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Department of Administration Organizational Circular: 2022-011

MEMORANDUM

To: All Line Departments and Agency Heads
From: Director, Department of Administration
Subject: **Guidance on the use of Telework**

Buenas yan Hafa Adai! This memorandum is issued as guidance on the utilization of Telework or Telecommuting within departments and agencies based on need. Telework, in general, if authorized by respective appointing authorities will authorize employees to work from home, in a satellite location, or from an approved identified worksite which is away from an employee's assigned workstation / area of work. Departments and agencies will develop and establish telework policies and/or standard operating procedures as telework may be necessary on a case by case basis.

Telework has become necessary due to the current COVID-19 Pandemic and the focus on both employee and customer safety. Telework may not be an option for all employees and may only be appropriate for part of a department or agency's workforce based on the position held by an employee and the duties they perform. Approval of telework is discretionary for an appointing authority or official designee of a department or agency. Telework can be authorized for a portion of or the whole workweek, and must be established between employees and approved by whatever means is established by the department head / appointing authority or their designee.

Procedure:

Telework is a flexible arrangement that can be requested by an employee or proposed by management under which an employee performs his or her duties and responsibilities of such an employee's position, and other activities which are authorized, from an approved worksite other than an employee's regular workstation.

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Requests for telework should be submitted by the employee to their immediate supervisor and should include the following:

1. Reason for requesting telework (Must provide justification for the necessity to telework for consideration by the immediate supervisor / management).
2. Proposed schedule for telework (i.e. hours per day, days per week, days throughout the pay period, etc...).
3. Proposed location / work area for telework (i.e. working from home, secured location, alternate government facility, etc...).
4. Assessment of proposed location / work area and the capability of performing assigned duties at the proposed location. (i.e. proper IT infrastructure to support working from that location, proper security measures to ensure that any information is protected, lack of required services such as internet that would prevent an employee from performing their duties, lack of proper equipment and other factors that may compromise the safety of the employee).
5. List of required equipment, services, software, and other resources that will be needed for an employee to perform their duties at the proposed location for consideration by their immediate supervisor / management.
6. Ability for proper communication with the employee should their immediate supervisor or management need to contact them while at the proposed location. This should also include all contact information and an employee should be able to respond to requests related to work duties within fifteen (15) minutes.
7. Acknowledgement by the employee that they are able to return to their originally assigned worksite within two (2) hours should they be recalled from telework by their immediate supervisor / management.

If a Telework request is approved, it may be reassessed at the completion of the requested timeframe, or after a designated period of time established by the immediate supervisor and management to determine the necessity of continuing the telework arrangement. Failure to complete the reassessment by the designated timeframe does not automatically “approve” a renewal of the arrangement.

Any approved telework request may be discontinued at any time at the discretion of the appointing authority and/or the employee. Every effort must be made by an employee and/or their immediate supervisor / management to give prior notice of a discontinuance

of telework to ensure that proper coordination and arrangements can be made to have a smooth transition of an employee back to their assigned workstation / area. This will also allow for accommodations to make alternate arrangements related to the original reasons for requesting the telework arrangement. There may be times when prior notice may not be possible, and as much as possible employees and their immediate supervisors are to try provide for a smooth transition.

It is also noted that telework may be requested and approved / disapproved on an "incidental" basis. This means that telework may be approved for a time outside of the agreed upon day(s) and / or time(s). An employee may request for this form of telework and must follow the same procedures and guidelines for continuous or "regular" agreements / arrangements.

Eligible Employees:

Employees who are submitting a request to their immediate supervisor / management for telework arrangements must have been employed with their respective department for at least six (6) months and/or who have completed their probationary period and have achieved at least a satisfactory performance evaluation rating, and have not displayed or have any issues or concerns that have been raised regarding time and attendance.

Department and agency officials designated to approve requests for telework arrangements can review the requests based on the following factors:

1. **Employee Appropriateness:** Employees and management will assess things such as employee attendance, time management, work habits, levels of performance and any work history that will help determine whether an employee can utilize telework and there is minimal risk for abuse.
2. **Job Duties and Responsibilities:** Employees and management will review the duties and responsibilities of the position that the employee holds; and the request submitted by the employee to determine if telework arrangements are appropriate for the execution of the employee's duties.
3. **Equipment / Location Assessment:** Employees and management will assess (based on what was submitted in the employee's request) whether or not the proposed work site or location has all the necessary equipment and is capable of meeting all the needs of the employee to perform their duties and responsibilities. If possible and established as appropriate, departments and agencies may provide equipment and other resources to assist employees in performing their duties;

however, all equipment and other resources authorized for employees to be used must be documented properly.

Additional factors specific to departments and agencies can be used to determine whether or not telework is the best approach to specific situations based on surrounding circumstances.

Once all the above factors are taken into consideration and a request is approved; a formal approval will be issued to the employee with a copy of the approved request (to include approved work schedule) shall be given to the department's official timekeeper for record purposes.

Work Progress Monitoring and Accountability

Employees and immediate supervisors / management must have an established daily / weekly communication and feedback which updates immediate supervisors on the progress of ongoing projects or assigned work. This should be done on a daily basis, but if that is not feasible, should be done at a bare minimum on a weekly basis. Employees and immediate supervisors / management should have established if not on a daily basis, a weekly basis the assignments that will be monitored for progress in any given work week. This will provide the basis for employee's to report to their immediate supervisors on a daily / weekly basis on the progress of assignments.

Time and Attendance:

Employees who hold exempt positions, the approved schedule will be accepted as the employee's schedule of attendance for the employee. If the employee has to be away from their approved workstation / area for any non-work related reason for more than fifteen (15) minutes, their immediate supervisor will be informed and a request for leave may be required at the discretion of the immediate supervisor. For those employees holding exempt positions as defined by the Fair Labor Standards Act (FLSA), a statement should be made or issued stating that although a telework arrangement is voluntary, once an employee enters a telework agreement, that there may be situations or instances where an employee be required to work from their approved work location beyond the agreed work schedule.

Employees holding non-exempt positions who are approved to telework must report in on a department / agency timing system. If this is not possible, direct communication with the responsible timekeeper and/or immediate supervisor must be ensured and reporting of time must occur at the beginning of every work schedule and end (to include lunch breaks and other allotted breaks). It is important that all reporting to the timekeeper and all associated activities are done in compliance with all federal and local laws, rules, and

regulations to include but no limited the Fair Labor Standards Act (FLSA). Immediate supervisors / management must ensure that communication of an employee holding a

non-exempt position is properly recorded. It must also be stated that there may be times that an employee who is holding a non-exempt position may be required to work beyond the agreed upon telework schedule. In these instances, if overtime is incurred, it must be approved by the proper department approving authority prior to being worked. In addition, the proper recording and compensation related to that overtime must be ensured by the submission of all proper payroll documentation. All governing federal and local laws, rules, and regulations must be adhered to.

Things to Remember when Establishing a Department / Agency Telework Agreement

Below are factors to consider when establishing department / agency telework agreements. It is important to remember for all departments and agencies that have a collective bargaining agreement (contract) in place that a review of that agreement should be conducted prior to establishing any telework arrangements.

- Have a clearly established term of the agreement based on the necessity of the agreement and all surrounding circumstances. For example, a one-year renewable agreement (or six-month) depending on how often agreements need to be revised.
- Establish what type of arrangement it is (i.e. regular, recurring telework, incidental, situational, etc...). This is to establish actual days and hours that are being considered to take into account operational needs.
- Establish a specific schedule. This will include specific days, hours, weeks, etc...that telework is necessary.
- Have a clearly established list of requirements, to include technological requirements, policy requirements, any training, and any other resources that are required to include anything additional.
- Establish expectations which include the form and frequency of communication, work output and deliverables, timeframes for work output, means of meeting either in person or virtual, location where work is to be accomplished, frequency of check-in, speed for returning calls.
- Establish and document all equipment that is issued to accomplish telework; and the process in which additional equipment and services can be requested to accomplish telework. If resources needed to execute the telework agreement are substantial, the current agreement may need to be revisited.
- Establish protocols, policies, or procedures that an employee on a telework status is supposed to follow in the case of emergencies. (i.e. who to report their status

to in case of emergencies, whether the agreement will still be in effect pending already established contingency plans).

- Security of information must be considered based on the availability of a secured alternative worksite. If security of information may be compromised, a different alternate worksite may need to be chosen, or the telework arrangement revisited altogether.
- An employee's safety must be ensured at the alternate worksite before any agreements can be executed.
- Terms for the termination or modification of the agreement (and correlating requirements or timeframes) must be clearly established to avoid any miscommunication or possible attendance issues.
- There should be identified personnel within the department / agency whose responsibility it is to track those employees who are operating on a telework status.

All telework arrangements / agreements can be executed at a department level with the approval of the appointing authority. It is important to ensure that all agreements are well-written, clear, concise, and prescribe all relevant details so that there is a clear understanding between immediate supervisors, employees, and department management on the provisions of the telework agreement, work assignments, and work output. If further guidance is needed in the preparation of telework agreements, proposed agreements may be sent in for review and advice to the Department of Administration, Human Resources Division.

If you have any questions, please contact Mr. Francis Flisco, Personnel Specialist IV via email at francis.flisco@doa.guam.gov. *Si Yu'us Ma'ase!*



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