



State of Delaware
TELECOMMUTING POLICY

PURPOSE

This policy sets forth the State of Delaware's policy regarding telecommuting and establishes the requirements for agencies to designate alternate work locations in order to promote general work efficiencies.

DEFINITIONS

Alternate Work Location

Approved work sites other than the employee's central workplace where official State business is performed. Such locations may include, but are not limited to, employees' homes and satellite offices.

Central Workplace

An employer's primary location where employees are normally located.

Telecommuting

A work arrangement in which supervisors permit employees to perform their usual job duties at an alternate work location, in accordance with telecommuting agreements.

Telecommuting Agreement

The written agreement between the employer and the employee that details the terms and conditions of an employee's work away from their central workplace. A telecommuting agreement is required in order for the request for telecommuting to be approved.

Work Schedule

The employee's hours of work in the central or alternate work locations.

GENERAL PROVISIONS

1. Employees participating in telecommuting must meet the *Telecommuting Eligibility Criteria* and must obtain manager and division director approval.
2. Any telecommuting arrangement may be discontinued, at will, at any time at the request of either the employee or the agency. The Telecommuting Agreement must be reviewed by the determined expiration date or it will automatically expire.
3. Telecommuting is expected to increase performance and productivity, while serving as an added benefit to employees.
4. Telecommuting is restricted to a basis where the employee will define a particular need to work from an alternate work location on a given day or

period of time.

- a. Telecommuting is not intended to serve as a substitute for child or adult care. If children or adults in need of primary care are in the alternate work location during the employee's work hours, another individual must be present to provide the care.
5. The alternate work location is not intended to permanently replace the employee's central work location.
6. Work schedules for non-exempt employees must be in compliance with the Fair Labor Standards Act, 29 Del. C. §5955 and all applicable Merit Rules. The employee must have manager's approval for any special arrangements to the schedule, including overtime worked.
7. Employees must be on-site for mandatory meetings or at the manager's request. Managers have the authority to rescind prior approval of a telecommuting day if he or she deems it necessary.
8. Business meetings shall not be held at the employee's alternate work location.
9. An employee is eligible to participate in flexible or compressed work schedules while telecommuting if the employee and manager can agree upon a schedule that is operationally feasible and compliant with #6 above.
10. The employee will be required to use applicable annual, sick or compensatory leave accruals if the employee is unable to work any portion of the telecommuting day.
11. Merit Rules and other policies, if applicable, that apply in the central work location also apply to the employee's alternate work location. The Manager will maintain this policy and the telecommuting agreement in accordance with the State of Delaware Merit Rules.
12. Agencies will not, unless deemed to be in their best interest, assume responsibility for operating costs, home maintenance, or other costs incurred by employees in the use of their homes as an alternate work location. Examples include, but are not limited to: hardware/software repair, telephone equipment, service or repair, travel costs which would not otherwise be incurred, office desk or chair, broadband/internet access.
13. The manager and employee will determine the equipment needed for telecommuting including appropriate technology services, access to State IT infrastructure and any equipment/software required for the alternate work location. Employees will be responsible for any licensing costs incurred for installation of required software at the alternate work location.

**EMPLOYEE
RESPONSIBILITIES**

1. The employee must read, understand and complete both sections of the Telecommuting Agreement.
2. The employee must abide by the Telecommuting Policy. Failure to do so will result in immediate termination of the Telecommuting Agreement.
3. The employee must ensure that the alternate work location has the necessary equipment, technology and environment to enable the employee to accomplish assigned duties at no cost to the State.
4. The employee must be available during telecommuting hours via phone and email. The employee is responsible for obtaining equipment and services necessary to maintain communication from the alternate work location.
5. Employees are responsible for ensuring their alternate work location is a safe environment. Management reserves the right to inspect such locations with or without notice.
 - a. Injury resulting from unsafe work conditions at the employee's alternate work location, which is not in the control of the agency, is the responsibility of the employee.

**AGENCY
RESPONSIBILITIES**

1. The manager must maintain the original telecommuting agreement and provide a copy to the employee and to Human Resources.
 2. The manager is responsible for ensuring that performance expectations, including scope of work and deliverables for telecommuting are communicated to the employee.
 3. The manager must ensure that employee performance and productivity is measured equally for off-site and on-site employees. Specific performance objectives must be set and documented in Section B of the Telecommuting Agreement accompanied by current performance plan.
 4. The manager must complete an annual performance review on the employee prior to approving a request for telecommuting or for continuation of the privilege. If the employee's performance is determined to be "Needs Improvement" or "Unsatisfactory" in any area, the Telecommuting Agreement must be terminated. Exceptions may be approved by the Cabinet Secretary or his/her designee.
 5. The manager must terminate the Telecommuting Agreement if, at any time, the employee ceases to meet the Telecommuting Eligibility Criteria or the telecommuting begins to hinder the agency's mission.
-

**SECURITY AND
DATA INTEGRITY**

1. This policy takes into consideration the State of Delaware's policy regarding proprietary information and security. Please refer to the State of Delaware's [Acceptable Use Policy](#) for more information.
2. The Employee must comply with all State of Delaware and agency procedures to ensure that security measures are in place to protect equipment and data from physical damage, theft, loss or access by unauthorized individuals.
3. The Employee must protect information from modification, destruction, or inappropriate release. This includes protection from family members or other individuals who may access the employee's equipment at the alternate work location.
4. Access to sensitive documents, data, records, etc. at the alternate work location must be in compliance with the State of Delaware's [Acceptable Use Policy](#).
5. The State of Delaware will not incur any liability or assume any costs resulting from the use, misuse, loss, theft or destruction of equipment in the employee's alternate work location. Liability is the sole responsibility of the employee.
6. The employee must ensure that software use conforms to copyright laws and any contractual agreements.
7. DTI network or agency security administrators will restrict access to the minimum necessary to fulfill defined mission requirements.
8. The employee must access the State network according to DTI standards and policies via VPN or authorized connection from the alternate work location unless management approves other arrangements.
9. If the employee terminates employment at the agency, the employee must immediately disable or remove any software that the agency has provided.
10. The State reserves the right to monitor and log, without notice, all telecommuting activity, including email. Employees that are telecommuting should have no expectation of privacy in the use of State related resources or business.

This policy is not intended to create any individual right or cause of action not already existing and recognized under State or Federal law.

