



Texas Medical Board

Telework Plan

Statutory Authority

The Texas Medical Board (TMB) sets forth this plan in accordance with House Bill 5196 (89th R.S.) and Texas Government Code, Sections 658.011 and 658.012.

Purpose

The purpose of this plan is to outline TMB's policies and procedures related to teleworking. The plan will assist TMB in enhancing the agency's ability to achieve its mission through providing employees with reasonable flexibility, while maintaining employee accountability and productivity, and addressing the lack of available office space for TMB.

Applicability

This plan applies to all non-field employees who are approved to conduct agency business on a regular basis at an assigned telework office location other than the agency's headquarters. All forms of teleworking imply an employer/employee relationship. The teleworking employee is subject to the same rules and disciplinary actions as any other agency employee.

Definitions

- I. TMB Headquarters: The employee's usual and customary agency work address.
- II. Telework: A work arrangement that allows an employee to conduct and perform on a regular basis all or some TMB business at a place other than the employee's regular-place of employment during all or a portion of the employee's established work hours using telecommunications and information technology to remain connected to the agency.
- III. Regular place of employment: The employee's work address at TMB headquarters.
- IV. Assigned telework office location: The employee's remote office address, approved under the telework agreement.

Authorization of Telework, Termination

Consideration and approval of telework may only be granted and approved by the Executive Director or designee if the following applies:

- I. to address a lack of available office space for TMB; or
- II. to provide reasonable flexibility that enhances the agency's ability to achieve its mission.

Telework may not be offered as a condition of employment. A complete Teleworking Agreement Form does not constitute an employment contract and does not create a property interest in employment.

Eligibility Criteria

I. Position Eligibility

- A. A position appropriate for telework is one that has assigned duties that can be performed at a remote site without diminishing the quality of the work or disrupting the productivity of the department, program, or agency. A position that may have frequent face-to-face contact with the public or internal agency staff may not be suitable for teleworking.
- B. The employee's department director will establish a criterion to evaluate the work assignments of a position to determine if an employee can satisfactorily perform the work assignments while teleworking.

II. Employee Eligibility

An employee must meet the following eligibility criteria:

- A. Satisfactorily completes department training and obtains department director approval.
- B. Submits a complete Telework Agreement Form selecting the reason why telework is being requested after successfully completing the initial departmental training period.
- C. May not be or have been subject to a written reprimand, performance improvement plan, formal counseling, or other form of disciplinary action, within the preceding six months from the date of the request to telework.
- D. Is assigned to an eligible position to participate in teleworking.

- E. Does not hold secondary employment that could cause a conflict of interest with the employee's agency job duties performed or agency work schedule.
- F. Has a demonstrated ability to work well with minimal supervision. This means the employee has demonstrated the ability to successfully establish priorities and manage their time.

Telework Requirements

I. Employee Requirements

- A. A new Telework Agreement Form must be completed annually for approval.
- B. An employee who has an employment status change that requires a new department; or title change will be required to complete a new Telework Agreement Form.
- C. A telework employee is only to conduct agency business at the regular place of employment or the-assigned telework office location, unless the employee is traveling or has received authorization to work at another approved location.
- D. A telework employee is prohibited from conducting in-person agency business at the employee's personal residence.
- E. TMB may require an employee to report to the employee's regular place of employment or another work location on a day on which the agreement otherwise authorizes teleworking for a meeting, special event, or other engagement for which the agency determines that the employee's physical presence at TMB headquarters is necessary.
- F. An employee must receive approval from the department director for each assigned telework office location used to conduct agency business, prior to working from a remote location.
- G. The telework employee is required to maintain accurate time accounting documentation to support and substantiate work hours and products and may be required to submit routine time and status reports detailing hours worked and tasks performed or completed.
- H. The telework employee's work assignments must be completed adequately, timely, and appropriately, including timely responding to supervisors during working hours, unless on pre- approved leave.
- I. The telework employee is responsible for ensuring the safety and integrity of data and software used at the remote worksite. The employee must always run current anti-virus software. The telework employee must prevent unauthorized viewing or use of data by non-employees. A password protected screen saver must be always used on the remote computer. The telework employee must follow all information security rules, copyright laws, and manufacturer's licensing agreements of the board. Software may not be duplicated except as allowed under law or licensing

agreements. The telework employee must use only communication software approved by the IT department when connecting with the board network.

II. Performance Standards

- A. To ensure that a teleworking employee meets performance expectations in assigned positions and that the employee's duties remain suitable for teleworking, the employee and his or her Department Director will meet to review assignments and to review completed work. A performance appraisal completed annually or when an employment action requires the completion of a performance appraisal, will be conducted between the employee's department director and employee to establish performance standards and to ensure that the employee maintains a satisfactory performance.

III. Productivity Monitoring

- A. At the discretion of the employee's department director, an employee will complete a status report to monitor the productivity of the employee and to ensure that the employee's work assignments remain suitable for telework.

IV. Scheduling

- A. The specific time schedule for the teleworking employee will be determined between the employee and the reporting official and recorded in the teleworking agreement form.
- B. A non-exempt employee must take at a minimum a 30-minute or maximum one-hour lunch period.
- C. In accordance with established policies and procedures, a teleworking employee should obtain approval before taking any type of leave.
- D. In consideration for the allowance of teleworking, an employee should make reasonable efforts to schedule all personal appointments to occur on a teleworking day, to ensure that they are not out of the office on a regularly scheduled workday. A department director may adjust an employee's teleworking day in each week to accommodate a scheduled personal appointment. An employee does not have a right to telework on a given day of the week.
- E. The operational needs of the Board take precedence over teleworking agreements. As a general rule, meetings of the Board may require employees' physical presence at TMB headquarters. The department director may allow for flexibility in scheduling the specific days of the week used for teleworking and allow week-to-week flexibility to meet changing needs.

V. **Work Environment**

- A. The teleworking employee must maintain the assigned telework office location in a clean, professional, and safe setting. If working with sensitive information, the TMB equipment must be secured or locked when not in use so that confidential information is protected from unauthorized disclosure. An immediate supervisor or department director may visit the teleworking employee's assigned telework office location for evaluation prior to final approval. Any site visits will be arranged so that the employee has a period of reasonable notice before the visit.
- B. The board specifically assumes no liability for injury to any other person who would not be in the work area if the duties were being performed at the designated headquarters. Workers' compensation benefits will apply to injuries arising out of and in the course of employment. A teleworking employee who sustains a work-related injury must notify the manager immediately and complete all requested documents regarding the injury.

Information Security

I. **Security Controls**

- A. To ensure that appropriate physical and information security controls are in place at teleworking sites, employees will attend all Department of Public Safety CJIS and agency IT training as required. Additionally, all computers connecting to the agency's network via digital subscriber line (DSL), cable modem service, or through an internet service provider (ISP) are required to use properly configured virtual private network (VPN) or remote terminal services software, personal firewall software, remote control software provided by the agency, and current virus protection software approved by the IT department. Computers not properly configured and/or secured for telecommuting will be disconnected from board networks until corrected and the employee must work from the designated headquarters until any issues are corrected. Teleworking employees are required to follow all information security rules, copyright laws, and manufacturer's licensing agreements. Software may not be duplicated except as allowed under law or licensing agreements.

II. **Equipment**

- A. The agency will not incur costs related to teleworking other than minimal supplies. The board will not be liable for damages to employee-owned equipment resulting from participation in the teleworking program. The agency will not provide a telephone, internet/telephone connection, or any other such supplies necessitated solely due to teleworking. The employee seeking the teleworking

schedule will be responsible for those additional costs, if any, unless specifically provided otherwise in advance in writing by the department director and executive director.

- B. When agency-owned equipment is used at a remote workplace, the employee is financially responsible for that equipment if it is lost, stolen, or damaged because of that employee's negligence, misuse, or abuse.
- C. Preventive maintenance and repair of equipment used by a teleworking employee is the responsibility of the owner of the equipment.
- D. If equipment malfunctions, regardless of ownership, the employee must notify the department director or immediate supervisor immediately. Depending upon assigned duties, the teleworking employee may be required to report to the designated headquarters until the equipment is usable.
- E. Any agency-owned equipment located at a remote location must be returned at the end of the teleworking or when the employee's employment ends.

III. Proprietary Information

- A. Products or programs the employee develop, if any, while telecommuting for the board remain the property of the board.

IV. Technical Support

- A. The employee will contact the TMB Help Desk (512) 305-6999 for support during normal business hours. Support will be provided for agency access and applications only, no personal software such as games, etc. will be supported by the TMB Help Desk
- B. If a problem arises relating to the telephone or Internet Service Provider, the teleworking employee will contact and obtain support from the service provider. Payment for repairs is the responsibility of the subscriber of the service. To ensure proper backup of data, the teleworking employee agrees to save files to a server of the board, rather than to the local hard drive of the remote computer.

Termination of Telework Agreement

The telework agreement may be revoked by TMB at any time, for any reason, and without notice. When the telecommuting agreement is terminated, the employee must immediately return to the TMB headquarters all notes, data, reference materials, sketches, drawings, memoranda, reports, records, equipment, software, supplies, and any other agency-owned property in the employee's possession or control.

The board will not be held responsible for costs, damages, or losses associated with the termination of the telecommuting agreement.