

M e m o r a n d u m

To: All Department of Justice Employees

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From: SEAN MCCLUSKIE, Chief Deputy to the Attorney General
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Subject: Emergency Teleworking Policy – Coronavirus (COVID-19)

The Department of Justice (Department) maintains its responsibility to serve the People of California despite cases of emergency, including public health crises. Thus, we recognize that ensuring the continuity of critical departmental functions is necessary and may require temporary modification of work arrangements.

The Department encourages using social distancing methods to minimize the spread of the novel COVID-19 virus—i.e., reducing the probability of contact between people. One such option for social distancing is working remotely on a temporary basis where management has determined that such temporary remote work is appropriate and viable.

The following Emergency Teleworking Policy is intended to serve multiple purposes, including ensuring critical Departmental functions continue; reducing on-site staff throughout statewide offices; providing employees with flexible work options; and addressing school closures occurring statewide. This policy should be used in all instances in which management has determined that an employee may temporarily work remotely as a means of social distancing during the COVID-19 pandemic.

Teleworking Requirements:

Employees who are requesting to telework should present a work plan to their immediate supervisor for consideration and approval. The supervisor will present the plan to their chain of command for review and approval. Approval will be based on each divisions operational needs in addition to the employee being able to meet the conditions of this COVID-19 Emergency Telework Policy. This work plan should consist of the following:

- Tasks/assignments the employee will accomplish working remotely. Status of tasks/assignments should be regularly communicated to the employee's supervisor or manager.
- Identify that employee has resources available to telework, e.g. home computer or laptop.

- Teleworking schedule/working hours. Employees on alternate workweek schedules should retain their schedule unless otherwise requested.
- Dates and duration of the teleworking request. At this time, the Department is considering teleworking requests of a maximum one-week duration. This is subject to change.

The work plan should be reviewed on a weekly basis by both the employee and supervisor/manager to ensure that continued telework is still appropriate in light of available tasks, work performance, and any modified emergency teleworking guidelines/policies related to the state of the COVID-19 pandemic.

Additionally, employees approved to telecommute during the COVID-19 pandemic must adhere to the protocols below. Questions should be discussed with the employee's chain of command.

1. Due to the current state of the COVID-19 pandemic and Departmental limits on remote access, teleworking employees must have access to the Department's web-based email system (<https://webmail.doj.ca.gov>). This web-based email system is a method by which teleworking employees can perform work task/assignments via email. Remote access requests deemed necessary and mission critical should be discussed with the employee's chain of command.
2. Employee should have appropriate equipment available to telework, such as a personal computer or laptop. Note: The Department will not be liable for telework expenses, including, but not limited to, any investment in furniture, equipment or services for employees teleworking under this policy.
3. Employees must have the ability to communicate via telephone, and should update outgoing voicemail message and ensure that voicemails on office lines are regularly checked. Alternatively, if available, teleworking employees should forward their office lines to their cell phone.
4. Have the ability to upload or transmit scanned documents through remote access or the web-based email system, if necessary for duties.
5. A telework day is a normal work day and teleworking employees are ordinarily expected to work their normal work hours as identified in the employees work plan. Teleworking employees should request and report overtime (if applicable), sick or other leave, and use of partial-day/non-working time as they normally would if working in the office.
6. Comply with all applicable Departmental policies, standards, procedures, and guidelines, including information security and remote access security policies, standards, and procedures, and ensuring the protection of personally identifiable information (PII). These guidelines are available within Chapters 15 and 19 of the [Department of Justice Administrative Manual](#) (DOJAM).

7. Teleworking employees, like all other Departmental employees, must report any security incident or breach of the Department's network, Department-issued computer, or computing device used for remote access to their supervisor, and send an email to Department's Network Information Security Unit at NISU@doj.ca.gov with a copy to Department's Information Security Officer at DOJISO@doj.ca.gov and their supervisor as soon as possible.
8. Track tasks/assignments and regularly communicate task/assignment status to supervisor. For those where it is a requirement, accurately record and enter time into ProLaw on a daily basis or, if unable to use ProLaw through remote access, sending your supervisor your time via email each day so that the supervisor can enter the time.
9. Be on call and respond to Department, client, and court needs timely.

Requirements of Management and Supervisors:

When staff are temporarily teleworking during the COVID-19 pandemic, management and supervisory staff are responsible for the following:

- Keeping accurate record of all employees approved to telework.
- Ensuring employees understand and comply with telework working hours as defined in the employees work plan.
- Ensuring employees have all resources available to telework. These include a home computer or laptop, remote access (when deemed necessary and mission critical), software needed to perform essential functions, telephone, and printer/scanner (if necessary).
- Informing employees of DOJ Information Security Policies including the protection of Personally Identifiable Information (PII).
- Providing teleworkers with specific, measurable, and attainable tasks/assignments, and performance expectations just as they would non-teleworking employees.
- Overseeing the day-to-day performance of teleworking employees, as they would on-site employees, including communicating general office updates and related information to teleworkers and checking in with teleworking employees, by phone and email, on a regular basis.
- Reviewing and monitoring task/assignments as needed. Managers and supervisors shall monitor and track telework tasks/assignments in order to assess the employee's ability to complete tasks/assignments remotely and satisfactorily.
- For those with telecommuting in the Legal Divisions, review teleworking employees' ProLaw time on a daily basis.
- Approval of the teleworker's use of sick leave, vacation, time off, partial-day/non-working time, or other leave credits, as well as any overtime work.

Other Considerations:

Security Measures

Teleworking employees that require remote access will need to complete the [JUS 8814](#) form and obtain approval from their supervisor. Requestors must comply with the security requirements, identified in [DOJAM, Chapter 15, Section 151511](#). If departmental remote access is required, the employee must make this request and receive approval.

The Department does not normally allow for the removal of PII from the workplace. However, the COVID-19 pandemic may necessitate this to ensure critical business functions continue. It is the Department's expectation that employees who remove PII from the workplace continue to follow the Department's Privacy Guidelines as outlined in Chapter 19, Section 19500 of the [DOJAM](#).

Employees must notify and obtain their managers approval prior to taking departmental PII to the employees temporary telework location.

Health and Safety

When teleworking, it is important for employees to maintain a healthy, safe and ergonomically sound work environment. To the extent feasible, employees should:

- Apply ergonomic safety practices.
- Establish and maintain a safe home office environment.
- Adhere to department policies around the security and confidentiality of data and information.
- Proactively stay in touch with management concerning work needs while teleworking.
- Employees engaging in teleworking should continue to utilize social distancing methods.

Workers' Compensation

- If an employee incurs a work-related injury while teleworking, workers' compensation laws and rules apply just as they would if such an injury occurred at the main office.
- Employees must notify their supervisor immediately and complete all necessary documents regarding the injury (see [applicable section of the DOJAM](#)).

For questions regarding implementation of this policy, please contact your supervisor or your Division's management team. Additional concerns can be sent to the Department's Health and Safety Team at HealthAndSafety@doj.ca.gov

ACKNOWLEDGEMENT FORM

I have read, understand, and acknowledge the DOJ's COVID-19 Emergency Teleworking Policy, including all outlined requirements and applicable information security guidelines, agree to abide by this policy. I also understand that this policy is solely for use during the COVID-19 pandemic, and is subject to discontinuance at any time. I understand that my use of any state and/or personal computing equipment for DOJ Emergency Teleworking may result in a lack of privacy relating to those items.

Signatures:

Teleworker: _____

Date: _____

Manager/Supervisor: _____

Date: _____