


Idaho Department of Correction  	<b>Standard Operating Procedure</b>	Title: <b>Telecommuting</b>		Page: 1 of 8
		<b>206.07.01.006</b>	Version: <b>1.0</b>	Adopted: 11/19/2021

**Christine Starr, Deputy Director, approved this document on 11/19/2021.**

Open to the public:  Yes

### SCOPE

This Standard Operating Procedure (SOP) applies to all Idaho Department of Correction (IDOC) personnel who are approved to telecommute and all IDOC supervisors.

### Revision Summary

Revision date (11/19/2021) version 1.0: This is a new SOP that describes the process, rules, and restrictions of telecommuting.

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#### A. STATUTORY AUTHORITY

Idaho Code § 20-217A

#### B. BOARD OF CORRECTION IDAPA RULE NUMBER

None

#### C. GOVERNING POLICY 206

Attendance, Work Hours, Leaves, and Workers' Compensation

#### D. PURPOSE

The purpose of this SOP is to provide the structure needed for effective implementation and operation of telecommuting. Telecommuting refers to paid employment performed away from the principal office at an approved alternate work location for part of the work week.

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Telecommuting can attract employees in hard to fill, hard to retain positions; target new labor markets; and reduce work commutes.

## E. RESPONSIBILITY

All IDOC employees are responsible for complying with the Telecommuting SOP. Staff serving in a supervisory capacity are responsible for implementing this SOP and ensuring all staff members adhere to the processes and procedures described herein.

## F. DEFINITIONS

1. **Alternate Work Location** - An approved worksite other than the employee's central workplace, where official State business is performed, including an employee's residence.
2. **Central Workplace** – The Department's place of work where employees normally perform their official State duties.
3. **Team** – All the individuals that work within a unit, division, or designated work area, and report to the same supervisor.
4. **Telecommuter** - An employee who is approved to work away from their central workplace, either at home or at another approved remote work location within the state of Idaho, for at least a portion of their work hours.
5. **Telecommuting** - A regular work practice that involves employees substituting a portion of their typical work hours (ranging from a few hours per week up to a maximum of 24 hours per week) to work away from their central workplace, either at home or at another approved location within the state of Idaho, using technology to interact with others as needed to perform work tasks.
6. **[IDOC Telecommuting Application](#)** - A form adopted by IDOC that is consistent with statewide policy and must be used by employees to request a telecommuting work schedule.
7. **[IDOC Telecommuting Agreement](#)** - The written agreement between IDOC and an employee that details the terms and conditions of the employee's work and other work productivity while away from their central workplace. The agreement contains specific requirements for appropriate telecommute workspaces and security criteria. An IDOC Telecommuting Agreement is required for any IDOC employee authorized to telecommute.
8. **Work Schedule:** The employee's hours of work in the central workplace and/or an approved alternate work location within the state of Idaho.

## G. GENERAL REQUIREMENTS

### 1. General Provisions

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- a. Allowing telecommuting provides flexibility in the workplace but requires accountability to ensure all work is being completed in an efficient and measurable manner. This SOP provides guidelines for Department, supervisor, and employee responsibilities.
- b. All IDOC employees are expected to work within the state of Idaho. If an employee has a need to work outside the state, approval must be obtained from the Department of Human Resources (DHR), Department of Finance Management (DFM), and the State Controller's Office (SCO) before hiring or allowing an existing employee to regularly perform their assigned duties from an out-of-state location.
- c. Telecommuting is not an employee right; its use rests at the discretion of the IDOC Director or designee and can be terminated any time without notice.
- d. The ability to telecommute may be suspended or terminated at any time based upon, but not limited to, declining performance, violation of the Telecommuting SOP, violation of the IDOC Telecommuting Agreement, or for organizational benefit. Notice of suspension or termination of a IDOC Telecommuting Agreement is not required, but if feasible, may be given to an employee. Abuse of telecommuting privilege may result in employee discipline up to and including termination.
- e. An employee may terminate an IDOC Telecommuting Agreement at any time unless telecommuting work is a condition of employment.

## **2. Eligibility Consideration**

- a. Employees participating in telecommuting must meet the IDOC Telecommuting Eligibility Criteria and must obtain supervisor and IDOC Director or designee approval prior to telecommuting.
- b. Telecommuting may not be suitable for all employees and/or positions. IDOC retains complete decision-making authority to allow an employee to telecommute.
- c. To be eligible to telecommute, an employee must have a current performance evaluation on file with a rating of 'Achieves Performance' or higher. Any employee with a 'Does Not Achieve Performance' rating is not eligible for telecommuting privileges.
- d. IDOC Telecommuting Agreements will be reviewed annually in conjunction with annual performance evaluations but may be terminated, amended, or suspended at any time prior.
- e. Telecommuting privileges do not automatically transfer with an employee moving to a new position within IDOC, or to a position within

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another agency of the State.

- f. All employees approved to telecommute and their supervisors must complete [Telecommuting and Cyber Security](#) training prior to telecommuting.

### 3. Standards of Conduct, Work Performance and Professionalism

- a. Telecommuting employees continue to be bound by all applicable state statutes, policies, and rules while telecommuting.
- b. Telecommuting employees must be available via phone and email during normal work hours, to the same extent when working at their central work location, unless other written arrangements are made in advance with their supervisor.
- c. Telecommuting employees may not hold in-person business visits or meetings with professional colleagues, customers, or the public at a home office location. In-person meetings must be held at an employee's central work location or other professional venue.
- d. Telecommuting employees may be required to report to their central workplace on a scheduled telecommute day due to business need.

### 4. Time and Attendance, Work Schedules, and Overtime

- a. **Work Status and Responsibilities.** Employees' compensation, benefits, work status, and work responsibilities will not change due to participation in telecommuting, nor will the amount of time that employees are expected to work per day or pay period. If an employee is unable to work a complete telecommute day, then annual leave, compensatory time, or sick leave for the hours not worked must be requested, approved, and utilized.
- b. **Work Schedules.** Work schedules for non-exempt employees must comply with the Fair Labor Standards Act and all applicable State rules. Telecommuting employees are required to follow normal Department procedures regarding the requesting and approval of overtime, compensatory time, and leave. In addition, the following scheduling rules apply:
  - i. For telecommuting to occur within a team, there must be at least one member of the team located at the central workplace during normal business hours (8:00 a.m. to 5:00 p.m.) to respond to the public and Department needs.
  - ii. The maximum number of hours that an employee may telecommute may not exceed 24 hours in any week. A supervisor may approve a lesser number of telecommuting hours or may deny telecommuting all together based on business need or other factors.
  - iii. A minimum of one time per week, all members of teams located

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- within the Central Office and District Offices must be in the office on the same day. The supervisor will determine the day(s) that work best for the team to be together to conduct meetings, training, etc.
- iv. No team member may telecommute every Monday or every Friday.
  - v. Telecommute requests not meeting the established criteria in this SOP must be approved by the Director or their designee.
- c. **Commute Time.** Commute time between an approved telecommuting worksite and a Department work site is not considered work hours and is not compensable.
- d. **Outside Employment.** When an employee applies to telecommute, outside employment must be disclosed. As required for all State employees, outside employment must be compatible with the role of the staff member as a public employee; not conflict with the best interest of the Department, or the employee's responsibilities or hours of work (See Idaho Code § 67-2508); and may not involve activities that would constitute a conflict of interest or have potential for a conflict of interest.
- e. **Dependent or Adult Care.** Telecommuting is not to be viewed as a substitute for dependent care. Telecommuters with dependent care situations need to have alternative solutions for providing care during agreed upon work hours. Dependent care situations must be disclosed in the IDOC Telecommuting Application and information provided for how dependents will be cared for during work hours if they will be located within or near the approved work area. Each dependent care situation will be reviewed and approved or denied on a case-by-case basis.

## 5. Recordkeeping and Reporting

- a. Each employee requesting to telecommute must fill out and submit an *IDOC Telecommuting Application*. The application will be reviewed and approved or denied by the employee's supervisor consistent with the Department's Telecommuting SOP. If approved by the supervisor, the application will then be reviewed and approved pursuant to the application requirements.
- b. Each employee approved to telecommute must sign and agree to be bound by an *IDOC Telecommuting Agreement*. The Agreement is required and must be signed by the employee, supervisor, and Department appointing authority or designee before telecommuting begins. The Telecommuting Agreement does not grant additional rights to employees, and it does not establish a contract for employment where one does not already exist. A copy of the Statewide Policy and the Department's telecommuting SOP must be attached to the Agreement.
- c. DHR, at its discretion, may request telecommuting information from IDOC on an annual basis. Supervisors need to be aware that the Department is required to maintain a record of telecommuting

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employees, their work locations, duration, performance management, and any other relevant data for purposes of overall management of the statewide telecommuting program. Supervisors are required to ensure that all necessary documentation is on file with Human Resources prior to an employee starting to telecommute.

- d. When entering time, employees must code hours as follows:
  - i. TEL for telecommute work hours at an approved alternate work location
  - ii. THS for telecommute work hours on a holiday (FLSA exempt staff only)
  - iii. THW for telecommute work hours on a holiday (law enforcement and FLSA covered staff only)
  - iv. REG for all hours worked at the central workplace during a week where a staff member has telecommuted for part of the week

## **6. Resident Taxing State Outside of Idaho**

- a. All out-of-state alternate work locations must be pre-approved by DHR, DFM, and SCO.
- b. The State of Idaho has no legal obligation to withhold or remit income tax of another state. It is solely the employee's responsibility to ensure that they are in compliance with any out-of-state tax requirements.
- c. All out-of-state work that is not for work related travel cannot be less than a full pay period and the employee's personnel record must reflect the correct taxing state.
- d. IDOC is required to work directly with Risk Management regarding any Worker's Compensation payment.
- e. IDOC is required to coordinate directly with the SCO, Division of Statewide Payroll (DSP), to ensure taxable wages are reported correctly.

## **7. IT Security and Equipment**

- a. Telecommuting employees are required to use State issued equipment and to apply approved safeguards to protect Department and State records from unauthorized disclosure or damage. Telecommuting employees must comply with all records and data privacy requirements set forth in state law and remain subject to the Idaho Public Records Act. Each telecommuting employee is required to abide by all State of Idaho rules and policies regarding the security and confidentiality of information, Criminal Justice Information Services (CJIS) security protocols, and requirements for computer data and files.
- b. Telecommuting employees may only be granted the privilege of

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- telecommuting if they have been assigned a computer (and related devices) that will ensure security standards are complied with.
- c. Telecommuting employees are responsible for acquiring internet access and related equipment at the employee's cost.
  - d. The Department and the State will not be responsible for operating costs, home maintenance, or any other incidental costs (e.g., utilities) associated with the use of the employee's residence for telecommuting.
  - e. If a telecommuting employee's internet or phone service become inoperable during a their telecommute, the employee must report to their central workplace to complete their assigned duties.
  - f. Nothing in this policy obligates IDOC or the State to purchase furniture or equipment for the purpose of telecommuting. Employees will not be provided with equipment for two workspaces. Telecommuting employees must have equipment assigned to them that is conducive to transport between workspaces.

## 8. Safety, Workers' Compensation and Other Liabilities

- a. **Alternate Work Location Safety.** The employee, position, alternate work location, and other conditions must be deemed suitable for a telecommuting location before telecommuting is permitted. Each employee must complete an *Alternative Worksite Employee Declaration Checklist*.
- b. **Workers' Compensation and Injuries to Third Parties.** IDOC must address State of Idaho workers' compensation laws and rules. A telecommuting employee remains liable for any injuries sustained by third parties at an approved alternate work location. (Additional Department requirements apply if an employee work location is not in the state of Idaho – *See Resident Taxing State Outside of Idaho*).
- c. An employee who is directly engaged in performing their official duties is covered by all applicable State employee compensation acts while working at an approved alternate work location and is required to follow reporting procedures of any accident or injury at the approved worksite. The State's potential exposure to liability is restricted to the official workstation at the approved alternate work location for the purposes of telecommuting.

## 9. Additional Information

- a. **ADA Reasonable Accommodation.** If an employee applies to telecommute under an ADA reasonable accommodation request, the request must be reviewed and approved by DHR.

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- b. **Other Federal and State Laws.** Telecommuting programs are not intended to cover or substitute for other work-related situations covered by other laws, such as the *Americans with Disabilities Act*, the *Family and Medical Leave Act*, and other similar federal and state laws.

## REFERENCES

[IDOC Telecommuting Application/Alternative Worksite Employee Declaration Checklist](#)

[IDOC Telecommuting Agreement](#)

Idaho Code 67-2508

Fair Labor Standards Act

Executive Branch Statewide Policy, Section 7: Telecommuting

– End of Document –



## EXECUTIVE BRANCH STATEWIDE POLICY

### SECTION 7: TELECOMMUTING

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- 7B. DEFINITIONS
- 7C. GENERAL REQUIREMENTS
- 7D. FORMS ASSOCIATED WITH THIS POLICY
- 7E. RESOURCES AND TRAINING

#### 7A. STATEMENT OF PURPOSE

The purpose of this policy is to provide the structure needed for effective implementation and operation of telecommuting. Telecommuting refers to paid employment performed away from the principal office at an alternate work location for all or part of the work week. Telecommuting can attract employees in hard to fill, hard to retain positions; target new labor markets; or reduce work commutes.

**Out-of-state telecommuting options must be preapproved by the Division of Human Resource (DHR) Administrator, the Division of Financial Management (DFM) Administrator and the State of Idaho Controller's Office (SCO). Out-of-country requests will not be approved.**

**Telecommuting training is required prior to an employee beginning to telecommute. See 7E.**

#### 7B. DEFINITIONS

1. **Alternate Work Location:** An approved worksite other than the employee's central workplace where official state business is performed, including an employee's residence.
2. **Central Workplace:** An agency's place of work where employees normally perform their official state duties.
3. **Telecommuter:** An employee who regularly works away from his or her central workplace, either at home or at another agency approved remote work location within the State of Idaho, for at least a portion of their work hours.
4. **Telecommuting:** A regular work practice that involves employees of an

agency substituting a portion of their typical work hours (ranging from a few hours per week to full-time) to work away from the central workplace, either at home or at another agency approved location within the State of Idaho, using technology to interact with others as needed to perform work tasks.

5. **Telecommuting Application:** A form adopted by the agency for employees to use to request a telecommuting work schedule. The application must be consistent with this statewide policy.
6. **Telecommuting Agreement:** The written agreement between the agency and employee that details the terms and conditions of an employee's work and other work productivity while away from his or her central workplace. Telecommuting agreements are required for telecommuting.
7. **Work Schedule:** The employee's hours of work in the central workplace and/or an alternate work location within the State of Idaho.

## **7C. GENERAL REQUIREMENTS**

### **1. General Provisions**

- a) All State of Idaho employees are expected to work within the State of Idaho. If an agency has a need for an employee(s) to work outside of the State of Idaho, the agency must first have approval from DHR, DFM and SCO before hiring or allowing an existing employee to regularly perform their assigned duties from an out-of-state location.
- b) Although allowing flexibility in the workplace, this policy requires accountability to ensure all work is being completed in an efficient and measurable manner. This policy provides guidelines for agency, supervisor, and employee responsibilities.
- c) Telecommuting is not an employee right; its use rests at the discretion of the appointing authority or designee, based on approval of agency policy by the DHR Administrator, and can be terminated any time without notice.
- d) An agency may suspend or terminate a telecommuting agreement at any time based on, but not limited to, declining performance, violation of telecommuting policy and agreement, or for organizational benefit. Reasonable notice to the employee is recommended, if feasible. An employee may terminate the telecommuting agreement at any time unless telecommuting work is a condition of employment.

## 2. Eligibility Consideration

- a) All State Agency telecommuting policies must be consistent with the guidance and instructions in this Statewide Telecommuting Policy. An agency's policy and application must define the job-related criteria, procedures for telecommuting, and employee performance requirements for consideration of telecommuting.
- b) Employees participating in telecommuting must meet the Telecommuting Eligibility Criteria and must obtain supervisor and agency director approvals prior to telecommuting.
- c) Telecommuting may not be suitable for all employees and/or positions; therefore, agencies should implement telecommuting based on specific criteria consistently applied throughout the agency. It is the agency's option to allow an employee to telecommute.
- d) DHR recommends employees have a current performance evaluation on file with a rating of Achieves or higher. Any employee with a Does Not Achieve performance rating is not eligible for telecommuting. It is recommended that supervisors review employee telecommuting agreements annually in conjunction with their annual evaluation.
- e) If an employee transfers to a new position either within the agency or the State, the telecommuting privilege does not transfer.

## 3. Standards of Conduct, Work Performance and Professionalism

- a) The employee continues to be bound by all applicable State statutes, policies, and rules while telecommuting.
- b) Employees must be available during telecommuting hours via phone and email as the employees would if working at their central work location unless other arrangements are made in advance with the supervisor.
- c) Employees will not hold in-person business visits or meetings with professional colleagues, customers, or the public at a home work location.

## 4. Time and Attendance, Work Schedules, and Overtime

- a) **Work Status and Responsibilities.** Employees' compensation, benefits, work status and work responsibilities will not change due to participation in telecommuting. The amount of time that employees are expected to work per day or pay period will not change as a result of

participation in telecommuting. If employees are unable to work the complete telecommute day, annual leave, compensatory time, or sick leave for the hours not worked must be requested for approval.

- b) **Work Schedules.** Work schedules for non-exempt employees must comply with the Fair Labor Standards Act and all applicable State rules. The employee is required to follow normal agency procedures regarding the requesting and approval of overtime, compensatory time, and leave. The number of days in a week that employees may telecommute is at their supervisor and agency's discretion.
- c) **Commute Time.** Commute time between an approved telecommuting worksite and agency is not considered work hours and are not compensable.
- d) **Outside Employment.** When an employee applies to telecommute, outside employment must be disclosed. As required for all State employees, outside employment must be compatible with the role of the staff member as a public employee; not conflict with the best interest of the agency or the employee's responsibilities or hours of work (See Idaho Code 67-2508); and not involve activities that would constitute a conflict of interest or have potential for a conflict of interest.
- e) **Dependent or Adult Care.** Telecommuting is not to be viewed as a substitute for dependent care. Telecommuters with dependent care situations are encouraged to have alternative solutions for providing care during the agreed upon work hours. Dependent care situations must be disclosed in the telecommuting application and will be reviewed on a case-by-case basis.

## 5. Recordkeeping and Reporting

- a) **Employee Telecommuting Application Request.** An employee telecommuting application should be completed and submitted to the employee's supervisor for review and approval. An Employee Telecommuting Application Template can be found in 7D of this policy.
- b) **Employee Telecommuting Agreement.** An employee telecommuting agreement is required and must be agreed upon and signed by the employee, supervisor, and agency appointing authority or designee before telecommuting begins. This agreement does not grant additional rights for employees, and it does not establish a contract for employment where one does not already exist. A copy of this statewide policy (and the agency's telecommuting policy if applicable) must be attached to the agreement. (See 7D) The Telecommuting Agreement

may be modified for agency use.

- c) Agency Telecommuting Records. DHR, at its discretion, may request information from agencies on telecommuting on an annual basis. Agencies should maintain a record of employees, work locations, duration, performance management, and any other relevant data for purposes of overall management of the statewide telecommuting program.

## **6. Resident Taxing State Outside of Idaho**

- a) All out-of-state alternate work locations must be pre-approved by DHR, DFM, and SCO.
- b) The State of Idaho has no legal obligation to withhold or remit income tax of another state. It is solely the employee's responsibility to ensure that he or she is in compliance with any out-of-state tax requirements.
- c) All work scheduled out-of-state cannot be less than a full pay period and the employee's personnel record must reflect the correct taxing state.
- d) The requesting state agency is required to work directly with Risk Management regarding the Worker's Compensation payment.
- e) The requesting agency is required to coordinate directly with the State Controller's Office, Division of Statewide Payroll (DSP), to ensure taxable wages are reported correctly.

## **7. IT Security and Equipment**

- a) The employee will apply approved safeguards to protect agency and state records from unauthorized disclosure or damage and will comply with all records and data privacy requirements set forth in state law. Each agency must require employee to abide by all State of Idaho rules and policies regarding the security and confidentiality of information, including computer data and files.
- b) The agency must address employee computer usage (and related devices) and ensure it meets information security standards. The employee is responsible for acquiring internet access and related equipment.
- c) The state will not be responsible for operating costs, home maintenance, or any other incidental costs (e.g., utilities) associated with the use of the employee's residence.

- d) Nothing in this policy obligates the agency or the state to purchase furniture or equipment solely for the purpose of telecommuting.

## **8. Safety, Workers' Compensation and Other Liabilities**

- a) **Alternate Work Location Safety.** The employee, position, alternate work location, and other conditions must be deemed suitable for a telecommuting location before it is permitted. An alternative worksite employee declaration checklist is provided in the employee telecommuting agreement template.
- b) **Workers' Compensation and Injuries to Third Parties.** Agency must address State of Idaho workers' compensation laws and rules. The employee remains liable for any injuries sustained by third parties at the alternate work location. (Additional agency requirements apply if an employee work location is not in the State of Idaho – See Resident Taxing State Outside of Idaho).
- c) An employee who is directly engaged in performing their official duties is covered by all applicable state employee compensation acts while working at the home location and is required to follow reporting procedures of any accident or injury at the home worksite. The State's potential exposure to liability is restricted to the official workstation for the purposes of telecommuting.

## **9. Additional Information**

- a) **ADA Reasonable Accommodation.** If an employee applies to telecommute under an ADA reasonable accommodation request, the request must be reviewed and approved by DHR.
- b) **Other Federal and State Laws.** Telecommuting programs are not intended to cover or substitute for other work-related situations covered by other laws, such as the Americans with Disabilities Act, the Family and Medical Leave Act, and other similar federal and state laws.

## **7D. FORMS ASSOCIATED WITH THIS POLICY**

**Telecommuting Self-Assessment**

**Telecommuting Application**

**Telecommuting Agreement**

**Telecommuting Sample Work Plan**

**7E. RESOURCES AND TRAINING**

Supervisor Telecommuting Training  
Employee Telecommuting Training  
Cyber Security Training