



MEMORANDUM

To: CCRC-Middle Employees
From: Eric Pinkard, CCRC *EP*
Date: March 21, 2025
RE: TELEWORK POLICY

Policy Statement:

It is in the best interest of the Capital Collateral Regional Counsel, Middle Region (CCRC-Middle) (Agency) (Employer), and the State of Florida, to establish remote-work arrangements that allow for Agency employees to conduct all or some of their official work away from CCRC-Middle's office building (Employer's Official Worksite), during all or a portion of employees' established work hours. This working remotely will be termed "Telework," as defined by Section 110.171 (1) (c), Florida Statutes. Telework can also be an effective strategy and useful tool to support the agency's Continuity of Operations Plan (COOP) during an emergency, such as hurricane evacuations, shutdowns and aftermath, or as determined by the governor of the state and/or the Agency head (the Capital Collateral Regional Counsel (CCRC)).

Not all positions at CCRC-Middle are conducive to Telework. The determination that a position is or is not appropriate for Telework is not static and may change as CCRC-Middle's duties and culture evolve. Telework at CCRC-Middle is a privilege – not a right or entitlement. Requests from employees to Telework may be denied; and approvals to Telework may be revoked at any time and without notice or explanation. Failure by an employee to comply with or strictly adhere to any of the requirements set forth in this Policy shall be grounds for immediate suspension or revocation of an employee's Telework privilege, as determined by, and at the sole discretion of the CCRC or the Executive Director.

No CCRC-Middle employee shall be permitted to Telework without submitting a completed CCRC-Middle Telework Form, signing a CCRC-Middle Telework Agreement, signing a CCRC-Middle Telework Equipment Sign Out Agreement and receiving final, written approval by the CCRC. Only the CCRC shall have the final authority to approve Telework. Should the CCRC become incapacitated, all Telework authorizations shall immediately be suspended, and all employees shall report to the Employer's Official Worksite until the CCRC returns; or a new CCRC is appointed by the governor. No Agency employee, other than a CCRC appointed by the governor, shall have the authority to implement Telework, in accordance with Section 110.171, Florida Statutes.

I. Authority: Section 110.171, Florida Statutes; Department of Management Services Policy Guideline HRM #2016-010.

II. Applicability: This policy does not apply to the performance of required work duties away from the Employer's Official Worksite and outside of established work hours on an occasional basis and sporadically working away from the Employer's Official Worksite during all or some portion of the established work hours. All Full-Time Equivalent (FTE) and Other Personnel Services (OPS) employees, whose positions are defined as being eligible for Telework, may participate in Telework. Employees, whose positions are not defined as being eligible for Telework, may be permitted to participate in Telework during an emergency or for a limited time and upon approval solely by the Agency head or the Executive Director. Interns, Volunteers, any employee in a training status, and any employee employed at the Agency for the first six months of their employment shall not be allowed to participate in Telework.

III.

CCRC-Middle established positions (FTE & OPS) identified that are deemed appropriate for Telework, as outlined by HRM #2016-010, are:

<u>CCRC-MIDDLE POSITION</u>	<u>HRM #2016-010 DESIGNATION</u>
• CCRC, Agency head	Manager, Attorney
• Assistant CCRC I-V. Assistant CCRC and Legal Trainees are not eligible for Telework	Attorney
• Executive Director	Manager, Financial Analyst Accountant
• Administrative Services Director	Manager, Financial Analyst

• Chief Investigator	Accountant Manager
• Chief Operations Officer	Manager
• Accounting Services Administrator	Accountant
• Investigator Supervisor	Training Designer
• Investigator	Researcher, Inspector, Writer
• Information Services Coordinator	Programmer, Systems Analyst

III. Definitions:

A. Telework: A work arrangement that allows an employee to conduct all or some of his or her work away from the Official Worksite during all or a portion of the employee's established work hours on a regular basis. The term does not include and a Telework Agreement is not required for:

- Performance of required work duties away from the Official Worksite and outside of established work hours on an occasional basis and sporadically working away from the Official Worksite during all or some portion of the established work hours. These arrangements may be used to accommodate extenuating circumstances by allowing an employee to maintain productivity away from the Official Worksite.
- Duties and responsibilities that, by their nature, are performed routinely in the field away from the Official Worksite.

B. Employee's Telework Location – The site from which the employee is approved by the Agency to telework (typically, the employee's residence).

C. Employer's Official Worksite – CCRC-Middle's office building location at 12973 N. Telecom Parkway, Temple Terrace, Florida.

IV. Telework Conditions:

Manager Definitions: First Chair; Supervisors may act in lieu of Managers.

Supervisor Definitions: CCRC; Executive Director; Chief Assistant CCRC for Attorneys; Chief Investigator for Investigators; Chief Operations Officer for support staff and Information Technology staff.

A. Work Hours and Telework Location: Work hours shall be established by the employee's manager within the timeframe of a workweek spanning from Sunday through Saturday, not to exceed 40 hours without authorization in advance and in accordance with Agency Comp Time Policy.

1. The employee shall perform Telework only from the approved Telework Location.
2. The employee must work at least three (3) days of the normal 40-hour work week at the Employer's Official Worksite. The employee must coordinate with their manager which days of the work week they will work at the Employer's Official Worksite and which two (2) days they will Telework from their Telework Location. Once the two (2) days of the work week are chosen for Telework, the days shall not be changed without written authorization from the CCRC or the Executive Director. The manager shall report on the employee's designated Telework days to the Executive Director. Designated Telework days that fall on a holiday or when the agency is otherwise closed, do not need to be made up. Telework days are not permitted to be flexed, carried forward or swapped.
3. The employee shall comply with the worktime reporting methodology outlined by this Policy; and shall report work hours on their Timesheet in the BOMS Employee Module.
4. CCRC-Middle reserves the right to require individual employees to report to Employer Official Worksite at any time and without any advance notice. Employees shall comply as directed by a Manager or Supervisor.
5. Any member of CCRC-Middle management shall have the right to confirm by remote means or in-person visits that an employee, who has been approved to Telework, is at their Telework designated location on assigned Telework days.

B. Performance & Productivity Standards: In accordance with F.S. 110.171 (4), CCRC-Middle establishes the following standards for performance and productivity for Telework employees:

1. While Teleworking, employees shall complete work assigned and established by their managers or supervisor in a timely manner, as

determined by the manager or supervisor, with direction from CCRC-Middle management.

2. Shall not use Telework as any leave time, travel time, commute time or perform personal duties.
3. Shall be able to articulate their completed job duties to their manager.
4. Shall give a daily brief description of Telework duties completed in the BOMS Timesheet Employee Module notes section. This shall be noted in the comments section of the Timesheet in the BOMS Employee Module.

C. Criteria to Evaluate Satisfactory Performance:

1. Managers shall complete a monthly evaluation of employees' Telework, certifying to their supervisor that the employee has performed satisfactorily in performing their job duties during Teleworking. Managers shall note any issues or deficiencies in an employee's performance.
2. The supervisor shall review the manager's evaluation and, if an employee's performance is satisfactory, submit a Satisfaction of Performance Form to the Executive Director to document. If an employee's performance is not satisfactory, the supervisor shall determine what action, if any, to take and submit deficiency remarks in the Satisfaction of Performance Form to the Executive Director to document.
3. If the Executive Director receives multiple deficiency remarks in the Satisfaction of Performance Form on one employee during a 12-month period, the Executive Director shall report the deficiencies to the CCRC.
4. The CCRC shall make a determination of what action, if any, needs to be taken, including terminating the employee's Telework privilege.

D. CCRC-Middle Policies: All CCRC-Middle policies remain applicable to employees who are teleworking. Violation of any CCRC-Middle policy or procedure while teleworking may result in the termination of any Telework privilege; and disciplinary action up to and including dismissal.

E. Pay and Attendance: All pay and leave will be based on the employee's established work schedule; and in accordance with CCRC-Middle policies regarding Annual Leave, Sick Leave, and Comp Time. The employee's time and attendance will be recorded based on actual hours worked in accordance with the Federal Fair Labor Standards Act (FLSA) and on their Timesheet in the BOMS Employee Module.

F. Comp Time: An employee eligible for Comp Time in accordance with the CCRC-Middle Comp Time Policy will be compensated for Comp Time in accordance with that policy and applicable laws and rules. Comp Time must be approved in

advance, in accordance with the CCRC-Middle Comp Time Policy. Included employees shall not perform CCRC-Middle work during breaks or lunch periods while Teleworking.

G. Dual Employment Prohibited: While Teleworking for CCRC-Middle, no employee may perform any work for another employer.

H. Leave: An employee must obtain approval in advance of taking any type of leave, in accordance with established CCRC-Middle policies. The employee must follow the established procedures for requesting and obtaining approval for any leave.

I. Temporary Inability to Telework: In the event that an employee is unable to Telework due to conditions at the employee's Telework Location, the employee shall confer with their manager to determine if it is feasible for the employee to return to the Official Employer Worksite or perform work that does not require internet or computer access. If neither option is feasible, the employee shall report to the Official Employer Worksite or take leave. The manager shall document each such request, the reasons why the employee is unable to Telework, whether the request was approved or denied, and report the results to the Executive Director.

J. Work Environment: An employee shall Telework in an environment free of distraction and non-work responsibilities. The focus of Telework shall remain on CCRC-Middle job performance and meeting the needs of CCRC-Middle. The employee shall not be responsible for direct or primary caregiving duties while simultaneously performing the employee's work for CCRC-Middle. Violations of this section shall result in immediate termination of the employee's Telework privilege. If an employee's Telework privilege is suspended or terminated, the employee may request to Telework again after a 30-day suspension of the Telework privilege, though reinstatement is not guaranteed.

K. Maintenance of CCRC-Middle Property: Property provided by CCRC-Middle must be protected against damage and unauthorized use. CCRC-Middle property will be serviced and maintained by CCRC-Middle. Use of private computer or Information Technology (IT) equipment, other than an internet connection, is strictly prohibited.

L. Return of CCRC-Middle Property: The employee must return any CCRC-Middle property to CCRC-Middle immediately upon termination of employment, termination of the Telework term, or upon request of CCRC-Middle management.

- a. The employee is liable for the replacement value of the property if the employee fails to return the property. Replacement value is defined as the amount that it would cost to replace the property with a product of equal quality at the time the property is required to be returned.
- b. The employee is responsible for all costs of the return of the property including appropriate packaging to prevent damage and shipping costs. CCRC-Middle will allow a maximum of five (5) business days for Employee to return the property, absent an extension granted by CCRC-Middle management.
- c. If the employee does not return the property as required, CCRC-Middle, at its sole discretion, may take one or more of the following actions:
 - i. If the employee was terminated (voluntarily or involuntarily), withhold the employee's final paycheck or leave payout until return of the property;
 - ii. Deduct the replacement value of the property from the employee's future or final paycheck or leave payout; or,
 - iii. Report unauthorized misappropriation of state-owned property to the proper law enforcement authority.

M. Equipment Sign Out Agreement: Should an employee refuse to or fail to sign the CCRC-Middle Equipment Sign Out Agreement for CCRC-Middle equipment use to Telework, the employee forfeits the privilege to Telework until such agreement is signed.

N. Workspace: The employee, at the employee's expense, will be responsible for providing a workspace that complies with CCRC-Middle policies. CCRC-Middle will not be responsible for operating costs, home maintenance, or any other incidental costs (e.g., utilities, internet) associated with the use of the employee's residence or other approved location for Telework.

O. Workers' Compensation: The employee is covered by CCRC-Middle's workers' compensation policy if injured in the course of performing official duties at the Employee's Telework Location. Employee agrees to give CCRC-Middle access to Employee's Telework Location, and CCRC-Middle may inspect the Employee's Telework Location, if a claim is made, to document the condition of the worksite.

The employee understands that if they are injured while working, they must report said injury as soon as is practicable to the Executive Director and Chief Operations Officer. The employee remains responsible for following the established procedures to report such an injury and complete, and process required forms.

- P. Liability:** CCRC-Middle shall not be liable and will be held harmless for damages to the employee's property resulting from participation in the Telework program. The employee shall hold the State of Florida harmless against any and all claims, excluding Workers' Compensation claims.
- Q. Verification of Home Safety:** The employee must provide a workspace that is free of safety and fire hazards. In addition, the employee shall not conduct face-to-face business at his or her Employee Telework Location. CCRC-Middle, or its representative, upon reasonable notice, shall have the right to inspect the employee's workspace and environment and the employee shall grant them access. Failure to comply with access shall result in immediate termination of Telework privileges. Telework privileges shall not be restored for a minimum of six months if an employee refuses access to an employee's workspace at a Telework Location.
- R. Public Records & Confidential Records:** The employee shall ensure all public records and confidential records are properly secured and maintained as required by all applicable CCRC-Middle policies, state and court rules, state law and federal law. The employee shall not save, even temporarily, transmit or receive any CCRC-Middle records or legal records on personal or other computing devices.
- S. Report to Work:** CCRC-Middle reserves the right to require employees to report to work in-person at Employer's Official Worksite any time. If the employee is able but unwilling to report to work at the Employer's Official Worksite in-person, they may be deemed to have abandoned their position and duties, and, therefore, subject to disciplinary action up to and including termination.
- T. Travel (Commute Time):**

 - a. CCRC-Middle, at its sole discretion, may require at any time and without advanced notice, that the employee be present in person at the Employer's Official Worksite. The employee is responsible for the expense of traveling to the Official Worksite and returning to their Telework location. Travel expenses to and from Employee's Telework Location to and from the

Employer's Official Worksite shall not be reimbursed nor will such travel count as hours worked, as it is defined as Commute Time.

2. While at the Employee's Telework Location, the employee shall not be deemed to be engaged in Travel on behalf of CCRC-Middle or the State of Florida, and, therefore, shall not be entitled to receive a per diem or any other travel-related expense reimbursement.
3. Any mileage travel entitlement will be based on "point of origin", which means the geographic location of the traveler's official headquarters (Employer's Official Worksite) or the geographic location where travel begins, whichever is a lesser distance from the destination, as defined in Section 112.061, Florida Statutes.

V. Changing Employee's Telework Location:

- A. An employee may only Telework at their approved Employee Telework Location.
- B. Any change to an Employee's Telework Location must be approved by the employee's manager and supervisor prior to changing the location.
- C. An employee's new Telework location must comply with all the requirements of this policy.

VI. IT Technical requirements:

- A. **IT Requirement Compliance:** Employee shall comply with all current CCRC-Middle Information Technology (IT) requirements and policies while Teleworking.
- B. **Equipment:** The employee shall only use the computer equipment issued by CCRC-Middle. If CCRC-Middle computing equipment fails, causing the employee to be unable to perform the employee's job duties remotely, or if other in-person service on equipment is required by CCRC-Middle IT, the employee must report to work in-person at the Employer's Official Worksite until the CCRC-Middle computing equipment is replaced or returned to service by CCRC-Middle IT. Employees shall fully cooperate with CCRC-Middle's annual physical inventory of state property.

- C. Use of Non-CCRC-Middle Computing Equipment:** At no time shall an employee use non-CCRC-Middle-issued computing equipment to perform any work, other than an internet connection.
- D. CCRC-Middle IT Access:** The employee shall permit CCRC-Middle IT access, either in-person or remote, to their office-issued computing device(s) or other equipment for the purpose of ensuring compliance with CCRC-Middle policies.
- E. Duty to Immediately Report Loss, Damage, Security Breach, or Theft:** The employee shall notify the Chief Operations Officer immediately if CCRC-Middle equipment is damaged, if there is suspicion of a security breach, or if lost or stolen. Employee shall fully comply with CCRC-Middle's Inventory Policy and CCRC-Middle's Telework Sign Out Agreement Form.
- F. Compliance with CCRC-Middle Approved Safeguards:** While Teleworking, the employee shall apply the following CCRC-Middle approved safeguards to protect records and electronic data from unauthorized disclosure or damage:
1. The employee will connect to CCRC-Middle servers only through a trusted network, utilizing CCRC-Middle-approved remote access software (VPN), and using a hardwired connection or strong wireless encryption approved by the Chief Operations Officer, if Wi-Fi is employed.
 2. The employee's home Wi-Fi router/access point must have up-to-date firmware per the manufacturer's recommendations and must not use the default factory passwords for administrative or Wi-Fi functions.
 3. Under no circumstances shall an employee use a public WiFi, including those at hotels. A CCRC-Middle Hotspot MiFi shall be used in lieu of any public WiFi.
 4. The employee must utilize a discrete, password protected account that is not shared with another member of the household or any person.
 5. Even while Teleworking, the employee is responsible for locking the device when they step away from their work to prevent anyone else from seeing or manipulating the work product (inadvertently or otherwise).
 6. The employee shall not save, share, or otherwise make use of any confidential or exempt data outside the scope of their work for CCRC-Middle.
 7. The employee shall follow all CCRC-Middle Confidentiality policies.
 8. CCRC-Middle IT support is available during its regular business hours which are between 7:00 a.m. and 5:30 p.m. (Eastern Time) on CCRC-Middle business days (Monday through Friday). While CCRC-Middle IT support is

primarily available for CCRC-Middle computing equipment, there is no expectation that CCRC-Middle IT staff will assist with technical issues relating to personal computer equipment and/or connectivity. CCRC-Middle IT will attempt to remotely evaluate and help with issues or technical problems that arise regarding CCRC-Middle-provided computing equipment. If CCRC-Middle IT determines that it is unable to resolve the problem(s) remotely, the employee will be required to bring the CCRC-Middle computing equipment to the Employer's Official Worksite until CCRC-Middle IT is able to resolve the problem. CCRC-Middle IT may require the employee to bring the CCRC-Middle computing equipment to the Employer's Official Worksite for updating or other maintenance.

VII. Policy Compliance:

- A.** Failure by the employee to comply with any provision of the Telework Policy, or violations of the policy, or any CCRC-Middle policy, may result in the immediate termination of the employee's ability to Telework.

By my signature below, I have read and understand the CCRC-Middle Telework Policy and understand that this document becomes part of my Personnel File.

Employee Signature _____

Date _____

Employee's Printed Name _____

It is not the intention of this policy to conflict with any other CCRC-Middle policy, state or federal rules, or state or federal laws.