



ADMINISTRATIVE POLICIES AND PROCEDURES

Telecommute Policy – ACEA, AMPU, EUPA, EXME, IBEW, & MCEA

Effective Date:
8/14/2023

A. PURPOSE

Telecommuting is a work arrangement that allows an eligible City employee to perform work, during any part of regular, paid hours, at an approved alternative worksite. Telecommuting is a cooperative arrangement between employees, supervisors, and departments that provides several benefits to a variety of stakeholders such as efficient use of City resources, increased productivity, decreased energy consumption, and recruitment and retention of highly qualified employees. While City employees are generally required to work from their assigned City work locations, at the request of an employee, the City may allow certain job positions to telecommute at the City's sole discretion. When approved, telecommuting will be combined with working from a regular job site. Not all employees or job positions are eligible and/or are appropriate for telecommuting. Because fulfillment of the City's operational needs is primary, the right to telecommute is never guaranteed.

The purpose of this policy is to establish uniform guidelines for the administration of telecommuting within the City and provide guidance to employees and department heads. A City Department may have additional telecommuting guidelines or procedures, provided they are consistent with the intent of the program. Telecommuting is a privilege, not a right. Telecommuting does not change the duties, obligations, responsibilities, or terms and conditions of City employment. Employees who telecommute must comply with all City rules, policies, practices, and instructions.

B. OVERALL GUIDELINES

This Telecommute Policy ("the Policy") applies citywide to all full-time employees in the following bargaining units: ACEA, AMPU, EUPA, EXME, IBEW, and MCEA. Department Heads and Division Managers are responsible for evaluating telecommute opportunities in their departments/divisions. Probationary employees may be allowed to participate with the approval of their Department Head and the City Manager, or City Attorney for City Attorney appointed positions.

A telecommuting employee must perform work during scheduled telework hours. Employees may not engage in activities while telecommuting that would not be permitted at their regular worksite, such as child, elder, or other dependent care. Work hours scheduled to be teleworked shall be dedicated exclusively to City work. Telecommuting employees may take care of personal business during unpaid lunch periods or request time off in advance, as they would at their regular worksite.

Employees must read the Telecommute Policy and submit a Telecommute Application and Agreement through the approval process before teleworking. Telecommuting is not permitted until all required documents are submitted and the agreement is approved by their supervisor/manager, and Department Head or City Manager, or City

Attorney for City Attorney appointed positions upon appeal.

A supervisor/manager or a Department Head may deny, end, or modify a telecommute agreement for any business reason that is not arbitrary or capricious. Similarly, a telecommuting employee may end or request to change a telecommute agreement at any time. Employees may be removed from the telecommute program if they do not comply with the terms of the telecommute agreement.

The Telecommuting Policy and program is intended to be cost neutral. The City is not required to provide telecommuting employees with materials or supplies needed to establish an alternate worksite (desk, chair, software, cell phone, scanner, fax, copier, paper, pens, etc.) and assumes no responsibility for set-up or operating costs at an alternate worksite (telephone or internet services, etc.) Therefore, employees should ensure that they are equipped to work remotely at the time they submit the application. The employees' alternate worksite may temporarily change from time to time, but the employee must seek supervisor approval for such temporary change in location. The City will provide a telecommuting employee with a computer, keyboard, mouse, and monitor or laptop to use at a telecommute location and will set up the Virtual Private Network (VPN) to access system files, etc. Approval by the City Manager, or City Attorney for City Attorney appointed positions, will be required if an exception needs to be made to the employee accessing system files in a different manner or using the employee's own personal computer.

All City rules regarding the use of computers and the internet, including policies related to cyber security, apply while an employee is telecommuting, regardless of whether the employee is using City-provided or personal equipment.

A telecommuting employee must designate a work area suitable for performing official business and which allows them to perform their duties safely and efficiently. The employee must perform work in the designated area when telecommuting and are responsible for ensuring their work areas comply with health and safety requirements. Requirements for the designated work area will vary depending on the nature of the work and the equipment needed, and may be determined by the department/division.

If, in the best interest of the City, the City Manager, or City Attorney for employees appointed by the City Attorney, needs to amend, suspend, end, or modify this Policy, they have the sole discretion to do so. The decision of whether to grant an employee's application for telecommute is discretionary and is not subject to the grievance procedures, or to any other review or appeal procedures in any Memorandum of Understanding. Similarly, a decision to discontinue a telecommuting arrangement for a particular employee is not considered disciplinary in nature and is not subject to any right of appeal or other challenge. Employees will be provided with a 30-day notice prior to implementation of change or amendment to the Policy.

C. Eligibility Criteria

Telecommuting is not suitable for all employees and/or positions. Eligibility for telecommuting is based on both the position and the employee. Not every job, or every employee, is well-suited for telecommuting. Department Heads and Division Managers have the discretion to determine the positions and employees who may telecommute, utilizing criteria that include, but are not limited to:

- Service needs of the community;
- The operational needs of the employee's department/division and the City;
- The potential for disruption to the City's functions;
- The ability of the employee to perform their specific job duties from an alternate worksite without diminishing the quantity or quality of the work performed in a full workday;
- The degree of face-to-face interaction with other City employees, public, and/or clients that the employee's position requires;
- The portability of the employee's work;
- The employee's ability to create a functional, reliable, safe, and secure alternate worksite;
- The risk factors associated with performing the employee's job duties from a location separate from their City Worksite;
- The ability to measure the employee's work performance from a location separate from their City Worksite;
- The employee's supervisory responsibilities;
- The employee's job performance and need for supervision; and
- Other considerations deemed necessary and appropriate by the employee's immediate supervisor, Department Head, and the City Manager or City Attorney for City Attorney appointed positions.

Employees with serious performance issues who are not upholding City obligations, such as meeting performance or conduct expectations, are not eligible to telecommute.

D. GENERAL PROCEDURES

Telecommute agreements can be on a regular and recurring, or an occasional basis, and are subject to the discretion of management.

The amount of time an employee is permitted to telework is subject to department need and Department Head approval, however, full-time employees are only permitted to work remotely on a recurring basis for a maximum of 50% of their regular workweek, for example subject to department need an employee with a regular work week of thirty-six (36) hours may be allowed to work remotely up to eighteen (18) hours per week, where as an employee with a forty (40) hour work week may be allowed to work remotely up to twenty (20) hours per week. Employees who telecommute on a regular and recurring basis must be available to work on short notice at the regular worksite on telecommute days if needed or required by their supervisor.

Where feasible, the employee should be provided at least 24-hour notice when required to come to their worksite on a scheduled telecommute day. However, circumstances or emergencies may arise where the employee is required to report to the worksite immediately. In these instances where advanced notice isn't provided, employees must be able to report to the worksite within two (2) hours once notified by their supervisor. Conversely, occasional requests by employees to change their regularly scheduled telecommute days should be accommodated by the supervisor, if possible, for example an occasional request to switch remote work days to accommodate meetings or appointments. Employees must obtain prior authorization to change a regularly scheduled telecommute day or regularly scheduled work hours. Additionally, employees who are absent or take approved leave on their scheduled in office day(s) are not required to make up that day(s) by working on site on a regularly scheduled telecommute day(s).

All the rules applicable to the employee's City worksite are applicable while telecommuting including all Personnel Policies. Telecommuting employees are required to be accessible in the same manner and during the same times, as if they are working at their City worksite during their established Telecommute Work Schedule, regardless of the designated location for telecommuting. Employees must be accessible via telephone, email, and/or network access and video conferencing software such as Zoom or Microsoft Teams, to their supervisor and other City employees while telecommuting. Employees shall forward their desk phone so that they are able to answer incoming calls as they would if they were present at their City worksite and check their City-related business phone messages and emails on a regular and consistent basis throughout their work day as if working at their City worksite.

Application Process:

Employees must complete the following steps before telecommuting:

1. Talk with their supervisor to determine eligibility;
2. Read and acknowledge this Policy;
3. Complete the Telecommute Application and Agreement form and the VPN Application Form
4. Receive supervisor approval of the telecommute agreement, and comply with the agreement for the duration of the term(s) of the agreement.

Telecommute Appeal Process:

A supervisor who denies an employee's request to telecommute will communicate to the requesting employee in writing of the decision and reason for denial. Should an employee's request be denied by their supervisor, employees may appeal the decision to their Department Head. If the denial is sustained at the department head level, employees may appeal to Human Resources and the City Manager, or City Attorney for City Attorney appointed positions. The decision of the City Manager or City Attorney for City Attorney appointed positions, will be final.

The City's Telecommute Policy is not subject to the grievance procedures, or to any other review or appeal procedures in any Memorandum of Understanding.