

Mississippi Telework Policies in the Wake of the COVID-19 Pandemic

CONCLUSION: Telework refers to a work flexibility arrangement under which an employee performs their duties, responsibilities, and other authorized activities from an approved worksite other than the location from which the employee would otherwise work. Telework allows an employee to perform work during any part of regular, paid hours at an approved alternative worksite (e.g., home, telework center). In addressing the problems caused by the COVID-19 pandemic, Mississippi governmental entities appear to have arrived at several useful, pragmatic solutions to the problem of providing services through telework. The implementation of these solutions varied considerably. PEER conducted a review of telework policies of state agencies and educational institutions in order to develop policy recommendations for consideration by the Legislature.

Background:

In March 2020, Mississippi, like the rest of the United States, faced the threats and uncertainties of the COVID-19 pandemic. Government employers, along with businesses and not-for-profit organizations, were faced with the challenge of balancing the health interests of employees and the public against the need to ensure that necessary public services were provided to citizens and other clients of government.

During the pandemic, Governor Tate Reeves issued executive orders that enabled state agencies to take steps to ensure that services could continue to be rendered without necessarily having all state employees physically report to work. In complying with the Governor’s executive orders, many state agencies and educational institutions implemented telework policies for employees whose services were required but who did not necessarily have to be at their usual duty stations.

Results of PEER Survey Regarding Telework Policies

Entity	Telework Policies	No Telework Policies
State Agencies	28**	62
Universities*	4	5
Community Colleges	4	11

*Includes the University of Mississippi Medical Center

**Includes a consolidated response from the Department of Mental Health

Two major conclusions can be drawn from the results of PEER’s survey:

- a majority of the agencies and educational institutions did not formally adopt telework policies; and,
- the agencies and educational institutions that did adopt telework policies addressed major issues included in the Mississippi State Personnel Board’s policy guidance memoranda.

Exemplary State Agency Telework Policies

In reviewing telework survey results from state agencies, PEER observed the following agencies whose telework policies included significant accountability attributes:

- Secretary of State
- Mississippi Department of Education
- Public Employees’ Retirement System
- Mississippi State Department of Health

When is telework an appropriate alternative to on-site work?

Mississippi’s general policy is that offices will be open from 8:00 a.m. to 5:00 p.m. where government services are delivered, and that employees performing government services will work eight-hour days. MISS. CODE ANN. § 25-1-98 makes clear that services should be delivered from state offices by employees, but there are certain specific cases in which this policy can be overridden. In the following circumstances, telework could be used as an alternative:

- Declared emergencies
- Health-related issues
- Physical conditions at an office that necessitate temporary closure

Critical Elements of a Telework Policy

1

To assist in crafting uniform telework policies, there should be guidance as to when telework is an appropriate alternative to on-site work and which methods and practices should be used to ensure teleworking achieves the appropriate ends of the agency.

2

Regarding appropriateness, it would appear that a telework policy should address the conditions under which teleworking can be allowed as an alternative to being on-site and make clear that there is no general right to telework.

Ensuring an Effective Telework Policy

1

A telework policy should set out procedures under which managers can ensure that work is being performed on schedule and to the requirements of supervisors.

2

It should also establish essential requirements to protect the confidentiality of work and files being utilized offsite.

3

Finally, a telework policy should ensure that agencies accomplish the provision of services to the public effectively in cases where contact with the service population is absolutely necessary.

Recommendations

1. PEER recommends that the Legislature consider amending MISS. CODE ANN. § 25-1-98 regarding office access and workdays to specifically authorize telework for the limited reasons of:
 - providing services in a declared emergency;
 - allowing persons with specific verified medical conditions to telework without regard to emergency declarations; and,
 - permitting telework in cases where access to the worksite may have been barred by weather or other dangerous conditions that prohibit staff from safely using the worksite.
2. In such cases, the agencies may allow telework if:
 - It is an appropriate means of rendering services. Appropriateness should be determined by applying standards similar to those found in Mississippi State Personnel Board policy.
 - Services can be rendered without compromising confidential or protected information.
 - Employees sign a telework agreement certifying that they understand the conditions under which telework is allowed. Such agreements should clearly set out that agreements may be cancelled at any time by the employers, and that they create no right to telework beyond what is specifically provided for in the agreement.
3. Agencies should establish procedures to ensure that offices can still provide personal contact with clients in need of assistance. This might be done through the use of volunteer employees or possibly through the use of special compensation plans through which employees could be compensated for bearing some additional risks.