



STATE OF HAWAII
BOARD OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

October 1, 2020

TO: Board of Education

FROM: Catherine Payne
Chairperson, Board of Education

AGENDA ITEM: Board action on directives regarding telework availability for teachers: Board intent, telework approval criteria, and telework termination restrictions

I. EXECUTIVE SUMMARY

- Overall, it does not appear that the Department has been implementing telework in alignment with the Board's June 18, 2020 Reopening Resolution, so I am proposing that the Board adopt directives relating to telework.
- I recommend the Board clarify its intent that the Reopening Resolution directed the Department to ensure there is a comprehensive and thoughtful system of support for teachers, particularly during distance or hybrid learning modes.
- I recommend that the Board set forth clear directives regarding criteria for telework approval that focus on: (1) a location to work; (2) reliable internet connectivity; and (3) a commitment to communicate.
- I recommend that the Board set forth clear directives regarding when telework agreements can be terminated.

II. BACKGROUND

Most public schools were closed for spring break from March 16 through March 20, 2020. On March 15, 2020 the Department extended spring break for another week, through March 27, 2020. On March 19, 2020 DOE announced that it would extend spring break for another three weeks (until April 7, 2020) to stop the spread of COVID-19, closed all of its offices, and required all employees to work remotely. School campuses remained closed for the remainder of the school year. On May 26, 2020 Superintendent issued a memorandum entitled "Return of Employees to

the Workplace Starting June 1, 2020” (“May 26 Memorandum”), which allowed telework through July 28, 2020 (attached as **Exhibit A**).

On June 18, 2020, the Board of Education (“Board”) adopted a resolution “Directing the Department of Education to prepare for the reopening of schools for the 2020-2021 school year amid the global COVID-19 pandemic; urging school communities to give hope, act with kindness, and work toward togetherness; and authorizing Board Members to represent the Board of Education in mid-term bargaining of collective bargaining agreements” (“Reopening Resolution”).¹

One of the provisions in the Reopening Resolution directed the Superintendent to issue guidance to all public schools regarding specific school level strategies to support teachers during distance learning. Specifically, the relevant language of the Reopening Resolution provides:

“**BE IT FURTHER RESOLVED** that the Board directs the Superintendent to issue comprehensive and cohesive guidance to all public schools, including charter schools, by July 1, 2020—and to deliver the guidance to Department school families and make them publicly available by July 8, 2020—regarding: . . .

f. Specific school-level strategies for, in the event of school closures and a return to distance learning, supporting teachers with managing class assignments, content, and assessments delivered remotely, including strategies and protocols for providing backup support for teachers who are themselves caring for children or elderly parents or who are sick themselves and cannot be as attentive to their jobs[.]”

Lines 240-243 and 268-273.

July 24, 2020 Superintendent issued a memorandum entitled “Update to Telework” (“July 24 Memorandum”), which stated that telework is a management right (attached as **Exhibit B**) and included a link to the Department’s Telework Guidelines and Agreement (“Telework Guidelines”) (attached as **Exhibit C**). July 29, 2020 was the first day for teachers for the 2020-2021 school year.

¹ The Reopening Resolution is available here:

[http://boe.hawaii.gov/Documents/2020%20School%20Reopening%20Resolution%20\(executed\).pdf](http://boe.hawaii.gov/Documents/2020%20School%20Reopening%20Resolution%20(executed).pdf). My June 18, 2020 memorandum and the proposed draft resolution are available here: http://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/GBM_20200618_Action%20on%20Resolution%20directing%20school%20reopening.pdf

On July 30, 2020 the Board approved a change to the school calendar to change the student start date from August 4, 2020 to August 17, 2020. Most Hawaii public schools started in distance learning mode and committed to continue distance learning through the first quarter, which ends on October 2, 2020.

III. DISCUSSION

Based on Department telework memoranda and forms, multiple pieces of oral and written testimony, numerous anecdotal accounts, and other communications received by Board Members over the past couple of months, it does not appear that the Department's implementation of telework aligns with the Board's Reopening Resolution, specifically as it pertains to teacher support during distance and hybrid learning mode. Consequently, I believe that the Board should: (1) clarify the intent of the provision in the Reopening Resolution relating to teacher support during distance and hybrid learning mode; (2) set forth its expectations as to criteria for approval of telework requests, which should be granted generously; and (3) clarify circumstances where telework can be terminated, which should be done sparingly.

Board's intent regarding teacher support. I believe that the Board intended to create a thoughtful and comprehensive support system for teachers during distance and hybrid learning modes. Teachers are the primary driver that determine whether our schools will be able to successfully reopen and educate students this year. We must support our employees as they navigate a difficult time because they are the ones that will carry public education through this crisis.

Lines 268-269 of the Reopening Resolution direct the Superintendent to issue comprehensive and cohesive guidance to public schools regarding “[s]pecific school-level strategies for, in the event of school closures and a return to distance learning, supporting teachers” (emphasis added). The Reopening Resolution focused specifically on support for teachers during distance learning because our systems are generally not designed for distance learning mode. Because of this, it was important to focus on supports teachers might need that would be different from in-person learning mode. Note that while the specific provision in the Reopening Resolution refers to support during distance learning mode, the provision also applies to hybrid learning mode because hybrid learning mode is where “teacher(s) deliver instruction during both in-person and distance learning methods.”

The Reopening Resolution mentioned teacher supports for things like “class assignments, content, and assessment delivered remotely” (Reopening Resolution, lines 269-270), which are standard supports for teachers to do their

jobs. The Reopening Resolution, however, goes on to provide that supporting teachers also includes “strategies and protocols for providing backup support for teachers who are themselves caring for children or elderly parents or who are sick themselves and cannot be as attentive to their jobs.” This language clearly contemplated another kind of support for teachers in distance and hybrid learning modes that anticipated teachers would be struggling in distance learning mode to figure out how to care for family members and themselves while not only fulfilling their work responsibilities, but also trying to figure out how to do their job in new ways. Teachers always have to care for others, but in situations where schools are closed and the public education system was in distance learning mode, it is more likely that teachers would have family members that were at home, which can create an added layer of difficulty.

When I drafted the Reopening Resolution, I expected the Department to think about how to support teachers during distance and hybrid learning modes, beyond standard supports. A system like this does not necessarily require additional funding. It can be as simple as ensuring that the default position of the employer is to anticipate and find ways to support employees, not to question their motives. It can be administrators and teachers having honest conversations about why telework may not be a viable option in certain circumstances and working together to find solutions. It can be ensuring principals allow or encourage teachers to propose their own solutions, like bringing their children to their classroom if they have to report to work on campus. Telework is just a band-aid, it is not a solution because on its own it is not a system of support. It is the bare minimum of what should be available to teachers.

As such, I believe that the Board should state that the intent of lines 240-243 and 268-273 of the Reopening Resolution directs the Department to ensure that there is a comprehensive and thoughtful system of support for teachers, particularly during distance or hybrid learning modes.

Telework implementation not aligned with Reopening Resolution. There are a number of sources that indicate the Department’s implementation of telework is misaligned with the Reopening Resolution as it pertains to teacher support during distance and hybrid learning mode. These sources include Department telework memoranda and forms, multiple pieces of oral and written testimony, numerous anecdotal accounts, and other communications with Board members.

The May 26 Memorandum does not appear to contemplate telework being available to teachers. July 29, 2020 was the first work day for teachers for the 2020-2021 school year, but the May 26 Memo stated that telework cannot continue beyond July 28, 2020 (May 26 Telework Memo, page 2). The May 26

Memorandum was issued before the Board adopted the Reopening Resolution on June 18, 2020, but telework requirements were not subsequently amended to reflect the Board's direction.

On July 24, 2020, the Superintendent issued an "Update on Telework" memorandum ("July 24 Memorandum"), which stated that, because the Board prioritized in-person instruction, the Department's expectation is that staff will physically report to their central work site unless a supervisor has noted a need to grant an exception and that the Department may use the telework option on a case-by-case basis. The July 24 Memorandum further stated that telework is a management right and that administrators may deny requests if they determine it is not in the best interest of students or the Department. These statements are clearly not in alignment with the Board's intent to support teachers.

The July 24 Memorandum also contained a link to the Department's Telework Guidelines, which provided that "Teleworkers shall not undertake to provide primary care during scheduled work hours for a child (or children), elderly, ill, or disabled person, or a person who requires significant care." Section IV. U.1. The Telework Guidelines also stated that the employee "agree[s] not to undertake to provide primary care of children/others during scheduled work hours." Section V.B.7.

It is reasonable to prohibit a teleworker from providing "primary care," which appears to describe a situation where the teleworker's main focus is on providing care and not on his or her job. It appears, however, that administrators used these provisions to deny telework opportunities to teachers that had a child at home, regardless of whether the teacher was providing primary care. There were numerous statements in written testimony from teachers asking for the opportunity to telework because they had children at home.² The citation of written testimony is

² See written testimony submitted for the Board's July 30, 2020 meeting (available at: <http://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/Testimony%2020200730%20Special.pdf>) from Akemi Faria, July 28, 2020 4:35 PM; Lizzy Laliberty, July 28, 2020 9:31 PM; Adrienne Hale, July 29, 2020 9:29 AM. See also written testimony submitted for the Board's August 20, 2020 meeting (available at: <http://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/Testimony%2020200820%20GBM.pdf>) from Teheresa Marzan, August 18, 2020 12:13 PM; Jennifer Jo, August 18, 2020 12:21 PM; Chelsey Silva, August 18, 2020 1:11 PM; Carla Hazlet, August 18, 2020 1:56 PM; Taryn Imai, August 18, 2020 4:46 PM; Amanda Seymore, August 18, 2020 8:49 PM; Kalei Kagawa, August 18, 2020 10:15 PM; Sharian Harada-Peck, August 18, 2020 10:32 PM; Katrina Pasion, August 19, 2020 6:22 AM; Jennifer Grant, August 19, 2020 11:39 AM; Brandi Tulang Mahuna, August 19, 2020 11:51 AM; Evette Gallant, August 19, 2020 11:52 AM; Theresa Schubert, August 19, 2020 11:57 AM; Cassandra Jones, August 19, 2020 12:00 PM; Maile Kapuniai, August 19, 2020 1:20 PM; See also written testimony submitted for the Board's September 17, 2020 meeting (available at:

just a sampling because the Board has received thousands of pages of testimony over the past couple of months, but these samples are indicative of the extent of the problem. I have personally heard numerous accounts of administrators telling teachers not to apply for telework because requests would not be approved or that the Department's policy was not to approve telework for teachers.

I have expanded on a single circumstance, where teachers have a child at home, but there are numerous other circumstances that are not covered here. The point is that the Board wants the Department to find ways to support teachers in all of these circumstances and not simply view options that could help as "management rights."

Telework Approval Criteria and Starting Point. Testimony and communications to the Board have contained numerous accounts of telework requests being denied, teachers being told in advance not to request telework because they would not be approved, or unclear or inconsistent granting of telework.³ Because of this, I believe that the Board needs to set forth clear directives regarding criteria for granting telework approval. I proposed the following:

Administrators will approve teachers that request telework during distance or hybrid learning modes if the following criteria is met:

- a. The teacher has a location at home where the teacher can work or conduct instruction online with minimal disruptions during school hours.
- b. The teacher has reliable internet connectivity that is adequate for the instruction being provided and to engage with their administrator and others.
- c. The teacher provides a written commitment that their administrator will be able to: (1) monitor the teacher's instruction and/or instructional material provided to students

<http://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/Testimony%2020200917%20GBM.pdf>) from Michelle O'Byrne.

³ Mike Landes, August 18, 2020 10:34 PM; Kimberly Park, August 19, 2020 9:39 AM; Germaine Lindsay Juan, August 19, 2020 11:00 AM; Mireille Ellsworth, August 19, 2020 11:33 AM; Theresa Schubert, August 19, 2020 11:57 AM; Maile Kapuniai, August 19, 2020 1:20 PM See written testimony submitted for the Board's September 17, 2020 meeting (available at:

<http://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/Testimony%2020200917%20GBM.pdf>) from Anonymous, September 11, 2020 5:50 PM; Lillian Shaw, September 14, 2020 7:38 PM; eric Iwasaki, September 15, 2020 1:53 PM; Anonymous, September 15, 2020 7:46 PM; JKL, September 15, 2020 8:18 PM; Kileigh Sanchez, September 16, 2020 5:55 AM; Kelsey Ramirez, September 16, 2020 7:38 AM; Aaron Wade, September 16, 2020 10:31 AM; Anonymous, September 16, 2020 11:59 AM; Corey Rosenlee, September 17, 2020 and attached compiled testimony from teachers; Liberty Furchgott, September 16, 2020 12:17 PM; Adrienne Hale, September 16, 2020 12:45 PM.

and (2) will be able to easily make contact with, communicate with, and get timely responses from the teacher.

The criteria starts with the assumption that requests will be approved, provided that the three requirements are met.

The first criteria is relatively straightforward. Whether a teacher is creating material for paper packets and calling students or conducting live classes, the teacher needs to have a place where there will be minimal disruption.

The second criteria requires adequate internet connectivity. What is adequate will depend on the teacher's job responsibilities. A teacher may not need high-speed internet connectivity if the teacher creating paper packets or is providing asynchronous instruction by recording and uploading videos for students. If, however, the school is conducting meetings via videoconference with families, teachers, or administrators, then the teacher's internet connection may not be adequate. In those instances, the teacher could report to campus on days or times when videoconference meetings occur so that he or she has access to adequate internet connectivity and the teacher could telework the rest of the time.

The third criteria requires the teacher to provide a written commitment to allow monitoring of instruction and/or instructional material and to communicate with the administrator. Administrators should be able to access live classroom sessions, recorded video, or instructional material being used by teachers to monitor effectiveness of such instruction. This monitoring should be done in a professional manner, as it would be done if the instruction was being observed in-person. This includes things like having the teacher and administrator agree in advance to sessions that will be monitored, teachers inviting administrators to sessions, or administrators requesting access to certain sessions. It is also reasonable for administrators to expect to be able to communicate with and receive timely responses from teachers.

I would like to note that the criteria is specifically written for instances where a school is in distance or hybrid learning modes and does not cover in-person learning mode. During in-person learning mode, teachers should be able to seek relief through their unions, provisions in collective bargaining agreements, or ADA accommodations, whatever is applicable to the situation.

I did not include criteria regarding training or professional development. Training and professional development days dedicated to preparing teachers for distance learning were provided at the beginning of this school year. Also, I believe that any

issues regarding training or professional development needs will be addressed in the next section covering instances when telework can be terminated.

Telework Termination. While I believe that telework should be available to all teachers that meet the criteria, I also understand that there are instances where the ability to telework may need to be terminated and administrators need the ability to do so when warranted. Therefore, I propose the following:

The Department can subsequently terminate a telework agreement if any of the telework approval criteria are not met consistently during the term of the agreement or if the administrator determines that the teacher's instruction or instructional material is not effective based on the administrator's monitoring and that the teacher's instruction or instructional material does not improve after the administrator provides guidance and training opportunities.

The telework approval criteria must be met consistently during the term of the telework agreement. If a teacher's internet connection goes down for prolonged periods which negatively impacts the teacher's ability to provide effective instruction or an administrator is not getting timely responses from a teacher, the administrator may need to terminate the telework agreement. The other instance where a telework agreement can be terminated is if an administrator determines the teacher's instruction is not effective and there is no improvement after the teacher receives guidance and training opportunities.

While telework approval should be granted generously, I believe that termination of telework agreements should be done sparingly and only after there are earnest attempts to remedy the issues.

IV. RECOMMENDATION

Proposed motion: "Moved to adopt the following directives regarding telework for teachers and direct the Superintendent to incorporate them into instructions provided to schools regarding telework for the 2020-2021 School Year:

1. In accordance with lines 240-243 and 268-273 of the Reopening Resolution, the Department should ensure there is a comprehensive and thoughtful system of support for teachers, particularly during distance or hybrid learning modes.
2. Administrators will approve teachers that request telework during distance or hybrid learning modes if the following criteria is met:

- a. The teacher has a location at home where the teacher can work or conduct instruction online with minimal disruptions during school hours.
 - b. The teacher has reliable internet connectivity that is adequate for the instruction being provided and to engage with their administrator and others.
 - c. The teacher provides a written commitment that their administrator will be able to: (1) monitor the teacher's instruction and/or instructional material provided to students and (2) will be able to easily make contact with, communicate with, and get timely responses from the teacher.
3. The Department can subsequently terminate a telework agreement if any of the telework approval criteria are not met consistently during the term of the agreement or if the administrator determines that the teacher's instruction or instructional material is not effective based on the administrator's monitoring and that the teacher's instruction or instructional material does not improve after the administrator provides guidance and training opportunities.

Exhibit A

May 26 Memorandum



STATE OF HAWAII
DEPARTMENT OF EDUCATION

P.O. BOX 2360
HONOLULU, HAWAII 96804

OFFICE OF THE SUPERINTENDENT

May 26, 2020

TO: Assistant Superintendents
Complex Area Superintendents
Principals

FROM: Dr. Christina M. Kishimoto
Superintendent

A blue ink signature of Dr. Christina M. Kishimoto.

SUBJECT: **Return of Employees to the Workplace Starting June 1, 2020**

On May 18, 2020 Governor David Y. Ige issued the "Eighth Supplementary Proclamation Related to the COVID-19 Emergency" which invoked the "Act with Care Order." This order permits work in business or operations for:

"Educational institutions – including public and private pre-K-12 schools, colleges, and universities – for purposes of implementing appropriate learning measures, performing critical research, or performing essential functions, provided that the social distancing requirements identified herein are maintained to the greatest extent possible."

Based on this proclamation, the Hawaii Department of Education (Department) will require employees to return to the workplace starting June 1, 2020 unless prior agreements are made after the issuance of this memo.

To assist in this transition, the following suggestions are being provided that align with current guidelines from the Centers for Disease Control and Prevention (CDC) and the Hawaii Department of Health. Supervisors should be prepared to implement the return of employees to the worksite in a way that is best tailored to their respective operational conditions and using independent discretion and judgment as needs arise.

The CDC has provided a "Workplace Decision Tool" to assist employers in making (re)opening decisions during the COVID-19 pandemic. The decision tool can be found at the following website:

<https://www.cdc.gov/coronavirus/2019-ncov/downloads/community/workplace-decision-tree.pdf>

This guidance may be revised as deemed appropriate.

1. Continuation of Telework

Where an employee can be as functional and productive as when in the workplace with sufficient access to all necessary information, materials, and equipment, telework should continue to be the first consideration for that employee. For example, an employee could return to the workplace during regularly scheduled hours (e.g., for a set number of hours per day or per week) or on an ad hoc basis to drop-off completed work, pick-up work to perform while teleworking, or to use Department property (e.g., scanner, internal access to a database) to assist the employee to complete their duties and tasks in an efficient and functional manner. A rotation of staff in the office at one time (such as separate teams that do not mix and thereby reduce challenges in the event there is an exposure) or combination of telework and in-office work for key staff may also be considered as operations permit. A fully executed telework agreement shall be completed by the employee and supervisor to continue telework for a duration not to exceed July 28, 2020.

Follow the [link](#) to access a copy of the Department's Telework Guidelines and Agreement.

2. Entering Department Facilities

All employees and visitors are urged to wear a mask or other cloth face covering when they are within six feet of others. (Note: some individuals may be unable to wear face masks due to a health reason. In these instances, the implementation of additional safety considerations may need to be considered.

Employees shall contact their supervisor prior to entering a Department facility if they meet any of the following conditions:

- They are symptomatic – cough, shortness of breath or difficulty breathing, or exhibit at least two of the following symptoms:
 - Fever
 - Chills
 - Repeated shaking with chills
 - Muscle pain
 - Headache
 - Sore throat
 - New loss of taste or smell.
- They have traveled within the past 14 days.
- They have been potentially exposed through close prolonged contact with a person who has or is suspected to have COVID-19.
- They are not wearing a mask or other cloth face covering (unless they have a health reason for not doing so).

Employees who have the symptoms as set forth above should notify their supervisor and stay home. Sick employees should not return to work until the criteria to discontinue home isolation are met, in consultation with their healthcare providers and criteria set forth by the Hawaii Department of Health.

3. Maximization of Social Distancing

Supervisors may consider the following when employees enter the workplace:

- Employees should maintain a six feet or greater distance from each other at all times, including:
 - Workspaces and hallways to the fullest extent possible; and
 - Common areas not absolutely critical to essential work, such as kitchens, copy rooms, file rooms, etc.
- In-person meetings or conferences should be minimized even when social distancing can be maintained. Where possible, these should be converted to video or telephone conferences.
- Shaking hands and other forms of human contact should be prohibited.
- Minimize the number of employees in the workplace at any given time to the fullest extent possible to continue operations while enabling the proper maintenance of social distancing.
- Stagger employee start/end times within existing flexible work hour parameters to avoid entry/exit to/from Department facilities en masse.
- Consider one way circulation routes through the workplace and at points of entry/exit if feasible to minimize face to face employee contact.
- Communal snacks should be discarded in an abundance of caution.
- Entry of a coworker's workspace should be avoided unless appropriate social distancing can be maintained.
- Post signage at multiple, relevant locations to remind employees of social distancing requirements.

4. Encourage the Practice of Good Hygiene

All employees should continue to practice good hygiene, including the following:

- Wash hands with soap and water or the use of hand sanitizer, especially after touching frequently used items or surfaces.
- Avoid touching your face.
- Sneeze or cough into a tissue, or the inside of your elbow.
- Disinfect frequently used items and surfaces as much as possible.
- Post signage at multiple, relevant locations to remind employees of good hygiene practices.

5. Sanitation

Common touch points (door knobs, file cabinets, supply cabinets and drawers, etc.) and frequently used furniture and equipment should be cleaned and disinfected as much as possible on a regular basis.

Hand sanitizer should be provided if available, otherwise employees should be encouraged to wash their hands with soap and water on a frequent and regular basis.

Custodial staff will continue with their cleaning duties, however employees may wish to consider cleaning and disinfecting their personal workspaces and items on a more frequent basis.

The use of other employee's phones, keyboards, or other work tools and equipment should be avoided when possible or cleaned and disinfected before and after use.

6. Other Considerations to Maximize Social Distancing

Utilize paperless options for the transmission of documents and other correspondence to the fullest extent possible. Approvals via eSign or by email should be utilized as much as possible rather than requiring original signatures.

Interoffice hard copy mail should be minimized to the fullest extent possible.

The Department appreciates the commitment and dedication of all of our employees, especially during this uncertain time. Thank you for your cooperation as we carefully transition back to the workplace in a safe manner. Principals are encouraged to contact their Complex Area Superintendent regarding any questions or concerns.

For more information about cleaning best practices, please contact Facilities and Maintenance Branch at (808) 784-5000.

Please contact the Office of Talent Management at (808) 441-8300 or email otmhelp@k12.hi.us for employee relations support.

CMK:sb

c: Deputy Superintendent
Communications Branch
Office of Facilities and Operations
Office of Talent Management

Exhibit B

July 24 Memorandum



STATE OF HAWAII
DEPARTMENT OF EDUCATION

P.O. BOX 2360
HONOLULU, HAWAII 96804

OFFICE OF THE SUPERINTENDENT

July 24, 2020

TO: Assistant Superintendents
Complex Area Superintendents
Principals

FROM: Dr. Christina M. Kishimoto
Superintendent

A handwritten signature in blue ink, appearing to read "Christina M. Kishimoto".

SUBJECT: Update on Telework

As we move forward in our commitment to reopen schools, we look forward to safely welcoming our students and staff back for the 2020-2021 school year. Everyone from state office personnel to school personnel have an integral part to ensure our students have a safe return to campus, which is consistent with the Board of Education (BOE) principle of "Working Toward Togetherness."

The BOE has prioritized in-person instruction as much as possible, where the educator delivers face-to-face instruction in the same physical space as students. Therefore, the Department's expectation is that staff will physically report to their central work site unless a supervisor has noted a need to grant an exception.

On a case-by-case basis, the Department may utilize the option to telework as long as employees are fulfilling their usual and customary job duties as if they were in their central work site.

Telework is a management right, and administrators may deny requests if they determine it is not in the best interest of students or the Department. Teleworking is not suitable for employees whose positions require the employee to have face-to-face contact with the supervisor, co-workers, students, or the general public (e.g., a classroom teacher who is assigned a group of students on campus would not be eligible for telework). Teleworking is not suitable for employees whose positions require the employee to have physical interaction with systems, equipment, or their work site (e.g., a custodian would not be eligible for telework).

Assistant Superintendents, et al.
July 24, 2020
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Before a request for telework will be considered, an employee shall complete Attachment B - Request for Participation in the Telework Program, and have a discussion with their supervisor to determine if telework may be allowed. If the request is approved, a new telework agreement is required. All telework forms and agreements shall be kept in the employees file at the school or office. Follow the [link](#) to access information on the Department's current Telework Program.

If we are working together and are committed together, we will have a successful reopening of our schools. It is important that we take personal responsibility and do what we can for a successful reopening. The learning environments in our schools will be different, and everyone will need to learn the necessary protocols that are important for keeping our schools safe.

Please contact the Office of Talent Management at (808) 441-8300 or email otmhelp@k12.hi.us with any questions or concerns.

CMK:sb
c: Deputy Superintendent
Communications Branch
Office of Talent Management

Exhibit C
Telework Guidelines

**STATE OF HAWAI‘I
DEPARTMENT OF EDUCATION**

TELEWORK PROGRAM GUIDELINES
FOR SALARIED EMPLOYEES

I. INTRODUCTION

Telework has become an increasingly important employment tool that can fulfill key business needs while helping employees balance their work and quality of life concerns. It offers an alternative work arrangement that schools and offices can utilize, based on voluntary participation and the management prerogative to participate in the program.

The objectives of the telework program are to:

- Improve program effectiveness and employee productivity and morale;
- Reduce school/office space requirements;
- Improve employee recruitment and retention;
- Reduce traffic congestion and improve air quality; and
- Effectively continue business as part of a disaster recovery or emergency plan (e.g., pandemic influenza, terrorist attacks, hurricanes, and other types of emergencies or closures).

These Guidelines provide the framework for telework opportunities for salaried Hawaii Department of Education (HIDOE) employees as an alternative work option, in appropriate circumstances.

II. SCOPE

The Telework Program Guidelines apply to all salaried positions in the HIDOE. Employees' participation in the Telework Program shall be at the sole discretion of the Superintendent. Any change to these Guidelines requires the concurrence of the Superintendent and consultation with the employees' exclusive representatives, if applicable.

III. DEFINITIONS

“Central Work Site” means the established place of work at the HIDOE facility or operation.

“Confidential Information” means any information or government records obtained through the course of the teleworker’s official duties, which, if disclosed, would

constitute a clearly unwarranted invasion of personal privacy and/or violate state and/or federal law.

“Core Hours” means the scheduled hours when a teleworker must be available for contact at the remote work site unless leave is authorized or the teleworker is directed to the central work site or other site by supervisory personnel. Core hours remain intact at all times, are not flexible and cannot be changed without prior supervisory approval.

“Emergency Situation” means a national security situation as officially declared by the President of the United States; a state of emergency declared by the Governor; or other extended emergencies as designated by the Superintendent and/or his/her designee.

“Home-based” means an appropriately identified telework site in an employee’s home, rather than the Central Work Site. Employees shall perform the functions, duties, and responsibilities of their position from that home location.

“Regular and Recurring Teleworking” means telework that is performed on a regular schedule (e.g., at least one day per pay period at a set location) and is established by a formal agreement between the employee and the supervisor.

“Remote Work Site” means a work site that is geographically in a location other than the central work site, e.g., home-based or in a work center.

“Situational Teleworking” means telework that is performed on an approved work schedule where an employee works on an occasional, one-time, or irregular (non-routine) basis, typically for a day or a block of days. Circumstances which may be appropriate for “situational” teleworking include, but are not limited to:

- Special projects or assignments that could be effectively performed away from the central work site;
- When all reasonable commute routes are blocked (e.g., due to storm or disaster);
- When the central work site is inaccessible or uninhabitable; and
- During an emergency situation (e.g., pandemic influenza, disaster, etc.).

This type of teleworking may be approved on a case-by-case basis. Oral approval may be provided during emergency situations.

“Telework” means a work arrangement that allows employees the opportunity to perform their duties at a remote work site during an agreed upon portion of the work week.

“Telework Agreement” means the signed agreement between the employee and the HIDEOE outlining the employee’s participation in the telework program. See [Attachment A](#).

IV. GENERAL PROVISIONS

A. Participation

1. Participation in the Telework Program is a management prerogative. The best interest of the HIDOE shall be the major factor in reviewing individual requests.
2. All requests for employee participation shall be reviewed and decided by the Superintendent or designated representative. See [Attachment B](#).
3. Teleworking from outside of the State of Hawaii is not permitted. Teleworking from an island within the State of Hawaii where the "Central Work Site" is not located must be pre-approved by the Superintendent or designated representative.
4. Work suitable for teleworking will be determined by the Superintendent or his/her designee, based on factors such as job duties and responsibilities rather than job title, type of appointment, work schedule, or the employee's desire to telework.
5. Employees whose work and/or work performance require supervision shall not be eligible for the telework program (e.g., employees requiring training and monitoring, employees whose work performance requires close supervision for improvement, etc.).
6. Employees new to the HIDOE or who have been re-assigned within the HIDOE may need some time to get to know the people and the organization, may require on-the-job training, and may not be immediately eligible for the telework program.
7. Participation in the telework program may not be used to replace appropriate arrangements for dependent care.
8. Management reserves the right to require employees to report to the central work site on scheduled teleworking days, based on the work requirements. The HIDOE's needs shall take priority over an individual's telework agreement.
9. The HIDOE has the right to refuse to make telework available to an employee or to terminate an employee's participation at any time, with reasonable notice, if it is no longer in the best interest of the

HIDOE's operations or an employee's performance does not meet the performance expectations. To the extent possible, at least five (5) working days notice should be given.

10. Employees teleworking in non-emergency situations have the right to terminate their participation in the program at any time, with reasonable notice, and shall return to the central work site. To the extent possible, at least five (5) working days notice should be given to ensure that he/she can be properly accommodated at the central work site.

B. Maintenance of Rights and Benefits

1. Teleworkers retain all rights, salary, benefits, and insurance coverage pertaining to their conditions of employment as provided for in departmental rules and regulations, relevant collective bargaining agreements, and the Hawai'i Revised Statutes, as applicable, except for those conditions which are specified herein. In addition, the employer shall not be obligated to retain office space for teleworkers for the duration of their telework agreement.
2. The program does not alter the employee's terms and conditions of their respective appointments, work status, or work responsibilities.

C. Duration

1. The employee's participation is valid for a time frame, as determined by the supervisor in the Telework Agreement.
2. An employee's Telework Agreement may be extended by mutual agreement. If extended, the terms of the agreement shall be reviewed and updated as necessary.

D. Work Schedule

1. The amount of work employees are expected to complete per day or per pay period remains unchanged. Lunch and rest periods shall be taken during the course of the work day and shall not be "saved" to shorten the work day.
2. (If applicable) Teleworkers shall adhere to their scheduled work hours and should not exceed their scheduled hours without prior written supervisory approval. Supervisors shall monitor teleworkers to ensure employees are not working more than their approved schedule.

3. Employees' work schedules may be modified by mutual agreement with their supervisors, however, they must be available at their remote work site during scheduled work hours unless they request and receive approval for leave or are directed by their supervisors to report to the central work site to attend meetings or perform other duties that cannot be accomplished at the remote work site, or when the use of the remote work site is impracticable (e.g., the computer is being repaired, power failures, Internet service goes down, etc.).

It is recommended that supervisors discuss work assignments with teleworkers in advance, in the event of computer failure, power failure, etc. or if there's a need for the teleworker to report to the central work site.

4. Access to certain computer systems may be provided for during school/office hours only. All after hours access to such systems shall be determined on an individual basis.
5. When employees are scheduled to report to work at the central work site, they shall report at the time specified by their supervisors provided it is within their normally scheduled work hours. Teleworkers shall obtain prior approval by their supervisors before making any changes to the agreed upon work schedule.

E. Overtime (if applicable)

1. All hours worked in excess of eight (8) hours per day or forty (40) hours per week must have prior supervisory approval and shall constitute overtime work compensable in accordance with applicable laws, rules and regulations, and collective bargaining agreements.
2. Work performed without approval shall not constitute overtime work.

F. Night Differential (if applicable)

1. Night differential shall not be paid during the employee's regularly scheduled hours under the employee's telework arrangement.

G. Work Assignments/Evaluation

1. Work shall be performed in accordance with standard work procedures and guidelines. Program and work performance shall

be measured by focusing on quality, quantity, and timeliness of work.

H. Attendance Records

1. Teleworkers are required to complete timesheets and/or other attendance reports within the time period specified by the supervisor, as determined by the HIDEOE, to verify work hours. Attendance procedures shall be in alignment with appropriate collective bargaining agreements.
(See [Attachment C](#) – Sample Teleworker Time/Attendance Sheet.)

I. Leaves of Absence

1. Vacation and sick leave shall be charged based on the amount of time the employee is scheduled to work on that day.
2. Teleworkers must obtain supervisory approval before taking leaves of absence, in accordance with established school/office procedures, bargaining unit contracts/agreements, executive order, rules, or other applicable authority.
3. Teleworkers who will not be available during scheduled work hours due to personal business or illness must notify their supervisor and request authorized leave.
4. If leave is granted, the appropriate leave documents shall be submitted in accordance with bargaining unit contract/agreement, executive order, rules, or other applicable authority.
5. When teleworkers become ill during the scheduled telework day, they shall notify their supervisor, report the hours worked and apply for the appropriate leave to cover the hours not worked, in accordance with bargaining unit contract/agreement, executive order, rules, or other applicable authority.

J. Temporary and/or Emergency Closures

1. The Superintendent may allow teleworking for emergency situations or other unique situations (e.g., blocked commute routes, inclement weather, storms, or disaster).
2. The Superintendent may require teleworkers to continue working from their remote work site on the day of an emergency situation if the emergency occurs on the employees' scheduled

telework day.

3. The teleworking employee shall immediately contact his/her supervisor for guidance if an emergency arises that adversely affects the remote work site (e.g., disruption of electricity, etc.), if the teleworker faces a personal hardship that prevents him/her from working successfully at the remote work site, or if the telecommuter's duties are such that he/she cannot continue due to loss of contact with the central work site. Paid duty status or leave status shall be determined in the same manner as at the central work site.

K. Travel/ Reimbursement

1. Mileage to and from the remote work site under these Guidelines and the teleworker's central work site shall not be subject to mileage reimbursement.
2. Parking fees shall not be subject to parking reimbursement.

L. Utility and Other Miscellaneous Reimbursements

1. Teleworking from a home-based remote work site may increase an employee's home utility costs. Where the telework arrangement is requested by the employee, the State shall not be responsible for any utility and other operating costs, as well as safety compliance costs, associated with the participating employee's use of his or her residence as an alternative work site. This includes, but is not limited to, home maintenance, insurance, utilities, broadband, internet service provider, and telephone expenses.

M. Remote Work Site

1. The remote work site must have available desk space and/or an adequate workstation in an approved area of the home dedicated to the exclusive use of the telework program during scheduled work hours to perform job duties in a safe and efficient manner. (See [Attachment D](#) – Telework Safety & Security Checklist Employee Self-Certification)
2. The telework arrangement shall adhere to the HIDOE's Office of Information Technology Services (OITS) [technical standards](#).
3. The remote work site shall be accessible to visits by supervisory personnel at reasonable times during normal work hours in the event supervisory personnel wishes to ensure compliance with

safety standards. (See Section V.A.5.)

N. Safety

1. The work area exclusively dedicated to teleworking is considered an extension of the HIDOE's work site for workers' compensation purposes. Any teleworker who is injured during the course of conducting official business during the established working hours shall notify his/her supervisor immediately and complete all necessary documents regarding the injury. The claim for workers' compensation benefits will be determined pursuant to the Hawai'i Workers' Compensation Law.
2. Failure to maintain a proper and safe work environment in accordance with these Guidelines may be cause for terminating an employee's participation in the telework program.
3. The Employer will not be responsible for injuries suffered at the remote work site by other persons.

O. Equipment

1. The Superintendent or designated representatives shall determine the equipment requirements of teleworkers and the appropriate combination of equipment utilization, i.e., State or employee-owned equipment. (See [Attachment E](#) – Equipment Issued to Teleworking Employee)
2. The HIDOE may provide teleworking employees with equipment as well as software and requisite data supplies, as may be needed and as determined by the Superintendent or designated representative.
3. Teleworkers are responsible for the proper use, care, maintenance, and safety/security of equipment and supplies to guard against theft and damage.
4. State-provided equipment and supplies shall be for authorized business use only and protected against unauthorized use. The teleworker shall not use or allow others to use the State-provided equipment or supplies for non-State business.
5. State-purchased software shall not be duplicated except as authorized by the supervisor.

6. State equipment shall remain the property of the HIDOE and shall be returned promptly at the end of the telework arrangement or when directed by the supervisor.
7. Current "[Acceptable Use Guidelines](#)" and HIDOE specific policies shall apply to all HIDOE provided equipment, software, communications facilities, access privileges, resources, etc. Employees will be required to acknowledge by signing receipt of the annual "Opening of the School Year Packet" and accept all usage policies.
8. Teleworkers who receive HIDOE approval to utilize their own personal computer understand that the State will not be liable for any expenses related to the cost, care, damage, depreciation, and theft of the personal equipment. Teleworkers shall ensure their equipment meets HIDOE standards and is compatible with HIDOE equipment. In addition, teleworkers are on notice that there is no proprietary interest in the work product and no reasonable expectation of privacy while using personal equipment for work purposes and any work information or data stored on such equipment may be accessed by the State and may be disclosed to law enforcement or other third parties. (See [Attachment B](#) – Request for Participation in the Telework Program)
9. In case of theft, teleworkers must file a police report and immediately notify their supervisor for internal reporting and processing.

P. Training

1. Training shall be provided to teleworkers on linking their equipment between the remote work site and the central work site.

Q. Supplies

1. Supplies required to complete assigned work shall be obtained during a teleworker's scheduled work days at the central work site.
2. Reimbursement for supply purchases shall not be allowed without prior supervisory approval and documentation that the purchase was made in accordance with procurement procedures.

R. Work materials

1. Work materials that are deemed restricted access, such as payroll records, shall not be removed from the central work site. Exception: (See IV.S.7.)
2. Materials that contain employee social security numbers, date of birth, home address, home phone number, cell phone number, bank and/or savings account numbers shall not be removed from the central work site to the remote work site. Programs/files that contain employee social security numbers, date of birth, home address, home phone number, cell phone number, bank and/or savings account information shall not be accessible from the remote work site. (Exception: See IV.S.7.)

S. Security

1. Security of confidential information is of primary concern and importance to the HIDOE.
2. Teleworkers are responsible for maintaining confidentiality and security at the remote work site.
3. Teleworkers, like all HIDOE employees, shall adhere to all applicable laws, rules, regulations, policies, and procedures regarding workspace security, information confidentiality, appropriate handling of data, and other information processed or managed in the course of work.
4. Teleworkers are responsible for the proper use, care, and maintenance of equipment, and reasonable safety and security precautions to guard against theft and damage of equipment as well as theft of computer access codes and confidential information, documents, and data.
5. Restricted-access or confidential information shall not be removed from the central work site or accessed via the computer from the remote work site. (Exception: See IV.S.7.)
6. In the event the HIDOE should permit a Teleworker to transport restricted or confidential information, the teleworker shall encrypt all data on all computers (including laptops) and devices that carry HIDOE data unless the HIDOE determines the data to be non-sensitive. The teleworker shall ensure that programs/files that contain such confidential information shall be protected from unauthorized disclosure in a manner consistent with the central

work site.

7. Materials needing to be destroyed/disposed of shall be brought to the central work site to be destroyed appropriately.

T. Rent/Lease/Condominium/Insurance Restrictions

1. Any restrictions on the use of a teleworker's home as a remote work site through clauses in lease agreements, condominium rules or cooperative bylaws, community covenants, and homeowners/renters insurance policies shall be the employee's responsibility to resolve prior to the commencement of the telework arrangement.

U. Care for Children/Others

1. Teleworkers shall not undertake to provide primary care during scheduled work hours for a child (or children), elderly, ill, or disabled person, or a person who requires significant care.

V. Other Costs

1. Teleworkers shall be responsible for any and all costs relating to homeowner's insurance premiums, tax implications related to the home workspace, and/ or other personal liabilities such as, but not limited to, injuries to third parties on the teleworker's premises.

V. RESPONSIBILITIES

A. Schools, Offices, and Sections (Superintendent, Deputy Superintendent, Assistant Superintendent, Complex Area Superintendent, Principal)

1. Review and either approve or deny employee requests for telework. (See also Section VI)
2. Determine program length and equipment needs and identify financial resources to fulfill those needs, the number of telework days per week, scheduled work hours, core hours, and the teleworker's duties and responsibilities at the remote work site.
3. Determine the cost effectiveness of individual telework agreements. Cost effectiveness is a major criterion in accepting, rejecting, or terminating individual telework agreements. Increased cost to the HIDOE could be offset by cost savings for increased productivity,

reduced absenteeism, etc.

4. The Superintendent and/or designees may inspect, initially and periodically, the teleworker's remote work site to ascertain the safety and efficiency of the remote work site.
5. Review, monitor, and evaluate job performance by focusing on the quality, quantity, and timeliness of the work product.
6. Ensure teleworkers and central work site staff understand the program, how it works, and their role in overall operational and program efficiency.
7. Review, monitor and evaluate employee participation in the program as well as the impact on overall operations on a regular basis (e.g., approximately every 3 months for the duration of the Telework Agreement). (See [Attachment F](#) – Telework Status Report – Supervisor's Report)

B. Employee

1. Request supervisory approval to participate in the Program by completing the telework application. (See [Attachment B](#)– Request for Participation in the Telework Program)
2. Comply with all rules, regulations, policies, practices, and/or instructions in the performance of their duties. Any violations may result in an employee's exclusion from further participation in the telework program and/or disciplinary action, up to and including termination of employment.
3. Request supervisory approval for sick, vacation, or other leaves and overtime work (if applicable) as if working at the central work site. Teleworkers shall complete and submit time and attendance information within the time period specified by the supervisor.
4. Allow reasonable on-site visits by management, supervisory, technical repair, or data specialists, as needed, to ensure the remote work site is safe and free from hazards or to maintain, repair, inspect or retrieve HIDOE equipment, software, data, and supplies.
5. Report immediately any work-related injuries to their supervisor.
6. Ensure the confidentiality of computer access codes and other confidential documents.
7. Agree not to undertake to provide primary care of children/others

during scheduled work hours.

8. Meet on a regular basis with a supervisor or as directed by a supervisor at the central work site to receive work assignments, attend staff meetings, and perform any other work that cannot be performed as expeditiously or thoroughly at the remote work site.
9. Review all written materials such as memos and announcements and perform at the central work site any required work which is impracticable to do at the remote work site.
10. Remain liable for tax implications, insurance concerns, and other personal liability issues.
11. Promptly return HIDOE equipment at the end of the telework arrangement or when directed by supervisory personnel.
12. Complete the Telework Status Report and submit to the supervisor within the time period specified by the supervisor. (See [Attachment G](#) – Telework Status Report – Employee Report)
13. Participate in studies or research relating to the telework program.
14. Safeguard sensitive data from unauthorized disclosure at the remote work site in a manner equivalent to the central work site.

C. OFFICE OF TALENT MANAGEMENT

1. The Assistant Superintendent for the Office of Talent Management (OTM) or designee shall take action and make decisions necessary on questions involving the general administration and interpretation of these Guidelines, and to resolve any ambiguities, inconsistencies, and omissions of these Guidelines. In emergency situations, the OTM Assistant Superintendent may waive certain requirements of these guidelines, as necessary.

VI. GUIDELINES FOR REVIEWING AN EMPLOYEE’S REQUEST FOR PARTICIPATION

- A. An employee wishing to participate first discusses teleworking and potential benefits with his/her supervisor. If the supervisor makes a preliminary determination that participation may be beneficial to the HIDOE, the employee submits the “Request to Participate in the Telework Program” form ([Attachment B](#)).

- B. The supervisor reviews job duties, work content, employee knowledge, and performance and decides on program suitability.
1. In general, positions that are suitable for teleworking often have the following characteristics.
 - a) Work involves extensive writing, policy development, research, analysis, and computer-oriented tasks.
 - b) Work requires little daily face-to-face interaction with others and long stretches of time when the employee may operate independently.
 - c) Work is project-oriented or segments are clearly defined and can be generated within specified time periods.
 - d) Work is portable and can be performed effectively outside the office.
 - e) Work consists of reading/processing tasks, e.g., reading proposals and reviewing or conducting research.
 - f) Technology needed to perform the job off site is currently available.
 - g) Security of data can be adequately assured.
 2. In general, characteristics of successful teleworkers usually include the following traits.
 - a) Demonstrated dependability and the ability to handle responsibility.
 - b) High level of productivity.
 - c) Ability to work with minimal direct supervision.
 - d) High level of personal motivation.
 - e) High level of skill and job knowledge.
 - f) Good organizational and time management skills.
 3. In general, teleworking is not suitable for employees whose positions:
 - a) Require the employee to have regular face-to-face contact with the supervisor, co-workers, subordinates, clients, students, or the general public in order to perform his or her job effectively,

and/or

- b) Involve tasks that cannot otherwise be achieved via telephone, fax, e-mail, or similar electronic means.
- 4. Telework is not suitable for employees who are not meeting performance expectations and requirements.
- 5. Supervisors should also take into account the employee's particular circumstances/reasons for requesting telework.
- C. A "Telework Agreement" and written duties and responsibilities are completed, signed, and submitted to the Superintendent or his/her designee for review and approval. The best interest of the HIDOE shall be the major factor in reviewing individual requests. However, if the telework arrangement conforms to the telework criteria established in the HIDOE's telework program guidelines, the employee's request for telework shall be reasonably evaluated. Upon request by the employee, the reason for denial of a telework request may be provided to the employee.
- D. Employees receive a copy of the signed "Telework Agreement", and the duties and responsibilities to be performed at the remote work site.

VII. ATTACHMENTS

- A. [Telework Agreement](#)
- B. [Request for Participation in the Telework Program](#)
- C. [Sample Teleworker Time/Attendance Sheet](#)
- D. [Telework Safety & Security Checklist – Self Certification](#)
- E. [Equipment Issued to Teleworking Employee](#)
- F. [Telework Status Report – Supervisor's Report](#)
- G. [Telework Status Report – Employee Report](#)