

OFFICE OF CHIEF ADVOCACY AND COUNSEL
Summary of State Board of Education Agenda Items
December 17, 2020

OFFICE OF HUMAN RESOURCES

04. Information: Discussion of the MDE telework policy for staff [Goals 1, 2, 3, 4, 5, and 6 – MBE Strategic Plan]

Background Information: Based on previous executive orders issued by the governor and consistent with workplace safety guidelines during the pandemic, the MDE has implemented a policy to assign eligible staff to work in a designated area outside the workplace. Policy 7.1 contains guidelines for teleworking and is intended to ensure continuity of agency operations. All employees assigned to telework status must sign a Telework Assignment form and the employee's supervisor and department director must approve the proposed assignment. The policy is consistent with Mississippi State Personnel Board guidelines and any telework assignment is closely monitored by agency administrators.

This item references Goals 1, 2, 3, 4, 5, and 6 of the *Mississippi Board of Education 2018-2022 Strategic Plan*.

Information Only

Back-up material attached

STATE OF MISSISSIPPI DEPARTMENT OF EDUCATION	TOPIC: TELEWORK PROGRAM POLICY
EMPLOYEE PROCEDURES MANUAL	SECTION: 7.1 PAGE 1 OF 7 EFFECTIVE DATE: AUGUST 3, 2020 REVISION:

1. POLICY STATEMENT

While previous informal telework assignments for MDE employees were implemented in response to the requirements of Executive Order 1458 concerning the March 14, 2020 state of emergency declaration, this policy is created to ensure effective internal controls and consistency for Mississippi Department of Education (MDE) employees assigned to telework at an approved alternative worksite. This policy is also applicable to employees assigned to telework in non-emergency/pandemic circumstances.

2. PURPOSE

- 2.1. Teleworking is an assignment that allows eligible MDE employees to work in a designated area outside the office.
- 2.2. Teleworking can enable MDE to continue operations during a declared state of emergency, including a pandemic event, when employee contact and access to the workplace should be minimized. The benefits related to teleworking in non-emergency circumstances include assisting in recruiting and retaining highly qualified employees. The flexibility teleworking provides to eligible staff can be a positive addition to the work environment and to the department.
- 2.3. Teleworking benefits to employees, departments and the community can include:
 - 2.3.1. Ability to function when the regular worksite is inaccessible;
 - 2.3.2. Continuity of operations;
 - 2.3.3. Efficient use of agency resources, including office space;
 - 2.3.4. Recruitment and retention of highly qualified employees;
 - 2.3.5. Greater flexibility for employees and departments.

3. SCOPE

This policy applies to all agency offices, departments, divisions, and employees. The scope of implementing this policy will be directed by the superintendent and communicated through the department directors and/or their designee.

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4. POLICY DETAILS

- 4.1. Teleworking is a privilege and this policy does not create an expectation of any right to telework. An employee's telework status may be revised at the sole discretion of the agency. All agency employees who telework shall have an approved telework assignment under this policy. An agency department may have additional telework requirements, guidelines, or procedures, provided they are consistent with the intent of this policy.
- 4.2. Teleworking does not change the job duties, obligations, responsibilities, or terms and conditions of agency employment. Teleworking employees must comply with all agency rules, policies, practices, and instructions. Department directors or their designee shall continually assess whether an employee's telework assignment is effective and accomplishing the responsibilities and mission of the department.
- 4.3. A teleworking employee shall perform work during scheduled teleworking hours. Employees may not engage in activities while teleworking that would not be permitted at the regular worksite. Teleworking employees may take care of personal business during unpaid lunch periods, as they would at the regular worksite, or request accrued leave.
- 4.4. An employee approved to telework may request to modify a telework assignment, but any modification to the assignment is at the sole discretion of the department director and/or his or her designee. If notified that an employee's telework assignment has been terminated, the employee shall comply with applicable directives concerning reporting to the workplace.
- 4.5. A telework assignment is intended to be cost neutral. The agency is not required to provide teleworking employees with materials or supplies needed to establish an alternate worksite (i.e., desk, chair, computer, software, cell phone, fax, copier, etc.), and assumes no responsibility for set-up or operating costs at an alternate worksite (i.e., telephone, internet services, etc.).
- 4.6. Department directors or their designee have the discretion to provide equipment, software, or supplies, or allow employees to use their personal devices and equipment while teleworking.
- 4.7. Department directors or their designee providing equipment, software, or other supplies to teleworking employees must reasonably allocate those resources based on operational and workload needs.
- 4.8. The agency will not reimburse employees for the costs of using personal equipment while teleworking.

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4. POLICY DETAILS (continued)

4.9. All agency policies, procedures and rules apply while an employee is teleworking, including policies and procedures regarding the use of computers, security standards and the Internet, regardless of whether the employee is using agency provided or personal equipment.

5. PROGRAM GUIDELINES

5.1. Eligibility for teleworking is based on both the position and the employee. Factors to consider can include, but not be limited to the following:

5.1.1. Are the employee's duties independent in nature;

5.1.2. Are the employee's duties primarily knowledge-based;

5.1.3. Do the employee's duties allow for measurable deliverables;

5.1.4. Do the employee's duties require in person interaction at the regular worksite with supervisors, colleagues, clients, or the public;

5.1.5. Do the employee's duties require the need for his or her immediate presence at the regular worksite to address unscheduled events which can be managed by other means; and

5.1.6. Are the employee's duties not essential to the management of on-site workflow.

5.2. Employees teleworking are expected to demonstrate and maintain:

5.2.1. Dependability and responsibility;

5.2.2. Effective communication with supervisors, coworkers, and clients;

5.2.3. Motivation to ensure success of the teleworking assignment;

5.2.4. The ability to work independently;

5.2.5. A consistently high rate of productivity;

5.2.6. A high level of skill and knowledge of the job;

5.2.7. The ability to prioritize work effectively; and

5.2.8. Good organizational and time management skills;

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5. PROGRAM GUIDELINES (continued)

5.3. An employee's telework assignment may be revised or terminated at the sole discretion of the department director or his or her designee.

6. WORK HOURS

6.1. All rules of the regular worksite are applicable while teleworking, including but not limited to:

6.1.1. Teleworking employees must perform designated work during scheduled work hours;

6.1.2. Any deviations from the approved teleworking schedule must be pre-approved by the employee's supervisor;

6.1.3. Employees shall account for and report time spent teleworking as required according to the terms of the teleworking assignment.

6.1.4. Employees shall work overtime only when directed to do so and must be pre-approved in advance by the supervisor;

6.1.5. Employees must obtain approval to use accrued leave benefits in the same manner as employees not approved to telework;

6.1.6. Employees unable to work due to illness shall use applicable accrued leave for hours not worked; and

6.1.7. Employees approved for teleworking shall report to the worksite when directed by his or her supervisor.

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7. WORKSITE

7.1. A teleworking employee shall designate a work area suitable for performing his or her job duties and responsibilities. Requirements for the designated work area may vary depending on the nature of the work and resources needed.

7.2. Teleworking employees shall work in an environment that allows them to perform their duties safely and efficiently. The department director or designee may request photographs of the employee's designated work area to ensure it complies with the intent of this policy.

7.3. Employees are covered by workers' compensation laws when performing work duties at their designated alternate locations during scheduled work hours. Employees who suffer a work-related injury or illness while teleworking shall immediately notify their supervisor, follow established reporting protocols, complete any required forms and/or assist with any necessary worksite inspections as determined by the department director or designee.

7.4. The agency is not liable for damages to an employee's personal or real property while the employee is working at an alternate worksite.

8. EQUIPMENT AND SUPPLIES

8.1. An employee approved for teleworking shall communicate with MDE management to identify necessary equipment, software, supplies, and support required to perform his or her duties at the alternate work location. Availability and assignment of such needed support items will be considered in determining an employee's eligibility to telework.

8.2. Teleworking should be accommodated with portable technology (e.g. laptop or tablet). The relocation of non-portable technology equipment such as desktop computers, monitors, printers, or other equipment is at the sole discretion of the department director or designee.

8.3. In the event that a department director or designee chooses to relocate non-portable equipment under the authority of this policy, the Agency Asset Tag # must be identified in the telework assignment and the department director or designee must do the following:

8.3.1. Take appropriate precautions to package and transport the agency-owned equipment safely; and

8.3.2. Set up must be performed by the employee or other department personnel.

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8. EQUIPMENT AND SUPPLIES (continued)

- 8.4. The department director or designee must notify the MDE Property Officer, in writing, of the change of any asset location. Notification should include at least the Agency Asset tag #, asset description (make, model, quantity), employee name and number who will have possession of the equipment, and physical location of the equipment.
- 8.5. All equipment, software, and/or supplies provided by the agency shall be used for official agency business use only.
- 8.6. A teleworking employee does not obtain any right to agency equipment, software, or supplies provided in connection with teleworking. The employee shall immediately return all agency equipment, software, and supplies at the conclusion of the telework assignment or at the department's direction.
- 8.7. A teleworking employee shall take reasonable measures to protect agency equipment, software, and supplies from possible theft, loss, and damage. In such circumstances, the teleworking employee may be liable for replacement or repair of the equipment, software, or supplies consistent with MDE and state property/equipment regulations.
- 8.8. Any equipment, software files, and/or databases provided by the agency shall remain the property of the agency.
- 8.9. A teleworking employee shall adhere to all software copyright laws and may not make unauthorized copies of any agency-owned software.
- 8.10. Employees may not add hardware or software to any Agency equipment without prior written approval from the Office of Technology and Strategic Services.
- 8.11. A teleworking employee, who uses personal equipment for teleworking, is responsible for the installation, repair, and maintenance of the equipment.
- 8.12. A teleworking employee shall immediately contact his or her supervisor if equipment, connectivity, and/or other supply problems prevent them from working.

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9. SECURITY AND CONFIDENTIAL INFORMATION

9.1. All files, records, papers, and/or other materials created while teleworking is agency property and designated MDE officials may have access to any personal equipment used while teleworking, such as a personal computer, telephone and internet records. Teleworking employees shall cooperate fully to assist designated MDE officials when access to such personal equipment is required. Teleworking employees and their supervisors shall identify any confidential, private, personal information, and/or records to be accessed and ensure appropriate safeguards are used to protect them. A department director or designee should require employees to work in private locations when handling confidential and/or sensitive information. A department director or designee may prohibit employees from printing confidential information in teleworking locations to avoid breaches of confidentiality.

9.2. Employees may not disclose confidential or private files, records, materials, or information, and may not allow access to agency networks or databases to anyone who is not authorized to have access.

10. STATE OF MISSISSIPPI PUBLIC INFORMATION ACT AND RECORDS RETENTION REQUIREMENTS

The Mississippi Public Records Act and Records Retention requirements apply to information created by teleworking employees in the course of carrying out their job duties and responsibilities for the agency. Public records include all information relating to the conduct of agency business regardless of where the information is stored. Upon receipt of a request for access to information relating to Agency business, a teleworking employee must permit inspection and examination of any information in the employee's custody that relates to Agency business as directed by the department director. This requirement exists regardless of where the public record is located. Records created during teleworking are subject to all applicable record retention laws and Agency record retention policies.

11. PROCEDURES

11.1. Employees assigned to telework must have the following:

11.1.1. A fully executed and approved telework assignment form;

11.1.2. Signed Applicable Acceptable Use Policy, Section 19.0 of the MDE Employee Procedures Manual;

11.1.3. Applicable MDE Property Office form(s).

MISSISSIPPI DEPARTMENT OF EDUCATION
TELEWORK ASSIGNMENT

Employee Name _____ is assigned to telework according to the following terms:

1. Approved alternative worksite location:
Employee Address

2. Approved telework schedule:
approved schedule/include lunch period

3. Approved work area at alternative worksite:
ex. any place in the employee's residence

If working on sensitive confidential information-specific secure location in the home.

4. Approved equipment and supplies provided by MDE to telework:

laptop

printer

shredder

paper, pens, white-out, etc.

*Attach copies of additional MDE Property Office documentation (if applicable)

*Attach completed VPN Security Agreement (if applicable)

A copy of the MDE Telework Program Policy is attached to this Telework Assignment. I have fully read and understand the attached policy and will comply with the terms and conditions in the policy and in this Telework Assignment.

Employee's signature and date: _____

APPROVED:

Supervisor's signature and date: _____

Department Director signature and date: _____