

YOUTH SERVICES POLICY

Title: Telecommuting and Alternative Work Site Next Annual Review Date: 08/12/2017	Type: A. Administrative Sub Type: 2. Personnel Number: A.2.51
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References: ACA Standards 4-JCF-6C-11, 4-JCF-6D-03 and 4-JCF-6D-11(Performance-Based Standards For Juvenile Correctional Facilities); Fair Labor Standards Act; YS Policy Nos. A.2.1 (b) Employee Rules of Conduct”, A.2.3 “Outside Employment, Second Jobs”, A.2.5 “Family and Medical Leave of Absence”, A.2.7 "Drug-Free Workplace", A.2.12 “Personnel Records”, A.2.38 “Ethics for Public Employees: Nepotism, Prohibited Contractual Relations, Gifts, Ethics Opinion”; A.2.45 “Performance Evaluation System (PES) and Performance Adjustments”, A.2.55 "Time and Attendance"; A.3.1 “Asset Management”; A.3.11 “Financial and Property Loss Prevention Program”; and A.5.1 “Access to Security of and Use of Information Technology Resources and Mobile Devices”	
STATUS: Approved	
Approved By: <i>Mary L. Livers, Deputy Secretary</i>	Date of Approval: 08/12/2014

I. AUTHORITY:

Deputy Secretary of Youth Services (YS) as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

II. PURPOSE:

To establish the Deputy Secretary's policy for allowing selected agency employees to work from alternative work sites, including from home, in order to attract and retain a diverse and talented workforce, reduce costs, improve productivity, and support national and state policies promoting clean air and traffic mitigation. The purpose of this policy is also to assist management in understanding the telecommuting environment and to outline the process under which telecommuting arrangements are made.

III. APPLICABILITY:

All Unit Heads of YS; select professional staff identified by management for participation in a telecommuting arrangement, and Unit Human Resources (HR) Liaison staff.

IV. DEFINITIONS:

Alternate Work Location - Approved work site, other than the employee's primary work location, where official state business is performed.

Primary Work Location - An employer's place of work; where an employee is normally located.

Regional Director – The Deputy Assistant Secretary responsible for the oversight of all functions and operations of the Community Based Services Regional Offices and the secure care facility in their assigned Region.

Telecommuting - A management tool that provides flexibility in meeting the agency's business needs through a work arrangement that allows regular, classified professional employees to utilize remote access technology to perform their usual job duties away from the agency worksites where official state business is performed. Such locations may include, but are not limited to, an employee's home or at another agency-designated or approved remote work location.

Telecommuting Work Agreement - The written agreement between the employer and the employee that details the terms and conditions of an employee's work away from his/her primary work location.

Time and Attendance Report (timesheet) – A record of hours worked and leave taken during a specific bi-weekly pay period.

Unit Head – For the purposes of this policy, the Unit Head consist of the Deputy Secretary of Youth Services, Assistant Secretary, Undersecretary, Chief of Operations, Deputy Assistant Secretary, Regional Directors, Facility Directors, and Regional Managers.

Work Schedule - The employee's approved work hour schedule regardless of the work location.

V. POLICY:

It is the Deputy Secretary's policy to have work performed normally at agency sites. Exceptions to this policy are permitted according to the guidelines below.

VI. PROCEDURES:

A. Eligibility

Telecommuting is a management option and not an employee option; telecommuting is not suitable for all employees or all positions. A "Telecommuting Work Agreement" [see Attachment A.2.51 (a)], signed by all parties shall contain mutually understood telecommuting arrangements. The following requirements shall be met in order for an employee to be identified for telecommuting from an alternative work location.

1. An employee must have completed a minimum of six (6) months of satisfactory employment with YS. Requests for participation prior to six (6) months of satisfactory employment may be approved on a case-by-case basis by the Deputy Secretary.
2. In certain cases, telecommuting may be a requirement of the position, and employees will be so notified at the time of hire.
3. Employees identified for a telecommuting arrangement are responsible for ensuring dependable phone and Internet access at the alternative work site.
4. Before the initiation of telecommuting or work from alternative sites, an alternative "Telecommuting Work Agreement" shall be completed and signed by the employee, the direct supervisor who will be accountable for evaluating the performance of the employee, and the appropriate Regional Director, prior to submittal to the Deputy Secretary for approval.
5. The original "Telecommuting Work Agreement" shall be maintained in the employee's personnel file maintained by the unit's HR Liaison, with a copy in the Supervisory file, which must be readily available for audit purposes. A copy shall also be forwarded to Public Safety Services (PSS) Human Resources (HR) for the employee's permanent file (refer to YS Policy No. A.2.12).
6. The supervisor shall ensure that a work agreement is updated and completed no less than annually.

B. Conditions of Employment in a Telecommuting Environment

Telecommuting or assignment of an alternative work location does not change the conditions of employment or required compliance with state Civil Service or YS policies and procedures. The employee shall continue to comply with federal, state and agency laws, policies, and regulations while working at the alternative work location.

1. An employee's compensation and benefits shall not change as a result of telecommuting or working from an alternative work location.
2. The employee shall have the same leave coding as employees at their primary location.
3. Telecommuting is not intended to serve as a substitute for child or adult care, nor to allow for other personal business during agreed upon work hours.

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4. "Telecommuting Time Sheets" [see Attachment A.2.51 (b)] shall be completed for each pay period and submitted electronically, as outlined in each case-by-case work agreement, by the last day of the pay period. This does not preclude the "Time and Attendance Report" required pursuant to YS Policy No. A.2.55.

However, the regular "Time and Attendance Reports" as required pursuant to YS Policy No. A.2.55 may be substituted for the "Telecommuting Time Sheets" with the approval of the employee's supervisor.

5. Should circumstances arise whereby the telecommuter cannot work from home or the alternative work location, (i.e., loss of electricity, home emergencies, loss of Internet access, etc.), the telecommuter must contact his/her supervisor. The employee's supervisor shall decide if applicable leave may be granted or if alternative work hours shall be assigned to ensure a full work day/week.
6. Total work hours are expected to be equal to that of an employee working at the agency work site and shall be documented as part of the mutual "Telecommuting Work Agreement". When attendance at office meetings is required, arrangements can be made for remote access (teleconference) if approved by the supervisor.
7. Telecommuting is not intended to be used in place of annual, sick, Family and Medical Leave of Absence (FMLA), or other types of leave (refer to YS Policy Nos. A.2.5 and A.2.55). Requests to work overtime or to use sick, annual or other leave must be approved in advance by the immediate supervisor in the same manner, and in accordance with, the time and attendance procedures as when working at the primary agency location.
8. Employees must safeguard agency information used or accessed while telecommuting. All agency records, files, and documents must be protected from unauthorized disclosure or damage and returned safely to the primary workplace when projects are completed (refer to YS Policy No. A.5.1).
9. Telecommuting is not intended to permit employees to have time to work at other jobs or run their own businesses (refer to YS Policy Nos. A.2.3 and A.2.38). Failure to fulfill work hours as agreed upon in the "Telecommuting Work Agreement" because of other employment may be cause for disciplinary action or termination of employment (refer to YS Policy No. A.2.1(b)).

C. General Provisions

1. The Deputy Secretary shall approve the positions and the employees for telecommuting after requests are submitted by the Unit Head, following approval from the appropriate Regional Director. Conditions that shall be considered are listed below:
 - a. Quality of service to the agency and to YS stakeholders can be maintained and even improved;
 - b. The employee identified for telecommuting has demonstrated sustained high performance, and the supervisor and/or Unit Head believes that the employee can maintain the expected quality and quantity of work while telecommuting;
 - c. The employee identified to work from an alternative work site does not supervise employees who are assigned to work at the agency's regular work sites; and
 - d. Specific, measurable work products can be monitored by output and not time spent doing the job.
2. The supervisor is responsible for work assignments, performance reviews (refer to YS Policy No.A.2.45), any investigations into injury or accident reports, and maintaining the conditions outlined in the signed "Telecommuting Work Agreement".
3. When employees are authorized through the "Telecommuting Work Agreement" to use their own equipment, YS shall not assume responsibility for its cost, repairs or service.
4. Prior approval for the use of any state-owned equipment shall be documented in the "Telecommuting Work Agreement". Justification is required for the use of state-owned equipment at sites other than agency work sites. If authorized, state-owned equipment shall be used only for state purposes by authorized personnel.

The employee is responsible for contacting the unit's Property Control Manager before relocating state-owned equipment from the primary physical location pursuant to YS Policy No. A.3.1.

Employees are also responsible for protecting state-owned equipment from theft, damage, and unauthorized use, and for reporting property loss, damage, etc. pursuant to YS Policy No. A.3.11.

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5. Workers Compensation Liability - Job-related injuries may occur during an employee's established work hours at an alternative work location. Any work-related injuries must be reported to the employee's supervisor immediately. Employees who report accidents at an alternative work location may be subject to drug testing pursuant to the agency's Drug-Free Workplace policy (refer to YS Policy No. A.2.7).

The employee understands that he/she remains liable for injuries or damage to the person or property of third parties or family members on the premises, and agrees to indemnify and hold YS harmless from any and all claims for losses, costs or expenses asserted against YS by third parties or members of the employee's family.

6. A "Telecommuting Work Agreement" can be revoked by the agency at any time and for any reason. In addition, an employee may discontinue participation in telecommuting at any time, except in those circumstances where telecommuting is required of the position.
7. The employee should be taxed according to the laws of the state where the work is performed, not where the administrative unit is located.
8. YS shall assume no liability for injuries occurring in the employee's home workspace outside of work hours. For their own protection, employees who telecommute for work should ensure their homeowners/tenants liability policy will cover bodily injury and property damages arising out of or relating to the business use of their home.

Previous Regulation/Policy Number: A.2.51

Previous Effective Date: 09/20/2013



Attachments/References: A.2.51 (a) Telecommuting Work Agreement 0913.docx



A.2.51 (b) Telecommuting Time Sheet.docx