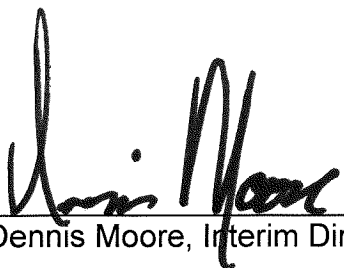


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Dennis Moore, Interim Director

## TELEWORK POLICY

### PURPOSE:

The Statewide Guardian ad Litem Office (SGAL) Telework Policy is designed to implement a telework program and to provide program guidance to SGAL directors, supervisors, teleworkers and employees on the application of the program.

### Scope:

- (A) The SGAL Telework Program is administered within each Circuit Program under the guidance of each Circuit Director. For all other employees, the Telework Program will be administered by the Executive Director or designee. SGAL will review all established positions and designate those appropriate for telework. SGAL will maintain a list of telework appropriate positions and make it available to employees, managers and the public.
- (B) This program applies to all SGAL positions funded by the State of Florida, including Other Personal Services (OPS) employees, who telework or who would like to telework.
- (C) This policy does not apply to:
- Performance of required work duties while in travel status.
  - Performance of required work duties away from the official worksite and outside of established work hours on an occasional basis.
  - Sporadically working away from the official worksite during all or some portion of established work hours.
  - Telework as an accommodation under the Americans with Disabilities Act (ADA).
  - Contractors' employees.
  - Temporary work away from the official worksite authorized by the Executive Director, or designee. Such authorization may include the response to an emergency or disaster resulting from natural, manmade, or technological causes (i.e. a hurricane or health emergency such as a pandemic).

## **AUTHORITY:**

Section 39.8296, F.S., Section 110.171, F.S., Section 255.249(6), F.S.

## **DEFINITIONS:**

**Adverse Impact:** A negative impact to the SGAL due to an employee's physical absence from the official worksite. This would include:

- A reduction of the work unit's productivity. Examples include but are not limited to:
  - An individual's or work unit's inability or reduced ability to perform required tasks.
  - An individual's or work unit's failure to meet performance goals.
  - An individual's or work unit's unsuitability for alternative work.
  - A reduced level of work unit teamwork and communications.
  - Physical or technological barriers to productivity at an alternative worksite.
  
- A reduced level of service provided to children represented by SGAL its volunteers or coworkers. Examples include but are not limited to:
  - Not enough worksite staffing.
  - An individual's or work unit's inability or reduced ability to provide essential services, products, and support to SGAL operations.
  
- An increase in the cost of SGAL operations. Examples include but are not limited to:
  - The cost of authorized overtime to carry out unit operations.
  - Not enough resources to provide ongoing communications, data security, or other SGAL equipment and resources needed to perform tasks at the alternative worksite.

**Alternative Worksite:** The participating employee's approved work location.

**Confidential Information:** Information that is prohibited from disclosure under the provisions of applicable state or federal law, rules, or regulations.

**Official Worksite:** The SGAL office location is where the employee is assigned. Exceptions may be granted for employees where there is no established office, per section 112.061(4), F.S. In these cases, the official work headquarters will be the location where the majority of the employee's work is performed, or such a location that may be designated by the Executive Director that is in the best interest of the agency and not for the convenience of the employee. An employee may have only one official work headquarters.

**Regular Basis:** Scheduled telework away from the official worksite that is planned, recurring, and predictable.

**SGAL-managed Device:** A device not owned by the SGAL, but which the SGAL ensures the hardware and software used is in compliance with SGAL standards.

**SGAL-owned Device:** A computing, telecommunication, or storage device purchased with SGAL funds, configured and maintained by SGAL, equipped with licensed, SGAL-purchased hardware and software which is used for official purposes only.

**Telework:** A work arrangement allowing employees to conduct all or some of their work away from the official worksites on a regular basis. Telework is also known as “telecommuting.” The terms “telework” and “telecommuting” may be used interchangeably. There are three types of telework:

1. **Required Telework:** An agency may require certain employees to telework as part of normal business operations.
2. **Temporary Telework:** Telework may also be used as part of an agency’s continuity of operations plan where appropriate.
3. **Optional Telework:** An agency shall provide telework as an optional alternative work arrangement to support employee needs and implement telework arrangements where deemed appropriate.

**Teleworker:** Employees who conduct all or some of their work away from the official worksites on a regular basis.

**Telework Agreement:** The agreement between an employee approved to work at an alternative worksite and the SGAL that spells out the terms and conditions of the employee’s participation in the Telework Program.

**GENERAL:**

**1. Telework Program Direction and Administration:**

- 1.1 The Program generally considers a position suitable for telework, unless physical absence of the position would have an adverse impact on the Program’s productivity, reduce the advocacy provided to children, or unnecessarily raise the cost to taxpayers.
- 1.2 Each circuit shall identify to the Statewide Office all employees who are currently participating in a telework agreement, along with their respective positions. Supervisors should consider the following when deciding whether and which employees to allow to telework:

- Ability to work independently;
- Comfort level with the required technology;
- Past performance levels;
- Ability to successfully communicate with others;
- Dependability and trustworthiness;
- Need for social interaction; and
- Level of self-motivation.

Teleworking is not a reduction of responsibility, and supervisors must ensure employees who telework maintain satisfactory performance levels and that they are subject to the same rules regarding attendance, leave, performance reviews, and disciplinary action as other employees.

- 1.3 The Telework Program may be used in conjunction with flexible work schedules to maximize flexibility for both SGAL and its employees.
- 1.4 Circuit Directors will ensure consistency and compliance with all SGAL policies in their program's administration of the Telework Program. Each Circuit Director will assign duties, staff, and resources to administer the Telework Program within his or her respective circuit based on the business needs of that circuit program.
- 1.5 SGAL will establish performance measures that support telework program analysis and report data annually to the Department of Management Services in accordance with section 255.249(8), Florida Statutes (F.S.). Such measures will include, but not be limited to, those that quantify financial impacts associated with changes in office space requirements resulting from the telework program, including measures established in the State's strategic leasing plan required under section 255.249(6), F.S., as required by section 110.171, F.S. Each Circuit Director shall report all employees who are participating in a telework agreement, along with their respective positions to SGAL Human Resources and will track the established performance measures for teleworking employees within their circuits and report the data to the SGAL yearly. The SGAL will report this data to the Department of Management Services in accordance with section 255.249(8), Florida Statutes (F.S.).

## **2. Participation in the Telework Program:**

Circuit Directors may consider requests for participation in SGAL's Optional Telework Program from employees in eligible positions. No request may be approved if the employee's physical absence from the worksite would have an adverse impact on SGAL management or operations.

***(Paragraphs 2.1-2.4, are general requirements which apply to both Required and Optional Telework discussed above)***

- 2.1 Employees participating in SGAL's Telework Program are subject to the same rules regarding attendance, leave, performance evaluations, separation actions, and other policies/procedures as non-participating employees. Participating employees must maintain a satisfactory performance rating on their annual performance evaluations. Participating employees are covered by workers' compensation when performing official work duties at an alternative worksite. Participation in the telework program will not adversely affect an employee's eligibility for advancement within SGAL or any other employee right or benefit.
- 2.2 Employees working at an alternative worksite are compensated for all pay, leave, overtime, and travel reimbursement as if duties were performed at the official worksite. Employees may not work overtime or change work schedules unless their supervisor authorizes it in advance.
- 2.3 Telework program participants who can work at their alternative worksite when their official headquarters office is closed due to an emergency, disaster, or weather event may be required to work during their regular work schedule and are not entitled to administrative leave solely due to the headquarters office closing. Employees are not entitled to receive overtime pay, credit hours, or compensatory time off if they perform work during their regularly scheduled work hours at an alternative worksite on a day when their official headquarters worksite is officially closed due to an emergency, disaster, or weather event.
- 2.4 Employees may not provide direct care to others at the alternative worksite during working hours. Supervisors may authorize a temporary exception to this provision on a case-by-case basis if the dependent care is temporary and does not substantially impact performance, workflow, or customer service. Any employee whose dependent care responsibilities require absence from work duties must first request leave and notify supervisors and colleagues as they would when working at their official worksite.

### **3. Telework Agreement:**

- 3.1 Employees eligible for optional telework and their supervisors will complete a telework agreement which must be approved by the Circuit Director. At a minimum, the agreement will include the following provisions:
  - Established workdays, worksites, and work hours.
  - A specific description of the job duties to be performed at the alternative worksite.
  - Communication expectations for staying in contact with volunteers, stakeholders, coworkers, and supervisors.
  - Verification by the employee that the home office provides workspace that is free of hazards.
  - Employee acknowledgments that he or she will not access, store or process confidential data on his or her personally-owned equipment and that his or her router is password protected.

- 3.2 Each program's telework agreements must be reviewed and approved by the employee's supervisor and Circuit Director.
- 3.3 SGAL may terminate any employee's telework arrangement and require the employee to return to the official worksite immediately if the employee violates SGAL Standards of Conduct, Information Security Policy, or other agency policies and procedures. Florida law prohibits teleworking employees from conducting face-to-face state business at their homes. Any violation of this provision will result in immediate termination of program participation, return to the official worksite, and/or corrective action.
- 3.4 Unsatisfactory productivity or performance ratings will be considered an adverse impact to the agency and constitute grounds for termination of the telework arrangement.

#### **4. Information Security and Equipment:**

All employees are responsible for being aware of the classifications of data or information within their work area. All employees are responsible for complying with SGAL policies and procedures for handling exempt and confidential information prior to accessing this information.

#### **5. SGAL-owned Equipment:**

SGAL has established security controls and conditions for use of state equipment and state records. Participating employees must use approved safeguards to protect state equipment, supplies, and records from unauthorized use, disclosure or damage. SGAL has established the following conditions for SGAL-owned equipment used at alternative worksites:

- Only authorized SGAL staff may service and maintain SGAL-owned equipment.
- SGAL's Personal Computer Policy for Users requires that only licensed, agency-purchased hardware and software is used on SGAL computers.
- SGAL-owned equipment must be returned to authorized SGAL staff for service and maintenance.

#### **6. Enforcement/Penalties for Non-Compliance:**

- 6.1 Florida law prohibits participating employees from conducting face-to-face state business at their homes. Any violation of this provision may result in immediate termination of program participation, return to the official worksite, and corrective action.

6.2 Employees participating in the Telework Policy are subject to the same policies, procedures, Standards of Conduct, and performance evaluations as non-participating employees. SGAL may terminate participation and require an employee to return to the official worksite immediately if the employee violates SGAL Standards of Conduct, Information Security Policy, or other agency policies and procedures.

**7. Exemptions:**

7.1 Exemptions for Specified Job Duties: This policy does not apply to job duties performed while in travel status, nor does it apply to performance of job duties that, by their nature, are performed routinely in the field away from the official worksite.

**RECORD KEEPING**

A copy of all telework applications (approved or disapproved) and telework agreements must be maintained in the office of the approving authority and must be available for any required audit or review.

**TRAINING**

None

**FORMS**

Telework Application and Agreement Form