensure that employees who remain at the Headquarters are not required to compensate for the absence of a Teleworker from the Headquarters or otherwise incur extra duties.
- (5) Ensure that the Telework Agreement is reviewed with the Teleworker and ensure that the Teleworker signs the agreement before Teleworking commences.

- (6) Update the Telework Agreement whenever there is a change in the employee's job duties, the employee changes positions or whenever there are supervisory changes. Because Telework was approved as a feasible work option based on a combination of the employee's position, employee suitability for Telework, and the supervisor's characteristics, a change in any one of these elements necessitates a review of the Telework Agreement. Changed circumstances may result in changes to an employee's Telework arrangement, including termination of Telework.
- (7) Monitor a Teleworker's compliance with the requirements outlined in the Telework Agreement. Consult with Employee Relations staff to take corrective action when deemed necessary.

g. Teleworkers shall:

- (1) Establish and maintain an acceptable and safe Alternate Worksite and complete the Alternate Worksite safety checklist.
- (2) Review and sign the applicable Telework Agreement and complete necessary training in advance of commencing Telework.
- (3) Adhere to all terms and conditions of Telework as identified in the applicable agency Telework Plan and Telework Agreement.
- (4) Abide by all of the same agency and Commonwealth policies, as well as all applicable laws and regulations, that non-Teleworking Commonwealth employees are required to follow.

7. PROCEDURES.

- a. Agency program offices or organizational units that have designated Telework Eligible Positions and have obtained the approval of the agency head to implement Telework shall utilize the Telework tools provided on the Telework website and any additional agency guidance to notify and approve individual employees for Telework.
- b. Prior to the commencement of Telework, ATCs shall ensure that supervisors and Teleworkers execute the approved Telework Agreement and any agency required addendum, which is consistent with the agency Telework Plan, and complete the required training in accordance with Commonwealth and agency policy and guidelines.
- c. Once the employee and supervisor have discussed and executed the Telework Agreement, the supervisor will designate a "start date."
- d. Once the Telework start date is set, the employee will be provided suitable Technology and Commonwealth-issued equipment for the employee to utilize at the employee's Alternate Worksite.

- e.** ATCs shall conduct periodic assessments of Telework to determine any positive or negative impacts of the Telework program on their agency's operational efficiency and Critical Business Functions.
- f.** Teleworking may be terminated at any time at the sole discretion of the Commonwealth without the consent of the employee.