

Ohio Department of Administrative Services  
Ted Strickland, *Governor*  
Hugh Quill, *Director*

# DAS Directive

Directive No. **HR-D-08**  
Effective Date: **09-01-2009**



To: All Appointing Authorities and Personnel Officers  
From: Hugh Quill, *Director of Administrative Services*  
Re: Compensatory Time

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## PURPOSE

To encourage all agencies to adopt a compensatory time policy which complies with the Fair Labor Standards Act, section 124.18 of the Ohio Revised Code and Chapter 123: 1-43 of the Ohio Administrative Code.

## GENERAL

This directive applies only to employees who are exempt from collective bargaining and are overtime exempt pursuant to section 124.18 of the Revised Code and the Fair Labor Standards Act. Compensatory time can be earned by employees only for work hours which are immediately necessary to the operation of the office.

## Work Schedules

1. An agency may approve a standard 40 hour work week schedule for overtime exempt employees. No compensatory time will be granted for office work which could have been completed during the 40 hour week. An overtime exempt employee who is required by an administrative supervisor to be in an active pay status for more than 40 hours in any calendar week may accrue compensatory time.
2. An agency may approve a flexible work schedule for overtime exempt employees that permits an employee to flex up to 80 hours in the same pay period. No compensatory time will be granted for office work which could have been completed during an 80 hour flexible work schedule. A flexible hour overtime exempt employee who is required by an administrative supervisor to be in active pay status for more than 80 hours in the same pay period may accrue compensatory time.
3. Pursuant to section 123:1-47-01(A)(2) of the Administrative Code, "active pay status" means the conditions under which an employee is eligible to receive pay and includes, but is not limited to, vacation leave, sick leave, bereavement leave, administrative leave, compensatory time, holidays and personal leave.

The following criteria apply to the accrual and use of compensatory time:

1. Compensatory time accrues on an hour-for-hour basis and may be accrued in one-tenth of one hour increments.

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2. No compensatory time can accrue during an employee's lunch hour or for work completed at home.
3. Use of compensatory time requires prior approval by a supervisor and must be taken at a mutually convenient time. Compensatory time may be used in intervals of one-tenth of one hour.
4. Compensatory time use must be documented on a leave form signed by the employee and the employee's supervisor prior to leave being taken.
5. The maximum amount of compensatory time, which an employee may accrue, is 120 hours. Any compensatory time accrued must be used within 180 days after accrual.
6. Compensatory time balances will be kept by the payroll officer designated by the Director. A report of compensatory time balances will be issued at the end of each month to each employee, as well as the payroll officer designated by the Director. Compensatory time balances may be maintained and reported on the employee's pay check stubs.
7. Cash payment for accrued compensatory time is not permitted. Employees may not convert compensatory time to any other form of leave. All compensatory time balances will be forfeited upon termination of employment. Compensatory time may not be used to extend an employee's date of resignation or date of retirement. No compensatory time accrued in another state department or agency will be transferable.

### ENFORCEMENT

All agencies are responsible for implementation and enforcement of this directive, and are responsible for compliance with the Fair Labor Standards Act, Ohio Revised Code, and any applicable collective bargaining agreements. This directive has been approved by Administrative Services pursuant to section 124.18 of the Revised Code and may be adopted by all agencies.

This directive supersedes any previously issued directive or policy and will remain effective until canceled or superseded.

### AUTHORITY & REFERENCE

ORC 124.18  
OAC 123:1-45-01  
OAC 123:1-43-01 through 123:1-43-02  
OAC 123:1-32-07(G)

**Ohio Consumers' Counsel (OCC)**  
**Compensatory/Overtime Policy and Procedure**  
**Revised January 28, 2010**

**Purpose**

To provide guidance in implementing a compensatory/overtime policy which complies with the Fair Labor Standards Act, the Ohio Revised Code, the Ohio Administrative Code and all applicable bargaining unit agreements.

**General**

Compensatory time or overtime (for those eligible for overtime pay) may be earned by staff members working over 40 hours in one week only for work hours which are necessary to the operation of the office, and when approved by a department director, manager or supervisor ("managers") in advance of those hours being worked, except for good cause shown.

Compensatory time cannot be accrued in the same week sick leave or cost saving days is used.

When addressing compensatory time issues, managers at their discretion, may allow staff to flex their time during that particular pay period. Paper timesheets need to reflect actual hours worked for each day when flexing time. Administration staff will make the necessary changes in the OAKS system for those flexing their time.

**Under no circumstances will compensatory time be allowed for exempt staff which will result in payment of over eighty hours in any pay period.**

No compensatory time can accrue during a staff member's lunch period.

Any agency work completed at home or places other than the office will be done only in conjunction with OCC's Teleworking Policy.

While it is the policy of the OCC to provide compensatory time or overtime (for those eligible), the granting of such time is intended to compensate for hours actually worked. No unauthorized overtime will be tolerated. Falsification or dishonesty in the request for accrual of compensatory time may result in disciplinary action up to and including termination.

**Compensatory Time Policy for Overtime-Exempt Staff Members**

Overtime exempt staff members who are in active pay status in excess of 40 hours per week are eligible for compensatory time where such extra work hours are necessary to complete assigned tasks or other agency business. All compensatory time requests shall be carefully reviewed by the appropriate manager for approval or denial.

## *OCC Compensatory/Overtime Policy and Procedure*

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Compensatory time is accrued at the rate of one hour of compensatory time for every one hour worked in excess of 40 hours per week. Time taken pursuant to vacation, personal time, or holiday will be included in the computation of 40 hours per week, but not sick leave or cost saving days (which are not considered active pay status). Whenever possible, each staff member shall request approval of compensatory time accrual, in advance, with a notation of the amount of time expected to be earned and the task(s) to be performed from his/her manager or the manager's designee. In the event a staff member is unable to give prior advance notice of the need to accrue compensatory time, the staff member should immediately advise the department director that extra hours have been worked and that accrual of compensatory time is sought. A Compensatory Time/Overtime Request form must be completed, and receive approval, for compensatory time accrual to be recorded. Compensatory time is to be accrued and used in 1/4 hour increments.

Compensatory time may be accrued for any work done in carrying out agency business regardless of the location where such work is performed. Compensatory time may be earned performing work in the OCC office, working while traveling to a business location, conducting business outside of the office, or doing work at home. Any work done away from the OCC office will be considered done in conjunction with OCC's Teleworking Policy. Use of compensatory time is subject to mutual agreement between the staff member and the department director. A Compensatory Time/Overtime Request form (paper) must be completed and receive approval, for compensatory accrual. In addition, a staff member must request pre-approval and record the accrual and use of compensatory time in the OAKS Self Service Time and Labor (OAKS SS TL) system.

Compensatory time can be accrued up to 120 hours. Future accruing of compensatory hours is not allowed until previous compensatory time is used resulting in the compensatory balance falling below 120 hours. All compensatory time hours may be carried for a maximum of 365 days from the time they are earned. Any compensatory time hours older than 365 days will be lost.

Cash payment for compensatory time accrued (including compensatory time not used within 365 days of the date earned, and compensatory time not used at separation) is not permitted.

### **Compensatory Time/Overtime Policy for Overtime-Eligible Staff Members**

Overtime opportunities for duties normally performed by bargaining unit staff members shall be administered in accordance with Section 13.07 of the contract between the State of Ohio and the Ohio Civil Service Employees Association (OCSEA).

Overtime eligible staff members who have been approved by their manager to work over 40 hours in a given week and are in active pay status, have the option of being paid at the rate of 1 ½ times their rate of pay or receiving compensatory time at 1 ½ times the number of extra hours worked. Compensatory time may be accrued up to 240 hours. All compensatory time hours may be carried for a maximum of 365 days from the time they are earned. Whenever possible, the staff member should request approval for overtime or compensatory time, in advance, with a notation of the expected number of hours to be worked and the task(s) to be performed. A Compensatory Time/Overtime Request form (paper) must be completed and receive approval, for

*OCC Compensatory/Overtime Policy and Procedure*

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payment of overtime or compensatory accrual. In addition, a staff member must request pre-approval and record the accrual and use of compensatory time in the OAKS SS TL system.

01/28/2010

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Ohio Department of Administrative Services  
Ted Strickland, *Governor*  
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To: HR Administrators and Labor Relations Officers of All Departments, Institutions, Boards and Commissions

From: Hugh Quill, Director  
Department of Administrative Services

Date: February 5, 2008

RE: Time and Attendance Policies

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The Department of Administrative Services was recently asked to conduct a review of state time and attendance policies to evaluate those areas that might benefit from statewide standardization. The review, which included input from HR administrators from a small sampling of various-sized agencies, confirmed the obligation to provide superior customer service and accountability to the taxpayers, and outlined the value and necessity of statewide standardization in certain areas related to time and attendance policies. In accordance with these objectives and observations, we set forth the following minimum requirements related to state time and attendance policies. Agencies will have until **Friday, May 2, 2008** to implement these requirements and ensure that any agency-specific policies or procedures are in compliance.

**1. Agencies must accurately maintain records of actual hours worked.**

The federal Fair Labor Standards Act (FLSA) requires employers to keep certain records on behalf of their employees. The Act requires no particular form for the records, but does require certain identifying information about each employee and precise and accurate data about the number of hours worked and the amount of wages earned. Additionally, there is also a state requirement for employers to keep certain records on behalf of their employees. Under Article II, section 34(a) of the Ohio Constitution and section 4111.14 of the Revised Code, employers in the State of Ohio are required to maintain records of the hours worked for each day worked for at least three years following the last date the employee was employed.

To comply with both the FLSA and state requirements, the following is a list of timekeeping information that each agency is required to record:

- Time of day the employee begins and ends work on any given day
- Hours employee worked each day
- Total hours employee worked each work week

A list of the aggregate hours worked by an employee will not satisfy these requirements. Instead, agencies are required to keep a record of the time of the day the employee begins and ends work on each day the employee is scheduled to work. No one particular method of maintaining these records is required, so employers have some flexibility in accomplishing these requirements, either by time clock, "sign in sheet," employee submission of hours worked, or some other verifiable method of recordation.

Agencies that elect to satisfy this requirement by employee submission of hours worked must have a supervisor approve the employee's submission. Supervisors who approve time in this manner are responsible for verifying the accuracy of the employee's record.



## 2. Agencies must observe set customer service hours.

"Customer service hours" are defined as inflexible hours of the day and week during which an agency must be functionally staffed. The State of Ohio has elected to adopt customer service hours of 8:00 am to 5:00 pm, from Monday through Friday. At a minimum, agencies must ensure that they are adequately staffed to perform all of their business administrative functions for both internal and external customers during these hours. Business administrative functions may include, but are not limited to, answering telephones, responding to inquiries from the public and other state agencies, etc. Based on the operational or business needs of the agency, it may be advantageous for agencies to extend their customer service hours to 7:30 am to 6:00 pm, especially for those agencies that provide customer service to the general public.

Once an agency has ensured that it is adequately staffed from 8:00 am to 5:00 pm, it may offer employees an alternative work schedule that offers flexibility in the scheduling of hours worked. The decision to offer a flexible work schedule during non-customer service hours remains solely at the discretion of the appointing authority. Agency management retains the right to determine when alternative work schedules are practical and to adjust the number of employees approved for such schedules as appropriate. Service to the public and administrative support services within the agency will be of controlling importance.

If an agency elects to offer employees such flexibility, the following two options are available:

- Flextime. Flextime schedules are based on worker needs within set parameters approved by a supervisor.

*Examples:* An employee must work 40 hours per week and be present on a daily basis, but may:

- Adjust arrival and departure times on a daily basis
  - Define new standard working hours (e.g., a set schedule of 7am to 3pm every day or of 7am to 3pm on Tues/Thurs and 10am to 6pm on Mon/Wed/Fri).
  - Work extra hours one day to make up for shorter hours worked another day
- Compressed Workweek. Employees work full-time hours in less than the traditional 5-day workweek by increasing daily hours worked.

Agencies should use a compressed workweek schedule only when a specific business process warrants such a schedule. For example, a compressed workweek schedule may be appropriate if a specific payroll process requires an employee to work long hours Monday-Thursday, but does not require the employee to work as many hours while the system uploads the data on Friday. The use of a compressed workweek schedule as a performance reward or for recruitment and retention purposes does not constitute a "specific business process" and should not be approved by an agency. In most situations, personal circumstances should not be a factor in the decision to utilize a compressed workweek schedule. If you believe there are extraordinary, temporary personal circumstances that warrant such a schedule, please consult with the Department of Administrative Services, HRD Office of Policy Development prior to implementing such a schedule.

*Examples:*

- A worker works 10-hour days, 4 days per week (e.g., Monday-Thursday, 8am-6pm)
- Over each two-week span, an overtime-exempt worker works 9-hour days Monday through Thursday of each week and takes every other Friday off (i.e., works an 8-hour day on the Friday of the first week and does not work the Friday of the second week)

Regardless of the option, the employee's work schedule must be approved in advance by the employee's manager or supervisor and should be kept on file at the agency level. Similarly, changes in schedules for bargaining unit staff will be governed by the applicable collective bargaining agreement. Issues such as notice requirements, as well as whether or not seniority is a factor in changing an employee's schedule, must be considered in order to avoid a grievance.



**3. Overtime exempt employees who are required to be in an active pay status for more than 40 hours in any calendar week must accrue compensatory time on an hour for hour basis. (Comp Time)**

Allowing overtime exempt employees to accrue compensatory time offers a number of benefits to the State of Ohio:

- 1) It allows the state to attract and retain quality state employees. Since many new employees are not entitled to use vacation leave until after they have been with the state for a year, the ability to use and accrue compensatory time provides newly hired overtime exempt employees with an appealing benefits package.
- 2) It alleviates some of the concerns relating to pay compression and rewards hard-working managers, supervisors and other employees for the extensive number of hours that they work.
- 3) Finally, it allows the State of Ohio to ensure that the number of hours worked by a particular employee is accurately tracked and maintained, and that the employee is appropriately compensated and rewarded accordingly for that work.

Under the current DAS Directive 06-06 on compensatory time, overtime exempt employees accrue compensatory time for any time over 40 hours a week they were required to be in active pay status. Agencies must adhere to this statewide standard, and may not adopt an alternative policy that grants compensatory time to employees only after they have been required to work an additional number of hours (i.e. 45 hours/week, 50 hours/week, etc.) However, agencies may adopt a policy that allows overtime-exempt employees to work a flexible work schedule within a pay period instead of within a week. Such a policy has the potential to limit the amount of compensatory time accrued by an individual employee, but would provide the employee with benefits similar to those gained with such accrual.

Consistent with DAS Directive 06-06, the maximum amount of compensatory time that an overtime exempt employee may accrue is 120 hours. Any compensatory time accrued by an overtime exempt employee must be used within 180 days after accrual. Agencies must adhere to these standards and may not adopt a policy that either allows the employee to accrue hours above the 120 hour maximum or retain leave longer than the 180 day timeline.

**4. Agency customer satisfaction surveys must include a question about employee availability.**

The general purpose of conducting customer satisfaction surveys is to document how well the State of Ohio is progressing toward the goal of service improvement. By asking customers about their level of satisfaction with employee availability, the State can produce a set of quantitative measurements or ratings of agency performance at various points in time. Managers and supervisors must take such measurements into account when establishing and approving employee schedules. For example, if a customer returns a survey indicating that they experience great difficulty in obtaining assistance from employees on Friday afternoons, the agency should take this information into account before approving a schedule that would remove a large number of employees from the office on a Friday afternoon.

**5. Agencies must provide training to managers/supervisors and new employees about how to properly maintain records of actual hours worked.**

The enforcement and implementation of time and attendance policies are left largely the responsibility of appointing authorities. At a minimum, agencies must provide training to managers/supervisors and new employees about how to properly maintain records of actual hours worked. Agencies who offer orientation sessions for their new employees must include information on the applicable time and attendance expectations in place at the agency and should refer employees to any available tutorials which set forth how to utilize the individual timekeeping mechanisms in place at their agency (TimeKeep, Oracle, Kronos, etc).



Managers and supervisors should become familiar with agency time and attendance policies and procedures, and should receive training on the responsibilities of the supervisor, timekeeper and employee in such procedures. Managers and supervisors should be able to identify the records required for audit purposes and should understand how to overcome common time and attendance problems.

**6. Agencies must receive prior approval from the Department of Administrative Services prior to adopting and implementing a teleworking policy.**

Teleworking is a flexible work arrangement where employees are directed or permitted to work remotely from a designated alternative work location. It includes field working arrangements, and is also defined to include those circumstances where an employee receives compensation for work completed from home during an approved leave of absence or during hours that are outside of the employee's regular work schedule (i.e. afterhours or on the weekend). The State of Ohio has not adopted a statewide teleworking policy for a number of reasons. First, the teleworker works in a gray area of coverage for things like workers' compensation and insurance claims. Oftentimes, it is difficult to determine who is liable for an employee's injury when that employee is working from an alternative work location. Second, there are concerns about the accessibility of teleworkers, the employer's loss of control over the teleworkers, and the potential for a reduction in employee productivity. Finally, it becomes increasingly more difficult for an employer to track, verify and maintain hours worked when the employee is working from an alternative off-site work location.

A recent survey conducted by the Office of Collective Bargaining revealed that there are currently eleven agencies that have adopted an agency-specific teleworking policy (see Appendix A). While we recognize that teleworking may be a suitable alternative for positions that require employees to travel across the state, work from a remote location (i.e. perform field work), the vast majority of positions in state government will not be positions that are suitable for teleworking due to the operational needs and demands of state government and its workforce. For example, positions that require the employee's physical presence on the job; require extensive face-to-face contact with their supervisor, other employees, clients or the public; or require access to material, equipment or secured information that cannot be moved from the regular office would not be positions suitable for teleworking.

Agencies must submit proposed teleworking policies to the Department of Administrative Services, HRD Office of Policy Development, for their approval prior to adopting or utilizing teleworking. Additionally, agencies who are currently utilizing teleworking policies without the approval of the Department of Administrative Services must immediately submit their current policies to the Office of Policy Development for their review. At a minimum, the proposed policies should specify:

- The positions or classifications eligible to participate in teleworking
- The criteria agencies will use to select the individual employees, positions or classifications that will participate in teleworking
- The alternative work location
- Specific hours and days per week to be worked at the alternative work location
- Pertinent office equipment to be provided and by whom
- Method of communication to be used between the official work location and the alternative work location
- Duties to be performed by the employee and methods of evaluation to be employed
- How Workers' Compensation claims and other injuries will be documented and handled

Upon request, the Department of Administrative Services will provide sample policies of what would meet the criteria.

Teleworking policies are separate and apart from continuity of operation plans. Continuity of operation plans typically refer to the preparatory policies or procedures agencies make to ensure that agency business functions continue to operate during potential catastrophic events or emergency situations. Prior to adopting or utilizing continuity of operation plans, agencies must subject their proposed policies to the Office of Policy Development for their review.

If you have any additional questions, please contact the Department of Administrative Services, HRD Office of Policy Development at (614) 752-5393 or [DASHRD.HRPolicy@das.state.oh.us](mailto:DASHRD.HRPolicy@das.state.oh.us).

**APPENDIX A:  
State Agency Teleworking Survey**

Yes (# of EEs, Unions)*	No	No, but interested	No, but working on creating
RSC (39 EEs, OCSEA/1199)	CSWMFT Board	State Board of Psychology	MRDD
APA (110 EEs, 1199)	Public Safety	Unemployment Compensation Review Commission	DRC
OHFA (9, OCSEA) (pilot)	Ohio Board of Dietetics		Health
Commerce (FOP)*	Secretary of State		Insurance
Medical Board (21, OCSEA)	Auditor of State		
OVH (0)	Liquor Control Commission		
Board of Embalmers & Funeral Directors*	Mental Health		
DNR (FOP*) (0 under policy)	Ohio Sanitarian Registration Board		
Chiropractic Board (2)	Lottery Commission		
BWC (217)	Agriculture		
Education (1)	Youth Services		
	Expo Commission		
	EPA		
	ODOT		
	Environmental Reviews Appeal Commission		
	OBM		
	Adjutant General		
	Industrial Commission		
	Development		
	Board of Pharmacy		
	Accountancy Board		
	DAS (isolated instances)		
	Ethics Commission		

\*Yes includes agencies who have employees who have home offices, even if it is not done under a "telecommuting" policy

## Office of the Ohio Consumers' Counsel Teleworking Policy

*Effective: September 2, 2003, Revised March 31, 2008*

### **PURPOSE**

The purpose of this policy is to establish standard conditions and responsibilities for the Office of the Ohio Consumers' Counsel (OCC) teleworking program. The teleworking program is intended to enable OCC directors to consider allowing employees, with or without the use of telecommunications and computer technology, to perform assigned duties at locations other than their regular work location. An alternate workplace would generally be in an employee's home, but could also be elsewhere if acceptable to the director. Teleworking is not a universal employee benefit - it is a management option.

### **CLASSIFICATIONS/POSITIONS**

The following classifications or positions may be eligible to participate in OCC's teleworking program if there is a demonstrated need or benefit to the OCC: Administrative staff and other staff including but not limited to outreach and education staff, attorneys, legal interns, analysts, department directors, Consumers' Counsel and Deputy Consumers' Counsel.

### **CONDITIONS AND RESPONSIBILITIES**

#### **1. Conditions of Teleworking**

- 1.1 A Teleworking Agreement will make an employee eligible to participate in the teleworking program upon being signed by the potential teleworker, his/her director, and the Consumers' Counsel or designee. An employee who signs a Teleworking Agreement cannot engage in telework, however, without a separate and specific authorization from the employee's director.
- 1.2 A teleworker's salary, benefits, job duties, obligations and other terms and conditions of employment shall not change because of the teleworking arrangement.
- 1.3 Performance evaluation requirements will not change. The director's method of monitoring and evaluating performance will reflect a focus on results rather than process or direct supervision.
- 1.4 A teleworker will be responsible for documenting work accomplished during the teleworking.
- 1.5 Time spent traveling to or from the office is not reimbursable and is not considered time worked.
- 1.6 The standards regarding the duty of OCC employees to maintain confidentiality of information and security of documents while working at the office must be maintained while teleworking.

# Exhibit 4

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- 1.7 Expectations as to compliance with all existing OCC policies and procedures are unaffected by any teleworking agreement.
- 1.8 Management retains the right to terminate any individual teleworking agreement, and/or to change or eliminate the teleworking program.
- 1.9 Employees needing to work overtime or other time in excess of an eight-hour day on office projects may do so from their home or elsewhere with the approval of their director.

## **2. Work Schedule**

- 2.1 The director will establish scheduled work hours and any changes must be approved in advance.
- 2.2 Approval from the director must be obtained prior to working or teleworking overtime or other time in excess of an eight-hour day.

## **3. Workspace**

- 3.1 The employee is responsible for establishing and maintaining a designated workspace at the alternate work site. The same safety, ergonomic, and cleanliness standards applicable at the regular work site must be maintained at the alternate site.
- 3.2 The OCC retains the right to make on-site inspections of the work area, at a mutually agreed upon time, to inspect equipment and observe working conditions.

## **4. Communication**

- 4.1 Teleworkers must be accessible, via telephone or cell phone and via office e-mail, to their supervisor, co-workers, external stakeholders and contacts, and customers/clients during the agreed upon work hours.
- 4.2 The teleworker's office phone will be forwarded to the alternate work site as necessary.
- 4.3 Phones used by the teleworker for receiving calls will be answered in a business-like manner during work hours and the outgoing message on an answering machine or voicemail service will convey a professional office-like image.
- 4.4 Clients and external stakeholders and contacts will never be given the teleworker's home phone number for purposes of teleworking.

## **5. Workstation Equipment, Software, and Maintenance/Support**

- 5.1 Teleworkers who have their own equipment may use it. Employees who use their own equipment are responsible for its maintenance and repair. The employer assumes no liability concerning damage or loss of property owned by the employee at the alternate work site.
- 5.2 The employer may provide equipment depending on the nature of the job, equipment availability, and funds. The OCC is responsible for the maintenance and support of all equipment that is provided to employees.
- 5.3 Software may not be duplicated except as formally authorized and in accordance with the manufacturers' licensing agreements.
- 5.4 Any hardware or software purchased by the OCC remains the property of the OCC and must be returned upon OCC's request or upon the termination of the teleworker's employment with OCC.
- 5.5 The teleworker is responsible for protecting the integrity of copyrighted software, policies, procedures and practices to the same extent applicable at the teleworker's office location.
- 5.6 All equipment, furniture, software, supplies or other materials purchased or maintained by the OCC are to be used only by the teleworker and only for official OCC business.
- 5.7 The teleworker has the same responsibility for damage to agency property at the alternate work site as would exist at the regular office.
- 5.8 Surge protectors must be used with any computer, laptop or other electronic equipment. Responsibility for damages resulting from a power surge, if no surge protector is used, will be borne by the employee.
- 5.9 The OCC may, at its discretion, assume responsibility for all costs associated with the installation, operation, and maintenance of a second telephone line if OCC determines one is needed due to (or as a condition of) the teleworking arrangement. The OCC may, at its discretion, assume responsibility for additional costs to a teleworker for long distance calls pertaining to work, during the scheduled work hours.
- 5.10 Teleworkers will be responsible for the security of all items furnished by the OCC.

## **6. Supplies**

Supplies required by the teleworker to complete assigned duties should be obtained from OCC's main office. Employees' expenses for materials and supplies, which are available at the office but purchased elsewhere will not be reimbursed.

## **7. Workers' Compensation**

A teleworker may be covered by the state of Ohio's Workers' Compensation laws while in telecommuting status. Any injury that occurs within the course and scope of employment must be reported to one's supervisor immediately, using the standard injury reporting form and process. For the purposes of Workers' Compensation, a teleworker's designated home workspace is considered an extension of state workspace only during the telecommuter's scheduled work hours.

## **8. Third-Party Liability**

The OCC does not assume responsibility for third-party injury or property damage that may occur at an alternative work site. A teleworker cannot hold state business-related meetings at the teleworker's residence or elsewhere while teleworking unless the teleworker's director approves the meetings.

## **9. Dependent Care**

- 9.1 Teleworking is not a substitute for childcare, dependent care or elder care.
- 9.2 Teleworkers must continue to arrange for child, dependent or elder care to the same extent as if the teleworkers were working at the main office. Exceptions can be made in certain instances with prior authorization from one's director. Absent such arrangements or authorization, the teleworking agreement will terminate.

## **10. Miscellaneous Financial Responsibilities of Teleworkers**

Individual tax implications, auto/homeowner's insurance, or incidental residential utility costs are the responsibility of the teleworker. In addition, a teleworker's pre-authorized expenditures that are incurred at the request of the employer will be reimbursed in accordance with OCC's policies and procedures.

## **11. Weather Emergencies**

A teleworker, who is considered an essential employee and is scheduled to work at home on a day that is declared a weather emergency may be asked to work at home or the office, based on the needs of the OCC.

## **12. Training**

Teleworkers and their supervisors will be expected to read and understand this policy prior to commencement of a telecommuting work arrangement.

OFFICE OF THE OHIO CONSUMERS' COUNSEL  
TELEWORKER AGREEMENT

Name of Employee:

Rince Weston

Department/Office:

Legal Dept. / OCC

The employee will work from home or other location at the following address:

[Redacted address]

The employee can be reached at the following telephone number(s):

Home/Location:

[Redacted phone number]

Mobile:

\_\_\_\_\_

This agreement is entered to allow the employee to be eligible to participate in telework, which will be at OCC's option after the agreement is signed. The employee has read the current OCC Teleworking Policy and the employee agrees to comply with the attached Teleworking Policy for work from home or other authorized location. Violation of the Teleworking Policy or this agreement may result in discipline including termination of employment.

This agreement provides the employee the eligibility to work outside the OCC's office as specified below, and is not construed as superseding the requirement for prior approval to work outside the office on overtime or other time on any specific occasion in accordance with Section 2.2 of OCC's Teleworking Policy. This agreement may be terminated for any reason by a director or by the Consumers' Counsel. Management may also terminate the teleworking program, in their discretion.

Authorization for Teleworking is required when one's job description requires a need to telework, when there is a need to work in excess of eight hours on a workday, or when there is a need to work on a weekend.

The employee is responsible for documenting all OCC work accomplished from home or other authorized location.

The duty of OCC employees to protect the confidentiality and security of OCC information in any and all forms including paper and digital, as well as to protect the security of OCC computing and communications equipment, must be maintained while teleworking. The OCC employee's duty to protect OCC information and equipment outside the office continues for as long as the employee has OCC information and equipment outside the office, regardless of whether this agreement is terminated or the employee's employment with OCC ends.

The employee is responsible for any tax liability that may result from teleworking.

Signed by and agreed to:

[Signature]  
Employee Signature

4/3/08  
Date

\_\_\_\_\_  
Director Signature

\_\_\_\_\_  
Date

[Signature]  
Consumers' Counsel Signature

4/4/08  
Date