

Telecommuting Policy

I. Purpose and Scope

The purpose of this policy is to establish the procedures for allowing City of Pinole ("City") employees to work remotely during normal and special circumstances, as determined by the City, including but not limited to a public health emergency and hazardous conditions. Working remotely is an arrangement that allows City employees to work in a designated area outside of the office, or outside of the employee's regular place of work. Working remotely is a cooperative arrangement between employees, supervisors, and Department Heads. This policy applies to all City employees.

II. Policy

This policy will allow Department Heads full discretion to determine if an employee is eligible to work remotely and to determine the length of the assignment. Department Heads will be guided in their decision-making through the requirements of this Policy, their assessment of the employees' characteristics, employees' job duties that may be conducive to working remotely, and operational needs assessments. Working remotely shall be considered a privilege, not a right. Individual departments may have additional requirements, guidelines, or procedures for working remotely, provided they are consistent with this policy. Working remotely in no way changes the duties, obligations, responsibilities, or terms and conditions of employment with the City. Employees working remotely must comply with all City policies and procedures.

III. Approval

An employee's request to telecommute will be considered by the employee's immediate supervisor, Department Head, and the City Manager. A telecommuting arrangement must be approved at all three levels. Employees who work remotely must be available to report to their regular worksite, if required, by their supervisor. A supervisor, Department Head, or the City Manager may deny, end, or modify an agreement to work remotely at any time for any reason considered to be in the best interests of the City.

A. Eligibility

Eligibility for working remotely is based on the position, the needs of the department, and the employee. Not every employee, or every position, is suited for working remotely. Employees who are not upholding City obligations, such as meeting performance or conduct expectations, may not be eligible to work from home.

An employee's position may be suitable for working remotely when the job duties:

- Do not require frequent interaction at the regular worksite with supervisors, colleagues, or members of the public, in person or by phone.
- Do not require the employee's immediate presence at the regular worksite to address unscheduled events, unless alternative arrangements for coverage are possible.
- Are independent in nature.
- Lend themselves to measurable deliverables.

Employees may be suitable for working remotely when their personal work characteristics, as determined by their supervisor, include:

- Demonstrated motivation, dependability, productivity, and responsibility.
- Effective communication with all those contacted in the course of work.
- The ability to work independently.
- A high level of skill and knowledge of their job.
- The ability to prioritize work effectively.
- Good organizational and time management skills.
- The ability of the employee to perform his or her specific job duties from a location separate from his or her City worksite without diminishing the quantity or quality of the work performed.

B. Work Schedules and Time Worked

Telecommuting employees should coordinate with their supervisor to set scheduled hours that will be devoted to performing their work when telecommuting. As approved by the employee's supervisor, an employee's telecommute start time and end time may be permitted to be different from the employee's normal hours when working on-site. Employees who are not exempt from overtime requirements under the Fair Labor Standards Act (FLSA) will be required to accurately record all hours worked while telecommuting. Any overtime must be authorized in advance by the employee's supervisor.

Telecommuting employees may not engage in personal activities, such as dependent care, while working their scheduled hours at an alternate worksite as that would not be permitted at their regular worksite. Employees may take care of personal business during paid or unpaid breaks, as they would at their regular work location. Employees working remotely must comply with City policies when using paid leave and should coordinate with their supervisor for any periods of time during the workday when they will not be working and note those as appropriate on the time sheet (e.g. sick leave for a doctor's visit).

C. Job Responsibilities and Regular Communications

Employees working remotely shall perform the full range of their normal job duties and be available via telephone, email, video chat or other means during working hours. Supervisors will be expected to establish and communicate work expectations of employees working remotely, including setting work priorities, deadlines, and reviewing work assignments.

D. Equipment and Supplies

If available, and at the discretion of the Department Head, equipment and supplies such as a laptop, electronic tablet, cell phone, printer, and paper may be provided by the City to an employee to use while telecommuting and conducting City business. Department Heads are to reasonably allocate those resources based on operational and workload needs. A telecommuting employee must protect City equipment (if provided) from possible theft, damage, and loss. The telecommuting employee may be responsible for the replacement or repair of City equipment as allowed by law. The City will not provide employees who are working remotely with other materials or supplies needed to establish an alternate worksite (desk, chair, copy machine, etc.). All City issued equipment issued to an employee must be returned immediately at the conclusion of the telecommuting arrangement.

Employee shall be responsible for arranging appropriate service and all costs related to use of a remote worksite, including but not limited to, rent, utilities, phone service (if not using City-issued phone), internet service, furniture or equipment, insurance or other costs. Furthermore, the City is not responsible for damage to an employee's personal equipment or property while the employee is telecommuting. Employees who use their personal equipment for telecommuting are responsible for the installation, repair, and maintenance of the equipment.

All City rules, policies, and procedures regarding the use of electronic devices apply while an employee is working remotely, regardless of whether the employee is using City-owned or personally owned equipment.

E. Tech Support and Software

Any equipment such as a laptop, tablet, cell phone, or other hardware or software provided by the City to an employee to use while telecommuting and conducting City business shall only be maintained by the City. Employees will receive a virtual private network ("VPN") account and access via remote desktop to access the City's network. Additionally, if any issues arise with access to the City's VPN or equipment, employees are to call the IT department for assistance.

Employees who use their own computer for telecommuting must assure that they have up-to-date firewall and security software and software compatible to open Word, Excel, Adobe and other software used by the City. Access through the City's VPN is secure. The City will not provide or install any security, word processing/spreadsheet, or any type of software on employees' personal computers. Additionally, the City's IT Department will not access or provide support, setup, repair, and/or evaluate and recommend changes to employee's personal computers or equipment.

F. Security and Safety

All files, records, or other materials created while working remotely are considered City property. Employees and their supervisors shall identify any confidential, private, or personal information and records to be accessed and ensure appropriate safeguards are used to protect them. A supervisor may require employees to work in private locations when handling confidential or sensitive material. A supervisor may prohibit employees from printing confidential information

at alternate worksites to avoid breaches of confidentiality.

Employees may not disclose confidential or private files, records, materials, or other information and may not allow access to City networks or databases to anyone who is not authorized to have access.

The California Public Records Act applies to employees working remotely. Public records include any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by the City regardless of physical form or characteristic. Upon receipt of an appropriate request, and subject to authorized exemptions, an employee working remotely must permit inspection and examination of any public record or public information in the employee's custody, or any segregable portion of a public record, within the required time limits. This requirement exists regardless of where the public record is located, including on an employee's personal device or network.

Employees shall take all reasonable steps to ensure the physical safety of the worksite from which they telecommute.

G. Workers Compensation

Workers' Compensation benefits will apply only to injuries arising out of and in the course of employee performing work functions and as defined by Workers' Compensation law. Employees are covered by Workers' Compensation while telecommuting. Employees must report any work-related injuries sustained while telecommuting to Company Nurse and their supervisor immediately. The City shall not be responsible for injuries or property damage unrelated to work activities, including injuries to third persons, when said injuries or damage occur at the alternate worksite.

IV. Procedure

In order to telecommute, employees must sign the Acknowledgement of this policy; receive approval from their supervisor, Department Head, and the City Manager to work remotely; and must agree to a Telecommuting Agreement with their Department Head. The signed Acknowledgement, Approval to Telecommute, and Telecommuting Agreement will be retained in the Human Resources Department with a copy provided to the Department.

As noted above, a supervisor, Department Head, or the City Manager may deny, end, or modify Approval to Telecommute or a Telecommuting Agreement at any time for any reason considered to be in the best interests of the City.

This policy is not subject to any grievance procedures, or to any other review or appeal procedures, except as noted here. An employee who believes their ability to work from home has been denied for arbitrary or capricious reasons may appeal the decision to the City Manager. The decision of the City Manager shall be final. Failure to comply with this policy while working remotely may result in disciplinary action up to and including termination.

V. Responsibility for Review

The Human Resources Manager shall be responsible for reviewing this policy as needed, or at least every five (5) years.

VI. Acknowledgement

I acknowledge that I have read and understood the Telecommuting Policy. I agree to comply with the policy, and I understand that failure to do so may result in modification or termination of an agreement to work remotely. Additionally, depending on the severity of the violation of the policy, it may include disciplinary action up to and including termination.

Employee Signature

Date

Employee Name

Date

VII. Approval to Telecommute

The employee named below is authorized to telecommute per the terms of the Telecommuting Policy and the specific terms of the Telecommuting Agreement.

Employee Name

Supervisor Approval

Date

Department Head Approval

Date

City Manager Approval

Date

Telecommuting Agreement

The employee named below has been authorized by the City to telecommute. The employee and their Department Head have agreed to the specific terms of the telecommuting arrangement outlined below, referred to as the Telecommuting Agreement.

Start date of telecommuting: _____

End date of telecommuting (if applicable): _____

Location of telecommuting workstation: _____

Telecommuting workdays and times: _____

City-provided equipment and supplies: _____

Employee Signature

Date

Employee Name

Date

Department Head Approval

Date