# TELEWORK POLICY GUIDE FOR STATE AND LOCAL POLICYMAKERS

State and local governmental departments and agencies are continually adopting and updating employment policies and practices to meet mission and operational needs. One current trending area receiving much attention is the adoption and implementation of telework policies and practices. In broad terms, telework denotes a work flexibility arrangement under which employees perform their duties and responsibilities and other authorized activities from home or approved sites other than their usual worksites.

Public and private sector employers are reporting that telework can benefit organizations by:

* Saving money by promoting management efficiencies and costs related to employee turnover and absenteeism;
* Making organizations more resilient in response to emergencies;
* Reducing real estate and energy costs, transit costs, and environmental impact;
* Improving the quality of employee work-life; and
* Increasing employment opportunities for persons with disabilities.

Advances in information and communication technology have paved the way for increased use of telework that is accessible to and usable by all employees with varying functional abilities, including employees with disabilities. Recognizing this, the [State Exchange on Employment & Disability (SEED)](https://www.dol.gov/odep/topics/SEED.htm), an initiative of the U.S. Department of Labor’s (USDOL) Office of Disability Employment Policy (ODEP), has prepared this guide to assist state and local policymakers in ensuring these policies are consistent with, and facilitate the implementation of, our nation’s civil rights laws and other disability-related policies.

This guide highlights options relating to the adoption of telework policies by state policymakers and the implementation of telework programs by state administrators, organized by the following sections:

* [Section I: Telework policy and practice options applicable to all state and local government employees](#_Section_I:_Telework)
* [Section II: Telework policies applicable to state and local government employees with disabilities](#_Section_II:_Telework)
* [Appendix I: Checklist of possible topics to be addressed in a telework policy or manual](#_Appendix_I:_Telework)
* [Appendix II: Chart of current telework policies adopted by all states and the District of Columbia](#_Appendix_II:_Chart_1)
* [Appendix III: Telework resources from USDOL/ODEP](#_Appendix_III:_Telework)

## Section I: Telework Policies Applicable to All State and Local Government Employees

State and local policymakers and administrators are adopting or updating legislation, regulations, and sub-regulatory guidance (including manuals) related to the design and implementation of public sector telework programs. This section describes topics for consideration and specifically highlights policy and practice options related to:

* [Statements of policy](#Statementofpolicy);
* [Content of telework agreements](#Content); and
* [Implementation methods and strategies](#Implementation).

The policy options described below are gleaned from a review of federal government policies adopted by the Office of Personnel Management (OPM)[[1]](#footnote-1) and a review of state policy pronouncement in legislation, regulations, and sub-regulatory guidance.[[2]](#footnote-2)

1. **Statements of Policy**

States and localities considering the adoption or updating of a written telework policy may want to consider including components such as those described below.

1. **Definitions and terminology:** explaining what is and is not considered telework. For example, telework could be defined as a work flexibility arrangement under which an employee performs the duties and responsibilities of such employee’s position, and other authorized activities, from an approved worksite (e.g., home or telework center) other than the location from which the employee would otherwise work. This definition could include “remote work” i.e., work at a location beyond the local commuting area, or describe a full-time telework arrangement. The definition could also exclude “mobile work” i.e., routine work done while on official travel.
2. **Statement of purpose:** identifying the intended benefits of telework from different perspectives (e.g., state, a department or agency, supervisors or managers, and employees) and outcomes such as emergency preparedness, workforce efficiency, quality of work-life balance, and cost savings.

The statement of purpose could also prescribe the key *precepts* of the telework program, such as:

* The telework program is *discretionary* (does not create an employee right). That is, agencies may be required by state law to establish a telework program, but the existence of the program does not give individual employees a legal right to telework.
* The telework program is *voluntary*. That is, an agency may not compel a particular employee to telework even if the duties of the position make that employee “telework eligible.” Additionally, voluntariness could include an employee’s ability to terminate a telework arrangement at any time.
* The *terms and conditions of employment*, including the teleworkers’ duties, obligations, responsibilities, performance and productivity, salaries, hours, retirement benefits, and state sponsored insurance coverage are unaffected by teleworking.
* *Worker protections* are unaffected by teleworking, including overtime, nondiscrimination, safety and health, and workers compensation.
* *Disciplinary procedures* and drug and alcohol policies are unaffected by an employee’s status as a teleworker.
* The statement of purpose may also explain what are *not* considered precepts of the telework program, such as: Telework will *not* be used to provide *family care*. That is, teleworking is not a substitute for child or dependent care.
* Telework will *not* be used in lieu of sick leave, state or family and medical leave, workers compensation leave, or any other type of *leave*.

1. **Goals:** settinggoals for each agency, for example, a participation goal of allowing 15% of all “eligible employees” to telework.
2. **Emergency:** ensuring the performance of essential governmental functions during emergencies such as natural disasters, national security incidents, pandemics, or other situations that may disrupt normal operations.
3. **Eligibility and participation criteria:** specifying individuals who may not be considered eligible under any circumstances e.g., employees who have been disciplined for being absent without permission. The criteria could include factors or characteristics of jobs and a recognition of the portability of certain tasks.
4. **Security and confidentiality:** maintaining the security of the data and other information handled while teleworking and taking appropriate safeguards to secure confidential data and information.

1. **Equipment and supplies:** specifying agency equipment provided to an employee remains the property of the agency and will be returned to the agency upon termination of an employee’s participation in a telework program. The use of agency: provided equipment should be limited to authorized persons and purposes.
2. **Processes related to the telework agreement,** **including:**

* **Training**: completion of mandatory training before entering into the agreement.
* **Self-assessment**: completion of self-assessment to help employee decide about telework capabilities.
* **Negotiations**: entering into good faith discussions between supervisors or managers and employees based on self: assessment and written policies.
* **Approval/denials**: approvals and denials by managers and supervisors based on objective operational needs (specific job duties) or performance in accordance with policies, not personal reasons and specify procedures for appeals.
* **Review**: recognition that agreements are not permanent and thus are subject to review and re: approval at specified intervals, such as a one: year renewable agreement or a six: month agreement in telework situations that may need to be revised more frequently.
* **Modifications, terminations, withdrawals**: ensuring that employees know that agreements can be terminated or modified and outline the conditions for terminations, modifications, or withdrawals.

1. **Responsibilities of state personnel, including:**

* The state agency authorized to administer the telework program is responsible for drafting policy and overseeing implementation of the program, including training, monitoring, reporting, and enforcement.
* State agency personnel are assigned responsibility for administering the telework program, including performing administrative functions such as determining job classifications/positions eligible for telework, and providing guidance to supervisors, maintaining and managing the program, and ensuring the effective and efficient provision of IT support to teleworkers.
* Managers and supervisors are responsible for negotiating a written telework agreement with employees and maintaining effective communication.

1. **Responsibilities of employees:** entering into and complying with the terms and conditions of a written telework agreement.
2. **Content of Telework Agreement**

In addition to the policy pronouncements described above, state and local policymakers may want to consider including specifications regarding the written telework agreement. The telework agreement provides a framework for the discussion that needs to take place between the manager or supervisor and the employee. Possible topics may include:

* **Expectations/communications**: assumptions, such as work location, frequency, modes of communications, and expectations for emergency telework.
* **Location of the telework**: for example, the employee’s home or telework center.
* **Work hours and schedule**: including availability.
* **Report to official worksite**: procedures to be followed regarding reporting to the official site to meet business-related needs, including meetings and training.
* **Job performance**: clear and consistent performance standards comparable to those employees who are not teleworking, are result-oriented, describe the quality and quantity of expected work products, and provide a method of evaluation.
* **Designated work area, equipment and supplies**: delineate equipment and supplies the employee is expected to provide, such as telephone and designated work area with appropriate equipment and supplies to do the assigned work. Outline the equipment, supplies, technical assistance, and support the agency is expected to provide, such as computers and software.
* **Expenses**: set forth expenses that are and are not reimbursable.
* **Technical support and assistance**: including collaboration tools.
* **Workplace safety**: self-certification safety checklist as a guide.
* **Liability and compliance with local zoning ordinances**: agency is not responsible/liable for damages to the teleworker’s personal or real property while the teleworker is working at the remote workplace; employee remains covered by worker’s compensation.
* **Data and information security, privacy, and confidentiality**: data and information security, privacy, and confidentiality protocols.
* **Emergencies**: whether an employee is expected to work in the case of an emergency that may result in a disruption to normal office operations.

1. **Implementation Methods and Strategies**

In addition to including policies related to the telework program requirements, many telework frameworks include policies and standard operating procedures governing the administration and operation/implementation of a telework program. State and local policymakers may want to consider including the following implementation strategies and methods:

* Designation of lead agency;
* Designation of telework coordinator;
* Education and training to managers, supervisors and employees;
* Technical assistance;
* Inspections;
* Recordkeeping and reporting; and
* Data collection, tracking, and evaluation;

1. **Designation of lead agency:** roles and responsibilities of lead agency, including adopting a telework policy, managing the implementation, developing and providing training and technical assistance, and adopting data collection and recordkeeping requirements.
2. **Designation of telework coordinator:** appointment of individual to oversee the implementation of the telework program in each department or agency. In addition, responsibilities could include serving as an advisor for agency leadership, a resource for managers and supervisors, and a primary point of contact with designated lead agency.
3. **Education and training to managers, supervisors, and employees:** provision of training program to managers, supervisors, and employees to ensure all stakeholders can make informed decisions regarding the use of telework as a viable option.
4. **Technical assistance:** provision of ongoing technical assistance to employees regarding the effective and efficient functioning of information and communication technology.
5. **Inspections:** on-site visits during normal business hours to teleworker’s remote workplace to determine the site is safe and free from hazards, and to maintain, repair, inspect, or retrieve agency-owned equipment, software, data, or supplies.
6. **Recordkeeping and reporting:** inclusion of various types of information important to understanding agency progress in the telework program, including for example: degree of participation, method of gathering data, reasons for variation in participation, goals and actions taken to identify and eliminate barriers, and best, promising, and emerging practices.
7. **Data collection, tracking, and evaluation:** measures used to report success, including participation, employee satisfaction, increased productivity, more efficient use of office space, and supervisor satisfaction. The evaluation may be for the individual, the agency, and the entire government.

## Section II: Telework Policies Applicable to State and Local Government Employees with Disabilities

Whereas Section I describes the policy framework regarding telework programs applicable to all employees, this section delineates the telework policy framework ensuring equal opportunity/nondiscrimination for state and local government employees with disabilities.

To begin, not all persons with disabilities need (or want) to work at home, and not all jobs can be performed at home. Allowing an employee with a disability to work at home may be a reasonable accommodation under our nation’s (federal and state) civil rights laws. This may occur where the person's disability prevents successfully performing the job on-site and the job, or parts of the job, can be performed at home without causing significant difficulty or expense (undue hardship).

Although an agency with a robust, well-functioning telework policy—applicable to all employees—may find that such a policy enhances the agency’s ability to grant telework requests as a form of reasonable accommodation for qualified persons with disabilities, it is important to remember that such requests are analyzed and evaluated under a different statutory authority (federal or state civil rights laws) than the agency telework policy. Furthermore, the obligation to provide telework as a reasonable accommodation is applicable regardless of whether the department or agency offers a telework program to its nondisabled employees.

This section highlights the important role telework can play for people with disabilities as a reasonable accommodation by ensuring effective and meaningful opportunities for qualified individuals with disabilities. Topics addressed in this section include:

* [Overview of the reasonable accommodation requirement](#Overview);
* [Telework as a reasonable accommodation](#Teleworkas); and
* [Relationship between telework policies for all employees and telework policies for individuals with disabilities](#Relationship).

1. **Overview of the Reasonable Accommodation Requirement**

Title I of the Americans with Disabilities Act (ADA)[[3]](#footnote-3) and implementing regulations[[4]](#footnote-4) require employers with 15 or more employees to ensure equal opportunity/nondiscrimination to qualified applicants and employees with disabilities (i.e., those who can perform the essential functions of a job with or without reasonable accommodations). Most states and localities have adopted comparable laws. Equal opportunity/nondiscrimination provisions include an employer obligation to provide reasonable accommodation to qualified individuals with disabilities who are applicants for employment or employees regardless their employment status (part-time, full- time, or probationary), unless doing so would cause undue hardship (significant difficulty or expense).

Although many individuals with disabilities can apply for and perform jobs without any reasonable accommodations, workplace barriers keep others from performing jobs they could do with some form of accommodation. These barriers may include physical obstacles (such as inaccessible facilities or equipment), and/or procedures or rules (such as rules concerning when work is performed, when breaks are taken, or how essential or marginal functions are performed).

According to the Equal Employment Opportunity Commission (EEOC) in a publication titled “[Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the ADA](https://www.eeoc.gov/laws/guidance/enforcement-guidance-reasonable-accommodation-and-undue-hardship-under-ada),”[[5]](#footnote-5) an accommodation is “any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities."

There are three categories of reasonable accommodations:

* Modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position such qualified applicant desires; or
* Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; or
* Modifications or adjustments that enable a covered entity's employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities.

The EEOC explains that a reasonable accommodation:

1. Is reasonable if it appears to be “feasible” or “plausible;”
2. Must be effective in meeting the needs of the individual in the context of job performance and the application process; and
3. Allows an employee with a disability an equal opportunity to enjoy the benefits and privileges of employment that employees without disabilities enjoy.

When an individual decides to request an accommodation, the individual or his/her representative must let the employer know that s/he needs an adjustment or change at work for a reason related to a physical or mental impairment. When the disability and/or the need for accommodation is not obvious, the employer may ask the individual for reasonable documentation about his/her disability and functional limitations.

To help determine effective accommodations, EEOC specifies that employers use an “interactive process,” which means that employers and employees with disabilities who request accommodations work together to come up with accommodations. The interactive process used by an employer may include:

1. Analyzing the job involved to determine its purpose and essential functions;
2. Consulting with the individual with a disability to ascertain the precise job: related limitations imposed by the individual's disability and how those limitations could be overcome with a reasonable accommodation;
3. Identifying potential accommodations and assess the effectiveness each would have in enabling the individual to perform the essential functions of the position; and
4. Considering the preference of the individual to be accommodated and selecting and implementing the accommodation that is most appropriate for both the employee and the employer.

The employer may choose among reasonable accommodations if the chosen accommodation is effective. Thus, as part of the interactive process, the employer may offer alternative suggestions for reasonable accommodations and discuss their effectiveness in removing the workplace barrier that is impeding the individual with a disability. If there are two possible reasonable accommodations, and one costs more or is more burdensome than the other, the employer may choose the less expensive or less burdensome accommodation as long as it is effective (i.e., it would remove a workplace barrier, thereby providing the individual with an equal opportunity to apply for a position, to perform the essential functions of a position, or to gain equal access to a benefit or privilege of employment).

Similarly, when there are two or more effective accommodations, the employer may choose the one that is easier to provide. In either situation, the employer does not have to show that it is an undue hardship to provide the more expensive or more difficult accommodation. If more than one accommodation is effective, the preference of the individual with a disability should be given primary consideration. However, the employer providing the accommodation has the ultimate discretion to choose between effective accommodations.

1. **Telework as a Reasonable Accommodation for Individuals with Disabilities**

Telework can expand employment opportunities for employees with disability-related limitations that affect commuting to work and/or performing job duties at a traditional worksite. The EEOC explains telework/work-at-home arrangements may be a form of reasonable accommodation under the ADA, because changing a work location may constitute a modification of a workplace policy. [[Work At Home/Telework as a Reasonable Accommodation](https://www.eeoc.gov/laws/guidance/work-hometelework-reasonable-accommodation).]

According to the Job Accommodation Network’s (JAN) guidance, [telework](https://askjan.org/topics/telework.cfm)[[6]](#footnote-6) is often suggested as an accommodation solution to address a variety of impairments, limitations, and work-related barriers. Examples of work-related barriers can include:

* Difficulty commuting to and from work due to disability: related reasons;
* Limited access to accessible parking;
* Limited worksite or workstation accessibility;
* Environmental issues (e.g., construction activities, exposure to chemicals/irritants, temperature sensitivity, problematic lighting, etc.);
* Lack of privacy to manage personal/medical needs, like using the restroom, taking medication, or receiving treatment;
* Rigid work schedule;
* Exposure to viruses and bacteria; and
* Workplace distractions affecting concentration.

Choosing to telework as an accommodation requires a collaborative effort to determine what is reasonable on a case-by-case basis and should consider the following:

1. **Determining whether someone may need to work at home as a reasonable accommodation.**

The determination of whether telework is an appropriate reasonable accommodation for an employee with a disability should be made through the "interactive process" between the employer and the individual (described above).

* The employer and the individual need to discuss the person's request so the employer understands why the disability might necessitate the individual working at home.
* The individual must explain what limitations from the disability make it difficult to do the job in the workplace, and how the job could still be performed from the employee's home.
* The employer may request information about the individual's medical condition (including reasonable documentation) if it is unclear whether it is a "disability" as defined by the ADA.
* The employer and employee may wish to discuss other types of accommodations that would allow the person to remain full-time in the workplace. However, in some situations, working at home may be the only effective option for an employee with a disability.

1. **Determining whether a particular job can be performed at home.**

In order to determine whether a particular job can be performed at home, an employer and employee first need to identify and review all the essential job functions. The essential functions or duties are those tasks that are fundamental to performing a specific job. An employer does not have to remove any essential job duties to permit an employee to work at home. However, it may need to reassign some minor job duties or marginal functions (i.e., those that are not essential to the successful performance of a job) if they cannot be performed outside the workplace and they are the only obstacle to permitting an employee to work at home. If a marginal function needs to be reassigned, an employer may substitute another minor task that the employee with a disability could perform at home in order to keep employee workloads evenly distributed.

Several factors should be considered in determining the feasibility of working at home, including whether:

* The employer is able to supervise the employee adequately;
* Any duties require use of certain equipment or tools that cannot be replicated at home;
* There is a need for face-to-face interaction and coordination of work with other employees;
* In-person interaction with outside colleagues, clients, or customers is necessary; and
* The position in question requires the employee to have immediate access to documents or other information located only in the workplace.

An employer should not, however, deny a request to work at home as a reasonable accommodation solely because a job involves some contact and coordination with other employees. Frequently, meetings can be conducted effectively by telephone and information can be exchanged quickly through email.

If the employer determines that some job duties must be performed in the workplace, then the employer and employee need to decide whether working part-time at home and part-time in the workplace will meet both of their needs. For example, an employee may need to meet face-to-face with clients as part of a job, but other tasks may involve reviewing documents and writing reports. Clearly, the meetings must be done in the workplace, but the employee may be able to review documents and write reports from home.

An employee may work at home only to the extent that his/her disability necessitates it. For some people, that may mean one day a week, two half-days, or every day for a period (e.g., for three months while an employee recovers from treatment or surgery related to a disability). In other instances, the nature of a disability may make it difficult to predict precisely when it will be necessary for an employee to work at home. For example, sometimes the effects of a disability become particularly severe on a periodic but irregular basis. When these flare-ups occur, they sometimes prevent an individual from getting to the workplace. In these instances, an employee might need to work at home on an "as needed" basis, if this can be done without undue hardship.

1. **Determining the frequency of working at home.**

As part of the interactive process, the employer should discuss with the individual whether the disability necessitates working at home full-time or part-time. (A few individuals may only be able to perform their jobs successfully by working at home full-time.) If the disability necessitates working at home part: time, then the employer and employee should develop a schedule that meets both of their needs. Both the employer and the employee should be flexible in working out a schedule so that work is done in a timely manner, since an employer does not have to lower production standards for individuals with disabilities who are working at home. The employer and employee also need to discuss how the employee will be supervised.

1. **Choosing alternatives to working at home.**

The employer may select any effective accommodation, even if it is not the one preferred by the employee. Reasonable accommodations include adjustments or changes to the workplace, such as: providing devices or modifying equipment, making workplaces accessible (e.g., installing a ramp), restructuring jobs, modifying work schedules and policies, and providing qualified readers or sign language interpreters. An employer can provide any of these types of reasonable accommodations, or a combination of them, to permit an employee to remain in the workplace. For example, an employee with a disability who needs to use paratransit asks to work at home because the paratransit schedule does not permit the employee to arrive before 10:00 a.m., two hours after the normal starting time. An employer may allow the employee to begin his or her eight hour shift at 10:00 a.m., rather than granting the request to work at home, if this would work with the paratransit schedule.

1. **Relationship Between General Telework Policy and Telework as a Reasonable Accommodation**

The ADA does not require an employer to offer a telework program to all employees. However, if telework is offered by employers, employees with disabilities must have an equal opportunity to participate in such a program. The ADA's reasonable accommodation obligation, which includes modifying workplace policies, might require an employer to waive certain eligibility requirements or otherwise modify its telework program for someone with a disability who needs to work at home. For example, an employer may generally require that employees work at least one year before they are eligible to participate in a telework program. If a new employee needs to work at home because of a disability, and the job can be performed at home, then an employer may have to waive its one: year rule for this individual.

In addition, permitting an employee to work at home may be a reasonable accommodation, even if the employer has no telework program. Changing the location where work is performed may fall under the ADA's reasonable accommodation requirement of modifying workplace policies, even if the employer does not allow other employees to telework. However, an employer is not obligated to adopt an employee's preferred or requested accommodation and may instead offer alternate accommodations if they would be effective.

## Appendix I: Telework Policy Checklist

This checklist is a resource and reference guide for designing and/or choosing telework policy options, including telework program requirements and implementation methods and strategies. The checklist addresses:

* [Telework policies applicable to all employees](#TeleworkPoliciesApplicable); and
* [Telework policies applicable to people with disabilities](#TeleworkPoliciesApplicable2).

**TELEWORK POLICIES APPLICABLE TO ALL EMPLOYEES**

1. **Statement of Policy**

In adopting or updating a telework policy, state and local policymakers may want to consider including any or all of the components described below.

* **Definitions and terminology**:explaining what is and is not considered telework.
* **Statement of purpose**: identifying the intended benefits of telework from different perspectives and outcomes, such as emergency preparedness, workforce efficiency, quality of work: life balance, and cost savings.
* **Key precepts**, such as:
* The telework program is *discretionary* (does not create an employee right).
* The telework program is *voluntary*.
* The t*erms and conditions of employment.*
* *Worker protections.*
* *Disciplinary procedures* and drug and alcohol policies.
* *Specifications* of what telework *may* and *may not* be used for.
* **Goals**:setting participation goals for each agency.
* **Emergencies**:ensuring the performance of essential governmental functions during emergencies.
* **Eligibility and participation** **criteria**: specifying which individuals may not be considered eligible under any circumstances.
* **Security and confidentiality**:maintaining the security of the data and other information handled while teleworking and taking appropriate safeguards to secure confidential data and information.

* **Equipment and supplies**: specifying that agency equipment provided to an employee by the agency remains the property of the agency and will be returned to the agency upon termination of an employee’s participation in a telework program.
* **Processes related to the telework agreement**, including:
* Training;
* Self: assessments;
* Negotiations;
* Approval/denials;
* Review; and
* Modifications, terminations, withdrawals.
* **Responsibilities of state personnel**,including that of:
* Agencies authorized to administer the telework program;
* Agency personnel authorized to administer the telework program; and
* Managers and supervisors responsible for negotiating a written telework agreement with employees and maintaining effective communication.
* **Responsibilities of employees**: employees are responsible for entering into and comply with the terms and conditions of a written telework agreement.

1. **Content of Telework Agreement**

In addition to the policy pronouncements described above, state and local policymakers may want to consider including specifications regarding the written telework agreement. Possible topics include:

* **Expectations/communications**: assumptions such as work location, frequency, modes of communications, and expectations for emergency telework.
* **Location of the telework**: for example, the employee’s home or telework center.
* **Work hours and schedule**: including availability.
* **Report to official worksite**: procedures to be followed regarding reporting to the official site to meet business: related needs, including meetings and training.
* **Job performance**: clear and consistent performance standards that are comparable to those employees who are not teleworking, are result-oriented, describe the quality and quantity of expected work products and describe a method of evaluation.
* **Designated work area, equipment and supplies**: delineate equipment and supplies the employee is expected to provide are specified. Describe the equipment, supplies, technical assistance, and support the agency is expected to provide.

* **Expenses**: set forth expenses that are and are not reimbursable.
* **Technical support and assistance**: including collaboration tools.
* **Workplace safety**: self-certification safety checklist is used as a guide.
* **Liability and compliance with local zoning ordinances** explaining the agency is not responsible/liable for damages to the teleworker’s personal or real property while the teleworker is working at the remote workplace; however, employee remains covered by workers compensation.
* **Data and information security, privacy, and confidentiality** protocols.
* **Emergencies**: whether an employee would be expected to work in the case of an emergency that may result in a disruption to normal office operations.

1. **Implementation Methods and Strategies**

In addition to including policies relating to the telework program requirements, many frameworks also include policies and standard operating procedures governing the administration and operation/implementation of a telework program. State and local policymakers may want to consider including implementation methods and strategies, such as:

* **Designation of lead agency**:roles and responsibilities, including adopting a telework policy, managing the implementation, developing and providing training and technical assistance, and adopting data collection and recordkeeping requirements.
* **Designation of telework coordinator**: appointment of individual to oversee the implementation of the telework program in each department or agency. In addition, responsibilities could include serving as an advisor for agency leadership, resource for managers and supervisors, and primary point of contact with designated lead agency.
* **Education and training to managers, supervisors, and employees**: provision of training program to ensure all stakeholders can make informed decisions regarding the use to telework as a viable option.
* **Technical assistance**: provision of ongoing technical assistance to employees regarding the effective and efficient functioning of information and communication technology.
* **Inspections**: on-site visits during normal business hours to teleworker’s remote workplace to determine that the site is safe and free from hazards and to maintain, repair, inspect, or retrieve agency: owned equipment, software, data, or supplies.
* **Recordkeeping and reporting**: inclusion of various types of information important to understanding agency progress in the telework program.
* **Data collection, tracking, and evaluation**: measures used to report success, including participation, employee satisfaction, increased productivity, more efficient use of office space, and supervisor satisfaction.

**TELEWORK POLICIES APPLICABLE TO EMPLOYEES WITH DISABILITIES**

This section of the checklist describes the equal opportunity/nondiscrimination provisions applicable to people with disabilities.

1. **The Reasonable Accommodation Requirement, In General**

Title I of the ADA and implementing regulations require employers with 15 or more employees to ensure equal opportunity/nondiscrimination to qualified applicants and employees with disabilities. In adopting or updating a reasonable accommodation policy, state and local policymakers may want to consider the following to ensure it is consistent with civil rights laws and other disability-related policies:

* Does the policy recognize that equal opportunity/nondiscrimination includes the obligation of employers to provide reasonable accommodation to qualified individuals with disabilities who are employees or applicants for employment, unless to do so would cause undue hardship (i.e., significant difficulty or expense)?
* Does the policy recognize that reasonable accommodations must be provided to qualified employees (i.e., employees who can perform the essential functions of a job with or without reasonable accommodations) regardless of whether they work part: time or full: time or are considered probationary?
* Does the policy recognize that an accommodation is any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities? And, there are three categories of reasonable accommodations:
* Modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position such qualified applicant desires; or
* Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; or
* Modifications or adjustments that enable a covered entity's employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities?
* Does the policy recognize that a modification or adjustment is "reasonable" if it "seems reasonable on its face,” or appears to be "feasible" or "plausible"?
* Does state policy recognize that an accommodation must be effective in meeting the needs of the individual (i.e., participate in the application process, perform the essential functions of the position, and enjoy the benefits and privileges of employment that employees without disabilities enjoy)?
* When an individual decides to request accommodation, does the state policy inform the individual or his/her representative that the individual may use "plain English" and need not mention the ADA or use the phrase "reasonable accommodation"?
* To help determine effective accommodations, does the policy specify that agencies and departments must use an “interactive process,” which means that employers and employees with disabilities who request accommodations work together to come up with accommodations? The interactive process used by the department or agency may include:
* Analyzing the job involved to determine its purpose and essential functions;
* Consulting with the individual with a disability to ascertain the precise job: related limitations imposed by the individual's disability and how those limitations could be overcome with a reasonable accommodation;
* Identifying potential accommodations and assessing the effectiveness each would have in enabling the individual to perform the essential functions of the position; and
* Considering the preference of the individual to be accommodated and selecting and implementing the accommodation that is most appropriate for both the employee and the employer.
* Does the policy make it clear that the department or agency may choose among reasonable accommodations if the chosen accommodation is effective (i.e., offer alternative suggestions for reasonable accommodations and discuss their effectiveness in removing the workplace barrier that is impeding the individual with a disability)?

1. **Telework as a Reasonable Accommodation for Individuals with Disabilities**

In adopting or updating a telework policy, state and local policymakers may want to consider the following to ensure it is consistent with civil rights laws and other disability-related policies:

* Does the policy recognize that telework/work at home may be a form of reasonable accommodation because changing the location where work is performed may be a form of modifying a workplace policy?

* Does the policy recognize that telework is often suggested as an accommodation solution to address work: related barriers, such as:
* Difficulty commuting to and from work due to disability: related reasons;
* Limited access to accessible parking;
* Limited worksite or workstation accessibility;
* Environmental issues (e.g., construction activities, exposure to chemicals/irritants, temperature sensitivity, problematic lighting, etc.);
* Lack of privacy to manage personal/medical needs, like using the restroom, taking medication, or receiving treatment;
* Rigid work schedule;
* Exposure to viruses and bacteria; and
* Workplace distractions affecting concentration?
* Does the policy recognize that the determination of whether telework is an appropriate reasonable accommodation for an employee with a disability should be made through the "interactive process" between the employer and the individual and that:
* The department or agency is permitted to understand why the disability might necessitate the individual working at home;
* The individual must explain what limitations from the disability make it difficult to do the job in the workplace, and how the job could still be performed from the employee's home;
* The employer may request information about the individual's medical condition (including reasonable documentation) if it is unclear whether it is a "disability" as defined by the ADA;
* The employer and employee may wish to discuss other types of accommodations that would allow the person to remain full: time in the workplace. However, in some situations, working at home may be the only effective option for an employee with a disability;
* In order to determine whether a particular job can be performed at home, the department or agency and employee first need to identify and review all the essential job functions; and
* After determining what functions are essential, the department or agency and the individual with a disability determine whether some or all the functions can be performed at home?
* As part of the interactive process, does the state policy specify that the department or agency should discuss with the individual whether the disability necessitates working at home full: time or part: time?
* Does the policy specify the factors that should be considered in determining the feasibility of working at home, including the employer's ability to supervise the employee adequately and whether any duties require use of certain equipment or tools that cannot be replicated at home, and consider:
* Whether there is a need for face: to: face interaction and coordination of work with other employees;
* Whether in-person interaction with outside colleagues, clients, or customers is necessary; and
* Whether the position in question requires the employee to have immediate access to documents or other information located only in the workplace?
* Does the policy recognize that a department or agency should not deny a request to work at home as a reasonable accommodation solely because a job involves some contact and coordination with other employees (i.e., frequently, meetings can be conducted effectively by telephone and information can be exchanged quickly through e: mail)?
* If the department or agency determines that some job duties must be performed in the workplace, does the policy specify that the department or agency and employee need to decide whether working part: time at home and part: time in the workplace will meet both of their needs?
* Does the policy recognize that the department or agency may select any effective accommodation, even if it is not the one preferred by the employee, and that:
* Reasonable accommodations include adjustments or changes to the workplace, such as: providing devices or modifying equipment, making workplaces accessible (e.g., installing a ramp), restructuring jobs, modifying work schedules and policies, and providing qualified readers or sign language interpreters; and
* A department or agency can provide any of these types of reasonable accommodations, or a combination of them, to permit an employee to remain in the workplace?

1. **Relationship Between General Telework Policy and Telework as a Reasonable Accommodation**

In adopting or updating a telework policy as it relates to a reasonable accommodation, state and local policymakers may want to consider the following to ensure it is consistent with civil rights laws and other disability-related policies:

* Does the policy recognize that the ADA and comparable state laws do not require a department or agency to offer a telework program to all employees; however, if a department or agency does offer telework, it must allow employees with disabilities an equal opportunity to participate in such a program?
* Does the policy recognize that the reasonable accommodation obligation, which includes modifying workplace policies, might require an employer to waive certain eligibility requirements or otherwise modify its telework program for someone with a disability who needs to work at home?
* Does the policy recognize that permitting an employee to work at home may be a reasonable accommodation, even if the employer has no telework program?

| Appendix II: Chart of Current Telework Policies Adopted by All States and the District of Columbia | | | | | |
| --- | --- | --- | --- | --- | --- |
| **State** | **Statutes/Regulations** | **Manuals/Guidance** | **Emergencies** | **Telework as a Reasonable Accommodation** | **Private Sector** |
| **Alabama** |  | [State Personnel Department Guidelines](https://personnel.alabama.gov/Downloads/SPDTeleworkGuidelines.pdf) |  |  |  |
| **Alaska** |  | [Division of Personnel and Labor Relations Telecommuting Policy](http://doa.alaska.gov/dop/fileadmin/Human_Resource_Services/pdf/TelecommutingPolicy.pdf) |  |  |  |
| **Arizona** | [Arizona Revised Statutes Title 49. Environment Section 49-588(A)(3)(c)(xiii)](https://codes.findlaw.com/az/title-49-the-environment/az-rev-st-sect-49-588.html) | [Arizona Statewide Telework Policy](https://capitolrideshare.az.gov/sites/default/files/media/ASPS-HRD-PA5.01Telework_Program_20190402.pdf) |  |  |  |
| **Arkansas** |  |  | [Public Health Emergency Remote Work Policy](https://humanservices.arkansas.gov/images/uploads/resources/Remote_Work_Public_Health_Emergency_Policy_FINAL.pdf) |  |  |
| **California** | [Chapter 3 State Employee Telecommuting Program; Government Code Section 14200-14203](https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&division=3.&title=2.&part=5.&chapter=3.&article=) | [Telework Program Policy & Procedures](https://www.dgs.ca.gov/-/media/Divisions/DGS/DOCUMENTS/2010-Telework-Program-Policy-and-Procedures.docx?la=en&hash=F972E2514048A8B61C5841527CA306BD94AFC9E8) | [EO N-62-20](https://www.gov.ca.gov/wp-content/uploads/2020/05/5.6.20-EO-N-62-20-text.pdf) [Qualifying for Temporary Disability; #6] | [Relocating Work Area as a Reasonable Accommodation](https://www.dfeh.ca.gov/accommodation/) |  |
| **Colorado** |  | [Flexible Work Arrangements](https://www.colorado.gov/pacific/sites/default/files/Flexible%20Work%20Arrangements%20Introduction_2.pdf) | [EO- Ordering Employers to Reduce In-Person Work](https://drive.google.com/file/d/1LQpL1oDurg4Iiasq_d6Cu_v2zM_0IMd3/view)  [EO- Increase Payments to Nursing Homes and Facilities that Aid Disabled](https://www.colorado.gov/governor/sites/default/files/inline-files/D%202020%20054%20Medicaid%20Provider%20Payment.pdf) | [Guidance on Reasonable Accommodations due to COVID](https://drive.google.com/file/d/1DSJuV-9finS1_NBnQ8i_02PHQDDIWXRn/view) |  |
| **Connecticut** | [General Statutes Section 5-248i](https://www.cga.ct.gov/current/pub/chap_067.htm#sec_5-248i) | [Interim Training Manual](https://portal.ct.gov/-/media/DCF/Commissioner/COVID-19/Interim-Telework-Training-Manual-for-Managers-and-Supervisors.pdf?la=en)  [Interim Telework Guidelines](https://portal.ct.gov/-/media/DAS/Statewide-HR/A---Z-Listing-Task-PDFs/Telework/Interim-Telework-Guidelines.pdf?la=en) | [COVID-19 Guidance](https://portal.ct.gov/-/media/DAS/Statewide-HR/A---Z-Listing-Task-PDFs/Telework/COVID-19-guidance-re-absences-telework-scheduling.pdf?la=en)  [EO-Restrictions on Workplaces for Nonessential Businesses](https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/%20Executive-Order-No-7H.pdf)  [EO-Limiting Visitation to Facilities Treating Psychiatrically Disabled](https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7C.pdf) | [Interim Telework Guidelines Section O](https://portal.ct.gov/-/media/DAS/Statewide-HR/A---Z-Listing-Task-PDFs/Telework/Interim-Telework-Guidelines.pdf?la=en) |  |
| **Delaware** | [Title 29 Chapter 90C Delaware Code, Section 9004C(2)](https://delcode.delaware.gov/title29/c090c/sc01/index.shtml) | [Delaware Telecommuting Policy](https://dhr.delaware.gov/policies/documents/telecomm-policy.pdf?ver=0316) | [EO- Suspending Some Requirements for Short Term Disability](https://governor.delaware.gov/health-soe/twelfth-state-of-emergency/) | [Reasonable Accommodation Guidelines](https://dhr.delaware.gov/policies/documents/ada-reasonable-accommodation-procedure.pdf) |  |
| **Florida** | [Title X Chapter 110 Section 110.171](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0110/Sections/0110.171.html) [State of Florida Telework Act]  [General Telework Website](https://telework.fl.gov/) |  | [COVID Guidance](https://www.dms.myflorida.com/content/download/148228/989460/COVID-19_Telework_Information_and_Considerations_with_Attachments_%5b03-16-2020%5d.pdf)  [EO- Leave Options](https://www.dms.myflorida.com/content/download/148366/990275/DMS_Families_First_Emergency_Order_20-02_%5b04-03-2020%5d.pdf)  [EO- Barring New Admissions to APD Disability Centers for 30 Days](https://www.flgov.com/wp-content/uploads/covid19/APD%20EO%2020-02.pdf) | [Website with Guidance](https://www.dms.myflorida.com/workforce_operations/human_resource_management/for_state_personnel_system_hr_practitioners/equal_employment_opportunity_affirmative_action/employment_of_individuals_with_disabilities/accommodation) |  |
| **Georgia** |  | [Statewide Policy on Teleworking](https://www.dms.myflorida.com/content/download/148228/989460/COVID-19_Telework_Information_and_Considerations_with_Attachments_%5b03-16-2020%5d.pdf) |  | [Lists EEOC Telework as an Example of Accommodation](http://doas.ga.gov/assets/Human%20Resources%20Administration/Reasonable%20Accommodation/Disability%20Accommodation%20Examples.pdf) | [Tax Code: Tax Credits for Telework](https://law.justia.com/codes/georgia/2018/title-48/chapter-7/article-2/section-48-7-29.11/) [GA Code Section 48-7-29.11] |
| **Hawaii** |  | [Telework Guide [Provides links to AZ, CA, MD, and VA policies on telework](https://cca.hawaii.gov/broadband/telework-resources/)] |  |  |  |
| **Idaho** |  | [Statewide Policy](https://dhr.idaho.gov/wp-content/uploads/Section7TelecommutingPolicyRev.Jan2019-1.pdf) |  |  |  |
| **Illinois** |  |  | [EO- Encouraging Work from home](https://www2.illinois.gov/Pages/Executive-Orders/ExecutiveOrder2020-32.aspx) |  |  |
| **Indiana** |  | [Department of Child Services Policy](http://www.state.in.us/dcs/files/HR-2-12%20Telework%20Policy.pdf) |  |  |  |
| **Iowa** |  | [Program Guidelines](https://das.iowa.gov/sites/default/files/hr/documents/MS_manual/TeleworkProgram.pdf) |  | [Reasonable Accommodation](https://das.iowa.gov/sites/default/files/hr/documents/MS_manual/TeleworkProgram.pdf) [Provision in last paragraph] |  |
| **Kansas** |  | [Telework Policy](https://admin.ks.gov/docs/default-source/ops/dofa-personnel/telework-policy.pdf?sfvrsn=afd8cbc7_6) | [Coronavirus Guidance](https://admin.ks.gov/coronavirus/teleworking) |  |  |
| **Kentucky** |  | [Website](https://transportation.ky.gov/Congestion-Toolbox/Pages/Work-at-Home-or-Satellite-Office.aspx) [links to Mass. and Virginia Policies] |  |  |  |
| **Louisiana** |  | [State Personnel Policy No. 89](https://www.doa.la.gov/ohr/policies/personnelpolicy89.pdf) |  |  |  |
| **Maine** | [Act to Reduce Costs and Emissions by Increasing Telecommuting at State Agencies](http://legislature.maine.gov/legis/bills/getPDF.asp?paper=HP0746&item=1&snum=129) |  | [Broad Guidance](https://www.maine.gov/labor/labor_laws/telecommuters.html) | [Telework as a Reasonable Accommodation](https://www.eeoc.gov/laws/guidance/work-hometelework-reasonable-accommodation) |  |
| **Maryland** | [Teleworking Statute](https://law.justia.com/codes/maryland/2019/state-personnel-and-pensions/division-i/title-2/subtitle-3/sect-2-308/) | [Maryland Policy](https://dbm.maryland.gov/employees/Documents/telework/Telework%20Policy.pdf)  [Teleworking Manual](https://dbm.maryland.gov/employees/Documents/telework/Agency%20Telework%20%20Manual.pdf) | [EO-Pandemic Flu and Other Infectious Diseases](https://dbm.maryland.gov/employees/Documents/PandemicFluAttendanceLeavePolicy.pdf)  [Attendance and Leave](https://dbm.maryland.gov/employees/Documents/PandemicFluAttendanceLeavePolicy.pdf) | [Part I.C of Manual](https://dbm.maryland.gov/employees/Documents/telework/Agency%20Telework%20%20Manual.pdf) |  |
| **Massachusetts** |  | [Telework Policy](https://www.mass.gov/doc/executive-branch-telework-policy-february-2018/download)  [General Telework Website](https://www.mass.gov/telework-for-commonwealth-employees) | [Waived Telework Provisions due to COVID](https://www.mass.gov/alerts/due-to-the-coronavirus-covid-19-we-are-waiving-certain-provisions-of-the-executive#1460936) |  |  |
| **Michigan** |  | [Michigan HHS Telecommuting Program](https://dhhs.michigan.gov/OLMWEB/EX/AP/Public/APR/261.pdf) |  | [Reasonable Accommodations Rule 3-1.4](https://www.michigan.gov/documents/mdcs/SPDOC_17-11a_609249_7.pdf)  [Michigan Civil Service Commission Reasonable Accommodation](https://www.michigan.gov/documents/mdcs/Reg_1.04_Reasonable_Accommodation_207278_7.pdf) |  |
| **Minnesota** | [16E.05 Government Information Access Subdivision 3(1)](https://www.revisor.mn.gov/statutes/cite/16E.05) | [Telework Policy](https://mn.gov/mmb-stat/policies/1422-telework.pdf) | [Department of Transportation Site](https://www.dot.state.mn.us/policy/hr/hr3.6.html)  [EO- Extending and Modifying Stay at Home Orders](https://mn.gov/governor/assets/EO%2020-48%20Final_tcm1055-430499.pdf)  [EO- Encouraging Work from Home](https://www.leg.state.mn.us/archive/execorders/20-54.pdf) | [Telework as an Accommodation](https://mn.gov/admin/assets/1433-ada-reasonable-accommodation_tcm36-273048.pdf) |  |
| **Mississippi** | [Miss. Code Ann. § 25-3-92(2)(b)](https://law.justia.com/codes/mississippi/2010/title-25/3/25-3-92/) [Disaster employment, not specifically telework; language in manual] |  | [Pandemic Telework Manual](http://www.msdh.state.ms.us/msdhsite/index.cfm/19,8506,423,867,pdf/Emergency_or_Pandemic_Telework_Packet_.pdf) [Department of Health] |  |  |
| **Missouri** | [Missouri Rev. Stat. Section 208.339](https://casetext.com/statute/missouri-revised-statutes/title-xii-public-health-and-welfare/chapter-208-old-age-assistance-aid-to-dependent-children-and-general-relief/section-208339-telecommuting-employment-options-office-of-administration-division-of-personnel-duties) | [Office of Administration Policy](https://oa.mo.gov/sites/default/files/POLB-32.pdf) |  |  |  |
| **Montana** | [Telework Authorization Statute](https://leg.mt.gov/bills/mca/title_0020/chapter_0180/part_0010/section_0200/0020-0180-0010-0200.html)  [Statutory Definition of Telework](https://leg.mt.gov/bills/mca/title_0020/chapter_0180/part_0010/section_0010/0020-0180-0010-0010.html) | [Montana Policy](https://montana.policytech.com/dotNet/documents/?docid=277&public=true)  [“Sample” Agency Policy](https://hr.mt.gov/Portals/78/newdocs/factsheets/Sample%20Agency%20Telework%20Policy.pdf) | [EO- Providing Measures for Stay at Home Orders](https://covid19.mt.gov/Portals/223/Documents/Stay%20at%20Home%20Directive.pdf?ver=2020-03-26-173332-177) |  |  |
| **Nebraska** | [Telecommuting Code](https://casetext.com/regulation/nebraska-administrative-code/administrative-services-department-of/title-273-classified-system-personnel-rules/chapter-9-work-schedulesovertime/section-273-9-010-telecommuting?searchWithin=true&listingIndexId=nebraska-administrative-code&q=telecommuting&type=regulation&PHONE_NUMBER_GROUP=P&sort=relevance&p=1) | [Telecommuting Guidelines](https://das.nebraska.gov/personnel/classncomp/telecommuting_guidelines.pdf) |  |  | [Neb. Rev. Stat. §77-27,188](http://www.nebraskalegislature.gov/laws/statutes.php?statute=77-27,188) [Tax credit] |
| **Nevada** |  | [Guide](http://labor.nv.gov/uploadedFiles/labornvgov/content/Employer/Telework%20Guide.pdf) | [Guide [mentions COVID-19]](http://labor.nv.gov/uploadedFiles/labornvgov/content/Employer/Telework%20Guide.pdf)  [EO- Encouraging Work from Home; Sections 11 & 12](http://gov.nv.gov/News/Emergency_Orders/2020/2020-05-07_-_COVID-19_Declaration_of_Emergency_Directive_018_-_Phase_One_Reopening_(Attachments)/) | [Employment Provisions Guide](http://hr.nv.gov/uploadedFiles/hrnvgov/Content/Resources/Publications/ADAguide%20(2).pdf) [Page 34] |  |
| **New Hampshire** |  | [Telework Manual](https://das.nh.gov/hr/documents/Telework%20Manual%20NH.pdf) |  |  |  |
| **New Jersey** |  | [New Jersey National Guard Telework Program](https://state.nj.us/military/hro/docs/JFHQ-NJ-Telework-Updated-Revision-v10.pdf) | [COVID Telecommuter FAQ](https://www.state.nj.us/treasury/taxation/covid19-payroll.shtml)  [EO- Guidelines for State Employee Leave Time and Staffing](https://www.state.nj.us/csc/COVguidelines.FINAL.pdf)  [Covid-19](https://www.state.nj.us/csc/COVguidelines.FINAL.pdf)  [EO-107](https://nj.gov/infobank/eo/056murphy/pdf/EO-107.pdf) |  |  |
| **New Mexico** |  | [Human Services Department Policy](https://www.hsd.state.nm.us/uploads/FileLinks/a06602924f3c4a58836719345f6f8df3/Telework.pdf)  [Corrections Department Policy](https://cd.nm.gov/wp-content/uploads/2019/06/CD-032500.pdf) | [EO- Ordering Virtual Meetings](https://www.governor.state.nm.us/wp-content/uploads/2020/04/Executive-Order-2020-024.pdf) |  |  |
| **New York** | Currently working to enact [“Teleworking Expansion Act”](https://assembly.state.ny.us/leg/?default_fld=&bn=A07127&term=2019&Summary=Y&Actions=Y&Text=Y&Committee%26nbspVotes=Y&Floor%26nbspVotes=Y) |  | [EO- Encouraging Maximum Utilization of Work from Home](https://www.governor.ny.gov/news/no-2028-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency)  [EO- COVID Sufficient Proof of Disability for Family Leave; Provision 12](https://legislation.nysenate.gov/pdf/bills/2019/S8091) |  |  |
| **North Carolina** | [Section 4.8 of Air Quality Improvement Act](https://www.ncleg.net/Sessions/1999/Bills/Senate/HTML/S953v4.html) [S.L. 1999-328] and  [25 NCAC 01C .0800](http://reports.oah.state.nc.us/ncac/title%2025%20-%20state%20human%20resources/chapter%2001%20-%20office%20of%20state%20human%20resources/subchapter%20c/subchapter%20c%20rules.pdf) [Requirements for Teleworking] | [Telework Program Manual](https://files.nc.gov/ncoshr/documents/files/Teleworking-Program_Policy.pdf) | [EO- Additional COVID Mitigation Measures](https://files.nc.gov/ncdhhs/2018-Letterhead-COVID19-with-footer-final.pdf)  [EO- Easing Restrictions on Business Operations](https://files.nc.gov/governor/documents/files/EO138-Phase-1.pdf) |  |  |
| **North Dakota** |  | [Guidance for Teleworking](https://www.nd.gov/omb/sites/omb/files/documents/agency/human-resource-mgmt/teleworking-guidelines.pdf)  [Teleworking Policy](https://www.nd.gov/omb/sites/omb/files/documents/agency/human-resource-mgmt/teleworking-policy.pdf) |  | [Teleworking Policy](https://www.nd.gov/omb/sites/omb/files/documents/agency/human-resource-mgmt/teleworking-policy.pdf) [Telework as an accommodation] |  |
| **Ohio** | [Telecommuting](http://codes.ohio.gov/oac/3349-7-151) [Specific to universities] | [Ohio Administrative Policy](https://das.ohio.gov/Portals/0/DASDivisions/DirectorsOffice/pdf/policies/humanresources/Teleworking%20Policy.pdf)  [Telework Policy 2018](https://das.ohio.gov/Portals/0/DASDivisions/EmployeeServices/pdf/200-14%20Teleworking%20Policy%20March%2013%202018.pdf) |  |  |  |
| **Oklahoma** | [Personnel Act](https://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=102392)  [Human Services Telework Policy](http://www.okdhs.org/library/policy/Pages/dhs002010301000.aspx)  [Statewide Assistance Program- Telework Pilot](https://law.justia.com/codes/oklahoma/2019/title-62/section-62-34-11-7/) | [Office of Management Telework Policy](https://omes.ok.gov/sites/g/files/gmc316/f/TeleworkPolicy.pdf) |  |  |  |
| **Oregon** | [2020 ORS; Vol. 6; Chapter 240; Section 240.855](https://www.oregonlaws.org/ors/240.855) | [State Guidelines](https://www.oregon.gov/das/HR/Documents/Telecommute%20%20Telework%20Work%20Guidelines.pdf)  [State Policy [Original document]](https://digital.osl.state.or.us/islandora/object/osl%3A13672) | [EO- Ordering Maximizing Work from Home and Telework](https://govsite-assets.s3.amazonaws.com/jkAULYKcSh6DoDF8wBM0_EO%2020-12.pdf) |  |  |
| **Pennsylvania** |  | [FAQ For Teleworking Employees](https://www.oa.pa.gov/covidleave/Pages/working-teleworking.aspx)  [Best practices for Employees/Employers](https://www.oa.pa.gov/telework/Pages/Best-Practices.aspx) | [Management Directive 505.33: Working from Home During Emergencies Including a Pandemic](https://www.oa.pa.gov/Policies/md/Documents/505_33.pdf)  [EO- Green Phase Order](https://www.governor.pa.gov/wp-content/uploads/2020/05/20200527-TWW-green-phase-order.pdf) |  |  |
| **Rhode Island** |  | [Department Human Resources Policy](https://rigov-policies.s3.amazonaws.com/Teleworking_Policy.pdf) | [EO- Telework](https://governor.ri.gov/documents/orders/Executive-Order-20-14.pdf) | [Commission on Disabilities FAQ- Telecommuting Can be a Reasonable Accommodation](http://www.gcd.ri.gov/faq/index.php) |  |
| **South Carolina** | [Alternative scheduling law [SECTION 8-11-15]](https://www.scstatehouse.gov/code/t08c011.php) | [Sample Telecommuting Policy](https://admin.sc.gov/sites/default/files/state_hr/Sample%20Telecommuting%20Policy.pdf)  [Telecommuting Guidelines](https://www.admin.sc.gov/sites/default/files/state_hr/Telecommuting%20Guidelines.pdf) | [EO- Work from Home](https://governor.sc.gov/sites/default/files/Documents/Executive-Orders/2020-04-03%20eFILED%20Executive%20Order%20No.%202020-18%20-%20Closure%20of%20Additional%20Non-Essential%20Businesses.pdf) |  |  |
| **South Dakota** |  | [Remote Work Policy](https://bhr.sd.gov/policies-forms/remoteworkpolicy.pdf) |  | [Section I.E.1 of State Policy](https://bhr.sd.gov/policies-forms/remoteworkpolicy.pdf) [Acknowledging work at home as a reasonable accommodation] |  |
| **Tennessee** | [T.C.A. § 4-3-1703](https://law.justia.com/codes/tennessee/2019/title-4/chapter-3/part-17/section-4-3-1703/); [T.C.A. § 8-30-104](https://law.justia.com/codes/tennessee/2018/title-8/chapter-30/part-1/section-8-30-104/) | [Alternate Workplace Policy](https://www.tn.gov/content/dam/tn/hr/documents/policies/14-001_AlternativeWorkplaceSolutions.pdf) | [EO- Encouraging Telework](https://publications.tnsosfiles.com/pub/execorders/exec-orders-lee22.pdf) |  |  |
| **Texas** |  | [Brief on Telework in Texas](https://pubext.dir.texas.gov/portal/internal/resources/DocumentLibrary/Technology%20Brief%20-%20Telework%20in%20Texas.pdf) | [Best practices for Remote Work](https://dir.texas.gov/View-Resources/Pages/Content.aspx?id=69) |  |  |
| **Utah** | [Administrative Policy [R477-88-2. Telecommuting]](https://rules.utah.gov/publicat/code/r477/r477-008.htm#T2) | [Telework Initiative Deployment Guide](https://gomb.utah.gov/wp-content/uploads/2019/10/Deployment-Guide.pdf) |  |  |  |
| **Vermont** | [Flexible Working Arrangements Statute](https://legislature.vermont.gov/statutes/section/21/005/00309) | [Telework Policy](https://humanresources.vermont.gov/sites/humanresources/files/documents/Labor_Relations_Policy_EEO/Policy_Procedure_Manual/Number_11.9_TELEWORK.pdf) | [Telework during COVID Guidelines](https://humanresources.vermont.gov/sites/humanresources/files/documents/Telework%20Guidelines_COVID-19%2003-15-20.pdf)  [EO- Ordering Work from Home](https://governor.vermont.gov/sites/scott/files/documents/ADDENDUM%205%20TO%20EXECUTIVE%20ORDER%2001-20.pdf) |  |  |
| **Virginia** | [Section 2.2-203.1](https://law.lis.virginia.gov/vacode/2.2-203.1/) [Secretary Authority to Establish Telecommuting Policy]  [Section 2.2-2817.1 of the Code of Virginia](https://law.lis.virginia.gov/vacode/title2.2/chapter28/section2.2-2817.1/) [Alternative Work Schedule Law] | [Telework Policy](https://www.dhrm.virginia.gov/docs/default-source/hrpolicy/pol1_61.pdf?sfvrsn=2)  [General Guidance Website](https://www.dhrm.virginia.gov/hr-partners/telework) | [Governor- Additional Measures to Combat COVID](https://www.governor.virginia.gov/newsroom/all-releases/2020/march/headline-853537-en.html) | [Telework as a Reasonable Accommodation](https://www.dhrm.virginia.gov/docs/default-source/hrpolicy/pol1_61.pdf?sfvrsn=2) [Under “Use of Leave” note] | [Va. Code § 58.1-439.12:07](https://law.lis.virginia.gov/vacode/title58.1/chapter3/section58.1-439.12:07/) [Tax credit] |
| **Washington** |  | [Department of Health Mobile Work Policy](https://www.ofm.wa.gov/sites/default/files/public/facilities/MWE/DOH%20Mobile%20Workforce%20Policy%20June%202017.pdf)  [Office of Financial Management Policy](https://www.ofm.wa.gov/sites/default/files/public/shr/Sample%20Agency%20Telework%20Policy.pdf)  [EO- Telework](https://www.governor.wa.gov/sites/default/files/exe_order/eo_16-07.pdf) | [Telework During COVID](https://ofm.wa.gov/state-human-resources/coronavirus-covid-19-hr-guidance-state-agencies/covid-19-telework-policy-memorandum#_Toc37324624)  [EO- Workers’ Rights](https://www.governor.wa.gov/sites/default/files/proclamations/20-46%20-%20COVID-19%20High%20Risk%20Employees.pdf) |  |  |
| **Washington, D.C.** |  | [Telework Policy [Department of Disability Services]](https://dds.dc.gov/sites/default/files/dc/sites/dds/publication/attachments/2019-DDS-POL02%20DDS%20Alternative%20Work%20Schedules%20and%20Telework%20Policy_0.pdf)  [DDS Alternative Work Procedures](https://dds.dc.gov/sites/default/files/dc/sites/dds/publication/attachments/2019-DDS-PROC01%20Alternative%20Work%20Schedules%20and%20Telework%20Procedure_0_1.pdf) | [COVID Telework Resources Website](https://dchr.dc.gov/page/covid-19-telework-resources) | [Manual for Accommodating Employees with Disabilities [Section 2.2](https://odr.dc.gov/sites/default/files/dc/sites/odr/publication/attachments/accommodating_employees_with_disabilities_final.pdf)] |  |
| **West Virginia** |  | [Telework Policy](http://www.state.wv.us/admin/personnel/emprel/policies/doa/Workhome.pdf) |  |  |  |
| **Wisconsin** |  | [Telework Guidelines](https://doa.wi.gov/DEO/Telecommuting%20Guidelines.pdf) |  |  |  |
| **Wyoming** |  | [Alternate Work Schedule Policy](https://drive.google.com/file/d/1iFhS5C3xvdhCzKSlRpvUvwKE5b8C0heB/view)  [State Telework Program Document](https://drive.google.com/file/d/1t9OFY_iDIwmYhbdo4mktbblgPQTpxMao/view) | [Statewide Emergency Policy](https://drive.google.com/file/d/1EDEdD0a4wz_zZQkT9j9oyZtt3B11b9KD/view) |  |  |

## Appendix III: Telework Resources from USDOL/ODEP

This appendix summarizes telework resources and guidance available from the U.S. Department of Labor’s Office of Disability Employment Policy (USDOL/ODEP) and its technical assistance centers, which include the Job Accommodation Network, the Partnership on Employment and Accessible Technology, the Employer Assistance and Resource Network on Disability Inclusion, and the National Center on Leadership for the Employment and Economic Advancement of People with Disabilities.

**Office of Disability Employment Policy**

The [Office of Disability Employment Policy](https://www.dol.gov/odep/) (ODEP) is a non-regulatory federal agency that promotes policies and coordinates with employers and all levels of government to increase workplace success for people with disabilities.

Notable resources on telework and accommodations include:

* ODEP’s [Accommodations webpage](https://www.dol.gov/odep/topics/Accommodations.htm) provides an overview of reasonable accommodations under the ADA and lists examples.
* [Workplace Flexibility Toolkit](https://www.dol.gov/odep/workplaceflexibility/) provides useful information to employees, employers, policymakers, and researchers related to time, place, and task, and highlights workplace flexibility strategies related to ODEP's Customized Employment research: based data. The “[Place](https://www.dol.gov/odep/workplaceflexibility/)” section of the toolkit offers case studies and information on flexible arrangements regarding place of work, including telework.

**Job Accommodation Network**

The [Job Accommodation Network (JAN)](file:///C:\Users\bskipper\AppData\Local\Microsoft\Windows\INetCache\Content.Outlook\1IU7AQ2O\askjan.org) is the leading source of free, expert, and confidential guidance on workplace accommodations and disability employment issues.

Notable resources on accommodations and telework include:

* [Accommodation and Compliance: Telework](https://askjan.org/topics/telework.cfm) explains telework as a reasonable accommodation, addresses frequently asked questions, and provides situations and solutions in which telework may be appropriate.
* [Accommodation and Compliance Series: Coronavirus Disease 2019](https://askjan.org/publications/Topic-Downloads.cfm?pubid=5536115) recommends strategies employers should consider when dealing with communicable diseases such as COVID: 19.
* The [JAN Workplace Accommodation Toolkit](https://askjan.org/toolkit/The-JAN-Workplace-Accommodation-Toolkit.cfm?csSearch=2574914_1) provides guidance and resources for developing or updating accommodation policies and processes, such as best practices, a suite of accommodation forms, training presentations, and role play videos.

**Partnership on Employment and Accessible Technology**

The [Partnership on Employment and Accessible Technology](https://www.peatworks.org/) (PEAT) supports workplaces in using inclusive technologies that engage the skills of employees with disabilities and fosters collaborations that help make emerging technologies accessible.

Notable resources on telework and accommodations include:

* [Telework and Accessibility](https://www.peatworks.org/futureofwork/a11y/telework) provides resources to help equip employers with the information needed to ensure the digital workplace is accessible to everyone, including people with disabilities.
* [Tips for Being an Effective Teleworker](https://www.peatworks.org/content/tips-being-effective-teleworker) provides teleworking strategies and best practices for employers and employees, including those with disabilities, who are transitioning to remote work.

**Employer Assistance and Resource Network on Disability Inclusion**

The [Employer Assistance and Resource Network on Disability Inclusion (EARN)](file:///C:\Users\bskipper\AppData\Local\Microsoft\Windows\INetCache\Content.Outlook\1IU7AQ2O\askearn.org) is a free resource that helps employers recruit, hire, retain, and advance qualified people with disabilities.

Notable resources on telework and accommodations include:

* The [ADA at Work: Considerations for COVID: 19](https://askearn.org/training-center/webinars/the-ada-at-work-considerations-for-covid-19/) webinar examines implications of the pandemic on disability: related inquiries, medical examinations, and interpreting direct threat. It also covers requirements for reasonable accommodations for telework.
* EARN’s [Reasonable Accommodations webpage](https://askearn.org/topics/laws-regulations/americans-with-disabilities-act-ada/reasonable-accommodations/) lists examples of accommodations, tips for making, receiving, and responding to accommodation requests, and guidance on establishing a formal accommodation process.

**National Center on Leadership for the Employment and Economic Advancement of People with Disabilities**

The [National Center on Leadership for the Employment and Economic Advancement of People with Disabilities](http://www.leadcenter.org/) (LEAD Center) focuses on promoting innovation in policy, employment, and economic advancement to advance individual and systems level change for people with disabilities.

Notable resources telework and accommodations include:

* [Advancing Competitive Integrated Employment for Persons with Disabilities: Tips and Lessons Learned for State Government Leaders Interested in Promoting Gainful Employment as a Public Policy Goal](http://www.leadcenter.org/resources/report-brief/advancing-competitive-integrated-employment-persons-disabilities-tips-and-lessons-learned-state-government-leaders-interested-promoting-gainful-employment-public-policy-goal) discusses advancing competitive integrated employment for people with disabilities and provides tips and lessons learned for state government leaders interested in promoting gainful employment as a public policy goal.
* [Inclusive Career Pathways Desktop Guide: Information and Resources to Support Inclusive Programs and Services](http://www.leadcenter.org/resources/tool-manual/inclusive-career-pathways-desktop-guide-information-and-resources-support-inclusive-programs-and-services) supplies resources that support inclusive practices and programs, such as job accommodations.

1. Office of Pers. Mgmt., <https://www.telework.gov/> (last visited May 27, 2020). [↑](#footnote-ref-1)
2. For a detailed review of state policy relating to telework, please refer to the chart located in Appendix 2. [↑](#footnote-ref-2)
3. <https://www.eeoc.gov/statutes/titles-i-and-v-americans-disabilities-act-1990-ada> [↑](#footnote-ref-3)
4. [29 CFR part 1630](https://www.ecfr.gov/cgi-bin/text-idx?SID=28cadc4b7b37847fd37f41f8574b5921&mc=true&node=pt29.4.1630&rgn=div5). [↑](#footnote-ref-4)
5. U.S. Equal Emp. Opportunity Comm’n, *Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the ADA*, (Oct. 17, 2002), <https://www.eeoc.gov/laws/guidance/enforcement-guidance-reasonable-accommodation-and-undue-hardship-under-ada>. [↑](#footnote-ref-5)
6. Job Accommodation Network, *Accommodation and Compliance: Telework*, <https://askjan.org/topics/telework.cfm> (last visited May 27, 2020). [↑](#footnote-ref-6)