

**NEW JERSEY DEPARTMENT OF AGRICULTURE
TELEWORK PILOT PROGRAM FOR STATE EXECUTIVE BRANCH EMPLOYEES**

Effective: July 1, 2022, through June 30, 2023

OVERVIEW

The COVID-19 pandemic required a worldwide shift to partial or full-time telework for many sectors of State government as well as the private sector. In March of 2020, the New Jersey Department of Agriculture (NJDA) shifted to telework for over 18 months and State workers demonstrated that they were capable of effectively working from home. In fact, many divisions increased productivity during this time period. As a result, many State government and private sector agencies are continuing to offer telework as a benefit to their employees. In order to stay competitive, attract top talent, as well as take advantage of increased productivity, the NJDA is establishing a Pilot Telework Program for the Executive Branch Employees.

This Pilot Telework Program limits remote work to no more than two (2) days in a calendar week, for one (1) year from the effective date of July 1, 2022 through June 30, 2023 and will provide the State the opportunity to evaluate specific elements of a telework benefit to determine the most effective long-term program.

The goal of the NJDA's Pilot Telework Program is to ensure continued access to public services provided by State government while maintaining a productive working environment for our employees for the duration of this Pilot Telework Program.

While not all employees are able to perform their duties remotely, the practical experience over the past two years has demonstrated that a telework program can be successfully implemented on a broad scale.

SCOPE

Certain full and part-time employees in Classified, Unclassified and Senior Executive Service positions and State Authorities and Boards subject to the Civil Service Act located in N.J.S.A. Title 11A whose specific job responsibilities are conducive to the Pilot Telework Program may complete an Eligibility Application Agreement and Telework Self-Assessment to determine participation in the Pilot Telework Program.

- Contracted employees are also eligible to participate in the Pilot Telework Program.
- TES employees are **NOT** eligible to participate in the Pilot Telework Program.

DEFINITIONS

- **Appointing Authority:** The New Jersey Department of Agriculture (NJDA)
- **Alternative Worksite:** A designated location in an employee's home or other location approved by the employee's supervisor, that the employee will use to perform their required job duties.
- **Eligibility Application/Self-Certifying Agreement:** All employees are required to complete an application to determine eligibility to participate in the Pilot Telework Program.

- **Official Reporting Location:** The location to which an employee reports when the employee is not working at their Alternative Worksite or field assignment.
- **Telework:** Provides an employee with an opportunity to perform their required job duties at an approved Alternative Worksite and shall not allow for more than two (2) days of telework per calendar work week. For example, an employee may not bank telework days then use five (5) consecutive telework days in one week.
- **Reasonable Accommodation:** A reasonable accommodation is any change to the application or hiring process, to the job, to the way the job is done, or the work environment that allows a person with a disability who is qualified for the job to perform the essential functions of that job and enjoy equal employment opportunities. Requests for reasonable accommodations must be approved through established ADA/Human Resources channels.

TELEWORK PROVISIONS

- This Pilot Telework Program shall not impede any operations or delivery of services of any kind and must not decrease productivity.
- The NJDA shall determine, prior to implementation of the Pilot Telework Program, that an employee has accessible resources needed to facilitate a robust Pilot Telework Program.
- An employee requesting to participate in the Pilot Telework Program shall undergo a process to determine eligibility and accessibility of telework. This process will include an Eligibility Application Agreement (“Agreement”) and a Telework Self-Assessment documenting the terms and conditions of participation in this Pilot Telework Program for a specific telework schedule. If and when the agreement is approved, the telework schedule set forth in the agreement will be the employee’s schedule for the duration of the Pilot Telework Program.
- Supervisors are authorized to adjust an employee’s telework schedule based on operational needs and with as much advanced notice as possible. Similarly, a supervisor also has the right to direct an employee scheduled for telework to report to their Official Reporting Location in circumstances deemed necessary based on legitimate operational need.
- If an emergent circumstance occurs at an employee’s Alternative Worksite that impacts the employee’s ability to perform their required job duties, the employee shall immediately notify their supervisor who may either direct the employee to report to their Official Reporting Location or approve appropriate paid leave or leave-without-pay.
- All employees participating in this Pilot Telework Program shall successfully complete the Pilot Telework Program training, created by the Civil Service Commission (CSC), prior to approval or participation in the program. Further details to follow.
- This Pilot Telework Program seeks to balance the operational needs of the department with access to the program for eligible employees. Operational needs are at the sole discretion of the Appointing Authority.
- Employees who do not qualify for the Pilot Telework Program, **may** qualify for the Alternate Work Week Program.

- Employees are required to replicate their workday by being available and accessible by both telephone and email during the specified hours as defined in this Pilot Telework Program agreement.
- This Pilot Telework Program is approved by the Civil Service Commission and in consultation with the Union.
- If a holiday, sick day, vacation day, or administrative leave day falls on an employee's scheduled telework day, an employee may not schedule an additional telework day or make up the telework day in the coming week.
- If a supervisor requires an employee to report to their Official Reporting Location on the employee's scheduled telework day, the supervisor may allow the employee to reschedule an alternate telework day that week.
- If an employee is scheduled to work at their Official Reporting Location and does not feel well enough to come in, the employee may not request to telework and will be required to take a sick day.
- An employee may not telework while taking sick, vacation, or administrative leave time.
- An employee may request a telework option as a Reasonable Accommodation pursuant to existing state and federal law including, but not limited to, the Americans with Disabilities Act and the New Jersey Law Against Discrimination. The Office of Human Resources shall review such requests as they normally would and these requests will be managed separately from the Pilot Telework Program.
- ADA equipment may only be utilized and maintained at the employee's Official Reporting Location.
- If an employee incurs an injury while teleworking at their Alternative Worksite, they are to notify the Office of Human Resources immediately.
- If an employee is participating in the Pilot Telework Program, they may not participate in the Alternate Work Week Program.
- If an employee's Pilot Telework Program agreement is revoked, the employee is not eligible for the Alternate Work Week Program.
- An employee's participation in the Pilot Telework Program may be suspended by their supervisor during certain times of the year when operational needs are at their peak. For example, when the budget is due.
- Misuse of State technology resources may result in revoking access to participation in the Pilot Telework Program. This includes failure to return shared technology resources as required.
- New hires may not participate in the Pilot Telework Program or the Alternate Work Week Program until they have successfully completed their Working Test Period.
- An employee may not participate in the Pilot Telework Program until their application has been approved by their supervisor and the Office of Human Resources and they have taken and successfully completed the CSC eLearning telework training.

DETERMINATION OF ELIGIBILITY

Staff positions suitable for telework include duties that are portable and can be performed effectively and efficiently outside of an employee's Official Reporting Location. Contact with other employees and clients must be efficiently managed through Zoom, TEAMS, or other similar platform, as well as telephone and email communications.

In addition, the employee must have access to necessary reference materials through web-based platforms, photocopying, faxing, or electronic transfer of documents, which will not violate any law, regulation or policy. Employees must also be able to perform their required job duties securely, protecting the confidentiality and sensitivity of information and data.

An employee must meet the following criteria in order to be approved for participation in the Pilot Telework Program:

- The employee is currently meeting minimum performance expectations, has a Successful or Exceptional ePAR rating, and is not subject to ongoing performance issues or disciplinary action;
- The employee can successfully perform their required job duties remotely;

The following can be successfully and securely accessed or achieved remotely:

- Specialized equipment or materials;
- Confidential and sensitive information;
- Information Technology systems;
- Training;
- Adequate supervision;
- Supervisor's operational needs;
- The amount of required direct customer contact is not telework prohibitive; and
- Remote work can be performed consistent with the New Jersey First Act, N.J.S.A. 52:14-7 (L. 2011, C. 70).

TELEWORK SELF-ASSESSMENT

The mandatory Telework Self-Assessment includes questions in the following categories:

- General Telework Principals
- Self-Management
- Technology
- Communication
- Appropriate Alternative Worksite
- Notes of Interest
- Confidentiality/Ethics
- Balancing Work/Family Needs (Telework is not a substitute for child/dependent care)
- Mandatory Telework Training

REQUIREMENTS

Employee Requirements:

- An employee will be required to complete the Eligibility Application Agreement and Telework Self-Assessment certifying their eligibility for the duration of the Pilot Telework Program.
- If, at any time, an employee's job functions or approved schedule changes, the employee must submit a new Eligibility Application Agreement and Telework Self-Assessment .
- An employee will be required to give their supervisor full Outlook calendar access and maintain an updated telework schedule on their Outlook calendar monthly.
- An employee will be required to maintain accurate timekeeping records in eCATS indicating when they are working at their Official Reporting Location and when they are teleworking at their Alternative Worksite.
- An employee may request in writing to change their recurring telework schedule by completing a new Eligibility Application Agreement and Telework Self-Assessment.
- An employee denied participation in the Pilot Telework Program has the right to grieve such denial in accordance with N.J.A.C. 4A:2-3.3.
- An employee denied participation in the Pilot Telework Program, may request a consultation be held between the employee, their supervisor, and the HR Manager with regard to the disputed eligibility. An employee may not be denied union representation in such a consultation.
- An employee may not appeal a supervisor's schedule adjustment.

Human Resources Requirements:

- Shall confirm an employee meets the eligibility criteria listed above and will make a recommendation to the employee's supervisor.
- Will consult with the employee and supervisor if there are disputes/disagreements and make recommendations to the supervisor.
- Will consult with the appropriate union representation with regard to employee grievances.

Supervisor Requirements:

- If a supervisor and employee disagree as to eligibility, the supervisor shall identify, in writing, to the HR Manager which criteria they feel the employee does not meet.
- A supervisor may alternate his/her telework days in an effort to be available to all employees.
- A supervisor retains discretion to adjust an employee's schedule based on operational needs and an employee may not appeal such adjustments.

- A supervisor must provide regular, concrete performance feedback to an employee participating in the Pilot Telework Program including, but not limited to, a written assessment of the employee's progress and productivity via the Performance Assessment Review (ePAR).
- Within the first ninety (90) days of an employee's authorization to telework, the supervisor is required to hold an in-person meeting with the employee at the Official Reporting Location, to discuss performance and possible modification of performance expectations necessary to reflect the required criteria for continued telework.
- Except in cases of a delay caused by the supervisor, failure to attend this in-person meeting within the prescribed timeframe may result in revocation of an employee's participation in the Pilot Telework Program.
- A supervisor must alert an employee, in writing, to any tasks or expectations that may differ from their required job duties or expectations due to telework. Failure of a supervisor to adhere to this requirement may result in revocation of the supervisor's participation in the Pilot Telework Program.
- A supervisor must establish and provide timetables for the completion of tasks which are performed in whole or in part by the employee teleworking.
- A supervisor must continually monitor and assess the teleworking employee's job performance and report findings to senior management as necessary or required.
- A supervisor reserves the right to request a monitoring report from the Information Technology Office if they feel an employee is abusing their telework privilege.
- When reviewing a new application request from an employee, a supervisor must evaluate whether, and to what extent, such changes would impact their operational needs.
- Supervisors are responsible for coordinating staffing based on operational needs.

DATA SECURITY

The Statewide Information Security Manual (SISM) addresses the administration, access, usage, maintenance, and security of State data.

When teleworking, employees should be mindful of State rules regarding confidential and sensitive information, which includes, but is not limited to, personally identifiable information (PII), information which can be used to distinguish or trace an individual's identity.

Information Technology Requirements:

The NJDA's internal Information Technology Office shall:

- Provide consultation regarding any security issues related to the use of computing equipment and software in telework.
- Require compliance with licensing agreement terms and agreements for the use of all software owned by the State.
- Maintain inventory of all State owned office equipment, software, and supplies located at the employee's Alternative Worksite.

Portable Information Asset Security:

- An employee who is provided with portable information assets including, but not limited to a laptop computer, tablet, smartphone, removable media, etc., shall assume temporary custodianship of such assets (which remain the property of the NJDA) and is responsible for the physical security and condition of these information assets.
- Portable information assets shall not be left in an unattended vehicle.
- Portable information assets displaying confidential or sensitive information should be positioned so that the screen cannot be viewed by others.

CONFIDENTIALITY/ETHICS

State employees remain bound by the Uniform Ethics Code, Plain Language Guide, and any applicable NJDA supplemental ethics codes while working remotely. In accordance with State ethics rules, a State employee may not disclose or use information not generally available to the public except in connection with their official duties. Specifically, a State employee shall not willfully disclose to any person, whether or not for monetary gain, any information not generally available to members of the public that they receive or acquire in the course of, and by reason of, their official duties. In addition, a State employee shall not use, for the purpose of monetary gain, whether directly or indirectly, any information not available to members of the public that they receive or acquire in the course of, and by reason of, their official duties. Therefore, teleworking employees must exercise a higher degree of care when discussing, reviewing, or working with such information at their Alternative Worksite.

- Records and information created and stored in the course of State government business, including records in both electronic and paper form, on State issued devices, at an employee's Alternative Worksite are public records. Therefore, these records are subject to the State's Public Records Retention/Disposition Law and Open Public Records Act (OPRA).
- An employee should dispose of any duplicated documents safely and in accordance with the NJDA's retention schedule.

IN-PERSON MEETINGS

Any in-person work-related meetings with colleagues and clients must be conducted at the employee's **Official Reporting Location** or other supervisor approved State office. In-person meetings may **NOT** be conducted at an employee's Alternative Worksite. An employee may only host meetings at their Alternative Worksite by telephone or a video conferencing platform such as Zoom or TEAMS as approved by the NJDA'S Information Technology Office.

PERFORMANCE EVALUATION

Performance requirements for teleworking employees are the same as those for non-teleworking employees. Nothing in this Pilot Telework Program shall affect a supervisor's right to assign work or make reasonable requests to ascertain the status of an employee's work assignment(s) in accordance with applicable rules and regulations or the supervisor's needs or operational goals.

BASIS AND REQUIREMENTS FOR REVOCATION

- Participation in the Pilot Telework Program may be revoked at any time if an employee is not successfully meeting their performance expectations, failing to comply with their telework agreement, and/or scheduling telework in lieu of utilizing accrued leave time to address personal issues.
- If an employee's participation in the Pilot Telework Program is revoked for any reason, the supervisor will serve the employee with written notice ten (10) days prior to revocation.
- An employee's participation in the Pilot Telework Program may be revoked based on the supervisor's operational needs, which may change over time.
- Prior to any such revocation, the supervisor shall notify the employee of any deficiencies as well as the timeframe in which such deficiencies must be effectively addressed so the employee may attempt to meet the supervisor's expectations in a timely manner.
- The Human Resources Office must approve any revocation.
- Union representation shall be notified of same, where applicable, in order for appropriate counseling to take place regarding pending revocation.
- An employee who is able to demonstrate that they have met their expectations in a timely manner, following this counseling, shall not have their remote work authorization revoked.
- An employee may not begin a telework program until after the completion of the mandatory CSC telework training.

ACCESSIBILITY AND EQUITY

Accessibility:

- Employees are responsible for providing an Alternative Worksite that is safe and ergonomically suitable.
- The NJDA must specify required equipment and technology access the employee will require to telework and whether it will be employee or employer provided.
- In the event of equipment failure or service interruption, the employee must notify their supervisor to discuss alternate assignments or other options.
- The NJDA will review and update as necessary, policies regarding telework equipment to ensure that all available steps are taken to provide eligible employees with the tools and technology needed to successfully telework.
- An employee is responsible for secure internet accessibility as necessary to perform their job duties successfully via telework at their Alternative Worksite.

Equity:

The NJDA will, at a minimum:

- Review and update policies reflecting access to telework equipment with the goal of maximizing the pool of eligible telework participants and devising strategies for telework equipment-sharing programs when resources do not allow for the procurement of additional equipment.
- Although secure internet accessibility remains the responsibility of the employee who is teleworking, the NJDA **may** provide internet access tools like Wi-fi hotspots to facilitate telework capability in households that do not otherwise have internet access, to be used by the employee for the sole purpose of telework.

BALANCING WORK AND FAMILY NEEDS

This Pilot Telework Program is to be used in the performance of required job duties and is **NOT** a substitute for childcare or dependent care.

Employees participating in this Pilot Telework Program must continue to arrange for child or dependent care to the same extent as if the employee was working at their Official Reporting Location.

It is permissible for a caregiver to be present at the Alternative Worksite to care for dependents while the employee is teleworking.

If a situation arises wherein an employee participating in the Pilot Telework Program must attend to the child or the dependent at their Alternative Worksite during normally scheduled work hours, the employee shall immediately notify their supervisor, arrange to take paid or unpaid leave, or make other arrangements in a timely manner.

EMPLOYEE SELF-CERTIFICATION

I understand that I am required to self-certify online that I have received, understand, and agree to the terms and agreements of the NJDA's Pilot Telework Policy, Self-Assessment and Eligibility Application.