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| POLICY NUMBER: HR2022-001 | POLICY TITLE: Telework Program |  |
| RESOLUTION NUMBER: 22-14 | | |
| ORIGINAL ISSUE DATE: February 8, 2022 REVISION DATE: N/A | POLICY CONTACTS: Human Resources | |
| RELATED DOCUMENTS: Interim Policy for Remote Working (Resolution 20-20) | RELATED POLICIES: Humboldt County Merit System Rules County of Humboldt Information Systems Appropriate Use Policy This policy shall supersede the Interim Policy for Remote Working (Resolution 20-20). | |

Contents

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|------------------------------------------------------------------------------|----|
| Telework Program..... | 1 |
| SECTION I – PURPOSE | 2 |
| SECTION II – APPLICABILITY | 2 |
| SECTION III – DEFINITIONS..... | 2 |
| SECTION IV – POLICY..... | 2 |
| A. Eligibility | 3 |
| B. Agreement Options..... | 4 |
| C. Work Hours..... | 4 |
| D. Worksite | 5 |
| E. County Equipment and Supplies..... | 6 |
| F. Personal Equipment..... | 6 |
| G. Expenses Related to Teleworking..... | 7 |
| H. Security of Confidential Information | 8 |
| I. Remote Access Policy..... | 8 |
| SECTION V – PROCEDURE | 8 |
| A. Application Procedure..... | 8 |
| J. Periodic and Ongoing Supervision | 9 |
| K. Modification or Termination of a Telework Agreement and/or Schedule | 10 |
| L. Investigations and Penalties..... | 10 |

SECTION I – PURPOSE

Teleworking is a flexible work arrangement that allows eligible County of Humboldt (county) Employees to work in a designated alternative work location other than their primary work location. Teleworking is a cooperative arrangement between employees and their employing department.

Teleworking benefits employees, the county, county departments, and the community. Benefits include:

- Ability to function during an emergency when the regular worksite is inaccessible
- Increased productivity
- Efficient use of county resources, including office space
- Recruitment and Retention of highly qualified Employees
- Greater flexibility for Employees and departments
- Improved Employee morale and job satisfaction
- Reduced Employee absenteeism
- Reduced Employee commute time and costs
- Decreased energy consumption, air pollution, traffic and parking congestion, and transit overcrowding.

SECTION II – APPLICABILITY

This policy applies to all County of Humboldt Employees that meet the eligibility criteria outlined in Section IV, Part A. For the purposes of this policy “Employee”, as defined below, includes appointed and elected officials.

SECTION III – DEFINITIONS

Employee: Officers, deputies, assistants, and all other persons employed by the County of Humboldt including permanent, probationary, part-time, and extra help employees.

SECTION IV – POLICY

All county Employees who telework must have an approved Telework Agreement and Schedule Form under this policy. A county department may have additional Telework requirements, guidelines, or procedures, provided they are consistent with this policy.

Teleworking does not change the duties, obligations, responsibilities, or terms and conditions of county employment. Teleworking Employees must comply with all county rules, policies, practices, and instructions.

A teleworking Employee must perform work during scheduled teleworking hours. Teleworking Employees may take care of personal business during breaks and the unpaid lunch period, as they would at the regular worksite.

A department head or designee may deny, end, or modify a teleworking agreement for any business reason. Similarly, a teleworking Employee may request to end or request to modify a teleworking agreement at any time. Employees may be removed from the Telework Program if they do not comply with the terms of their teleworking agreement and this policy.

A. Eligibility

Telework is not a right of any employee or position. Eligibility for teleworking is based on both the position and the Employee and is subject to department approval based on the following guidelines:

a. Position Eligibility

An Employee's position may be suitable for teleworking when the job duties:

- i. Are independent in nature.
- ii. Are primarily knowledge based.
- iii. Lend themselves to measurable deliverables.
- iv. Do not require frequent in-person interaction at the regular worksite with supervisors, colleagues, clients, or the public.
- v. Do not require the employee's immediate physical presence at the regular worksite to address unscheduled events unless alternative arrangements for coverage are possible or can report to their worksite in a reasonable amount of time as determined by their department head.
- vi. Immediate physical presence is not routinely essential to on-site workflow.
- vii. May be performed remotely without affecting a department's operational needs.

b. Employee Eligibility

An employee may be suitable for remote work when in the discretion of the Department Head, the employee has:

- i. Met performance expectations
- ii. Demonstrated dependability and responsibility
- iii. Demonstrated the ability to effectively communicate with supervisors,

- coworkers, and clients
- iv. Demonstrated initiative and strong work ethic
- v. Demonstrated the ability to work independently
- vi. Achieved a consistently high rate of productivity
- vii. Demonstrated a high level of skill and knowledge of the job
- viii. Demonstrated the ability to prioritize work effectively
- ix. Good organizational and time management skills
- x. Possession of equipment, software, or supplies needed to perform job duties while remotely working.

- c. Employees who are not upholding county obligations, such as meeting performance or conduct expectations, are not eligible for the Telework Program.

B. Agreement Options

- a. Teleworking agreements can be on a regular and recurring, or on an occasional or temporary basis.
 - i. Regular and recurring means an employee works away from their primary work location on an established day or days, and on a recurring schedule.
 - ii. Occasional or temporary means an employee works away from their primary work location on infrequent or irregular days, or on a limited time basis.
- b. Employees who telework on a regular and recurring basis must be available to work at their primary work location on teleworking days if needed and provided reasonable advance notice. Conversely, occasional requests by Employees to change their regularly scheduled teleworking days should be accommodated by the department head or designee, if possible. Employees must obtain prior authorization to change a regularly scheduled teleworking day.
- c. Occasional teleworking means an Employee works away from the office on an infrequent, one-time, or irregular basis. This option provides an ideal arrangement for Employees who generally need to be in the office, but who sometimes have projects, assignments, or other circumstances that meet the eligibility criteria.

C. Work Hours

- a. Teleworking Employees must perform designated work during scheduled work hours outlined in their approved Telework Agreement and Schedule Form.

- b. Teleworking Employees must be available by phone and email during scheduled work hours outlined in their approved Telework Agreement and Schedule Form.
- c. Employees must account for and report time spent teleworking the same way they would at the primary work location, or according to the terms of the Telework Agreement and Schedule Form. In addition, reports may be required detailing daily activities.
- d. Employees may work overtime only when directed to do so and approved in advance by the department head or their designee.
- e. Employees must obtain approval to use vacation, sick, or other leave in the same manner as departmental employees who do not telework.
- f. Teleworking Employees who become ill must report the hours actually worked and use sick leave for hours not worked.

D. Worksite

- a. A teleworking Employee must designate an alternate work location suitable for performing official business. This will routinely be a location in the Employee's home. The Employee must perform work in the alternate work location when teleworking. Requirements for the alternate work location will vary depending on the nature of the work and the equipment needed and may be determined by the department.
- b. Teleworking Employees must remain available to report to their primary work location or other county office locations for in-person meetings, as necessary and when provided reasonable advance notice.
- c. Teleworking employees must work in an environment that allows them to perform their duties safely and efficiently. The county and/or department may request photographs of all necessary areas of the Employee's alternate work location to determine compliance with the Telework Worksite Safety Checklist and Certification.
- d. Employees are covered by workers' compensation laws when performing work duties at their alternate work location during regular work hours. Employees who suffer a work-related injury or illness while teleworking must notify their department head or designee and complete any required forms
- e. The county is not liable for damages to an Employee's personal or real property while the Employee is working at an alternate work location.

E. County Equipment and Supplies

- a. County equipment, software, or supplies provided by the county are for county business only except as limited by law or agreement.
- b. A teleworking Employee does not obtain any rights to county equipment, software, or supplies provided in connection with teleworking. The Employee must return all county equipment, software, and supplies at the conclusion of the teleworking arrangement or at request of the department.
- c. A teleworking Employee must protect county equipment, software, and supplies from possible theft, loss, and damage. The teleworking Employee may be liable for replacement or repair of the equipment, software, or supplies in compliance with applicable laws on negligence or intentional conduct in the event of theft, loss, or damage.
- d. Any equipment, software, files, and databases provided by the county shall remain the property of the county. A teleworking Employee must adhere to all software copyright laws and may not make unauthorized copies of any county-owned software. Employees may not add hardware or software to county equipment without prior approval by their department head or designee or as required for continuity of business operations. Any hardware or software incurring a cost cannot be installed without prior written authorization.

F. Personal Equipment

- a. Employees who use their personal equipment for teleworking are responsible for the installation, repair, and maintenance of the equipment.
- b. Teleworking Employees must understand and agree that the county may request any county documents stored on personal equipment used while teleworking, such as a personal computer, telephone, or fax machine and that this could involve the employee surrendering such equipment and devices for audit and review in connection with legal compliance. For this reason, employees are discouraged from using personal equipment and departments will make every effort to provide teleworking employees with necessary equipment to carry out their job duties.
- c. Employees must contact their supervisors and report if equipment, connectivity, or other supply problems prevent them from working while teleworking. The department head or designee may reevaluate the Employee's Teleworking arrangement upon receiving this report.

G. Expenses Related to Teleworking

- a. Before beginning the Teleworking Program, Employees must acknowledge in the Telework Agreement and Schedule Form that the Telework Program is voluntary and no additional expenses related to teleworking will be reimbursed, except as required by law, including, but not limited to, the following expenses:
 - i. Maintenance or repairs of privately-owned equipment.
 - ii. Utility costs associated with the use of electronics; including internet service costs.
 - iii. Costs associated with the occupation of the home/offsite work location.
 - iv. Travel Expenses associated with commuting to their primary work location. [¹], [²]
 - v. Costs associated with use of a personal cell phone or landline.
 - vi. Out of pockets expenses for supplies that are regularly available at their county office location. Employees can access these supplies at their primary work location for use at their alternative work location.

¹ 5 U.S.C. § 5702 Per diem; employees traveling on official business has been interpreted to say that in circumstances where the official worksite is reassigned to the telework location, trips to the main worksite are "official business" and the employee is entitled to travel reimbursement.

² Per United States Office of Personnel Management (OPM), an agency must determine and designate the official worksite for an employee covered by a telework agreement on a case-by-case basis using the following criteria:

- The official worksite for an employee covered by a telework agreement is the location of the regular worksite for the employee's position (i.e., the place where the employee would normally work absent a telework agreement), as long as the employee is scheduled to report physically at least twice each biweekly pay period on a regular and recurring basis to that regular worksite.
- In the case of a telework employee whose work location varies on a recurring basis, the employee need not report at least twice each biweekly pay period to the regular worksite established by the agency as long as the employee is performing work within the same geographic area (established for the purpose of a given pay entitlement) as the employee's regular worksite. For example, if a telework employee with a varying work location works at least twice each biweekly pay period on a regular and recurring basis in the same locality pay area in which the established official worksite is located, the employee need not report at least twice each biweekly pay period to that official worksite to maintain entitlement to the locality payment for that area.
- The official worksite for an employee covered by a telework agreement who is not scheduled to report at least twice each biweekly pay period on a regular and recurring basis to the regular worksite is the location of the telework site (i.e., home, telework center, or other alternative worksite), except in certain temporary situations, as explained under "Temporary Telework Arrangements," above (§IV, B-a).

H. Security of Confidential Information

- a. All files, records, papers, or other materials created while teleworking are county property. Teleworking Employees and their department head or designee shall identify any confidential, private, or personal information and records to be accessed and ensure appropriate safeguards are used to protect them. A department may require Employees to work in private locations when handling confidential or sensitive material. Departments may prohibit Employees from printing confidential information in teleworking locations to avoid breaches of confidentiality.
- b. Employees may not disclose confidential or private files, records, materials, or information, and may not allow access to county networks or databases to anyone who is not authorized to have access.

I. Remote Access Policy

- a. Teleworking Employees must comply with all County of Humboldt Information Technology (IT) and departmental Appropriate Use and Security policies as they normally would in the performance of their duties at their primary work location.
- b. County of Humboldt IT will verify compliance through various methods, including but not limited to; business tools reports, internal and external audits, and inspections, and will provide feedback to Human Resources and the appropriate department staff.

SECTION V – PROCEDURE

A. Application Procedure

- a. Employee discusses their desire to telework verbally or in writing to their department head or designee.
- b. Department head or designee and Employee communicate regarding the appropriateness of Employees request.
- c. If Employee is determined appropriate for teleworking based upon Section IV, Part A of this policy, the Employee will complete the Telework Agreement and Schedule Form and the Telework Worksite Safety Checklist and Certification and submit both forms to their department head or designee.

- d. Department head or designee will review the Telework Agreement and Schedule Form and the Telework Worksite Safety Checklist and Certification and address any questions or concerns with the Employee and/or Human Resources.
- e. Department head or designee will indicate approval or denial on both forms. If the application is denied, the department head or designee will provide a written explanation for the denial on the Telework Agreement and Schedule Form and/or the Telework Worksite Safety Checklist and Certification. Employees who disagree with a denied application may request a meeting with the department head or designee and the Human Resources Director or designee to discuss and mediate the decision.
- f. Upon approval, the Employee and department head or designee will coordinate with appropriate county staff to procure any necessary county equipment as outlined in the Telework Agreement and Schedule Form.
- g. County departments are required to maintain copies of executed Telework Agreement and Schedule Forms and Telework Worksite Safety Checklist and Certifications. Upon request by the Human Resources Director or designee, submittals of these documents must be transmitted to Human Resources within one (1) business day.

J. Periodic and Ongoing Supervision

- a. Supervisors will check-in with the teleworking employee at a minimum of Thirty (30) days after beginning a teleworking schedule. Periodic check-ins should be documented to ensure ongoing supervision and performance evaluation is occurring.
 - i. If the job performance of the teleworking Employee is satisfactory and operational needs are being met, the teleworking Employee may continue to telework with no interruption.
 - ii. If the job performance of the teleworking Employee is unsatisfactory, the teleworking Employee may be removed from their teleworking schedule. An Employee removed from their teleworking schedule will be provided a written explanation for the reason of this action on the Termination of Telework Agreement Form. Removal from a teleworking schedule does not exclude the employee from applying for the Telework Program in the future but could be a contributing factor to a denial of a future application.
- b. Supervisors must continue to complete the performance appraisal process outlined the Humboldt County Merit System Rules.

- c. Employees may be required by their department head or designee to provide ongoing updates or reports while Teleworking. This shall be outlined in their Telework Application & Agreement. Changes or additions to reporting requirements may occur during the term of the Telework Agreement as a method of addressing any concerns prior to termination of the Agreement.

K. Modification or Termination of a Telework Agreement and/or Schedule

- a. The teleworking Employee or the teleworking Employee's department may initiate the termination or modification of the Telework Program at any time. A department head or designee may modify or terminate a teleworking agreement for any business reason and with reasonable notice to the Employee.
- b. If the Telework Program is terminated, the department head or designee or the Employee must complete a Termination of Telework Agreement Form. The Employee will receive a copy of this form.
- c. If the Telework Agreement and Schedule is modified due to a change to the alternate work location, a new Telework Agreement and Schedule Form and Telework Worksite Safety Checklist and Certification outlining the modifications must be completed and approved by the department head or designee.
 - a. If the modification is related to a schedule change only, the schedule portion of the Telework Agreement and Schedule Form is the only portion that needs to be completed and approved by the department head or designee.
- d. County departments are required to maintain copies of executed Telework Agreement and Schedule Forms, Telework Worksite Safety Checklist and Certifications, and Termination of Telework Agreement Forms. Upon request by the Human Resources Director or designee, submittals of these documents must be transmitted to Human Resources within one (1) business day.

L. Investigations and Penalties

- a. All Employees must cooperate with any investigations into possible violations of this policy.
- b. No Employee will be subject to any form of retaliation for reporting a violation of this policy or participating in an investigation by the county or its representatives into allegations of violation of this policy.
- c. Violations of this policy are subject to discipline in accordance with Humboldt

County Merit System Rules, up to and including termination.

- d. Questions concerning the application of this policy should be directed to the Human Resources Director, or designee.

Board Approved:

Pursuant to Board Order _____ Dated _____