

Idaho Division of Human Resources
Executive Branch Statewide Policy
Section 7: Telecommuting
Guidance and Frequently Asked Questions

This document establishes the guidelines for effective telecommuting arrangements. The intent is to support telecommuting while ensuring a high-level of operational continuity across state agencies.

Guidance

The State of Idaho (State) may consider teleworking to be a viable alternative work arrangement in cases where individual and job characteristics are suited for such an arrangement. Teleworking allows an employee to work at an identified alternate location for all or part of their regular workweek. Teleworking is not a statewide benefit; however, it may be offered for some employees and some jobs at the discretion of the agency. Teleworking is not a term or condition of employment and teleworking arrangements are subject to review, modification, or termination at any time. Teleworkers are subject to the same policies, duties, obligations, and codes of conduct outlined in statewide policies.

The Statewide Policy can be found [here](#).

Eligibility and Applicability

Before entering into any telecommuting agreement, the employee and supervisor, with the assistance of the agency human resource department, will evaluate the suitability of such an arrangement, reviewing the following areas:

- Employee suitability – The employee and supervisor will assess the needs and work performance of the employee.
- Employees working remotely may be required to attend in-person meetings or trainings at their primary work location as necessary for the performance of their job duties.

Q: If I am already on an approved telecommuting schedule, do I need to reapply?

A: Due to the updated statewide telecommuting policy and related documents, agencies may require employees to submit a new Telecommuting Application. Regardless of if a new application is required, a signed Standards and Expectations Acknowledgement must be completed for all employees on approved telework schedules.

Q: What about occasional, temporary, or emergency telecommuting?

A: This telecommuting, known as incidental telecommuting, occurs when an employee requests to work from home due to an emergency for a few days, or on other unplanned occasions. In these instances, the employee is not required to complete a telecommuting application nor use a telecommuting time code but should still request approval from their supervisor. Should the temporary arrangement continue into a consistent pattern or practice, the employee is required to submit a formal telecommuting application for consideration.

Q: How do I know what jobs are appropriate for telework?

A: Agencies may utilize a Job Classification Assessment Tool, which is a tool to assist agencies in identifying positions that may be eligible for telecommuting. Use of the tool is optional and not required. If an agency determines a classification is eligible for telecommuting, this does not require that every person within that classification telecommute.

Q: If an employee is authorized to work remotely from one location, can they work remotely from a different location?

A: The telecommuting application shall list the location from where the employee will telework. Deviation from the application may result in a new application, and for temporary changes the employee should discuss the alternate arrangement with their supervisor.

Work Schedule

The employee and supervisor will agree on the number of days of teleworking allowed each week, the work schedule the teleworker will customarily maintain, and the manner and frequency of communication. The teleworker must be accessible by phone, email, video conferencing software (e.g., Zoom, Microsoft Teams), or instant messaging during the agreed upon work schedule as set forth in the Telecommuting Application. The teleworker may be required to work on-site or at other locations on certain days, as business needs dictate.

Time Reporting

Teleworkers who are not exempt from the overtime requirements of the Fair Labor Standards Act (FLSA) will be required to record all hours worked in a manner designated by the agency.

The timecode **TEL** should be used when telecommuting pursuant to the statewide policy.

Teleworking and Probation

DHR recommends employees begin teleworking after successful completion of probation and an “Achieves Performance Standards” performance evaluation rating or higher. Agencies may modify this to their needs and allow employees to telework prior to completion or probation or may require a performance evaluation rating of “Solid Sustains” or higher, or other performance-based metrics. It is recommended that any employee with recent documentation to manage performance (letter of expectations, performance improvement plan, Notice of Contemplated Action, etc.) should have their telecommuting option removed, at least temporarily.

Reasonable Accommodations

Telecommuting programs are not intended to cover or substitute for other work-related situations covered by other laws, such as the Americans with Disabilities Act, the Family and Medical Leave Act, and other similar federal and state laws.

If the employee believes they have a qualifying disability that limits their ability to perform the essential functions of their position, a reasonable accommodation may be requested. Under federal law, an employee may apply to telecommute as part of a reasonable accommodation request. These requests will be reviewed and approved by DHR outside of the statewide policy.

Q: Can an employee request Reasonable Accommodation Equipment if they are approved to telework?

A: Agencies may provide/procure either new or excess equipment for alternative work locations as part of a reasonable accommodation request.

Q: How do I code my time if I am telecommuting as part of a reasonable accommodation request?

A: Employees who are telecommuting, either full-time or part-time, as part of a reasonable accommodation, should code their time the same as if they were working at their assigned work location, utilizing ACT for hours worked, and other accrued leave codes, if applicable, when they are not working.

Dependent Care

Teleworking is not a replacement for appropriate childcare, elder care, or other dependent-related arrangements during scheduled work hours. The focus of the teleworking arrangement must remain on job performance and meeting organization demands.

Q: Can I still telework if my children are at home, or I am taking care of an ill or dependent-care family member?

A: Yes. Employees may continue to telework or remote work even when they may also have dependent care responsibilities. Employees should not be engaging in dependent care activities when performing official duties and time taking care of dependents is not paid time. Agencies will continue to provide work flexibilities to support employees, including those with dependent care responsibilities.

Workers' Compensation

Teleworkers are covered by the state of Idaho's Workers' Compensation laws and rules will apply to any teleworkers and teleworkers are expected to comply with the statewide WC policy in terms of reporting incidents.

Rural Exemption

Employees who qualify for a rural exemption are eligible to telecommute but are not required to use telecommuting time codes. Eligibility for the rural exemption can be found in the statewide policy.

Q: If I am eligible for a rural exemption, am I required to telecommute?

A: No. Employees who live in rural communities are not obligated to telework.

Q: If I am eligible for a rural exemption, what time code do I use?

A: Employees who telework full-time from rural communities should code their time the same as if they were working at their assigned work location, utilizing ACT for hours worked, and other accrued leave codes, if applicable, when they are not working.

Q: How do I determine if I qualify for the rural exemption?

A: Rural exemption is determined by the distance between the employee's home address where they telework and the address of the nearest agency office location.

Field Workers

Employees whose jobs are primarily field based are not considered teleworkers.

Q: What percentage of time does an employee need to work in the field to be considered a field worker?

A: There is not a set percentage, but it should be the majority of their time and an essential part of their position. For example, if an HR employee traveled to different agencies to meet with a variety of people, that does not qualify as a field worker. However, a building inspector who travels between construction sites for most of their day would be considered a field worker.

Out-of-State Telecommuting

Out-of-state telecommuting requests must be reviewed and approved by the Division of Human Resources (DHR) Administrator and the Division of Financial Management (DFM) Administrator prior to implementation. Employees and agencies should refer to the [Out-of-State Telecommuting Guidance](#) for more information.

Q: Do I have to request out-of-state telecommuting if I only work from a different state for part of my schedule?

A: Yes. Regardless of full-time or part-time out-of-state status, the employee must follow the out-of-state requirements.

Q: What if a person was previously approved to work from a state that we are no longer approving (Oregon for example)? Is there a timeline we need to do something about that?

A: Our policy is up to date with the states that will not be approved. If you have an employee working from one of those states, please work with your Operations Bureau Chief to develop a transition plan to bring your agency into compliance with the policy.

Q: Do out of state telecommuters count against the 20%?

A: Yes.

Training

Employees must complete the required training prior to beginning a telework schedule.

Q: What if I begin telecommuting immediately upon hire?

A: If newly hired into the agency, employees who will telework must complete the required training within 30 calendar days of their start date.

Tracking and Reporting

Employees must complete the required training prior to beginning a telework schedule.

Q: How closely are we going to manage the 20%? For example, if John was supposed to be in the office today but needs to work from home, does that mean Jane, who was supposed to telecommute, must come in?

A: The intent of the statewide policy is to allow no more than 20% of an agency's workforce employees to be on a regular telecommuting schedule. The focus should be on meeting the overall intent of the policy which is the total percent you approve to be out each day.

Q: Will DHR provide reports to us?

A: Yes, DHR will run reports for your agency after payroll processing for each pay period

Q: What if my agency goes over 20% for a pay period?

A: The agency will need to identify what happened and correct it moving forward.

Q: If our agency is not affected by the 20% (we have less than that currently), do we need to do anything?

A: You will still need to have those currently telecommuting complete a new standards and expectations document (previously called an agreement). It is also recommended you discuss the policy change with your leadership team to help them understand that 20% is only part of the goal and the other goal is to ensure professionalism, customer service, promoting responsible government, and leadership standards are adhered to while working remotely. For instance, having a professional appearance/background and ensuring there are no members of the household who can be seen/heard. At a minimum, take this opportunity to reiterate the standards and expectations with your agency.