

# Executive Branch Baseline Telework Policy

## Department of Administrative and Financial Services

### Bureau of Human Resources

March 18, 2024

State government is the second largest employer in Maine. As such 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 in 2020, 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. We will continue having ongoing and thoughtful conversations as we expand our understanding of the experiences and lessons learned around telework.

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 and ensuring delivery of agency programs,
- 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.

## 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.
- 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. *NOTE: This includes any monitoring of emails or state systems from outside the state of Maine whether occasional, part of telework authorization, or other circumstance. There may be circumstances where MaineIT must approve and grant access due to the security of State equipment, systems, and data. In all cases, MaineIT must approve email or state system access for anyone traveling out of country; this includes conferences, occasional telework authorization, or other circumstances.*

- 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 staff members “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.
- 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 telework site.
- 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. Telework is to be done within Maine. Any request to

telework outside of Maine must be reviewed and approved in advance by the Bureau of Human Resources and MaineIT, due to the security of State equipment, systems, and data, as well as 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 MaineIT. *NOTE: Attendance at a conference is considered work, not telework. There may be circumstances where MaineIT may need to review and approve access to email and systems. In all cases, MaineIT must approve email or state system access for anyone traveling out of country; this includes conferences, occasional telework authorization, or other circumstances.*

- 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. *NOTE: per MaineIT User Device and Commodity Application Policy §5.2: "Any State-issued device may be monitored and audited for many purposes, including protecting against unauthorized usage, and ensuring the security and optimal functioning of the Maine State network" (see Resource Links, below).*

## **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 time worked.
- 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. Guidance related to closure of State offices can be found in BHR's [Winter Weather policy](#) (see *Resource Links below*).
- 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 provide alternatives 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. Special employee-only Surplus Property sales are held periodically to allow 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 of any equipment removed from an employee's headquarters location to a telework worksite must be provided on the employee's Telework Authorization Application.

- 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 (*see Resource Links, below*).
- 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.
- 5.7. MaineIT will not provide support for personally owned IT equipment used in a teleworking location, unless purchased from MaineIT's approved IT equipment list (*see Resource Links, below*).

## **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 (if purchased in accordance with Section 5.7) with appropriate security measures employed by MaineIT.
- 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 are adequate staff on-site to enable operations 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. Provide mentoring and performance management for teleworking employees at the same level as for on-site staff.
  - 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 (*see Resource Links, below*).
  - l. Ensure employees complete the safety, security and compliance checklist (*see Resource Links, below*).
  - 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. Ensure teleworking employees are complying with the terms of their Telework Authorization including performance expectations, agreed upon telework hours and on-site requirements.

#### 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 (*see Resource Links, below*).
- d. Complete the safety, security and compliance checklist (*see Resource Links, below*).
- 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 terms of their Telework Authorization including performance expectations, agreed upon telework hours and on-site requirements 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.

## 8. **Resource links**

### [Telework FAQs](#)

Telework Authorization Application

Safety, security and compliance [checklist](#)

Telework training for [teleworkers](#)

Telework training for supervisors and [managers](#)

[BHR Acceptable Use Policy](#)

[MaineIT User Device and Commodity Policy](#)

[MaineIT approved IT equipment purchasing list](#)

[Winter Weather policy](#)

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## Executive Branch Baseline Telework Policy Substantive Revisions as of 3/18/2024

Section 1.3, definition of Occasional Telework is expanded:

- *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. *NOTE: This includes any monitoring of emails or state systems from outside the state of Maine whether occasional, part of telework authorization, or other circumstance. There may be circumstances where MaineIT must approve and grant access due to the security of State equipment, systems, and data. In all cases, MaineIT must approve email or state system access for anyone traveling out of country; this includes conferences, occasional telework authorization, or other circumstances.*

Section 1.12 is revised and expanded:

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~~ *Telework is to be done within Maine. Any request to telework outside of Maine* must be reviewed and approved in advance by the Bureau of Human Resources *and MaineIT, due to the security of State equipment, systems, and data, as well as* 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 MaineIT. And leadership as required by an employee's Department or agency.* *NOTE: Attendance at a conference is considered work, not telework. There may be circumstances where MaineIT may need to review and approve access to email and systems. In all cases, MaineIT must approve email or state system access for anyone traveling out of country; this includes conferences, occasional telework authorization, or other circumstances.*

Section 5.7 is added:

*MaineIT will not provide support for personally owned IT equipment used in a teleworking location, unless purchased from MaineIT's approved IT equipment list.*

Section 7.1. Department / agency leadership's supervisors' and managers' responsibilities:

Section 7.1.g. is replaced:

~~Complete required training for performance management and mentoring of teleworkers.~~  
*Provide mentoring and performance management for teleworking employees at the same level as for on-site staff.*

Section 7.1.q. is added:

*Ensure teleworking employees are complying with the terms of their Telework Authorization including performance expectations, agreed upon telework hours and on-site requirements.*

Section 7.2.i., Employee responsibilities is revised:

Adhere to agreed upon ~~telework hours~~ *terms of their Telework Authorization including performance expectations, agreed upon telework hours and on-site requirements*, and properly report actual hours worked.