



NEVADA STATE BOARD OF MASSAGE THERAPY  
POLICY AND PROCEDURE

Subject: Remote and Telework	Policy No. 2.9.1	
	Issued By: Board	Distribution: Nevada State Board of Massage Therapy Employees
	Amends/Supersedes	
Reference(s): Remote Work Policy issued by the Governor December 2023	Effective Date: 01/10/2024	

**I. PURPOSE**

This policy is intended to provide guidance to the Nevada State Board of Massage Therapy (NSBMT) employees regarding remote and telework.

**II. POLICY**

It is the policy of the NSBMT to consider all requests for any remote or telework arrangements that benefit the NSBMT and do not create a decrease in service level to the public, licensees, applicants, or fellow employees. All eligible requests will be considered on a case-by-case basis.

Remote work is a management option and not an employee entitlement or right. An agency may terminate a remote work agreement at its discretion. Working remotely is not a universal employee benefit, as not all jobs are appropriate for remote work.

Special arrangements related to health or medical accommodations are handled by separate procedures.

It is the responsibility of the employee and supervisor to review the agreement prior to its expiration and receive approval in order to extend it.

This is the policy of the NSBMT and denial of an employee's request is not subject to any grievance procedure, reconsideration or appeal.

No NSBMT positions shall work remotely for 100% of their work schedule.

**III. SCOPE**

This policy shall apply to all NSBMT employees.

Those NSBMT employees who:

- A. work remotely any number of hours on a permanent basis; and
- B. routinely work in the field (Compliance Inspectors, Compliance Investigators, or similar) for the time they are not working in the field if they are not working in an assigned office space,

will be required to complete and submit a Remote Work Agreement form.

Those NSBMT employees who:

- A. routinely work in the field (Compliance Inspectors, Compliance Investigators, or similar) for the time they are working in the field;
- B. are working remotely due to extenuating circumstances for a single period of less than three days,

are not required to complete and submit a Remote Work Agreement form.

The following NSBMT employees are not eligible for a Remote Work Agreement:

- A. Employees approved for secondary employment,
- B. Employees on a Performance Improvement Plan (PI) or,
- C. Employees whose most recent evaluation does not meet standards,

Equipment and Materials: Employees may not use any computer equipment not covered under an acceptable use policy.

- A. Issued equipment may be used only for authorized NSBMT purposes by authorized employees.
- B. Employees are responsible for protecting NSBMT-owned or issued equipment from theft, damage and unauthorized use.
- C. Issued equipment used in the normal course of employment will be maintained, serviced and repaired by NSBMT or designee.
- D. NSBMT will stipulate who is responsible for transporting and installing equipment, and for returning it to the central workplace for repairs or service.

#### **IV. RESPONSIBILITY**

A. Employees:

- 1. are responsible for complying with the requirements of this policy.
- 2. Complete and submit the Remote work Agreement form, if required, and comply with this policy. Employees must understand that the privilege to work remotely can be rescinded at any time at the discretion of the supervisor.
- 3. Establish and maintain a dedicated workspace that is quiet and clean with adequate lighting and ventilation. This workspace must be a safe, secure, professional working environment in adherence with all applicable agency policies regarding safety, workplace attire, and other professional expectations.
- 4. Not conduct in-person business visits or meetings with professional colleagues, customers, or the public at any approved alternative work location. However, this policy

does not prohibit employees from conducting business at other appropriate locations that would normally occur even without a remote work agreement.

5. Maintain a substance-free workplace during working hours.
  6. Follow established best practices and employing agency policies for maintaining communications.
  7. Ensure any physical or electronic documents or records used or accessed at a remote location are not permanently stored at the remote work location and are timely returned to the designated office location. Electronic documents and records that are used while working remotely are to be stored in the NSBMT's record system when not in active use.
  8. Ensure that unauthorized individuals do not have access to work-related data. Security and confidentiality shall be maintained by the employee at the same level as expected at all worksites. Restricted access or confidential material shall not be taken out of the primary duty location or accessed through a computer unless approved in advance by the supervisor. VPN access is required to access such data.
  9. Affirm completion of all assigned cybersecurity and agency-specific security training in the remote work agreement (e.g., HIPAA, FERPA or other agency specific security requirements).
  10. Be accessible by management during remote work hours.
  11. Advise their supervisor or their designee of their break and lunch periods.
  12. Notify their supervisor of any deviation from their approved schedule.
  13. Advise their assigned supervisor of their work progress as agreed to in the remote work agreement.
  14. Devote their full time, attention, and efforts to their assigned work during agreed upon work hours.
  15. Accurately record appropriate leave and overtime when working remotely as they would if the remote work agreement were not in place. Approval for leave and overtime must be obtained in accordance with agency policy.
  16. Turn their camera on during video meetings.
- B. Supervisors are responsible for:
1. Informing current employees periodically of the content and intent of this policy.
  2. Taking disciplinary action when an employee is in violation of this policy.
  3. Ensuring teams work collaboratively, regardless of the work location while fostering a culture of inclusiveness.
  4. Ensuring remote work employee(s) comply with this policy.
  5. Ensuring remote work employees have accountability mechanisms in place and are accomplishing their tasks efficiently.
  6. Conducting regular communication with remote work employees and notifying them of pertinent meetings.
  7. Identifying any restricted access, confidential material or personally identifying information necessary for the employee to complete their assigned work and arranging for and ensuring such data is only used as needed for assigned work and that any data

accessed remotely is protected from unauthorized access by individuals not authorized to see such data.

8. An employee's schedule when working remotely must be established with their supervisor.
- C. The Executive Director shall be responsible for:
1. Providing assistance to supervisors and employees in the interpretation, explanation, and implementation of this policy.
  2. Ensuring Work Performance Standards (HR-14) are current, and Employee Reports on Performance (HR-15) are conducted timely for employees requesting a remote work agreement. Only employees who meet or exceed work performance standards are eligible for remote work.
  3. Assisting management in determining any action to be taken if an employee violates this policy.
  4. Reviewing and approving or denying all requests for remote or telework.

## **V. PROCEDURES**

- A. All employees requesting an ongoing remote or telework arrangement will submit a Remote Work Agreement for consideration by their Supervisor, and the Executive Director. Employees working remotely for a single period of less than three days due to extenuating circumstances are not required to submit a Remote Work Agreement.
- B. Remote Work Agreements will be reviewed semi-annually to be considered for renewal if the arrangement is still beneficial to NSBMT.
- C. The Executive Director will review all requests for Remote Work Agreements.
- D. All employees working remotely or teleworking, whether for a long term or under extenuating circumstances, will ensure that the equipment issued to them by the Board to enable remote work is cared for and maintained to be used as necessary.
- E. A Remote Work Agreement may be terminated at any time by the Executive Director if the Executive Director determines that the employee has violated the Remote Work Agreement or the Executive Director determines that the Remote Work Agreement is not in the best interest of the NSBMT.
- F. Remote work assignments do not change the conditions of employment or required compliance with policies.
- G. The remote work locations must be approved by agency management.
- H. The agency and the employee must agree to remote work arrangements.

- I. An employee's compensation and benefits will not change as a result of remote work arrangements.
- J. The total number of hours employees are expected to work will not change, regardless of work location.
- K. Procedures must be in place to document the work hours of those who work remotely and ensure compliance with the Fair Labor Standards Act.
- L. Working remotely is not intended to serve as a substitute for child or adult care.
- M. Remote work is not intended to offset the use of sick leave, Family and Medical leave, Workers Compensation leave or any other type of leave.
- N. Remote work is not an option to hire an employee who does not live in their assigned geographic work area. Positions reassigned to an alternate geographic location in the state should be based in a designated state office location.
- O. Supervisors or the Executive Director may require employees to report to a central workplace as needed for work-related meetings or other events.
- P. Workers Compensation Liability: Any on-the-job injury claims incurred while in remote work status may require an investigation depending on the circumstances. Employee reporting requirements, timeframes, documentation, and drug testing are still applicable for any worker compensation claims. Per the Occupational Safety and Health Administration (OSHA), the State is not responsible for the safety conditions within a remote work location. However, a safety/ergonomic evaluation can be arranged by the employing agency if necessary and requested.
- Q. Costs Associated with Working from Home: NSBMT will not assume responsibility for operating costs, secure internet connectivity, home maintenance or other costs incurred by employees working remotely. The internet connection must have sufficient speed and capacity to accommodate work-related tasks.
- R. Mileage reimbursement will NOT be provided for travel between the remote work location and the assigned work office for remote workers. Mileage reimbursement may be granted for travel between the remote work location and the location of a meeting, etc., that is not being held at the primary duty location, in accordance with State and Federal regulations. This is inclusive of requirements in the State Administrative Manual, particularly that reimbursed mileage must be reduced by the roundtrip mileage between the remote workplace and the assigned work office.

## **VI. POLICY EXCEPTION**

On occasion there are special circumstances that may require an exception to this policy be granted. Exceptions, while not common, require the approval of the Executive Director.

## **VII. POLICY COMMUNICATION**

All supervisors and managers of the NSBMT will provide their employees with a copy of this policy. Employees needing clarification should contact the Executive Director for assistance.

*This policy is not a substitute for relevant law or regulation nor does it establish additional rights beyond those provided in law and regulation. This policy is intended to be used in conjunction with federal regulations and state law.*