

Executive Directive PD-94 (rev. 2), “Teleworking”



October 17, 2025

Supersedes PD-94 April 1, 2025 (rev. 1)

Authority

1. *Fair Labor Standards Act of 1938* as amended (FLSA), 29 U.S.C. §§ 201–219
2. 29 C.F.R. Part 541
3. Tex. Gov't Code § 493.001
4. Tex. Gov't Code § 493.006(b)
5. Tex. Gov't Code § 493.007
6. Tex. Gov't Code § 658.001
7. Tex. Gov't Code §§ 658.010-.012
8. Tex. Gov't Code § 659.018
9. BP-01.03, “Delegation of Authority to Manage the Texas Department of Criminal Justice”
10. BP-02.08, “Statement of Internal Controls”

Applicability

Texas Board of Criminal Justice and Texas Department of Criminal Justice

Employment At Will Clause

This directive **does not** constitute an employment contract or a guarantee of continued employment. The Texas Board of Criminal Justice (TBCJ) and Texas Department of Criminal Justice (TDCJ) reserve the right to change the provisions of this directive at any time.

Nothing in this directive limits the TBCJ's or executive director's authority to establish or revise human resources policy. This directive guides the operations of the TBCJ and TDCJ and **does not** create a legally enforceable interest for employees or limit the executive director's, chief officers', or division directors' authority to terminate employment at will.

Policy

This directive governs telework assignments and serves as the telework policy for TDCJ and TBCJ reporting entities. TDCJ and TBCJ reporting entities operate with a traditional in-office model. In limited circumstances, an employee may be approved to work at an alternate work location, including their personal residence. Telework assignments are not an entitlement, and approval is based on the needs of the agency.

Definitions

The following terms are defined for the purpose of this directive and are not intended to be applicable to other policies or procedures.

"Alternate Work Location"

Physical workplace other than an employee's designated state office that has been approved by the employee's division director

"Approval Authority"

For TDCJ employees, the executive director, or designee, serves as the approval authority for all telework. For employees of a TBCJ reporting entity, the chair of the TBCJ Human Resources Committee, or designee, serves as the approval authority for all telework.

"Authorization of Telework"

Authorization from the administrative head of a state agency to enter into an agreement with an employee authorizing telework.

"Designated State Office"

Employee's usual and customary work location at a state owned or operated property.

"FLSA Exempt Employee"

Employee who is not subject to the wage and overtime provisions of the FLSA because the employee's primary duty assignments pass the FLSA executive, administrative, professional, computer, outside sales, or highly compensated employees' exemption tests in accordance with 29 C.F.R. Part 541. This term is not to be mistaken for a position listed in TDCJ's section of the *General Appropriations Act* under "Schedule of Exempt Positions."

"FLSA Non-Exempt Employee"

Employee subject to the wage and overtime provisions of the FLSA because the employee's primary duty assignments do not pass FLSA executive, administrative, professional, computer, outside sales, or highly compensated employees' exemption tests in accordance with 29 C.F.R. Part 541.

"Reporting Entity"

An entity that reports directly to the TBCJ, including the Independent Office of Inmate Counsel, Office of the Independent Auditor, Office of the Independent Ombudsman, Office of the Inspector General, and Office of the PREA Ombudsman.

"Telework"

A work arrangement that allows an employee to conduct on a regular basis all or some agency business at a place other than the employee's designated state office

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during all or a portion of the employee's established work hours. Telework requires authorization by the approval authority.

Discussion

TBCJ and TDCJ telework is considered only to address a lack of available office space for the agency or where it can provide reasonable flexibility that enhances the agency's ability to achieve its mission.

Employees shall conduct agency business exclusively at their designated state office unless they are traveling or have received prior written approval from the approval authority to work elsewhere.

An agreement does not prohibit requiring the employee to report to the designated state office at any time.

Temporary, ad hoc adjustments allowing an employee to work from an alternate work location on a short-term basis do not constitute telework as defined by this directive. Such adjustments may be granted to address specific, unforeseen, or time-limited situations and are distinct from regular telework assignments, without creating ongoing or permanent telework expectations. An employee's immediate supervisor shall receive any such request. The decision to approve or deny the request shall be made based on directions from the division director. The employee's immediate supervisor shall then notify the employee of the outcome.

In addition to the guidelines provided in this directive, telework may be approved on a temporary basis during a state of disaster or another emergency incident.

Telework is a discretionary program. An employee's request to telework may be denied and a "[Telework Agreement](#)" may be terminated at any time for any nondiscriminatory reason. Telework cannot be offered as a condition of employment.

Employees with medical conditions that affect their ability to work in the office shall be referred to [PD-14](#), "Americans with Disabilities Act and Employment of Persons with a Disability."

Procedures

- I. General Provisions
 - A. All TDCJ policies and procedures remain in effect regardless of where or when work is performed. All employees must adhere to TDCJ policies

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regardless of whether the worksite is the employee's designated state office or an alternate work location.

- B. Telework shall not negatively impact business operations. Additionally, performance expectations shall be established to include communication preferences with supervisors and staff, availability during working hours, and following [PD-28](#), "Dress and Grooming Standards," when participating in any video conferencing platforms.

II. Telework Request and Approval Process

Telework assignments may only be requested to address a lack of available office space for the agency or where it can provide reasonable flexibility that enhances the agency's ability to achieve its mission.

- A. An employee requesting telework shall complete a [PERS 640](#), "Telework Request," and submit it to their immediate supervisor.
- B. The [PERS 640](#) must detail the circumstances for that telework request.
- C. Telework is limited to four days per month unless additional days are requested on the [PERS 640](#) for consideration by the approval authority.
- D. The supervisor shall evaluate the employee's ability to perform their job duties while teleworking and, if approved, route the [PERS 640](#) through the appropriate approval path within the division.
- E. For TDCJ employees, the respective division director shall submit a [PERS 640](#) to the chief financial officer for submission to the executive director.
- F. For TBCJ reporting entities, the head of the reporting entity shall submit a [PERS 640](#) to the chair of the TBCJ Human Resources Committee.
- G. Upon receipt of approval or denial, the head of the reporting entity or the TDCJ division director shall notify the employee's immediate supervisor and employee.
- H. All employees who are approved to telework shall receive a signed copy of the "Telework Approval Letter" from the head of the reporting entity or the TDCJ division director including the reason for the authorization of telework.

III. Telework Guidelines

Upon the authorization of telework, the immediate supervisor and the employee shall discuss and sign a [PERS 641](#), "Telework Agreement," and the [PERS 642](#), "Telework Equipment Checkout." The supervisor and employee shall discuss the following:

- A. Performance standards the employee is expected to maintain, as outlined in the [PERS 641](#);
- B. A system for monitoring productivity to ensure the employee's duties remain suitable for teleworking;
- C. Physical and information security controls at the teleworking site, as outlined in the [PERS 641](#);
- D. The employee will be subject to the same rules and disciplinary actions as any other agency employee;
- E. The employee is prohibited from conducting in-person business at the employee's personal residence; and
- F. The terms under which the agreement may be revoked.

IV. Telework Renewal Process

The agreement must be renewed each 12-month period and be reviewed prior to the expiration date as recorded in the [PERS 641](#).

- A. Each division director will determine the need to renew or cancel the [PERS 641](#).
- B. Upon renewal, a new [PERS 641](#) will be required and will follow the Telework Request and Approval Process outlined in Procedures, Section II.

V. Modifying, Suspending, and Terminating Telework

Any changes to the "[Telework Agreement](#)" are to be in writing and maintained in the supervisory file for the employee.

VI. State-Owned Equipment, Software, and Supplies

- A. The employee's immediate supervisor shall identify all equipment needs for the telework assignment. All hardware and software used

shall be approved by the Information Technology Division (ITD) before installation to determine which configurations will be used, including virus scanning. Employees shall use only approved communication software when connected with the network.

- B. All hardware and software remain the property of the state and shall be used for state business only. All state-owned equipment and software shall be returned upon separation of employment or completion of the telework assignment.
- C. The TBCJ and TDCJ are responsible for the preventive maintenance, repair, and replacement of state-owned equipment due to normal wear and tear or natural disasters and shall provide telephone support for hardware and software during designated business hours. The employee shall immediately notify their supervisor of any equipment malfunctions and shall be required to report to the employee's designated state office until the equipment is repaired.
- D. The TBCJ and TDCJ are not responsible or liable for damages to an employee's personal property, any home maintenance, operating costs, personal telephone line, internet service, or any other incidental costs associated with teleworking, pursuant to the *Texas Tort Claims Act* or any other relevant law.
- E. All equipment shall be inventoried and verified by the employee's immediate supervisor and the ITD.
- F. Basic office supplies required to complete assigned work shall be obtained from the employee's designated state office. Out-of-pocket expenses for materials and supplies normally available at the office, including computer paper, pens, and pencils, will not be reimbursed.
- G. Employees that need or request special equipment, may be asked to return to work in the employee's designated state office.

VII. Confidentiality

The same standards for maintaining confidentiality apply to all employees, regardless of work location. Employees are required to conform to applicable laws and policies governing confidential and sensitive information and shall maintain confidentiality of all records and information that pertain to employees, inmates, consultants, volunteers, contractors, vendors, and interns within the TDCJ.

Employees are prohibited from downloading confidential files to their personal hard drives and prohibited from maintaining agency information in their personal records.

VIII. Teleworking Work Hours and Compensation

Teleworking employees' work hours, overtime compensation, and vacation schedules shall conform to existing policies and procedures. Teleworking will not, by itself, impact an employee's salary and benefits. Employees will be paid in accordance with the State of Texas *Position Classification Plan* and based on the employee's status as full- or part-time.

A. Holiday and Compensatory Time Provisions

FLSA non-exempt and FLSA exempt employees shall earn compensatory time, including holiday time for working on a skeleton crew holiday while teleworking, in accordance with [PD-91](#), "Work Cycles and Compensable Hours of Work."

B. Timesheets and Physical Hours Worked

1. Timesheets

Employees who are approved to telework shall complete timesheets and other forms, as required in [PD-91](#).

2. Physical Hours Worked

The employee and their immediate supervisor shall mutually agree on a schedule for assigned telework days and hours. Employees who are approved to telework shall request prior approval to work overtime or to work on a regular day off in accordance with [PD-91](#). Employees who are approved to telework shall document all physical hours worked as required in [PD-91](#). Employees who work overtime without prior approval from their immediate supervisor may be subject to disciplinary action in accordance with [PD-22](#), "General Rules of Conduct and Disciplinary Action Guidelines for Employees."

3. When an employee experiences a technical problem that prevents them from conducting normal work activities, the employee shall contact their immediate supervisor to determine whether another alternate work location is available, the employee shall report to their designated state office, or accrued leave shall be taken.

IX. Office Closure

The unscheduled closure of an employee's designated state office on a day the employee is scheduled to telework does not affect the employee's work schedule. The employee is expected to work their regular work schedule, unless excused from doing so by their immediate supervisor based on:

- A. The determination that the unscheduled closure of the employee's designated state office prevents the employee from working part or all their scheduled shift; or
- B. Approval by the employee's immediate supervisor to use accrued leave to cover the time missed.

X. Deviations

Deviations from the procedures outlined in this directive require authorization by the approval authority.

XI. Forms/Documents

- A. [PERS 640, Telework Request](#)
- B. [PERS 641, Telework Agreement](#)
- C. [PERS 642, Telework Equipment Checkout](#)
- D. [Example Telework Approval Letter](#)

Bobby Lumpkin
Executive Director