



# **Michael Watson**

## **SECRETARY OF STATE**

### **Agency Telework Policy**

#### **1. POLICY STATEMENT**

It is the policy of the Mississippi Secretary of State's Office ("SOS") to allow employees to telework when opportunities exist for improved employee performance, during health-related emergencies or circumstances, and during periods when an employee's primary location of employment is not physically accessible. The SOS telework policy creates no employee rights in relation to telework and is being established as a mechanism to meet the needs of the SOS in the event that telework becomes a necessary tool. This policy is created to ensure effective internal controls and consistency for employees of SOS assigned to telework at an approved alternative worksite.

#### **2. PURPOSE**

2.1. Teleworking is an assignment that allows eligible SOS employees to work in a designated area outside the office and is defined in Section 25-1-98 of the Mississippi Code as "a work flexibility arrangement under which an employee performs the duties, responsibilities, or other authorized activities from an approved worksite other than the location from which the employee would otherwise work."

2.2. Teleworking benefits to employees, departments and the community can include:

2.2.1. Ability to function when the regular worksite is inaccessible;

2.2.2. Continuity of operations;

2.2.3. Efficient use of agency resources, including office space;

2.2.4. Recruitment and retention of highly qualified employees;

2.2.5. Greater flexibility for employees and departments.

#### **3. SCOPE AND APPROVAL**

3.1 This policy applies to all Secretary of State offices, departments, divisions, and employees. **The scope of implementing this policy will be directed by the Secretary of State or his designee, the Chief of Staff ("Secretary") and communicated to staff by**

the Human Resources Division or through the appropriate Assistant Secretary of State/Division Director (“ASOS/DD”) or his/her designee.

- 3.2 **Telework can only be authorized and approved by the Secretary.** All requests for telework approval will be routed through the appropriate supervisor channels. As the approving authority, the Secretary, in consultation with the pertinent ASOS/DD, will evaluate all requests for telework based on available information relating to:

3.2.1 Needs of the agency;

3.2.2 Circumstances surrounding the employee or the division requesting telework;

3.2.3 The employee/division’s work shall be of a nature where face-to-face interaction is minimal or may be scheduled to permit teleworking;

3.2.4 Direction and guidance from governmental authorities;

3.2.5 The health and safety of the personnel;

3.2.6 The ability to execute required functions;

3.2.7 Changes in threat advisories;

3.2.8 Intelligence reports;

3.2.9 The potential or actual effects on communication systems, information systems, SOS facilities, and other necessary agency equipment;

3.2.10 The expected duration of the emergency situation; and

3.2.11 Any other information that may impact the ability of the SOS to perform its statutory duties and responsibilities.

- 3.3 Teleworking is not:

3.3.1. Suitable for all employees and/or positions;

3.3.2. An employee right;

3.3.3. Intended to change the job duties, obligations, responsibilities, or terms and conditions of SOS employment;

3.3.4 Intended to serve as a substitute or replacement for permanent child or adult care. If children or adults in need of primary care are in the alternate work location during employees' work hours, some other individual must be present to provide the care;

3.3.5. Intended to be used in place of paid time off/personal leave/sick leave.

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 Secretary. All SOS employees who telework shall have an approved telework assignment under this policy. SOS divisions may have supplemental telework requirements, guidelines, or procedures, if necessary, provided they are consistent with this policy and have been approved by the Secretary.

4.2. Teleworking does not change the job duties, obligations, responsibilities, or terms and conditions of SOS employment. Teleworking employees must comply with all SOS rules, policies, practices, and instructions. The ASOS/DD or his/her designee shall continually assess whether an employee's telework assignment is effective and accomplishing the responsibilities and mission of his/her division.

4.3. A teleworker must have a knowledge of his/her required job functions and performance expectations and be an organized, highly disciplined, conscientious self-starter who needs little supervision. Each teleworker must independently set priorities, efficiently manage time, and effectively communicate with supervisors, co-workers, and others, while consistently maintaining high performance ratings.

4.4. An employee approved to telework may request a modification to his/her telework assignment, but any modification to the assignment is at the sole discretion of the Secretary upon consultation with the employee's respective ASOS/DD. If notified that an employee's telework assignment has been terminated, the employee shall comply with applicable directives concerning reporting to the workplace. Failure to do so may result in disciplinary action.

4.5. A telework assignment is intended to be cost neutral to SOS. The SOS is not required to provide teleworking employees with equipment 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.). In addition, SOS will not assume responsibility for the cost of personal equipment, repair, or service, home maintenance, or other costs incurred by employees for the use of their homes as telework locations. SOS may provide, in its discretion, office supplies limited to basic supplies, such as paper, pencils/pens, highlighters, post-it notes, paperclips, and folders. Otherwise, employees are expected to furnish their own office space and other supplies.

4.6. The ASOS/DD or his/her designee, upon approval of the Secretary, has the discretion to provide equipment, software, or supplies, or allow employees to use their personal devices and equipment while teleworking. In that event, the ASOS/DD or his/her designee providing equipment, software, or other supplies to teleworking employees must reasonably allocate those resources based on operational and workload

needs. The use of any SOS-issued equipment, such as laptops, Wi-Fi devices and Virtual Private Network (VPN) access, is strictly limited to performing SOS business functions.

4.7. All SOS 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 SOS-provided or personal equipment. Failure to comply with SOS policies, procedures, and rules may result in termination of the telework assignment and/or disciplinary action.

4.8. The Secretary may waive the requirements of this policy as determined necessary to meet business needs.

## **5. PROGRAM GUIDELINES**

5.1. Eligibility for teleworking is based on both the position and the employee. Telework suitability depends on specific job duties and not the job title. Because there are no hard and fast criteria, the pertinent ASOS/DD must consider specific positions and duties on a case-by-case basis when making his/her recommendations of telework-eligible employees to the Secretary. Factors to consider can include, but are not 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.

5.3. An employee's telework assignment may be revised or terminated at the sole discretion of the Secretary after consultation with the pertinent ASOS/DD.

## **6. WORK HOURS**

6.1. Each ASOS/DD or his/her designee is responsible for developing division employee telework assignments, performance and communications expectations, and work schedule. Telework schedules should parallel normal SOS working hours (Monday-Friday, 8:00 a.m.-5:00 p.m., including a lunch hour). However, telework schedules can differ to meet the needs of SOS and the employees' needs upon approval of the Secretary after consultation with the pertinent ASOS/DD. Any deviations from the approved teleworking assignment must be pre-approved by the Secretary after consultation with the pertinent ASOS/DD.

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

6.3. Employees are required to submit only the "actual hours (tele)worked" and not perform personal business during hours agreed upon as work hours.

6.4. Employees shall work overtime, as authorized in the SOS policy regarding overtime hours, only when directed to do so and when pre-approved in advance by the ASOS/DD or his/her designee.

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

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

6.7. Employees approved for teleworking shall report to the worksite when directed by his or her supervisor. Failure to do so may result in termination of the telework assignment and/or disciplinary action.

## **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.

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 ASOS/DD or his/her designee.

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

7.5. Employees that telework will not be paid for time or mileage involved in travel between the telework-site and the primary worksite.

## **8. EQUIPMENT AND SUPPLIES**

8.1. An employee approved for teleworking shall communicate with SOS 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. To the extent possible, teleworking may 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 Secretary upon consultation with the pertinent ASOS/DD or his/her designee.

8.3. In the event that an ASOS/DD or his/her 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 ASOS/DD or his/her designee must do the following:

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

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

8.4. The ASOS/DD or his/her designee must notify the SOS 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 of who will have possession of the equipment, and physical location of the equipment.

8.5. All equipment, software, and/or supplies provided by the SOS 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 SOS equipment, software, and supplies at the conclusion of the telework assignment or at the direction of the ASOS/DD.

8.7. A teleworking employee shall take reasonable measures to protect SOS 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 SOS and state property/equipment regulations.

8.8. Any equipment, software files, and/or databases provided by SOS shall remain the property of the SOS.

8.9. A teleworking employee shall adhere to all software copyright laws and may not make unauthorized copies of any SOS-owned software.

8.10. Employees may not add hardware or software to any SOS equipment without prior written approval from the Secretary upon consultation with the SOS Technology Services Division.

8.11. A teleworking employee, who uses personal equipment for teleworking, is responsible for the installation, repair, and maintenance of the equipment. Employee understands and acknowledges that SOS assumes no responsibility for any damage to, wear, or loss of the employee's personal property.

8.12. A teleworking employee shall immediately contact his/her supervisor if equipment, connectivity, and/or other supply problems prevent them from working. In the event that a teleworking employee is prevented from telework due to equipment issues, the employee shall immediately consult with the pertinent ASOS/DD or his/her designee regarding a return to the normal worksite.

## **9. SECURITY AND CONFIDENTIAL INFORMATION**

9.1. All files, records, papers, and/or other materials created while teleworking is SOS property and designated SOS 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 SOS officials when access to such personal equipment is required. Teleworking employees and the pertinent ASOS/DD or his/her designee shall identify any confidential, privileged, private, personal information, and/or records to be accessed and ensure appropriate safeguards are used to protect them. The ASOS/DD or his/her designee should require employees to work in private locations when handling confidential, privileged and/or sensitive

information. The ASOS/DD or his/her designee may prohibit employees from printing confidential information in teleworking locations to avoid breaches of confidentiality.

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

## **10. MISSISSIPPI PUBLIC RECORDS 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 SOS. Public records include all information relating to the conduct of SOS business regardless of where the information is stored. Upon receipt of a request for access to information relating to SOS business, a teleworking employee must permit inspection and examination of any information in the employee's custody that relates to SOS business as directed by the ASOS/DD or his/her designee. This requirement exists regardless of where the public record is located. Records created during teleworking are subject to all applicable record retention laws and SOS 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. Applicable Virtual Private Network (VPN) security agreement;

11.1.3. Applicable SOS Property Office form(s).

## **12. POLICY ADMINISTRATION**

**Department:** Human Resources Division

**Contact:** Lauren Armstrong, Chief Administrative Officer

**Contact Information:** [lauren.armstrong@sos.ms.gov](mailto:lauren.armstrong@sos.ms.gov)