



## Telework HRD 4.2 POL

### Employees Affected

This policy affects all employees of the Texas Alcoholic Beverage Commission (TABC). It is the responsibility of all employees to comply with this policy.

### Definitions

- **Centralized Accounting and Payroll/Personnel System (CAPPS):** the system that provides a single financial and human resources/payroll administration software solution for Texas state agencies. It is hosted by the Texas Comptroller of Public Accounts (CPA).
- **Designated headquarters:** area within the boundaries of a city in which an employee's place of employment is located. If an employee's place of employment is located within an unincorporated area, then the area within a five-mile radius of employment is the employee's designated headquarters. (This area is commonly referred to as duty station or work location within TABC and is associated with the employee's position and work location code in CAPPS).
- **Hybrid schedule:** a work schedule consisting of a combination of in-person and telework arrangements.
- **Remote workplace:** any location other than a TABC or law enforcement partner's facility (such as an employee's personal residence) at which a TABC employee may perform their essential job functions. For commissioned peace officers subject to direct deployment, the remote workplace must be within a 50-mile radius of their designated headquarters or sector.
- **Sector:** assigned geographical area of responsibility for the Enforcement division.
- **Telework:** a work arrangement that allows a TABC employee to conduct on a regular basis all or some agency business at a place other than the employee's regular or assigned temporary place of employment during all or a portion of the employee's established work hours.

### Policy

This policy provides guidelines and expectations for telework arrangements. All agency policies and procedures remain in effect regardless of where or when work is performed. A teleworking employee is subject to the same rules and disciplinary actions as any other agency employee.

TABC recognizes the value of offering telework options to employees. Telework is a privilege granted to eligible employees who can perform duties remotely and must be approached with responsibility, accountability, and professionalism.

TABC offers eligible employees in eligible positions an opportunity to telework, while some employees are required to telework due to a lack of available office space. Leadership may also authorize a telework arrangement for an employee to provide



reasonable flexibility that enhances the agency's ability to achieve its mission. Examples include offering telework as a benefit to enhance employee retention; improve employee work-life balance, job satisfaction, and productivity; and support time management to allow direct deployment to perform field activities.

## **1. Job Position Eligibility Criteria**

Criteria used to determine if a position is appropriate for telework include:

- A. The duties of the position can be performed at a remote workplace without diminishing the quality of the work or disrupting productivity.
- B. Confidentiality of information associated with the position can be maintained and not compromised.
- C. The employee's position or work schedule does not require a high percentage of in-person interaction with other TABC staff or the general public.
- D. The telework arrangement does not negatively impact TABC, its customers, the employee's division, or other division staff.

Note: For example, due to the nature of work performed, regulatory compliance officers and warehouse positions are ineligible for telework.

## **2. Employee Eligibility Criteria**

Participation in the telework program is a conditional option based on a number of factors, is not an entitlement or condition of employment, and is not guaranteed. An agreement authorizing an employee to telework may be revoked by TABC at any time and without notice. An employee's manager can revoke the telework agreement at any time due to concerns regarding compliance with any requirements. It is also important to note that employees may be required to be onsite during their new hire probationary period.

TABC employees may be eligible for telework if they have met the following requirements:

- A. Work in an eligible telework position.
- B. Meet or exceed performance expectations for their position.
  - i. Do not have a performance rating of "does not meet" on their most recent performance evaluation.
  - ii. Are not currently on a performance improvement plan, unless approval is granted by the division/department director, chief, or deputy chief.
- C. Demonstrate the ability to work independently, communicate effectively, establish priorities, manage distractions, and meet deadlines.
- D. Report onsite for meetings or other business needs as required and requested by management.
- E. Satisfy all administrative aspects of the telework program and respond promptly to requests for information related to the requirements of the program.



- F. Maintain sufficient internet service and an appropriate workspace to perform their job successfully. Bandwidth requirements may vary depending on job function and assignment. If an employee loses connectivity, they must contact their manager as soon as possible. If connectivity cannot be restored within 30 minutes, business needs may dictate that the employee complete their work onsite or discuss an alternate and approved remote work location with their manager. Employees may be required to use their own accrued leave if the circumstances dictate.
- G. Are available during scheduled work hours for communication and collaboration purposes. Employees must maintain regular and effective communication with their supervisors, coworkers, and relevant stakeholders. This includes promptly responding to emails and messages and attending virtual meetings as required. Employees must be signed in and active on Microsoft Teams during their scheduled work hours.
- H. Adhere to technical guidelines.

### 3. Telework Types

There are three types of telework arrangements:

- A. Situational: Telework approved by the supervisor on a case-by-case basis, where the hours teleworked were NOT part of a previously approved, ongoing, and regular telework schedule. Examples include telework when traveling for work or to accommodate scheduling issues such as appointments or special work assignments away from the office. This type of telework is best suited for employees whose job duties are of a nature that must generally be conducted at a TABC facility.

- B. Hybrid Schedule: This type of telework is best suited for employees who can perform some or most of their duties off-site but whose division or team environment operates more effectively when the employees are present at the TABC facility on a regular basis. The *Telework Request* form will specify which days the employee is designated to work at a TABC facility (e.g., four designated days per week at a TABC facility and one designated telework day).

Note, if the need for the employee to be at the TABC facility changes from week to week (e.g., designated days at a TABC facility are on a rotating basis due to shared workspace or are on an as-needed basis), the employee's supervisor may approve situational changes to the hybrid schedule or remote workplace based on efficiency and the needs of the agency. If the change becomes routine, a new *Telework Request* form is required.

- C. Full-time Schedule: Designated positions where all essential job functions can be performed remotely, and the employee's physical presence is rarely required at a TABC facility or there is not a TABC facility with workspace available for the position. Visits to a TABC facility may be required at the discretion of the employee's supervisor (e.g., a teleworker on a full-time schedule may be required to attend periodic on-site team meetings, annual planning meetings, or in-person training).



#### 4. Telework Requests and Arrangements

- A. Supervisors must consider the criteria in Sections 1 and 2 of this policy before approving situational telework or recommending approval of the hybrid or full-time telework schedules.
- B. Only employees who work hybrid and full-time telework schedules are required to complete *Telework Request* forms.; employees who only telework situationally are exempt from completing the form.
- C. Employees must submit a new *Telework Request* form annually after the employee begins to telework and when there is a change in position, supervisor, remote workplace, or designated headquarters.
- D. Supervisors must initiate *Telework Request* forms for full-time telework schedules for employees in positions for which there is not a TABC facility with workspace available for the position.
- E. Employees are required to initiate *Telework Request* forms for all other types of telework. To the extent telework is sought as an accommodation, it is governed by the *Reasonable Accommodations* policy. All *Telework Request* forms must be routed through the following approvers:
  - i. Employee's supervisor,
  - ii. Division/department director,
  - iii. Chief of Regulatory Affairs or chief of Enforcement (if applicable),
  - iv. Human Resources director,
  - v. Deputy executive director, and
  - vi. Executive director.
- F. Approved *Telework Request* forms remain in effect for no longer than one year. Human Resources will retain official copies of forms in employee personnel files.

#### 5. Telework Guidelines and Expectations:

TABC expects teleworkers to execute work responsibilities the same as if they were in the office, including being readily available during scheduled work hours.

Employees are expected to perform work effectively and telework must not adversely affect productivity or the quality of work required for the position. Supervisors should refer to the employee job description and use the guidance and resources outlined in the *Performance Evaluation* and *Corrective Actions and Progressive Disciplinary Actions* policies to ensure that the employee is satisfactorily performing their job duties while teleworking. Additionally, refer to the *Work and Personal Conduct* policy.

##### A. Remote Workplace Environment

When teleworking, employees are responsible for creating a professional work environment that allows for focus, productivity, and confidentiality. This



includes having a designated workplace that is functional and appropriate with a stable internet connection.

- i. TABC does not supply equipment or furniture beyond the standard issued computer and associated items. Employees who are not assigned a state cell phone may use their personal cell phone for work purposes in accordance with the *Acceptable Use* policy or use voice over internet protocol (VOIP), Microsoft Teams, or software such as Jabber.
- ii. An employee must sign a *Telework Request* form providing the city location designated as their remote workplace. The employee's supervisor may approve temporary changes to the remote workplace on a case-by-case basis. A teleworking employee is prohibited from conducting in-person business at the employee's personal residence even if that is designated as their remote workplace.
- iii. The employee is solely responsible for:
  - a. Individual tax implications,
  - b. Compliance with zoning or deed restrictions, and
  - c. Incidental residential costs incurred or assessed when conducting business at the remote workplace.
- iv. The employee is required to provide a workplace environment that is free from unreasonable distractions that reduce productivity (e.g., outside employment, child or dependent care, pet care, etc.). The workplace must be free from hazards and dangers to the employee and agency equipment. Additionally, employees must comply with the following guidelines:
  - a. Child or Dependent Care – Telework is not a replacement for appropriate childcare or the care of other dependents. Children or other members of the household who need regular attention must be under the care of someone else while the employee is teleworking. Care arrangements should be such that if needed, the employee may leave home immediately to take care of job-related matters. Providing occasional care during the workday (e.g., filling in for primary caregiver while a child is ill, pick-up/drop off during business hours, school closure, etc.) is acceptable as long as the circumstance does not interfere with a productive and professional work environment. The employee must receive approval from their supervisor and account for any work time missed due to childcare responsibilities or change in work schedule.
  - b. Internet – Employees are responsible for providing their own internet access at their approved remote workplace with sufficient internet speed to conduct agency business. In case of internet connection problems, employees are expected to report to their designated duty headquarters or use leave.
- v. Injuries While Working Remotely – In the event an injury occurs while teleworking, agency and employee liability and respective obligations are



governed by applicable state and federal laws and agency policies. Employees and supervisors should report injuries to Human Resources in accordance with the *Workers' Compensation* policy.

## B. Time, Attendance, and General Guidelines

Teleworkers must adhere to the *Work Hours and Attendance* policy regarding work hours, schedules, and locations. The employee's supervisor may approve changes to the standard work schedule on a case-by-case basis. Employees must adhere to their approved work hours during telework unless otherwise approved by their supervisor.

Additionally, teleworkers must comply with the following guidelines:

- i. Leave, Overtime, and Compensatory Time – Employees must record all time and leave on their CAPPS timesheets in accordance with the *Timesheets* procedure. Employees may accumulate compensatory time or overtime while working at a remote workplace with prior management approval. Employees may not use telework as a substitution for leave.
- ii. Inclement Weather – On occasions when the designated headquarters location is closed due to inclement weather, teleworkers are required to continue performing their regular duties as normal, if possible. To the extent the teleworker's remote workplace is impacted by the inclement weather, leave may be available under the *Additional Leave Types* policy.
- iii. Agency Meetings and Events – Employees may be required to attend on-site meetings even when meetings occur on scheduled telework days. The employee is responsible for traveling to the office or other locations to participate in training, meetings, special events, and other engagements for which the agency determines in-person interaction is necessary. Time traveling to the office from home is not considered work time unless employees are direct deploying. Refer to the *Direct Deployment* policy.
- iv. Travel – Employees traveling to their designated headquarters are not reimbursed for travel or lodging expenses, regardless of teleworking arrangements. Refer to the *Travel* policy.
- v. Flexibility – The business needs of TABC take precedence, regardless of the type of telework approved. To ensure the agency can accomplish efforts in the most efficient way possible, approved teleworking schedules may be suspended or modified during certain periods. There may be a situation when an employee approved for telework has to report to their designated headquarters or other work location during their regular telework day. Teleworkers will be given advance notice to adjust to agency needs. Examples include but are not limited to:
  - Agency meetings and training events,
  - Texas legislative session,
  - Implementation of new laws,





- Major reports (strategic plan, LAR, budgets), and
- Paisano season.

#### C. Confidentiality, Security, and Equipment

All equipment and software provided by TABC remain the property of TABC and must be returned when the telework arrangement is terminated. Teleworkers:

- i. Must follow agency policies and procedures regarding information security and confidentiality.
- ii. Must safeguard agency equipment and avoid sharing sensitive information with unauthorized individuals.
- iii. Must take necessary precautions to secure agency data and information. Employees who work with or have access to confidential data must utilize the TABC Virtual Private Network (VPN).
- iv. Must act in accordance with the *Acceptable Use* policy.
- v. May be financially responsible for TABC-assigned equipment or software in the event it is lost, stolen, or damaged due to the employee's negligence, misuse, or abuse. Refer to the *Damaged Assets* and *Missing or Stolen Assets* procedures.

#### D. Office Locations of Hybrid or Full-time Telework Employees

Teleworkers on a hybrid or full-time schedule may have individual workspace at their designated headquarters or may be required to share a workspace with other employees, which allows the agency to use its resources efficiently. Teleworkers may be required to share workspace with others in the organization as directed by their supervisor.

#### E. Changes to Telework Arrangements

Telework arrangements are subject to change at the discretion of executive leadership or division/department directors. TABC reserves the right to modify or terminate telework privileges based on business needs, job requirements, employee performance, or any other relevant factors. Employees may also request that their supervisor consider discontinuing their telework arrangement.

Telework requests and schedules should be updated based on changes in job duties or job performance and in other appropriate circumstances.

### 6. Out-of-State Telework

- A. Employees are not permitted to telework from out-of-state except in very limited and temporary circumstances, if the following criteria are met:
  - i. The employee can perform their job from the remote workplace.
  - ii. All other criteria for teleworking specified in this policy are met.



- iii. The division/department director determines there is a business need for allowing the employee to telework from out-of-state and gives prior written approval.
  - iv. The period of time for out-of-state telework does not exceed 30 consecutive days. Note: for the purposes of this policy, traveling to a U.S. territory (e.g., Puerto Rico) is considered out-of-state, not international.
- B. International telework is prohibited.
- C. Exceptions may be considered by the executive director on a case-by-case basis.

### **Related Information**

[BSD 1.1 POL Travel](#)

[BSD 3.2.2 PRO Damaged Assets](#)

[BSD 3.2.3 PRO Missing or Stolen Assets](#)

[BSD 7.1.1 PRO Timesheets](#)

[ENF 8.1 POL Criminal Justice Information Service and Texas Law Enforcement Telecommunications System Security](#)

[ENF 8.1.2 PRO Texas Law Enforcement Telecommunications System \(TLETS\) Security and Mobile Data Terminals](#)

[HRD 421 FORM Telework Request PowerForm](#)

[HRD 1.1 POL At-Will Employment and Probationary Status](#)

[HRD 1.2 POL Reasonable Accommodations](#)

[HRD 2.7 POL Workers' Compensation](#)

[HRD 3.2 POL Work and Personal Conduct](#)

[HRD 3.11 POL Direct Deployment](#)

[HRD 4.1 POL Work Hours and Attendance](#)

[HRD 4.12 POL Additional Leave Types](#)

[HRD 5.1 POL Corrective Actions and Progressive Disciplinary Actions](#)

[HRD 5.3 POL Performance Evaluations](#)

[ITD 1.0 POL Acceptable Use](#)

[ITD 1.0.1 PRO Annual Acceptable Use Acknowledgement](#)

### **Point of Contact**

Direct questions to Human Resources at [TABCHR@tabc.texas.gov](mailto:TABCHR@tabc.texas.gov) or (512) 206-3220.