

HARRIS HEALTH SYSTEM

POLICY AND REGULATIONS MANUAL

Policy No: 6.49
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Effective Date: 2/13/18
Board Motion No: N/A
Last Review Date: 12/08/2020
Due For Review: 12/08/2023

TITLE: TELECOMMUTING

PURPOSE: To provide the conditions and requirements for telecommuting.

POLICY STATEMENT:

Harris Health System (Harris Health) recognizes the benefits of telecommuting as an effective method of meeting Harris Health's business needs. As a result, it is the policy of Harris Health to encourage workforce members to telecommute when the telecommuting arrangement is in the best interests of Harris Health and when the responsibilities of the workforce member's job description can be performed remotely.

POLICY ELABORATIONS:

I. DEFINITIONS:

- A. **DESIGNATED WORKSITE:** A Workforce member's regularly assigned place of employment and where a Workforce member reports for work or performs work and that is located on property or a building/facility owned, leased, or under the control of Harris Health.
- B. **GRIEVANCE:** A claim brought by an employee or former employee under Harris Health System Policy and Procedures 6.08 Grievance Policy.
- C. **INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION (IIHI):** Information, that is a subset of health information, including demographic information collected from an individual, and:
1. Is created or received by a health care provider, health plan, employer, or healthcare clearing house; and
 2. Relates to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care to an individual; and:
 - a. Identifies the individual; or
 - b. With respect to which there is a reasonable basis to believe the information can be used to identify the individual.

- D. **PROTECTED HEALTH INFORMATION (PHI):** IIHI that is created, received, transmitted or maintained by Harris Health in any form or medium, that relates to the patient's healthcare condition, provision of healthcare, or payment for the provision of healthcare, as further defined in the HIPAA regulations. PHI includes, but is not limited to, the following identifiers:
1. Name;
 2. All geographic subdivisions smaller than a State, including street address, city, county, precinct, zip code, and their equivalent geocodes, except for the initial three digits of a zip code if, according to the current publicly available data from the Bureau of the Census:
 - a. The geographic unit formed by combining all zip codes with the same three initial digits contains more than twenty thousand (20,000) people; and
 - b. The initial three (3) digits of a zip code for all such geographic units containing twenty thousand (20,000) or fewer people is changed to 000.
 3. All elements of dates (except year) for dates directly related to an individual, including birth date, admission date, discharge date, date of death; and all ages over eighty-nine (89) and all elements of dates (including year) indicative of such age, except that such ages and elements may be aggregated into a single category of age ninety (90) or older;
 - a. Telephone numbers;
 - b. Fax numbers;
 - c. Electronic mail addresses;
 - d. Social Security numbers;
 - e. Medical record numbers;
 - f. Health plan beneficiary numbers;
 - g. Account numbers;
 - h. Certificate/license numbers;
 - i. Vehicle identifiers and serial numbers, including license plate numbers;
 - j. Device identifiers and serial numbers;
 - k. Web Universal Resource Locators (URLs);

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- l. Internet Protocol (IP) address numbers;
 - m. Biometric identifiers, including finger and voice prints;
 - n. Full face photographic images and any comparable images; and
 - o. Any other unique identifying number, characteristic, or code, except as permitted for re-identification purposes.

- E. **REMOTE WORKSITE:** A worksite, other than a Workforce member's Designated Worksite, where the Workforce member is expressly authorized to perform his or her job responsibilities as stated in the Workforce member's telecommuting arrangement.

- F. **TELECOMMUTING/TELEWORK:** An alternative work arrangement in which a Telecommuting Employee works from a Remote Worksite rather than working from a Designated Worksite. Telecommuting may occur on a short-term basis or may occur on a recurring basis as a result of a formal arrangement. Telecommuting is also known as remote working, working from home and/or e-commuting.

- G. **TELECOMMUTING AGREEMENT:** A procedural document that outlines the terms of a Telecommuting Employee's Telecommuting arrangement with Harris Health, including, but not limited to, the Telecommuting Employee's specific job responsibilities, performance expectations, equipment to be used, and the Telecommuting Employee's work schedule and reporting requirements.

- H. **TELECOMMUTING EMPLOYEE:** A Workforce member whose position at Harris Health is eligible for Telecommuting/Telework and who meets the qualifications and requirements of a Telecommuting Employee set forth in Section III of this policy. There are three (3) types of Telecommuting Employees:
 - 1. **FULL-TIME TELECOMMUTER:** A Workforce member who performs his or her job duties during the entire work schedule from a Remote Worksite, except for meetings, trainings, and other events scheduled by a Full-Time Telecommuter's supervisor.
 - 2. **HYBRID TELECOMMUTER:** A Workforce member who, on a consistent and regular basis, Telecommutes thirty-two (32) hours or more per

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month, typically one (1) or two (2) days a week from the Remote Worksite.

3. **LIMITED TELECOMMUTER:** A Workforce member, who on a consistent, regular basis, Telecommutes less than thirty-two (32) hours per month on a sporadic or task-driven basis. Limited Telecommuters may be expected or required to Telecommute for a limited period in response to a specific departmental need.
4. **UNSCHEDULED/EMERGENCY TELEWORK:** Unscheduled/Emergency Telework occurs when a Workforce member performs his or her job on a temporary basis at a Remote Worksite. (Refer to Section V of this policy.)

- I. **WORK LOG:** A log detailing the hours worked and the work performed during the workday by a Telecommuting Employee and the total number of telecommuting hours worked each work week. Any Work Logs created must be retained in accordance with Harris Health Policy and Procedures 8.03 Record Retention and Destruction.
- J. **WORKFORCE:** For purposes of this policy only, workforce means employees (permanent or temporary), volunteers, trainees, and other persons whose conduct, in the performance of work for Harris Health, is under the direct control of Harris Health, whether or not they are paid by Harris Health and Telecommuting Employees.

II. GENERAL PROVISIONS:

- A. Telecommuting is neither an entitlement nor a benefit provided to all Workforce members, including current Telecommuting Employees. Approved Telecommuting Agreements should be evaluated regularly to ensure the arrangement is working effectively.
- B. Consistent with Harris Health Policy, including but not limited to Harris Health System Policy and Procedures 6.19 Non-Discrimination, Harris Health will determine in its sole discretion whether a Workforce member may be permitted to Telecommute and whether the Workforce member's Remote Worksite is acceptable. Harris Health's approval of a Workforce member to Telecommute does not mean that another Workforce member in the same position will be automatically authorized or approved to Telecommute.

- C. Telecommuting shall not change a Telecommuting Employee's salary, job status (e.g., exempt or non-exempt), job responsibilities, benefits (e.g., paid time off (PTO), insurance, pension, etc.), or adherence to Harris Health policies or procedures, including timekeeping.
- D. Except in extenuating circumstances, telecommuting should not be used as a substitute for dependent child, or elder care, or providing care to an ill family member.
- E. Workforce members shall refrain from working on anything related to outside employment arrangements and/or personal business during scheduled working hours unless they are on an approved break.
- F. Violations of any provisions in this policy will result in corrective action up to and including termination.

III. TELECOMMUTING ELIGIBILITY:

- A. Eligibility to Telecommute is determined by the immediate supervisor and approved at the Vice President level and above. The determination should be based on an assessment of the Workforce member's position *and* their job performance. It is important to note that not all Harris Health positions/jobs can be effectively and securely monitored and performed remotely. The following provisions outline some examples of eligibility factors to consider. These lists are not exhaustive and are intended to assist in the eligibility decision-making process.
- B. Position Eligibility – Factors to Consider:
 - 1. Whether the responsibilities listed in a Workforce member's job description can be effectively performed remotely;
 - 2. Whether there is a need for the Workforce member to be physically present in the Workforce member's Designated Worksite;
 - 3. The availability of workspace within a Designated Worksite; and
 - 4. The business needs of Harris Health.

C. Employee Eligibility – Factors to Consider:

1. Whether the Workforce member’s work style, knowledge, skills and abilities are suitable for a Telecommuting assignment; and
2. Whether or not the Workforce member has been under a performance improvement plan or received formal corrective action within the last calendar year.

IV. TELECOMMUTING AGREEMENT:

A. Approval, Amendment, and Termination of a Telecommuting Agreement:

1. Approval of Telecommuting Agreement:

- a. All Harris Health Telecommuting Agreements must be created using Harris Health System Form 284384 Telecommuting Arrangement. Telecommuting Agreements must be completed entirely and signed by both the Telecommuting Employee and his/her immediate supervisor.
- b. Approval of a Telecommuting Agreement is not a contract for employment and the Telecommuting Employee’s status of employment will not be changed by the Telecommuting Agreement. Telecommuting Employees, like all Workforce Members, are “at will” employees.

2. Amending or Terminating the Telecommuting Agreement:

The Telecommuting Employee’s leadership team may amend, deny, limit or terminate the Telecommuting Employee’s Telecommuting Agreement at any time for any non-discriminatory reason. However, the Telecommuting Employee must be notified of termination of the Telecommuting Agreement at least seventy-two (72) business hours prior to the termination taking effect unless extenuating circumstances delay notice to the Telecommuting Employee.

V. REMOTE WORKSITE REQUIREMENTS AND EQUIPMENT:

A. Remote Worksite:

1. Telecommuting Employee's Responsibilities Regarding a Remote Worksite:

- a. Each Telecommuting Employee must attest in his or her Telecommuting Agreement that his or her Remote Worksite meets the basic safety precautions and work environment standards listed on the Acceptable Remote Worksite Checklist (Appendix A) and must include a floor plan and/or photographs of the Remote Worksite;
- b. The Telecommuting Employee shall be responsible for all costs associated with operating his or her Remote Worksite (e.g., utilities, telephone, and insurance); and
- c. The Telecommuting Employee will be responsible for any and all damages to the Telecommuting Employee's personal property that is being used in Telecommuting or that resulted from the Workforce member Telecommuting.

2. Harris Health's Responsibilities Regarding a Remote Worksite:

Harris Health shall provide Workers Compensation coverage for work-related injuries that occur within the course and scope of the Telecommuting Agreement with Harris Health.

A Telecommuting Employee who is injured while performing his or her job responsibilities/duties must report the injury to their supervisor immediately (not more than twenty-four (24) hours after the injury) and must complete all requested documentation in accordance with Harris Health System Policy and Procedures 6.34 Workers' Compensation. Harris Health is not responsible for injuries occurring outside of a Telecommuting Employee's scheduled working hours.

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B. Equipment:

1. In General:

- a. Pursuant to the terms of a Telecommuting Agreement with Harris Health, a Telecommuting Employee may be required to use Harris Health-owned equipment or software or may be permitted to use his or her own equipment or software in the fulfillment of his or her job responsibilities and duties.
 - i. The provision of Harris Health-owned equipment or software is not an entitlement and when Harris Health-owned equipment and/or software is provided, the type of Harris Health-owned equipment and/or software provided to a Telecommuting Employee may vary based on the Telecommuting Employee's work responsibilities and duties.
 - ii. Unless otherwise authorized by the Information Technology Department, the only Harris Health-owned equipment that can be checked out by Telecommuting Employees is one (1) computer or laptop and one (1) monitor no larger than 24-inches.
 - ii. Temporary, agency, supplemental and/or contract employees are not eligible to check out Harris Health-owned equipment for Telecommuting purposes.
 - iii. While Telecommuting, all access of Harris Health information must be through CITRIX or another program approved by Information Security.
- b. All Harris Health-owned equipment and software used by a Telecommuting Employee pursuant to his or her Telecommuting Agreement must be inventoried by Harris Health and checked out to the employee pursuant to Harris Health System Information Technology Departmental Procedure No. IT-P0034.1 Work From Home Equipment Procurement Procedure.

2. Telecommuting Employees' Responsibilities Regarding Harris Health-Owned Equipment:
 - a. The Telecommuting Employee assumes complete responsibility for safeguarding all Harris Health-owned equipment and software.
 - b. The Telecommuting Employee will not allow non-Harris Health Workforce members to use Harris Health-owned equipment or software.
 - c. The Telecommuting Employee will not use Harris Health-owned equipment or software for personal use unrelated to the performance of the Telecommuting Employee's job responsibilities and duties. (See Harris Health System Policy and Procedures 6.37 Acceptable Use, for further information).
 - d. The Telecommuting Employee must return all Harris Health-owned equipment and software within seventy-two (72) hours of the termination of either the Telecommuting Agreement or the Telecommuting Employee's employment with Harris Health System. **Failure to return all Harris Health-owned equipment may result in corrective action and/or deduction from the Telecommuting Employee's final paycheck in the amount of the value of the unreturned equipment.**

VI. UNSCHEDULED/EMERGENCY TELEWORK:

- A. Workforce members Telecommuting under this section will not be required to complete a Telecommuting Agreement.
- B. Unscheduled/Emergency Telework is neither an entitlement nor a benefit provided to all Workforce members because not all Harris Health positions/jobs may be effectively and securely performed via Unscheduled/Emergency Telework.
- C. Approval of a Workforce member performing Unscheduled/Emergency Telework is within the sole discretion of the Workforce member's Senior Vice President or Executive Vice President (whichever is applicable). A Workforce member may not perform Unscheduled/Emergency Telework without obtaining prior approval from the Workforce member's Senior Vice President.

- D. The reasons that a Workforce member may be approved to perform Unscheduled/Emergency Telework include, but are not limited to, the following:
1. A declared natural disaster (e.g., hurricane);
 2. Dangerous weather conditions (e.g., flash floods, ice storms, etc.);
 3. An event or crisis that results in office or building closure; or
 4. A public health emergency.
- E. Workforce members approved for Unscheduled/Emergency Telework must comply with all Harris Health policies and departmental procedures and guidelines, including Section V of this policy.
- F. Non-Exempt Workforce members approved for Unscheduled/Emergency Telework must clock in and clock out each day by remotely accessing Harris Health's timekeeping system (Kronos) for each day he or she Teleworks.

VII. PRIVACY & CONFIDENTIALITY:

- A. Protected Health Information:
1. Telecommuting Employees are responsible for securing and safeguarding all PHI in their possession at his or her Remote Worksite in accordance with the Health Insurance Portability and Accountability Act (HIPAA), state laws, and Harris Health policies and procedures.
 2. Telecommuting Employees must notify his or her immediate supervisor and the Office of Corporate Compliance of a breach of PHI within twenty-four (24) hours of discovering or suspecting a breach of PHI (see Harris Health System Policy and Procedures 3.11.104, Sanctions for Failure to Comply with Privacy and Information Security Policies, for further information).
 3. Telecommuting Employees shall not print any documents containing IIIHI or PHI at their Remote Worksite.

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- B. Telecommuting Employees are responsible for securing and safeguarding all confidential information in accordance with applicable state and federal laws and regulations and all applicable Harris Health policies and procedures regarding confidential information.

VIII. TERMINATION AND GRIEVANCES:

- A. Harris Health may terminate a Telecommuting Employee for any of the reasons that Harris Health may terminate another Workforce member.
- B. Telecommuting Employees may participate in Harris Health's grievance procedure in accordance with Harris Health System Policy and Procedures 6.08 Grievance Procedure.

REFERENCES/BIBLIOGRAPHY:

Harris Health System Policy and Procedures 3.11.106 Use and Disclosure of Confidential Information

Harris Health System Policy and Procedures 6.15 Payment of Wages

Harris Health System Policy and Procedures 6.19 Non-Discrimination

Harris Health System Policy and Procedures 3.58 Non-Retaliation for Reporting Fraud, Abuse and Wrongdoing

Harris Health System Policy and Procedures 6.20 Corrective Action

Harris Health System Policy and Procedures 6.08 Grievance Procedure

Health System System Information Technology Departmental Procedure No. IT-P0034.1 Work From Home Equipment Procurement Procedure

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OFFICE OF PRIMARY RESPONSIBILITY:

Harris Health System Senior Vice President of Human Resources

REVIEW/REVISION HISTORY:

Effective Date	Version # (If Applicable)	Review/ Revision Date (Indicate Reviewed or Revised)	Approved by:
02/13/2018	1.0 Original		Structure and Organizational Standards
	2.0	Approved 12/08/2020	Structure and Organizational Standards

APPENDIX A ACCEPTABLE REMOTE WORKSITE CHECKLIST

A Remote Worksite must meet the following basic safety precautions and work environment standards:

I. SAFETY PRECAUTIONS:

A. The Remote Worksite must:

1. Be free from obstructions and trip and fall hazards;
2. Have an exit that allows for prompt exiting in the event of an emergency;
3. Have working smoke detectors;
4. Have first aid supplies that are readily accessible;
5. Have proper lighting, ventilation and furniture;
6. Be set up in an ergonomically correct fashion;
7. Have all electrical equipment be grounded, free of hazards (e.g., overloaded outlets), and adequate for office equipment; and
8. Have surge protectors properly installed.

II. WORK ENVIRONMENT STANDARDS:

A. The Remote Worksite must:

1. Be kept clean;
2. Be free from excessive noise;
3. Be private and free from intrusion; and
4. Be secure to protect the confidentiality and security of Harris Health confidential information and Harris Health-owned equipment.

ATTACHMENT A Telecommuting Arrangement

Employee Name: _____
Employee ID: _____

Job Title: _____
Department: _____

I. GENERAL TERMS

1. **Classification:**

The Telecommuting Employee is a _____ Telecommuter (Full-time, Hybrid, Limited).

2. **Job Description:**

Please see **Attachment** _____ for the Telecommuting Employee's Job Description/Job Addendum.

3. **Reporting Structure:**

The Telecommuting Employee's immediate supervisor is: _____. The Telecommuting Employee will report to _____ and submit his or her Work Log (**see Attachment** _____) to _____.

4. **Work Schedule:**

The Telecommuting Employee and Harris Health agree that the Telecommuting Employee's work schedule will be as follows (days and times):

Days: _____
Time period: _____

The Telecommuting Employee agrees that during the time period specified above, the Telecommuting Employee will be readily available unless the Telecommuting Employee is on Paid Time Off, FMLA, Short Term Disability, Long Term Disability, or any other approved form of leave.

On a _____ basis the Telecommuting Employee will submit his or her Work Log to _____. Telecommuting Employee understands that a failure to submit his or her Work Log by the deadline or the falsification of a Work Log may result in disciplinary action being taken against the Telecommuting Employee.

5. **Equipment:**

Harris Health will provide the equipment/software listed on **Attachment** _____ (Equipment/Software List) that must be used by the Telecommuting Employee in the fulfillment of the Telecommuting Employee's job responsibilities.

The Telecommuting Employee agrees to assume complete responsibility for safeguarding all Harris Health owned equipment and software provided to the Telecommuting Employee.

The Telecommuting Employee agrees to return all equipment to Harris Health within seventy-two (72) hours of the termination of this Telecommuting Arrangement.

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ATTACHMENT A TELECOMMUTING ARRANGMENT CON'T

V. ACKNOWLEDGMENT

I acknowledge that I have received Harris Health policy _____, *Telecommuting*. I acknowledge that I have read the policy and have had all my questions regarding the policy answered.

Employee Signature

Date

Printed Name

Refer to the Document Control Center to access this form.

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ATTACHMENT B WORK LOG

Work Log

Employee Name:
Employee ID:

Date	Time worked (e.g., 9:00 a.m. – 10:00 a.m.)	Description of work performed during listed time frame (e.g., reviewed 10 patient charts, etc.)

Refer to the Document Control Center to access this form.