

**STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
TELECOMMUTING POLICY**

Policy 3.3.1

Effective: 07/01/2021

PURPOSE

The purpose of this policy is to define the telecommuting program of the Department of Administration (the "Department") and the guidelines and rules under which it will operate.

SCOPE

This policy applies to all employees working under the authority of or within the Department who are eligible and approved to participate in the telecommuting activities and whose duties otherwise qualify as defined in this policy.

POLICY

It is the policy of the Department to offer full and part-time telecommuting options for employees who meet the eligibility requirements. Telecommuting opportunities may be suitable for some employees but not for others as determined by management. Telecommuting is a privilege not an entitlement, it is not a statewide benefit, and does not change the terms and conditions of working at the Department. The Department may not require an employee to telecommute, except during authorized emergencies as declared by the Governor pursuant to NRS 414.070, and employees may not demand the right to telecommute. The policy of the Department is that telecommuting will not disrupt the services provided to internal or external customers.

RIGHTS AND RESPONSIBILITY

A. Employees Rights and Responsibility

Except as specified in this policy or agreed to in the individual telecommuting agreement signed by the employee, employee rights and responsibilities are not affected by participation in a telecommuting program.

None of the benefits provided by the State are enhanced or abridged by the implementation of a telecommuting agreement. All forms of telecommuting imply an employer-employee relationship. The employee is expected to adhere to all the same policies, regulations, and performance expectations established for all employees of the Department.

Worksite/office needs will take precedence over telecommute days. An employee must forgo telecommuting if needed at the worksite/office on the regularly scheduled

telecommute day. The employee will be given as much advance notice as possible if they will be needed at the worksite/office on the regularly scheduled telecommute day.

The employee is responsible for providing an appropriate workspace, including all necessary equipment to perform his/her normal job functions unless otherwise stated in the written agreement. Any equipment supplied by the Department is to be used for business purposes only and shall be returned upon termination of the telecommuting arrangement. Any additional financial burden resulting from the telecommuting arrangement is solely the responsibility of the employee.

Employees must notify their supervisor of any changes to the standard 40-hour work week (sickness, doctor visits, vacation, etc.) in accordance with the Department's Leave and Overtime Policy.

The employee may be eligible to receive workers' compensation benefits if they incur a job-related injury in the designated workspace during the employee's defined work period. It is the responsibility of the employee to ensure a safe workspace when working from home. Since the workplace and home may be one and the same, workers' compensation will not apply to non-job-related injuries that might occur at the alternative site. Employee must notify his/her supervisor immediately and complete all necessary documents regarding a job-related injury.

Employees must:

1. request participation in the program by completion of the application process in advance, and if accepted;
2. meet with their supervisor to discuss arrangements and responsibilities;
3. comply with all terms and conditions of the individual agreement and all telecommute policy requirements;
4. comply with the Department's information security policies just as if employees were working at the worksite, telecommuting employees will be expected to ensure the protection of all Department information;
5. keep their supervisor informed of progress on assignments worked on at the alternative worksite, including any problems that they may experience while telecommuting;
6. be able to be reached by phone, email or other agreed upon source during telecommuting periods; and
7. maintain a designated alternate workspace for telecommuting purposes and consent to have the space evaluated by Department personnel for conformance with workers' compensation insurance purposes.

B. Supervisors Rights and Responsibility

All forms of telecommuting imply an employer-employee relationship and the employer, and the employee are expected to adhere to all relevant policies and regulations.

Each Division will determine methods of planning, monitoring, receiving, and reporting the employee's activity and accomplishments.

Each telecommuting agreement will be discussed and renewed at least annually, or whenever a review is appropriate. Because telecommuting is selected as a feasible work

option based on a combination of job characteristics, employee performance, and Division needs, a change in any one of these elements may require a review of the telecommuting agreement.

The Department of Administration may request the opportunity to inspect the employee's workspace for safety and workers' compensation concerns.

Supervisors must:

1. review and respond to employee Telecommuting Request and Agreement Forms in a fair and equitable manner;
2. work with eligible employees or individual work plans and program requirements;
3. provide direction and supervision to program participants;
4. manage the work of employees in his/her area of responsibility and assure that employees receive the assistance they need to accomplish his/her responsibilities;
5. provide an appropriate level of communication between the telecommuter and supervisor in a manner and frequency that is appropriate for the job and the individual involved;
6. ensure that any Department supplied equipment is returned upon termination of the telecommuting agreement; and
7. maintain a copy of all employee Telecommuting Request and Agreement Forms.

C. Agency Human Resource Services Rights and Responsibility

Agency Human Resources Services must:

1. assist employees, supervisors, and management in the interpretation and explanation of this policy; and
2. maintain a file of all Telecommuting Request and Agreement Forms and review for consistency and compliance with the policy.

D. Department Director, Division Administrators Rights and Responsibility

Department Director and/or Division Administrator must:

1. establish and revise the Department Telecommuting Policy; and
2. review and respond to employee Telecommuting Request and Agreement Forms for program participation in a fair and equitable manner. Except as specified in this policy or agreed to in the individual Telecommuting Request and Agreement Form, employer rights are not affected by an employee's participation in the telecommuting program.

PROCEDURE

A. Eligibility

Eligibility depends on job content rather than job title, grade level, type of appointment, or work schedule. To be eligible, an employee must:

1. possess a demonstrated high level of competency in the work to be performed;
2. have demonstrated the ability to work independently and manage his/her own time and workload effectively with minimal supervision;
3. have earned a "Meets Standards" or better performance in accordance with the performance appraisal process if the employee is in the classified service; and

4. be able to establish and maintain a safe, dedicated alternate workspace for telecommuting.

Before entering into any telecommuting agreement, the employee and supervisor shall evaluate the suitability of such an arrangement by taking the following into consideration:

1. employee suitability based on the above criteria;
2. the suitability of essential functions, job responsibilities, and duties for a telecommuting arrangement, taking into consideration the nature of the work and the security of the information; and
3. equipment requirements, workspace design, and scheduling issues.

B. Requesting Permission to Telecommute (Form)

An employee wishing to request a telecommuting arrangement shall submit a written request for approval to his/her supervisor on the required "The Nevada Department of Administration Telecommuting Request and Agreement Form". A copy of all approved telecommuting agreements will be forwarded to the Department Director or his/her designee.

The supervisor is required to maintain a copy of the form and ensure it is reviewed and updated (if needed) at least annually.

All forms must be forwarded to Agency Human Resources Services to assist with oversight of the program.

C. Travel

Travel to the central worksite/office location is the responsibility of the employee. For business travel during any telecommute workday refer to the Department's Vehicle Use Policy, the Department's Travel Policy, and the State Administrative Manual.

D. Long Distance Phone Calls

Employees needing to make long distance phone calls for work purposes during their workday will need to coordinate with his/her agency beforehand on the appropriate method of reimbursement.

E. Home Office Utilities, Connectivity and Infrastructure

Costs associated with home office utilities, connectivity and infrastructure are the responsibility of the employee and will not be reimbursed.

F. Termination of Telecommuting Agreement

The Director, Division Administrator, supervisor, or the employee may terminate the telecommuting agreement for any reason at any time with 10 calendar days' notice. When feasible, written notice will be provided but this is not a requirement.

The opportunity to participate in this telecommuting program is offered only with the understanding that it is the responsibility of the employee to ensure that:

- a proper workspace environment is maintained;
- dependent care arrangements do not interfere with work; and

- personal disruptions, such as non-business telephone calls and visitors, must be kept to employee break times.

Failure to maintain a safe and functional workspace environment or achieve a “Meets Standards” or better performance evaluation as determined by management, may provide cause for discipline and the termination of the employee’s telecommuting agreement as outlined in this policy.

Approval for any telecommuting request is based upon program requirements as determined by the Division Administrator. Therefore, employees previously participating in a telecommuting assignment are not assured a telecommuting assignment in the future.

DEFINITIONS

- A. “Telecommuting” means working at an alternate worksite that is away from the main or primary worksite/office typically used by the organization. Telecommuting is a mutually agreed upon work arrangement between the telecommuter, supervisor, and Division Administrator and/or the Director. Telecommuting may be on a part-time or full-time basis.

The telecommuting program, while it may benefit employees, should not be viewed or approved solely for the employee benefit, but rather evaluated and approved as a worksite alternative based upon the job content, satisfactory work performance, and work requirements of the Division. The telecommuter, supervisor, Division Administrator or Director may end the telecommuting arrangement at any time, with at least 10 calendar days’ notice, when feasible.

- B. “The Nevada Department of Administration Telecommuting Request and Agreement Form” is required for application, approval, expectations, and agreement.

EXCEPTION

On occasion there are special circumstances that may require an exception to this policy be granted. Exceptions, while not common, require the approval of the Director of the Department of Administration or his/her designee.

This policy is not a substitute for relevant law or regulation, nor does it establish additional rights beyond those provided in law and regulation. This policy is intended to be used in conjunction with State law and the Nevada State Administrative Manual (SAM).

Laura E. Freed, Director

4/12/2021
Issue Date