

<b>CITY OF MENIFEE</b> Administrative Policy	Policy Number: <b>AD- xx</b>  Approving Authority: <b>City Manager</b>
<b>Subject</b>  <b>Teleworking Program</b>	Effective Date: <b>TBD</b>  Last Modified: N/A

## 1. **PURPOSE**

The purpose of this Policy is to set forth the City of Menifee's eligibility requirements, expectations, rules, and parameters for employees to participate in telework.

Teleworking allows employees to work from an alternative worksite for all or a portion of their regularly scheduled work hours and to ensure that, for the duration of such telework, employees perform their job duties and, in doing so, provide quality work in a timely manner, and to benefit the public. The City of Menifee considers teleworking to be a viable, flexible work option when both the employee and the job are suited to such an arrangement. Teleworking may be appropriate for some employees and jobs but not for all.

## 2. **DEFINITIONS**

"Alternative Worksite" means the employee's home, place of residence or another location approved by the City other than the employee's normal workplace at a City worksite or facility.

"Intermittent telework" means the employee teleworks with supervisor's pre-approval on an irregular basis, typically covering a single day or a short period of time (i.e., telework hours are not part of an ongoing and regular telework schedule). Intermittent telework is also referred to as episodic, situational, or ad-hoc telework. Intermittent telework may be planned in advance and requested to accommodate personal obligations in an effort to maximize productive work time (e.g., planned around medical appointment, training, partial day desk work), or requested when unanticipated personal obligations might otherwise interrupt a working day (e.g., car trouble, road closures, weather related issues). Intermittent telework must be approved by the employee's supervisor and will not be used in lieu of leave time.

"Exigent circumstances" means a situation in which there is an imminent threat of extreme peril to life, property and resources.

"Telework(ing)" means a work arrangement under which an employee works from their home, place of residence or another location other than the employees' normal workplace at a City worksite or facility ("Alternative Worksite") for all or a portion of their regularly scheduled work hours.

“Telework Agreement” means a written agreement documenting the terms and approval of a teleworking arrangement between the City and an employee who is approved to telework.

“Work Schedule” means the days and hours determined by supervisors or managers during which employees should be in attendance at the Alternative Worksite. The Work Schedule shall provide for and include the rest and meal breaks required under any applicable memorandum of understanding, contract, or the City’s Personnel Rules and Regulations.

### **3. SCOPE**

This Policy applies to all City employees. This Policy covers teleworking voluntarily requested by a City employee and provided by the City, subject to the conditions and requirements in this Policy. If a provision in this Policy conflicts with a provision in the City’s Personnel Rules and Regulations or any applicable memorandum of understanding (“MOU”) or contract, then the provision(s) of the City’s Personnel Rules and Regulations or applicable MOU or contract will apply. Teleworking is not an entitlement, nor is it an employee benefit, and it in no way changes an employee’s salary, compensation, benefits, or the employee-employer relationship or terms and conditions of employment with the City of Menifee. A City department may have additional Teleworking requirements, guidelines, or procedures, provided they are consistent with the intent of this program.

### **4. POLICY**

The City Manager or Department Director, or their designee, possess the discretionary authority to determine the job classifications, positions, and employees who are eligible to telework under this Policy. It may not be feasible for all eligible staff to telework a minimum percentage of their work schedule based on work responsibilities. However, each department shall make every effort to allow their eligible staff to telework a minimum of twenty-five percent (25%) of their regular work schedule. This Policy does not prevent a Department Director from allowing eligible staff to telework more than 25%. Removal or denial of a telework agreement is not punitive and is not a grievable or appealable matter.

#### **A. General Eligibility:**

- a. The City Manager or Department Director, or their designee, may make eligibility determinations using criteria including, but not limited to, the following:
  - i. The employee’s overall performance rating cannot be “needs improvement” in their most recent performance evaluation. The Department Director has the discretion to allow the employee to telework when their work performance improves to a “meets requirements” rating prior to a formal evaluation.
  - ii. Should a performance issue develop at any time during the agreement the department director may revoke authorization.
  - iii. Employees on a Performance Improvement Plan (PIP) are not eligible to telework until the PIP is satisfactorily completed.
  - iv. The operational needs of the City and employee’s department and division.
  - v. The disruption of or potential for disruption to the City’s functions.

- vi. The ability of the employee to perform their job duties (both essential and marginal) from an Alternative Worksite without diminishing the quantity or quality of the work performed.
- vii. The degree to which the employee's job functions requires face-to-face interaction with other City employees, contractors, businesses, and members of the public.
- viii. The employee's length of service with the City, department, or division.
- ix. The portability of the employee's work, including the employee's ability to remotely access tools, equipment, and materials necessary to perform their job functions.
- x. The availability of or ability to create a functional, reliable, healthy, safe, and secure Alternative Worksite for the employee.
- xi. The risk factors associated with performing the employee's job duties from a location other than the employee's normal workplace at a City worksite or facility.
- xii. The City's capacity to monitor and measure the employee's work performance at the Alternative Worksite.
- xiii. The employee's supervisory responsibilities.
- xiv. The employee's need for supervision.
- xv. Other considerations deemed necessary and appropriate by the City or department, including tax and other legal implications of teleworking.
- xvi. Completion of IT designated orientation session before commencing telework.

**B. Employee Suitability:**

- a. The supervisor and/or manager will also assess the needs and work habits of the employee, compared to traits customarily recognized as appropriate for successful teleworkers. These traits may include but are not limited to:
  - i. Demonstrated dependability and responsibility
  - ii. Effective communication
  - iii. Demonstrated motivation
  - iv. Ability to work independently
  - v. Consistent high rate of productivity
  - vi. High level of skill and job knowledge
  - vii. Ability to prioritize effectively
  - viii. Good organizational and time management skills

**C. Job Responsibilities:**

- a. The employee and supervisor will discuss the employee's job responsibilities and determine if the job is appropriate for a telework arrangement. The supervisor shall consider the following when evaluating a request for telework:
  - i. Identifying regular work assignments that are suitable for telework.
  - ii. Identifying the appropriate length of the telecommuting assignment, and its operational feasibility for the department.
  - iii. Supervisory or lead responsibilities over subordinate staff which require on-site presence.
  - iv. Attendance at on-site meetings, work-related events, in-person training and other activities which demand their physical presence as may be required by management with reasonable notice.
  - v. Level of accessibility by telephone and/or email during regular scheduled work hours.

- vi. Level of interaction with key stakeholders, co-workers, and the public needed to properly perform core functions.

D. Tax and Legal Implications:

- a. The employee is responsible for identifying and accepting any tax or legal implications under federal, state, and local government regulations pertaining to Teleworking, including working out of a home-based office. Responsibility for fulfilling all obligations in this regard rests solely with the employee.

E. Equipment Needs:

- a. The employee and supervisor or manager will review the physical workspace needs and the requested Alternative Workspace.
- b. Employees must receive City approval to use personal computer equipment and other technological devices when teleworking.
- c. The employee is responsible for providing space, telephone, printing, networking and/or internet capabilities and the City will not reimburse the employee for these or related expenses.
- d. Equipment supplied by the employee will be maintained by the employee. The City accepts no responsibility for damage or repairs to employee-owned equipment.
- e. Teleworking employees must notify their supervisor or manager promptly when unable to perform work assignments because of equipment failure or any other unforeseen circumstances.
- f. Equipment supplied by the City will be maintained by the City and is to be used for business purposes only.
- g. If the City provided any City-issued equipment, teleworking employees agree to follow the City's policy for the use of such equipment. Teleworking employees must report to their supervisor any loss, damage, or unauthorized access to City owned equipment, immediately upon discovery of such loss, damage, or unauthorized access.
- h. Except as provided below, only City provided laptops shall be used to access City systems and data.
  - i. Employee may provide monitor(s), keyboard, mouse, and any adapters or connectors necessary to connect to City provided laptops.
- i. Employee understands and agrees to only utilize City specified virtual private network (VPN) system for accessing City systems and data. No third party VPNs will be permitted to connect to City systems and data.
- j. Employee will be required to utilize the City's multi-factor authentication system (DUO) for access to City systems including remote (VPN) access.
- k. Employee may choose to utilize either the cell phone app or opt for a City provided authentication token.
- l. Employee understands that teleworking in and of itself does **not** entitle employee to a City provided cellphone or stipend. Department Heads retain discretion of whether job duties necessitate a City provided cellphone or stipend. Employee may opt to utilize a personal cellphone for purposes of running the authentication app and it is the responsibility of the employee to ensure their cellphone is able to run the authentication app for the duration of the telework agreement.
- m. Employee opting for the token will be required to sign Duo Token agreement unless utilizing a cell phone for authentication.

- n. Employee will utilize the City provided soft phone (installed on the City provided laptop) to be available at their City provided telephone number during regular business hours. It is the employee's responsibility to make sure the soft phone application is running and report any issues promptly to the IT Service desk.
- o. Employee is responsible for all setup including cabling, surge suppression power strip(s). IT staff will not make house calls to setup or service equipment.
- p. Employee agrees that City provided equipment shall only be used in an indoor environment.
- q. Employee is responsible to return all City provided equipment in good working order at the end of the telework agreement.

F. Safety and Liability:

- a. The employee will establish an appropriate work environment for work purposes. This Alternative Worksite should be one in which the employee's telework duties can be performed in a safe and ergonomically appropriate manner. The City will not be responsible for costs associated with the setting up of the employee's Alternative Worksite, such as, but not limited to, remodeling, furniture or lighting, nor for repairs or modifications to the Alternative Worksite.
- b. Employees are covered by the City's workers compensation program. Employees must ensure that work-related injuries and illnesses are immediately reported to their supervisor. Supervisors must ensure that injuries and illnesses are immediately reported to the Human Resources/Risk Management Department.
- c. Employee agrees to hold the City harmless for injury to others at the Alternative Worksite.
- d. Consistent with the City's expectations of information security for employees working at the office, the City expects teleworking employees to ensure the protection of proprietary company and customer information accessible from their Alternative Worksite. This includes, but is not limited to, the use of locked file cabinets and desks, regular password maintenance, and any other measures appropriate for the job and the environment.
- e. Teleworking employees shall exercise the same precautions to safeguard electronic and paper information, protect confidentiality, and adhere to the City's records retention policies, especially as it pertains to the California Public Records Act ("CPRA"), HIPAA, PCI, PCII, and CLETS/DOJ data and privacy protections as applicable to job function. Teleworking employees must safeguard all sensitive and confidential information (both on paper and in electronic form) relating to City work they access from the Alternative Worksite or transport from their City worksite to the Alternative Worksite. Teleworking employees must also take reasonable precautions to prevent third parties from accessing or handling sensitive and confidential information they access from the Alternative Worksite or transport from their City worksite to the Alternative Worksite. Teleworking employees must return all records, documents, and correspondence to the City at the termination of the Agreement or upon request by their supervisor or manager, Department Director or Human Resources.
- f. Existing laws, rules, policies, and procedures of the City are applicable to all teleworkers, including department level policies and procedures. If a teleworker is conducting authorized City business and their actions are within the course and scope of his/her employment, the same workplace rules, policies, and procedures that apply to City facilities will be applicable to teleworkers'

Alternative Worksites. This would include, but not limited to, policies on internet usage, safety and health, and standards of conduct.

G. Time and Attendance:

- a. The City will comply with all federal, state, and local regulations (e.g., the Fair Labor Standards Act) pertaining to time, attendance, and compensation for teleworking employees.
- b. Work schedules must specify the days and times an employee will work on-site and telework at an Alternative Worksite in advance. Telework schedules may be the same as on-site schedules or be structured to meet the needs of participating employees as approved by their department director; however, maintaining City-established standards of service shall take priority in all cases, which may not allow for non-standard hours of work.
- c. Teleworkers will be accessible during their agreed-upon regular work hours and Work Schedule, regardless of location. Teleworkers and their supervisor should agree upon how teleworkers can ensure they are accessible to customers and co-workers and the response time for returning phone calls.
- d. Non-exempt employees (employees that are overtime eligible) may not telework outside their approved telework hours without prior written authorization from their supervisor or manager. Supervisors must approve overtime and/or compensatory time in advance. Further, teleworking arrangements shall not unnecessarily create the need for overtime and/or compensatory time. Unapproved overtime may result in revocation of a Teleworking Agreement and an employee who fails to secure written authorization before working overtime may face discipline in accordance with City policy.
- e. Employees are required to follow the same time off and leave policies and procedures established for on-site work. If an employee becomes ill while working under the Telework Agreement, they shall notify their supervisor or manager immediately and record on their timesheet any hours not worked due to illness and/or incapacitation.
- f. Employees are responsible for properly reporting their time and attendance to ensure they are paid only for work performed and that absences are properly documented. Supervisors with teleworking employees must provide reasonable assurance that they are working when scheduled. Reasonable assurance may be obtained by any legal monitoring methods as determined by the City, including but not limited to technology use activity and City surveillance monitoring systems where a reasonable expectation of privacy does not exist.
- g. Teleworking employees' salary and benefits remain unchanged by the Teleworking Agreement.
- h. When an emergency affects the employee's alternative work site (i.e., power outage, no telephone service, unavailability of network, etc.), the employee is expected to report to their City worksite or request approval for use of their paid time off.
- i. Teleworking is not designed to be a replacement for appropriate childcare. Although an individual employee's schedule may be modified to accommodate childcare needs, the focus of the arrangement must remain on job performance and meeting business demands.

## **5. PROCEDURE**

An employee who would like to voluntarily telework, including intermittent telework, must make their request to their immediate supervisor. The Department Director, or their designee will consider teleworking requests on a case-by-case basis consistent with the criteria above and other factors relevant to the employee's request to telework. Employees will be notified within two weeks after the submittal of their request if it has been approved or denied and the reasons for any denial. If denied, when an employee's circumstances have changed that would impact their eligibility or suitability (e.g. nature of work, classification/job title change), the employee may submit a new telework request to their immediate supervisor for reassessment.

If the proposed teleworking arrangement is determined to be suitable based on this Policy, a Telework Agreement will be prepared to document the terms and approval of the teleworking arrangement. Each employee must sign a Telework Agreement that covers the terms and conditions of participation in the Teleworking Program. The Telework Agreement constitutes an agreement by the employee and the City to adhere to the Teleworking Program policies. Employee advancement and opportunities, regardless of teleworking or working on-site, is based on performance, the evaluation of which will be based on the same standards and will not change based on the employee's work location.

At the request of the employee, the Department Director's decision regarding an employee's teleworking request may be reviewed by the City Manager or City Manager designee, whose decision is final and binding. Neither the employee nor an employee association possess any right to grieve or appeal the decision.

## **6. TERMINATION AND ALTERATION OF TELEWORK AGREEMENT**

The City will periodically review all Telework Agreements to assess continued feasibility. Accordingly, the City may end or alter the terms of any Telework Agreement at any time by providing a written notice explaining the basis for the decision to the affected employee(s). The employee and employee association have no right to grieve or appeal the termination or alteration of the Telework Agreement.

## **7. MANDATORY TELEWORKING ARRANGEMENTS DURING EXIGENT CIRCUMSTANCES**

Where an exigent circumstance exists, the City Manager may direct City employees to remain at their homes or places of residence and the City may adopt and implement a short-term teleworking arrangement for such employees in order to provide for the continuity of essential services provided by the City.

Exigent circumstances means a situation in which there is an imminent threat of extreme peril to life, property and resources. Exigent circumstances may include, but are not limited to, war, public health emergencies, power failures, natural and man-made disasters, and other states of emergency.

Where such an exigency exists and necessitates the adoption and implementation of a short-term mandatory teleworking arrangement for City employees, the City is expressly

authorized to suspend some or all provisions of this policy and adopt and implement alternative provisions necessary to provide for the continuity of essential services.

## **8. ROLES AND RESPONSIBILITIES**

### **A. Management Responsibilities:**

- a. Review, understand, and adhere to this Administrative Policy.
- b. Monitor, disseminate and enforce this Administrative Policy.
- c. Assess the impact of the proposed telework arrangement on established standards for quality of service and productivity.
- d. Assess the impact of the proposed telework arrangement on any other affected employees.
- e. Assess the portability of the employee's work and the likelihood of the employee successfully completing work offsite.
- f. Evaluate the employee's job performance based upon established performance standards and timelines.
- g. Approve or disapprove proposed Alternative Worksites to ensure worksites are conducive to a safe, secure and productive working environment.
- h. Approve or disapprove the employee's participation in the program.
- i. The City may provide (but is not required to provide) equipment and supplies necessary for the employee to adequately perform assigned work.
- j. Maintain connection with teleworking employee(s), gauge productivity, and monitor work product to evaluate employee performance and quality of work.

### **B. Employee Responsibilities:**

- a. Review, understand, and adhere to this Administrative Policy.
- b. Be ready to adapt business practices to changing circumstances.
- c. Teleworking shall not affect the timeliness of completing work-related tasks.
- d. Comply with all federal, state, and local regulations while teleworking.
- e. Comply with all City policies, including employee safety, technology use, attendance, work schedule, professional appearance, and overtime policies.
- f. Remain responsive to internal and external customers as determined by the supervisor.
- g. If applicable, make proper arrangements for dependent care during teleworking hours before beginning assignments.

### **C. Human Resources:**

- a. Review, approve and monitor all teleworking arrangements consistent with established City policies and procedures.
- b. Maintain official records pertaining to teleworking arrangements.

## **9. EXCEPTIONS**

The established policy does not supersede State or Federal employment and compensation laws and regulations, adopted MOUs/employment agreements, and City Council resolutions.



### Revision History

Revision No.	Date Approved	Approved By:	Comments
0		City Manager	Original Policy
1			

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City Manager

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Date