

Summary of Remote Work Considerations for Agencies

The state has had a telework program in place for around a decade, but technological changes since its establishment, evolving employee expectations, and our experiences during 2020 will undoubtedly create a new normal as we begin to return to state offices. The guidelines and agreement for the state's remote-work program have been revised and are attached. This introductory document is designed as a roadmap for each agency to begin the process of reevaluating how it will offer remote work as an option to its employees. The guidelines and agreements establish some minimum requirements but also leave considerable flexibility to agencies to determine how their unique operational needs will allow or require remote work. This document identifies questions for your leadership to ask as it designs its own program.

Objective

Remote work can offer efficiencies for agencies and is sought by many employees for greater flexibility. Depending on business needs, remote work may be appropriate for some areas and some jobs but not for others. This document identifies considerations for agencies when deciding how widely to allow or require remote work for employees.

Authority

Agencies have the authority to assign and schedule their employees and determine their work locations. Included in this authority is the ability to approve or deny remote-work arrangements for legitimate business reasons. Denials are generally not grievable, unless they create a substantial harm and are discriminatory, retaliatory, or arbitrary.

Initial Agency Evaluation

In determining how broadly to allow remote work, an agency must systematically determine its appropriateness for each of its work areas. Approvals can vary within an agency or within work areas based on operational needs and the nature of the work performed. Considerations may include:

- **Customers.** All customers must still be appropriately served.
 - Can remote work meet all customer needs?
 - Are mechanisms in place to effectively measure baseline and ongoing customer satisfaction to determine impacts?
- **Efficiency.** Work must still be effectively accomplished.
 - What metrics can ensure appropriate remote performance?
 - Do metrics exist or must they be created?
 - Who can monitor metrics and remote work's effectiveness?
 - How often will metrics' appropriateness and performance under them be evaluated?
 - How can expectations and consequences be communicated to employees?
 - Have employees previously effectively accomplished their work remotely?
- **Technology.** Work must be performable remotely.
 - Are there technological barriers to remote work?
 - Can current work processes be modernized?
- **Security.** Security and privacy requirements must be met.
 - Are there considerations over remote work because of sensitive data?

- Are all legal, privacy, and security requirements still met when working remotely?
- **Extent.** Agencies must establish parameters for remote work.
 - Will remote work be optional or required?
 - If required, was the employee aware of the need when appointed?
 - Will remote work be full-time or partial?
 - If full-time, is there still an expectation of occasional office work?
- **Cost.** Remote work can often be a source for savings.
 - Are there additional costs associated with remote work?
 - Are there potential savings associated with remote work?
- **Space.** Does remote work change physical space needs in the workplace and are different spaces needed to accommodate remote workers (hoteling stations, teaming areas, huddle space, break-out space, etc.)?
- **Morale.** Remote work can affect employee morale.
 - Would employees view additional flexibility of remote work as a benefit?
 - Would employees rather maintain separation between home and work?
 - Would offering a remote-work option increase recruitment and retention?

Individual Position Evaluations

If remote work is feasible for a work area, an agency must also consider whether individual employees can effectively work remotely. An agency should decide based on legitimate business considerations, which may include:

- **Eligibility.** Are there agency or work-area requirements to work remotely (completed probationary period, other minimum service, current satisfactory performance rating, lack of current discipline, initial trial period, etc.)?
- **Readiness.** Is the employee fully trained to perform without close supervision or does the work area have a proven method to train and support employees remotely?
- **Past Performance.** Do recent unsatisfactory performance ratings raise concerns?
- **Past Discipline.** Does a current disciplinary record raise concerns?
- **Remote Environment.** Can the employee provide a remote work environment that meets expected requirements for privacy, security, coordination with coworkers, and concentration on work duties?
- **Work Location.** Due to legal and tax requirements, out-of-state remote work requires prior written approval from the Office of the State Employer.

Mandatory Remote Work

- If agencies decide to move entire work areas to remote work, planning is needed to ensure the ability to establish appropriate processes and communicate with customers, other parts of the agency, and other agencies. Agencies must evaluate potential changes to office-space needs and office design. Agencies should still have employees sign written agreements to memorialize expectations. Recruitment and training challenges for remote workforces should also be addressed. Planning is also needed to address IT, privacy, and security challenges. Grandfathering of current employees should be considered, particularly when employees may face additional costs and hardships from the new remote-work arrangement whether financial or based on their skills for remote work.

Remote Work Agreement

To ensure that employees understand the nature of any approval, expectations and responsibilities while working remotely, and other conditions, employees should sign a remote-work agreement before remote work begins. Accommodations can be made for employees who were already working remotely, but an agreement memorializing these expectations should be obtained.

Agreements should also be reviewed at least annually to ensure effectiveness and extended as appropriate. The Office of the State Employer will provide a standard template that agencies can use that addresses essential issues, which include:

- **Authority.** Clarification that approval for remote work is at the agency's discretion, subject to any conditions set by the agency, and subject to modification or revocation anytime.
- **Performance Expectations.** Clarification of objectives, competencies, and metrics used to evaluate work and that continued approval is contingent on satisfactorily meeting those objectives and metrics. Work performed remotely should be evaluated on the same objectives and metrics that apply when performed in agency offices. These expectations must be summarized and evaluated in a work plan and a performance rating that are reviewed with the employee.
- **Communication Expectations.** Clarification of expected methods of communication for coworkers and customers; frequency of checking email, messages, mail, voicemail, and faxes; messaging to direct others to preferred communication methods; and cadence for recurring progress meetings with coworkers, project teams, supervisors, and partners. These expectations must be summarized in a work plan that is reviewed with the employee.
- **Work Expectations.** Clarification of expected hours of work and availability (especially for overtime-eligible employees); roles with coworkers and supervisors for ongoing work and projects; any required in-person meetings or in-office days; and the need for full attention available for work duties (and not to care for others) when on duty. Any accommodations to scheduled work hours require prior supervisory approval; scheduled work hours must be dedicated solely to work tasks. Any overtime-eligible employee must obtain prior written supervisory approval before working beyond scheduled hours per day or week. These expectations must be summarized in a work plan that is reviewed with the employee.
- **Workplace Expectations.** Clarification that employees must establish and provide at their own expense remote work environments that have high-speed internet access (commercial cable or wireless broadband with minimum speeds of 25Mbps download and 5 Mbps upload), suitable lighting and furniture, and other utilities; offer sufficient privacy and security; and are free of hazards that might cause injury. Any remote-work location is subject to inspection at the agency's discretion and agency authorization is required for any visitors.
- **Equipment Expectations.** Clarification that the agency will provide identified IT equipment and maintain that equipment; that the employee must acknowledge receipt of supplied equipment, agree to use it only for business purposes, appropriately protect it from damage or theft, and return it upon the end of the remote work arrangement; and that the employee agrees to provide furniture and other equipment, the agency is not responsible for damage or repairs to employee-owned equipment, and the agency reserves the right to determine what equipment is appropriate.
- **Printing Expectations.** Clarification of agencies' responsibility to approve business justifications for printing during remote assignments and provide USB-connected printers if approved and of agencies' need to provide training on handling, storage, and destruction of printed documents during remote work, consistent with legal privacy and security requirements.

- **Workplace Locations.** Due to legal and tax implications of remote work from outside the state, approval from the Office of the State Employer is required before approving or establishing any official remote work location outside Michigan.
- **Reimbursement Expectations.** Clarification of the employee's official workstation location, eligibility for meal and travel reimbursements, and provision of incidental office supplies. Clarification will be sought to travel regulations to reflect that remote workers are ineligible for travel expenses between home and an alternate state office for occasional meetings or for meal reimbursements for days worked at home or the alternate state office.
- **Privacy and Security Expectation.** Clarification of state or agency privacy and security policies and training that the employee must understand and acknowledgment by the employee that state standards will be complied with, including positioning monitor to prevent viewing by others, preventing others from hearing conversations, locking and securing physical files and IT equipment, password maintenance, and secure internet connections (defined as an Internet connection (cable or wireless) that also uses Virtual Private Network (VPN) or similar 2-way encrypted connectivity to the services used by the employee).
- **Additional Agency Expectations.** Clarifications of any additional agency considerations requiring clarification or memorialization.

Implementation

After completing the evaluation described above, agencies should undertake an implementation process that includes the following:

- **Announcement.** Agency policies should be memorialized in a handbook, agency work rule, agency procedure, memorandum, or other written form that is provided to employees. The policy should reference that approval is at the discretion of the agency; approval may be changed anytime; any agency requirements to qualify (non-probationary, minimum experience, satisfactory standing for annual rating, etc.) remote work requires coordination with supervisors to ensure appropriate communication and oversight; employee responsibility for providing non-IT equipment and utilities; and remote-work capable employees are expected to work remotely in the event of building closures or inaccessibility at state offices.
- **Infrastructure and Resource Changes.** Consult with agency budget office to determine changes needed for IT and Telecom equipment and office space and to allow necessary notices to DTMB of changes for future budget cycles.
- **Process Reevaluation.** Consider LEAN process reviews, electronic document systems, e-signatures, automated workflows and other solutions to facilitate a more mobile workforce.
- **Procedure Updates.** Review and update COOP and other emergency-planning documents to reflect the increased use of remote work, as necessary.