

## **OBJECTIVE**

Teleworking allows team members to work at home, on the road or in a satellite location for all or part of their work week. Teleworking is a major component of The New Workplace.

Teleworking does not change the terms and conditions of employment with the state of North Dakota.

## **THE NEW WORKPLACE**

With the goals of maximizing team member flexibility and the use of off-site work locations, agency directors will work with their managers and individual team members to determine which positions would be required to work full-time or part-time in an on-site location.

The New Workplace includes a variety of ways that Team ND can telework, and may include:

- **Home:** Work is done exclusively from home. The team member does not have a designated physical location at a state of North Dakota facility.
- **Hoteling:** Work is done partly at a state facility and partly from home. The team member does not have a designated physical location within a state of North Dakota facility but may share or reserve workspace as needed.
- **Mobile / On the Go:** Work is carried out on mobile devices and on the move. The workplace changes frequently.

## **AGREEMENT**

The manager, team member and human resource department will review the following areas:

- **Team member suitability:** The team member and manager will assess the needs and work habits of the team member and finalize the manager support plan for the team member.
- **Job responsibilities:** The team member and manager will discuss the job responsibilities and outcomes that the team member will be expected to achieve.
- **Equipment needs, workspace, and scheduling issues:** The team member and manager will review these needs during onboarding.
- **Tax and other legal implications:** The team member must determine any tax or legal implications under IRS, state and local government laws, and/or restrictions of working out of a home-based office. Responsibility for fulfilling all obligations in this area rests solely with the team member.
- **Teleworking will include regular interaction by phone, and electronically between the team member and the manager, and weekly team meetings to discuss work progress and problems.**
- **The team member will establish an appropriate work environment within his or her home for work purposes. The agency will not be responsible for costs associated with the setup**

of the team member's home office, such as remodeling, furniture or lighting, nor for repairs or modifications to the home office space.

## **EQUIPMENT**

State agencies will supply necessary equipment for the team member.

State policies relating to computer hardware and software usage applies in the teleworking arrangement unless otherwise specifically authorized by the division director.

Phone calls placed on behalf of the state may be placed through an approved state of North Dakota softphone or calling technology.

## **SECURITY**

Consistent with the organization's expectations of information security for team members working at the office, telecommuting team members will be expected to ensure the protection of confidential materials and customer information accessible from their home office. Steps include the use of locked file cabinets and desks, regular password maintenance, and any other measures appropriate for the job and the environment.

## **SAFETY**

Team members are expected to maintain their home workspace in a safe manner, free from safety hazards. Workers compensation coverage will be provided for the team member while in the teleworking arrangement. However, the state otherwise assumes no liability for injuries occurring to the team member in their home while doing non-work activities. The team member is responsible for and assumes any liability for any injuries sustained by visitors to his or her work site. The team member must immediately report any accident or injury to the supervisor or designated staff member.

Teleworking team members need to follow the same agency requirements for a safe work environment with proper ergonomics.

## **TIME WORKED**

Telecommuting team members who are covered by the overtime requirements of the Fair Labor Standards Act will be required to accurately record all hours worked using the appropriate system used by their agency. Hours worked in excess of those scheduled per day and per workweek require the advance approval of the telecommuter's supervisor. Failure to comply with this requirement may result in disciplinary action.

## **OTHER ITEMS**

- Inclement Weather: If the customary work site is closed due to an emergency or inclement weather, the designated staff person will contact the team member. The team member will continue to work at the telework site. If there is inclement weather or an

emergency, such as a power outage, at the work site, the team member shall notify the supervisor or designated team member as soon as possible. Team members who are teleworking part-time will be expected to work off-site when the office is closed.

- Travel: Business travel reimbursable at travel and per diem rates set forth in state fiscal policy.
- Childcare: Teleworking is generally not designed to be a replacement for appropriate childcare. Although an individual team member's schedule may be modified to accommodate childcare needs, the focus of the arrangement must remain on job performance and meeting business demands. Teleworking team members are encouraged to discuss expectations of teleworking with family members.

### **TELEWORKING AS AN ACCOMMODATION**

When requested by a team member, teleworking may be considered as a reasonable accommodation under the Americans with Disabilities Act. "Reasonable accommodation" is any change in the work environment or in the way things are customarily done that enables an individual with a disability to apply for a job, perform a job, or gain equal access to the benefits and privileges of a job as long as the accommodation does not cause undue hardship to the agency. The agency director or designated team member shall initiate an interactive process with the team member to determine the type of accommodation needed. To determine if any or all of a job can be performed at home, the manager must ensure that essential functions of the position have been identified and consideration given to the feasibility of teleworking on a full-time, part-time, or intermittent basis. The division director may waive certain teleworking eligibility requirements, modify the teleworking policy, or waive or modify other workplace policies to allow a team member with a disability to work from home as a means of reasonable accommodation. Team members will not be able to telework, as an accommodation, if it prevents the team member from performing the essential functions of the job, or causes undue hardship to the agency.

The agency director has the right to select the most effective accommodation even if it is not the one preferred by the team member. For additional information, see [Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act.](#)