



STATE OF OHIO
ADJUTANT GENERAL'S DEPARTMENT
2825 WEST DUBLIN GRANVILLE ROAD
COLUMBUS, OHIO 43235-2789

NGOH-TAG

3 March 2025

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Teleworking Policy for State Employees

1. References:

- a. Executive Order 2025-01D, Return to Office for State Employees
- b. State of Ohio Administrative Policy (HR-32), Teleworking
- c. State of Ohio Administrative Policy (HR-11), Public Safety Emergency
- d. State of Ohio Administrative Policy (HR-25), Municipal Income Tax Withholding
- e. Ohio Civil Service Employees Association (OCSEA) Collective Bargaining Agreement
- f. ADJ Policy Memo - Work Rule: Management of Time & Attendance, dated 13 AUG 2019
- g. ADJ Policy Memo – Non-Discrimination on the Basis of Disability and Guidelines for ADA, dated 14 DEC 2014
- h. ADJ SHRD Memo – State Employee Travel Process, dated 12 MAR 2018
- i. Section 149.43, Ohio Revised Code, Availability of Public Records for Inspection and Copying

2. Compliance: The State of Ohio's Administrative HR-32 policy implements the legal requirement for state agencies to establish policies under which state employees may participate in telework with no negative impact to overall operations. This memorandum outlines the telework policy for the Adjutant General's Department (ADJ).

3. Cancellation: This policy supersedes policy memorandum, subject: Teleworking Policy, dated 24 AUG 23.

4. Applicability: This policy applies to state employees of the ADJ. This policy does **NOT** apply to federal or military personnel of the Ohio National Guard (OHNG).

5. Policy: In accordance with (IAW) Executive Order 2025-01D and Statewide Administrative Policy HR-32, all ADJ state employees must perform their duties at a physical office, facility or location designated by the Appointing Authority.

The nature of public service requires an in-office presence during the standard workweek (Monday – Friday; except state observed holidays) and core business hours (8:00AM – 5:00PM). All state employees of the ADJ must perform their duties at a physical office, facility and/or location designated by The Adjutant General (TAG).

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Telework is not available for every state employee or all state positions (i.e., fire protection, maintenance, or skilled trade classifications). In addition, telework is not an entitlement but a management tool, which may be modified or terminated at any time at the discretion of the TAG or the State Human Resources Division (SHRD).

Situational telework is the only exception outlined and consistent with HR-32 that shall apply with ADJ business, practice and operational procedures. State employees authorized to telework are subject to the terms of this policy. Telework authorizations permitted under this policy requires prior approval for each instance of telework.

6. Remote Work: Telework is distinct from occasional work which may be done remotely. Occasional remote access work, necessary to perform Agency business functions, is not teleworking. Such remote access work has its own approval criteria and is beyond the scope of this policy. Any Agency employee with questions about remote work access should direct questions to their Agency Human Resources (HR) staff.

7. Exception - Situational Telework: Situational telework may be authorized on a case-by-case basis, provided there is no negative impact to operations. Situational telework is referred to as episodic, intermittent, unscheduled or ad hoc and shall be considered in limited and rare occasions. Prior to engaging in telework, eligible state employees must complete an individual telework agreement and obtain approval from their immediate supervisor, division leader and SHRD. (see Teleworking Agreement enclosed).

a. Situational telework applies in the following cases:

(1) Business Continuity – Temporary telework may be approved in cases of inclement weather or emergency situations where onsite presence is unsafe or impractical.

(2) Public Safety Emergencies – State employees may be permitted to telework if a declared emergency, pursuant to HR-11, restricts physical attendance at the office.

(3) Medical - telework may be granted in situations where the purpose of telework is to address a medically necessary accommodation under ADJ's Guidelines for ADA.

8. Telework Eligibility: Eligibility criteria are determined as set forth in this policy.

a. Probation Period. Newly hired or promoted employees may be authorized to telework depending on the circumstances, including: the nature of the position, ability to train remotely, duties to be performed, and other relevant factors.

b. Job Duties. The employee must be able to effectively perform all necessary operational functions and job duties from the alternate work location.

c. Dependent Care.

(1) Teleworking is not a substitute for dependent care. State employees shall not be the permanent primary caregiver for any individual during the approved hours of telework.

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(2) Alternative supervision or care outside of the teleworking location must be established prior to the initiation of teleworking. ADJ may request documentation to ensure that the employee is not using telework as a substitute for dependent care.

(3) In limited and infrequent circumstances where a state employee can complete assigned duties while also caring for a dependent (e.g., a sick child must stay home from school), the employee may be permitted to telework, even if only for a portion of the workday.

d. Active Discipline.

(1) In the event a state employee has active discipline or is the subject of an administrative investigation, their ability to telework may be impacted. Individual consideration will be given, and the decision may be revisited after a reasonable amount of time.

(2) ADJ may take appropriate disciplinary action, up to and including removal, if an employee fails to comply with the provisions of this teleworking policy and/or their Teleworking Agreement. Modification, suspension, or termination of a Teleworking Agreement does not constitute disciplinary action.

e. Performance.

(1) The state employee's performance in the year prior to the teleworking authorization request must be satisfactory. If an employee is on a performance improvement plan or has declining performance, they may be denied the ability to telework or to continue teleworking. ADJ may consider the employee's most recent performance evaluation, history of poor information security practices (e.g. an employee who repeatedly responds to phishing attempts), or an employee's active disciplinary record.

(2) For certain classifications, ADJ may require that an employee successfully completes their probationary period before entering a telework arrangement.

(3) For job functions that regularly access or input sensitive data or personally identifiable information, ADJ shall consider ways to minimize information security risks before determining that telework is not an option.

9. Employment Information:

a. Compliance.

(1) Teleworking does not affect an employee's basic terms and conditions of employment with the State of Ohio. State employees who are authorized to telework are obligated to comply with all statewide and agency rules, policies, practices, and instructions, including, but not limited to, those relating to call off procedures, work hours, leave usage, information technology, and injury reporting.

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(2) Any violation of the above may result in the suspension or termination of a Teleworking Agreement and/or disciplinary action, up to and including removal pursuant to ADJ work rules, applicable collective bargaining agreements, and/or applicable law.

b. Pay and Benefits. An employee's rate of pay, retirement benefits, and state of Ohio sponsored insurance coverage are not affected by the teleworking arrangement.

c. Schedule.

(1) All work hours, overtime compensation, and leave usage must comply with any applicable collective bargaining agreement provision, statute, rule, and/or policy.

(2) State employees authorized to telework must continue to comply with call off procedures set forth by the supervisor while in a teleworking arrangement.

(3) State employees are responsible for submitting their time worked and time off requests (TORs) accurately and timely IAW Work Rule – Management of Time and Attendance and other applicable agreements, statutes, rules, and/or policies.

(4) Supervisors must ensure units have adequate coverage to meet customer service needs. Telework shall not be scheduled outside existing business hours or outside the employee's approved work schedule.

(5) Unless on approved leave, state employees authorized to telework must perform their job duties at the Alternative Work Location during their scheduled work hours for the duration of the teleworking arrangement.

(6) ADJ shall maintain the right to require the employee to change their schedule and/or work location, at any time, and require the state employee to report to the employee's normal reporting location.

(7) Supervisors must make a reasonable effort to provide notice to the employee in the event of a schedule change and any schedule change will be done IAW applicable collective bargaining agreement(s).

(8) There will be no change of headquarters county during the teleworking arrangement.

d. Taxes.

(1) For payroll purposes, local tax withholding while teleworking will be done IAW applicable state and local tax laws, including HR-25.

(2) It is the state employee's responsibility to properly record and/or notate their compliance with all local income tax withholding regulations.

e. Travel.

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(1) State employee's authorized to telework shall adhere to ADJ State Employee Travel Process memo and any applicable collective bargaining agreement regarding travel time.

(2) Mileage reimbursement or travel time from the alternate workplace to the state employee's normal reporting location while teleworking is strictly prohibited. Such travel is considered the state employee's regular commute and should not count toward hours worked.

10. Alternative Work Location:

a. Establishing an Alternative Work Location.

(1) An employee who is considering telework shall work with their supervisor to identify the Alternative Work Location, indicate the space where duties shall be performed and where equipment can be installed for the purposes of conducting ADJ's business.

(2) The alternate work location should be reasonably quiet and free of distractions or any noise inconsistent with an office environment.

(3) Upon authorization to telework, the state employee must perform their job duties at the Alternative Work Location IAW the schedule identified in the teleworking agreement.

(4) ADJ maintains the right to require state employees to report to their assigned reporting location or other location as directed by their supervisor.

b. Other Locations.

(1) Any deviations or changes to the Alternative Work Location identified in the teleworking agreement must be approved by the supervisor, in consultation with SHRD, prior to work being performed at a different location.

(2) Acceptable other locations include OHNG bases, armories, or other government-owned facilities.

c. Inspection, Approval and Onsite Visits.

(1) ADJ maintains the right to inspect and approve the Alternative Work Location before teleworking begins, or at any time during the Teleworking Agreement. Onsite visits may only be made during the employee's scheduled work hours but can be done without notice during those hours.

(2) Failure on the part of the state employee to permit an onsite visit during scheduled work hours could be cause for termination of the teleworking arrangement.

d. Compliance with Building and Zoning Codes.

(1) State employees are responsible for ensuring that their Alternative Work Location meets all applicable building and zoning codes, and no hazardous materials are present.

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(2) Any fines or fees incurred by the state employee while teleworking is not the responsibility of ADJ.

11. Equipment and Supplies:

a. Approval and Issuance.

(1) ADJ shall provide and/or approve the equipment, supplies, and software necessary to conduct agency business while performing duties at the state employee's Alternate Work Location.

(2) State employees are generally responsible for ensuring the Alternate Work Location has adequate working space, including internet capabilities necessary to perform duties.

b. Assessment of Equipment and Internet Capacity.

(1) State employees authorized to telework shall be responsible for ensuring adequate internet connection and capacity at the Alternative Work Location. Inadequate internet connection and capacity may result in the suspension or termination of a Teleworking Agreement.

(2) Except as otherwise required by law, all office furniture, including chairs, desks, and other bulk items, shall be the sole responsibility of the teleworker.

c. Notification of Equipment or System Failure.

(1) In the event equipment and/or system failure prevents the performance of continued work while teleworking [(i.e., Teams or Virtual Private Network (VPN) not functioning, etc.)], the state employee shall notify their supervisor immediately.

(2) If issues persist, the state employee teleworking may be required to report to their normal reporting location or other authorized location until the issue is resolved.

d. Purchase of Equipment. Equipment purchases must follow the existing pre-approval guidelines. Additionally, such purchases may only be authorized where the equipment is necessary for the teleworking employee to perform their job duties. For those needing equipment related to a reasonable accommodation under the ADA, please reference Non-Discrimination on the Basis of Disability and Guidelines for ADA.

e. Returning of Equipment.

(1) State or federally owned equipment provided to a state employee shall remain the property of ADJ. Upon termination of employment (e.g., resignation, retirement, termination, or transfer), it is the responsibility of the state employee to return all items and equipment provided by ADJ promptly. Such items and equipment shall be returned in the same operating condition as it was received.

(2) The state employee authorized to telework may be held liable for any damage or loss of federal and state-owned equipment provided under the teleworking agreement.

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f. Usage. The use of equipment, software, data, and supplies, if provided by ADJ, is limited to use by authorized persons and for purposes related to ADJ business only.

g. IT Compliance: Teleworkers shall comply with all OHNG and ADJ information technology (IT) policies, standards and procedures regarding IT resources, software licensing, remote access, VPN, security, and overall management/support requirements. In addition, authorized Teleworkers shall agree not to modify or alter any IT configuration settings without prior approval.

(1) The use of OHNG or ADJ IT resources shall comply with State of Ohio Administrative Policy IT-04 Use of Internet, E-mail and Other IT Resources, as well as with any Agency policies on the appropriate use of state IT resources.

(2) In addition, Agencies and Teleworkers shall ensure that any software that is used complies with State of Ohio Administrative Policy IT-03 Software Licensing. Agencies shall address technology compliance in the Agency policy and any Teleworking agreements.

h. Security.

(1) State employees authorized to telework will be responsible for the security of all items furnished to them by ADJ. State employees shall also be responsible for protecting all data accessed and extreme care shall be taken regarding sensitive data and/or personally identifiable information. All such data must be maintained IAW ADJ policies, standards, and procedures.

(2) State employees must report any lost, stolen, damaged, or potentially compromised federal and state-owned equipment and/or data in their possession to their immediate supervisor.

i. Office Supplies.

(1) Expenses for supplies regularly available from ADJ will not be reimbursed unless pre-purchase approval has been granted by the supervisor.

(2) State employees may not use an assigned procurement card to purchase items available from ADJ.

j. Personal Equipment and Supplies. A state employee authorized to telework shall be responsible for the cost of maintenance, repair, and operation of all personal equipment not provided by ADJ.

12. Internet Service, Utilities, and Other Costs:

a. Except for authorized state employees who are provided an agency-issued hotspot device due to the nature of their job, ADJ will not reimburse or otherwise pay the cost(s) to provide internet service to an Alternative Work Location or to other authorized locations where telework is performed. This includes routers, modems, software, or any other costs related to the teleworker's internet service.

b. Except for authorized state employees who are provided an agency-issued mobile device (i.e., smartphone, tablet) due to the nature of their job, ADJ will not reimburse or

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otherwise pay, the cost(s) to provide phone or data service to an Alternative Work Location or to other authorized locations where telework is performed. This includes the cost of the device itself and any repair or maintenance cost, upgrades, or any other service or cost related to the mobile device or any of its features.

c. ADJ will not reimburse, or otherwise pay, the cost(s) to provide utilities to a telework location.

d. ADJ will not reimburse, or otherwise pay for, the cost(s) to use or maintain the Alternative Work Location or the other authorized location where telework is performed. This includes mortgage payments, rent, office sharing fees, maintenance or repair costs, or any other cost.

e. ADJ will not reimburse, or otherwise pay for, any damage to personal or real property that occurs as a result of Telework.

13. Communication and Monitoring When Authorized to Telework:

a. Availability & Productivity. State employees authorized to telework must adhere to the following:

(1) Be reachable during scheduled work hours.

(2) Remain accessible and productive during telework hours.

(3) Participate in scheduled meetings by phone, MS Teams, or other approved platforms.

(4) Complete assigned work and meet deadlines as expected.

(5) Submit an end-of-day summary of completed work if required by their supervisor.

b. Supervisor Responsibility.

(1) Supervisors are responsible for ensuring work performed at an Alternative Work Location or other authorized location while is monitored and that all necessary supervisory functions are performed, including approval of hours worked and leave requests.

(2) Supervisors may implement monitoring measures to ensure compliance with job expectations.

(a) Regular check-ins by phone, MS Teams or other approved platforms.

(b) Productivity tracking and reporting.

(c) IT system log-in activity review.

c. Failure to meet performance standards may result in termination of telework agreement and/or disciplinary action deemed necessary.

14. Injuries:

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a. **Workers' Compensation.** Teleworking is covered under the State of Ohio workers' compensation law for injuries occurring in the course and arising out of the performance of official duties at a state employee's normal reporting location, an Alternate Work Location or other authorized location.

b. **Liability.**

(1) Other than injuries discussed above in this section of the policy, ADJ is not liable for any accidents and/or injuries resulting from the employee's failure to comply with all safety and health rules and regulations and any violation of the ADJ Teleworking Policy.

(2) The teleworker, not ADJ, shall be responsible for the teleworker's own damages and non-compensable injuries and for any third party's damages and injuries resulting from the teleworker's failure to comply with all safety and health rules and regulations and any violation of the agency's Teleworking Policy.

c. **Property Damage.** ADJ is not liable for damages to the teleworker's personal or real property while working at their normal reporting location, an Alternative Work Location, or other authorized location.

15. **Public Records Requirements:** Although employees authorized to telework may perform work off-site, public records requirements in Chapter 149 of the Ohio Revised Code and ADJ policy still apply, even when personal phone or IT equipment is used to perform the work. State employees shall comply with all applicable agency record retention schedules.

16. **Termination of the Teleworking Arrangement:**

a. Any teleworking arrangement described in the policy and authorized by ADJ is at the discretion of the Adjutant General or the ADJ State Human Resources Director and may only be modified or terminated by the Adjutant General or the ADJ State Chief Human Resources Officer at any time.

b. A 14-day termination notice shall be provided unless such circumstances exist that warrant immediate termination of the teleworking arrangement.

17. **Telework Authorization Process:**

a. State employees requesting situational telework must:

(1) Obtain prior approval from their supervisor and SHRD.

(2) Submit a telework agreement that includes written justification outlining the reason, duration, and the expected work outcomes.

(3) Understand that situation telework approvals are temporary and do not establish a recurring telework arrangement.

b. Supervisors must obtain division leader authorization and submit telework agreements to SHRD for review and final approval.

18. **Point of Contact:**

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a. Questions concerning this policy may be directed to SHRD by calling (614) 336-7061 or email ng.oh.oharng.list.shrd@army.mil .

Encl
ADJ Telework Agreement

DISTRIBUTION:
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Major General
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