



Administrative Policies
And Procedures
Tennessee Supreme Court
Administrative Office of the Courts

RAQ

Index #: 2.12

Page 1 of 6

Effective Date: January 1, 2023

Supersedes: New Policy

ML

Approved by: Chief Justice Roger A. Page and Director Michelle J. Long

Subject: Alternative Workspace Solutions Policy

- I. **Authority:** Tenn. Const. art. VI, § 1; Tenn. Code Ann. § 16-3-502; and Tenn. Code Ann. § 16-3-803.
- II. **Definitions:**
 - A. “Employee” is any person who works for the Administrative Office of the Courts (AOC) in a full-time or part-time status.
 - B. “Alternative Workspace Solutions (AWS)” encompasses three types of arrangements including:
 1. “Work from Home” arrangement provides employees the opportunity to work at a place other than his or her regularly assigned office location, such as the employee’s residence or an alternate location approved by the employee’s supervisor/manager. An employee using this arrangement will work from his or her residence, or other approved alternate location based upon a mutually agreed upon schedule by the supervisor and the employee. If a mutually agreed schedule cannot be reached, the supervisor will have the final decision. If a business need arises, an employee may be required to report to the office, even if scheduled to work from his or her residence or other approved location. On the days the employee is not scheduled to work from home, the employee will report to his or her regularly assigned office location. For employees utilizing this arrangement, their residence (or other approved alternate location) will be their official designated reporting station for the days he or she works out of the office.
 2. “Mobile Work” arrangement provides flexibility of schedules for employees whose responsibilities require them to be away from the office for much or all of the regular workday due to community interaction. Mobile workers will not be assigned a permanent office but will instead utilize the Free Address option when reporting to the regularly assigned office location.
 3. “Free Address” arrangement may be suitable for an employee whose primary place to conduct state business is in a regularly assigned building, but who frequently collaborates with different groups and/or engages in a variety of different projects. This arrangement is also suitable for Mobile Work and Work from Home employees when they are physically present in

the office. This option includes an arrangement whereby employees utilize unassigned, non-permanent workstations on an as-needed basis. Agencies may require employees to reserve the workspace in advance, or the workspaces may be used on a first-come, first-serve basis.

- III. **Purpose:** To establish the types of AWS arrangements, including Work from Home, Mobile Work, and Free Address, as well as the AOC and employee requirements for each arrangement in order to provide structure for effective implementation and operation of AWS. AWS, however, shall not be used to allow permanent employment of employees or people outside of the State.
- IV. **Application:** This policy shall apply consistently among AOC employees. This policy may be adopted for application to the employees of the Board of Professional Responsibility, Board of Law Examiners, Commission on Continuing Legal Education, Tennessee Lawyers Assistance Program, and the Appellate Court Clerk's Office.

All employees in positions designated by the AOC as eligible are qualified to participate in AWS, and all eligible employees are authorized to participate to the fullest extent possible without diminished individual or organizational performance. Employee understands AWS is a privilege not guaranteed throughout the term of employment, and can be revoked at any time at the discretion of the Administrative Director. An employee may not be eligible to participate in AWS if:

- A. He/she is a new employee and needs to work in-office for a defined period of time for successful onboarding;
- B. He/she is subject to official discipline for performance or conduct, including suspension, demotion, or recommendation for termination;
- C. He/she has demonstrated diminished individual or organizational performance, as determined by a his/her supervisor;
- D. He/she has violated the terms of the AWS policy or agreement;
- E. His/her position involves the direct handling of secure material (daily or on a frequent basis), which the Deputy Director in consultation with the respective Assistant Director and the Administrative Director determines is inappropriate for AWS. This may include materials for which the AOC maintains a written policy restricting access or use of the material or for which appropriate mitigating IT security measures do not exist; or
- F. His/her position requires daily, or on a defined consistent basis, onsite work activities that cannot be handled remotely or at an alternative worksite.

V. **Policy:** It is the policy of the AOC that, through the use of mobile technologies and flexible work schedules, the AOC will maximize efficiency of work processes, retention of existing employees, and recruitment of qualified job candidates.

VI. **Procedure:** Each Division Director shall submit to the AOC Human Resources Manager the job classifications that are not eligible for AWS, if any. Submissions will be reviewed for approval by the Administrative Director.

VII. **Work from Home Schedule:**

A. Qualifying employees who participate in AWS are permitted to Work from Home for up to three (3) days per week. Mutually agreed upon AWS schedules shall be created between employees and their supervisors. These schedules shall be consistent with the responsibilities set forth in this Policy. If a mutually agreed schedule cannot be reached, the supervisor shall have the final decision.

1. All AOC Day: For all employees, the first and third Wednesdays of each month shall be in-office days, excluding holidays. As part of the mutually agreed schedule, AOC employees participating in Work from Home will work in-office on the first and third Wednesday each month. All AOC Day can count towards an employee's in-office day for scheduling purposes.

VIII. **Responsibilities**

A. Supervisors shall have certain responsibilities which include, but are not limited to, the following:

1. Ensuring implementation of measures to protect confidential information;
2. Ensuring that customer service is not adversely affected by AWS;
3. Undertaking the necessary risk assessments of the office design and working practices;
4. Clearly defining and setting forth the AWS employee's responsibilities;
5. Maintaining effective communication with AWS employees;
6. Ensuring there is not a hardship or burden placed on other employees as a result of AWS (additional work, etc.);
7. Maintaining responsibility and accountability for treating all AWS and non-AWS employees similarly in acts involving managerial discretion, including but not limited to: distribution of assignments among employees in the work unit, use of appropriate tracking and communication tools, performance

management, both informal and formal feedback, performance coaching, learning and development, reassignment, promotions, retention, and discipline;

8. Providing advance notice, if practicable, to AWS employees regarding requests to report to the regularly assigned office location (notice is not required and does not absolve an employee's responsibility to be physically present upon request); and
9. Completing any AWS training for supervisors and annually signing an eligible employee's AWS Acknowledgment Form.

B. Employees shall have certain responsibilities depending on which AWS arrangement is utilized, including, but not limited to, the following:

1. Maintaining established performance standards;
2. Ensuring that the alternative worksite is appropriate and provides the work environment, connectivity, technology, resource access, and security authority consistent with the work in which the employee is engaged;
3. Procuring and providing internet services appropriate to the work effort at their own expense;
4. Utilizing the VPN to protect the AOC network;
5. Maintaining flexibility and responsiveness to the needs of the supervisor, work team, and AOC (communication and collaboration) during usual work hours;
6. Reporting to the regularly assigned office location, pursuant to AOC needs, for all or part of the workday during which they would otherwise be engaged in an AWS arrangement;
7. Documenting AWS work time in accordance with established AOC time and attendance policies;
8. Complying with AOC rules and practices pertaining to requesting and obtaining approval for leave, overtime, or any change to the employee's work schedule;
9. Maintaining effective communication with supervisors and other employees with whom communication is essential for successfully implementing the arrangement;

10. Properly maintaining and protecting confidential information, and following data security procedures at all times, and

11. Completing any required AWS training for employees and annually signing an AWS Acknowledgment Form.

C. Participation in an AWS arrangement of Work from Home is based on an employee's job responsibilities as determined by the AOC. If an employee's productivity decreases or other performance/conduct issues arise, the supervisor should treat the AWS employee no differently than an employee working in the regularly assigned office location. This means that coaching and counseling should take place and, if necessary, the supervisor has the authority to restrict AWS and/or issue disciplinary action.

D. Employees who participate in an AWS arrangement are considered to be in an official duty status during the employee's designated work schedule and must comply with applicable policies, rules, and laws while on duty in an AWS arrangement. Failure to adhere to applicable state and federal laws and State and AOC rules and policies may result in discipline, up to and including dismissal.

E. Employees are not to use work time for child care or elder care. AWS is not a substitute for family care. AWS participants shall not have the primary responsibility for dependent care during AWS work schedule. This will allow the employee to freely focus on performing work. Work from Home employees may have situations where caring for a dependent or adult is necessary for reasons including, but not limited to, a declared state of emergency, illness, or temporary unavailability of a care provider. In such instances, work from home employees are allowed to provide care for those individuals. However, employees must have supervisor approval and must ensure such care does not interfere in the completion of their duties in a professional and timely manner. For the aforementioned situations, employees are responsible for notifying their supervisor(s) of the situation for appropriate review and handling.

F. Employees are expected to uphold the same levels of professionalism when communicating with external customers, coworkers, and supervisors through the various mediums provided through an AWS arrangement. These virtual etiquette expectations include business appropriate dress and backdrops, connectivity responsibilities, and respectful participation.

G. Commute time from home to work and from work to home are not considered work hours and are not compensable.

H. Supervisors retain the authority to deny an employee's selection of a particular alternative worksite arrangement if, in the supervisor's opinion, the worksite is not

business appropriate and/or fails to provide a working environment compliant with this Policy.

IX. Waiver

These requirements may be waived by the Chief Justice and/or the Administrative Director at any time and as circumstances require, such as severe weather, natural disaster, infectious disease, or other unavoidable circumstance affecting the ability to report to the office.