

Teleworking

	Louisiana Department of Health (LDH)	
	Policy Number	82.2
	Content	Establishes guidelines and processes for employees to work from home
	Effective Date	October 11, 2020
	Inquiries to	Human Resources, Training and Staff Development P. O. Box 4818 Baton Rouge, Louisiana 70821-4818 Phone: (225) 342-6477 FAX: (225) 342-6892

If there is a discrepancy between an LDH Policy and a Program Office or facility policy, the LDH policy shall govern/override/supersede the conflicting section within the Program Office or facility policy.

I. POLICY STATEMENT

This policy is the sole policy governing teleworking throughout all offices, bureaus and divisions of LDH. Further, The LDH Teleworking Agreement Form (HR-70) is the sole form to be used by all LDH offices, bureaus and divisions of LDH to document approved teleworking arrangements.

This policy permits management of the Louisiana Department of Health (LDH) to allow designated employees in approved positions to telework at home or another location for all or part of their regularly scheduled work week when the individual employee, his/her supervisor, and appointing authority/designee all agree to a teleworking arrangement. Unless otherwise directed by the appointing authority, the telework days specified on the Teleworking Agreement Form (HR-70) must be the same each pay period.

Teleworking cannot be allowed to adversely affect productivity or the efficient operation of the organization. LDH management will decide whether a specific job may be performed at a Telework Location and whether an individual employee may work effectively without on-site

supervision in a teleworking arrangement. Teleworking is not a right or an entitlement; it is not a department-wide benefit. LDH management may revoke the Teleworking Agreement at any time based on business reasons.

LDH may invoke mandatory teleworking in times of disaster/emergency, or for other business needs. In the event of a disaster/emergency appointing authorities may address unusual situations on a case-by-case basis while ensuring that appropriate documentation is maintained for payroll and audit purposes.

II. APPLICABILITY

This policy is applicable to all employees of the Louisiana Department of Health.

III. DEFINITIONS

Appointing Authority: An officer or employee authorized by statute or by lawfully delegated authority to make appointments to positions in the State Service.

Intermittent Work at Home (no set telework schedule): Occasionally it may be in the best interest of LDH for a supervisor to allow an employee to work at home rather than take leave. Such an arrangement is not considered to be teleworking and is governed by LDH Policy # 125 – Work Schedules, Attendance and Punctuality which outlines the documentation requirements for intermittent work at home (Section V.E on page 7).

Office: An employer’s place of work where the employee would normally be located if the employee were not teleworking at another location.

Official Domicile: According to Civil Service Rule 1.20.2 'Official Domicile' means the following: “(a) The official domicile of an officer or employee assigned to an office, exclusive of temporary assignments, shall be the city in which the office is located.

(b) The official domicile of a person located in the field shall be the city or town nearest to the area where the majority of work is performed, or such city, town, or area as may be designated by the department head, provided that in all cases such designation must be in the best interests of the agency and not for the convenience of the employee.”

The appointing authority (or designee) shall designate the official domicile (Parish) of each employee in accordance with a consistent application of the Civil Service Rule.

Please refer to Section J (Office Closures) of this policy for information regarding the impact of official domiciles on office closures.

Telework Location: An approved alternative worksite (e.g., home or other off-site location).

Teleworking: A work arrangement that allows an employee to regularly perform officially assigned job duties at a Telework Location for all or part of his/her regular work week, in accordance with an LDH Teleworking Agreement (HR-70).

Teleworking Agreement (HR-70): The written agreement detailing what has been agreed upon in order for the employee to be a compliant teleworker, including work location, telework schedule, contact information and state-issued equipment and serial numbers. A Teleworking Agreement is needed whether the employee teleworks full-time or part-time in accordance with his or her **regular work schedule**. Unless otherwise directed by the appointing authority, the telework days specified on the Teleworking Agreement must be the same each pay period.

IV. TELEWORKING AGREEMENT (HR-70)

The Teleworking Agreement (HR-70) should not be considered an employment contract, and the LDH retains the right to determine who should be considered for participation. LDH may modify or terminate the Teleworking Agreement at its discretion at any time.

Any employee who has an approved Teleworking Agreement (HR-70) may not deviate from the approved Teleworking Agreement as long as the Teleworking Agreement is in effect. Should the employee wish to change the scheduled telework days, the Telework Location or any other component of the Teleworking Agreement (HR-70), he/she must submit a new Teleworking Agreement form (HR-70) to the appointing authority or designee to seek approval for the change. Absent an approved change in the Teleworking Agreement, any deviations from the approved Telework Schedule shall be managed in accordance with LDH Policy #125 – Work Schedules, Attendance and Punctuality (Section V.E on page 7).

V. POLICY PROVISIONS

A. Eligibility

Before a teleworking arrangement can be considered, the following conditions must be met:

- Employee must have a Performance Evaluation System (PES) rating of Successful or higher on the most recent PPR rating, if available. If an employee receives a PES rating below Successful while teleworking, the employee will no longer be eligible for teleworking.
- Employee must have maintained a good work record prior to making the request to telework (for example, the employee has had no corrective or disciplinary actions within the last 12 months of employment).
- The employee's duties must be suitable to be performed at a Telework Location without direct supervision for all or part of the work week. This provision may preclude managers and supervisors from teleworking.

Unless otherwise directed by the appointing authority, an employee must have been continuously employed with LDH for at least 12 months. In addition to the above criteria, the employee must have a suitable place at the Telework Location in which to work. The employee must be able to supply any needed equipment that cannot or will not be provided by his/her program office. This may include broad band connectivity. The Telework Location must be a suitably private work environment. Please refer to Section L (Privacy) of this policy for information regarding HIPAA privacy rules.

B. Conditions of Employment

Teleworking does not change the conditions of employment or required compliance with LDH policies and procedures, Civil Service Rules, or any other federal or state laws, policies, and procedures while working at the Telework Location.

An employee's compensation and benefits will not change as a result of teleworking. Teleworking should not affect any opportunity for job mobility. However, if the employee moves to a different position within LDH, his/her Teleworking Agreement is not transferable to the new position.

C. Hours of Work

The teleworking employee must have an approved work schedule adopted and documented in accordance with LDH policy # 125 – Work Schedules, Attendance and Punctuality. Management must ensure proper compliance and documentation of work hours, in particular ensuring compliance with the Fair Labor Standards Act (FLSA) and overtime policies and procedures.

The teleworking employee is expected to maintain at least the same level of availability, levels of production and quality of work as the non-teleworking employee.

Teleworking may only be performed at the employee's Telework Location as specified on the approved Teleworking Agreement (HR -70). Any time the employee is **absent** from the Teleworking Location during his/her regularly-scheduled teleworking hours, the employee must take leave as appropriate. (Please see LDH Policy #28 – Leave Policy for Classified LDH Employees and LDH Policy #136 - Unclassified Appointees and Unclassified Employees of LDH – Attendance and Leave).

Teleworking may not be used for child or adult care. If at any time an employee is tending to a dependent child or adult and therefore not performing official duties, the employee must take leave as appropriate.

The employee may not perform personal activities during his/her scheduled work hours. Examples of prohibited personal activities include but are not limited to:

- Running an E-bay business or other personal business
- Shopping online
- Checking on and/or participating in social media sites or other non-worked-related websites for any purpose not directly related to the employee's job duties

- Any other activity not directly related to the employee’s assigned duties and for which the employee would be expected to take leave to engage in

Should circumstances arise whereby the teleworker cannot work at the Telework Location, i.e., loss of electricity, home emergencies, etc., the teleworker must contact his/her supervisor and he/she may be required to report to a different work location, or appropriate leave may be granted.

Employees may work overtime only with supervisory approval and in accordance with LDH and their office’s overtime policies. Teleworking may be canceled for employees who work unapproved overtime.

D. Attendance at Meetings/Reporting to the Office on Scheduled Teleworking Days

Teleworkers are expected to attend all assigned meetings related to the performance of their jobs, including any held on a scheduled teleworking day. LDH’s needs take precedence over the employee’s needs. Business meetings with other employees or clients shall not be held at the Telework Location.

The supervisor or appointing authority/designee may require the teleworker to report to the office if business needs require it. The teleworker’s refusal to do so shall be considered insubordination and subject to disciplinary action.

E. Use of Leave

Teleworking may not be used in place of annual, sick, Family and Medical, or any other type of leave. Requests to use leave must be approved in accordance with LDH Policy #28 – Leave Policy for Classified LDH Employees and procedures issued by the employee’s appointing authority or designee. However, management may determine whether or not it is appropriate to offer teleworking as an opportunity for partial or full return to work from traditional sick leave, short-term disability or long-term disability.

F. Travel Reimbursement

Travel reimbursement will be applied in accordance with Division of Administration PPM 49-Travel Policy.

G. Equipment and Supplies

1. **State- owned equipment and supplies:** The Department will provide State-owned equipment to employees who have an approved Teleworking Agreement. Only State-owned equipment shall be approved for use by employees who have an approved Teleworking Agreement. Use of State-owned equipment and networks is for official business purposes only and must comply with applicable laws, policies, procedures and protocol. Use of all technical equipment must

adhere to the guidelines established in the State of Louisiana/Division of Administration/Office of Technology Services (OTS) Information Security Policy. The agency will provide the necessary equipment that is needed for the teleworker to perform job duties successfully. This may include desktops, monitors, laptops, thin clients, storage devices, and other IT equipment provided by the agency in accordance with LDH and OTS policies and guidelines. Out of pocket expenses for supplies normally available through the agency will not be reimbursed. Employees must comply with applicable property control policies and procedures, including but not limited to submission of required property control forms, prior to moving equipment from the office to a Telework Location. (Please see LDH Policy # 61 - Moveable Property Policy).

2. **Repair of State-owned equipment:** It is LDH's responsibility to maintain and repair any equipment that is supplied to the teleworker by LDH. OTS technicians will not make "house calls" for equipment set up or service. If any in-person service or support is necessary, the employee is responsible for bringing the equipment to the primary work site for that purpose. OTS technicians are available to assist employees by phone or remote connection. Should a delay in the repair or replacement of equipment occur or any other circumstance under which it would be impossible for the employee to telework, the employee may be assigned to do other related work and/or report to another work location.
3. **Personal use of State-owned equipment prohibited:** State-owned equipment, software, telephone services, supplies and furniture at the Telework Location shall be limited to that authorized by the agency and used only for agency business. Personal use of these materials is prohibited, even during non-working hours. Teleworkers assume responsibility for the physical security of agency equipment, supplies and information in their possession while teleworking.
4. **Internet connection:** Teleworkers are responsible for obtaining an internet connection prior to the Teleworking Agreement being approved as well as maintaining this connection for the duration of the Telework Agreement. The employee's internet connection must allow the employee to meet performance expectations established by management.
5. **Liability:** LDH will not be liable for damages to an employee's personal or real property while the employee is working at the approved Telework Location. The teleworker shall maintain his/her telework workstation in a safe condition, free from hazards and other dangers to the employee and equipment. When the teleworker uses his/her own equipment, he/she shall be responsible for equipment repair and maintenance. LDH will not be responsible for operating costs, home maintenance, or any other incidental cost. The employee

is responsible for obtaining necessary homeowner's or renter's liability insurance coverage and providing verification thereof if necessary.

6. **Confidentiality:** Materials, documents, etc., that the teleworker transports to and from the office to the Telework Location are his/her responsibility and must be kept confidential and secure. The employee agrees to protect the agency records from unauthorized disclosure or damage and will comply with agency policies and procedures regarding such matters. To protect confidentiality and guard against data contamination, teleworkers will follow agency approved data security procedures
7. **Return of equipment:** Any equipment, supplies, software, hardware, etc., purchased by the agency remains agency property and must be returned at the conclusion of a teleworking arrangement or when directed by agency management within 3 business days. Teleworkers using State-provided software will adhere to the manufacturer's licensing agreements, including the prohibition against unauthorized duplication.

H. Right to Monitor Work Product and Inspect Telework Location

Teleworking employees are subject to monitoring of their e-mails, electronic review of their work, and unannounced visits or inspections at their Telework Location during normal business hours; other methods may be used to adequately document and judge their work product and performance.

I. Injuries during Working Hours

The employee, supervisor, and agency must follow LDH and state policies regarding the reporting of injuries for employees injured while at work.

The State of Louisiana is not responsible for any injuries to family members, visitors, and others in the employee's Telework Location. The teleworking employee may not have business guests at the Telework Location or any other location except the agency's offices.

J. Office Closures

1. On occasion, State government closes offices for weather-related events or other reasons as necessary. In the event of such closure, the following provisions regarding leave and overtime apply.
2. Special Leave Office Closure (LSOC) - Civil Service Rule 11.23.g - Employees who have an approved Teleworking Agreement (HR-70) in accordance with this policy shall be eligible for LSOC if:
 - a. The employee's Official Domicile has been closed **and**

- b. The employee's Telework Schedule listed in his/her Teleworking Agreement (HR-70) specifies that he/she is normally scheduled to work during the hours of the office closure.
3. Overtime during Office Closure - Employees who have an approved Teleworking Agreement (HR-70) in accordance with this policy and who are directed to work during a closure of their Official Domicile shall be considered to be working overtime for all hours worked during the closure (Civil Service Rule 21.7.b.4).
4. If there is no official office closure, an employee who teleworks may be eligible for Leave Special Act of God (LSAG – Civil Service Rule 11.23.d) as approved by the appointing authority if he/she is unable to work due to reasons such as voluntary or mandatory evacuation orders, home power outages, agency computer system failures, etc.

K. Communication

It is important to maintain and adhere to LDH communication protocol through prompt return of phone calls, adherence to scheduled conference calls, emails, text messages and other forms of remote communication. Teleworking employees must be reachable via telephone during agreed upon work hours and the contact telephone number must be included in the employee's contact information via the state email system address book. Teleworkers must notify the office when they are unavailable during their scheduled working hours, the same as non-teleworking employees are expected to do. Telework employees are required to respond to each meeting request they receive. Meeting acceptance responses must indicate that they are a telework employee and provide the telephone number where they can be reached. The meeting organizer will confirm if they will be calling the telework employee or provide conference call information. When a conference line is provided for a meeting, the teleworker may participate from his/her Telework Location.

L. Privacy

- A. Printing – Unless otherwise directed by the appointing authority, telework employees shall not print documents at the Telework Location. If it is necessary to print documents, they may only be printed by routing them to the printer which is located at the office. All printing must comply with LDH policies including but not limited to LDH Policy # 15 (Information Sharing within LDH), LDH Policy #18 (Client and Participant Privacy Rights), LDH Policy #17 General Privacy Policy, and any specific agency policies related to confidentiality.
- B. Email - All business-related email correspondence must be conducted through the employee's state email account. Under no circumstance is any business-related document to be forwarded to a personal email account.,

- C. Protected Health Information (PHI) - Teleworking employees are fully responsible and liable for upholding the privacy and security of an individual's Protected Health Information (PHI) as required by the Department's HIPAA Policies. In no case is any Protected Health Information (PHI) to be written down in the teleworker's Telework Location. If there is a need to capture information, it may be placed in a Word document and saved to the employee's state-issued computer.
- In the event that there is a breach of an individual's privacy, the employee is required by law to report the breach immediately to his/her supervisor and/or manager. Failure to uphold these policies will be grounds for immediate dismissal.

M. Signatures

In instances where written signatures are not feasible, electronic signature use is permitted within LDH. (See LDH Policy #133 – Electronic Signature or E-Signature).

N. Sanitizing Shared Work Spaces when Working at the Office

There may be instances where teleworking employees are sharing a workspace on days they are assigned to work in the office as specified on their Telework Agreement (HR-70). In these cases **each employee must wipe down the workspace prior to leaving each day that he/she works there, including the mouse, keyboard and telephone.**

VI. PROCEDURE

Each Appointing Authority or his/her designee may consider and approve employees and positions for teleworking within the restrictions of this policy.

The employee must present to his/her immediate supervisor the Teleworking Agreement Form (HR-70). The supervisor and employee must review all aspects of the teleworking arrangement, including the manner and frequency of communication, and any agreed upon performance indicators. If the supervisor is satisfied that the employee and his/her job duties are suitable for a teleworking arrangement, the supervisor should then complete his/her portion of the Teleworking Agreement Form (HR-70) and forward it to the Appointing Authority or his/her designee with a recommendation.

The Appointing Authority or his/her designee will review the request and give final approval or denial to the request. Any changes in the Teleworking Agreement (HR-70) must be reviewed with the employee and supervisor in advance and agreed to by both.

Once the request is approved by the Appointing Authority or his/her designee, the Teleworking Agreement (HR-70) shall be maintained in the employee's supervisory file and must be readily available for audit purposes. A copy must be given to the employee and a copy sent to the Division of Human Resources, Training and Staff Development who shall maintain a copy of the approved Teleworking Agreement (HR-70) in the employee's official personnel file and shall record the employee's telework status in LaGovHCM (computer-based integrated human resources and payroll system used by the executive branch departments in the State of Louisiana).

Should the employee leave LDH, choose to no longer telework, or the telework option end, LDH will retrieve, or the employee shall return, all LDH property including all state-owned equipment, software, data files and other state assets. These assets must be returned by the employee, or the state will be allowed to retrieve any assets, within three business days of the termination of the Teleworking Agreement (HR-70). Failure or refusal by a current or former LDH employee to return all LDH property shall be reported to the appropriate law enforcement agency for possible prosecution.

VII. RESPONSIBILITIES

Deputy/Assistant Secretaries are responsible for:

- Holding Appointing Authorities under their supervision accountable for adhering to all aspects of this policy.

Appointing Authorities are responsible for:

- Approving/disapproving teleworking requests in accordance with the criteria contained in this policy.
- Monitoring the results of Teleworking Agreements to assure that agency goals are met.

Managers/Supervisors are responsible for:

- Complying with this policy as directed by the Appointing Authority.
- Developing a method to audit and monitor an employees' work at the Telework Location to ensure that the employee is complying with the terms of the Teleworking Agreement and the requirements of his/her position.
- Establish a reporting requirement system to facilitate contact for the employee to receive or turn in assignments.
- Maintaining a Teleworking Agreement Form (HR-70) in the supervisory file of each employee approved to telework and sending a copy of the HR-70 Human Resources.

Office of Human Resources is responsible for:

- Ensuring the Telework Policy is up-to-date and complies with all laws and rules regarding time, compensation, conditions to ensure confidentiality and adherence to all policies.
- Ensuring that this policy is posted and available to all LDH employees

- Maintaining a copy of the Teleworking Agreement Form (HR-70) for each employee approved to telework.
- Entering the employee’s telework status in LaGovHCM.

Employees are responsible for:

- Adhering to all aspects of this policy.
- Adhering to all LDH and Civil Service policies, procedures and protocol.
- Devoting full attention to job duties.
- Having a designated work area at the Telework Location which includes the appropriate internet connection.
- Adhering to applicable property control policies and procedures.
- Adhering to current processes for contacting IT support for technical problems.
- Adhering to all LDH IT Security and Password Policies as well as Office of Information Technology Policies.
- Alerting supervisor and/or manager immediately of equipment failure, repair or replacement.

VIII. VIOLATIONS

Failure to comply with provisions of this policy may result in cancellation of the teleworking arrangement and/or disciplinary action being taken up to and including dismissal from employment.

Nothing in this policy should be construed as precluding LDH from taking any appropriate disciplinary action against an employee who fails to comply with the provisions outlined herein.

IX. QUESTIONS

Questions regarding this policy should be directed to the Division of Human Resources, Training and Staff Development.

X. NO EXCEPTIONS

No exceptions shall be made to this policy.

XI. REVISION HISTORY

Date	Revision
September 27, 2012	Policy created
October 11, 2020	Policy revised
July 1, 2021	Housekeeping Changes