



TITLE	POLICY NUMBER	
Virtual Office Program	DCS 04-05	
RESPONSIBLE AREA	EFFECTIVE DATE	REVISION
Business Operations	10/25/21	3

*This policy does not create a contract for employment between any employee and the Department. Nothing in this policy changes the fact that all uncovered employees of the Department are at-will employees and serve at the pleasure of the appointing authority.*

## **I. POLICY STATEMENT**

The Department of Child Safety (DCS) is committed to developing innovative practices to meet changing business and workforce needs. This policy provides guidance and procedures for establishing a Virtual Office (VO) Program that balances DCS business strategies with individual flexibility. Participation in the VO Program is a privilege that may be revoked, suspended, or terminated at any time.

The goals of the VO Program are to attract and retain talented staff, enhance employee satisfaction and morale, decrease administrative costs, provide business flexibility, and improve air quality by decreasing automobile usage.

## **II. APPLICABILITY**

This policy applies to all non-field and Hotline DCS employees, supervisors, managers, and administrators involved in the VO Program.

## **III. AUTHORITY**

[ADOA/HRD PA5.04](#) Arizona Dept. of Administration Alternate Work Options

[ASPS/HRD-PA5.01](#) Arizona State Personnel System Remote Work Program

[A.R.S § 49-588](#) Requirements for major employers

<a href="#">29 U.S.C. 201, et. seq.</a>	Fair Labor Standards Act (FLSA)
<a href="#">A.A.C. R2-5A-502</a>	ADOA Personnel Rule: Hours of Work
<a href="#">DCS 02-07</a>	Transporting Confidential Materials and Information
<a href="#">DCS 04-06</a>	Telework Program
<a href="#">DCS 05-8250</a>	Media Protection
<a href="#">DCS 05-8280</a>	Acceptable Use Policy
<a href="#">SAAM 5060</a>	State of Arizona Accounting Manual Travel Time and Compensation
<a href="#">SAAM 5534</a>	State of Arizona Accounting Manual Remote Work and Virtual Office Employees

#### **IV. DEFINITIONS**

Confidential information: Consists of non-public information about a person or an entity that, if disclosed, could reasonably be expected to place either the person or the entity at risk of criminal or civil liability, or damage the person or entity's financial standing, employability, privacy or reputation. DCS is bound by law or contract to protect some types of confidential information, and in other instances requires protection of confidential information beyond legal or contractual requirements as an additional safeguard.

Department or DCS: The Arizona Department of Child Safety.

Devices: Computing devices (e.g., addressable computer equipment, laptop, desktop, smart phone, printer, etc.) authorized by DCS Information Technology and compliant with Statewide policies and standards to be used by authorized DCS users to connect to State systems.

Duty Post: The place the employee spends the largest portion of regular working time or the place to which the employee returns on completion of a temporary assignment. For VO employees, their home is typically their duty post.

Equipment: Items kept, provided, or used to perform job duties. For the purpose of this policy, equipment does not include furniture.

Hoteling: An arrangement whereby employees utilize an unassigned, non-permanent workstation in a DCS office on an as-needed basis subject to availability.

Records: All books, paper, e-mails, maps, photographs or other documentary materials, regardless of physical form or characteristics, including prints or copies of such items produced or reproduced on film or electronic media pursuant to A.R.S. § 41-151.16, made or received by any governmental agency in pursuance of law or in connection with the transaction of public business and preserved or appropriate for preservation by the agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the government, or because of the informational and historical value of the data contained therein, and includes records that are made confidential by statute. Library or museum material made or acquired solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference and stocks of publications or documents intended for sale or distribution to interested persons are not included within the definition of records. All records media are included in this definition, from traditional paper forms to electronic (e.g., e-mail, social media), and/or forms of records not yet invented.

Virtual Office: An arrangement whereby employees work from an assigned, fully functional workstation that is located in the employee's home or another approved remote location that has no facility costs to the State or agency.

Virtual Office Employee: A DCS employee who has a full-time duty post at a location other than a DCS office or community partner's office, and does not have an assigned work station in any DCS location.

## **V. POLICY**

### **A. Virtual Office Position Designations and Eligibility**

1. The decision to designate certain jobs as VO positions shall rest exclusively with Assistant Directors, Deputy Directors, and the DCS Director. They reserve the right to modify, update, or cancel VO arrangements with employees whenever they decide it in the Department's best interest to do so. Every effort will be made to provide advanced

notice of such a change, but there may be instances when no notice is possible.

2. The VO Program operates at the discretion of DCS management and is not an employee right or entitlement.
3. During recruitment, job announcements shall contain the information that specific jobs are designated as VO positions. For employees hired directly into the VO Program, the Department is not required to offer placement within a DCS office unless it is beneficial to the Department. The Assistant Director or Deputy Director overseeing the position shall determine whether new employees hired into positions approved for VO will have the option of working in a DCS location or be required to participate in the VO Program.
4. The VO employee's conditions of employment (whether covered, uncovered, exempt, or non-exempt), salary, benefits, and employer-sponsored insurance coverage are not changed, altered, modified, or otherwise amended because of participation in the VO Program.
5. VO employees who fail to comply with the requirements established in this policy may be subject to discipline, up to and including dismissal.
6. VO employees may request to terminate participation in the VO Program, but the decision is at the discretion of the Department and may take into consideration space availability at DCS offices.

#### B. Training

1. VO employees shall complete the following remote work computer-based trainings in TraCorp:
  - a. Remote Work Basics (TRP1001);
  - b. Communications (TRP1002);
  - c. Home Office Safety (TRP 1003);
  - d. Security (TRP1004).

2. DCS employees who supervise VO employees shall complete the following remote work computer-based trainings in TraCorp:

- a. Benefits and Challenges of Remote Work (TRP2001);
- b. Effective Leadership Practices (TRP2002);
- c. Communications Best Practices for Leaders (TRP2003);
- d. Effective Performance Management (TRP2004).

C. Computer and Data Security

1. VO employees shall:

- a. use only DCS-approved software on DCS-authorized devices; working directly on personal devices, or introducing software from an unapproved source that has the potential to unleash a virus into DCS equipment, is forbidden. No DCS client or employee information containing personal identifiers (e.g., social security numbers, phone numbers, addresses, birth dates) shall be printed or transcribed on or by non-DCS equipment, unless printing or transcribing is essential to the performance of a job duty and approved by the employee's supervisor;
- b. protect all records and information from damage, loss, or unauthorized disclosure in accordance with federal, state, and Department regulations, policies, and guidelines. They shall adhere to the Department's automation security requirements defined in the *Media Protection* policy ([DCS 05-8250](#)), the *Acceptable Use* policy ([DCS 05-8280](#)) by:
  - i. never leaving confidential information visible to unauthorized persons; and
  - ii. never leaving confidential information unsecured and unattended.
- c. adhere to the *Transporting Confidential Records and Information* ([DCS 02-07](#)) policy when moving confidential records and information to and from a DCS location to their duty post.

#### D. Insurance Considerations

1. VO employees are covered by Workers' Compensation for an on-the-job injury or occupational illness. In accordance with [A.R.S. § 41-621](#), insurance coverage shall remain in effect while the employee is within the course, scope, and authorization of their employment and conducting State business from the approved work location. Employees must notify their supervisor immediately of a job-related injury or illness and call 800-685-2877 within 24 hours to report the injury, and contact DCS Risk Management at [OpRiskManagement@azdcs.gov](mailto:OpRiskManagement@azdcs.gov) or (602) 542-3185.
2. The State does not provide coverage for employee-owned property unless agreed to in writing prior to any loss or damage.

#### E. Working Environment

1. Employees shall maintain a safe, professional working environment in adherence with all applicable Departmental policies regarding safety, workplace attire, standards of conduct, and the expectations published in the [Arizona Administrative Code, Title 2, Chapter 5](#) (State Personnel System Rules) and the [Arizona State Personnel System Employee Handbook](#), including maintaining a substance-free workplace during working hours.
2. DCS is not required to provide office furniture unless an employee is assigned to work from home and requires a reasonable accommodation in accordance with the Americans with Disabilities Act (and associated amendments) in order to do so. Employees assigned to work from home who need a reasonable accommodation should contact DCS Human Resources.
3. Authorized DCS personnel may inspect a VO work site during normal working hours for the purposes of assessing the proper maintenance and operation of Department-owned equipment and/or evaluating safety concerns.
4. VO employees shall not have face-to-face, in-person meetings with customers, clients, or other Department staff in their homes or VO work site at any time except for instances such as described in the previous

paragraph. If necessary, in-person meetings may be conducted via hoteling in a DCS office.

5. All costs associated with maintenance of the building housing a VO work site, including but not limited to all utility costs, are the responsibility of the employee.
6. An employee may request to work from an alternate remote location other than the location designated on their *Remote Work Agreement* on an occasional or temporary basis. For the purposes of this policy “occasional or temporary basis” means one or two days per week, or for a specified period of time not to exceed two weeks. Alternate work locations must be approved in advance by the employee’s supervisor and do not require the completion of a new *Remote Work Agreement*.
7. A VO employee who is seeking relocation within Arizona that would have an effect on the employee’s work location/duty post must request prior approval from the Department. This request must be in writing and submitted at least 30 calendar days in advance of the proposed move.

#### F. Travel Considerations

1. VO employees shall use their home duty post when calculating commuting miles for the purposes of travel reimbursement.
  - a. Round trips to and from a DCS facility, or a work-related business meeting, are counted as working time when such travel occurs during an employee’s normally scheduled working hours. Travel before or after normally scheduled working hours are neither counted nor compensated as working time.
  - b. The travel or transportation cost of one round trip daily to and from a DCS facility is not reimbursed unless the one-way distance between the employee’s home and the aforementioned DCS facility exceeds fifty (50) miles, in which case mileage in excess of fifty (50) miles in each direction may be reimbursed.
  - c. A VO employee who is unable to work at their duty post due to issues such as power, network, or internet outages, and is required to commute to a DCS office, is not eligible for travel

reimbursement. Travel reimbursement is only acceptable for travel occurring as part of a job requirement;

- d. VO employees may be required to come into the office periodically to attend required meetings, trainings, or other work-related matters. Such travel is non-reimbursable unless the one-way distance between the employee's home and the aforementioned DCS facility exceeds fifty (50) miles, in which case mileage in excess of fifty (50) miles in each direction may be reimbursed.

#### G. Out-of-State Virtual Offices

- 1. Generally, it is the Department's intention that all VO work shall be performed within the state of Arizona, but Deputy and Assistant Directors have the authority to hire out-of-state employees into the VO Program. Before an offer is proffered, the responsible hiring manager shall consider the following in the state where the employee's duty post is located:
  - a. employment laws and regulations;
  - b. worker's compensation insurance;
  - c. unemployment insurance obligations;
  - d. payroll tax obligations.

As an employer, the State of Arizona has the responsibility to ensure compliance with all employment and tax laws where the employee works. While Arizona Department of Administration Human Resources and the General Accounting Office will try to assist and facilitate employees working in locations outside of Arizona, it is the Department's responsibility to research and comply with the laws and regulations pertaining to that location to include state, county, city, municipality, etc. Questions may be directed to [OutsideAZWork@adoa.gov](mailto:OutsideAZWork@adoa.gov).

It is the employee's responsibility to ensure they are filing and paying the correct taxes regardless of which state they are living and working in. Employees should familiarize themselves with the residency requirements and tax laws of any proposed-out-of-state work location.



It is also the employee's responsibility to review their benefit elections and determine if their coverage will be affected by working virtually outside the State of Arizona.

2. Employees performing work outside of the State of Arizona must complete and obtain all necessary approvals on a [Request to Work Outside of Arizona](#) (Form GAO-75). This approval must be obtained in writing from the Director or Deputy Director prior to the work being performed, and this authority cannot be delegated. Due to various laws that exist that can apply on the first day work is performed, this approval is necessary for all work performed outside of the State of Arizona. Employees currently working outside the State of Arizona when this policy becomes effective must also complete and obtain approval on a Form GAO-75 as soon as possible, not to exceed 60 days.
3. The completed and approved Form GAO-75 must be submitted to [OutsideAZWork@azdoa.gov](mailto:OutsideAZWork@azdoa.gov) and all required information will be entered into HRIS for proper reporting of the employee's physical locations/addresses and for proper tax withholdings and reporting. Employees coded with the remote work flag in HRIS will not be able to change their complete addresses in YES. The agency must maintain the employee's address changes if needed. A new address will require a new Form GAO-75 to be completed.
4. Due to the "convenience rule," an employee may face the possibility of double taxation. The convenience rule states that in-state workdays include not only the days on which the person was physically present in the state, but also days worked out-of-state unless those workdays were for the necessity of the employer and not for the convenience of the employee. The Department is responsible for understanding the tax consequences of the location where it authorizes employees to perform work for the State.
5. Any employee who is found to be working outside the State of Arizona without proper approval can be required to return immediately and physically work in Arizona until approval is given. If the employee's request to work outside of the State is not approved and the employee performs work outside of the State, the agency may discipline the employee, up to and including separation from state employment. If the

State incurs additional costs due to an employee working in a location outside of Arizona who has not appropriately notified and obtained approval, the employee is responsible for the additional cost of any penalties, fines, taxes, and/or costs that the State must make to other counties, states, other governments, or to the employee. The State may pursue legal action to recover monetary losses incurred.

6. The hiring manager shall consider the logistics of providing the out-of-state VO employee with the equipment they need to perform their job, as well as the logistics of retrieving said equipment when the employee separates from DCS employment.
7. An existing VO employee whose duty post is their residence and who is seeking relocation out-of-state must request prior approval from the Department. This request must be in writing and submitted at least 30 calendar days in advance of the proposed move. The supervisor will make a recommendation and forward the employee's request to the appropriate Deputy or Assistant Director for consideration and approval.
8. Prior to taking any personnel action with an employee working in another state, the Department should contact the Attorney General's Office for assistance with any resulting actions due to the other state's laws, regulations, and rules. Additional legal counsel may need to be retained for the particular location at the Department's expense.
9. The Department may terminate out-of-state participation in the VO Program at any time with reasonable notice provided to the employee.

## **VI. PROCEDURES**

### **A. Employee Responsibilities**

VO employees shall:

1. meet all performance and productivity measures and expectations for the employee's specific job;
2. complete all of the training referenced in section V.B;

3. A VO employee may request to participate in the *Infant at Work* ([DCS 04-46](#)) program;
4. complete the [State of Arizona Remote Work Agreement Guide](#) accessible via the [YES portal](#), and renew it annually or whenever circumstances change;
5. complete the [Home Environment Checklist](#);
6. be reachable via telephone and logged into Microsoft Teams during agreed upon work hours;
7. notify their supervisor if they leave their telework location, as they would inform their supervisor when leaving a traditional office during the work day;
8. notify their supervisor by the next business day of any unforeseen circumstances that cause the employee to immediately move from their residence/duty post, and complete a new *Remote Work Agreement*. Employees are responsible for the safe movement and set up of equipment at their new residence/duty post;
9. abide by the *Attendance and Leave* ([DCS 04-18](#)) policy, regardless of work location;
10. report VO hours under pay code 110 (Telecommuting), or, if applicable, another appropriate pay code such as 100A (Staff Development);
11. adhere to laws, rules, regulations, and DCS policies regarding:
  - a. standards of conduct;
  - b. time reporting (VO employees who are non-exempt from the overtime requirements of the FLSA are required to accurately reflect all hours worked, and any hours worked in excess of scheduled hours must be approved in advance by their supervisor);
  - c. leave requests;
  - d. working overtime or any changes in work schedule;

- e. confidentiality and safety of protected information;
  - f. operation of DCS-owned equipment;
  - g. travel;
  - h. reporting of unusual incidents.
12. ensure non-public information is not accessible by unauthorized persons, such as members of their household or others when working from other remote locations;
  13. maintain, at the employee's expense, a reliable secure high-speed internet connection, firewall, and router that allow the employee to perform their job duties.
  14. notify their supervisor if a situation (e.g., internet issues, network issues, or equipment problems) prevents the employee from working temporarily or permanently from their VO duty post and indicate whether the issue is temporary or permanent. The supervisor may require the employee to arrange hoteling at a DCS office until the issue is resolved. If necessary, the employee will contact DCS IT to open a service ticket and make arrangements to bring their equipment in for repair or replacement;
  15. notify their supervisor and DCS Human Resources of any change of address;
  16. participate in studies to evaluate the VO Program, when requested.

#### B. Supervisor Responsibilities

Supervisors of VO employees shall:

1. complete the supervisor training modules listed in section V.B.2.
2. ensure that employees have completed the *Remote Work Agreement* and update it annually if there are any changes;
3. monitor work performance to ensure that employees meet established

performance standards and hold them accountable to the same standards as in-office employees;

4. schedule regular one-on-one meetings virtually, by phone, or in-person to assess work engagement and productivity, and address employee needs and concerns, and offer assistance when needed (in-person meetings shall not be conducted at the employee's remote work location or home);
5. ensure that employees maintain agreed-upon work hours;
6. notify their upline manager, Risk Management, and Information Technology if an employee reports a DCS device as lost, stolen, or compromised, or if an employee fails to return equipment upon separation from the Department.

#### C. Equipment and Supplies

1. DCS management shall determine what equipment will be assigned to VO employees. Standard VO equipment shall include a laptop and accessories such as a mouse or headphones. A DCS cell phone will not be issued unless approved per the job matrix. When an employee submits an IT ticket for a VO, they will be provided with the Jabber application for phone services. DCS will not reimburse employees for business-related calls made on an employee's personal phone.
2. Damaged or lost equipment is the responsibility of the employee, other than normal wear and tear. In the event DCS-issued equipment becomes damaged, destroyed, or stolen while in the possession of the VO employee, DCS shall file claims against any applicable insurance before applying State insurance coverage. In some instances, this may include an employee's home or rental insurance. VO employees shall explicitly exclude any State-owned equipment from their various insurance policies (homeowners, rental, vehicle, etc.).
3. Only hardware and software authorized by the Department shall be installed on Department equipment.
4. Office supplies will be provided by DCS and should be obtained during business hours. The Department is not required to reimburse VO employees for out-of-pocket expenses for supplies normally available in

the office.

5. VO employees shall return all Department-owned equipment and supplies to the Department on the same day of the employee's VO assignment ending, the effective date of an employee's resignation, the day of an employee's termination, or on the same day of receiving an equipment retrieval request from the Department.

## **VII. FORMS INDEX**

[Home Environment Checklist \(DCS-2472\)](#)

[Request to Work Outside of Arizona \(GAO-75\)](#)

[State of Arizona Remote Work Agreement Guide](#)