

# Department of Financial Services

## Administrative Policies and Procedures

**Title:** Telework  
**Number:** 5-29  
**Owner:** Division of Administration, Bureau of Human Resource Management  
**Effective Date:** June 28, 2021  
**Approved By:** Chief of Staff

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### I. TITLE

Telework

### II. AUTHORITY AND REFERENCES

- A. Florida Statutes: Section 110.171, Section 112.061(4), Chapter 440
- B. Florida Administrative Code: Rule 60L-36
- C. Administrative Policies and Procedures (AP&P): 2-05, 3-04, 4-03, 5-02, 5-12, 5-18, 5-26

### III. PURPOSE

The purpose of this policy is to outline the requirements necessary to implement Section 110.171 (State Employee Telework Program), provide the framework to determine whether a position is appropriate and eligible for Telework, and to establish requirements and procedures for a Department employee to participate in the Telework program.

### IV. STATEMENT OF POLICY

The Department supports Telework when appropriate and recognizes that, when properly implemented, Telework can improve performance, assist in recruitment and retention of critical employees, reduce employee turnover, improve morale, and result in a cost savings through a reduction in leased office space and office energy use. The Department also recognizes that the job duties and responsibilities of certain positions do not lend themselves to a telework option.

### V. DEFINITIONS

- A. Department: For purposes of this AP&P, this policy applies to the Department of Financial Services.
- B. Telework: A work arrangement that allows an employee to conduct all or some duties and responsibilities away from their assigned Department-issued workspace during all or a portion of the employee's established work hours on a regular basis. The term "Telework" is considered to be synonymous with "telecommuting". The term "Telework" does not include, and a Telework Agreement is not required for:
  - 1. Performance of required work duties on an occasional basis, and which are away from the Department-issued workspace or outside of established work hours. These arrangements may be approved by the supervisor or manager to accommodate extenuating circumstances by allowing an employee to maintain productivity away from their Department-issued workspace. Such off-site work should not be performed on a routine basis and should not exceed more than a few hours.

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2. Duties and responsibilities that, by their nature, are routinely performed in the field, away from the employee's Department-issued workspace.

C. Telework Agreement: A document that establishes the rules and responsibilities associated with an employee's ability to Telework.

### VI. PROCEDURES

#### A. Evaluating Positions Eligible for Telework

1. When evaluating whether a position is eligible for telework, it is inappropriate to consider the suitability of a specific employee that does or may later occupy the position. This evaluation will be based exclusively on the functions of the position.
2. Basic considerations will include, but not be limited to:
  - a. Whether the job requirements accommodate working away from the normal work site on a regularly scheduled basis;
  - b. Whether necessary contact with other employees and customers is predictable (and therefore, manageable);
  - c. Whether there are identifiable portions of the job which can effectively be performed away from the normal work site;
  - d. Whether the job duties can be accomplished at a comparable level at an alternate work site; and
  - e. Whether the Division or Office is able to monitor job performance and successful completion of job duties.
3. Positions at a Bureau Chief (or equivalent) level, or higher, are not eligible for Telework unless approved by their respective Deputy Chief Financial Officer (or equivalent).
4. The determination of a position's eligibility for Telework will require a Division Director (or equivalent) to provide their respective Deputy Chief Financial Officer (DCFO) with a supporting proposal for review and approval by the DCFO.
5. If approved by the DCFO, the Division will update the position description, and submit to the Bureau of Human Resource Management (BHRM).

#### B. Determining an Employee's Eligibility for Telework

1. In assessing an employee's eligibility for Telework, the Department will consider the employee's knowledge, skills, and capabilities (including any performance weaknesses) to evaluate whether they can effectively perform their job duties while Teleworking. Factors that will be considered are:
  - a. Ability to work independently;
  - b. Comfort level with required technology;
  - c. Past performance levels;

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- d. Ability to communicate successfully with other parties;
  - e. Reliable internet connectivity and telephone service at Telework location;
  - f. Dependability and trustworthiness; and
  - g. Level of self-motivation and self-direction.
- C. Telework Agreement – Prior to an employee beginning Telework, the employee and supervisor must complete a Telework Agreement (DFS-C2-1950). This form must be provided to the BHRM, which is responsible for the overall coordination and maintenance of correspondence and documents associated with Telework. The Telework Agreement, which will be maintained in the employee’s official personnel file, must include at a minimum:
1. The established workdays and normal work hours;
  2. A specific description of the task(s) and duty(ies) to be performed;
  3. An explanation as to how supervision will be provided;
  4. An explanation as to how work products and outputs will be monitored and reviewed;
  5. An explanation as to how attendance and leave records will be maintained and processed;
  6. A maximum response time for the employee to report to their Department-issued workspace if requested by a supervisor;
  7. Details (physical address, phone number, point of contact) related to the employee’s Telework location;
  8. An acknowledgement by the employee that the employee’s productivity and performance during established work hours will be monitored, using all resources available to the Department;
  9. An acknowledgment that secondary employment under a Telework Agreement cannot be performed during work hours or using state resources (unless the use of state resources is expressly permitted by Division or Department policy; e.g., limited use of law enforcement equipment in approved secondary employment);
  10. An explanation of how to resolve emergency situations (e.g., power outages and inability to perform functions at the telework location); and
  11. A specific description of how technology requirements will be met at the Telework location.

### VII. EQUIPMENT UTILIZED FOR TELEWORKING

- A. The Department may, but is not required, to provide equipment for Telework. The Department will not cover the cost of repair or maintenance of the Teleworker’s personal equipment.

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- B. The supervisor and employee must agree upon the equipment to be used in Telework prior to approval. Subject to the supervisor's approval, state-owned equipment may be used for Teleworking if:
  - 1. The employee's present equipment is not needed at the office and can easily be moved;
  - 2. The employee's present equipment is portable and can easily be moved; or
  - 3. The Department has additional equipment, suitable for Telework, and available for use by a Teleworker.
  
- C. The Department and the employee will follow security controls as outlined in AP&Ps 4-03 and 4-04. The Telework employee must apply all approved safeguards to protect state-owned equipment and supplies. All official state records, files, and documents must be protected from unauthorized disclosure or damage and returned safely to the office once the Telework Agreement is no longer in effect.
  
- D. Teleworkers must maintain a home internet service with sufficient upload and download speeds capable of supporting all required job duties and responsibilities. Teleworking employees will be responsible for using personal leave in the event of a service interruption, power outage, or if there is no remote work available. The Department will not provide or reimburse the cost of any equipment, installation fees, or monthly service charges for Teleworkers to have the required internet connectivity.

### **VIII. DUTIES AND RESPONSIBILITIES**

- A. Teleworkers will be compensated in accordance with applicable laws, rules, policies and procedures, including AP&P 5-12, for all pay, attendance and leave, and overtime as if duties were being performed at the Department-issued workspace. An employee shall not perform Telework if on approved personal leave. Overtime shall not be worked unless authorized in advance by the supervisor.
  
- B. Teleworkers will be compensated in accordance with applicable laws, rules, policies and procedures for travel, based on the employee using their approved Telework location as the official work site, as noted in Section 112.061(4). The employee's Telework location, as identified in the Telework Agreement, is considered the approved Telework office location.
  
- C. Teleworkers shall verify in writing that their Telework location provides workspace that is free of safety and fire hazards and shall agree that they will hold the State of Florida harmless against any and all claims, excluding workers' compensation claims, that result from working at the Telework location. Teleworkers are covered by Chapter 440, concerning workers' compensation, when performing official duties at an approved

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telework location, to the extent such coverage is provided by that Chapter. The employee agrees to maintain a safe remote working environment. The Department may, after giving the employee 24 hours advance notice, inspect the employee's Telework space to ensure the space is conducive to Telework.

- D. Telework will not adversely affect an employee's eligibility for advancement (although the position or advancement sought may not be eligible for Telework) or any other employee right or benefit.
- E. Employees on a Performance Improvement Plan (PIP) are not eligible for Telework.
- F. Department employees engaged in Telework shall not conduct in-person state business at their Telework location.
- G. The Telework Agreement may be suspended, terminated, or modified, temporarily or permanently, at the Department's sole discretion. Supervisors are required to consult with the Bureau of Human Resource Management prior to suspending, terminating, or modifying a Telework Agreement.
- H. Telework is not to be utilized while providing care for others at home or conducting other non-Department work activities, such as secondary employment.
- I. Notice that a Telework Agreement will be suspended, terminated, or modified will be provided by the Department consistent with the requirements set forth in Section 110.171.

### **IX. VIOLATIONS**

Violations of this AP&P may result in disciplinary action in accordance with Rule 60L-36 and AP&P 5-26.