



Department:
Executive Direction/Human Resources/Operations
Division/Function:
Human Resources/Personnel

Policy #

FCHR POL 21-105

Implementation Date

April 4, 2022

Revision Number and Date

#4/4-4-2022

Policy Owner

Executive Director

Approved (Owner Initials/Date)

CC 4/13/22

Reviewer

Executive Director

Reviewed (Owner Initials/Date)

CC 4/13/22

Topic: Florida Commission on Human Relations Teleworking Policy

1. Policy and Purpose

To implement a teleworking program within the Florida Commission on Human Relations (Commission) and provide direction on the requirements and proper application of the program.

2. Scope and Applicability

a. Employees will be notified of this policy through:

1. New Employee Orientation
2. Communication via employee distribution lists
3. FCHR Intranet/SharePoint

b. This policy applies to all Commission positions, including Other Personal Services (OPS) positions, which have been approved to telework. Telework does not include and

does not apply to:

1. Duties and responsibilities that, by their nature, are performed routinely in the field away from the original worksite.
2. Performance of required work duties while in travel status.
3. Performance of required work duties away from the official worksite and outside established work hours on an occasional basis.
4. Sporadically working away from the official headquarters during all or some portion of the employee’s established work hours.

3. References

- a. Section 110.105, Employment Policy of the State
- b. Section 110.171, Florida Statutes – State Employee Telework Program
- c. Rule 60-GG-2, Florida Administrative Code
- d. FCHR Acceptable Use and Data Management Policies
- e. Asset Management, PAM Forms and Transfer of Equipment (FCHR Property Form)
- f. Use of State (Florida) Purchasing Card (Pcard) Policy
- g. Section 252.31, Florida Statutes; Disaster Preparedness and Continuity of Operations Program (COOP); Florida Division of Emergency Management (FDEM) and State Emergency Response Team (SERT) Guidance
- h. Telework.fl.gov Training Resources (Department of Management Services (DMS))
- i. FCHR Wireless Devices Policy
- j. FCHR Travel Policy

4. Prerequisites

The following forms/prerequisites are required for teleworking approval/extension:

- a. Telework Agreement or Temporary Telework Agreement
- b. FCHR Acceptable Use Policy and Data Security Agreement
- c. Annual Security Awareness Training
- d. Signed Property Form (prior to teleworking and when relocating equipment)
- e. Alternative Worksite Checklist

Once the prerequisites/form(s) have been completed and signed, they will be kept on file by the Human Resources Team (in coordination with Operations for asset/property management and FLAIR updates).

5. Definitions

- a. Alternative Worksite – The teleworking Employee’s approved work location away from the official headquarters.
- b. Confidential information – Information that is prohibited from disclosure under the provisions of applicable state or federal law, rules, or regulations.
- c. Official Headquarters – The Commission’s office location in Tallahassee, Florida. There are no recognized field offices in any other part of the state.
- d. Regular Basis – Scheduled telework away from the official headquarters that is planned, recurring, and predictable.
- e. Telework - A work arrangement that allows an employee to conduct all or some of his or her work away from the official headquarters during all or a portion of the employee’s established work hours on a regular basis.
- f. Telework Agreement – The agreement between an employee approved to work at an alternative worksite and the Commission that spells out the terms and conditions of the employee’s participation in the Telework Program.

6. Responsibilities and Program Administration

a. Overview

1. It is the Commission’s policy to use telework, where appropriate, to meet its business needs and the needs of its employees.
2. No position may be designated as eligible to telework if doing so does not support the business operations of the Commission.
3. The Commission may cancel a Teleworking Agreement at any time if it is determined that continuing the teleworking arrangement is not productive, efficient, or in the best interests of the Commission or the state.
4. Commission employees are prohibited from teleworking outside the contiguous United States.
5. The Commission shall establish and track performance measures and report data to the Department of Management Services in accordance with Section 255.249(8), Florida Statutes.

b. Designation of Positions Eligible for Telework

1. In accordance with section 110.171, Fla. Stat., unit managers are responsible for making recommendations to the Executive Director of positions that should be considered eligible for telework based upon the duties required to be performed. The Executive Director will determine which positions are telework-eligible.
2. Not all positions at the agency are conducive for teleworking. Some positions have duties that

must be performed in the office, and those positions will not be eligible for teleworking.

3. Human Resources will maintain a list of the Commission's telework-eligible positions and make it available to employees and managers upon request.

4. Identification and Designation of Teleworkers in External Reports and in People First - Human Resources is responsible for updating telework position eligibility attributes and employee telework indicators in People First.

5. Publishing the Commission's Telework Plan and List of Positions Appropriate for Telework - Human Resources will post the agency's telework plan and any pertinent supporting documents on the agency's Internet website to allow access by employees and the public, in accordance with section 110.171(8), Florida Statute.

7. Participation in the Telework Program, Types of Telework and Procedures

a. Participation in the Telework Program

1. Career Service, Selected Exempt Service, Senior Management Service, or Other Personal Services employees whose position and job duties are suitable for telework may be approved to telework.

2. The Commission has identified certain job classes and positions that are considered appropriate for teleworking. Managers may recommend additional positions or classes of positions eligible for teleworking to the Executive Director for consideration.

3. Alternative worksites must be approved by the supervisor and second-level manager. Acceptance of the alternative worksite is not a continuing contract and does not indicate any on-going, future acceptance of the same alternative work site.

4. Employees in positions which have been approved to telework are subject to the same rules regarding attendance, leave, performance, discipline, and other employment requirements outlined in the Commission's Standards of Conduct as non-participating employees. Teleworking employees must follow the same laws, rules, and procedures as other Commission employees. Teleworking employees must perform their job duties at the performance standard level of at least "Meets Expectations," as established by the employee's performance plan.

5. The Commission may terminate any employee's telework arrangement and require the employee to return to the official headquarters if the employee violates Commission policies or procedures.

6. A teleworking employee is covered by worker's compensation when performing official work duties at the alternate worksite.

7. The employee's job responsibilities and promotional opportunities will not change due to participation in the telework program. Telework will not adversely affect an employee's eligibility for advancement within the Commission or any other employee right or benefit. However, an employee moving into a new position may be subject to amendment or cancellation of their telework agreement based upon their new position, the required duties, and the current needs of the agency.

8. Teleworking employees are required to report to the official headquarters as often as is necessary to perform their assigned duties that are required to be performed in the office. All other duties may be performed from the alternative work site.

9. Teleworking employees may be required to report to the official headquarters for training, meetings, or other activities requiring the employee's physical presence as determined by the employee's supervisor, manager, or the Executive Director.

10. Teleworking employees shall be compensated for all pay, leave, and overtime as if duties were performed at the official headquarters. Overtime cannot be worked unless authorized in advance by the

employee's supervisor. Teleworking employees shall request leave in advance as if duties were performed at the official headquarters.

11. Employees must complete and submit accurate time records, work logs, or other required documents to substantiate working time. Failure to complete such records or fraudulently completing such records will result in discipline up to and including immediate termination.

12. Teleworking employees should be reachable within reason during their regularly scheduled working hours. Any deviation from regular work hours must be approved in advance by the supervisor.

13. Teleworking is not meant to be a substitute for dependent care. Employees may not telework with the intent of or for the sole purpose of meeting their dependent care responsibilities while performing official duties. While performing official duties, teleworkers are expected to arrange for dependent care just as they would if they were working in the office.

14. Depending upon available office space, teleworking employees may not have an assigned office or cubicle space for their individual use at the official headquarters. Instead, cubicles and private offices may have multiple owners that occupy them at different times, or unassigned offices and cubicles may be available for temporary use on a first come, first served basis.

15. Teleworking employees who are unable to perform work at the alternative worksite due to circumstances beyond their control, such as a power outage or loss of internet access, must immediately notify their supervisor, who will provide guidance.

16. The Commission may end a telework arrangement if there are recurring issues at the alternative worksite that prevent the employee from effectively performing their job duties and/or maintaining satisfactory levels of work productivity.

17. Teleworking employees may not conduct in-person meetings at their personal residence. However, meetings, interviews, or mediations may be held, free of cost, at other governmental venues (Commission conference rooms, state agency facilities, county or city government offices or meeting rooms, etc., or they may be conducted via video conference medium, such as Teams, ZOOM, etc.) Any violation of this provision will result in immediate corrective action.

18. Either the employee or the Commission may end the teleworking agreement at any time with or without cause. Acceptance of a teleworking agreement does not alter an employee's at-will employment status. Acceptance of a teleworking agreement is not a contract of employment.

b. Types of Telework

1. Optional Telework

a. Optional Telework may also be referred to as a hybrid model teleworking arrangement.

b. Optional telework is an alternative work arrangement where an employee requests authorization to work away from the official headquarters on a regular basis.

c. Optional telework is available in situations in which the manager has determined that the specific position has duties that can be performed from an alternative worksite. The supervisor will determine the duties, if any, that must be performed at the official headquarters.

d. Optional telework is voluntary and must be mutually agreed upon by the employee and the Commission. Employees will not be required to telework, and supervisors are not required to allow an employee to telework. Teleworking will be considered on an individual basis, and a determination will be made as to whether the employee has met the necessary requirements and performance expectations for teleworking.

e. In such cases, the Commission will:

i. Notify the employee in writing whether the request to telework is approved or denied.

ii. Provide at least 15 calendar days' written notice of intent to cancel or modify the terms and conditions of the telework arrangements.

iii. Provide all necessary equipment to allow the employee to remotely connect and carry out the employee's job functions from the alternative worksite.

iv. An employee may request to modify or cancel the telework arrangement.

f. To be considered for a teleworking arrangement, the employee must meet the following requirements:

i. Attendance: Employee must have an above satisfactory attendance record.

Frequent tardiness and absenteeism are unacceptable.

ii. Disciplinary Actions: Employee must have no unresolved verbal or written disciplinary actions relating to job performance and/or behavior; consideration will also be given to disciplinary action that occurred before the previous 12-month period.

iii. Performance Evaluation: Employee's most current performance evaluation must meet performance expectations in all areas.

iv. Consistent Performance: Employee must have displayed a consistent ability to meet performance expectations.

v. Alternative Work Site: Employee must have completed and signed the Alternative Work Site Checklist and attested that the space is a safe and adequate environment for performing his or her job.

g. Successful optional teleworking arrangements require the following:

i. Quality of Work: The employee must maintain a high-quality level of work in completing job assignments and engaging in job responsibilities.

ii. Timeliness: The employee must submit all work assignments in a timely fashion and is required to meet all work deadlines.

iii. Compliance: The employee must comply with State laws, agency rules, and Commission policies and procedures at all times.

iv. Customer Service: The employee must maintain a high level of customer service when dealing with internal and external Commission customers. Prompt return of emails, voicemails, and other correspondence is required.

v. Teamwork: The employee must maintain a productive working relationship with his or her co-workers. The employee is required to attend meetings and participate in other office activities (trainings, retreats, events, etc.) as directed by the supervisor or Executive Director.

vi. Effective Communications: The employee is required to effectively communicate with other Commission staff. Extra effort to achieve effective communication may be needed to ensure that information is transferred efficiently and appropriately.

vii. Attendance: The employee must be available by telephone or electronic means during his or her established work schedules or be on approved leave.

3. Temporary Telework

a. Temporary telework is an alternative work arrangement in which an employee is directed to telework in response to circumstances affecting Commission business operations or is permitted to telework to meet the employee's temporary need.

b. A temporary telework arrangement will last no more than one calendar month unless extended by the manager.

c. In such cases, the Commission will:

i. Notify the employee in writing of the intent to permit or require telework on a

temporary basis.

- ii. Provide at least 15 calendar days' written notice of intent to cancel or modify the terms and conditions of the telework arrangement.
- iii. Provide all necessary equipment to allow the employee to remotely connect and carry out the employee's job functions from the alternative worksite.

c. Telework Agreement

1. A telework agreement must be completed for all Optional telework arrangements. Temporary Telework does not require completion of the Commission's Telework Agreement, unless extended by the section manager.
2. Telework agreements must be signed by the employee and approved by the employee's supervisor and manager, Human Resources, ITS, and the Executive Director before the teleworking arrangement begins.
3. Any proposed change to the alternative worksite location requires approval of the supervisor and second-level manager.
4. The Commission may cancel a Teleworking Agreement at any time if it is determined that continuing the teleworking arrangement is not productive, efficient, or in the best interests of the Commission or the state.
5. The supervisor must notify the Human Resources office, in writing, of any changes to or cancellation of the teleworking agreement. Human Resources will then notify ITS if there is any change(s) in IT technology equipment logistics.
6. Each Teleworking Agreement shall be in effect until amended, cancelled, or terminated. The Commission will provide at least 15 days' written notice of intent to cancel or modify the terms and conditions of the telework arrangements.

d. Teleworking Work Plan

1. A Teleworking Work Plan must be included as part of the Teleworking Agreement.
2. All Work Plans must include, at a minimum, the following:
 - a. Established performance standards that ensure that teleworker maintains satisfactory performance levels.
 - b. Established workdays and hours.
 - c. Explanation as to how attendance and leave records will be maintained and verified.
 - d. Explanation as to how the supervisor will monitor the productivity of the teleworker to ensure that the work output remains at a satisfactory level and that the duties and responsibilities of the position remain suitable for a telework arrangement.
 - e. Explanation as to how work products and outputs will be monitored, reviewed, and evaluated; and the establishment of criteria for evaluating the teleworker's performance.

e. Alternative Work Site Requirements

1. The Commission will not be responsible for the cost of utilities at the alternative work site. The employee is responsible for any insurance and individual tax implications of teleworking.
2. Teleworking employees are responsible for purchasing Internet services for use at their alternative worksite. For performance purposes, the use of high-speed or broadband Internet access is strongly recommended when accessing the Commission networks through the Virtual Private Network (VPN) software. The Commission will not provide or reimburse for this service. The Commission does not provide or support wireless service (or required equipment)

- at employees' alternative worksites; however, ITS will provide reasonable assistance with access and troubleshooting pertaining to State issued equipment, as most feasibly possible.
3. Teleworking employees are responsible for the expense of making their own copies. Copies may be printed in the Tallahassee office, if preferred.
 4. The Commission will provide all necessary equipment to allow the employee to remotely connect and carry out job functions from the alternative worksite. The equipment provided remains the property of the Commission, is subject to the same policies as similar equipment located at the official headquarters and must be returned in good condition immediately upon request or at termination. The Commission will not provide printers, fax machines, or copy machines for the alternative worksite. The ITS Unit will not provide setup, repair, or troubleshooting services at the alternative work site. ITS or its associated vendors will offer remote assistance. The ITS Unit is available to assist teleworking employees and, if possible, provide services by remote access. Some repairs and maintenance may require that the equipment be brought into the official headquarters. When this occurs, ITS will attempt to provide loaner or replacement equipment, depending upon availability, or the length of service estimated for repair. The Commission will not cover the cost of repair or maintenance of the teleworking employee's personal home office equipment. The supervisor and ITS will agree upon the equipment that will be used by the employee while teleworking. Commission equipment at the alternative worksite may not be used for personal business or by anyone other than the employee. For security purposes, access to the state MRN, NWRDC affiliated, and Commission computer networks (other than e-mail or Office 365) is restricted to Commission-owned computer equipment with VPN software installed by the ITS Unit.
 5. The Commission has established security controls and conditions for use of state-owned equipment. Teleworking employees must apply approved safeguards to ensure that state-owned equipment is adequately protected. All official state records, files, and documents must also be protected from unauthorized disclosure or damage and returned safely to the official headquarters.
 6. State equipment may be relocated to the alternative worksite under any of the following conditions:
 - a. The employee's current equipment is not needed at the official headquarters and can be relocated to the alternative worksite. Having a dual setup of equipment requires approval by the employee's supervisor, Budget Director, and ITS as to the current feasibility.
 - b. The employee's current equipment is portable and can easily be moved to and from the official headquarters to the alternative worksite. Laptop computers are considered the most advantageous for telecommuters due to their ease of operation and portability.
 - c. The Commission has additional and suitable equipment that is available for the teleworking employee.
 7. The employee agrees to only work from the alternative worksite identified on the signed Property Form unless the supervisor and second-level manager approve of the movement.
 - a. Changes to the alternative worksite location of 14 days or less require approval by email from the supervisor and second-level manager. The supervisor shall maintain the emails documenting the temporary alternative worksite, as well as the beginning and ending dates. The original Property Form (alternative worksite address) will remain in effect, and the property must be returned to the original alternative worksite at the conclusion of the temporary period.
 - b. Changes to the alternative worksite location of more than 14 days will require approval of the supervisor and second-level manager, as well as submission of a new Property

Form to Operations.

8. Employees are required to immediately report any loss, theft, or damage to Commission owned equipment to their supervisor, the ITS Unit, and Budget Unit.
9. Cell phones may be issued to teleworking employees in certain situations. Voicemail is required and must be managed as instructed by the employee's supervisor. All employees assigned a cell phone must complete a monthly acknowledgement indicating whether there were any personal calls made with the Commission-issued cell phone.
10. Teleworking employees will verify, in writing (see Alternative Work Site Checklist), that their alternative worksite provides a workspace that is free of safety and fire hazards. The employee must agree that that State of Florida will not be held responsible for any claims, excluding worker's compensation claims, which result from working at the alternative work site.
11. The employee will report work-related injuries to the supervisor at the earliest reasonable opportunity, in compliance with Commission practices.
12. The Commission reserves the right to inspect the home office, with adequate notice, for purposes of assessing safety and security. Visits must be scheduled in advance during normal business hours. The employee agrees to implement any modifications the Commission deems necessary for safety and/or security purposes.
13. Upon termination of an employee's Teleworking Agreement and/or employment, the employee will be responsible for returning all equipment, state records, files, and documents to the official headquarters. Employees living within 90 miles of official headquarters will deliver such items to their supervisor at the official headquarters on their last day of employment. Employees living more than 90 miles from the official headquarters may ship such items and the shipping costs will be the responsibility of the Commission (Operations will provide instructions to the Employee for packing/shipping items to the Commission). For instances involving damaged, lost, or stolen equipment, please refer to the Commission's Asset Management and Technology Policies and Procedures.

f. Security

1. Teleworkers must remain compliant with the agreed-upon FCHR Acceptable Use Policy and Data Security Agreement. The teleworking employee is also required to complete Security Awareness Training and attend other security courses, as deemed necessary. Any remote connection (i.e., hotspot, ethernet, etc.) that is configured to access the State MFN, NWRDC and Commission network resources must adhere to the authentication requirements of the State MFN, NWRDC and Commission ITS Unit as per the Acceptable Use Policy, Data Management Agreement, and any other established State Rules and Statutes related to Security or IT. All hardware security configurations (personal or agency-owned) penetrating the Commission's networks (prior mentioned) must be approved by the ITS Unit.
2. The teleworking employee also agrees to and accepts that his or her access and connection to State MFN, NWRDC, and Commission networks and systems may be monitored to record dates, times, duration of access, etc. The state IT organization or ITS can stop the teleworking employee's VPN or network access should the geo-location, network or Internet provider be considered a threat to the state MFN, NWRDC, and Commission networks. The federal and state cybersecurity IT organizations (e.g., FBI, CISA, MIS-ISAC, FDLE, State Designated IT organization, among other governmental enforcement agencies) can be used to provide evidence for this action. The teleworking employee can verify their location and connection information with ITS

prior to this use. This monitoring also identifies unusual usage patterns or other suspicious activity as per the FCHR Acceptable Use Policy and Data Management Agreements and can be referred to the Cybersecurity Incident Response Team (CSIRT) to investigate along-side ITS and other law enforcement, as necessary. The CSIRT is required by all agencies to exist for this purpose. *Refer to section f. 3.*

3. The CSIRT is the security governance body created in Rule 60GG-2.005 under the Respond section for which is charged to escalate security incidences or breaches to their respective and appropriate levels or agencies either in the Commission building(s) or through telework user remote access to Commission networks. The agency agrees to abide by the Statutes and Rules for security purposes
4. The ITS Unit and designated software and hardware vendors (*e.g.*, Microsoft, Actionstep, Dell, Lenovo, etc.) will access teleworking (remote) staff's computers to manage updates and other necessary changes or fixes.
5. The remote access user also agrees to immediately report to their supervisor and the ITS Unit via the IT Helpdesk or via email at ITS.helpdesk@fchr.myflorida.com any incident or suspected incidents of unauthorized access and/or disclosure of agency resources, databases, networks, etc. The CSIRT and ITS Unit, in collaboration with the Executive Director, may agree to suspend access for the above and other security reasons.

This policy is effective April 4, 2022, unless superseded, voided and/or altered in whole or part by the Executive Director.

Historical Reference: c.04-03-2008;m.03-17-10;m.7-8-13;m.1-9-14;m.4-4-22

FORMS Referenced herein:



FCHR Teleworking Agreement Blank



FCHR Temporary FoTeleworking



FCHR Teleworking Agreement



FCHR Property Move Form (Telework)