**Montana Judicial Branch**

**Telework Guide**

**INTRODUCTION**

The purpose of telework is to provide an employee with an alternate work location. This alternate worksite may be temporary or permanent in duration and may be used on a full-time or part-time (“hybrid”) basis. For any telework plan lasting more than two weeks, employees and their supervisors should execute a telework agreement. The telework agreement must outline essential aspects of the telework plan including the daily schedule, location, and equipment, as well as expectations regarding supervision, communications, and travel. Telework is discretionary and telework agreements are determined on a case-by-case basis. This Telework Guide is intended as supplemental guidance to Judicial Branch Policy 310.

**JUDICIAL BRANCH HUMAN RESOURCES**

Contact Judicial Branch Human Resources (HR) for assistance with all aspects of telework and related documentation. Telework agreements must clearly outline expectations and requirements of the telework plan. Agreements should be signed by both the supervisor and employee, and maintained in the employee’s personnel file with HR.

**SPECIAL CIRCUMSTANCES**

Special circumstances may arise where telework becomes necessary for an employee on short notice. HR will provide as much guidance as possible during those situations. In no situation can telework be authorized for employees who cannot perform their job duties remotely.

**TELEWORK REQUESTS**

An employee or supervisor may initiate a request for telework. Employees should generally make a telework request to their supervisor. If the telework request relates to a medical condition, the employee may make the request to Human Resources, and HR will work with supervisors and the employee to develop a telework agreement.

**CONSIDERATIONS FOR SUPERVISORS**

**Step 1**: Determine the reason for a telework request.

1. Employees who cannot perform their job duties remotely should not be authorized for telework.
2. Telework is not appropriate when an employee is requesting it to care for another person. People cannot perform both functions of caring for another person and performing the assigned job duties at the same time. Supervisors may consider part-time or non-traditional schedules in a telework agreement if the job duties permit, and if the employee can detail specific times during the day when they will not be responsible for caring for the other person.
3. If the request is related to or may be related to an accommodation under the Americans with Disability Act (ADA), contact HR for assistance.
4. Supervisors may consider whether to advertise the remote work option when posting a job. In situations where the supervisor and employee agree upon a full-time remote work arrangement at the time of hire, the employee is considered a “Telework at Hire” employee.

**Step 2:** Determine whether the employee’s duties can be performed remotely. Supervisors must not remove essential job functions without first consulting with HR.

1. If all the job duties can be performed remotely, the supervisor may consider a telework agreement on a full-time or part-time (“hybrid”) basis.
2. If the employee needs to be in the office to perform portions of their job duties, the supervisor may develop a hybrid schedule where the employee teleworks part of the day/week and works in the office for the other part.
3. If the job duties of the position cannot be performed remotely, telework should be denied.
4. For employees who meet with the public (such as Juvenile Probation Officers and Treatment/Veteran/DUI Court employees), the plan must address how those meetings will occur during telework.

**Step 3**: Ensure the employee has the proper technology and equipment at the remote worksite to perform their job duties. If the employee lacks the proper technology and equipment for remote work, telework should be denied.

1. Branch-issued computer *or* authorization from Branch IT to use a personal computer
2. Telephone access
3. Internet connection
4. Video conferencing capabilities, if necessary

**Step 4**: Discuss and document any procedures for supervisors to properly monitor the employee’s work and to ensure accuracy of the reported work hours.

1. Define expectations of telework with the employee. Confirm that the employee understands that work performance and conduct must remain acceptable.
2. Complete a Telework Agreement with the employee and send a copy to Human Resources for review and filing.
3. Define communication expectations for teleworkers regarding emails and phone calls. At a minimum, responses to emails and phone calls should be made within one (1) business day.
4. Implement a process for monitoring work performance on a regular basis. Address any performance problems immediately. Contact Human Resources for guidance where needed.

**TELEWORK AGREEMENT RECOMMENDATIONS**

Provide specific details in the Telework Agreement. Determine each plan on a case-by-case basis, and in consideration of the needs of both the employee and the office.

In all telework situations, managers must maintain proper supervision of the employee to ensure work duties are completed properly and work hours are reported accurately.

A completed and signed Telework Agreement should be kept on file in the employee’s personnel file with Human Resources at the Office of the Court Administrator. A Telework Agreement form can be obtained by contacting HR.

The supervisor and employee must clearly understand and agree upon:

1. Hours of telework: Specify the days and hours which the employee will telework and which hours the employee will work in the office, if any.
2. Duration: Indicate the duration of the telework agreement.
3. Time reporting: Consider using a work log to detail work performed by the telework employee, whether provided hourly, in ½ day increments, over the entire day, or other timeframes as determined by the supervisor.
4. Meetings: Clarify the expectation for the employee’s attendance at meetings.
   1. Determine attendance options: in-person, by phone, or through video conferencing.
   2. Specify how the employee will receive meeting information if not attending in person.
5. Office Equipment: The Montana Judicial Branch will supply telework employees with the office equipment necessary to perform their, such as computer, mouse, monitor, etc. The equipment remains the property of the Judicial Branch and the equipment used should be documented for proper accounting and property management. Equipment necessary for the telework agreement should be properly identified in the telework agreement. Any use of personal computer equipment must be authorized by Judicial Branch IT.
6. Communications: Define how routine communications between the telework employee and supervisors/coworkers/peers/customers will be handled. Discuss telephone and email expectations, such as what is considered a reasonable amount of time to respond.
7. Leave requests: Discuss the process the employee will use to request leave.
8. Checking in and out: Describe any check-in and check-out procedures. For example, telework employees can be required to check-in and check-out of work by sending their supervisor an email from the employee’s state email account.
9. Updates: Clarify the status of the telework employee during any emergency or weather-related closures of state offices.

**SUPERVISOR RESPONSIBILITIES**

Supervisors must:

1. Clarify all aspects of the telework agreement.
2. Monitor the performance and work product of telework employees.
3. Ensure work hours entered by telework employees are accurate.
4. Review the Telework Agreement to ensure accuracy and to address any problems.

**EMPLOYEE RESPONSIBILITIES**

Telework employees are responsible for:

1. Work product: Telework employees must complete their work efficiently and accurately. If a telework employee’s work product declines or if a telework employee does not meet performance expectations, the telework agreement should be terminated.
2. All policies: Telework employees are required to adhere to all Judicial Branch policies while working.
3. Security: Telework employee must maintain the security of the office equipment. No other person shall be allowed access to the state computer, printer, scanner, or copier. Telework employees are responsible for the security and integrity of confidential information maintained at their telework location.
4. Workspace: Employees should identify an appropriate workspace in the location they will use for work. This workspace should have an appropriate desk, work surface, and office chair.
5. Work-related injuries: Employees shall notify their supervisor promptly of any injury that occurs while working.
6. Reporting time: Employees must accurately report work hours. Any falsification of timecards is cause for termination from employment.
7. Leave requests: Employees should submit requests for time off to their supervisor and in the manner agreed to in the telework agreement.
8. Communication: Employees shall be responsive to phone calls and emails received during normal business hours. Employees shall respond to phone calls and emails in a timely manner, as determined by their supervisor.

**JUDICIAL BRANCH RESPONSIBILITIES**

The Judicial Branch is responsible for the following costs:

1. Business related telephone calls on the state-issued telephone.
2. Maintenance, repair, or service to state-owned equipment.

**RESPONSIBILIITES NOT ASSUMED BY THE JUDICIAL BRANCH**

The Judicial Branch shall not provide or cover the following items:

1. Maintenance, repair, or service of privately owned equipment.
2. Utility costs, including internet access, associated with the use of the office equipment necessary for state work.
3. Rent or facility costs for telework locations.
4. Homeowner’s or Renter’s insurance of the alternate worksite.

**ADDITIONAL INFORMATION**

Telework agreements may be altered at any time as necessary by either the supervisor or the telework employee.

Telework agreements can be terminated at any time due to violations of the agreement. Supervisors should provide a minimum seven (7) day notice of the termination when possible unless the agreement is terminated as the result of performance issues.

Telework agreements should be reviewed by Judicial Branch Human Resources and maintained in the employee’s personnel file with HR at the Office of the Court Administrator.