



**STATE OF MONTANA
DEPARTMENT OF CORRECTIONS
POLICY DIRECTIVE**

Policy No. DOC 1.3.44	Subject: TELEWORK
Chapter 1: ADMINISTRATION AND MANAGEMENT	Page 1 of 5 and Attachments
Section 3: Human Resources	Effective Date: July 26, 2006
Signature: /s/ Mike Batista, Director	Revised: 07/27/2015

I. POLICY

The Department of Corrections encourages telework when the arrangement is mutually beneficial to the work unit and employee, meets the mission and goals of the Department, and maintains established job performance standards.

II. APPLICABILITY

All divisions, facilities, and programs Department-owned and contracted, as specified in contract.

III. DEFINITIONS

Administrator – The official, regardless of local title (division or facility administrator, bureau chief, warden, superintendent), ultimately responsible for the division, facility or program operation and management.

Alternative Work Site – Approved work locations other than the employee’s official duty station where official state business is performed; such locations may include, but are not limited to, the employee’s home or at a satellite office as specified in the telework agreement.

Official Duty Station – An agency’s place of work where employees are normally located.

Telework – A formal work arrangement in which agency management directs or permits employees to perform their usual job duties away from their official duty station.

Telework Agreement – A written agreement between agency management and the employee detailing the terms and conditions of an employee’s work away from the official duty station.

Telework Checklist – A form designed to ensure that the participant and the immediate supervisor understand telework policies and procedures.

Telework Request and Evaluation Form – A written request and approval form between agency management and the employee for telework.

Work Schedule – The employee’s hours of work in the official duty station or in the alternate work locations.

IV. DEPARTMENT DIRECTIVES

A. General Requirements

1. Telework is a management option, not an employee right or benefit. Participation in telework is voluntary in nature, and the employee is not required to participate as a

- condition of employment. The success of telework is dependent on it being a mutually beneficial arrangement for the Department and the employee.
2. An employee who wishes to enter into a telework arrangement with the Department must submit a [Telework Request and Evaluation Form](#) to their supervisor. The telework request must be approved by all parties as indicated on the form.
 3. A [Telework Agreement](#) is required for all telework exceeding two weeks and outlines the Department's expectation that employees comply with all applicable Department policies, procedures, legal requirements, and regulations; failure to comply may result in loss of telework privileges and disciplinary action.
 4. A telework arrangement may be for a specific time frame, temporary or permanent; and may be part-time or full-time.
 5. Department telework sites must be in Montana.
 6. An employee's compensation and benefits will not change because of telework.
 7. The employee will not hold business meetings with clients, customers, the public, or professional colleagues at his or her residence.
 8. When employees occasionally take work home in agreement with their supervisor, the practice is considered remote work rather than telework.
 9. Telework will be administered in compliance with this policy and MOM Telework Policy.

B. Selection Criteria

1. Supervisors must complete a written analysis of telework requests using the [Telework Request and Evaluation Form](#) to establish that the arrangement is in the Department's best interest considering the following eligibility criteria:
 - a. employee must demonstrate self-motivation, self-discipline, and the ability to work independently, manage distractions, and meet deadlines;
 - b. supervisors must consider past job performance;
 - c. the position must have a sufficient number of tasks that may be performed with minimum direct supervision or contact with customers for the hours established in the agreement;
 - d. the need for specialized materials must be minimal or flexible;
 - e. employee's work objectives and tasks must be clearly defined with measurable results;
 - f. a current position description must be on file with the Office of Human Resources prior to telework implementation;
 - g. the telework schedule must be arranged with no impact on customer service while ensuring the workplace location is not noticeable to the customer;
 - h. the work location may not significantly alter the job content of the employee or co-workers of the employee;
 - i. the telework arrangement must be in the financial best interest of the Department, which is not obligated to expend funds to make telework possible for employees; and

j. the need for technical support must be minimal and cost-effective for the Department.

C. Expenses

1. The Department will:
 - a. reimburse business telephone calls when the employee submits receipts; and
 - b. provide the necessary office supplies for use at the telework site.
2. The Department may elect to provide telephone, Internet, Intranet, and additional connections to allow the employee to conduct his or her job duties at the telework site based on cost-benefit analysis.
3. The Department will not pay:
 - a. travel time between the telework site and official duty station; or
 - b. home heat, light, power, and insurance expenses.

D. Equipment and Documents

1. The Department may provide the necessary equipment and supplies or permit employee-owned equipment to be used. The Information Technology Division (IT) must approve all computer equipment used to connect to state resources.
2. The employee must immediately bring to the attention of his or her supervisor any necessary repair of state-owned equipment; repair is the responsibility of the Department unless damage was caused by employee negligence or a by a member of the employee's household.
3. Repairs to employee-owned equipment are the employee's responsibility.
4. All state-owned equipment is covered by insurance administered through the Risk Management and Tort Defense Division (RMTD). The employee must provide the itemized list of state-owned equipment located at the telework site contained in the [Telework Agreement Form](#). The Department will provide the itemized list to the RMTD division.
5. The Department's IT staff is not responsible to troubleshoot or repair personally owned computers, connected devices (i.e., printers, modems, scanners, firewalls), operating systems, productivity software, connectivity software, or Internet connections.
6. IT staff will support connections provided to an external device to the State network; support is limited to authentication services and Department data systems to which the employee is connected.
7. Support for Department-owned equipment that cannot be connected remotely will be provided by a technician at a Department office as scheduled during regular business hours.
8. The employee will maintain the confidentiality of restricted Department materials and information and may need special permission from his or her supervisor to take materials to the telework site; permission must be described in the telework agreement. The

employee will be required to provide adequate and secure storage for all records taken to or produced at the telework site.

9. Software, products, documents, and records used or developed while in telework status remains the property of the Department. In accordance with state policy, employees are prohibited from using software, products, documents, and Department-owned equipment or supplies for personal use and are subject to Department policy regarding records retention.
10. The employee will ensure that any Department document or data stored on the remote computer is backed up and recoverable.

E. Home-based Worksites: Security, Safety, Insurance, Liability, and Taxes

1. The employee must obtain and maintain liability insurance that adequately covers the employee's home office. Employees are encouraged to consult their insurance agent and a tax consultant for information regarding home-based worksites.
2. During work hours and while performing functions in the designated "work area" of the home, employees are covered by workers' compensation insurance; accidents occurring outside this area are the employee's responsibility. The employee is responsible for taking normal precautions to avoid accidents and work that is not normally a part of the job when at the telework site, e.g., heavy lifting. The employee must immediately report any injury to the supervisor.
3. In case of injury, theft, loss, or potential tort liability related to telework, the employee must allow agents of the state to investigate and inspect the telework site. The telework site may also be inspected by the supervisor who will provide the employee with reasonable notice of inspection and investigation.

F. Dependent Care

1. Employees must manage dependent care and personal responsibilities to meet job responsibilities. This does not mean that dependents will be absent from the home during telework hours; it means that they will not require the employee's attention during work hours.

G. Implementation

1. The requesting employee must complete and sign the [Teleworker Request and Evaluation Form](#) and the [Telework Checklist](#) and submit the forms to his or her supervisor.
2. The supervisor will review the forms with the employee and approve or disapprove the request for telework; the supervisor must document the reasons for acceptance or denial. If approved, the supervisor will forward the forms to the appropriate administrator, who if approved will forward to the IT administrator and Human Resources director.
3. If the [Telework Request and Evaluation Form](#) is approved by all, the supervisor and employee will complete the [Telework Agreement](#) form. The [Telework Agreement](#) form must include the telework site, schedule, tasks to be performed, equipment to be used,

- payment of expenses, communication, dates for teleworking, and any additional special arrangements.
4. If the telework site is located in the employee's home, the employee will define a designated work area, establish and maintain the work area free from distractions. The work area will be a separate office area with the ability to accommodate office furniture, equipment, and storage designated for Department work.
 5. The supervisor and employee will sign the completed agreement, retain copies, and forward the agreement to the division administrator and the Office of Human Resources.
 6. The completed agreement will be placed in the employee's personnel file.
 7. The supervisor and employee will review the telework agreement, at least annually, and revise as needed. All revisions affecting the areas reviewed by IT and/or budget will be submitted to both administrators for their approval. Modified agreements will be administered as described in Section G.5 above.

H Termination

1. The Department or the employee may terminate a telework agreement at any time. The reason for and date of withdrawal will be documented and filed with the original telework agreement. Upon termination of the telework agreement, the employee will delete all Department documents and data from any personal computer.

V. CLOSING

Provisions of this policy not required by statute will be followed unless they conflict with negotiated labor contracts that take precedence to the extent applicable.

Questions concerning this policy should be directed to the Office of Human Resources.

VI. REFERENCES

- A. 2-18-120, MCA
- B. *Montana Operations Manual Telework Policy*
- C. *DOC Policy 1.1.1 Purpose, Mission, and Management Philosophy*

VII. ATTACHMENTS

[Telework Checklist](#)
[Telework Agreement](#)
[Telework Request and Evaluation](#)