Appendix G: Telework Policy & Plan

NAME OF POLICY	EFFECTIVE DATE
TELEWORK POLICY	7/29/2025
APPROVED BY	DATE APPROVED
KRISTIN BENTON, EXECUTIVE DIRECTOR	7/28/2025
REVIEWED BY	DATE REVIEWED
ALL DIRECTORS	7/28/2025
PREPARED BY	DATE PREPARED
STEVE ZIMMERMAN, HUMAN RESOURCES DIRECTOR	7/22/2025
ALL TEXAS BOARD OF NURSING EMPLOYEES ARE REQUIRED TO READ, UNDERSTAND AND FOLLOW THIS POLICY. BY SIGNING THE EMPLOYEE HANDBOOK ACKNOWLEDGEMENT OF RECEIPT, OR A SEPARATE RECEIPT, EMPLOYEES ACKNOWLEDGE RECEIPT OF THIS POLICY. THIS VERSION OF THE POLICY SUPERSEDES ALL PREVIOUS VERSIONS. THIS POLICY IS EFFECTIVE FROM THE EFFECTIVE DATE LISTED ABOVE UNTIL SUPERSEDED OR RESCINDED IN WRITING BY THE EXECUTIVE DIRECTOR OF THE TEXAS BOARD OF NURSING.	

PURPOSE

This Policy describes the processes and procedures for the Board of Nursing (BON) Telework program. Telework is not a right but a privilege. It is presumptive BON policy that in person and in office presence is an essential job function unless telework is approved through this policy. Employee participation in Telework is voluntary, except when the Texas Board of Nursing Continuity Plan is activated, or Official Duty Station facilities are otherwise unavailable. In any scenario, the Board of Nursing management will only permit Telework when the assigned work can be reasonably performed at the Alternative Duty Site and can be reasonably evaluated by a supervisor which is not co-located with the employee performing Telework.

AUTHORITY AND RELEVANT STATUTES

Texas Government Code Section 658.010 defines where employees may perform their work. This statute states that, “The employee's personal residence may not be considered the employee's regular or assigned temporary place of employment without prior written authorization from the administrative head of the employing state agency.”

HB 5196 amended Texas Government Code Section 658.011 during the 89th 2025 Legislative Session by adding:

(a) “The administrative head of a state agency may enter into an agreement with an employee authorizing telework in order to: (1) address a lack of available office space for the agency; or

(2) provide reasonable flexibility that enhances the agency’s ability to achieve its mission.

(b) An agreement described in Subsection (a): (1) must: (A) be in writing; (B) include the reasons telework is being authorized; (C) state the terms under which the agreement may be revoked; and (D) be renewed at least once each year after the employee begins telework; and (2) may be revoked by the state agency at any time without notice.”

DEFINITIONS

Official Duty Station (ODS) - The state facility where the employee most often performs his/her duties. The Official Duty Station of each Board of Nursing employee shall be either:

- The agency's main office, located at the George H.W. Bush State Office Building in Austin, or

Another location approved in writing by the Executive Director of the Texas Board of Nursing, as part of a 100% Telework Agreement (see below)

Alternate Duty Station (ADS) - A specific area within an employee's residence or at another approved location other than the ODS.

Alternate Duty Stations must be located within the United States.

Telework – A work arrangement that allows an employee of a state agency 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.

Unscheduled Telework - A specific form of situational or ad hoc Telework where unique circumstances did not allow advanced scheduling.

100% Telework Agreements- A 100% Telework Agreement allows an employee to perform their work solely from the primary area in the residence or other approved location, with some exceptions for occasional office attendance. 100% Telework Agreements are only granted for positions which were specifically designed to be performed solely by teleworking, or the geographic location of the position makes travel to the agency main office impractical. 100% Telework Agreements are only approved for a small number of positions that may be geographically appropriate and have job functions appropriate for this work model. Employees who were not hired into positions designed to be performed solely by telework are not eligible for 100% Telework Agreements. Regular in-office attendance is essential for all positions that were not designed to be performed solely through teleworking.

While the employee on a 100% Telework Agreement is not expected to work in the office on a regular basis, the employee may be required to travel to and work at the office for several reasons. These include, but are not limited to:

- Meetings
- Training
- Participation in Workplace Investigations
- In-Person Coaching, Mentoring, or Disciplinary Action

Hybrid Telework- Hybrid telework, or hybrid work, is a flexible work model that allows employees to split their time between working at an Alternate Duty Site (often from home) and in their Official Duty Site.

TYPES OF TELEWORK AGREEMENTS AND ELIGIBILITY CRITERIA

Participation in Telework programs is not an entitlement but should be based upon sound business and performance management principles. Telework arrangements may be modified, adjusted, terminated or temporarily suspended at any time deemed necessary by management.

There are four types of telework agreements. These are:

1. **100% Telework Agreements**: Requests for this type of agreement will only be approved for positions that were specifically designed to perform work duties mainly outside of the Austin metropolitan area.
2. **Hybrid Telework Agreements.**
3. **Telework as a Reasonable Accommodation** under the Americans with Disabilities Act.
4. **Telework for Care of Dependents.**

100% TELEWORK TERMS AND CONDITIONS

Eligibility criteria for 100% Telework:

- The employee must be serving in a position that was specifically designed to perform work duties mainly outside of the Austin metropolitan area. The most common example of this is a Nursing Consultant for Education who provides regional consultation to areas outside of Austin.
- The employee must have written approval from the Executive Director, which authorizes the employee's personal residence or other location as their Official Duty Site.

While the agency may design positions to be performed remotely, telework is never offered as a permanent condition of employment. The Board of Nursing retains the right to modify or revoke 100% Telework Agreements based on the needs of the agency.

HYBRID TELEWORK TERMS AND CONDITIONS

Eligibility criteria for Hybrid Telework:

- The amount of telework an employee may be eligible for is dependent on the distance of the employee's place of residence from the George H.W. Bush Building, as measured by the shortest route available for commuting found on Google Maps.
- Employees residing 30 miles or more from the George H.W. Bush Building may be granted up to three days of telework per work week.
- Employees residing less than 30 miles from the George H.W. Bush Building may be granted up to two days of telework per work week.
- Hybrid telework requests must provide scheduled days and hours for work at the ADS. Deviation from these scheduled days will require approval from direct supervisor.
- The employee's work (or the portion to be performed at the Alternate Duty Station) must be portable or remotely accessible. Employees must be able to reasonably complete their assignments and perform the essential duties of their jobs without visiting the Official Duty Station.
- The supervisor must be able to evaluate the quantity and quality of the employee's work performed at the ADS.
- The employee's most recent performance rating of record must be satisfactory (3.0 or greater) in all performance measures. This requirement does not apply to employees who have not received their first performance rating.
- The employee's work schedule and work requirements must be included as determining factors in Telework participation eligibility.
- The employee must have and utilize a government-furnished computer (i.e., laptop or desktop), provided by the agency, and a valid virtual private network (VPN) account provided by the agency to perform work at the ADS.
- The employee's absence from the ODS must not unduly interrupt office operations.
- If an employee's request to participate in the Telework program is denied, management will provide written notice to the employee explaining the reason(s) for the denial. This written notice will be provided to the employee within ten (10) business days of the denial.
- Management reserves the right to inspect an ADS for suitability for Teleworking, after giving adequate notice to the employee.
- Supervisors can alter an employee's schedule under special circumstances (e.g., meetings, etc.). A new agreement is not required every time this happens, but the supervisor should inform the

employee in writing. If the change occurs over several pay periods a new agreement should be made.

- Hybrid telework agreements will generally require the employee to complete at least two full days of work in the office per week. Exceptions to work less than two full days in the office per week will require Executive Director approval.

Ineligibility Criteria for Hybrid Telework:
The employee is ineligible for Telework or their existing Telework Agreement may be terminated if:

- The employee is on a performance improvement plan.
- The employee may not have both a Hybrid Telework Agreement and a Telework Agreement for Care of Dependents. Either one or the other may be granted, but not both.
- The employee has been officially disciplined for being absent without permission for more than 5 days in any calendar year.
- The employee has been officially disciplined for violations of the Acceptable Use Policy or failure to secure government files or data.
- An employee's performance is not maintained at the satisfactory level or better. If the employee's most recent performance rating of record is not satisfactory (2.99 or less) in any performance measure, any existing Telework Agreement will be terminated.
- The employee requires frequent face-to-face supervision or frequent face-to-face interaction and collaboration with peers on a daily basis for the portion of work that will be completed off-site.
- The employee is unable or unwilling to maintain a secure and reliable phone and/or internet at their own expense, as needed to perform their work at the ADS and to be accessible by phone and email during working hours.
- The employee's provision of childcare, elder care, or other dependent care while working at the ADS significantly impacts the employee's completion of their job duties or availability for meetings, calls, or other required interaction.

TELEWORK AS A REASONABLE ACCOMMODATION UNDER THE AMERICANS WITH DISABILITIES ACT

The Americans with Disabilities Act (ADA) defines a disability as a physical or mental impairment that substantially limits a major life activity. Certain disabilities may be accommodated through telework. To request reasonable accommodation, employees may contact Human Resources to request an application. All reasonable accommodations are subject to approval by the Executive Director.

TELEWORK FOR CARE OF DEPENDENTS

Employees with dependent care responsibilities may request a telework agreement for up to ten (10) hours per week of telework at an approved ADS. The purpose of such an agreement is to allow flexibility in carrying out certain dependent care responsibilities such as picking up children from school. This type of telework cannot be used to telework for entire workdays. It is intended to provide flexibility for in-office attendance. Requests for this type of telework agreement will be denied if the hours of telework requested include telework-only days. The same eligibility and ineligibility criteria as other hybrid telework agreements listed above apply, with the exception of the 30-mile distance requirement.

- The employee may not have both a Telework Agreement for Care of Dependent and a Hybrid Telework Agreement. Either one or the other may be granted, but not both. Dependent Care telework requests must provide scheduled days and hours for work at the ADS. Deviation from these scheduled days will require approval from direct supervisor.

REQUIRED ACTIONS FOR EMPLOYEES

All employees with an approved telework agreement must keep their direct supervisor informed regarding the work they accomplish while teleworking. Employees shall document the work they perform while teleworking on their Microsoft Outlook calendar and share their calendar with their direct supervisor. Supervisors may require employees to provide additional information.

All employees must complete an initial, one-time training course prior to beginning Telework. The employee must complete training available at: https://www.telework.gov/training-resources/telework-training/virtual-telework-fundamentals-training-courses/employee-course/index.htm. The employee shall attach the certificate(s) of completion for either the course or each of the 5 lessons making up the course to their Telework Agreement.

In addition to completing Telework training, an employee must submit a Texas Board of Nursing Telework Application and Agreement Form. This form gives the supervisor, Department Director, and Executive Director all necessary information to determine if the employee qualifies for telework and whether a telework agreement is appropriate. The Texas Board of Nursing Telework Application and Agreement Form is not a valid agreement until the Executive Director reviews the application section, completes the agreement section, and signs the form. Any telework agreement requested may be rejected, modified, adjusted, or approved as requested by the Executive Director, based upon this policy's eligibility and ineligibility criteria and the agency needs.

All hourly (FLSA nonexempt) employees are required to obtain approval from their supervisor before working overtime hours, regardless of whether they will be teleworking at the time. Working unauthorized overtime hours (i.e., working overtime without prior approval from the supervisor) may lead to disciplinary action. All hourly employees are responsible for accurate reporting of all hours worked, regardless of whether the work took place at the Alternate Duty Site.

All requests for Telework arrangements as an accommodation for an employee with a qualified disability shall be submitted as a Request for Reasonable Accommodation according to agency policy. However, it is presumptive BON policy that in person and in office presence is an essential job function unless telework is approved through such policy.

The employee will promptly inform the employer whenever problems arise that adversely affect his/her ability to perform work at the ADS.

The employee must be available to come to the ODS whenever the need arises for meetings, travel, training, etc. Agency management may provide reasonable notice (generally a day in advance) if it is feasible to do so but may require immediate travel to the ODS.

Employees may not conduct in-person business at their approved ADS. Employees shall not invite anyone not employed by the Board of Nursing into their home to conduct in-person state business.

Employees may not perform work for any other employer during their scheduled work time at the ADS or ODS.

Employees may not request a location outside of the United States as an Alternate Duty Site. Employees may only conduct state business or perform work outside of the United States when either authorized by the Executive Director, required to travel internationally as part of assigned work duties, or responding to requests from their supervisor while traveling internationally. Performing agency work outside of the United States without prior authorization may result in disciplinary action, up to and including termination of employment.

The employee may engage in childcare, elder care, or other dependent care while working at the ADS, as long as giving this care does not significantly affect the employee's completion of their job duties or availability for meetings, calls, or other required interaction.

Employees must abide by all the same policies, rules, laws and regulations as employees who do not Telework.

The employee will follow established leave policies at the ADS as though he/she were at the ODS.

The employee agrees to maintain a telephone line or cell phone during business hours where he/she is accessible at the ADS.

The employee agrees to maintain secure and reliable internet service at the ADS to perform their work, at their own expense.

The Employee shall adhere to the Standards of Conduct for Board of Nursing Employees and to supplemental standards, as issued, while working at the ADS. During the hours the employee is on duty at the ADS, he/she must be accessible by telephone and/or e-mail at all times.

The employee will promptly notify the TMO of computer security incidents (or suspected incidents) resulting from remote access.

The employee will read, certify and sign such safety checklists as may be required by the Executive Director. State agencies and staff are responsible for the security of State Government property, information, and information systems. Telework does not change this responsibility. The employee is responsible for providing a safe work environment at the ADS.

The employee will be liable for damage to any government-supplied property, including equipment at the alternate workstation, in the same way the employee is liable at the ODS. TBN will not be liable for damages to an employee's personal or real property during the course of performance of official duties or while agency supplied equipment is in use at the employee's residence, except to the extent TBN is held liable through applicable law (for example, the Texas Tort Claims Act, the Military Personnel and Civilian Employees Claims Act or the Texas Workers' Compensation Act).

Telework employees are expected to work on days that they are regularly scheduled to Telework when the Texas Government has announced unscheduled leave, unscheduled telework, delayed arrival, early departures, or state offices are closed to the public (e.g., closure due to loss of electrical power, loss of air conditioning).

Generally, the Board of Nursing will be responsible for the service and maintenance of government-owned equipment. The employee is responsible for all operating costs, home maintenance and any other incidental costs (e.g., utilities) associated with the use of the home or any other Alternative Duty Site for business purposes.

REQUIRED ACTIONS FOR INFORMATION TECHNOLOGY STAFF

The BON IT Department shall be responsible for ensuring appropriate Information security controls and procedures are available to teleworking staff to ensure data security.

The BON IT Department shall maintain a publicly accessible current copy of the agency Telework Plan on the agency website.

REQUIRED ACTIONS FOR THE AGENCY

The Board will evaluate employee performance for Teleworkers and non-Teleworkers using the same performance management program. The Board will also ensure Teleworkers receive the same treatment and opportunities as non-Teleworkers (e.g., work assignments, awards and recognition, development opportunities, etc.).

The Human Resources Director serves as the Telework Managing Officer (TMO). The TMO will help the Agency incorporate Telework into everyday business operations. The TMO is responsible for:

1. Policy development and implementation related to Agency Telework programs.
2. Serving as a resource for managers and employees on Telework.
3. Serving as the primary point of contact with OPM on Telework.
4. Ensuring the agency maintains an Agency Telework Plan with at minimum, the following elements:
    - Criteria for evaluating the ability of an employee to satisfactorily perform their job duties while teleworking;
    - Performance standards that ensure a teleworking employee maintains satisfactory performance;
    - A system for monitoring the productivity of a teleworking employee that ensures that the employee's work remains satisfactory and that the employee's duties remain suitable for telework;
    - Appropriate physical and information security controls at teleworking sites;
    - Ensures that a teleworking employee is subject to the same rules and disciplinary actions as any other agency employee; and
    - Prohibits a teleworking employee from conducting in-person business at the employee's personal residence.
    - Prohibits a teleworking employee from conducting outside business at the ADS during work hours.

The TMO shall maintain records related to the administration of the Telework program, which includes:

1. The total number of employees participating in the program
2. The number and percentage of employees who are eligible to Telework
3. The number and percentage of eligible employees who Telework and the number of days per pay period
4. An assessment of the impact of telework participation on
    a. Emergency readiness
    b. Energy use
    c. Recruitment and retention

d. Performance and productivity
e. Employee attitudes and opinions regarding Telework

The TMO shall ensure that any approved telework agreement, except for telework agreements issued as a reasonable accommodation for a disability, are approved for no more than 365 days, and ensure that employees complete a new application for telework each time they wish to extend their telework arrangements. Telework agreements will not automatically renew without a newly approved application.

The TMO assumes the duty of gathering information on Telework from various internal sources and complying with any reporting requirements. The TMO's duties extend beyond the operational day-to-day aspects of Telework, including policy development and advising management of the Agency's entire Telework program. Agency staff are responsible for providing information and data to the TMO when requested.

The Agency continues to be responsible for service and maintenance of government-owned equipment. Support, materials, and equipment the Agency may provide for Teleworkers:

1. The Board will provide a government-furnished laptop that has the capabilities to remotely connect to the government systems, as well as a laptop charger.
2. The Board will provide training to employees who wish to participate in Telework and all managers of Teleworkers.
3. The Board will maintain signed copies of Telework agreements (electronic or hard copy) and other records required for program evaluation and reporting, such as Telework participation rates.
4. The Board will review Telework agreements at regular intervals, and annually at a minimum.

UNSCHEDULED TELEWORK

Unscheduled Telework is an option for employees to Telework under certain dire circumstances. Unscheduled Telework may be approved during emergency situations, diseases outbreaks, severe weather conditions, natural disasters, activation of the Texas Board of Nursing Continuity Plan, and other circumstances which prevent employees from commuting to their ODS. Unscheduled Telework provides the flexibility to help maintain the productivity of the Agency, while continuing to provide service to customers and ensuring the safety of employees.

To the broadest extent possible, telework should be incorporated into emergency preparedness operations. Telework will be considered for situational, episodic events such as inclement weather and short-term emergency situations involving national security, extended emergencies or other unique situations. For instances in which the Agency has advance notice of a potential, future episodic event, such as inclement weather, authorized Telework employees who have government-furnished laptops and who are scheduled to work on the day during which inclement weather is anticipated will be expected to take home their government-furnished laptop prior to the date on which inclement weather is anticipated. In the event of a pandemic outbreak, the Agency may expand telework to more employees in order to reduce the risk of exposure. Employees are expected to maintain communication with supervisors during unscheduled telework, relocations or facility closures.

Employees who wish to Telework during unscheduled leave, delayed arrival or state office closure, must do so with approval from their immediate supervisor or manager. A valid Telework agreement must be approved and on file for the employee. When state offices are emergently closed to the public, a Telework

employee whose regularly scheduled Telework day occurs on the day of an emergency closure is still required to work or request leave (unless otherwise determined by the Executive Director).