



**DEPARTMENT OF MANAGEMENT SERVICES**  
**DIVISION OF STATE HUMAN RESOURCE MANAGEMENT**  
**POLICY GUIDELINE**

STATE PERSONNEL SYSTEM	
<b>SUBJECT:</b> <i>Identifying Positions Appropriate for Telework and Determining Employee Eligibility</i>	
<b>POLICY GUIDELINE:</b> HRM #2016-010	<b>EFFECTIVE DATE:</b> Revised March 26, 2018 (Original issued November 28, 2016)
<b>SUPERSEDES:</b> Policy Guideline: Identifying Positions Appropriate for Telework and Determining Employee Eligibility	
<b>STATUTES/RULES/REGULATIONS/LAWS:</b> Section 110.171, Florida Statutes (F.S.), State employee telework program	
<b>FORMS:</b> N/A	
<b>ADDITIONAL REFERENCE MATERIALS:</b> N/A	

**SCOPE AND PURPOSE:**

Telework is a statutorily authorized program that has the potential to create mutual benefits for employees and employers. Telework can be an effective recruitment and retention strategy, as well as a useful tool for supporting the agency's Continuity of Operations Plan (COOP), improving employee productivity, and reducing office space requirements. In addition, depending on the work being performed, telework may be used as an accommodation for a variety of employee needs, including requests for reasonable accommodations under the Americans with Disabilities Act (ADA).

However, in seeking to leverage its benefits, agencies must ensure that the business needs of the organization are not compromised. Whether a position is appropriate for telework on a regular basis (with all work being performed away from the official worksite) or one to four days each week (and reporting to the official worksite periodically), the most critical activities in the strategic design of a successful Telework Program are accurately and realistically identifying suitable positions and then ensuring that the employees filling those positions have the appropriate attributes to telework.

Section 110.171(3), F.S., requires each agency to review all established positions and designate those positions the agency deems appropriate for telework. The purpose of this document is to aid state agencies in identifying positions appropriate for telework as required by section 110.171(3), F.S., and for determining employee eligibility for participation.

**PROCEDURE:**

As outlined in section 110.171(3), F.S., each agency is required to review all established positions and designate those positions that the agency considers appropriate for telework. Agencies must ensure this information is current and available to its employees and managers. Additionally, designated positions and those employees participating in the Telework Program shall be identified in the People First system using the appropriate telework indicators on the

“Position Attributes” screen and “Work Contact Information” screen, respectively. Agencies may approve OPS employees to participate in the Telework Program in accordance with section 110.171(9), F.S.

Telework is defined by section 110.171(1)(c), F.S., as a “work arrangement that allows a state employee to conduct all or some of his or her work away from the official worksite during all or a portion of the state employee’s established work hours on a regular basis. The term does not include, and a telework agreement is not required for:

- 1) Performance of required work duties away from the official worksite and outside of established work hours on an occasional basis and sporadically working away from the official worksite during all or some portion of the established work hours. These arrangements may be used by an agency to accommodate extenuating circumstances by allowing an employee to maintain productivity away from the official worksite.
- 2) Duties and responsibilities that, by their nature, are performed routinely in the field away from the official worksite.”

Positions with all or a portion of duties that are able to be routinely performed away from the main office (i.e., official worksite) may be eligible for telework. In reviewing positions to determine those that are appropriate for telework, agencies have the flexibility to either make telework a requirement of certain positions or offer it as an optional alternative work arrangement. Positions that require telework as a part of normal business operations must comply with the provisions listed in section 110.171(6), F.S., in addition to the other general requirements of telework and with attention given to any requirements of collective bargaining agreements. Agencies must identify positions that are eligible for telework and those that require telework by checking the appropriate field(s) in the “Position Attributes” screen on the position side of People First. The “telework required” indicator can only be selected after the “telework eligible” indicator has been selected so that for positions requiring telework as a condition of employment, both the “telework eligible” and “telework required” indicators must be selected. A position eligible for telework must have the percentage of time the incumbent may perform his or her job duties through telework recorded in the field, “Telework Eligible Percentage”. A position requiring telework must have the percentage of time the incumbent is required to perform his or her job duties through telework recorded in the field, “Telework Required Percentage”. Both fields are located on the “Position Attributes” screen.

### **Identifying Appropriate Positions**

In identifying positions appropriate for telework, some basic considerations are:

- Whether the job requirements accommodate working away from the official worksite on a recurring basis;
- Whether required contact with other employees and customers is predictable (and therefore, manageable);
- Whether there are identifiable portions of the job which can be done away from the official worksite; and
- Whether the job duties can be accomplished at an alternative worksite.

Agencies may use the following guidelines when considering a position’s potential for telework status:

1. **KNOWLEDGE REQUIRED** - Can all or some of the duties of the position be performed at a remote location, or does the position need continual supervision or input from others that is only available at the official worksite?
2. **PUBLIC/AGENCY CONTACTS** - What portion of the job is devoted to face-to-face contact with other staff or the public? Can an arrangement be structured to allow for communication via telephone? Can required contacts be grouped into non-telework days for those who report to the official worksite on scheduled days, or can alternatives be established to provide these contacts while teleworking? **Section 110.171(4)(g), F.S., prohibits employees from conducting “face-to-face” business at the employee’s residence.**
3. **TRAINING REQUIREMENTS** – Are there training requirements that require a position to report to the official worksite for a particular time period? Can job training be administered remotely through software programs?
4. **REFERENCE MATERIAL** - What portion of the job is dependent on the use of reference material or resources located at the official worksite? Can these resources be mobile for a day or two without interfering with the job performance of co-workers? Can these resources be duplicated for long-term use? Are these resources available through other means such as a computer accessible library service or a community or university library?
5. **USE OF COMPUTERS** - Do job functions require access to files stored on network servers? Is remote access available for employees to access the appropriate files needed to complete tasks? **Sections 110.171(4)(d) and (f), F.S., require the agency to establish plans to ensure the appropriate use and maintenance of state equipment and ensure that appropriate physical and electronic information security controls are maintained. Section 110.171(6)(d), F.S., requires the agency to provide equipment and supplies necessary to carry out job functions from the telework site when telework is required as a condition of employment.**
6. **SPECIAL EQUIPMENT** - What portion of the job relies upon access to specialized equipment, e.g., photocopiers, fax machines, etc.? If an employee teleworks on scheduled days of the week and reports to the official worksite on others, can the special equipment needs be met on non-telework days? If job functions allow for teleworking while performing all duties without a need to report to the official worksite, can special equipment requirements be met by a facility near the employee’s telework site? Do job functions require the ability to conduct conference phone calls from the telework site? Do job functions require making long distance phone calls? If so, can a business phone line be installed at an incumbent’s telework site to accommodate this need? **Sections 110.171(4)(d) and (f), F.S., require the agency to establish plans to ensure the appropriate use and maintenance of state equipment and ensure appropriate physical and electronic information security controls are maintained. Section 110.171(6)(d), F.S., requires the agency to provide equipment and supplies necessary to carry out job functions from the telework site when telework is required as a condition of employment.**
7. **INFORMATION SECURITY** - What portion of the job uses secured or classified information and how can the integrity of that secured print or electronic information be upheld if that data is used or accessed off site? **Section 110.171(4)(f), F.S. requires that agencies establish appropriate physical and electronic information security controls.**
8. **TASK SCHEDULING** – If all of the job duties for a position cannot be performed away from the official worksite, can those tasks which can be completed away from the official worksite be grouped and scheduled for telework days? Can staff meetings and conferences be grouped and

scheduled for non-telework days? **Section 110.171(6)(a), F.S., requires agencies to specify the minimum amount of telework required as part of the position description when the position requires telework as a condition of employment.**

9. **TRAVEL** - Does the job involve field work? Can trips begin or end at the employee's telework site rather than at the official worksite? Can paperwork be done away from the official worksite? **Section 110.171(1)(c)(2.), F.S., states that duties and responsibilities, that by their nature, are performed routinely in the field away from the official worksite are not defined as part of the telework program. However, even positions that spend the majority of time in the field may need to spend time in an office environment to produce reports and perform other administrative tasks which could potentially be performed through a telework arrangement.**

10. **PERFORMANCE MANAGEMENT** - Can the job duties be evaluated using measurable expectations even if the incumbent is performing the duties remotely? Are the duties to be performed at the telework site results-oriented? What are the deliverables that will be produced by performing the job functions remotely? **Section 110.171(4)(e), F.S., requires agencies to establish a system for monitoring the productivity of teleworkers that ensures the work output remains at a satisfactory level and that the duties and responsibilities of the position remain suitable for telework.**

The following is a sample, not inclusive, list of job types that may be eligible for telework. Specific functions of each agency will dictate whether similar or different types of jobs are eligible for telework.

accountant	programmer	data entry clerk
engineer	financial analyst	systems analyst
agent	appraiser	economist
attorney	auditor	manager
consultant	training designer	writer
contract monitor	researcher	inspector

Agencies with a Telework Program are to post the agency's telework plan and any pertinent supporting documents on the agency's website as required by section 110.171(8), F.S. It is important to remember that compliance with section 110.171(3), F.S., requires that all agencies first identify positions (not position incumbents) that are eligible for telework.

### Identifying Appropriate Employees

Ultimately, agencies that adopt a Telework Program will need to establish a process for identifying employees who, if occupying telework eligible positions, will be permitted or required to participate. Additionally, in accordance with section 110.171(3), F.S., each agency must identify employees who currently telework by tracking this information in the People First system using the appropriate telework indicator. Telework is not an ideal work arrangement for all employees. Agencies should consider the knowledge, skills, and abilities required to effectively perform a particular job while teleworking. When creating a process to identify individual employees who may participate in a Telework Program, agencies should consider individual employee factors such as his or her:

1. Ability to work independently;
2. Comfort level with the required technology;
3. Past performance levels;
4. Ability to successfully communicate with others;

5. Dependability and trustworthiness;
6. Need for social interaction; and
7. Level of self-motivation.

An employee participating in a Telework Program is subject to the same rules and disciplinary actions as other employees (pursuant to section 110.171(4)(c), F.S.). Employees participating in a voluntary Telework Program shall sign a written agreement with the agency that specifies the terms and conditions of the arrangement, and that participation in the Telework Program may be terminated at any time that the agency determines that continuation in the program is not in the best interest of the agency (pursuant to section 110.171(5), F.S.).

Additionally, employees who telework must maintain satisfactory performance levels (pursuant to section 110.171(4)(b), F.S.).

### **APPLICABLE STATUTORY AND RULE CITATIONS:**

Section 110.171, F.S. State employee telework program.

- (1) As used in this section, the term:
  - (a) “Agency” means any official, officer, commission, board, authority, council, committee, or department of state government.
  - (b) “Department” means the Department of Management Services.
  - (c) “Telework” means a work arrangement that allows a state employee to conduct all or some of his or her work away from the official worksite during all or a portion of the state employee’s established work hours on a regular basis. The term does not include, and a telework agreement is not required for:
    1. Performance of required work duties away from the official worksite and outside of established work hours on an occasional basis and sporadically working away from the official worksite during all or some portion of the established work hours. These arrangements may be used by an agency to accommodate extenuating circumstances by allowing an employee to maintain productivity away from the official worksite.
    2. Duties and responsibilities that, by their nature, are performed routinely in the field away from the official worksite.
- (2) An agency may establish telework as an integral part of the normal business operations of the agency and require that specific work be performed through telework arrangements. Telework may also be used as part of an agency’s continuity of operations plan where appropriate. An agency shall provide telework as an optional alternative work arrangement to support employee needs and implement telework arrangements where deemed appropriate.
- (3) Each agency shall review all established positions and designate those positions that the agency deems appropriate for telework. The agency shall ensure that this information is current and available to its employees and managers. In addition, each agency shall identify all currently participating employees and their respective positions in the human resource information system used by that agency.
- (4) Agencies that have a telework program shall develop an agency plan that addresses the agency’s telework policies and procedures. At a minimum, an agency telework plan must:
  - (a) Establish criteria for evaluating the ability of employees to satisfactorily perform in a telework arrangement.
  - (b) Establish performance standards that ensure that teleworkers maintain satisfactory performance levels.

- (c) Ensure that teleworkers are subject to the same rules and disciplinary actions as other employees.
  - (d) Establish the reasonable conditions that the agency plans to impose in order to ensure appropriate use and maintenance of any equipment issued by the agency.
  - (e) Establish a system for monitoring the productivity of teleworkers that ensures that the work output remains at a satisfactory level and that the duties and responsibilities of the position remain suitable for a telework arrangement.
  - (f) Establish the appropriate physical and electronic information security controls to be maintained by a teleworker at the telework site.
  - (g) Prohibit a teleworker from conducting face-to-face state business at his or her residence.
- (5) At the discretion of the agency, if an employee is approved by the agency to use telework as an optional alternative work arrangement, the agency shall require a written agreement between the teleworker and the agency that specifies the terms and conditions of the telework arrangement and provides for the termination of an employee's participation in the program if the employee's continued participation is not in the best interest of the agency.
- (6) Agencies that require certain employees to telework as a part of normal business operations shall:
- (a) Include the requirement to telework and the associated terms and conditions as part of the position description, specifying the minimum amount of telework required.
  - (b) Provide at least 30 calendar days' written notice to affected employees of intent to impose or remove a requirement to telework.
  - (c) Provide at least 15 calendar days' written notice to affected employees of intent to revise the terms and conditions of the current telework arrangement.
  - (d) Provide equipment and supplies to an employee necessary to carry out job functions from the telework site.
  - (e) Specify the telework requirement in any recruitment activities.
- (7) Agencies that have a telework program shall establish and track performance measures that support telework program analysis and report data annually to the department in accordance with section 255.249(8), F.S. Such measures must include, but need not be limited to, those that quantify financial impacts associated with changes in office space requirements resulting from the telework program. Agencies operating in office space owned or managed by the department shall consult the department to ensure consistency with the strategic leasing plan required under section 255.249(6), F.S.
- (8) Agencies that have a telework program shall post the agency telework plan and any pertinent supporting documents on the agency's Internet website to allow access by employees and the public.
- (9) Agencies may approve other-personal-services employees to participate in telework programs.

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