

Covid-19 Emergency Guidelines for Work Distribution and Work Completion

We are taking all of the necessary precautions to minimize the exposure of employees and the public that we serve to the COVID-19 virus. To that end, we have developed emergency work from home guidelines that are temporary and will remain in effect until further notice. Participation in the emergency work from home program is voluntary. Each manager and/or supervisor must submit a plan for the effective and efficient operation of their unit or department while this policy is in use, such as rotational absences, work pick up and drop off, etc.

Effective Immediately, all in-person meetings, appointments, mediations, fact-findings, witness interviews, witness prep meetings, etc. must be held telephonically or postponed until the Agency is provided with guidance by the Governor's office and/or the state Department of Public Health that it is safe to have in-person public contact.

Effective immediately, all complaints of discrimination must be taken over the phone and mailed to the complaining party for their signature. If a complainant is unable to get their complaint notarized, we will do the notarization after-the-fact. There is a Supreme Court decision to support this legal position.

Effective immediately, each manager and/or supervisor must develop a work plan if they receive an emergency request to work from home to ensure the flow of work and coverage in the office. The goal is to limit employees' exposure to Covid-19 by limiting their exposure to the public.

Effective March 9, 2020, in accordance with the directives from the Office of the Governor, all out-of-state travel is prohibited.

I. Purpose

These guidelines shall serve as an emergency CT Commission on Human Rights & Opportunities' ("the Agency") temporary policy regarding work distribution and work completion amid the Covid-19 pandemic. These guidelines do not affect pre-existing telework arrangements. Nothing in this policy shall dictate the terms of the statewide finalized policy. Nothing in the text of this policy shall be used in favor of or against any proposal that is made by the State or the Coalition in subsequent arbitration and absent mutual agreement otherwise, it shall be inadmissible in such arbitration.

This emergency temporary policy shall remain in effect until suspended by the Agency.

For this emergency temporary policy all classifications of employees will be eligible to request to work from home.

Emergency Work from home is a voluntary agreement whereby an employee is permitted to work from home, or other approved location, on a pre-approved basis

for a part of or all of his or her work-week. The emergency work from home policy promotes and facilitates efficiency and productivity during a national, state, or local crisis. It does not change the nature of the work a state employee is expected to perform, the hours the employee is expected to be working, the employee's official duty station or the employee's obligation to comply with laws regulations and state Agency policies.

Purpose of these Emergency Guidelines in a nutshell:

- To Suspend any and all in-person meetings and trainings until further Agency notice and require that such meetings be held telephonically or rescheduled
- Establish the rules the Agents (Managers, Supervisors, Administration, etc.) of the Agency must follow when analyzing a request to work from home during the Covid-19 pandemic
- Establish the terms and conditions of the emergency work from home agreements and
- Identify the requirements necessary to participate in the emergency work from home program

II. Analyzing a Request to utilize the emergency work from home program

Requests to work from home through this emergency guideline must be analyzed based on specific job duties and approval is not guaranteed. Each employee wishing to utilize the emergency work from home program must submit an email to their manager or supervisor requesting to work from home and indicating the work that will be performed during each day that has been requested as a work from home day. For purposes of these guidelines, approver authority will be the immediate manager or supervisor of the employee. A copy of the approval must be sent to the Deputy and Executive Directors.

Managers and Supervisors must closely monitor the work of any employee who is utilizing the emergency work from home guidelines.

The Agency has the discretion to approve or deny emergency work from home requests based upon its assessment of the individual's request in accordance with these guidelines and the business needs of the agency.

The employee must be able to perform the full range of duties outlined in their email for emergency work from home. For example, supervisory, investigatory, and clerical duties must be able to be performed, if applicable, on a work-from-home designated day.

- The employee must have work that can be performed independently
- The employee must be able to safeguard confidential information including, but not limited to, social security numbers, personal health information, financial information and case processing information that is protected by state law
- The manager and/or supervisor must be able to check and validate the work performance of the employee
- The employee must have the required computer equipment (state-issued computer or laptop, VPN, etc.) and state-installed software to enable the employee to perform their job duties from home or an off-worksite location. If the employee's work does not require the use of a laptop or VPN, the work may be performed at home without the use of this equipment
- The employee must have a safe, confidential location to work off-site or in home and that environment must be maintained throughout all approved emergency work from home
- The employee must certify that they have a reliable phone and internet access in place at their home worksite

III. Priority Approval

When considering a request for emergency work from home, priority approval must be given to employees who are at high risk for Contracting Covid-19. For example:

Older Workers

Workers with any of the following conditions:

Heart and/or Lung Condition

Diabetes

Compromised and/or Suppressed Immune System

Pregnancy

IV. Terms and Conditions of Emergency Work from home program

A. Standards of Conduct

While working from home via the emergency work from home program, the employee is bound by all state and Agency policies and practices as if they were working at the official duty station.

B. Compensation and benefits

This emergency work from home program is not a basis for the changing the employee's salary or benefits. The employee's salary, work hours and benefits will remain subject to the rules governing the collective bargaining unit contract or existing state statutes and regulations.

None of the rights or benefits provided under an employee's collective bargaining agreement between the state and the employee unions are enhanced or abridged by the implementation of the emergency work from home program. Disputes arising from an emergency work from home request shall be addressed through the employee's chain of command. If the issue is unresolved, it should be referred to the Deputy and Executive Directors.

C. Work Performance

The employee is responsible for maintaining availability, appropriate levels of production and quality of work while working at home in the emergency work from home program.

The manager or supervisor shall establish methods and standards for measuring the work performance, including productivity and efficiency of the employee and the other employees in their work group, which may include sign in/out and daily and weekly reports requirements. If performance issues arise, or if the emergency work from home agreement causes a decrease in productivity and/or efficiency of the work group as a whole, working from home can be terminated immediately by the supervisor with the approval of the Deputy and Executive Directors.

D. Schedule

Timeframes must be defined and preapproved for the off-site emergency work from home employee.

The hours of work while participating in the emergency work from home program shall match the hours that would be worked at the official duty station, unless specific approval has been granted otherwise. Employees must adhere to their approved work schedules, including lunch and breaks. No overtime may be worked from home. No travel time will be included in regular work hours to arrive at an emergency off-site location. As a general rule, telework will occur in whole-day increments.

An employee on an alternate work schedule, or reduced schedule, may be granted emergency work from home.

Employees who participate in the emergency work from home program are subject to the same rules for using sick leave, vacation, personal leave and other leave. If the employee is unable to work any portion of his/her emergency work from home day, the employee will be required to use applicable personal leave, earned compensatory time, or accrued vacation or sick leave for the hours not worked, subject to standard Agency rules and procedures regarding such leave.

Any change(s) to the emergency work from home agreement must be preapproved in writing by the Agency. Any changes in the schedule of the emergency work from home agreement are subject to the Agency's internal review process.

Documentation of Emergency Work from Home Agreements must be maintained for audit purposes.

E. Duration

The emergency work from home program is voluntary and an employee's participation may be terminated by the Agency upon a change in operational needs or if a performance, disciplinary, safety or an information security issue or a reduced threat of Covid-19 pandemic arises. Disputes regarding whether a termination of the working from home shall be forwarded to the Deputy and Executive Directors.

The emergency work from home agreements are temporary; therefore, it will be subject to review and re-approval at intervals no greater than every one (1) week.

F. Location

The employee working from home is responsible for maintaining a designated workspace in a safe, healthy, professional and secure manner. The workspace must have the necessary environment and furnishings (for example a private workspace, desk, chair and telephone) to enable the employee to accomplish his/her assigned duties.

The employee must have reliable phone and internet services (if required for the performance of their duties) in place in order to be available to conduct their work duties. The employee is required to provide the phone numbers where they can be reached on days when they will be participating in the program. Employees are not authorized to perform work at any site other than the approved off work site location for the duration of their workday.

With notice, the Agency may make on-site visits to the designated workspace for the purposes of verifying that Employee is working as scheduled, determining that the site is safe and free from hazards, and maintaining, repairing, inspecting or retrieving Agency-owned equipment, software, data, or supplies. The Agency will make inspections only during Employee's scheduled working hours. An example of notice would include but not be limited to leaving a message on the employee's designated phone number.

G. Availability to Report to Duty Station

Employees participating in the program shall report to the official duty station when directed, based on management priorities, such as for meetings, training or other work-related requirements. Business meetings, meetings with stakeholders or regularly scheduled meetings with co-workers shall not be held at the telework duty station unless they can be accomplished through a teleconference process.

The employee shall not be reimbursed for mileage if they report to the official duty station but remains eligible for reimbursement for travel to other locations in accordance with the applicable collective bargaining agreement and/or the standard State Travel Regulations.

H. Family Responsibilities

Emergency work from home shall not be used to provide family care. The employee shall make arrangements to have dependent children or elders cared for by other individuals.

If there are any changes in the employee's family responsibilities or child-care or elder-care arrangements, the employee must promptly notify the Agency and provide an updated application.

I. Outside Employment

Requests for emergency working from home must be reviewed to determine if an employee's outside employment or outside income is such that working off-site or from home will enable, or create the appearance of enabling, the employee to co-mingle state and non- state work during established work hours.

J. Equipment and Supplies

State and federal laws and policies regarding computer security and encryption, confidentiality of data, and software licensing, as well as the technical requirements of the state's networks, databases and firewalls must be fulfilled to perform all computer-based work from home. Employees working from home via the emergency work from home program must have valid Agency-provided tokens and VPN software installed on their state-assigned laptop or on such other equipment as may be approved by both the employees' agency and the Department of Administrative Services, Bureau of Enterprise Systems and Technology. All peripherals (e.g., thumb drives) connected to state equipment must be compliant and purchased through the Agency's IT organization. Personal equipment is not permitted to be used to access any state computing systems except as may be approved by both the Agency and the Department of Administrative Services, Bureau of Enterprise Systems and Technology. Any such approval shall be reported by the Agency to statewide I.T. While this temporary

work-at-home policy is in place, personal cell phones are approved by the Executive Director for business use consistent with this policy.

The Agency is under no obligation to purchase equipment beyond existing appropriations simply to enable an employee to work from home via the emergency work from home program. Any equipment and supplies purchased by the Agency remains Agency property and must be returned at the conclusion of an emergency work from home agreement or when requested by Agency management. The employee must obtain authorization before bringing any Agency-owned equipment or supplies to the emergency work from home location. The purchase and installation of software licenses shall be coordinated with the Agency's IT organization and must comply with state acceptable use and procurement guidelines.

Agency-owned equipment and supplies shall be used only for State business. Personal use of these materials is prohibited, even during non-working hours.

Work performed on state-issued laptops is subject to Freedom of Information Act (FOIA) requests for information, the same as when the employee is working at their assigned work location. Emergency work from home conducted on approved personal devices will also be subject to FOIA requests.

The state assumes no responsibility for any operating costs associated with the employee using their personal residence as an emergency work from home duty station, including home maintenance, insurance, utilities, telephone service or internet service. Employees must have sufficient ISP access at the remote location. There is no expectation of reimbursement for this service. Similarly, out-of-pocket expenses for supplies normally available through the Agency will not be reimbursed.

Employees who emergency work from home are not eligible for any contractual home office or other monetary stipend other than those to which they would have been entitled in the absence of emergency work from home.

K. Security of Equipment and materials

Employees participating in this program are responsible for the physical security of Agency equipment, supplies and information in their possession while off-site or from home. The employee will be liable for any loss or damage to Agency equipment or supplies due to the employee's negligence or misconduct.

Materials, documents, etc. that the employee transports to and from the official workstation to the off-site or home location are their responsibility and must be

kept confidential and secure. The employee must protect the records from unauthorized disclosure or damage and must comply with all state-wide and Agency policies and procedures regarding such matters, including but not limited to the following:

- The Acceptable Use of State Systems Policy;
- The Policy on Security for Mobile Computing and Storage Devices;
- The Telecommunications Equipment Policy;
- The Network Security Policy and procedures, and
- The State HIPAA Security Policy (if applicable).

Emergency work from home creates the need for additional diligence and security on the off-work site location security practices. Employees who use this program are responsible for appropriate security measures on networks used for performing work. Breaches of information security while working off site, whether by accident or design, or failure to notify the supervisor and IT of a potential breach of security, may be grounds to immediately terminate the off-site work agreement subject to the appeal process under this interim policy, and may be cause for disciplinary action subject to the just cause provisions of the collective bargaining agreement.

Employees using state-issued software must adhere to the manufacturer's licensing agreements, including the prohibition against unauthorized duplication. In particular, the installation, use and removal of software must comply with the Software Vendor's License Agreement, the State of Connecticut Software Management Policy and the Agency's implementation of this policy. State-issued software will be installed by IT only on agency-owned computers following manufacturer licensing agreements.

L. Inability to work at emergency site

The state will continue to provide workers' compensation benefits and coverage to the employee as governed by the Connecticut General Statutes and the applicable collective bargaining agreement provided the alternate work location has been approved.

An injury must arise strictly out of and within the course of employment in order to be considered as a workers' compensation liability, wherein all standard workers' compensation regulations would apply. Accidents at the employee's home or off-site work location to persons who are not on-duty Agency employees are the responsibility of the employee. An employee must contact his/her

supervisor as soon as an injury occurs, whether covered by workers' compensation or not.

The authority for determining if an injury "arises out of or within the course of employment" falls within the jurisdiction of the Workers Compensation Commission.

M. Inability to work at the emergency off-site location

The employee participating in the program must notify his/her supervisor immediately of any situations that interfere with their ability to perform their job: equipment malfunction; loss of power at the off-work site location; unexpected need to care for child/family member; etc. Depending on the particular circumstances, the Agency may allow the employee to use accrued leave or compensatory time, if applicable, or require the employee to report for work at the official duty station.

If a situation arises which would preclude the employee from working at the off-work site emergency location, the employee must request the use of leave time, arrange for a change in work schedule, or work at their official duty station.

N. Late opening, early dismissal, agency closure

If a situation arises at the employee's official duty station that interferes with the ability of non-emergency work from home employees to work at the official duty station (e.g. power failure, weather conditions, lack of heat in the office building; etc.) while the off-work site employee is working at his /her off-site location, the employee is not excused from duty for this period of time as he/she would not be affected by these conditions.

In addition, employees may be requested to work off-site on non-off-site work days as operational needs dictate or in the event of an emergency (e.g. power outage, flooding/water damage at official duty station etc.). Acceptance of such request shall be at the option of the employee.

O. Medical issues

Emergency work from home may not be used in lieu of sick leave, state or federal family and medical leave, workers' compensation leave or any other type of leave.

On a case-by-case basis, participation in the emergency off-work site program may be considered a reasonable accommodation under state or federal disability law. In making this determination, it must be remembered that the purpose of a

reasonable accommodation is to enable the employee to perform the essential functions of their job.

P. Local zoning ordinances

It is the emergency work from home participating employee's responsibility to ensure compliance with any local zoning ordinances related to working at home or maintaining a home office.

Q. Tax implications

The tax implications of the emergency work from home program are entirely the responsibility of the employee. Employees are encouraged to seek professional advice in this area.

R. Other action

Nothing in these Guidelines precludes the Agency from taking any appropriate disciplinary action against an employee who fails to comply with the provisions outlined in the emergency work from home guidelines. Non-compliance may also result in the immediate cancellation of the employee's participation in the program.

V. Memorializing the emergency request to work from home in writing

All emergency work from home requests and approvals must be memorialized in writing via email. The employee requesting to participate in the program, in the email to their supervisor, must certify they will follow the guidelines of the emergency work from home policy. The employee's supervisor and/or manager must approve the request to work from home or off-site before the employee works off-site or from home. The Deputy and Executive Directors must be copied on all requests, approvals, and disapprovals.