Inter Tribal Association of Arizona
21 TRIBAL NATIONS

TOOLKIT
For COVID-19 Tribal Telework Policies

Due to the unprecedented events associated with the COVID-19 (coronavirus) pandemic, many Tribes and tribal organizations are implementing temporary telework arrangements for eligible employees. These policies may protect the health and safety of employees and comply with the guidance provided by the World Health Organization (WHO), Centers for Disease Control and Prevention (CDC), and U.S. Department of Health and Human Services (HHS) regarding best workplace practices during the COVID-19 pandemic.

STEPS FOR EMERGENCY/UNPLANNED TELEWORK

Step 1:   Review your current human resources policies to see if they already address aspects of teleworking and assess whether these policies need to be modified.

Step 2:   Determine whether your grant or other funding obligations will be impacted by telework. If there are any restrictions on using funding to support telework, or if you need to make any grant modifications, you should request additional guidance from your funding partners or grant administrators.

Step 3:   Determine which employees are already teleworking, and who else may be eligible for telework based on their job responsibilities.

Step 4: Draft a telework policy that (at a minimum) addresses the following items. *See* "Creating a Telework Policy" on the **next page** for additional guidance, links, and resources.
- Clearly explain who is covered by the telework policy and if there are "essential employees" that must remain in the workplace
- Clarify how you will maintain and measure telework performance
- Provide a clear chain of command for reporting and supervision
- Detail expectations for the safety of at-home workspaces
- Consider policies on technology, information security, and confidentiality.

Step 5: Distribute the telework policy to all employees. Provide employees an opportunity to ask questions in order to ensure that expectations under the policy are clear.

Step 6: Implement the telework policy uniformly and consistently with all teleworking employees. Ensure that your policy is distributed to funding partners or grant administrators if required by your grant agreements.

Ongoing: Document who is teleworking (including start and end dates); ensure that teleworking staff communicate regularly and often regarding tasks and expectations; review your policy for effectiveness as the COVID-19 public health recommendations evolve.

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CREATING A TELEWORK POLICY

What is Telework? "Telework" or "teleworking" refers to a work flexibility arrangement "under which an employee performs the duties and responsibilities of such employee's position, and other authorized activities, from an approved worksite other than the location from which the employee would otherwise work." (5 U.S.C. § 6501). *See* example telework policies here and here. Any policy utilized by a Tribe or tribal organization should be carefully drafted to address the unique needs and legal considerations of your jurisdiction.

Topics to Consider for Inclusion in an Effective Telework Policy

1. Preparation
   - Assess whether the Tribe's or the organization's current functions (calls, meetings - including council meetings) can be performed remotely, and if not, what additional actions are needed to achieve remote functionality.
   - Determine whether you already have a telework policy in place and whether your Employee Handbook contains provisions on teleworking that you can build upon for a COVID-19 specific policy. For example, there may be applicable provisions regarding IT policies, the use of personal devices, or the use of tribal equipment, etc. These should be included or cross-referenced in your COVID-19 telework policy.

2. Applicability; who will your policy apply to?
   - Decide whether the policy will be mandatory or optional.
   - Identify any essential personnel who are not eligible for telework due to the nature of their job responsibilities, and assess what alternative protection can be provided, such as staggering workdays or hours to enable social distancing. You can learn more about staggered work schedules and additional recommendations for preventing the spread of COVID-19 in the workplace here and here.
   - **NOTE:** Once applicable employees or positions have been identified as essential employees or as capable of telework, your policy should be applied consistently and uniformly. The arbitrary application of telework policies could result in employee confusion, claims of arbitrary application or even discrimination.

3. Performance Management
   - Establish how supervisors will engage with employees during the telework arrangement (for example, with regular phone or video conference calls).
   - Set the expectations for hours of work and breaks.
   - Identify mechanisms you put in place to ensure accountability for work responsibilities during telework.
   - **NOTE:** Performance standards should be the same for teleworking employees and non-teleworking employees.

- *See* additional guides for telework performance management [here](#) and [here](#), developed for federal agencies.

4. Safety and at-home workspaces
   - Consider what the employees' remote office setup will be like, for example, if the employee has a reliable internet connection and power supply, a space at home dedicated only to work, and if there are any hazards in the home. You can view sample safety checklists [here](#) and [here](#) for reference.
   - Employees should avoid having workplace conversations where they can be overheard by third parties.
   - Determine how technical issues should be addressed and resolved.
   - Determine whether employees will be reimbursed for any costs associated with their telework.
   - **NOTE:** If your teleworking policy is mandatory, you may be responsible for workers compensation benefits. You can learn more about safe work spaces through [this eTool](#) provided by the United States Occupational Safety and Health Administration (OSHA).

5. Technology and Information Security
   - Assess how your files and data are currently stored. Determine how files and materials needed by employees for telework will be accessed remotely, and how information will be secured.
   - Determine what tools will be available for communication (phone, text, email, video chat, etc.).
   - Make a plan for the resolution of technical issues that may arise during the telework period and provide the appropriate contact information for your IT support.
   - Determine what equipment and materials are needed (phone, computer, printer, webcam, other equipment) and whether employees will be reimbursed for any costs associated with their telework. Specifically, define what employers will provide and what will not be provided.
   - If the employee is using home-WIFI, it should be password protected and otherwise secure.
   - Employees should not telework from a shared computer or device if possible.

What to Consider When Implementing Your Policy

Recognizing that the COVID-19 pandemic has created an emergency need for telework, a policy may need to be implemented in an expedited fashion or after employees are already working from home. Nevertheless, a telework policy that fits the needs of your Tribe or organization is the best practice.

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ADDITIONAL RESOURCES

Resources for File Sharing (Other Than Email). Consider whether the information being sent is of a sensitive nature (like financial data or personal information) and needing encryption.

- Sharefile (encrypted, $50/month for 5 users with unlimited storage)
- Dropbox (free for up to 2GB)
- Google Drive (free for up to 15GB)
- Microsoft OneDrive (included with Office 365 suite)

Resources for Multi-Party Conference and Video Calls. Consider the sensitivity of the call, whether the call service provider allows calls to be protected by pin number or recorded, whether chat services are available, or an online call log to track who is calling in.

- Freeconference.com
- Uber Conference
- Zoom
- Skype
- Google Hangouts