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SPECIAL REPORT

WEST VIRGINIA STATE GOVERNMENT'S EXPERIENCE WITH TELEWORK DURING THE COVID-19 PANDEMIC

Many State Agencies Have Benefited from Telework and Plan to Utilize It Going Forward

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WEST VIRGINIA OFFICE OF THE LEGISLATIVE AUDITOR

PERFORMANCE EVALUATION & RESEARCH DIVISION

Building 1, Room W-314
State Capitol Complex
Charleston, West Virginia 25305
(304) 347-4890

Aaron Allred
Legislative Auditor

John Sylvia
Director

The Performance Evaluation and Research Division's Staff

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Introduction

The following sections provide several observations that stem from state agencies' responses to PERD's survey on the use of telework during the COVID-19 pandemic. The use of telework was common for some states and the federal government. The federal government has utilized telework since at least 2000, and some state governments experimented with telework as early as the 1980s. However, telework was scarcely used by West Virginia state agencies when the COVID-19 pandemic imposed the need for it, and implementing telework required an immediate transition to continue government operations safely and effectively. Therefore, the legislative auditor saw the need to commission a study to gauge the use and benefits of telework during an unprecedented period in West Virginia state government. PERD surveyed the 139 state agencies and received responses from 112 for an 81 percent response rate. Therefore, the survey results are representative of West Virginia's executive branch.

What We Did

In June 2020, at the direction of the Legislative Auditor, the Performance Evaluation and Research Division (PERD) conducted a research project to assess the use, effectiveness, and benefits of telework as it was used by West Virginia state government to continue operating safely and effectively during the COVID-19 pandemic. To carry out this objective, PERD surveyed constitutional offices, executive branch cabinet secretaries' offices, divisions and bureaus, and institutions of higher education to determine the extent to which telework was used by state government, the readiness of state government to transition to telework, the effectiveness of telework in managing agencies' workload and output, and the benefits of telework.

In addition to the survey, PERD interviewed nine agencies to obtain more detail on their telework experience. The agencies that were interviewed are

- The State Tax Department
- The Consolidated Public Retirement Board
- WorkForce West Virginia
- The Division of Labor
- The Board of Risk and Insurance Management
- The Attorney General's Office
- The Real Estate Division within the Department of Administration
- The State Treasurer's Office
- The Department of Environmental Protection

These agencies were chosen as a cross-section in terms of their size and the extent to which telework was used. Some of these agencies did not use telework at all, while some used it moderately, and others used it extensively.

What We Found

While the pandemic had the potential to bring much of state government operations to a halt, agencies overwhelmingly reported that telework enabled them to continue operations safely and effectively. The extent to which telework was used by state agencies varied significantly, but nearly every agency that responded to the survey indicated that telework was used to some degree. Most agencies surveyed did not utilize telework before the pandemic, and the rapidity with which the virus spread left little time to prepare and plan for this sudden change in workplace dynamics. Despite these challenges, the agencies' survey responses largely indicated that telework was beneficial and many agencies plan to continue utilizing it going forward.

Observation 1: Nearly All Responding Agencies Used Telework to Some Degree; However, the Extent to Which It Was Used Varied Significantly

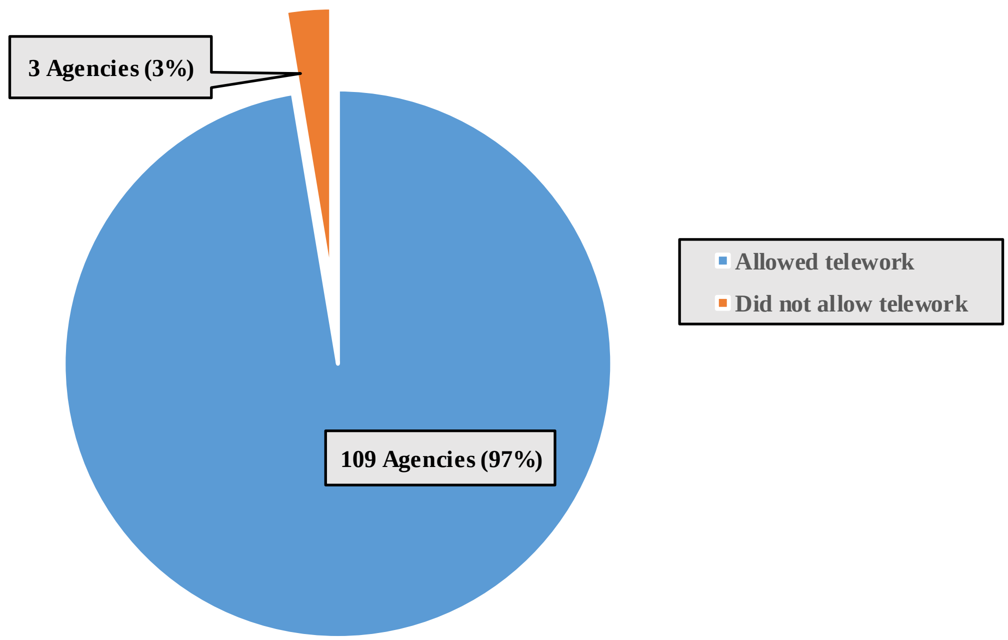
The spread of the novel coronavirus in the United States in the winter of 2019-2020 prompted the West Virginia state government to transition large numbers of employees from working in the office to teleworking. The move from the traditional office environment to remote work was intended to limit the spread of the virus while maintaining government programs and operations. The shift to telework began in March 2020 when West Virginia's governor issued a Stay-at-Home Executive Order instructing his cabinet secretaries to categorize their employees as "non-essential" and "essential." Non-essential employees had job duties that for the most part, could be completed remotely; whereas essential employees had duties that required them to continue reporting to their normal workstations.[1] **As shown in Figure 1, telework was used to some extent in 97 percent of responding state agencies.** One hundred nine (109) of the 112 respondents selected yes in response to the question:

> "Since March 15, 2020, has your agency allowed any employees to work from home (telework) in response to the COVID-19 pandemic?"[2]

[1] *Agencies with employees reporting to the office implemented other safeguards, such as social distancing and providing personal protective equipment (commonly referred to as PPE). While offices that served the public, such as the Division of Motor Vehicles customer service centers, were closed to the public, online services were added and expanded where feasible, as agencies transitioned to teleworking.*

[2] *The Athletic Commission, Division of Labor, and Division of Revenue were the only three agencies that reported not using telework. The reasons provided for not teleworking in all three were either the staff of the agency was considered essential and could not perform their job duties in a remote environment or the number of staff and the size of the workspace were adequate to allow social distancing while staff conducted their normal job duties.*

Figure 1
The Number of Responding State Agencies That Allowed or Did Not Allow Telework During the COVID-19 Pandemic



The Extent to Which Responding Agencies Teleworked Varied Significantly

Although most responding agencies utilized telework, the extent to which it was used varied significantly. Prior to conducting the agency survey, PERD interviewed several agencies during the months of March through July 2020 when telework had to be quickly implemented. We found that some agencies had most, if not all, staff telework, while other agencies had a relatively small percentage of staff telework. For example, officials from the Division of Personnel stated that between March 15, 2020 and July 31, 2020,

> All [54 full-time] employees teleworked from the onset of the pandemic until the Stay at Home order was replaced with the Safer at Home order. A majority of staff continue to work remotely.

In an interview with officials of the Consolidated Public Retirement Board, the agency stated that

> From March 20, 2020 until June 15, 2020, 91 employees [of 93] teleworked. We only had two employees who stayed on-site the entire time and had to be on-site to receive mail and process incoming checks from employers.

However, other agencies could not telework extensively. For example, the Division of Highways reported that between March 15, 2020 and July 31, 2020, only 11 percent (or 582 employees) of the total number of DOH employees (5,055) teleworked. None of the 15 State Rail

Authority personnel teleworked. The West Virginia Parkways Authority reported that between March 15, 2020 and July 31, 2020, an estimated 78 of the 412 employees worked from home, which is approximately 19 percent. However, the agency indicated that telework was not constant during that time because occasionally employees had to return to the office to receive mail and attend meetings.

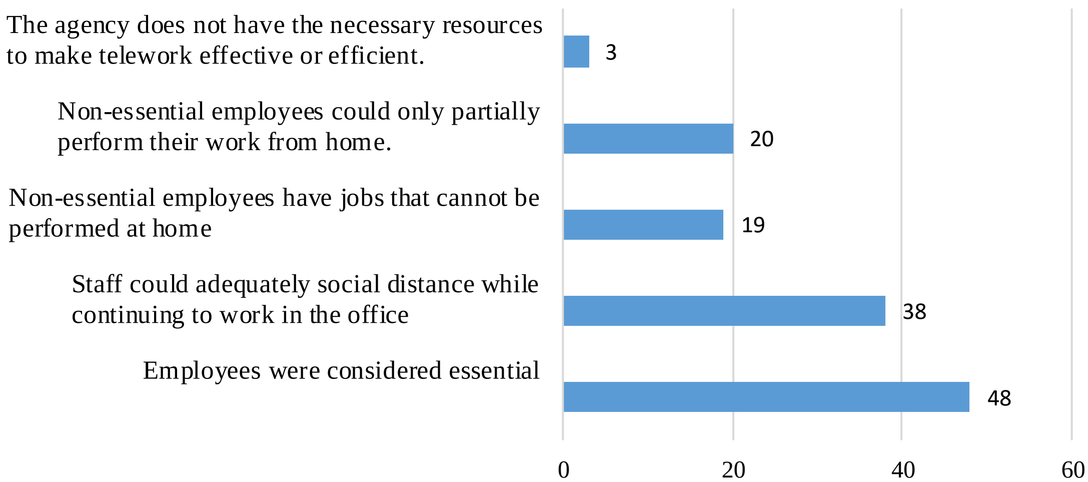
Observation 2: Telework Was Not Allowed for Many Workers Who Were Designated Non-Essential

In March 2020, Governor Justice directed all cabinet secretaries to determine employee positions that would be designated as essential or non-essential. Essential employees would continue working at their normal workplaces, while non-essential employees would be allowed to work from home (telework). It is not clear what criteria cabinet secretaries used to determine essential employees; however, given some of the responses to PERD's survey, for some agencies the criteria may have consisted of employees who had to work on site to maintain the operations of the agency, and staff positions that could not be effectively performed via telework.

PERD found that although the governor's directive allowed non-essential employees to telework, many of them were not allowed to telework. PERD's survey requested agencies to give the reasons for not allowing telework. Figure 2 shows the frequency of the reasons for not allowing telework during the COVID-19 pandemic. Each agency could select more than one reason. The most common response (n=48) was "Employees were considered essential." Three agencies indicated that they did not have the necessary resources to allow telework. Thirty-eight (38) respondents indicated the number of staff and the size of the office space were sufficient to ensure appropriate social distancing. Nineteen (19) agencies responded that non-essential employees could not perform their job duties at home, while 20 agencies responded that non-essential employees could only partially perform their duties remotely.

Several agency comments indicate that they used rotating schedules in which some employees teleworked and others came into the office. In most cases, only a portion of the staff came in on certain days of a week. For instance, the commissioner of the Department of Revenue's Division of Financial Institutions stated, "All employees could perform 100% of their duties remotely per our agency pandemic plan. We did retain on a rotating schedule at least one employee onsite in our office location." Similar responses included "Employees rotated through the office to ensure continuity of operations" and "All staff had the tools necessary to work from home but were permitted to work in office as needed." The survey results indicate that in several cases, agencies felt the need to have staff on site even if they could telework effectively.

Figure 2
Reasons Agencies Indicated Employees Did Not Telework*

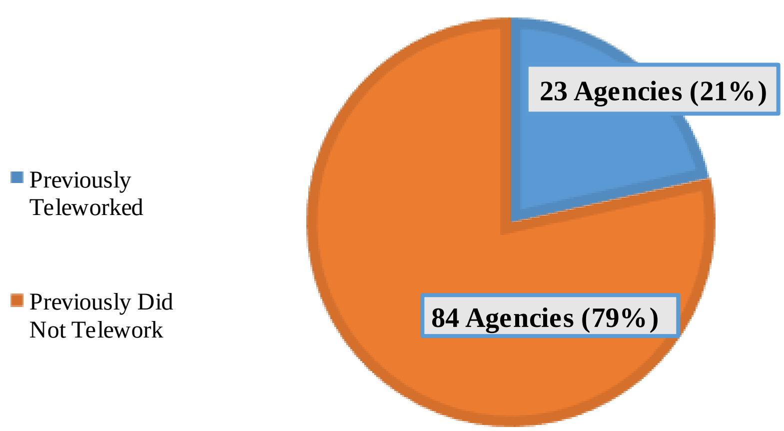


**Respondents were allowed to select multiple responses for this question.*
Source: PERD's Telework Survey of West Virginia State Agencies, conducted February 2021.

Observation 3: Most State Agencies Did Not Have Pre-COVID Telework Experience

Most agencies were relatively inexperienced with telework. As shown in Figure 3, 84 agencies (79%) responded that they did not allow telework prior to the pandemic. However, 23 responding agencies (21%) teleworked before the pandemic. Five of those agencies were within the Department of Environmental Protection (DEP) and six were in the Department of Health and Human Resources (DHHR), both of which had established telework programs in the early 2000s. Two divisions within the Department of Commerce—the Geological & Economic Survey Division and Water Development Authority—also reported previously allowing telework. The Human Rights Commission was the only division within the Department of Administration that reported using telework. Six education entities, including the Department of Education, the Higher Education Policy Commission, Shepherd University, Marshall University, Fairmont State University and Pierpont Community and Technical College, also allowed telework prior to the pandemic. The Board of Optometry, and the Board of Registered Nurses were the only two regulatory boards that reported using telework before the pandemic. Finally, the only constitutional officer that reported allowing telework was the Attorney General's Office.

Figure 3
Agencies That Responded Having or Not Having Utilized Telework Prior to the COVID-19 Pandemic



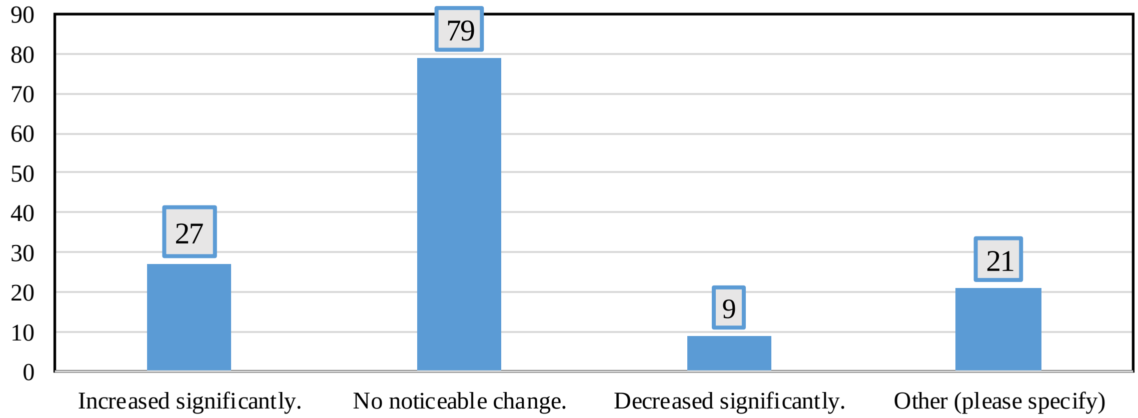
Source: PERD Survey of West Virginia State Agencies, conducted February 2021. Five agencies did not respond.

Observation 4: Overall, Responding Agencies Reported That They Remained Effective and Efficient Using Telework

Due to the governor's executive order to close state offices, PERD anticipated a high percentage of agencies would allow telework. Therefore, PERD wanted to gain an understanding of how teleworking would impact agencies' operations. The survey asked how the agency's output was affected using telework since March 2020, the beginning of the governor's work-from-home order. Output is defined as the quantity of goods and services produced by a program. The question was designed to allow respondents to select multiple responses since the pandemic may have impacted units or programs within an agency differently. While PERD found no significant changes in an agencies' operations using telework, there were several points worth noting and are discussed below.

As Figure 4 shows, the most common answer for changes in output was no significant change with 79 responses. So, at least 71 percent of agencies reported not having a significant change to their outputs for at least part of their organizations, if not for the entire operation. Twenty-seven (27) agencies indicated that their output increased significantly. Only nine indicated that output decreased significantly. The final category, "Other," included a comment box and agencies selected this option to provide additional information about how the agency's output was impacted. For instance, the executive director of the Board of Risk and Insurance Management stated, "In some sections work product increased, in others it remained steady." In another example, the director of Administration for the Department of Arts, Culture, and History stated that, "…depending on the program/unit we have experienced all the above [increases, no change, and decreases]." Others specified the areas where changes occurred. The acting director of the Division of Finance within the Department of Administration stated that the State's Comprehensive Financial Annual Report (CAFR) was completed the "quickest in decades." The director of the Division of Air Quality, within DEP wrote, "Significant increase in efficiency, permit applications processed on time." In the final example, the commissioner for DHHR's Bureau for Children and Families stated, "[T]his varied by program. Family Assistance experienced an increase in applications for financial and food support, while childcare remained the same." This last response speaks more to workload than to output. Since the pandemic likely caused more applications for public assistance, the workload for staff to complete increased. The question becomes whether telework inhibited the agency's ability to respond effectively to the higher workload. Figure 4 suggests that overall, telework did not cause a lack of effectiveness in the agencies' operations, and the increases outweighed the decreases in output.

Figure 4
Agency Reponses Regarding Changes in Their Output Beginning in March 2020*

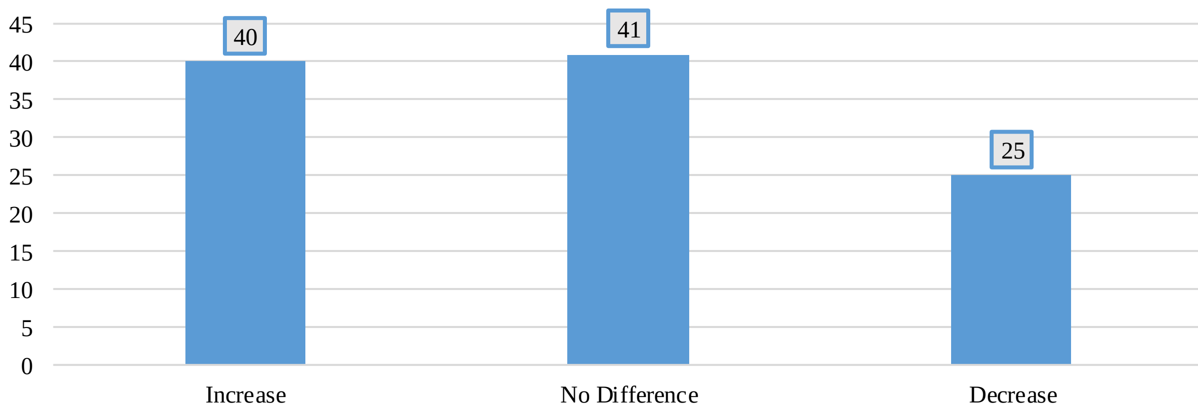


**Respondents could select multiple answers to this question.*
Source: PERD Survey of West Virginia State Agencies, conducted February 2021.

Observation 5: Responding to the Pandemic and Implementing Telework Had Various Impacts on State Expenditures

Agencies reported that the pandemic and telework largely increased or had no noticeable impact on their spending for commodities and services. In the telework survey, PERD asked agencies if their spending had increased, decreased, or if there was no difference since March 2020. Similar to workload and output, agencies had the option of selecting more than one answer since changes in disbursements could affect programs differently. Figure 5 below shows the frequency for each answer selected. The number of agencies (41) that reported no difference in spending was virtually matched by the number (40) that indicated increases. An additional 25 reported having a decrease in spending in at least one area.

Figure 5
Agency Responses Regarding Changes in Spending*



**Respondents could select multiple answers to this question.*
Source: PERD Survey of West Virginia State Agencies, conducted February 2021.

To better understand the nature of spending changes, PERD followed up with agencies that reported an increase or decrease. Increases in spending were mostly associated with pandemic response activities, such as testing and vaccine distribution, and new technology purchases to facilitate telework. Information technology resources and personal protective equipment were the most common reported cost increases. Twenty-six (26) agencies indicated the need for investment in remote work tools such as laptops and printers for staff. The pandemic required at least 25 agencies to spend money to protect employees and the public from the spread of the virus. The personal protective equipment (commonly referred to as PPE) included items such as thermometers, hand sanitizer, masks, and plexiglass. Agencies purchased items like shields for essential staff and citizens accessing government services in person. Other responses included payroll, contractual or professional services, banking services, and activities related to vaccine distribution. These spending increases should be one time since all were associated with the pandemic response.

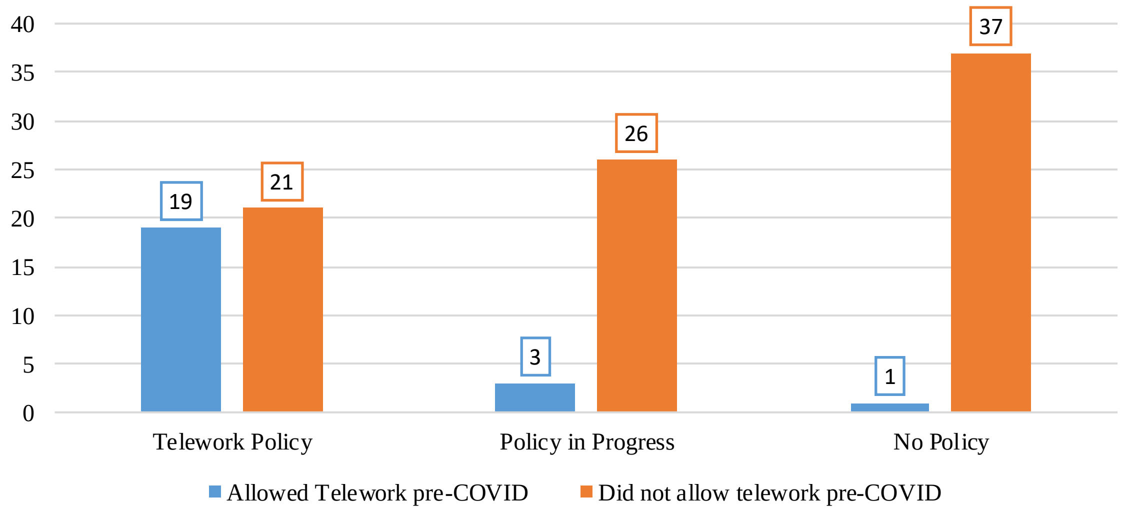
Observation 6: Given the Widespread Use of Telework and the Potential for Long-term Use, Developing Telework Policies Is Needed

In general, state agencies' transition to telework was in large part the State's response to the COVID-19 pandemic. In other words, telework was largely a reactionary response. Consequently, many agencies did not have telework policies in place to maintain accountability and effectiveness in conducting business. Figure 6 below displays the analysis of state agencies' use of telework prior to and during the pandemic, and where they were in the development of telework policies. The blue bars in Figure 6 represent agencies that reported allowing telework pre-COVID, while the orange bars represent agencies that did not allow telework pre-COVID. Agencies were asked to respond to the question: "Does your agency have written policies and procedures allowing telework?" Agencies could respond: "Yes," "No," or "No, but the agency is developing a policy/policies."

As Figure 6 shows, 40 responding agencies had written telework policies in place at the time of the survey. Of the remaining 67 that responded to the question, 29 are in the process of developing written policies, and 38 did not have policies and were not in the process of developing them.[3] Figure 6 also shows that of the 23 agencies that allowed telework prior to COVID (blue bars), 19 had written telework policies in place, 3 are developing them, and 1 does not have policies and is not developing them. It is concerning that despite allowing telework, 38 agencies are not developing written telework policies.

[3] *Five agencies did not respond to the question.*

Figure 6
The Status of Written Telework Policies by Survey Respondents



PERD requested copies of written policies from agencies that indicated having them. Twenty-one (21) agencies submitted copies of policies, which included a variety of directives and memorandums. In some instances, the content of these policies ranged from requiring employees to keep a log of hours teleworked or a signed agreement to detailed policies and procedures laying out roles and responsibilities. Some policies, such as the one provided by the Division of Financial Institutions, were specifically tailored to pandemic response. The few agencies that had pre-existing telework policies developed them in-house or utilized a policy developed by the Department of Administration in 2002.

Observation 7: Some State Agencies Are Continuing Telework Long-term Because It Has Proven to Be Beneficial and Productive as a Routine Part of Conducting the Business of the State

While most state agencies were initially unprepared for telework when Governor Justice issued the Stay-at-Home Executive Order in March 2020, the majority were able to adapt quickly, put in place the technology and equipment to telework, and report having success. Many state agencies realized no loss of productivity or effectiveness from telework, which allowed essential government business to continue safely.

However, as previously reported, several agencies indicated that telework, although allowed to some extent, was not ideal for effective operations. In these cases, telework was allowed primarily for safety in the face of a health emergency. The Division of Labor stated that even in an emergency, there would still be a need to rotate support staff in the office to process incoming mail, paperwork, and payments. Therefore, the Division of Labor does not consider long-term telework as a beneficial option in carrying out its goals. The Attorney General's Office also concluded that long-term telework is not beneficial to the agency. It stated that although the agency was able to be productive using rotating telework, important tasks, such as printing court files or sharing court exhibits, cannot be performed at home. In these cases, telework was allowed on a rotating basis primarily to provide safety, but it is not well suited for normal operations because certain administrative tasks cannot be performed at home.

While some agencies do not see long-term telework as a viable option to consider, other state agencies became conscious of the benefits that would result if telework is allowed as a routine part of conducting business. In order to gain a more detailed understanding of agencies' experiences with telework, PERD interviewed a sample of agencies with a cross section of small and large agencies, and those that allowed telework to various degrees. PERD interviewed the following nine agencies:

- The State Tax Department
- The Consolidated Public Retirement Board
- WorkForce West Virginia
- The Division of Labor
- The Board of Risk and Insurance Management
- The Attorney General's Office
- The Real Estate Division within the Department of Administration
- The State Treasurer's Office
- The Department of Environmental Protection

The following subsections give a basic description of each agency's experience and long-term plans for telework.

The State Tax Department's Telework Experience

Figure 7 below shows vacant floors (first and second) in Building 86, the Greenbrooke Building, which is owned by the State and located in Charleston, West Virginia. These two floors were previously occupied by the State Tax Department; however, due to the agency's long-term telework program, the agency has no further need for the office space. The Tax Department's lease for the Greenbrooke Building expires at the end of December 2021. The agency still has a portion of the first floor for Taxpayer Services; however, by June 2022, the Tax Department expects to completely vacate the Greenbrooke Building and relocate Taxpayer Services to the Revenue Center on Lee Street in Charleston. Currently, a section of the Revenue Center is under renovations to make room for Taxpayer Services.

Figure 7 also shows, in the bottom-two pictures, areas within the Revenue Center that will serve as "hoteling" stations. These stations are used by teleworking employees when they are required to work on-site. The Tax Department requires teleworking employees to work on-site at least one day during a pay period.

Figure 7
Vacated Floors at the Greenbrooke Building
"Hoteling" Stations at the Tax & Revenue Center

Table 1 shows that prior to Governor Justice's March 2020 Stay-at-Home Executive Order in response to the COVID-19 pandemic, the State Tax Department did not allow telework or have a written telework policy. Although the agency has around 50 field workers who worked remotely prior to the pandemic, this report makes a distinction between telework, which is an optional work arrangement, and field work in which working remotely is part of the job description. The Tax Department's policy is that telework is a privilege not a right. Only 20 percent of staff teleworked in March 2020 because laptops and telework supplies had to be acquired, but in April 2020, approximately 324 employees, or 90 percent of staff teleworked. The agency indicated that it was able to use CARES Act funds to purchase needed telework equipment.

By December 2020, primarily management staff returned to working on-site most of the time. The Tax Department officially returned to the workplace in June 2021; however, the agency continues to allow telework. Table 1 shows that 216 employees, or 60 percent of staff are working remotely since the Return-to-Workplace order was issued. The Tax Department stated that it noticed an increase in staff productivity during telework, which the agency was able to track and monitor regularly. Agency staff who desire to telework must sign an agreement that is re-evaluated by the agency and can be terminated by the employee or the agency at any time. In addition, Table 1 shows that due to telework, the Tax Department reduced its office space by 23,944 square feet at a cost savings of over $407,000 annually. The agency expects to save up to $600,000 annually in office rent, utilities, and security costs once it is completely out of the Greenbrooke Building. Moreover, the agency is considering terminating the parking lot lease at the Revenue Center which costs $40,000 per year. The need for parking has been significantly reduced due to telework. The Department is also planning to eliminate its Logan field office due to telework.

Table 1
Pre/Post Pandemic Telework Status and Effects
State Tax Department

	Pre-March 2020	Stay-at-Home Response	Return-to-Workplace Response
Telework Implemented?	No	Yes	Yes
Written Telework Policy in Place?	No	Yes	Yes
Approx. Number/Percent of Employees Teleworking*	0/0%	324/90%	216/60%
Office Space: Square Feet	123,569	99,625	99,625
Annual Office Rent	$1,444,255	$1,037,207	$1,037,207

Sources: State Tax Department, and the Real Estate Division
****These figures include 50 field workers who work remotely as part of their job descriptions.***

The Consolidated Public Retirement Board's Telework Experience

Prior to the Stay-at-Home order, the CPRB leased two private-sector buildings directly across the street from each other located on MacCorkle Avenue in Kanawha City (see Figure 8). The building on the left is the agency's headquarters, and the building on the right is where the Information Technology (IT) Department was stationed. When the Stay-at-Home order was declared, 92 of the 100 employees worked from home, including all of the CPRB's IT staff. As a result, the CPRB ended the lease on the IT building effective at the end of calendar year 2021. Figure 8 shows a few of the six "hoteling" stations in the main headquarters from which some IT staff will work from when they are needed in the office.

Figure 8
Leased Private-sector Property & "Hoteling" Stations
Consolidated Public Retirement Board – 4101, 4112 MacCorkle Avenue

Table 2 shows that the CPRB did not allow telework prior to the pandemic and it did not have a written telework policy. However, when the Stay-at-Home order was issued, the agency allowed 92 of its employees to telework, and the remaining 8 were considered essential. Since the Return-to-Workplace order was issued, the agency continues to allow telework. On any given day, as many as 30 employees may be teleworking, of which 10 are Information Technology (IT) staff that represent the entire IT Department, and the other 20 are administrative staff, some of which work in purchasing or human resources. Employees who work frequently with the public cannot telework more than two days a week, and four call-center employees cannot telework because their duties cannot be done remotely. Table 2 shows that the CPRB was able to reduce its office space footprint by 3,000 square feet by allowing the IT Department and other staff to telework. The annual cost savings is $32,850.

Table 2 Pre/Post Pandemic Changes			
Consolidated Public Retirement Board			
	Pre-March 2020	**Stay-at-Home Response**	**Return-to-Workplace Response**
Telework Implemented?	No	Yes	Yes
Written Telework Policy in Place?	No	Yes	Yes
Approx. Number of Employees Teleworking	0/0%	92/92%	30/30%
Office Space: Sq. Ft.	25,568	22,568	22,568
Annual Office Rent	$265,977	$233,127	$233,127
Sources: The Consolidated Public Retirement Board, and the Real Estate Division.			

The Board of Risk and Insurance Management's Telework Experience

The Board of Risk and Insurance Management (BRIM) is located in the state-owned Greenbrooke Building. Figure 9 shows some of BRIM's office space. When Governor Justice's March 2020 Stay-at-Home Executive Order was issued, the agency allowed 25 of its 27 employees to telework. Prior to the pandemic, it did not allow telework, nor did it have a written telework policy. Since telework has been allowed, the agency developed a written telework police modeled after the Division of Personnel's policy but customized for its needs. BRIM staff who desire to telework are required to submit a one-year telework contract. These contracts are re-evaluated annually to determine if telework is still beneficial for productivity of staff members. BRIM's telework policy is a rotating schedule. All staff are required to be in the building one day a week for office meetings and to maintain office relationships. Currently, 22 of the agency's 27 full-time employees have submitted and executed telework agreements, and three of the remaining five are teleworking for personal or family-related health concerns, but they have not submitted a telework agreement. The director of BRIM expects that eventually all but maybe one employee will execute a telework contract.

Figure 9
Board of Risk and Insurance Management
The Greenbrooke Building

Table 3 shows that since the Return-to-Workplace order was imposed, BRIM continues to allow most of its staff to telework. The agency stated that it monitored staff's work during the Stay-at-Home period and found that none of the work suffered as a result of working remotely. BRIM's managers determined that staff welcomed the opportunity to telework when the Return-to-Workplace was imposed. Although most of the agency is teleworking, there has not been a reduction in office space. The agency indicated that it is still early in the transition to telework. According to the agency, it has discussed consolidating all employees into a smaller area of the building, but there are some issues that need to be considered to ensure a comfortable environment for employees. BRIM also stated that if it reduces its rent, it may cause problems for the State in paying debt service on the building.

Table 3 Pre/Post Pandemic Changes			
Board of Risk and Insurance Management			
	Pre-March 2020	**Stay-at-Home Response**	**Return-to-Workplace Response**
Telework Implemented?	No	Yes	Yes
Written Telework Policy in Place?	No	Yes	Yes
Approx. Number/Percent of Employees Teleworking	0/0%	25/93%	25/93%
Office Space: Sq. Ft.	13,364	13,364	13,364
Annual Office Rent	$221,709	$221,709	$221,709
Sources: Board of Risk and Insurance Management, and the Real Estate Division.			

WorkForce West Virginia's Telework Experience

WorkForce West Virginia (WorkForce) has several locations throughout the state and it has around 500 employees. When the Stay-at-Home order was issued, WorkForce allowed two to three employees to telework, which is 0.6 percent of its total staff (see Table 4). According to the agency, the staff who were permitted to work remotely during the pandemic resulted from Americans with Disabilities Act accommodations. WorkForce could only allow a few staff to telework because of the high volume of workload surrounding the rise of unemployment claims during the pandemic, and the agency did not have sufficient technology to allow more staff to telework. A significant task for employees in the process of incoming unemployment claims is responding to telephone calls. However, the agency lacks mobile work phones and laptops.

Workforce believes that it can telework in its entirety with sufficient technology, but an ongoing concern is the lack of broadband internet in receiving unemployment claims. This will remain a concern if WorkForce is able to telework in the future. WorkForce stated that it is currently in the process of switching to telework-friendly technology and is preparing for telework as a long-term option. It foresees that it will be a few years before teleworking is possible. WorkForce has a written telework policy which it derived from the Division of Personnel's telework policy and is tailored to fit agency-specific needs.

Table 4 Pre/Post Pandemic Changes			
WorkForce West Virginia			
	Pre-March 2020	**Stay-at-Home Response**	**Return-to-Workplace Response**
Telework Implemented?	No	No	No
Written Telework Policy in Place?	No	Yes	Yes
Approx. Number/Percent of Employees Teleworking	0/0%	3/0.6%	3/0.6%
Office Space: Sq. Ft.	36,549	36,549	36,549
Annual Office Rent	$618,343	$618,343	$618,343
Sources: WorkForce West Virginia, and the Real Estate Division.			

The Office of the State Treasurer's Telework Experience

Table 5 shows that prior to the pandemic, the Office of the State Treasurer did not allow telework and it did not have a written telework policy. When the governor's Stay-at-Home order was issued in March 2020, the Treasurer's Office allowed approximately 123 employees or 90 percent of staff to telework on a rotating basis. However, in June 2020, about 68 employees or 50 percent of staff continued teleworking to some degree and the remaining staff returned to on-site working. The agency indicated that when the Return-to-Workplace order was imposed, telework was continued "because staff had proven to be capable of doing their jobs remotely in an efficient manner and the telework framework was not burdensome to the Treasurer's Office. Therefore, we wanted to provide capable employees with this privilege." Telework is allowed on a case-by-case basis, as opposed to the previous rotating schedule. According to the agency, this means that employees who choose to telework have the flexibility to telework less than they agreed to under their signed agreement.

Under the agency's current telework policy, an employee must request permission to telework. Each deputy treasurer makes the decision on a case-by-case basis to approve or disapprove telework. The State Treasurer indicated that telework must be understood to be a privilege not a right. Once a person is allowed to telework, he or she must sign an agreement for an agency-determined length of time. Deputy treasurers review an employee's performance to determine if a renewal of the agreement would benefit the performance goals of the agency.

As Table 5 shows, approximately 55 employees or 40 percent of staff currently telework. Six percent telework five days a week and the remaining 34 percent telework less than five days of week. Although the State Treasurer has not reduced office space due to telework, the agency stated that telework has resulted in cost-avoidance. This occurred because the agency was concerned it had insufficient space for the staff needed to implement two new legislative programs (HOPE Scholarship, and Jumpstart Savings). With telework, more staff can be added without the need for more office space.

Table 5 Pre/Post Pandemic Changes			
The Office of State Treasurer			
	Pre-March 2020	**Stay-at-Home Response**	**Return-to-Workplace Response**
Telework Implemented?	No	Yes	Yes
Written Telework Policy in Place?	No	Yes	Yes
Approx. Number/Percent of Employees Teleworking	0/0%	68/50%	55/40%
Office Space: Sq. Ft.	45,689	45,689	45,689
Annual Office Rent	$439,633	$439,633	$439,633
Sources: The Office of the State Treasurer, and the Real Estate Division.			

The Division of Labor's Telework Experience

The Division of Labor (DOL) has a total of 65 full-time employees and 1 temporary employee. As Table 6 shows, none of the DOL staff teleworked during the pandemic. However, it should be noted that 42 field inspectors worked remotely as a regular part of their field inspection duties prior to the pandemic. These types of work scenarios do not fall in the category of telework. The agency does not have a telework policy. The DOL has 24 office staff who primarily do support work for field inspectors and process incoming mail, paperwork, and payments.

Table 6 also shows that since the Division of Labor did not implement telework, it had no need to reduce office space. The DOL indicated that it does not consider telework beneficial to the agency because it would not be productive. However, the DOL is currently working with the Office of Technology to secure laptops, tablets, and other necessary equipment to prepare for telework if faced with an emergency. It would still have to rotate staff for on-site work because it would still need to process incoming mail, paperwork, and payments.

Table 6 Pre/Post Pandemic Telework Status and Effects			
The Division of Labor			
	Pre-March 2020	**Stay-at-Home Response**	**Return-to-Workplace Response**
Telework Implemented?*	No	No	No
Written Telework Policy in Place?	No	No	No
Approx. Number/Percent of Employees Teleworking	0/0%	0/0%	0/0%
Office Space: Square Feet	21,758	21,758	21,758
Annual Office Rent	$413,402	$413,402	$413,402

Sources: The Division of Labor, and the Real Estate Division.
****Note that this does not include field inspectors who work remotely as a regular part of job duties even prior to the pandemic.***

The Real Estate Division's Telework Experience

The Real Estate Division has a total of 16 employees, 8 of which are assigned to the Real Estate section and 8 assigned to the Parking Section. The Real Estate Division began teleworking due to the pandemic and continues to do so on a rotating schedule of two to three days a week on-site. The agency has a written telework policy that was adapted from the Division of Personnel telework policy. Furthermore, the Real Estate Division is able to track employee productivity through software called "Pro-Lease." Due to telework, the Real Estate Division was able to reduce its office space by six office spaces and obtain two offices and an area for three "hoteling" stations. The primary reason for reducing this office space was to allow another state agency leasing with the private sector to take over the vacated office space. Figure 10 below shows the hoteling stations for incoming staff that were recently acquired by the Real Estate Division. These staff members will have the option to telework but are not required to do so.

Figure 10
The Real Estate Division
"Hoteling Stations" for Incoming Staff that Telework

Table 7 below shows that the Real Estate Division did not have a written telework policy prior to the pandemic, but it has since implemented one. The agency was able to reduce office space slightly (284 square feet) due to the decision to continue telework. As Table 7 shows, the agency responded to the Stay-at-Home order by having seven (44 percent) staff telework, and this has continued since the Return-to-Workplace Order. The cost savings to the agency from reducing its office space is an estimated $4,740 per year.

Table 7
Pre/Post Pandemic Telework Status and Effects
The Real Estate Division

	Pre-March 2020	Stay-at-Home Response	Return-to-Workplace Response
Telework Implemented?	No	Yes	Will Continue
Written Telework Policy in Place?	No	Yes	Yes
Approx. Number/Percent of Employees Teleworking	0/0%	7/44%	7/44%
Office Space: Square Feet	4,189	4,189	3,905
Annual Office Rent	$69,876	$69,876	$65,136

Sources: The Real Estate Division

The Attorney General's Telework Experience

The Attorney General's Office did not telework prior to the pandemic, although the agency had 10 to 15 staff who worked remotely as a part of their job duties. These individuals are regionally located field representatives and an investigator is included. All other non-field staff began to telework on March 19, 2020 in response to the pandemic emergency. During agency-wide telework, 50 percent of the staff were in the office on a rotating schedule. Management was able to use old "out of warranty" laptops and purchase a few additional laptops to ensure staff could telework. The Attorney General's Office believes it was as productive during telework as it was prior to telework. However, certain job duties, such as printing court filings, printing and sharing court exhibits, could only be done in the office. Due to the limitation in performing all job duties through telework, the Attorney General does not feel that telework is beneficial long-term. Telework ended in June 2021, and all staff returned to on-site work except for its field workers.

Table 8 below shows that the Attorney General's Office did not have a written telework policy in place prior to the pandemic, but it developed one when the pandemic began. Furthermore, it shows that the agency did not telework prior to the pandemic; however, in response to the pandemic, approximately 41 percent of staff worked from home on a rotating schedule. This figure does not include field workers who worked remotely prior to the pandemic as a regular part of their job duties. Once the governor imposed the Return-to-Work order, the agency returned to having all non-field employees work from the office.

Table 8
Pre/Post Pandemic Telework Status and Effects

The Attorney General's Office	Pre-March 2020	Stay-at-Home Response	Return-to-Workplace Response
Telework Implemented?	No	Yes	No
Written Telework Policy in Place?	No	Yes	Yes
Approx. Number/Percent of Employees Teleworking*	0/0%	70/41%	0/0%
Office Space: Square Feet	41,494	41,494	41,494
Annual Office Rent	$450,643	$450,643	$450,643

Sources: The Real Estate Division, The Attorney General's Office.
****Note: This does not include field workers who work remotely as a regular part of job duties even prior to the pandemic.***

The Department of Environmental Protection's Telework Experience

The Department of Environmental Protection (DEP) began teleworking March 17, 2020, as a response to the pandemic emergency. Prior to the pandemic, the agency did not practice telework. Table 9 below shows that DEP did not have a written telework policy prior to the pandemic; however, one has been developed since the pandemic began. During the Stay-at-Home order, approximately 280 DEP employees at its headquarters in Kanawha City, or 80 percent of headquarters staff, were allowed to telework. On March 1, 2021, executive staff returned to on-site work after they were vaccinated. Additionally, on June 1, 2021, the remaining management staff, and any staff that were vaccinated and wanted to work on-site returned. All other headquarters staff returned to the office in November 2021. However, staff can make a request to continue to telework if specific concerns or health-related reasons were applicable. Currently, DEP has 50 staff members (13 percent) in its headquarters who telework by request.

Management staff had the ability to track employee productivity throughout telework and found that overall, the agency was more productive. The DEP plans to implement long-term telework beginning in January 2022. When telework is implemented it will be optional to those positions with duties compatible with telework. The agency anticipates the possibility of reducing some space it is currently leasing at its headquarters, and also at field offices.

Table 9
Pre/Post Pandemic Telework Status and Effects

The Department of Environmental Protection			
	Pre-March 2020	**Work-from-Home Response**	**Stay-at-Home Response**
Telework Implemented?	No	Yes	Yes
Written Telework Policy in Place?	No	Yes	Yes
Approx. Number/Percent of Employees Teleworking	0/0%	280/80%	50/13%
Office Space: Square Feet	154,483	154,483	154,483
Annual Office Rent	$2,576,776	$2,576,776	$2,576,776

Sources: The Real Estate Division, The Department of Environmental Protection

Conclusion 1: The State of West Virginia Could Benefit Economically and Budgetarily If It Optimized the Use of Telework Within State Agencies

As the previous observation indicates, six of the nine state agencies that were interviewed decided to continue telework long-term following the issuance of the governor's Return-to-Workplace order. The reasons for continuing telework vary, but a consistent reason is that it has proven to be as productive as working on-site.

Table 10 provides a summary of office space reductions, potential reductions, cost-avoidance, and the number of employees currently teleworking of the state agencies that were interviewed for their telework experience. Currently, of the nine agencies interviewed by PERD, approximately 386 employees continue to telework since the Return-to-Workplace order was issued. It has been observed that some agencies have reduced office space, and annual costs as a result of telework. The State Tax Department anticipates that by June 2022, it will further reduce its office space, and parking, which will save the State an additional $240,000 annually. The DEP and BRIM indicated that they will review their office space needs under their telework programs, and WorkForce sees the need to implement telework in the future, but it faces technological challenges. In addition, the State Treasurer indicated that telework has precluded purchasing needed office space which is a cost avoidance. The Division of Labor, and the Attorney General's Office have no plans to use telework in conducting their operations; therefore, there is no potential for office space reductions as a result of telework. The potential for office space reductions for the CPRB and the Real Estate Division has likely been exhausted at this point.

Table 10 Current and Potential Office Space Reductions Resulting from Telework				
State Agencies that Were Interviewed for Their Telework Experience				
State Agencies	**Approximate Number of Teleworking Employees**	**Office Space Reductions**	**Annual Cost Reductions**	**Potential for Office Space Reductions From Telework?**
The State Tax Department	216	23,944	$407,048	Yes
The Consolidated Public Retirement Board	30	3,000	$32,850	No
WorkForce West Virginia	3	0	0	Yes
The Division of Labor	0	0	0	No
The Board of Risk and Insurance Management	25	0	0	Yes
The Attorney General's Office	0	0	0	No
The Real Estate Division	7	284	$4,740	No
The State Treasurer's Office	55	0	0	Cost-avoidance
The Department of Environmental Protection	50	0	0	Yes
Totals	386	27,228	$444,638	
Sources: The Real Estate Division, and PERD interviews of each agency.				

State Employees' Reduced Commuter Fuel Expenses Will Shift Spending to Other Locations of the State

In addition to the budgetary savings to the State, various commuter costs will be reduced for state workers who telework. In particular, fuel expenses will be reduced significantly depending on how many days per week an employee teleworks. In PERD's interviews with state agencies, employees travel to work from various locations within the state. Most of the agencies that were interviewed had their offices in Kanawha County, and some had regional offices outside of the county. For agencies in Kanawha County, it was common for staff to travel to Kanawha County from towns of several counties such as Braxton, Fayette, Jackson, Logan, Pleasants, Putnam, Raleigh, and Wood.

Table 11 shows the reduced commuter miles and fuel expense savings for teleworking state employees depending on distances of 10 to 100 round trip miles and the number of days teleworking. Teleworking state employees could save from $338 annually to $3,380. Currently, PERD has identified approximately 386 state employees of the 9 agencies interviewed who are teleworking. The aggregated fuel savings for these employees range from over $26,000 to over $1.3 million.

Teleworking employees would also benefit from lower vehicle depreciation, and less frequent expenses on tire replacements and brake repairs. Auto insurance could possibly be reduced if it is based on miles driven.

Table 11
Fuel Cost Savings for Teleworking State Employees

Average Regular Fuel Price:*	**$3.25**				
Avg. Fuel Economy (MPG)**	**25**				
Days Teleworking Per Week	One Day	Two Days	Three Days	Four Days	Five Days
Reduced Weekly Commute Distance (Round Trip)					
10 Miles:	10	20	30	40	50
50 Miles:	50	100	150	200	250
100 Miles:	100	200	300	400	500
Weekly Reduced Fuel Gallons:					
10 Miles:	0.4	0.8	1.2	1.6	2.0
50 Miles:	2.0	4.0	6.0	8.0	10.0
100 Miles:	4.0	8.0	12.0	16.0	20.0
Weekly Fuel Cost Savings:					
10 Miles:	$1.30	$2.60	$3.90	$5.20	$6.50
50 Miles:	$6.50	$13.00	$19.50	$26.00	$32.50
100 Miles:	$13.00	$26.00	$39.00	$52.00	$65.00
Annual Fuel Cost Savings:					
10 Miles:	$67.60	$135.20	$202.80	$270.40	$338.00
50 Miles:	$338.00	$676.00	$1,014.00	$1,352.00	$1,690.00
100 Miles:	$676.00	$1,352.00	$2,028.00	$2,704.00	$3,380.00

***** U.S. Energy Information Administration, (https://www.eia.gov/petroleum/gasdiesel/), East Coast, as of 12-20-2021.***
***** The 2021 EPA Automotive Trends Report: Greenhouse Gas Emission, Fuel Economy, and Technology Since 1975, United States Environmental Protection Agency, EPA-420-R-21-023. November 2021, 10.***

Telework Would Reduce Traffic Congestion and Lower Road Deterioration

Expanding the use of telework would also reduce the number of automobiles on the road, lessen road deterioration, and reduce vehicle emissions. Figure 11 below shows the main counties, shaded in green, from which most state workers travel to work in Kanawha County. These counties represent around 35 percent of the state's total population.

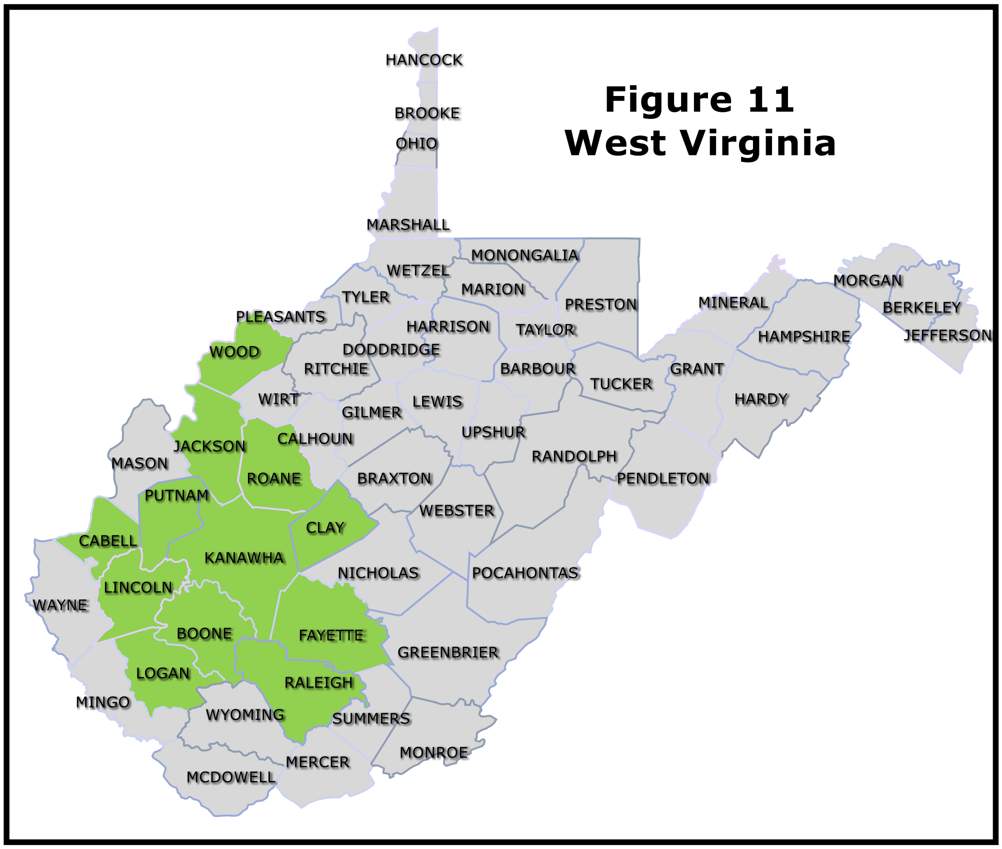


Figure 11
West Virginia

Additional Leisure Time for State Employees May Improve Job Recruitment and Retention

Teleworking eliminates commuting time to and from work. The commuting time that is eliminated through telework converts to leisure time for employees. Measuring the value of a person's leisure time can be represented by the person's salary per hour. Table 12 shows the annual valuation of leisure time that is gained assuming telework occurs on average three days per week, the average round trip commute time is 40 minutes, and annual salaries range from $40,000 to $60,000. The added leisure time of 40 minutes per day of teleworking has an annual value ranging from $1,907 to $2,861.

In a sense, telework may enhance employees' salaries without an actual monetary increase. This can have a positive effect on recruitment and retention. Most agencies that were interviewed indicated that it is too early to gauge whether telework will reduce turnover or improve job recruitment. However, it stands to reason that the elimination of commuting has real value in lower fuel expenses, and it has some tangible value in being able to substitute more meaningful activities for commuting.

Table 12 Annual Values of the Added Leisure Time to Employees Who Telework	
Annual Salary	Annual Value of the Eliminated Round-trip Commute Time (40 Minutes)*
$40,000	$1,907
$50,000	$2,384
$60,000	$2,861
**20 minutes one-way drive, and assumes telework three days per week on average. The calculations exclude the 12 state holidays.*	

Other States and the Federal Government Have Implemented Telework Because of Its Benefits

The long-term benefits of telework in West Virginia are currently unknown, but research on telework suggests there are benefits experienced elsewhere that West Virginia may also experience. Many of the earliest state government telework policies were designed to reduce traffic and benefit the environment, particularly in highly populated cities. Some states conducted surveys and specialized research to gauge the outcomes of telework. Common trends found by survey results included long-term cost effectiveness, steady output, and general employee satisfaction with alternate work arrangements.

States identified lessons learned, benefits, and issues with telework based on considerable experience. States such as California and Arizona, that originally began experimenting with telework decades ago, have evolved those programs over the last 30 years. After three years of planning and months of training, California's Telecommuting Pilot Project was launched in 1988, with 200 state employees from various agencies participating by 1990. Employee surveys were regularly conducted throughout the early years of the program, and a comprehensive report released in mid-1990 found several positive results from State telecommuting, including fulfillment of work quality expectations, enhancement of employee quality of work/life balance, traffic reduction, and office space sharing that lessened the total physical space required to conduct state business. Shortly thereafter, the California Legislature passed legislation requiring all state agencies to develop and implement a telework program by FY 1996, where applicable. The State Government Code was also amended to include language promoting telecommuting. By 2014 nearly 4,000 state employees were regularly teleworking. The current administration established a long-term goal to have 70 percent of state workers continue telecommuting after the pandemic. In a budget letter to all department heads, the State Department of Finance cited ongoing telework was one option for achieving ongoing savings.

Following the success of Arizona's 1990 pilot program, the governor formally established telework via executive order in 1993. The number of employees participating in the telework program increased incrementally over the next several years, with a 1996 state-mandated goal of 15 percent participation from Maricopa County state workers, which increased to 20 percent in

2003 via executive order. The current governor publicly indicated future telework priorities, stating in early 2021: *"With remote working by many state employees, we also have the chance to further limit the size, cost and footprint of government. Let's truly 'shrink' government, by eliminating unnecessary state buildings and saving taxpayer dollars, so we can prioritize areas of need… ."*

In 2016, nearly 6,000 Tennessee state employees from 16 departments chose to participate in a legislative-funded telework pilot program. According to internal surveys and accounting projections, the program produced benefits within two years, including an increase in productivity, cost savings for employees, and an opportunity for the State to cut rental expenses and sell government buildings. Tennessee's General Services Commissioner reported that the Alternative Workplace Solutions program had saved $5 million in agency real estate costs by 2019.

Surveys from Texas, Maine, and Wyoming also identified positive aspects of their respective telework programs. A 2014 survey by the Texas Department of Information Resources, designed to assess the use of telework in state government, found that 84 percent of agencies were either establishing or had already established, a remote work policy. Agencies agreed that telework enhanced work/life balance and job satisfaction for employees while reducing organization costs.

In May 2020, the State of Maine received survey responses from nearly 7,000 executive branch employees who had been working remotely since March due to the COVID-19 pandemic. Seventy-four (74) percent of respondents indicated a preference for teleworking full-time or a combination of working from home and working from the office. *"Workspace"* and *"connection to colleagues"* were cited as the greatest constraints to teleworking. A study conducted for the State of Maine estimated that 7 million pounds of CO_2 emissions were averted between April and November 2020 because of employees working from home. A memo from the Maine Department of Administrative and Financial Services concluded, *"An ongoing and thoughtful conversation about telework is certain to unfold as we continue to process the unexpected lessons of the pandemic telework experience."*

In another example, the Research and Evaluation Division of the Wyoming Legislative Service Office researched telework in Wyoming state government in response to a request made by the Legislature's Joint Management Audit Committee in August 2020. The follow-up report, released by the Research and Evaluation Division in October 2020, stated that a survey of teleworking employees had been requested by Wyoming's governor three months into the COVID-19 crisis. The subsequent survey results from over 4,000 respondents garnered consistently favorable feedback regarding telework. Consequently, Wyoming's Department of Administration and Information, which is responsible for administering telework for the state government, indicated *"that they want to move forward with a modernized, updated, long-term, remote work force option for the State of Wyoming."* The Department of Administration and Information devised an in-house telework pilot program to track the potential for permanently remote employees, and established a 24-member telework committee comprised of individuals from various relevant agencies and groups. The Wyoming Research and Evaluation Division's report states, *"The goal of the committee is to develop an enterprise-wide comprehensive telework policy incorporating all of the lessons learned from the forced Covid-19 telework experiment."* Improved work-life balance and job satisfaction can act as a retention and recruitment tool, while telework enables employees to work from a greater geographic area, free of the constraints of commuting.

At least four other states have plans or began taking steps to reduce the number of government-owned or rented facilities and offices by utilizing telework. In concert with an August 2020 Executive Order designed to enhance the state employee experience, the governor of Colorado announced the "Reimagine State Government Initiative" designed to *"reduce the State's physical footprint by one million square feet by 2025"* by moving 20-30 percent of employees to permanent telecommuting. Enrolled House Bill No. 5396, passed by the Michigan Legislature in September 2020, requires all executive branch agencies to report to the designated House and Senate fiscal committees the total number of remote workers, the estimated net cost savings achieved by remote work, and the reduced use of office space associated with remote work. North Dakota's Department of Human Services declined to renew a $300,000 lease due to teleworking, and could save up to $1.2 million, as the state continues to re-evaluate the need for some real estate. North Dakota's New Workplace program offers employees a work-from-home option and identifies telework benefits such as cost savings, work/life balance, and the continuation of operations. In the spring of 2020, the Oklahoma Department of Human Services announced that offices in 35 counties would close due to budget cuts, yet layoffs would not be required, as employees would either transfer to other offices or telework permanently.

At the federal level, the U.S. General Service Administration's Office of Personnel Management (OPM) is responsible for, in part, studying telework and establishing telework policy. In 2012, OPM researched the utilization of telework within the public and private sectors and released a literature review that showed the outcomes associated with an increase in telework.[4] Some of the OPM findings include:

- A 2006 study commissioned by the U.S. General Services Administration highlighted cost-effectiveness associated with remote work, concluding that *"agencies could realize a return on investment of between 225 percent and 1500 percent through a variety of telework program arrangements."*
- In 2007, the National Science Foundation calculated that employees saved an average of 62 hours of commuting time, $1,201 in costs, and 1,751 pounds of emissions in a year of teleworking.
- Data from August 2011 showed that the 7,030 employees teleworking for the United States Patent and Trademark office saved $19.8 million in real estate costs for the Federal government, largely due to a hoteling arrangement.

PERD reviewed OPM's annual telework status reports to identify key findings and recommendations. A recent report issued in March 2020 covers data from fiscal year (FY) 2018. Statistics show that eligibility to participate in telework notably increased, from 33 to 45 percent between 2011 and 2013, and has remained steady. In 2018, over 905,000 (about 42 percent) federal employees were deemed eligible to telework. Actual participation in telework has increased

[4] *U.S. Office of Personnel Management, "Status of Telework in the Federal Government, Report to the Congress" (2012 Report). For the literature review and list of best practices, see p. 82-85. Available at:* https://www.telework.gov/reports-studies/reports-to-congress/2012-report-to-congress.pdf *[Accessed: May 2021].*

slightly, from 49 to 51 percent of those employees deemed eligible to telework. Over 483,000 federal employees were reported teleworking in total.

The 2020 report also found that federal agencies are maintaining progress in setting and achieving telework goals. Overall, 76 percent of agencies met at least one of their participation goals previously set for FY 2018. Agency management reported that they are continuing to leverage telework in support of mission goal achievement, including efforts to meet the needs of their workforce, improve their programs, and support work-life balance.

The OPM also found that agencies are continuing to improve their ability to assess cost savings through telework. Thirty-six (36) percent of federal agencies track some form of cost savings due to telework, which was an increase of seven percentage points from FY 2017. Agencies most frequently reported cost savings for employees in the areas of transit/commuting (18 percent), rent/office space (13 percent), and reduced employee absences (10 percent). However, nearly half (46 percent) of federal agencies struggled to pinpoint exact cost-savings due to problems with tracking systems, difficulty isolating costs associated specifically with telework, and a lack of access to data. As a result, the current federal data have not yet been fully realized and not all cost savings have been fully calculated. Notable examples of telework-related cost savings in FY 2018 include:

- The Transportation Security Administration reported a total estimated cost avoidance of $7,390,500 due to telework, as calculated by the average cost of each employee per square foot.
- The Office of Justice Programs, under the federal Department of Justice, estimated that telework cost savings in categories such as office space, productivity absenteeism, commuting costs, employee attrition, technology (removal of individual printers), carbon emissions, and staff benefits (dry cleaning, lunch, commuting, wardrobe, commuting time) was expected to save the agency $5 million for 2018.
- The Securities and Exchange Commission saved approximately $550,000 in transit benefit costs by calculating employee commute mileage and multiplying the daily transit cost by the number of days each employee teleworked during the year.
- Internal tracking conducted by the Department of Treasury found that two of its bureaus had a combined real estate savings of $248,446 in FY 2018 due to telework.

Conclusion 2: A State Telework Program Would Need a Consistent and Uniform Policy, and the U.S. Telework Enhancement Act Provides a Model for Such a Program

It is best practice to codify institutional practices through written policies and procedures. Agencies should use the lessons learned from teleworking during COVID to develop policies that reflect the norms and practices they found beneficial to effectively telework. Uniformity in telework standards would help clarify who is eligible for telework, who has the authority to permit it, and under what circumstances. Some degree of uniformity in policy and practice would prevent confusion and contradictions regarding telework eligibility and appropriateness and ensure that operations continue when telework is permitted. This is true for telework policies for times of crises and for normal operations. PERD's survey focused on telework as a disaster response, but ideally, telework infrastructure should be a part of mitigation activities for disasters that may necessitate alternate worksites and detailed policies and procedures should be part of state agency's preparedness plans.

Disaster Recovery Plans (DRP) and Business Continuity Plans (BCP) provide agencies with the necessary tools to react to disasters and emergencies in an organized and established method, thus minimizing any interruptions to all or part of the agency's operations. A DRP is *"an information system-focused plan designed to restore operability of the target system, application, or computer facility infrastructure at an alternate site after an emergency."* In other words, the DRP ensures that an agency can quickly recover its computer systems and applications in response to a disaster. The BCP *"focuses on sustaining an organization's mission/business processes during and after a disruption."*[5] A BCP is most efficiently developed by:

- identifying the critical business functions and the impact an interruption could have on them,
- determining the requirements that would be involved with continuing those critical functions,
- appointing roles and responsibilities for all personnel as part of the recovery plan, and
- conducting regular training and testing to ensure personnel understand their roles and responsibilities and to evaluate the effectiveness of the plan.

DRPs and BCPs work hand-in-hand, with BCPs keeping the organization's operations afloat and DRPs providing a plan for returning the organization to normal operations. The lack of proper planning can hinder an agency's ability to meet mission-critical goals and outcomes.

Both DRPs and BCPs should incorporate remote locations, such as backup sites and employees' homes in the form of telework. A 2013 post-Hurricane-Sandy disaster recovery review, administered jointly by the U.S. Securities and Exchange Commission and other federal agencies, encouraged firms *"to review their business continuity plans and consider implementing these best practices and lessons learned as appropriate to help improve responses to, and to*

[5] *For definitions and more information on continuity planning, see the U.S. Department of Commerce's National Institution of Science and Technology, Special Publication 800-34 (Rev. 1) "Contingency Planning in Federal Information Systems" (May 2010), 8, 10.*

reduce recovery time after, significant large scale events." The review stated that remote access and the existence of adequate BCPs within the policies of other parties should be taken under consideration for the future. Subject to what best serves the agency and its staff, this could include methods such as working from home or "hoteling" – a practice that has been implemented at both the state and federal levels wherein non-permanent spaces are reserved for employees at a designated work site outside of where they would normally conduct business.

PERD did not request DRPs or BCPs from the surveyed state agencies, nor did it evaluate the state's overall emergency response plan. However, as the survey results show regarding the development of policy, the majority of agencies did not have telework policies in place or were in the process of developing them as a result of the pandemic. Without proper planning, agencies can be caught unprepared and face dilemmas such as gaps in technology, a lack of workforce readiness, and employees not having access to critical information. Additionally, modern technologies can potentially facilitate the implementation of most agency BCPs, as long as they include an IT recovery strategy. With appropriate tools such as a secure broadband connection, the proper hardware, and essential computer applications laying the foundation for continuity, agencies can utilize telework to fulfill essential BCP components.

If West Virginia were to consider developing a statewide telework program, the U.S. federal government provides a model for a robust program with sufficient controls for oversight. With over 480,000 employees across 80 agencies regularly teleworking before the pandemic, the federal government has made significant progress in developing and utilizing telework programs over the last decade.[6] The passage of the Telework Enhancement Act (TEA) in December 2010, coupled with legally-mandated requirements to consistently evaluate the status of telework in participating agencies, has enhanced flexible work arrangements at the federal level and established the highest benchmarks for such programs. The OPM, which is an independent agency that provides oversight for federal telework programs, also published the official *Guide to Telework in the Federal Government*. Issued in 2011, the detailed guide specifies the best practices for various telework program components and is commonly cited by state governments as a helpful, standardized tool.

The TEA is a milestone for federal telework and provides a framework for similar legislation in West Virginia. The 2010 TEA is often cited in documents such as federal reports by various agencies, telework-related testimonies, industry articles, and state government directives, such as Washington's 2014 executive order expanding telework throughout that state. The OPM's extensive research and published findings exemplify best practices to be observed by other telework program administrators and planners in the private, public, and state government sectors.

The TEA included requirements for responsibilities and expectations for teleworkers, and specific directives for executive agencies to manage participants. Under the TEA, the OPM

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[6] *The initial legislative mandate for federal telework was established in 2000, under §359 of Public Law 106-346. The relatively brief section required all executive agencies to "establish a policy under which eligible employees of the agency may participate in telecommuting" with the long-term goal of eventually applying these stipulations to 25 percent of the federal workforce. That same year, OPM began surveying federal agencies about telework. In 2004, more legislation increasing telework participation by specified amounts was also signed into law.*

became responsible for establishing a policy under which eligible employees could be authorized to telework. The Act also directs every executive agency to designate a senior official as the Telework Managing Officer who serves as the primary contact for OPM and fulfills multiple tasks, such as advising agency leadership on telework matters, developing telework policy for their designated office, and overseeing implementation of said policy. If West Virginia were to establish its own statewide program, similar requirements should be established, either by the Legislature or through programs' rules and regulations.

Under the TEA, OPM is required to annually report to Congress and the Comptroller General on the program. Beginning 18 months after the Act's passage, the director of OPM is required to submit an annual report on the telework programs of each agency to a Senate and the House Committee. The OPM also transmits the report to the Comptroller General, who submits a separate report to Congress on the progress each executive agency has made towards established goals. The OPM is additionally required to transmit the report to the Office of Management and Budget, which consults national security agencies to devise cybersecurity guidelines for teleworkers. The annual OPM reports are required to address:

- telework eligibility,
- telework participation and frequency,
- agency methods for gathering telework data,
- progress in setting and meeting participation and outcome goals,
- agency management efforts to promote telework, and
- best practices in agency telework programs.

The TEA provides a legislative framework that ensures telework programs are effective and beneficial to the agencies and their employees alike. For telework programs to be effective, they need to include all the necessary components and controls to ensure that employees have the necessary tools to conduct their jobs remotely and that productivity is maintained or improved. Supervisors need to know that employees are completing their work, but oversight cannot become burdensome. The TEA provides a framework for striking an appropriate balance between employee autonomy and managerial supervision. **Therefore, the legislative auditor recommends that the Legislature consider creating legislation establishing the requirements for telework policies across state government**.

The Division of Personnel Has Provided Basic Guidelines to State Agencies for Telework

While there is no state-wide telework policy, since March 2021 the Division of Personnel has provided sample documents to act as guidelines for agencies establishing telework policies and programs. The Division of Personnel documents are not intended to be a formal policy for the agencies it governs, but to provide a base document for modification to suit specific agency needs. The provided documents include not only a sample telework policy, but potential responsibilities of teleworkers, agreements, and request forms. These sample documents, while not official policy, could be expanded and formalized by agencies to suit their needs and adopted as administrative or procedural rules. They represent an important step forward in developing uniformity in state telework, although they have no governing power. However, there needs to be flexibility in these policies, as each agency has unique circumstances. The appropriateness of telework as a regular course of action depends on an agency's resources and needs. For some agencies, the costs may outweigh the benefits, or they may not be able to complete their missions with a remote workforce.

Recommendation 1

The Legislature should consider examining the examples of the federal government and other states that have acknowledged the benefits of telework and have a formally authorized telework program. A formal authorizing act by the Legislature should encourage the use of telework where appropriate and beneficial; encourage the acquisition of needed technology to facilitate telework; develop objectives, goals, and guidelines; and stipulate reporting requirements on the status, progress, and identified cost savings of telework.

Recommendation 2

One model the Legislature and Division of Personnel could use to design a statewide telework program is the Telework Enhancement Act. This act coupled with legally-mandated requirements to consistently evaluate the status of telework in participating agencies, has enhanced flexible work arrangements at the federal level and established the highest benchmarks for such programs. The federal Office of Personnel Management's official *Guide to Telework in the Federal Government* should also be considered by the Division of Personnel. If the Legislature were to establish a telework program, it should consider establishing similar requirements through the Division of Personnel.

WEST VIRGINIA OFFICE OF THE LEGISLATIVE AUDITOR
PERFORMANCE EVALUATION & RESEARCH DIVISION

Building 1, Room W-314, State Capitol Complex, Charleston, West Virginia 25305

telephone: 1-304-347-4890 | www.legis.state.wv.us /Joint/PERD/perd.cfm | fax: 1- 304-347-4939