



State of Delaware Telecommuting Policy

This telecommuting policy sets forth the State of Delaware's commitment to telecommuting and establishes the implementation requirements to ensure a successful realization. Telecommuting is a complementary way of doing business, which signifies working from home or alternate work location.

General Requirements and Obligations:

- 1. Employees participating in telecommuting must meet the criteria depicted in the *Telecommuting Eligibility Criteria* document and must have their Manager's approval.**
- 2. Telecommuting is a privilege for the employee, not a right.**
- 3. Telecommuting is expected to increase performance and productivity (for example, by providing uninterrupted time to work on a special project) while serving as a perk to employees. It is not to be utilized in lieu of obtaining dependent care, but is appropriate to utilize, for example, when the employee is recovering from surgery.**
- 4. Telecommuting is not mandatory. All employees desiring this privilege must request and qualify for participation.**
- 5. Any telecommuting arrangement made may be discontinued, at will, at any time at the request of either the telecommuter or the Agency or State.**
- 6. Telecommuting is restricted to a basis where the Employee will define a particular need to work from home or alternate work location on a given day and period of time, if applicable. Other schedules may be arranged if in the best interest of both the Employee and the organization.**
- 7. The telecommuting worksite is not intended to permanently replace the employee's current worksite.**
- 8. Manager must approve special arrangements, including overtime work or working beyond the approved daily schedule, prior to the beginning of the employee's telecommuting workday. As examples:**

- **Manager must pre-approve the telecommuting day;**
 - **Employee cannot work additional hours on a telecommuting day without prior approval of the Manager, and if approval is given, the employee must keep time-keeping records recording such hours along with a record of all hours worked while telecommuting;**
 - **Employees cannot leave their normal work location part way through the workday to telecommute without prior approval of the Manager;**
 - **Work schedules for non-exempt employees shall be in compliance with the Fair Labor Standards Act and regulations promulgated thereunder, and in compliance with 29 Del. C. § 5955 and Chapter 5 of the Merit Rules.**
9. **Employees must be on-site for mandatory meetings or at Manager's request. Managers have the authority to rescind prior approval of a pre-approved telecommuting day if he or she deems it necessary.**
 10. **Business visits, meetings with agency customers, or regularly scheduled meetings with co-workers shall not be held at the telecommuting worksite.**
 11. **An employee is eligible to participate in flexible or compressed hours for telecommuting if the Employee and Manager can agree upon a schedule that would not jeopardize client service.**
 12. **If the Employee is unable to work any portion of his/her telecommuting day, the Employee will be required to use applicable annual leave, accrued compensatory time, or sick leave for the hours not worked, with manager approval.**
 13. **Managers may participate in the telecommuting program with their supervisor's approval, and shall be subjected to the same rules and regulations as stated herein.**
 14. **Telecommuting is not expected to increase costs to the State of Delaware. Accordingly, the State will not, unless deemed in its best interest, pay for nor provide (by way of example and not limited to):**
 - **Hardware and software or repair thereof in the employee's home or alternate work location;**
 - **Telephone equipment, a second line, or service, repair and installation of the equipment or line;**
 - **Travel costs if the employee needs to return to the work location on a telecommuting day;**
 - **Travel costs from the home or alternate work location to a training or meeting site. However, if there are travel costs that normally would have been incurred if the employee had been working at his/her regular worksite, then, the State will pay, via travel**

reimbursement. In this instance, the amount reimbursed will be either the cost of travel from the work location or home/alternate work location to the training/meeting site whichever is less.

- Per diem on telecommuting days;
 - Incidental or out-of-pocket expenses unless they represent no additional cost to the State;
 - An office desk and/or chair.
15. This telecommuting policy takes into consideration the State of Delaware's policy regarding proprietary information and security. The State of Delaware's Acceptable Use Policy is available at the Department of Technology and Information's website: [DTI Acceptable Use Policy](#)
 16. Merit Rules that apply in the normal work location still apply to the telecommuting privilege. The Manager will maintain this policy and the telecommuting agreement in accordance with the State of Delaware Merit Rules.
 17. This policy is considered a living document in that it can change based on review resulting in enhancements, augmentation, clarification, or items deemed not workable, supportable or desirable.
 18. Both the Employee and Manager must sign the work agreement, which specifies all terms for telecommuting, before the Employee can begin telecommuting. A copy of the telecommuting agreement will be retained in the Employee's personnel file. If the agreement is not formally renewed by its expiration date, then it automatically expires.

Requirements Involving Employee Responsibility:

19. The Employee must abide by the Telecommuting Policy. Failure to do so will result in immediate termination of the privilege.
20. The Employee must read, understand, and complete both Sections A and B of the *Telecommuting Agreement*.
21. The home or alternate work location must have the necessary tools and environment (for example, a private work space) to enable the Employee to accomplish assigned duties at no cost to the State.
22. The Employee must have a personal computer (PC) with the required software, memory, storage capacity, and modem. Acquisition of a PC is the responsibility of the Employee.
23. The Employee must have a second line, cell phone, or other alternate communication in order to be reached as needed by phone while

connected to the mainframe or network. Acquisition and payment of alternate communication is the responsibility of the Employee.

24. The Manager and Employee will determine what software packages are needed.
25. It is the Employee's responsibility to ensure the home or alternate work location is a safe environment. Management reserves the right to inspect such locations with or without notice to ensure that a safe environment exists.
26. Injury resulting from an unsafe condition associated with the employee's home or alternate work location which is not in the control of Management or Agency is the responsibility of the employee, not Management or Agency.
27. The Employee must understand the legal implications of installing unlicensed software on both the work and home or alternate work location computers. In all cases, employees will need to consult with their agency IT staff to determine if the same licensed software package can be installed on both the work and home/alternate work locations. For some software packages, it is legal to have the same licensed software package installed at both a work and home/ alternate work location for the intent of work-related activities. In these cases, employees can work with their agency IT staff to ensure the proper software installation. The dual installation of the same licensed software implies that, in those cases, there will be no additional cost. In other cases, it is illegal to install the same licensed software package on two different PCs for the same employee. In these cases, the Employee will be responsible for any additional licensing costs.
28. The Employee must be available during the telecommuting hours via phone and e-mail. The Employee is responsible for supplying the phone numbers and e-mail address where the Employee can be reached to Manager, Director, co-workers, clients and/or clerical support as appropriate.
29. Whenever possible, any changes in the Employee's work hours, home or alternate work location, phone number, or e-mail address for a given day or on a regular basis must be communicated to the Manager, Director, co-workers, clients, in advance of the work day when the change takes effect.

Requirements Involving Management Responsibility:

30. The Manager is responsible for
 - discussing the Telecommuting Policy with employees and

- answering any questions employees may have;
 - ensuring project details (e.g., scope of work, deliverables, etc.) are mutually agreed upon before beginning telecommuting on a given day;
 - approving the Employee for telecommuting on a given day after ensuring the Employee meets the telecommuting criteria;
 - working with the Employee to determine the hardware and software required to support the Employee's assignments and agency's mission;
 - maintaining the original approved work agreement and giving a copy to the Employee;
 - terminating an Employee's telecommuting privilege if the Employee ceases to meet the telecommuting criteria or hinders the agency's mission;
 - ensuring that the Employee has the necessary software properly loaded on his/her personal computer or laptop before the Manager approves telecommuting for the Employee.
31. The Manager must understand how to manage by objectives. Measuring employee performance and productivity should not be different for off-site and on-site employees. Specific performance objectives must be set and documented in the Manager-Employee Accountability Agreement section of the Telecommuting Agreement.
32. The Manager must complete an annual performance review on the Employee prior to approving the Employee for telecommuting or for continuance of the privilege. If the Performance Review indicates that the Employee needs improvement or is unsatisfactory in any of the *Telecommuting Eligibility Criteria*, or any other criteria, then the Manager must deny the telecommuting privilege for that Employee unless it can be documented that telecommuting will enhance this individual's performance. Exceptions may be available with the approval of the Cabinet Secretary/Agency Head.
33. Progress on tasks and activities must be measurable. The Manager must establish performance metrics to evaluate Employee's work progress on the telecommuting day. Examples of metrics are: statistics for measuring performance, percentage of tasks meeting deadlines, number of dissatisfied client responses, percentage of time employee unavailable when trying to be reached, and number of times employee not adhering to telecommuting policy or showing resistance to adherence.
34. The Manager must meet with the Employee periodically to discuss Employee's performance and any issues that must be resolved with respect to the telecommuting privilege. The timing of the "periodic" meetings is at the discretion of the Manager. Continuation of the

Employee's participation in the telecommuting privilege depends on compliance with the Telecommuting Policy.

Security and Data Integrity

- 35. The Employee must comply with all State of Delaware and agency security procedures and ensure security measures are in place to protect equipment and data from physical and virus damage, theft, loss, or access by unauthorized individuals.**

- 36. The Employee must protect State of Delaware or other government information from modification, destruction, or inappropriate release. This includes protection from other family members or people who access the Employee's computer.**
- 37. The State of Delaware does not incur any liability or assume costs resulting from the use, misuse, loss, theft, or destruction, (to include computer viruses) of computer equipment in the Employee's home or alternate work location. Liability is the sole responsibility of the Employee.**
- 38. The Employee cannot use the computer to access or view classified material or privacy act data for other than work-related purposes. Access to sensitive (e.g., Privacy Act, FOIA material, and classified) documents, data, records, etc. on the home or alternate work location computer must be consistent with the State of Delaware's Acceptable Use Policy: [DTI Acceptable Use Policy](#)**
- 39. The Employee must ensure that software use conforms to copyright law and any contractual agreements.**
- 40. DTI network or agency security administrators will restrict access to the minimum necessary to fulfill defined mission requirements.**
- 41. The Employee must use DTINET (formerly OISNET) to access the mainframe or network from the home or alternate work location unless management approves other arrangements.**
- 42. If the Employee terminates employment at the agency, the Employee must immediately disable or remove any software that the agency has provided.**

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