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| Office of Recovery Services Volume One: ALL Telecommuting | Policy Number | ORS 607 |
| | Issued Date | 06/27/2008 |
| | Revision Date | 10/17/2019 |
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1.0 Purpose

Telecommuting is an arrangement that the Office of Recovery Services (ORS) may choose to make available to an employee when a mutually beneficial situation exists. Telecommuting is not an employee benefit or right, but is an alternative work assignment mutually agreed to by the employee, the supervisor, and the ORS Director.

Telecommuting arrangements will be continually monitored in conjunction with performance reports. Each ORS Telecommuting Application and Agreement (form APTC) will be reviewed, and renewed if appropriate, annually at the time of the telecommuter's performance evaluation. Telecommuting work arrangements can be changed as needed by management or the agency to meet agency needs after written notice to the employee, e-mail notice to all employees, or an update to the applicable policies.

This policy is issued in conjunction with Department of Human Services (DHS) Telecommuting Policy 06-01. Because restricted information such as Federal Tax Information (FTI) might be accessed by a telecommuting employee, Internal Revenue Service (IRS) Publication 1075 is applicable, and this policy must be reviewed at least annually.

2.0 Persons Affected

All ORS employees should be familiar with this policy.

3.0 Definitions

Employee-provided costs, operating costs: the operating costs such as utilities, home maintenance, or incidental costs associated with the use of the employee's residence for which the employee is responsible.

High-speed Internet connection: an Internet connection such as Cable, DSL, or broadband. The minimum required Internet speed to telecommute is 7 megabits per second download speed and 700 kilobits per second upload speed.

Internet service provider (ISP): the business providing the telecommuting employee with access to the Internet. The telecommuting employee pays the monthly fee to the ISP in order to maintain access to the Internet and to meet one of the contracted terms of the telecommuting agreement.

Primary (or assigned) worksite location: the location of the telecommuting employee's ORS office assignment, which will be considered the employee's "home office" (i.e., Ogden, Provo, Richfield, Salt Lake, or St. George ORS Offices). This is also the location to which the telecommuting employee will report for meetings and other work duties as assigned by the supervisor. The telecommuting employee will also return to this location at the termination of the telecommuting agreement or at the request of ORS administration. The primary worksite is based on the assigned team's location and will remain the same even if the employee changes residences during the telecommuting work assignment.

Secondary worksite: the telecommuting employee's home (the specific location which is listed in form APTC) which has been authorized by contract between the telecommuting employee, the supervisor, and the Agency, as the secondary assigned (telecommute) worksite.

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Secondary worksite inspections: inspections of the secondary (telecommute) worksite to ensure worksite suitability, safety, data and equipment security, workplace awareness, equipment retrieval, and overall compliance with the telecommuting agreement, etc.

State-owned equipment: the equipment (detailed on the inventory checklist in the form APTC) over which ORS maintains ownership, responsibility for maintenance, and control over authorizing access. Typically, this equipment includes: an encrypted PC, keyboard, mouse device, monitor, cables, UPS, RSA SecureID token and telephone headset.

Telecommuting: a work arrangement where employees perform their regular job responsibilities during scheduled work hours at an authorized secondary worksite using approved telecommunication and information technology.

Telecommuting Coordinator: a Senior Business Analyst within the ORS Bureau of Electronic Technology (BET) who makes arrangements for equipment and technology to be provided to new telecommuting employees and completes the inventory section of the ORS form APTC.

Telecommuter on Assigned Duty (TOAD): the telecommuter required to return to his/her primary worksite on a set schedule for a full day of work. The TOAD is responsible for completing in-office support for other telecommuters at the secondary worksites, and the time in office is to be used to maintain familiarity with office practices and other personnel.

4.0 Policy and Procedures

The lists of employee responsibilities included below may not include all expectations of employee duties. The employee’s performance plan, state law, and DHS and ORS policy may establish additional responsibilities or telecommuting requirements.

4.1 Eligibility

All telecommuting arrangements are subject to manager discretion as to whether the employee and/or the employee’s job duties are eligible for telecommuting. Telecommuting is never guaranteed in any position title and that remains true despite the list of “telecommuting possible” positions below. Individual job performance, employee reliability, employee ability to work unsupervised, and employee compliance with State, DHS, Human Resource, and ORS policies are all considered when supervisors review applications for telecommuting, even within positions listed as “telecommuting possible.” Agreements to allow telecommuting are always subject to supervisor discretion.

The following positions are “telecommuting possible” (subject to management discretion):

- Compliance Agent II positions within Child Support Services, post order, intake, and Central Registry (weekly TOAD days are required);
- Compliance Agent II positions within Child Support Services, pre-order and modification (at regional discretion, however telecommuting at the secondary worksite is limited to every other day, if allowed);
- Compliance Agent II positions within Child Support Services, Customer Service Unit (TOAD days are required as scheduled by CSU management);
- Posting positions: Accounting Technicians and partial telecommuting for the Financial Manager I supervising posting (weekly TOAD days are required);

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- One Accounting Technician II focused on process service returns (weekly TOAD days are required);
- Compliance Agent III positions in the Customer Service Unit (TOAD days are required as scheduled by CSU management); and
- Richfield office—while we continue to transition toward closing this office, exceptions to the general telecommuting policy will continue.

Telecommuting is not considered feasible for the following positions:

- Accounting Technicians (other than those described above)
- Administrative Secretary
- Auditors
- Business Analyst Supervisors
- Collection/Compliance Specialists (Quality Assurance Specialists)
- Collection/Compliance Supervisors
- Compliance Agent I positions
- Compliance Agent III positions (other than those described above)
- DHS Administrator III (Regional Directors)
- DHS Assistant Division Directors
- Division Director
- Electronic Business Project Manager
- Financial Analysts
- Financial Managers
- General Services Specialist
- Office Clerks
- Office Specialists
- Office Technicians
- Program Administrators
- Program Managers
- Program Specialists
- Support Staff Supervisor
- Trainers
- Training Managers
- Technical Writers, DHS
- Senior Business Analysts
- All positions within the BMC program

Employees within “telecommuting possible” positions may be eligible for telecommuting, provided the following minimum prerequisites are met:

- The employee has been employed with ORS for at least two years with at least one year (the most recent year) of experience in the employee’s current function assignment, and a minimum of six months assigned in the current office location.
- The employee’s job duties and responsibilities do not require close supervision, and the employee is not required to provide supervision of another employee’s job duties and responsibilities.

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- The employee has achieved a successful and consistent level of work performance for the previous 12 months with no disciplinary actions, performance improvement plans, or written warnings in the previous 12 months.
- The employee’s position has specific formulated required successful performance ranges which can be objectively monitored and measured.
- The employee has demonstrated compliance with and support for DHS’s and ORS’s mission, policies, and decisions without extensive management involvement.
- The secondary worksite being proposed must be located within Utah borders due to the agreement allowing inspection of secondary worksites and access to state-issued equipment by other State of Utah employees. (Note: IRS Publication 1075, Section 9.3.1.12 provides that “FTI cannot be accessed remotely by agency employees, agents, representatives, or contractors located offshore—outside of the United States territories, embassies, or military installations.”)

4.2 Cost Responsibility

Employees are responsible for the following costs of telecommuting:

- The employee must provide and pay as billed by the ISP all charges for the required high speed Internet service, including a stable ISP address. The ISP must provide a minimum download speed of 7 megabits per second and a minimum upload speed of 700 kilobits per second. The minimum required speeds are subject to increase based on the increasing technology needs of ORS. Periodically, ORS will perform a speed test to verify the maintenance of Internet service at the required minimum speeds. If at any time testing shows that the ISP speeds do not meet the mandatory minimum, the telecommuting arrangement will be terminated until the appropriate Internet service is obtained by the employee.
- If a telecommuting employee applies for a telecommuting arrangement or moves to a new residence, the employee is solely responsible for Internet connection charges. The employee must complete an updated form APTC to report and evaluate the new secondary worksite for telecommuting suitability.
- The employee must provide a wired connection to the ISP. Conducting state business involving FTI or other restricted or confidential data via a wireless Internet connection is not permitted.
- The employee is responsible for operating costs, home maintenance, or other incidental costs (e.g., utilities) associated with the use of the employee’s residence for telecommuting.
- The employee is responsible for providing a suitable desk or work surface and chair at the secondary worksite.
- A telecommuting employee is required to travel to the primary worksite for office equipment support or repair, trainings, meetings, office coverage, TOAD days, etc. and the cost of such travel is the employee’s responsibility.
- Ordinary home-to-work commute travel time is not compensable. Travel time during the work day is compensable under DHRM Rule R 477-8-12.

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-Replacement costs associated with lost RSA SecurID tokens. Employees are urged to maintain proper care of the token; however, if the token is lost and needs replacement, the replacement cost for the first loss is \$25. Subsequent losses will result in a replacement cost to the employee of \$50. Upon determination of a token loss, contact the Help Desk to report. The Help Desk will assign the issue to a team within BET. A new token is assigned by BET once the fee is paid to the front desk and the receipt is provided to BET.

ORS is responsible for the following costs of telecommuting:

- a Voice over Internet Protocol (VoIP) telephone connection;
- a Virtual Private Network (VPN) connection, required for remote access to systems containing FTI or otherwise restricted or confidential data utilized by ORS;
- a computer;
- a monitor;
- a keyboard;
- a mouse device;
- initial RSA SecureID token;
- uninterrupted power supply (UPS);
- connection and network cables; and
- telephone headset for the employee to use at the secondary worksite.

4.3 Workplace Safety

The employee agrees to the following workplace safety assurances:

- The employee will designate a separate work space at the secondary worksite for telecommuting, and will maintain this area in a safe condition, free from hazards to the employee and to ORS's equipment.
- The employee will ensure the safety of the workspace by completing and returning to the Agency a Telecommuter Safety Checklist which will certify the employee's secondary worksite complies with health and safety requirements. The employee must submit this checklist to the Agency before being permitted to begin telecommuting (included in the form APTC).
- The employee agrees that ORS shall have reasonable access to the secondary worksite for the purposes of inspection of the site and retrieval of state-owned property.
- The telecommuting employee will be responsible for the safety of the secondary worksite and will be liable for injury to any person or damage to any property that may occur at the worksite. Although inspections may be made of the secondary worksite, the telecommuting employee agrees that such inspections are minimal, may not reveal hidden dangers, and the telecommuting employee retains the ultimate responsibility for the safety of the secondary worksite.
- The employee will complete the online training on office ergonomics. Send an e-mail to orsagencytraining@utah.gov for the link to the ergonomic training approved by Risk Management. The training must be completed before the employee may telecommute.

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-The telecommuting employee is responsible to be aware of ergonomic adjustments in posture and equipment position which will reduce strain and increase ergonomic safety, and is responsible to practice these safety measures.

-The employee will report any incidents at the secondary worksite as soon as possible pursuant to the ORS 503 ALL Incident Reporting Policy.

-Any theft of state-owned equipment must immediately be reported to the local law enforcement agency and a copy of the police report provided to the supervisor and the Telecommuting Coordinator. While the theft is being investigated, the employee may be required to work at the primary worksite location. ORS equipment theft must also be reported as required by the ORS 503 ALL Incident Reporting Policy.

-The employee will not meet with a client in the secondary worksite or other unauthorized non-work location. Acceptable locations for client contact are: in an ORS office, at a court or administrative hearing, or a mediation site.

-The employee will not use his/her own telephone number or home address as a work-related contact or mailing address.

ORS will provide the following to help assure workplace safety at the secondary worksite:

- Online ergonomic training for employees specific to both home and State worksites;
- Ergonomic assessments for employees at the primary worksite (ORS office assignment);
- A Telecommute Safety Checklist and supervisor's review of the employee's report of safety conditions to assess the safety of the employee's secondary worksite (included in the ORS form APTC);
- Updated emergency policies and procedures, and an updated list of emergency contact information; and
- Follow-up response to any reported incidents at the secondary worksite as soon as report is made following the ORS 503 ALL Incident Reporting Policy.

4.4 Appropriate Use of State Resources for the Telecommuting Employee

DHS and ORS Appropriate Use policies apply to all state-owned equipment, including the office-provided computer and telephone, whether the employee is working in the primary worksite or at the telecommuting worksite.

Employees must comply with the security requirements in the ORS 501 ALL Information Technology Asset Security Policy.

Use of the office-provided computer, software, telephone, e-mail, and Instant Messaging (IM) resources must be by authorized users and for work purposes. Personal use of these resources is as limited under policy. Refer to the DHS Appropriate Use of Information Technology Resources 06-04 and the ORS 601 ALL Appropriate Use of Information Technology Resources Policy for more information.

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Telecommuting employees must not print, save, or write down client information at the telecommuting worksite. Employees should open a session of Notepad on their PC to make notes during the work session.

Telecommuting employees may not connect any peripheral devices to the office-provided computer, including printers, external media, or flash drives.

4.5 Data and Workplace Security and Confidentiality

Telecommuting employees are responsible for implementing all security measures and appropriate use of resources procedures at the secondary worksite as are required at the primary worksite. These procedures are outlined in ORS 501 ALL Information Technology Asset Security and ORS 601 ALL Appropriate Use of Information Technology Resources. Procedures in these policies are implemented to protect federal tax information, Health Insurance Portability and Accountability Act (HIPAA) data, and other restricted resources that ORS employees may need to access in the course of normal business activities. (IRS Publication 1075, Section 4.7.3).

Information in ORSIS, Content Manager, and other systems must be protected from inappropriate access and disclosure.

Employees must follow all applicable laws and policies to protect information.

Any requests for records must be handled in accordance with applicable laws including the Government Records Access and Management Act (GRAMA) and the Health Insurance Portability and Accountability Act (HIPAA).

No storage of DHS or ORS hard copy documents or electronic records is allowed at the telecommuting worksite, including the office-provided computer’s hard drive.

Employees must use state-provided equipment to access any ORS or state-provided system.

Cordless telephones may not be used at the telecommuting worksite for ORS business because they may compromise the confidentiality of information.

To maintain the security and confidentiality of information, dual factor authentication must be used; currently this is a unique password and an RSA SecurID token.

Employees must not leave computers at the secondary worksite unprotected at any time. When leaving the work area, even for brief absences, the computer screen must be locked. While in the work area, the employee must ensure that passersby cannot view information contained on the computer screen. If work is interrupted by family or friends, the computer screen should be immediately locked and any work product immediately secured to avoid unauthorized viewing or disclosure of data.

ORS will provide annual training regarding the security of information and information release, which all employees must complete.

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ORS will encrypt the computers of telecommuters and disable the unused USB connections to prevent threats to data and information security.

4.6 Communication Requirements

Telecommuting employees must follow the communications guidelines below:

- The employee must be available to respond to telephone calls as assigned during the scheduled work day. Supervisors may monitor employee telephone calls at any time.
- Communication with customers must be professional and courteous. Background noise must not be a distraction for callers.
- An open Instant Messaging (IM) session must be maintained during the employee’s entire scheduled work day. The IM session status must be updated and activated to indicate when an employee is available and include a status indicating not available when on breaks or lunch to match the IVR status.
- Report technical issues to the Department of Technology Services (DTS) Help Desk (801)538-5772.
- Report technical issues which prevent the telecommuter from working as scheduled to the ORS supervisor and provide regular updates concerning the solution.

Supervisors of telecommuting employees must follow the communications guidelines below:

- Provide supervision and feedback to the employee, by reviewing work, monitoring calls and reviewing complaints and employee development needs, as applicable to the employee’s duties.
- Provide updates to policy and procedure, and provide or schedule training as required by ORS or DHS and as requested by the employee.
- Be available to respond to telephone calls and communications from the telecommuting employee during the scheduled work day.
- Maintain an open Instant Messaging (IM) session with the telecommuting employee during the employee’s scheduled work day. The IM session status must be updated and activated to indicate availability, and include a status indicating not available when on breaks or lunch to match the IVR system.
- Provide feedback on the employee’s performance.
- Conduct an annual performance evaluation with the telecommuting employee to review the employee’s performance, determine whether complaints have been received, and review the decision for the employee to telecommute.

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-If the employee will continue to telecommute the supervisor will instruct the employee to complete a new Telecommuter Agreement.

4.7 Establishing Telecommuting Arrangement

The employee contemplating becoming a telecommuter should initiate discussions with his/her supervisor to discuss the feasibility of such an arrangement and whether the supervisor or management chain has any concerns with exploring a telecommuting plan for that specific employee. If the supervisor or management chain has concerns in a situation where telecommuting would be allowed pursuant to the guidelines in this policy, a formal plan may be written to document areas where improvements must be made before telecommuting will become an option for that employee.

If the supervisor (or management chain, if appropriate) and the employee agree that a telecommuting plan should be explored, the employee should

- Review this policy;
- Complete the ORS Telecommuting Application and Agreement (form APTC); and
- Complete an ORS Working Conditions and Employee Fitness Agreement (form APWC) to reflect the telecommuting work schedule.

When the supervisor receives the completed form APTC in Adobe Workspace, the supervisor should meet with the employee to review the questions on form APTC as well as the provisions of the telecommuting agreement contained in the form before indicating approval of the telecommuting plan.

The Adobe workflow for the ORS form APTC will send the form to obtain the supervisor's approval, the Associate Regional Director's approval (for some workgroups), the Regional Director's approval, and the ORS Director's approval for a telecommuting arrangement. The form will then be sent to a Telecommuting Coordinator who will inventory the equipment being sent to the secondary worksite and obtain the employee's confirmation of the equipment received.

4.8 Termination of Telecommuting Arrangement

Business needs may change at any time, causing telecommuting agreements to be ended. Business needs may require telecommuters to come to the office more often than just on scheduled TOAD days, and for workers to alter scheduled TOAD days if in-office coverage is an issue. Job performance at below-satisfactory levels will cause an employee's telecommuting agreement to be ended.

ORS employees should always consider their primary work location to be the office, even though some employees may be allowed to work from home when that arrangement meets the business's needs.

The telecommuting employee must return all equipment and supplies used at the secondary worksite upon request, upon termination of the telecommuting agreement, upon termination of employment, or on or before the last day worked if resigning or retiring.

4.9 Work Hours, Pay, and Attendance

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Telecommuter work schedules are five days a week, eight hours per work day, with a one-hour lunch. Schedules must be approved by the manager and must be set in accordance with ORS 204 ALL Working Conditions and Leave Policy. Business hours for ORS are 8:00 am to 5:00 pm Monday through Friday with coverage required during these hours.

Less-than-full-time employees are not eligible to telecommute unless approved by the ORS Director. Part-time or job share employees must provide coverage equal to one full-time worker, including one day per week providing in-office assistance unless an exception is approved by the ORS Director.

Approved exception: Accounting Posting Unit (part-time employees allowed to telecommute)

The employee’s pay and benefits remain the same as if the employee were working at the ORS primary worksite.

Requests to work overtime and use sick, annual, or other leave must be approved by ORS supervisors in the same manner as when working at the ORS primary worksite.

An employee shall not work overtime unless authorized by the supervisor in accordance with ORS 204 ALL Working Conditions and Leave Policy. See also DHRM Rule R477-8 Working Conditions and DHS 02-15 Overtime and Excess Hours Policy.

A telecommuting employee may sometimes be unable to work from the secondary worksite due to emergencies, power outages, or other causes. Depending on the situation, ORS may:

- require the telecommuting employee to report to the primary worksite;
- approve an appropriate category of leave, if requested by the employee; or
- approve administrative leave with pay (rare, and only with ORS Director approval).

A telecommuting employee must have another party available to provide care for dependent children or adults in the home during work hours. Telecommuting is not a substitute for dependent adult or child care.

Telecommuting employees must attend or participate in all scheduled meetings, trainings and work assignments and travel to the assigned primary worksite to provide back-up coverage as assigned by the supervisor.

4.10 Secondary Worksite Inspections

To ensure that telecommuting employees have established suitable working conditions at their secondary worksites and that they are complying with all worksite safety and data security standards agreed to in the form APTC, as well as the applicable ORS and DHS policies, random inspections of secondary worksites will be conducted.

Secondary worksite inspections may be conducted at any time; however, reasonable advance notice will be given to the telecommuting employee and to his/her Regional Director.

All inspections will be conducted by at least two employees, one male and one female.

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If violations of the Telecommuting Agreement or applicable ORS or DHS policies are found during the inspection, ORS may terminate the employee’s telecommuting agreement.

5.0 Forms

APTC—ORS Telecommuting Application and Agreement. This form contains the complete telecommuting application, including the Feasibility Checklist, Secondary Worksite Information (safety checklist), and the Telecommuter Agreement. The form can be accessed in ORS Adobe Workspace. Once completed, this form is stored in Content Manager in the limited-access item type “HR Forms.”

APWC—ORS Working Conditions and Employee Fitness Agreement. This form outlines the agreement between a supervisor and an employee concerning work hours and approved exercise time. The form can be accessed in ORS Adobe Workspace. Once completed, this form is stored in Content Manager in the limited-access item type “HR Forms.”

6.0 Related Policies and Key Documents

6.1 Federal

Internal Revenue Service Publication 1075 (Revised 09/2016)

6.2 State or Department Policy

- DHS 06-01 Telecommuting (Revised 12/27/2004)
- DHS 06-04 Appropriate Use of Information Technology Resources (Revised 06/03/2013)
- DHS 06-04-A Addendum to Policy on the Appropriate Use of Information Technology Resources (12/2000)
- DHRM Rule R477-8-2 Telecommuting (effective August 1, 2017)

6.3 ORS Policy

- ORS 204 ALL Working Conditions and Leave
- ORS 501 ALL Information Technology Asset Security
- ORS 503 ALL Incident Reporting
- ORS 601 ALL Appropriate Use of Information Technology Resources

6.4 Bureau Policy

7.0 Revision History

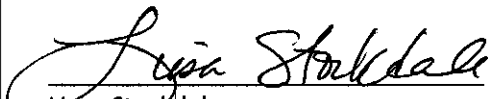
| Effective Date | Change |
|----------------|--------------------------------------|
| 06-27-2008 | New policy. |
| 07-15-2008 | Clarification. Sections 4.1 and 4.3. |
| 01-30-2013 | Update procedures. Section 7.0 |

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| 10-30-2013 | Update policy. Sections 4.1, 4.2, and 4.3. |
| 10-21-2016 | Revise policy to put in new policy format. Added information from IRS Publication 1075, section 4.7.3 as requested during the May 2016 onsite review. Added list of "telecommuting possible" positions from February 2015 e-mail sent to all employees by ORS Director. Reduced the role of the Telecommuting Coordinator since there is no longer a dedicated ORS employee for this function and the DTS Help Desk has agreed to facilitate technical problem resolution. Updated the telecommuting initiation procedures to reflect the Adobe workflow for form APTC. Copied some items from the Telecommuting Agreement (APTC) which were not reflected in the policy such as the requirement for another party to provide dependent care and the requirement to participate in all meetings, trainings, etc. Provided preliminary information about secondary worksite inspections. Added section about the termination of telecommuting agreements and return of equipment. |
| 10/30/2017 | Updated policy to be in compliance with IRS Publication 1075. Minor formatting and grammatical changes based on recommendations during QDP. Added additional DHS policy references. |
| 10/30/2018 | Annual review/revise to ensure IRS Publication 1075 compliance. Updated some abbreviations at the request of Karla Block. Added information regarding loss of the RSA token. Made minor spelling/formatting changes. Changed telecommuting exceptions for part-time Accounting Technician over process service since that position will become full-time effective December 1, 2018. |
| 10/17/2019 | Annual review/revise pursuant to IRS Publication 1075. Added ORS 204 to section 6.3 as it is referenced in the policy. Made minor changes to policy sections referenced throughout including the word "ALL." |

8.0 Executive Approval

ORS 607 ALL Telecommuting 2019-10-17 is approved.


 Liesa Stoekdale
 Director, Office of Recovery Services

10/17/2019
 Date