

ADMINISTRATIVE POLICY

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Approved by: _____



Mike Webb, City Manager

LIMITED DURATION TELEWORKING POLICY

PURPOSE

Teleworking (a.k.a. Telecommuting) is a limited duration arrangement that allows eligible City employees to work in a designated area outside the office. Teleworking is a supportive arrangement between employees, supervisors, and employing departments during these evolving circumstances of the COVID-19 pandemic. Teleworking is a privilege, not a right. All City employees who desire to have Teleworking arrangements must have their specific arrangement pre-approved in writing. A City department may have additional teleworking requirements, guidelines, or procedures, provided they are consistent with the intent of this limited duration program. Eligibility for limited duration remote working is based on both the position and the employee. Not every job is well-suited for teleworking.

Therefore, the purpose of this policy is to:

- (1) encourage employees who desire and are able to work from home or another remote location to discuss the feasibility of such an arrangement with their immediate supervisors during the current pandemic period;
- (2) develop a uniform policy for employees who work remotely; and
- (3) ensure that all teleworking arrangements are in full compliance with applicable laws governing workplace safety, employee rights and responsibilities, and City of Davis policies.

I. ELIGIBILITY

Only employees whose job duties can be performed away from the City of Davis office (or other primary work location) may be considered for participating in a telework program.

Additional criteria shall be considered in determining whether to grant a specific request for teleworking. These additional criteria may include, but are not limited to, years of employment at City of Davis; whether the employee's past work performance has shown reliable and responsible performance of work duties over time; whether the employee can reliably provide alternative work space; whether the employee's absence from the primary work location will disrupt the workflow of other employees and/or overall management of City of Davis; whether the employee can demonstrate full understanding of the requirements of this policy; and whether a teleworking arrangement serves the purpose of this policy to implement protective

measures during the pandemic period. Department head may use other reasonable criteria in addition to these examples.

Employee participation in telecommuting is determined only at the discretion of the employee's Department Head. City of Davis has the right to refuse to make telecommuting available to any employee. City of Davis has no obligation to allow one employee to telecommute merely because another employee who performs the same or similar job duties has been approved for telecommuting.

A request to telecommute may be initiated by either the employee or the employee's supervisor.

II. WORK SCHEDULE

All teleworking work schedules are at the Department Head's discretion. Telecommunicating arrangements do not necessarily provide the employee with a flexible work schedule. The work schedule shall be consistent with the operational needs of the employee's work group and department and overall management of City of Davis. As with any work schedule, management has the discretion to change or eliminate telecommuting arrangements to meet operational needs, or at the employee's reasonable request.

Telecommuters may be required to spend a minimum number of work days per week or per month at their primary onsite work location. Operational needs may also demand the presence of a regularly telecommuting employee in the office on a regularly scheduled telecommute day, with or without advance notice. Management shall attempt to provide as much notice as possible to the telecommuting employee.

Telecommuters shall maintain regular contact with supervisors and co-workers by phone and e-mail while they are telecommuting. Unless granted express permission by the employee's immediate supervisor, employees shall expect to adhere to a regular workday schedule as if they were present in the office, and shall be in communication by phone and e-mail during those hours.

III. MEETINGS AT THE TELEWORK SITE

Telecommuting employees are not permitted to conduct work-related meetings at their remote worksites. Meetings must be conducted either onsite or through teleconferencing. Absent express written authorization from the telecommuting employee's supervisor, no other City of Davis employee is permitted to conduct City of Davis business at the remote worksite.

IV. BENEFITS AND COMPENSATION

All benefits and compensation will be based on the employee's position, with no distinction made between telecommuting and onsite employees. All applicable contracts, agreements and policies governing an employee's position shall continue to apply in the telecommuting program.

Employees who are subject to overtime shall continue to follow applicable contract provisions and City policy regarding overtime. No employee shall work more than their regularly scheduled work hours and/or incur overtime without prior authorization by the employee's supervisor.

When completing timekeeping records, employee is responsible for accurately recording time worked on the day in which the hours are worked and recording all actual time worked.

V. CITY OF DAVIS POLICIES

Employees who telecommute are bound by all City of Davis policies as if they were working onsite or on City of Davis property. This includes policies governing appropriate conduct in the workplace and towards one's fellow employees, regardless of working location. Any employee who violates any of City of Davis's policies while telecommuting shall be subject to revocation of his or her telecommuting arrangement, in addition to any disciplinary measures that would be taken if the employee was working onsite.

VI. HEALTH AND SAFETY

City of Davis is committed to ensuring a safe worksite in compliance with the rules and guidelines set forth by the Division of Occupational Safety and Health (Cal/OSHA). Employees who telecommute are responsible for designating one area in their home as the worksite. The employee's direct supervisor or other designated manager shall review the applicable health and safety rules with the employee, and the employee must complete a checklist and certify in writing that the worksite meets all of the requirements for a safe and healthy work environment. The employee must also certify in writing that, should any condition arise at the worksite so that the health and safety requirements are no longer met, or if any other hazardous condition occurs, the employee will notify his or her supervisor immediately and cease working at the remote worksite until the condition has been remediated. The employee shall not be permitted to resume telecommuting from the remote worksite without the express authorization of his or her supervisor.

Upon reasonable notice, management has the right to inspect the employee's designated worksite. If the employee refuses such a request, he or she may not be allowed to continue telecommuting. Management reserves the right to refuse or rescind a teleworking agreement based on the employee's failure to adhere to the guidelines, or if a supervisor or other manager makes the reasonable assessment that the employee's worksite poses a health or safety risk.

If an employee incurs an injury or illness in the course or scope of employment while telecommuting, Workers' Compensation laws apply. Employees must immediately notify their supervisor and complete all necessary paperwork as required by City of Davis.

Actions that the telecommuter may take during break periods from working and actions not directly related to the approved remote worksite will not be covered under Workers' Compensation. These non-covered actions include, but are not limited to, all actions that the employee would not be able to perform in his or her City of Davis office, such as caring for children or pets, domestic tasks, yard work, retrieving the mail, cooking, exercising and interacting with non-City of Davis employees for non-business purposes.

City of Davis shall in no instance be liable for injuries to third persons, including members of the telecommuting employee's family, who enter the employee's worksite or otherwise interact with the employee or use his or her home office equipment.

City of Davis understands that compliance with the health and safety provisions of this policy does not necessarily provide the reasonable accommodations required by employees with disabilities. Telecommuting employees with disabilities shall be entitled to the same rights and accommodations they would be entitled to under all applicable state and federal laws and City of Davis policy. Telework may be provided as a reasonable accommodation with medical certification of a serious medical condition and following an interactive process discussion.

V. PERFORMANCE STANDARDS AND EVALUATION

An employee participating in a telecommuting arrangement is accountable under the same performance standards as employees working onsite. As in "regular" office assignments, supervisors and employees should discuss and understand what is expected to be produced during telecommuting hours and when assignments are due. Supervisors and employees should also arrange when and how to make contact with each other on telecommuting days. Employee performance must remain satisfactory or above to participate in the telecommuting program. Supervisors may require additional contact and progress reporting to facilitate management of remote working arrangement. Employees are expected to be available and responsive to calls or emails during their regularly scheduled work hours.

VI. BUSINESS EXPENSES AND REIMBURSEMENT

Expenses incurred as a result of telecommuting will not be reimbursed by City of Davis unless they are normally reimbursable pursuant to City of Davis policies. Such non-reimbursable expenses include, but are not limited to, utility costs, computer repair or replacement, purchase of office equipment or furniture, and travel to and from the primary City of Davis worksite if required to be onsite.

Telecommuting employees may use City of Davis office equipment and supplies at any time, according to need. For example, a telecommuting employee is allowed to come to City of Davis's office to use printing and copying equipment, administrative assistance, or other office resources to which the employee would have access if he or she was working onsite. With the advance approval of the employee's supervisor, a telecommuting employee may be permitted to take City of Davis office supplies to his or her remote worksite to facilitate productivity. Such supplies may include printer paper, pens and pencils, or other miscellaneous office-related items. Employees should not remove any item from City of Davis property to use offsite without the express permission of his or her supervisor.

VII. USE OF PERSONAL COMPUTERS, SMART PHONES AND OTHER TECHNOLOGY

Employees may access systems available on the internet but not on the private city network from a personal computer. Employees using their personal computer shall take reasonable measures

to protect the confidentiality and security of city systems and documents and adhere to City of Davis information security standards.

Any and all policies governing employee usage of City of Davis computers, internet connections and mobile devices shall apply to teleworking employees when they are using their personal equipment in the course and scope of employment, and when they are using City of Davis technology at any time.

In the event of a public records request where City business has been conducted on a personal device, such personal device may be subject to inspection or duplication. As always, personal email accounts should not be used for any City business or communications.

VIII. EQUAL OPPORTUNITY

This policy does not alter City of Davis's commitment to maintaining an equal opportunity, discrimination-free workplace. All City of Davis policies, as well as all state and federal laws, governing City of Davis's anti-discrimination policy apply uniformly to telecommuting and onsite employees.

IX. HARASSMENT-FREE WORKPLACE

This policy does not alter City of Davis's commitment to maintaining a harassment-free workplace. All City of Davis policies, as well as all state and federal laws, governing City of Davis's anti-harassment policy apply uniformly to telecommuting and onsite employees.

Any employee who feels he or she has been subjected to harassment in the course of performing City of Davis business should report the incident in accordance with City of Davis's anti-harassment policy. Investigations of alleged harassment shall be conducted in the same manner for teleworkers as for onsite employees, regardless of where the incident occurred.

X. PROCEDURE

Employees who wish to telework are encouraged to contact their immediate supervisor to discuss the feasibility of such an arrangement. Employees will complete the Limited Duration Teleworking Application indicating their proposed schedule. Same-day requests for telecommuting cannot be granted unless the employee has already certified to a safety-compliant worksite and discussed information security with his or her supervisor.

All telecommuting arrangements are subject to ongoing review and may be revoked at any time. Nothing in this policy shall grant a telecommuting employee any rights he or she would not have if working onsite, nor shall it limit his or her rights under all applicable City of Davis policies and state and federal laws.

This Policy is effective immediately upon release and will continue until such time as City Manager revokes the policy to continue regular business operations.

I understand, acknowledge and agree to abide by all of the provisions contained in this policy.

EMPLOYEE PRINT NAME

EMPLOYEE SIGNATURE

Date

[SUPERVISOR]

Date

Attach signed document to completed Limited Duration Teleworking Application.