
 <b>Agency-Wide Policy</b>	<b>Policy Name:</b> Telework Program	
	<b>Division:</b> Human Resources	<b>Policy Number:</b> LOT_APO_0003
	<b>Approved By:</b> 	<b>Effective Date:</b> September 1, 2023

## I. AUTHORITY AND REFERENCE

[Chapter 20.05, Florida Statutes](#)

[Chapter 110.171, Florida Statutes](#)

[AP-01-19 Standards of Conduct](#)

## II. SCOPE

This policy is applicable to all Florida Lottery (Lottery) employees.

## III. PURPOSE

To establish requirements and procedures for working at a location other than an employee's normal place of work on behalf of the Lottery, as approved by the Secretary or designee.

## IV. DEFINITIONS

**A. Telecommuting:** A mutually agreed upon work arrangement that allows eligible employees to perform their normal job duties and responsibilities through the use of computers or telecommunications at a location other than the employee's normal place of work. An employee may be required to Telecommute in the event of a widespread health emergency such as a pandemic and/or in support of a Continuity of Operations Plan (COOP).

**B. Work-at-Home:** A mutually agreed upon temporary work arrangement (typically three months or less, but longer arrangements may be approved in unique circumstances) that allows eligible employees to perform their normal job duties and responsibilities at home to accommodate a medical condition or their service as a caregiver.

**C. Telework Arrangement:** A Telecommuting authorization, or a Work-at-Home authorization.

## V. POLICY

It is the policy of the Lottery to allow eligible employees to participate in a Telework Arrangement, provided that they meet eligibility requirements and their normal job

functions can be performed apart from their usual place of work. Employees must meet all eligible performance and conduct standards while participating in a Telework Arrangement. Telework Arrangements are at the discretion of the Lottery, and therefore must support agency and division needs.

Telecommuting and Work-at-Home are two distinct arrangements and not interchangeable. Except when Telecommuting is required due to a widespread health emergency and/or in support of a COOP, participation in each program is voluntary and must be mutually agreed upon by the employee and the supervisor; employees are not required to participate in these arrangements, and supervisors are not required to allow employees to participate.

Eligible employees are subject to the Lottery's rules, policies, and procedures regarding attendance and leave, job performance, performance evaluations, and corrective action.

## **A. ELIGIBILITY REQUIREMENTS**

The Telecommuting and Work-at-Home arrangements each have specific requirements that must be met before a decision can be made as to whether either of these alternative work arrangements will satisfy the Lottery's business needs:

### **1. Telecommuting Eligibility Requirements:**

- a. The employee's normal job duties and responsibilities must be capable of being performed apart from their normal place of work using a computer or other telecommunications.
- b. The employee must attend all required meetings and training programs at locations designated by the Lottery.
- c. The employee may not provide direct care-giving responsibilities while performing job responsibilities.

### **2. Work-at-Home Eligibility Requirements:**

- a. In caregiver situations, the type of care needed is assessed along with the ability of the employee to separate their assigned job duties from their daily domestic responsibilities.
- b. The supervisor determines if the employee has the necessary skills and abilities to effectively perform specific job duties at home.
- c. Work-at-Home schedules must be for a minimum of 4 hours per day.
- d. The employee must provide Human Resources (HR) with the appropriate medical certification to support a Work-at-Home arrangement for themselves or the person whom they are serving as caregiver.

### **3. General Eligibility Requirements (Applies to Both Telecommuting and Work-at-Home Arrangements):**

- a. The employee's work performance must be at a consistently high level prior to exploring use of an alternative work arrangement.
- b. The employee's attendance record must reflect regular and consistent attendance, with no recent counseling or corrective action for attendance-related offenses.
- c. Employees approved for either Telecommuting or Work-at-Home arrangements must:
  - i. Demonstrate the ability to work productively and independent of supervision on a regular basis.
  - ii. Not have any disciplinary infractions within the past six months, and not currently be under a performance improvement plan. This condition may be waived in the event of a business need, COOP, or widespread health emergency.
  - iii. Be dependable, trustworthy, and have a high level of self-motivation.
  - iv. Agree to any requirements stipulated in the appropriate Telework Arrangement and/or corresponding forms required by the Lottery. Requirements include completion of accurate timekeeping records (e.g., accurately documenting time spent caring for family member separate from work hours).

#### **4. General Characteristics and Functions of Job Duties and Responsibilities Suitable for Telework Arrangements:**

Job tasks that may be appropriate for Telework Arrangements include those that are generally project oriented, have limited or no required day-to-day direct supervisory responsibilities, and have the following characteristics:

- a. Results oriented
- b. Quantifiable, measurable, reasonably tracked
- c. Easily portable
- d. Limited requirement for face-to-face internal/external interaction and communication
- e. Minimum supervision required
- f. Information based

The determination as to which positions should be permitted to participate in a Telework Arrangement is based on the presence of functional responsibilities that can be achieved away from the normal place of work. Job tasks that have been identified as appropriate for Telework Arrangements include:

- a. Reading, writing, and editing (proposals, policies, reports, etc.)

- b. Preparing and practicing presentations
- c. Data entry
- d. Online research
- e. Programming
- f. Data analysis
- g. In-bound telephone answering (information and referral)

## **VI. PROCEDURES**

### **A. Request and Approval Process:**

#### **1. Telecommuting**

- a. An employee may be required to Telecommute during a widespread health emergency and/or in support of the Lottery's COOP.
- b. Employee submits an official written request to their supervisor.
- c. The supervisor, in conjunction with the division director and/or Executive Leadership Team (ELT) member, assesses the employee's eligibility for a Telecommuting Arrangement based on the requirements listed above.
  - If the request is not approved, the employee is notified that the Telecommuting request has been denied.
  - If it is deemed that the employee meets the requirements, the supervisor must complete and route the Supervisor Consent Form and the Agreement for Telework Arrangement Form.
- d. Once the Supervisor Consent Form and the Agreement for Telework Arrangement Form have been approved by the applicable signatories, the final executed copies are given to HR for inclusion in the employee's personnel file.

#### **2. Work-at-Home**

- a. Employee submits an official written request to their supervisor.
  - If applicable, the request may need to be accompanied by the appropriate medical certifications indicating that the employee is able to work but is temporarily unable to perform their job duties from the office, due to a medical condition related to the employee or a person for whom they are serving as caregiver.
- b. The supervisor, in conjunction with the division director and/or ELT member, assesses the employee's eligibility for a Work-at-Home arrangement based on the requirements listed above.
  - If the request is not approved, the employee is notified that the Work-at-Home request has been denied.

- If it is deemed that the employee meets the requirements, the supervisor must complete and route the Supervisor Consent Form and the Agreement for Telework Arrangement Form.
- c. Once the Supervisor Consent Form and the Agreement for Telework Arrangement Form have been approved by the applicable signatories, the final executed copies are given to HR for inclusion in the employee's personnel file. For approved requests, division management arranges for necessary equipment.

## **B. Responsibilities**

### **1. Supervisor responsibilities include:**

- a. Ensuring that an employee's participation in a Telework Arrangement always complies with the requirements of this policy and that such participation will not adversely affect their employment rights, benefits, or eligibility for advancement.
- b. Establishing reasonable conditions to ensure the appropriate use and maintenance of equipment/items for official purposes only.
- c. Establishing a plan with the employee that describes job duties to be performed, the level of performance expected, and how performance will be monitored and evaluated through the duration of the Telework Arrangement.
- d. Maintaining ongoing, consistent contact and communication with the employee.
- e. Maintaining a list of equipment assigned to the employee and ensuring that all equipment is returned at the conclusion of the Telework Arrangement.

### **2. Employee responsibilities include:**

- a. Meeting all performance standards and work requirements and following the established policies and procedures.
- b. Accurately recording all time worked. An employee must not exceed their FLSA work hours unless authorized by their supervisor.
- c. Protecting Lottery-owned equipment, software, and documents against damage and unauthorized use.
- d. Refraining from conducting in-person state business at home.
- e. Attending all required meetings and training programs at locations designated by the Lottery.
- f. Signing the Agreement for Telework Arrangement that verifies the home workspace is safe and free from fire hazards. The Agreement for Telework Arrangement will also hold the state harmless against any and all claims, excluding Workers' Compensation claims, resulting from the employee working at an alternate location.

- g. Complying with all Lottery policies and state laws and rules. This includes preparing and maintaining accurate timekeeping records.

**3. HR responsibilities include:**

- a. Acting as a resource for information, procedural inquiries, and forms relating to telework arrangements.
- b. Reviewing division approved forms, requesting additional documentation, and routing to the Chief of Staff for final approval.
- c. Maintaining approved telework forms in the employees' personnel file.
- d. Updating the People First database as appropriate.
- e. Ensuring the confidentiality of any medical information submitted in support of the request.

**C. Attendance, Leave, Pay, Travel, and Workers' Compensation**

- 1. Employees who are Telecommuting or Working-at-Home are subject to the same policies regarding attendance and leave, performance reviews, and corrective action as all other employees.
- 2. All pay and leave will be based upon the employee's official work location and not the Telecommuting or Work-at-Home location. The employee will record time and attendance as if performing duties at the official work location.
- 3. Overtime will not be accrued unless authorized in advance by the supervisor.
- 4. Travel reimbursements are based on the employee's official work location.
- 5. Established approval procedures for leave and overtime must be followed including obtaining supervisor approval before taking leave or working overtime.
- 6. The employee is covered by Workers' Compensation under Chapter 440, F.S., when performing official duties at alternate work locations while participating in a Telework Arrangement.

**D. Work Assignments and Evaluation**

- 1. Supervisors must communicate with employees participating in a Telework Arrangement at least on a weekly basis regarding work performance and assignments.
- 2. Evaluation of the employee's work is based on established standards. The employee's performance must continue to meet those standards while they are participating in a Telework Arrangement in order to be permitted to continue in the program.

## **E. Use of Equipment and Liability**

1. The employee is permitted to use Lottery-owned equipment which is serviced and maintained by the Lottery. The employee is liable for any damage caused by their failure to properly use, care for, and/or safeguard the equipment.
2. The Lottery is responsible for installation, software, and maintenance of all computer equipment and supplies. The employee should return the equipment to the business site for necessary maintenance.
3. If telephone equipment is determined to be necessary for the employee to fulfill their job duties while participating in a Telework Arrangement, the Lottery will not be responsible for incurring and paying for any communication costs.
4. The Lottery is not responsible for home maintenance, utility expenses, or other incidental costs associated with Telecommuting or Working-at-Home.
5. The Lottery will not be liable for any damages to the employee's property as a result of participation in a Telework Arrangement.
6. All equipment and software must be returned to the Lottery at the conclusion of the Telework Arrangement.

## **F. Security Controls**

1. Employees must apply approved safeguards to protect Lottery data and/or records from unauthorized use, disclosure, or damage and must comply with the public records requirements set forth in Chapter 119, F.S.
2. All records, papers, documents, correspondence, and/or removable computer media must be safeguarded when not being used by the employee.
3. A periodic review by the immediate supervisor or Lottery management may occur with at least 24 hours advance notice to ensure compliance with the Telecommuting or Work-at-Home requirements. Any non-compliance could result in revocation of Telecommuting or Working-at-Home privileges.

## **G. Duration**

1. Except in instances of a widespread health emergency or in support of a COOP, an employee's participation in a Telework Arrangement is voluntary and the employee may choose to cease participation at any time after discussion with the employee's manager.
2. The Lottery has the right to terminate the Telework Arrangement at any time if participation is not in the best interest of the Lottery.

## **H. Required Documents**

1. Supervisor Consent and Agreement for Telework Arrangement Forms, approved by the applicable signatories, indicating that the employee meets the requirements for a Telework Arrangement.

## **VII. RESOURCES**

[Telework Supervisor Consent Form](#)

[Telework Agreement](#)

## **VIII. Policy and Procedure Owner, Key Contact, and Revision History**

### **Policy Owner**

Title: Director Human Resources

Office: Human Resources

Tallahassee, FL 32301

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### **Key Contact**

Name: Linda Smith

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**Date Signed and Revision History**

<b>Effective Date</b>	<b>Explanation</b>
9/2023	Updated with standard language, reformatted and updated URL links.
<b>Origination Date</b>	<b>Explanation</b>
03/2020	Origin of policy.
<b>Last Reviewed Date</b>	<b>Explanation</b>
04/2023	Reviewed and Revised.
12/2021	Reviewed and Revised.