

# Department of Financial Services

## Administrative Policies and Procedures

**Title:** Pilot Hybrid Telework  
**Number:** 5-29  
**Owner:** Division of Administration, Bureau of Human Resource Management  
**Effective Date:** August 5, 2022  
**Approved By:** Chief of Staff

---

### I. TITLE

Pilot Hybrid Telework

### II. AUTHORITY AND REFERENCES

- A. Florida Statutes: [Section 110.171](#), [Section 110.219\(1\)](#), [Section 112.061\(4\)](#), [Chapter 440](#)
- B. Florida Administrative Code: [Rule 60L-36](#)
- C. Administrative Policies and Procedures (AP&P): [2-05](#), [3-04](#), [4-03](#), [4-04](#), [5-02](#), [5-12](#), [5-18](#), [5-26](#)

### III. PURPOSE

The purpose of this Pilot Hybrid Telework policy is to outline the requirements necessary to implement [Section 110.171](#) (State Employee Telework Program), provide the framework to determine whether a position is appropriate and eligible for Telework, and to establish requirements and procedures for a Department of Financial Services (Department) employee to participate in the Telework program. All references to Telework should be construed as Hybrid Telework.

### IV. STATEMENT OF POLICY

The Department supports Hybrid Telework when appropriate and recognizes that, when properly implemented, Hybrid Telework may improve performance, assist in recruitment and retention of critical employees, reduce employee turnover, and result in a cost savings through a reduction in leased office space and office energy use. The Department also recognizes that the job duties and responsibilities of certain positions do not lend themselves to a Telework option. Telework may only be performed on a Hybrid basis. Employees may perform Hybrid Telework one to two days per week. Participation in the Department's Telework Policy is voluntary.

This Pilot Hybrid Telework AP&P is designed to enable the Department to evaluate the desirability of a permanent Telework policy and will expire no later than June 30, 2023. Prior to or upon expiration of this Pilot Hybrid Telework Policy, the Department will review productivity and performance of Telework Employees for the period this Pilot Hybrid Telework AP&P remained in effect. Pending the outcome of such review, the Department may begin offering Telework on a permanent basis.

### V. DEFINITIONS

- A. Department: For purposes of this AP&P, this policy applies to the Department of Financial Services.

# Department of Financial Services

## Administrative Policies and Procedures

**Title:** Pilot Hybrid Telework  
**Number:** 5-29  
**Owner:** Division of Administration, Bureau of Human Resource Management  
**Effective Date:** August 5, 2022  
**Approved By:** Chief of Staff

---

- B. Hybrid Telework: A work arrangement that allows a Telework-Eligible Employee to Telework one to two days per week and requires the Telework-Eligible Employee to work a predetermined number of days in the Department's provided office.
- C. Telework: A work arrangement that allows a Telework-Eligible Employee to conduct some duties and responsibilities away from their assigned Department-issued workspace during a portion of the Telework-Eligible Employee's established work hours on a regular basis. The term Telework is considered to be synonymous with Hybrid Telework. The term Telework does not include, and a Telework Agreement is not required for:
1. Performance of required work duties on an occasional basis, and which are away from the Department-issued workspace or outside of established work hours. These arrangements may be approved by the supervisor or manager to accommodate extenuating circumstances by allowing an employee to maintain productivity away from their Department-issued workspace. Such off-site work should not be performed on a routine basis and should not exceed more than a few hours.
  2. Duties and responsibilities that, by their nature, are routinely performed in the field, away from the employee's Department-issued workspace.
- D. Telework Agreement: A document that establishes the rules and responsibilities associated with an Telework-Eligible Employee's ability to Telework.
- E. Telework-Eligible Employee: An employee of the Department who has been employed with the Department for at least six (6) months, and is not on a Performance Improvement Plan (as defined in AP&P [5-02](#)), and does not have an evaluation score below an aggregate score of less than 3.0 on the most recent performance evaluation. Employees who have been disciplined (i.e., received a written reprimand, suspension, or performance-related demotion) within the past 12 months are not eligible to Telework. Employees who have been approved to work a flexible work schedule, pursuant to AP&P [5-12](#), are ineligible to participate in hybrid telework. Teleworkers are required to maintain normal working hours as provided in [Section 110.219\(1\)](#).
- F. Teleworker: A Telework-Eligible Employee who has been approved for Telework and has an executed Telework Agreement in effect.

# Department of Financial Services

## Administrative Policies and Procedures

**Title:** Pilot Hybrid Telework  
**Number:** 5-29  
**Owner:** Division of Administration, Bureau of Human Resource Management  
**Effective Date:** August 5, 2022  
**Approved By:** Chief of Staff

---

### VI. PROCEDURES

#### A. Evaluating Positions Eligible for Hybrid Telework

1. When evaluating whether a position is eligible for Telework, it is inappropriate to consider the suitability of a specific employee that does or may later occupy the position. This evaluation will be based exclusively on the functions of the position.
2. Basic considerations will include, but not be limited to:
  - A. Whether the work output for this position is specific and measurable;
  - B. Whether the position handles sensitive or confidential information;
  - C. Whether the job requirements accommodate working away from the normal work site on a regularly scheduled basis;
  - D. Whether necessary contact with other employees and customers is predictable (and therefore, manageable);
  - E. Whether there are identifiable portions of the job which can effectively be performed away from the normal work site;
  - F. Whether the job duties can be accomplished at a comparable level at an alternate work site; and
  - G. Whether the Division or Office is able to monitor job performance and successful completion of job duties.
3. Positions at a Bureau Chief (or equivalent) level, or higher, are not eligible for Telework.
4. The determination of a position's eligibility for Telework will require a Division Director (or equivalent) to provide their respective Deputy Chief Financial Officer (DCFO) (or equivalent) with a supporting proposal for review and approval by the DCFO.
5. If approved by the DCFO, the Division will notify the Bureau of Human Resource Management (BHRM).
6. The Division Director is responsible for ensuring that adequate in-office staffing levels are in place at all times to maintain productivity.

#### B. Determining an Employee's Eligibility for Hybrid Telework

1. In assessing an employee's eligibility for Telework, first, the Department will consider whether the employee meets the definition of Telework-Eligible Employee. Next, the Department will consider the employee's knowledge, skills, and abilities (including any performance weaknesses) to evaluate whether they can effectively perform their job duties while Teleworking. Factors that will be considered are:
  - a. Access to a state-issued computer;
  - b. Ability to work independently;
  - c. Comfort level with required technology;
  - d. Past performance levels;

# Department of Financial Services

## Administrative Policies and Procedures

**Title:** Pilot Hybrid Telework  
**Number:** 5-29  
**Owner:** Division of Administration, Bureau of Human Resource Management  
**Effective Date:** August 5, 2022  
**Approved By:** Chief of Staff

---

- e. Ability to communicate successfully with other parties;
  - f. Reliable internet connectivity and telephone service at Telework location;
  - g. Dependability and trustworthiness; and
  - h. Level of self-motivation and self-direction.
- C. Telework Agreement – Prior to beginning Telework, the Telework-Eligible Employee and supervisor must complete a Telework Agreement ([DFS-C2-1950](#)). This form must be provided to the BHRM, which is responsible for the overall coordination and maintenance of correspondence and documents associated with Telework. The Telework Agreement, which will be maintained in the Telework-Eligible Employee’s official personnel file, must include at a minimum:
1. The established workdays and normal work hours;
  2. An explanation as to how supervision will be provided;
  3. A requirement that the Telework-Eligible Employee check-in with their immediate supervisor at least once on each day they work remotely.
  4. An explanation as to how work products and outputs will be monitored and reviewed;
  5. An explanation as to how attendance and leave records will be maintained and processed;
  6. A maximum response time for the Telework-Eligible Employee to report to their Department-issued workspace if requested by a supervisor;
  7. Details (physical address, phone number, point of contact) related to the Telework-Eligible Employee’s Telework location;
  8. An acknowledgement by the Telework-Eligible Employee that their productivity and performance during established work hours will be monitored, using all resources available to the Department;
  9. An acknowledgment that approved secondary employment cannot be performed during work hours or using state resources (unless the use of state resources is expressly permitted by Division or Department policy; e.g., limited use of law enforcement equipment in approved secondary employment);
  10. A specific description of how technology requirements will be met at the Telework location.
  11. Telework agreements will be reviewed in conjunction with the Teleworker’s annual performance evaluations.

### VII. EQUIPMENT UTILIZED FOR TELEWORKING

- A. The Department may, but is not required, to provide equipment for Telework. The Department will not cover the cost of repair or maintenance of the Teleworker’s personal equipment. The Teleworker is required to use a Department-issued computer for all work performed off site.

# Department of Financial Services

## Administrative Policies and Procedures

**Title:** Pilot Hybrid Telework  
**Number:** 5-29  
**Owner:** Division of Administration, Bureau of Human Resource Management  
**Effective Date:** August 5, 2022  
**Approved By:** Chief of Staff

---

- B. The supervisor and Teleworker must agree upon the equipment to be used in Telework prior to approval. Subject to the supervisor's approval, state-owned equipment may be used for Teleworking if:
  - 1. The Teleworker's present equipment is not needed at the office and can easily be moved;
  - 2. The Teleworker's present equipment is portable and can easily be moved; or
  - 3. The Department has additional equipment, suitable for Telework, and available for use by a Teleworker.
- C. The Department and the Teleworker will follow security controls as outlined in AP&Ps [4-03](#) and [4-04](#). The Teleworker must apply all approved safeguards to protect state-owned equipment and supplies. All official state records, files, and documents must be protected from unauthorized disclosure or damage and returned safely to the office once the Telework Agreement is no longer in effect.
- D. Teleworkers must maintain a home internet service with sufficient upload and download speeds capable of supporting all required job duties and responsibilities. Teleworkers will be responsible for using personal leave in the event of a service interruption, power outage, or if there is no remote work available. The Department will not provide or reimburse the cost of any equipment, installation fees, or monthly service charges for Teleworkers to have the required internet connectivity.

### VIII. DUTIES AND RESPONSIBILITIES

- A. Teleworkers will be compensated in accordance with applicable laws, rules, policies and procedures, including AP&P [5-12](#), for all pay, attendance and leave, and overtime as if duties were being performed at the Department-issued workspace. A Teleworker shall not perform Telework if on approved personal leave. Overtime shall not be worked unless authorized in advance by the supervisor.
- B. Teleworkers will be compensated in accordance with applicable laws, rules, policies and procedures for travel, based on the Teleworker using their approved Telework location as the official work site, as noted in [Section 112.061\(4\)](#). The Teleworker's Telework location, as identified in the Telework Agreement, is considered the approved Telework office location.
- C. Teleworkers shall verify in writing that their Telework location provides workspace that is free of safety and fire hazards and shall agree that they will hold the State of Florida harmless against any and all claims, excluding workers' compensation claims, that result

# Department of Financial Services

## Administrative Policies and Procedures

**Title:** Pilot Hybrid Telework  
**Number:** 5-29  
**Owner:** Division of Administration, Bureau of Human Resource Management  
**Effective Date:** August 5, 2022  
**Approved By:** Chief of Staff

---

from working at the Telework location. Teleworkers are covered by [Chapter 440](#), concerning workers' compensation, when performing official duties at an approved Telework location, to the extent such coverage is provided by [Chapter 440](#). The Teleworker agrees to maintain a safe remote working environment. The Department may, after giving the Teleworker 24 hours advance notice, inspect the Teleworker's Telework space to ensure the space is conducive to Telework.

- D. Telework will not adversely affect an employee's eligibility for advancement (although the position or advancement sought may not be eligible for Telework) or any other employee right or benefit.
- E. Teleworkers shall not conduct in-person state business at their Telework location.
- F. The Telework Agreement may be suspended, terminated, or modified, temporarily or permanently, at the Department's sole discretion. Supervisors are required to consult with the BHRM prior to suspending, terminating, or modifying a Telework Agreement.
- G. Telework is not to be utilized while providing care for others at home or conducting other non-Department work activities, such as secondary employment.
- H. Supervisors of Teleworkers are responsible for ensuring that the annual performance evaluations of Teleworkers track the Teleworker's productivity and output.

### IX. VIOLATIONS

Violations of this AP&P may result in disciplinary action in accordance with [Rule 60L-36](#) and AP&P [5-26](#). Examples of violations include but are not limited to the following:

1. Failure to adhere to scheduled work hours while Teleworking;
2. Performing tasks that are not work-related during work hours (e.g., child care, taking college classes, cleaning the house, etc.);
3. Traveling away from the authorized Telework worksite during work hours without prior authorization;
4. Performing work for another employer, or engaging in tasks related to self-employment during work hours;
5. Poor communication regarding whereabouts and/or work product; and
6. Lack of productivity.

Such examples may constitute insubordination, negligence, conduct unbecoming, or poor performance, which may result in discipline up to, and including termination.