



**DEPARTMENT OF PUBLIC SAFETY
POLICIES & PROCEDURES**



POLICY NUMBER	
ADM: 51	
EFFECTIVE DATE: 10/24/2008	ORIGINAL ISSUED ON: 10/24/2008
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SUBJECT: TELEWORK PROGRAM

1.0 PURPOSE

The purpose of this policy is to define the telework program and the guidelines and rules under which it will operate.

2.0 POLICY

It is the policy of the Department of Public Safety (DPS) to allow teleworking where there are tangible benefits to the agency or state and transparent service delivery to the citizens of New Mexico. Telework is entirely voluntary and not an employee right. The employee, supervisor or manager may terminate teleworking with or without cause. Termination by the Department is a non-grievable issue. All applicable Department policies shall be adhered to by the teleworking employee as if working in the usual and customary workplace.

3.0 APPLICABILITY

This policy is applicable to all non-commissioned employees of the DPS. Classified permanent and term employees become eligible once they have completed the applicable probationary period.

Nothing in this policy is intended to supersede or override any terms or conditions of the Collective Bargaining Agreement.

4.0 REFERENCES

- A. Executive Order 2008-028
- B. New Mexico State Personnel Board Rules

5.0 DEFINITIONS

- A. **Agency** – Department of Public Safety
- B. **Alternative Workplace** – A workplace other than the employee’s usual and customary.
- C. **DPS Facility** – A fixed site which is owned, leased or where DPS employees work on a consistent basis. Example – Special Investigations Division offices in Albuquerque.
- D. **Eligible Employee** – An employee, in an eligible position, who has been identified by the employee’s supervisor as satisfactorily meeting performance standards, terms, and conditions of employment of their position.
- E. **Eligible Position** – A position having measureable quantitative or qualitative results-oriented standards of performance that is structured to be performed independently of others and with minimal need for support and can be scheduled at least one day a pay period to participate in teleworking without impacting service quality or organizational operations. The eligibility of a position may change depending on circumstances.
- F. **Primary Workplace** – The teleworker’s usual and customary workplace.

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G. Telework – To work from an office significantly nearer to the employee's home than the employee's principle place of employment, resulting in a reduced commute by the employee.

H. Telework Program Coordinator(s) - Person(s) designated by the Department who is responsible for the day-to-day coordination and management of the Telework Program. The coordinator(s) will oversee the teleworking program including compliance with policies, procedures, and guidelines and will report the results of telework in the Department to the State Personnel Office, Human Resource Manager, assigned to the Department.

I. Teleworker – An employee, who for at least one or more days in a particular pay period works at an alternate workplace, to produce an agreed upon work product.

Regular Teleworker – An employee, who with the approval of his or her supervisor, is scheduled to telework on the same day or days every week on a consistent basis.

Occasional Teleworker – An employee who, with the approval of his/her supervisor, teleworks on an infrequent basis.

J. Teleworking Agreement – The signed document that outlines the agreement between the agency and the employee regarding the teleworking arrangement.

6.0 PROCEDURE

A. Eligibility Criteria

1. Eligible Position Criteria: A position having measurable quantitative or qualitative results-oriented standards of performance that is structured to be performed independently of others and with minimal need for support.
2. Eligible Employee Criteria – Before an employee may be considered to be eligible for teleworking, he/she must meet the following criteria:
 - a. Satisfactorily meet performance standards, terms and conditions of employment for their position.
 - b. Satisfactorily completed probationary period.
 - c. Must have accrued at least 40 hours of annual leave at the time a request for teleworking is made.
 - d. No disciplinary actions pending or on file for one year from the time a request for teleworking is made.
3. Each request to telework will be considered in relation to the agency's operating and customer needs.

B. Alternate Workplace Criteria

1. Only DPS facilities will be eligible to be considered for alternate workplaces.
2. Alternate workplaces shall be safe and conducive toward work.
3. Alternate workplaces shall be properly equipped in order for the teleworker to perform his/her duties as agreed upon in the Telework Agreement.
4. The alternate workplace must be authorized by the district/section/bureau/division commander/chief or his/her designee.
5. The alternate workplace must not interfere with the normal operation of the facility.

C. Procedure for Requesting Telework

1. The eligible employee shall complete the following documents and submit through the appropriate chain of command to the cabinet secretary. Should the employee's position cross the Law Enforcement Program, Administrative Services Program, the Information Technology Program or the Technical Support Programs, then the request must be sent through both deputy secretaries to the cabinet secretary.
 - a. Request for Telework Approval Form
 - b. Workplace Self-Certificate Form
 1. The district/section/bureau/division commander/chief or his/her designee must authorize the workplace on the Workplace Self-Certificate Form.
 2. The authorization shall be based on the workplace meeting the above-listed criteria.
 - c. Telework Self-Assessment Form
 1. New Mexico State Personnel Board Teleworking Agreement (Form SPO-2008-028-005)
 2. Employees must complete the form located on the State Personnel Board website.
 - d. Telework Agreement Form
 1. The Telework Agreement Form shall be completed by the employee and his/her supervisor.
 2. The Telework Agreement Form shall describe the following, as agreed upon between the employee and his/her supervisor:
 - a. Clear accountability measures to ensure that productivity levels and citizens' services are not compromised.
 - b. Clearly defined procedure for the employee to follow in keeping in contact with customers (if applicable), supervisor, office, and co-workers.
2. Once the cabinet secretary approves the request, the packet of forms will be returned to the employee who will file a copy with his/her district/section/bureau/division commander/chief as well as forwarding a copy to the Telework Coordinator(s).
3. In extenuating circumstances, the cabinet secretary, at his/her discretion, may grant an employee an exception to this policy if the supervisor recommends an exception, the quality and quantity of the employee's work does not decline, and if the exception will not cause a disruption to the productivity, customer service, and work flow of the Department.

D. Renewal / Amendment of Telework Agreement

1. The Telework Agreement must be renewed under the following conditions, including but not limited to:
 - a. The Telework Agreement must be discussed and renewed at least annually, preferably in conjunction with the employee's evaluation;
 - b. Whenever there is a change in duties performed by the employee;

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- c. Whenever the teleworker changes positions;
 - d. Whenever the demands of the Department change;
 - e. Whenever the approving supervisor changes positions; or
 - f. Whenever there is a change to the initial or subsequent Telework Agreement.
2. Any amendment to the teleworking agreement must be documented on a revised Teleworking Agreement Form and submitted through the chain of command to the cabinet secretary for approval. The amendment documentation will be stored in the same manner as the initial agreement.

E. Telework Equipment and Expenses

1. Provision of state equipment for an employee's alternate workplace is at the sole discretion of the Department and may be revoked at any time and for any reason.
2. Employees may obtain such office equipment and supplies as necessary to complete their job function at the alternate workplace. These supplies will be obtained from the primary workplace as agreed upon by the employee's supervisor.
3. Mileage between the home and the employee's alternate workplace shall be considered commute mileage and not subject to reimbursement.

F. Telework Security

1. The teleworker is responsible for maintaining confidentiality and security at the alternate workplace, as the teleworker would at the primary workplace.
2. The teleworker must protect the security and integrity of data, information, paper files, and access to agency computer systems.
3. State and Department Information Technology policies and Internet Technology use policies apply to teleworking, as they would in the primary workplace.
4. Any potential teleworking security concerns should be addressed during completion of the Teleworking Agreement.

G. Telework Liability

1. The telework workplace is an extension of the Department's workspace only when used for work. Employees are therefore covered by workers' compensation if they are injured while performing work on behalf of the Department while working at the alternate workplace during teleworking hours.
2. If an injury occurs during teleworking hours, the employee shall immediately report the injury to his/her supervisor as well as the district/section/bureau/division commander/chief or his/her designee, as appropriate.
3. All pertinent Department policies shall be followed regarding workplace injuries.

H. Telework Training and Reporting

1. All telework training shall be conducted/coordinated by the Department Telework Program Coordinator(s) in conjunction with the State Personnel Office.
2. Supervisors should request any Telework program training through their chain of command to the Telework Program Coordinator(s).
3. Reporting of the Telework Program will be the responsibility of the Telework Program Coordinator as outlined by the State Personnel Office.

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7.0 ATTACHMENTS

- A. Request/Approval Flowchart
- B. Request for Telework Approval Form
- C. Workplace Self-Certificate Form
- D. Telework Self-Assessment Form
- E. Telework Agreement Form

8.0 APPROVAL

APPROVED BY: s/John Denko
DPS Cabinet Secretary

DATE: October 24, 2008