

Ninth Court of Appeals Telework Plan

September 2, 2025
Effective Date

August 31, 2025
Adopted Date

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GENERAL

The principal location of the Ninth Court of Appeals is 1085 Pearl St., Suite 330, Beaumont, TX 77707. This location, not the employee's residence, is the employee's place of employment. It is the regularly assigned place of employment unless a different location is specified in writing. A secondary location of the Ninth Court of Appeals is 301 North Thompson, Suite 210, Conroe, TX 77301. In the event an employee is hired to work out of the Conroe office, this address, not the employee's residence, is the employee's place of employment.

"Telework" means a work arrangement that allows an employee of a state agency to conduct on a regular basis all or some agency business at a place other than the employee's regular or assigned temporary place of employment during all or a portion of the employee's established work hours.

The Court recognizes that employees in most positions may be able to perform their duties as well or better from home or a remote location on a regular or ad hoc basis. However, the Court must be able to meet its needs and complete its work. Therefore, the Court will permit a telework arrangement when it is in the best interest of the Court and will enhance the productivity of the employee. Teleworking is not a right or entitlement.

In accordance with Chapter 658, Government Code, employees of the Ninth Court of Appeals may request and be allowed to perform their job duties from a remote work location (telework) as specified below and with the appropriate annual written approval. Approval to telework may be granted in accordance with the terms of a completed and signed Telework Agreement approved by the Chief Justice.

The remote work site or location that is not the regularly assigned place of employment is the home residence of the employee unless otherwise approved by the employee's supervisor.

A teleworking employee is subject to the same rules and disciplinary actions as any other employee of the Ninth Court of Appeals. Telework does not alter an employee's work relationship with the Court nor does it relieve an employee from the obligation to observe all applicable Court rules, policies, and procedures. A telework agreement is not a basis for changing an employee's salary or benefits. All existing terms and conditions of employment, including but not limited to the position description, salary, benefits, vacation, sick leave, and overtime, remain the same as if the employee worked only at his or her regularly assigned place of employment. Nothing in this plan or the Telework Agreement alters the at-will status of a Court employee.

A teleworking employee can only be employed by the Ninth Court of Appeals and the State of Texas, and therefore, cannot have secondary employment, which prohibits the employee from conducting in-person business at the employee's personal residence.

Telework is not appropriate for all job functions. As the needs of the court change, the Ninth Court of Appeals may elect to change or terminate telework arrangements accordingly. No employee is entitled to or guaranteed the opportunity to telework. Telework is a privilege that can be terminated at any time by the Ninth Court of Appeals, the State of Texas, or the higher appellate courts. All court policies must be followed when teleworking.

TIME ALLOWED TO TELEWORK

1. All attorneys and legal assistants will be allowed to telework full time, at the discretion of their supervising justice. An attorney who is authorized to work remotely full time may work at the Court's principal location (or secondary location where applicable) and must do so when requested by their immediate supervisor, the Chief Justice, or the Clerk of the Court.
2. At the discretion of the Clerk of the Court, deputy clerks and accountants will be allowed to telework at least one day per week. The telework day must be approved in advance by the Clerk of the Court and will be coordinated so no more than one employee is teleworking on any particular day.
3. Unused teleworking time that could have been, but was not, taken for one given month cannot be carried over into another month.
4. Except for Skeleton Crew Holidays, employees may not earn compensatory time when teleworking without express written permission from the Chief Justice.

COMPUTATION OF TIME AND NORMAL BUSINESS HOURS

1. Employees working at the primary or secondary location must work 8 hour days, Monday through Friday, or take leave time. Otherwise, employees that are teleworking must work 40 hours per week, or take the appropriate leave time.
2. A court holiday is considered 8 hours in the office.
3. Employees must be available to communicate with other employees during normal business hours (8:00 am – 5:00 pm) even if they are not teleworking during normal business hours.
4. Attorneys may receive prior authorization from their supervising justice for flexible hours, provided they are teleworking 40 hours per week (unless taking leave time); however, they must be available by phone, text, TEAMS or email to communicate with other employees from 8:00 am to 5:00 pm Monday through Friday unless taking leave time.
5. Legal Assistants may receive prior authorization from their supervising justice for flexible hours, provided they are teleworking during the core hours of 8:30 am to 4:30 pm and they are available by phone, text, TEAMS or email to communicate with other employees from 8:00 am to 5:00 pm Monday through Friday unless taking leave time.
6. Deputy Clerks must work from 8:00 am to 5:00 pm Monday through Friday or take leave

time, unless prior approval from the Clerk of the Court to work different hours is given.

SUPERVISOR APPROVAL

1. The immediate supervisor (the person who is authorized to sign or approve an employee's time sheet) must deem the position suitable for telework before an employee may enter into a telework agreement.
2. The immediate supervisor of each employee will approve the monthly time sheet of their employee.
3. The immediate supervisor can require work in the office on specific days of the month.
4. The Clerk of the Court may require one in-person administrative day each month.
5. The Chief Justice may require all or some employees to work in person on specified days.
6. The immediate supervisor, the Chief Justice, or the Clerk of the Court may impose additional restrictions based on Court needs, and may require an employee to report to the regularly assigned place of work if circumstances require, including but not limited to technical difficulties at the remote work location, limited availability of personnel at the regularly assigned place of work, and any other circumstances in which the employee's supervisor or the Chief Justice determines it is in the Court's best interest to require the employee to report to the regularly assigned place of work.
7. The immediate supervisor can alter, temporarily suspend, or terminate the right to telework at any time with notification to the employee.

USE OF THE COURT'S EQUIPMENT AND EXPENSES OF TELEWORKING

1. Each employee will solely bear the expenses associated with teleworking, including any operating costs associated with the employee using his or her home as an alternative worksite, such as home maintenance, security, insurance or utilities.
2. All court equipment including, but not limited to, the employee's court-issued laptop, monitors, docking stations, printers, miscellaneous peripherals, etc., may only be used for court business at the remote location.
3. Each employee must use VPN for the court's business and follow all computer safety, security and privacy protocols when teleworking.

ELIGIBILITY TO TELEWORK

1. All employees must be an employee of the Ninth Court of Appeals for a minimum of six months to telework. Employees changing positions within the court may also require extra time in the office at the beginning of the new position, at the discretion of the supervisor.
2. All employees must have reliable internet and cell phone service provided at their own expense in order to telework.

3. Telework may be revoked for any employee on probation for disciplinary or performance reasons. If telework is revoked, the employee must return all equipment to the office and work in-office until (1) the probationary period expires, and (2) the direct supervisor or Chief Justice approves the continuance of telework.
4. Abuse of telework or any violation of this telework plan may lead to a termination of telework privileges or disciplinary action, up to and including involuntary separation.

PERFORMANCE GUIDELINES

Under Government Code section 658.010(a), approval to telework may be granted in accordance with the terms of a completed and signed Telework Agreement (Agreement), approved by the Chief Justice.

Evaluation Criteria for Teleworking:

In deciding whether to allow an employee to telework, a supervisor may consider the following criteria for evaluating the ability of an employee to satisfactorily perform the employee's job duties while teleworking such as:

1. Whether the employee has a position that can be successfully performed from a remote location.
2. Whether the employee has demonstrated reliability and self-initiative to complete assigned tasks without immediate supervision.
3. Whether the employee's absence from the regular work location may result in an increased or inequitable workload for other employees.
4. Whether the employee will have access to technological resources to perform the job adequately from the remote location.
5. Additional considerations:
 - a. Attorneys: Calculate average number of opinions produced over several years (when available and adjusted for periods of leave and partial years) or compare to other attorneys' productivity. The Court may consider the relative complexity of the staff attorney's work product.
 - b. Legal Assistants: the ability to perform all functions of the job including proofreading, checking, and processing memoranda and opinions in a timely manner with few errors, and communicating with justices and staff.
 - c. Deputy Clerks and Accountants: the ability to perform all functions of the job, including processing filings in a timely manner, scanning documents, reviewing and acting on pro se mail, etc.

Performance standards:

To ensure a teleworking employee maintains satisfactory performance, the following performance standards must be met:

1. Attorneys: Each attorney is responsible to produce opinions for one-half of their assigned

justice's At Issue Docket. Performance goals include:

- a. no priority appeal on file over 180 days;
- b. no appeal submitted over six months without a draft being turned in to the justice;
- c. no appeal on file over two years without a draft being turned in to the justice;
- d. future performance goals will include no appeal at issue over one year; and
- e. for original proceedings attorneys: all opinions must be in circulation within 6 months from the date the response or reply, if any, is filed.

2. Legal Assistants:

- a. Opinions must be checked within 24 to 48 hours of being given by the attorney or justice; longer opinions may be given more time for checking at the discretion of the attorney or justice;
- b. Dismissals must be checked the same day they are given by the attorney; and
- c. Emergency opinions and orders must be dealt with immediately and may require working past 5:00 pm.

3. Deputy Clerks and Accountants:

- a. All Daily Calendars/Assignments must be completed before 5:00 pm;
- b. All e-filings filed by 3:30pm must be completed before 5:00 pm; and
- c. All records filed by 3:30pm must be completed before 5:00 pm.

Monitoring System:

To monitor the productivity of a teleworking employee to ensure that the employee's work remains satisfactory and that the employee's duties remain suitable for telework, each chamber will track every appeal assigned to that chamber and report the status of the justice's docket in a chart that must be updated and archived each week. The status report must include which attorney has been assigned to prepare a rough draft, whether a rough draft has been turned in for checking, identify which attorney is editing the rough draft, the date the legal assistant was assigned to check the opinion, the date the legal assistant circulated the draft, and the date the opinion is filed.

The Clerk of the Court will monitor the deputy clerks and accountant(s) to confirm that daily tasks and filings are being processed in a timely manner.

PHYSICAL AND INFORMATION SECURITY CONTROLS

To comply with appropriate physical and information security controls at teleworking sites, employees must:

1. use the VPN supplied by the Office of Court Administration;
2. secure any computer and other state equipment to prevent theft;
3. prevent access to and viewing by non-employees;
4. lock screen when away from workstation or completely shut down system when absent for an extended period of time to prevent intentional or inadvertent access by others; and
5. view sealed documents only at the Beaumont office.

All employees who use networks maintained by the Office of Court Administration or are provided state-owned devices shall sign a document annually confirming their understanding of the Office of Court Administration Policy for Preventing Use of Prohibited Technology.

Court equipment located at the remote site is subject to all policies and restrictions related to use of state-owned property.

An employee is responsible for any equipment and software that is used at the remote work site and accepts financial responsibility for any equipment that is lost, stolen, or damaged because of the employee's or others' negligence, misuse, or abuse.


The failure to meet the above referenced performance or security measures may result in an automatic suspension of the right to telework. If the employee has cured the performance or security issue, the employee's immediate supervisor will determine the length of suspension, with a maximum suspension of 30 days.

OTHER PROVISIONS

1. The Court assumes no liability for injury at the employee's telework site to the employee or any other person who would not be in the work area if the duties were being performed at the principal office.
2. Workers' compensation benefits will apply to injuries arising out of and in the course and scope of employment.
3. The Court will not be liable for damages to an employee's personal or real property while the employee is teleworking, except to the extent the law provides.
4. Job duties and expectations are not altered by this Telework Plan and remain the same as on-site duties and expectations.
5. All court policies must be followed when teleworking.
6. Nothing in this Telework Plan precludes the agency from taking any appropriate disciplinary or adverse action against an employee who fails to comply with the provisions of this Telework Plan or any other policies of the Court.

Approval to telework is at the discretion of the employee's immediate supervisor and may only be granted in accordance with the terms of this Telework Plan and a completed and signed Telework Agreement (Agreement).

This Telework Plan is approved by the Chief Justice of the Ninth Court of Appeals.



Chief Justice of the Ninth Court of Appeals

Ninth Court of Appeals Telework Agreement

Employee Name: _____

Position: _____

Supervisor/Justice: _____

Alternative in-state workplace address, email, telephone, name and telephone number of alternative contact person:

Teleworking days: _____

I wish to telework and agree to abide by all policies of the Ninth Court of Appeals, including the Court's Telework Plan. I acknowledge that all policies are subject to change by the Court. I further acknowledge that this agreement may be revoked at any time, without notice, including for any violations of the Court's policies, including the Telework Plan.

With these agreements and acknowledgments, the Court authorizes this Telework Agreement and authorizes the employee to telework for the purpose of providing reasonable flexibility to enhance the Court's ability to achieve its mission.

The employee is currently eligible to telework.

Entered into this ____ day of _____, 20 ____.

Employee

Chief Justice

FLEXHOURS AUTHORIZATION¹

Effective _____, _____ (“Employee”) is hereby granted permission to work a flexible schedule of hours (“Flexhours”), rather than the normal hours of 8:00 a.m. to 5:00 p.m. Monday through Friday with an hour lunch break. This permission is granted until rescinded and rescinds all prior Flexhours authorizations for Employee. Employee has permission to start work no earlier than 5:00 a.m., may work with or without a lunch break, and leave no later than 10:00 p.m. on any day. Total time worked in a 24 hour period may not exceed more than 12 hours except when the requirements of a specific deadline or situation may require a longer uninterrupted work period approved by Employee’s supervisor. Scheduled time for Employee to be at the normal duty point (the Jefferson County Courthouse) remains subject to the control of Employee’s supervisor. Employee must account for 40 hours per work week which begins at 12:00:01 a.m. on Sunday of each week. Holiday time for any State Holiday is reported as 8 hours.

All time worked must be at Employee’s normal duty point unless approved by the Chief Justice. This is not authorization for telecommuting. Employee must keep contemporaneous records of the start and stop time of all work until further notice or Employee returns to normal working hours of 8:00 a.m. to 5:00 p.m. with an hour lunch break Monday through Friday and delivers a written statement to that effect to the Chief Justice and Employee’s supervisor.

Approved by:

Chief Justice – W. Scott Golemon

Date: _____

Approved by:

Title: _____
Supervisor

Date: _____

I wish to avail myself of the flex schedule provided for by the foregoing approval and agree to comply with its requirements.

Employee’s Printed Name

Employee’s Signature

Date: _____

¹ This authorization does not limit work time and location restrictions while attending a conference. Appropriate authorization to attend any conference also expressly authorizes Employee to work outside the office while attending the conference and to work any schedule of hours on court related business while away from the normal duty point for attendance at the conference. Start and stop times and a brief description of work performed are required for all hours, including attending the conference, while working away from the normal duty point.