


**JUDICIARY OF GUAM
POLICY AND PROCEDURES
ADMINISTRATIVE POLICY NO. UJ20-04**

 Judiciary of Guam	Division: ADMINISTRATIVE OFFICE OF THE COURTS
TITLE: TELEWORKING POLICY	EFFECTIVE DATE: <i>5/6/2020</i>
REVISED DATE:	APPROVED BY: <i>Kristina L. Baird</i> Kristina L. Baird, Administrator of the Courts

I. PURPOSE

The purpose of this Teleworking Policy is to provide guidelines and define qualifications for teleworking by Judiciary of Guam (“Judiciary”) employees and other authorized persons. Teleworking is a management option, not an employee right, and is only to be used: in the event of an office closing due to inclement weather; a Judiciary emergency or disaster as declared by the Chief Justice of the Supreme Court of Guam; or on a case-by-case basis as determined by the Administrator of the Courts in situations when it is the most effective and efficient use of an employee’s or other authorized person’s time and beneficial to operations.

II. APPLICATION

This policy shall apply to any employee or other authorized person of the Judiciary, whether at-will, exempt, non-exempt, permanent, part-time, full-time, probationary or temporary, including voluntary deputy marshals reserve, contractual appointments, and independent contractors.

III. DEFINITIONS

The following terms have specific meanings within the context of this policy:

- A. **Teleworking.** A working arrangement approved in accordance with the Teleworking Policy that allows employees and other authorized persons the ability to work on a predetermined and fixed schedule from their personal residence or some other defined location other than the employee’s or other authorized person’s official workstation.

- B. **Teleworker.** An employee or other authorized person who has received formal approval to telework or is otherwise mandated to telework due to emergency or unforeseen circumstances.
- C. **Teleworking Site.** Site approved for an employee or other authorized person to work other than the employee's or other authorized person's official workstation, such as his/her personal residence or other defined location.
- D. **Official Workstation.** An employee's or other authorized person's official, assigned workstation located on Judiciary property.

IV. GENERAL POLICIES

- A. Teleworking is neither a right nor should it be an expectation of employees and other authorized persons. Teleworking is available only when it improves efficiency or it serves the mission of the Judiciary.
- B. Teleworkers must be able to work well autonomously and must be reliable in meeting work deadlines and program expectations as determined by the teleworker's Division Manager and the Administrator of the Courts.
- C. Occasionally working off-site for a few hours or a day does not constitute "teleworking" as used in this policy. These informal arrangements are permitted, but must be discussed between an employee or other authorized person and his/her Division Manager, and must be for the purpose of meeting an official need of the Judiciary.
- D. The Administrator of the Courts may take appropriate disciplinary action against a teleworker for abusing a teleworking arrangement or for failing to perform as required when teleworking.
- E. Participation as a teleworker may be terminated by either the teleworker or the Judiciary, with or without cause, by providing five (5) business days' notice in writing to the other party. The Judiciary will not be responsible for costs, damages or losses resulting from the termination of a teleworking agreement.
- F. A teleworking arrangement is not a contract of employment or a contract for services, and does not provide any contractual rights to continued employment or any contractual rights for continued services. Other than those duties and obligations expressly imposed on the teleworker under the teleworking agreement, the duties, obligations, responsibilities and conditions of the teleworker's employment or contractual relationship with the Judiciary remain unchanged as a result of entering into the teleworking agreement. The teleworker's salary or pay and participation in applicable retirement, insurance plans, and other benefits shall remain unchanged so long as the hours worked remain unchanged.

- G. Personnel Rules governing leave remain unchanged under the telework program. As such, the teleworker must obtain supervisory approval before taking leave in accordance with the Judiciary's Personnel Rules and any applicable amendments or addenda. By entering into a teleworking agreement, a teleworker agrees to follow established procedures for requesting and obtaining approval of leave.
- H. Any travel by the teleworker to and from the main work site is considered commute time, not hours of work.
- I. The approval, denial, modification, or termination of a teleworking agreement is not subject to a grievance action.
- J. Teleworking agreements shall be construed, interpreted, and enforced according to the laws of Guam.
- K. Employees and other authorized persons covered under the Americans with Disabilities Act of 1990 or the Rehabilitation Act of 1973 are eligible for teleworking in accordance with those respective acts.

V. APPROVAL OF TELEWORKING ARRANGEMENTS

- A. **General.** The costs, effectiveness, and feasibility of teleworking arrangements made with employees and other authorized persons will be evaluated by the Division Manager with final approval provided by the Administrator of the Courts.
- B. **Application.** Employees and other authorized persons must submit a Teleworking Application form (Appendix A) to their Division Managers for consideration and recommendation of approval to the Administrator of the Courts.
- C. **Term.** Teleworking agreements will be granted on a case-by-case basis and must have a specific duration. Teleworking agreements expire December 31 of each year unless a shorter duration is specified in the agreement. Teleworkers seeking to continue teleworking must reapply at the time of expiration. The renewal of a teleworking agreement through a reapplication will be subject to the same review and approvals as the initial application.
- D. **Review.** Division Managers may review teleworking agreements at any time and are encouraged to review new agreements after an initial trial period.
- E. **Consideration.** An employee's or other authorized person's ability to work well autonomously and his/her reliability in meeting work deadlines must be considered in deciding whether teleworking will be approved.

Both the nature of the work to be performed by the employee or other authorized person, and the ability to monitor off-site productivity by the Division Manager

must be considered in deciding whether teleworking will be approved. Many Judiciary job duties are not suitable for the purposes of a teleworking agreement.

VI. REQUIREMENTS OF TELEWORKERS

- A. **Performance and Accessibility.** Job performance must be maintained while teleworking. Teleworkers must be accessible during teleworking hours and are responsible for maintaining effective communication and workflow among co-workers and their Division Managers. A determination of flexibility in work hours and days, where feasible, is permitted on a case-by-case basis depending on the job responsibilities.
- B. **Reporting to Official Workstation.** Teleworkers can be called to the official workstation on a teleworking day if the Division Manager determines their presence is necessary. Flexibility of this requirement, where feasible, is permitted on a case-by-case basis depending on the job responsibilities.
- C. **Impact.** Division Managers are expected to continue meeting the full responsibilities of their management role with teleworkers. They must ensure that necessary staffing to perform all in-office responsibilities is maintained at all times. Implementation of a teleworking option or alternate worksite shall not create an undue financial burden nor increased workload for their respective divisions.
- D. **Communication.** When teleworking, the teleworker's voice mail message will be updated regularly to inform callers about the availability of the teleworker. The teleworker's electronic calendar will be updated regularly to specify his/her teleworking site and phone number. Phone messages and electronic mail messages will be checked regularly throughout the day. Flexibility of this requirement, where feasible, is permitted on a case-by-case basis depending on the job responsibilities.

Teleworkers will answer the phone at the teleworking site in a professional manner during business hours and will return phone calls promptly.
- E. **Work Hours.** Unless otherwise indicated within the approved teleworking application, the teleworker is expected to work during Judiciary core business hours: 8:00 a.m. through 5:00 p.m., Monday through Friday. Flexibility of this requirement, where feasible, is permitted on a case-by-case basis depending on the job responsibilities.
- F. **Timesheets.** The teleworker must utilize the electronic timesheet provided by the Judiciary to account for the hours worked at his/her teleworking site.
- G. **Work Environment.** When teleworking, teleworkers are responsible for providing a work environment free of interruptions, distractions, or other responsibilities that could detract from their ability to get their work done. During work hours, teleworkers shall perform only those duties ordinarily a part of their job responsibilities.

- H. **Dependent Care.** Teleworking is not a substitute for dependent care. Employees and other authorized persons may not care for dependents while teleworking. This restriction may be relaxed in an emergency situation.
- I. **Unauthorized Telework.** Employees and other authorized persons are prohibited from teleworking when on leave. Employees and other authorized persons are not to telework when ill in lieu of taking leave for an illness.
- J. **Delayed Opening or Closing.** A teleworker who was expected to telework on a workday when a delayed opening or closing is declared will be expected to continue to work on that workday, if possible. If the teleworker is incapable of teleworking due to the cause for the delayed opening or closing of the teleworker's official workstation, then the teleworker may be granted administrative leave upon the approval of the Administrator of the Courts.
- K. The Administrator of the Courts may, under special circumstances, approve exceptions to these requirements set forth in paragraph VI.

VII. EMERGENCY DECLARATIONS

During emergency or under unforeseen circumstances in which there are worksite issues, pandemic illness, natural disasters, or other situations which prohibit employees and other authorized persons from performing the required job performance at the Judiciary facilities, the Chief Justice of the Supreme Court of Guam may mandate employees and other authorized persons to telework, notwithstanding the eligibility factors found elsewhere in this policy such as the approval provisions in Section V. When an employee or other authorized person is mandated to telework, the Judiciary may, at the discretion of the Chief Justice of the Supreme Court of Guam or the Administrator of the Courts, bear the appropriate and reasonable costs for setting up, maintaining, and enabling the telework.

VIII. EQUIPMENT AND SUPPORT PROVISIONS

A. **Equipment and Workspace.** The teleworker must have a phone and designated workspace within the teleworking site with appropriate equipment and supplies to perform the assigned work and a reliable internet connection. The teleworker will have full responsibility for the purchase, loan, repair, or maintenance of any personal equipment, furnishings, facility, and utilities of a teleworking site.

B. **Judiciary Equipment.** In certain cases, the Judiciary may provide equipment to a teleworker. **Judiciary provided equipment is not an entitlement of teleworking.** Computers, software, and portable printers may be provided for teleworking use on an as-needed basis within the limits of available funds. The Judiciary will be responsible for the repair and maintenance of Judiciary-owned equipment. Teleworkers may be required to bring Judiciary-owned equipment to a designated repair site for any services. Teleworkers must adhere to all Judiciary Personnel Rules and Regulations related to use of equipment hardware and software as well as software manufacturers' licensing agreements.

1. While in his/her possession, the teleworker will be responsible for:

- a) Any intentional damage to Judiciary-owned equipment;
- b) Damage or loss resulting from negligence or misuse of Judiciary-owned equipment;
and
- c) Damage to Judiciary-owned equipment resulting from a power surge if no surge protector is used.

Items purchased by the Judiciary must be returned upon request or upon termination of the teleworking agreement.

C. Connection. Teleworkers connecting personally owned equipment to Judiciary owned equipment must follow specifications and instructions provided by the Management Information Systems (MIS) Division. The MIS Division will provide technical specifications for computer software, networking requirements, etc., to teleworkers who do not have personally owned equipment but wish to purchase such.

D. Reimbursement. Teleworkers will not be reimbursed for use, loss, or damage of personally owned equipment.

E. Sunshine Act Requests. Work performed at a location other than the employee's or other authorized person's official workstation is subject to the public records disclosure policy in the same manner as work performed at the employee's or other authorized person's official workstation. The Judiciary may require an employee or other authorized person to conduct a search of any records that are retained on a personally owned computer or other personal electronic device, or in another format, and to produce records to the Judiciary for purposes of public access.

F. Legal Costs. In the event legal action is necessary to regain possession of Judiciary owned equipment, software, data and/or supplies, the teleworker agrees to pay all costs of such action, including attorney's fees, should the Judiciary prevail.

IX. SAFETY AND SECURITY PROVISIONS

A. Workspace. Teleworkers must maintain a designated workspace within their teleworking site under a teleworking agreement. This workspace is considered an extension of the Judiciary workspace. Teleworkers are responsible for maintaining a safe and secure work area. Teleworkers will have the same responsibility for safe practices, accident prevention, and accident reporting as in the teleworkers' official workstations. The Judiciary may conduct a physical inspection of a teleworking site upon giving 24-hour verbal notice to the teleworker.

B. Confidential Workspace. Teleworkers must maintain a confidential environment during video conferences or phone calls to ensure that no unauthorized person is within viewing or hearing distance of the video conference or phone call.

Teleworkers must be able to demonstrate they have taken all precautions necessary to secure proprietary and confidential information in the teleworking site and prevent unauthorized access to any Judiciary computer system. This includes precautions necessary to prevent the introduction of computer viruses. Restricted-access materials will not be taken from the teleworker's official workstation without the consent of the teleworker's Division Manager and the Administrator of the Courts.

C. Unauthorized Access. The teleworker must ensure that Judiciary owned equipment is utilized by the teleworker only for official Judiciary purposes. Access to this equipment must not be given to anyone other than Judiciary employees and other authorized persons to perform official work for the Judiciary.

X. EXPENSES

The teleworker will be responsible for absorbing any costs related to the setup (e.g., furniture, remodeling) of his/her workspace within his/her teleworking site. Individual auto/homeowners or rental insurance, tax implications, and incidental residential utility costs are the responsibility of the teleworker.

Teleworkers are to use Judiciary provided long-distance cards only for job-related, long-distance phone calls.

XI. REFERENCES

1. Administrative Policy No. 001-92 - Loss, Damage or Theft of Court-Issued Property.
2. Administrative Policy No. UJ 05-03 - Policy and Procedures Governing Computing and Technology Resources.
3. MIS Policy No. 002 - Workstation Use Policy.
4. MIS Policy No. 003 - Workstation Security Policy.
5. MIS Policy No. 0014 - Email Policy.
6. Administrative Policy No. UJ20-02 -Interim Laptop and Mobile Devices Policy.
7. Administrative Policy No. UJ20-03 (MIS Policy No. 005 - Password Management Policy).

APPENDIX A: Teleworking Application

Name:

Title:

Division:

Official Work Location:

Teleworking Plan: Indicate official workstation and teleworking site hours including lunch periods for the entire workweek:

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
Teleworking Site Work Hours							
Lunch Period							
Official Workstation Work Hours							
Lunch Period							

Start Date:	End Date:
Teleworking Site Address:	
Phone Number:	Alternate Phone Number:

1. Can you supply a designated workspace within the teleworking site that meets the provisions of the Judiciary of Guam Teleworking Policy?

Yes No

2. Can you maintain contact with office staff as required by the Judiciary of Guam Teleworking Policy?

Yes No

3. Describe the type of work you propose to do at the teleworking site:

4. Describe how teleworking will improve the efficiency of the work performed:

5. Describe any equipment requirements:

6. How will equipment be provided that will be used at the teleworking site as defined in the Judiciary of Guam Teleworking Policy?

7. Describe a plan for maintenance of the required equipment:

