



Employment Policies for the State of North Dakota

TELEWORKING

Effective Date: 11/01/2020

OBJECTIVE

Teleworking allows team members to work at home, on the road or in a satellite location for all or part of their work week. Teleworking is a major component of the New Workplace. Teleworking does not change the terms and conditions of employment with the state of North Dakota.

THE NEW WORKPLACE

With the goals of maximizing team member flexibility and the use of off-site work locations, agency directors will work with their managers and individual team members to determine which positions would be required to work full-time or part-time in an on-site location.

The ways that Team ND can telework, and may include:

- **Home:** Work is done exclusively from home. The team member does not have a designated physical location at a state facility.
- **In Office:** Work is done exclusively from the office and the team member has their own physical location within a state facility.
- **Shared Office/Hoteling:** Work is done partly at a state facility and partly from home. The team member does not have a designated physical location within a state facility but may share or reserve workspace as needed.
- **Mobile/On the Go:** Work is carried out on mobile devices and on the move. The workplace changes frequently.

EQUIPMENT

State agencies will supply necessary equipment for the team member. State policies relating to computer hardware and software usage applies in the teleworking arrangement unless otherwise specifically authorized by the Agency director or designee.

- The team member will be allowed to use the specified equipment in the Teleworking Agreement Addendum which will be provided by the Agency.
- Any State-owned equipment remains the property of the Agency and will be returned to the Agency at termination of the Teleworking Agreement.
- The Agency will supply materials necessary to complete assigned work at the work site through the Employee's in-office visits. Team members will not be reimbursed for office supplies available through the agency.
- Necessary high-speed internet connection (Cable or DSL equivalent) will be provided by the team member for the duration of the teleworking agreement.
- Any additional or specific equipment requirements in terms of equipment will be considered by the agency on a case-by-case basis.
- Phone calls placed on behalf of the state may be placed through an approved state of North Dakota softphone or calling technology.

SECURITY

Consistent with the organization's expectations of information security for team members working at the office, telecommuting team members will be expected to ensure the protection of confidential materials and customer information accessible from their home office. Steps include the use of locked file cabinets and desks, regular password maintenance, and any other measures appropriate for the job and the environment.

SAFETY

Team members are expected to maintain their home workspace in a safe manner, free from safety hazards.



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Workers compensation coverage will be provided for the team member while in the teleworking arrangement. However, the state otherwise assumes no liability for injuries occurring to the team member in their home. The team member may not allow members of the public, vendors, or clients into their personal residence to conduct public business and is responsible for and assumes any liability for any injuries sustained by visitors to his or her work site. The team member must immediately report any accident or injury to the supervisor or designated staff member.

Teleworking team members need to follow the same agency requirements for a safe work environment with proper ergonomics.

TIME WORKED

Telecommuting team members who are covered by the overtime requirements of the Fair Labor Standards Act will be required to accurately record all hours worked using the appropriate system used by their agency. Hours worked in excess of those scheduled per day and per workweek require the advance approval of the telecommuter's supervisor. Failure to comply with this requirement may result in disciplinary action.

OTHER ITEMS

- **Inclement Weather:** If the customary work site is closed due to an emergency or inclement weather, the team member will continue to work from their remote location. If there is inclement weather or an emergency, at the remote location, the team member will notify their supervisor. Team members who are teleworking part-time will be expected to work off-site when the office is closed.
- **Travel:** Business travel is reimbursable at travel and per diem rates set forth in state fiscal policy.
- **Childcare/Eldercare:** Teleworking is not designed to be a replacement for appropriate childcare or eldercare. Although an individual team member's schedule may be modified to accommodate childcare or eldercare needs, the focus of the arrangement must remain on job performance and meeting business demands. Teleworking team members are encouraged to discuss expectations of teleworking with members of their household.
- Link to [Teleworking Guidance](#).

TELEWORKING AS AN ACCOMMODATION

When requested by a team member, teleworking may be considered as a reasonable accommodation under the Americans with Disabilities Act. "Reasonable accommodation" is any change in the work environment or in the way things are customarily done that enables an individual with a disability to apply for a job, perform a job, or gain equal access to the benefits and privileges of a job as long as the accommodation does not cause undue hardship to the agency. The agency director or designee shall initiate an interactive process with the team member to determine the type of accommodation needed. To determine if any or all job duties can be performed at home, the manager must ensure that essential functions of the position have been identified and consideration given to the feasibility of teleworking on a full-time, part-time, or intermittent basis. The division director may waive certain teleworking eligibility requirements, modify the teleworking policy, or waive or modify other workplace policies to allow a team member with a disability to work from home as a means of reasonable accommodation. Team members will not be able to telework, as an accommodation, if it prevents the team member from performing the essential functions of the job or causes undue hardship to the agency.

The agency director has the right to select the most effective accommodation even if it is not the one preferred by the team member. For additional information, see [Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act](#).