



MISSISSIPPI STATE DEPARTMENT OF HEALTH

# State of Emergency or Pandemic Event Telework Policy Manual

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<b>Mississippi State Department of Health State of Emergency or Pandemic Event Telework Policy Manual 912</b>		<b>Topic: Telework Policy</b>
<b>Issue Date: March 17, 2020</b>		<b>Process Owner: Policy Evaluation</b>
<b>Revision Number: 1</b>	<b>Revision Date: Initial</b>	
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## **I. Purpose**

The Mississippi State Department of Health (hereinafter referred to as “MSDH” or “Agency”) shall use telework, among other options, to promote the continuation of operations during a declared State of Emergency or pandemic event by allowing certain workforce members to perform their work at an approved alternative worksite.

The purpose of this Telework Policy (hereinafter referred to as “Policy”) is to define the teleworking program (also known as telecommuting) and the guidelines and rules under which it will operate during a State of Emergency or pandemic event. This Policy is designed to help workforce members understand the teleworking environment and their associated rights and responsibilities. This Policy and its accompanying guidelines provide a general framework for teleworkers at MSDH. It does not attempt to address the special conditions and needs of all MSDH workforce members.

## **II. Scope**

This Policy applies to all teleworking activities of MSDH. All members of the MSDH workforce should be familiar with the contents of this Policy and its supporting guidelines.

## **III. Definitions**

**Compressed Work Schedule.** A “compressed work schedule” allows Agency management to schedule the general forty-hour workweek requirement in less than the usual five workdays per week.

**Flextime.** “Flextime” is a schedule which offers Agency management the choice to vary workforce member arrival and departure times from work Telework.

**Remote Workplace.** The terms “remote workplace,” “remote work location,” “remote workspace,” “alternate workplace,” or “alternate workspace” or synonyms for these shall mean Workforce Member’s residence or any alternate work location approved under this Policy. “Workplace” and “workspace” may also be used interchangeably throughout this Policy.

**Telework.** “Telework” or “teleworking” is defined as a work flexibility arrangement under which a workforce member fulfills the duties and responsibilities of his or her position and other authorized activities from an approved worksite, using approved equipment or devices, other than the location from which the workforce member would otherwise work. Telework is a critical tool during emergency situations.



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#### **IV. Statement of Policy**

In the event of a declared State of Emergency or pandemic event, MSDH may allow implementation of a telework program in furtherance of critical state continuity and social distancing efforts to stop or slow a pandemic outbreak or other public health emergency.

#### **V. Agency Participation and Workforce Member Eligibility**

The telework program provides temporary telecommuting arrangements for workforce members whose job duties are conducive to working from an alternate location. However, telework may not be suitable for all workforce members and/or job functions as there are certain duties at MSDH that require the workforce member to be physically present in the workplace or the required activities are not permitted to occur off site. MSDH shall allow teleworking as an option based on specific criteria and procedures consistently applied throughout the Agency.

During a declared State of Emergency or pandemic event, MSDH shall determine eligibility based upon the following factors:

1. Which workforce members perform essential duties required to carry out MSDH’s core mission in the event of an emergency;
2. Which workforce members may be necessary to continue MSDH operations during an emergency situation; and
3. Which workforce members perform duties which may not be necessary or cannot be performed while an emergency declaration is in effect.

For each of these groups, MSDH shall then determine which workforce members will be required to work during the emergency situation. Workforce members required to work shall be deemed “Mission Essential Personnel”. For those workforce members required to work, MSDH will review the individual job duties assigned to the included workforce members and determine which could be performed via teleworking.

Agency determinations of who must work and who may telework must be approved by the workforce member’s supervisor and the corresponding member of senior leadership.

#### **VI. MSDH Teleworking Agreement**

The Teleworker Agreement (“Agreement”) documents the mandatory policies in effect and the terms and conditions of teleworking. The Agreement must be signed by all parties prior to the start of teleworking acknowledging that all parties will abide by the terms and conditions of teleworking. The



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Agreement must be reviewed and renewed at least annually to ensure that the guidelines for participating in the program indicate continued eligibility and are well-understood. A supervisor may elect to revise the Agreement when a need arises. In addition, the Teleworking Agreement should be reviewed and revised, if necessary, when there is a change in supervisor, job responsibilities, or change in work circumstances or performance.

The Agreement is essential to the management and legal protection needed in teleworking.

The Agreement shall cover topics including, but not limited to, the following:

1. Any workforce member who teleworks must sign a Telework Agreement;
2. Workforce member performance expectations and monitoring;
3. Liability and workers' compensation – workforce member and employer understand who is liable and for what;
4. Safety – the workforce member must self-certify that the alternate workplace is safe and conducive to work;
5. Equipment and Devices – responsibility and use of personal and state equipment and devices at an alternate location and inventory of state equipment used outside the primary workplace;
6. Security – taking records away from the office, accessing the Agency's computer system, and accessing information over the Internet;
7. Work schedule – when and where the workforce member will telework and procedures for overtime and leave approvals;
8. Accessibility – how the workforce member will keep in communication with clients, co-workers, supervisors, and those the workforce member may supervise while teleworking; and
9. Other relevant provisions such as termination of the Agreement, reimbursement of expenses, and standards of conduct.



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**VII. Workforce Member Participation**

Offering the opportunity to work at an alternate workplace is at the discretion of a workforce member’s supervisor and the corresponding member of senior leadership and is expected to be temporary in nature. MSDH will monitor guidance from officials and the need for remote work arrangements. Workforce members should not assume any specified period of time for telework, and MSDH may require workforce members to return to regular, in-office work at any time.

Should the State of Emergency or pandemic event warrant, MSDH may require all workforce members, except for certain personnel, to work from an appropriate alternate workspace. Workforce members should be proactive in preparing for these circumstances to ensure workforce members have the resources necessary to work remotely.

**VIII. Workspace and Work Hours**

A defined workspace and defined work hours are necessary (1) to reduce the state’s exposure to risk, (2) to facilitate proper management of teleworkers, and (3) to ensure work is done in a productive environment.

1. *Workspace*: The teleworker shall designate a specific workspace as the telework location and will conduct work for the Agency from that location. The workforce member shall maintain a clean, safe workspace that is adequate for work and free of obstructions and distractions. The workforce member shall maintain compliance with regulatory requirements applicable to job duties and functions. To ensure that productive working conditions exist, it may be necessary for the State to make on-site visits at mutually agreed-upon times. However, this will be handled by the Agency on a case-by-case basis.
  
2. *Work Hours*: As set forth in Section 5.1 of the *Mississippi State Workforce member Handbook*, state law requires that all state offices be available to the public for services Monday through Friday from 8:00 a.m. until 5:00 p.m. To allow for maximum flexibility in scheduling workforce members, the appointing authority may develop modified work schedules providing for flextime or compressed work schedules. The Mississippi State Personnel Board defines a normal work schedule as eight hours per day, forty hours per week, 173.929 hours per month and 2,087 hours per year. Each part-time workforce member will be provided a schedule of working hours.

Workforce members subject to mandatory overtime must obtain approval from their supervisor before performing overtime. A non-exempt workforce member working overtime without such approval may cause the Agency to terminate the teleworking option and/or take other appropriate action. The workforce member must obtain approval in advance from his or her supervisor before taking leave during a designated telework day.



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The workforce member must maintain contact with MSDH as specified in the work schedule, agency and state employee policies, and Telework Agreement.

A workforce member’s personal activities must be outside the time of.

**IX. Equipment and Supplies**

1. *General.* Office supplies (e.g., pens and paper) shall be provided by the Agency and should be obtained during the teleworker’s in-office work period. The workforce member may be expected to use his or her own furniture, telephone lines, and other equipment, if appropriate for the job function. Any use of private facilities of the workforce member will be at the workforce member’s discretion and not at the behest or expense of the State. This applies to all physical improvements and conveniences as well as services.
2. *Assignment of Portable MSDH Equipment or Devices on a Temporary Basis.* MSDH may give written permission for certain equipment or devices (e.g., computers, laptops, phones, thumb/jump drives, etc.) to be checked out and used at the designated alternate worksite (or outside of the normal workspace) by a workforce member. Approval to utilize any piece of MSDH equipment for telework purposes must be approved by the workforce member’s office director, program director, or regional administrator, and the Office of Health Information Technology (OHIT).
3. *Bring Your Own Device (BYOD).* MSDH may give written permission for certain equipment or devices (e.g., computers, laptops, phones, etc.) owned by the workforce member to be used outside of the normal workspace for work purposes. Approval to utilize any particular piece of personal equipment or device for telework purposes must be approved by the workforce member’s office director, program director, or regional administrator, and OHIT. The use of personal equipment or devices must be in compliance with applicable regulations and requirements for the teleworker’s job functions and duties.

**X. IT Resources and Network Access**

As deemed appropriate, MSDH will provide access to the Agency Network and IT resources to enable workforce members to perform their job duties while teleworking. All workforce members granted access to the MSDH Network and IT resources while teleworking are bound to any and all applicable state and Agency policies and procedures related to the use of the same while in the normal workspace.



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**XI. Security and Access to Information**

A teleworker is responsible for maintaining privacy and security of any confidential data and information stored or accessed using agency-approved equipment and devices (including both agency-provided and personal) for work-related purposes. The workforce member must protect the security and integrity of work-related data, information, paper files, and access to Agency computer systems. State and MSDH information technology and privacy policies and procedures apply to teleworking as they would in the primary workplace.

Any teleworker granted permission to utilize their own or an agency-provided device or equipment must have installed agency-approved and/or -provided technical measures to maintain the security of any work-related confidential information (e.g., protected health information (PHI), personally identifiable information (PII)) that may be held or stored on that device or equipment. Teleworkers must also adhere to any other standards given by the agency regarding the use of the device or equipment outside of the primary workspace to ensure the security and protection of work-related confidential information.

**XII. Expenses**

Any workforce member may work from his or her home or another alternate worksite that has been approved by their supervisor and the corresponding member of senior leadership. Mileage between the home and the workforce member's assigned office or other telework location shall be considered commute mileage and not subject to reimbursement.

Work-related, long-distance phone calls should be planned for in-office days. At the discretion of the supervisor, expenses for business-related, long-distance calls and cell phone calls which must be made from a teleworker's home may be reimbursed if the reasons and costs for the calls are documented. The teleworker is responsible for the cost of maintenance, repair, and operation of personal equipment not provided by the State

**XIII. Compensable Time**

Mission essential workforce members who telework during an emergency may be eligible to receive credit for compensatory leave. Pursuant to Miss. Code Ann. § 25-3-92(2)(b):

The Governor or the appointing authority may grant administrative leave with pay to state workforce members on a local or statewide basis in the event of extreme weather conditions or in the event of a man-made, technological or natural disaster or emergency. Any workforce



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member on a previously approved leave during the affected period shall be eligible for such administrative leave granted by the Governor or appointing authority and shall not be charged for his previously approved leave during the affected period.

Additionally, pursuant to Miss. Code Ann. § 25-3-92(1):

When, in the opinion of the appointing authority, it is essential that a state workforce member work after normal working hours, the workforce member may receive credit for compensatory leave. Except as otherwise provided in Section 37-13-89, when, in the opinion of the appointing authority, it is essential that a state workforce member work during an official state holiday, the workforce member shall receive credit for compensatory leave.

#### **XIV. Liability**

The workforce member’s alternate location workspace is an extension of the Agency workspace only when used for work. Workforce members may therefore be covered for workers’ compensation if they are injured while performing work on behalf of the employer in the workforce member’s home workspace during teleworking hours.

If an injury occurs during teleworking hours, the workforce member shall immediately report the injury to the supervisor. The workforce member, supervisor, and Agency must follow the state’s policies regarding the reporting of injuries for workforce members injured while at work. Fraudulent reporting of workers’ compensation claims is a crime.

The State of Mississippi is not responsible for any injuries to family members, visitors, and others in the workforce member’s home workspace. Unless granted an exception in writing by their office director, program director, or regional administrator, the teleworker may not host business guests or coworkers at the alternate workplace or any other location except the Agency’s buildings.

The State will not be responsible for any loss or damage to the teleworker’s real property, including any structures attached thereto; any personal property owned by the teleworker or any of the teleworker’s family members; or property of others in the care, custody, or control of the teleworker or any of the teleworker’s family members.

The teleworker is responsible for contacting the teleworker’s insurance agent and a tax consultant and consulting local ordinances for information regarding home workplaces. Individual tax implications, auto and homeowners’ insurance, and incidental residential utility costs are the responsibility of the teleworker.



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**XV. Child and Dependent Care**

Teleworking is not a substitute for childcare or dependent care. The teleworker shall continue to make arrangements for child or dependent care to the same extent as if the teleworker was working at the main office.

**XVI. Program Reporting and Evaluation**

Workforce member agrees to participate in studies, inquiries, reports or analyses relating to teleworking at the Agency's direction.

**XVII. Exception to the Policy**

In extenuating circumstances, the Agency head, at his or her discretion, may grant a workforce member an exception to this Policy.

