



City of San Carlos

CM Approval

DocuSigned by: [Signature] April 2023

City of San Carlos Personnel Policies & Procedures

POLICY: TELEWORKING POLICY	Approved: April 2023
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PURPOSE

The purpose of the policy is to allow certain employees, subject to their execution of a Teleworking Agreement, to telework from an alternative worksite for some or all of their regularly scheduled work hours and to ensure that, for the duration of such Telework, employees perform their job duties, and in so doing provide quality work in a timely manner, and to the benefit of the public.

DEFINITIONS

“Remote Work” refers to jobs that are performed away from a City facility in a traditional office setting in a remote location on a full-time, part-time or occasional basis.

“Alternative Worksite” means the employee’s home, place of residence or from another location approved by the City of San Carlos (“City”) other than the employee’s normal workplace at a City worksite or facility.

“Telework(ing)” means a work arrangement under which an employee works from their home, place of residence or from 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.

“Work Schedule” means the days and hours determined by supervisors or managers during which non-exempt, overtime eligible employees should be in attendance at the alternative worksite.

SCOPE

Remote workers are expected to meet all the responsibilities, perform all the duties and comply with all the policies that apply to any workers in similar roles, regardless of the location. Employees can work remotely when they:

- Meet all eligibility requirements
- Hold jobs that are suitable to be performed away from a City worksite or facility
- Maintain adequate performance levels
- Have written approval of their managers

Remote work applies to employees who have a formal agreement to work at home or at a designated alternative workspace for one day or more per week.

POLICY

This policy covers teleworking voluntarily requested by a City employee and approved by the City, subject to certain conditions and requirements.

Voluntary Teleworking Arrangements

The City may allow teleworking for certain eligible employees who request to telework.

- Remote work is a benefit and not a right, unless specifically required in the job description or in the terms of employment.
- Remote work will not change salary, benefits, compensation, vacation or other benefits.
- Remote work will not alter requirements to comply with employee duties and responsibilities or comply with company policy.
- Workers — both hourly and exempt — must track their remote work time in the same way as they do office time.
- Remote work creates no additional overtime requirements, and unauthorized remote work overtime will not be compensated unless expressly authorized by the remote worker's manager.

I. Eligibility Criteria

The City Manager, Department Head or their designee, possesses the discretionary authority to determine the job classifications, positions, and employees who are eligible to telework under this policy.

The City Manager or Department Head, may make such a determination about an employee's position/work duties using criteria including, but not limited to, the following:

- Are independent in nature
- Are primarily knowledge-based
- Lend themselves to measurable deliverables
- Do not require frequent interaction at the regular worksite with supervisors, colleagues, clients, or 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 not essential to the management of on-site workflow.
- Active employee currently in good standing (not having received discipline during the past twelve months);
- Recent performance evaluation must have been satisfactory rating or higher; and
- Works a minimum of 20 hours per week (met CalPERS eligibility criteria)

II. Process for an Employee to Request to Telework

To make a request for a teleworking arrangement, employees must complete a Telework Request Form and file the completed request form with their supervisor or manager.

The employee's supervisor or manager will provide the request form to the Department Head, and will discuss the employee's request with the Department Head.

In consultation with or based on information provided by the employee's supervisor or manager the Department Head, will make a determination regarding the employee's request to telework.

The Department Head 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.

III. Final Determination; No Right to Appeal

The decision of the Department Head regarding an employee's teleworking request is final and binding. Neither the employee nor the employee's organization possesses any right to appeal or grieve the decision.

IV. Approval of Requests; Voluntary Telework Agreement

An eligible and qualified employee who has requested and been granted the opportunity to telework, must execute a Voluntary Teleworking Agreement ("Agreement") prior and as a precondition to the employee teleworking.

The agreement shall provide the mutual understanding of the employee, the employee's supervisor or manager, and the Department Head concerning the teleworking arrangement.

Mandatory Teleworking Arrangements During Exigent Circumstances

Where an exigent circumstance exists, the City may direct City employees to remain at their homes or places of residence and the City 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 Manager 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.

Duties, Obligations and Responsibilities for Teleworking Employees

Teleworking employees must adhere to the provisions set forth in these policies, including, but not limited to the following:

I. General Duties, Obligations, and Responsibilities

1. All existing duties, obligations, responsibilities and conditions of employment remain unchanged. Teleworking employees shall abide by all City and departmental policies and procedures, rules and regulations.
2. All of the teleworking employees' existing supervisory relationships, lines of authority and supervisory practices remain in effect.
3. Teleworking employees authorized to perform work at an alternate worksite must meet the same standards of performance and professionalism expected of City employees in terms of job responsibilities, work product, timeliness of assignments, and contact with other City employees and members of the public.

4. Teleworking employees are required to be accessible in the same manner as if they are working at a City worksite or facility during the established teleworking work schedule, regardless of the designated location for teleworking, or Alternate Worksite. Teleworking employees must be accessible via telephone, email, and/or network access to their supervisor and other City employees while teleworking, as if working at their City provided work location. Teleworking employees shall check their City related business phone messages and emails on a consistent basis, as if working at their City worksite.
5. Teleworkers may be required to spend a minimum number of workdays per week or per month at their primary onsite work location. Operational needs may also demand the presence of a regularly teleworking employee in the office on a regularly scheduled telework day, with or without advance notice. Management shall attempt to provide as much notice as possible to the telecommuting employee.

II. Miscellaneous

1. Teleworking employees must notify their supervisor or manager promptly when unable to perform work assignments because of equipment failure or any other unforeseen circumstances.
2. Teleworking employees must have access to an alternate worksite that is quiet and free of distractions and which has reliable and secure power, internet and/or wireless access.
3. Teleworking employees shall ensure that all official City documents are retained and maintained according to the normal operating procedures in the same manner as if working at a City work location. Employees should work with supervisors to determine what types of documents are appropriate to take home and what documents should stay secured within the office.
4. Teleworking employees must ensure dependent care will not interfere with work responsibilities. Employees may not telework with the intent of or for the sole purpose of meeting their dependent care responsibilities while performing official duties. While performing official duties, employees are expected to arrange for dependent care just as they would if they were working in the office.
5. Teleworking employees are not permitted to conduct in person work-related meetings at their remote worksites. Meetings must be conducted either onsite at a City worksite or through teleconferencing.

III. Work Schedule, Overtime, Leave, Benefits

1. For non-exempt employees, the City will either provide such employee: (1) a work schedule that will be included in the agreement; or (2) authorization to work on an intermittent basis.
2. For non-exempt employees assigned a work schedule, any deviation from the work schedule must be approved in advance, on an updated Telework Request Form, by the employee's supervisor or manager and the Department Head.
3. Non-exempt employees may not telework outside their normal work hours without prior written authorization from their supervisor or manager and the Department Head. A non-exempt employee who fails to secure written authorization before Teleworking outside their normal work hours may face discipline in accordance with the City's policy for working unauthorized overtime.

4. For non-exempt employees assigned a work schedule, all periods of teleworking employees' unavailability must be approved in advance by their supervisor or manager and the Department Head in accordance with the department's procedure on appropriately requesting leave/time off.
5. Non-exempt employees, regardless of whether assigned a work schedule or authorized to work intermittently, are required to report in a timely manner all hours worked at the alternate worksite and make that record available to their supervisor upon request.
6. Employees shall continue to abide by City policies and procedures for requests of sick, vacation and other leaves of absences. If an employee becomes ill while working under the agreement, they shall notify their supervisor or manager immediately and record on their timesheet any hours not worked due to illness and/or incapacitation.
7. Non-exempt employees, regardless of whether assigned a work schedule or authorized to work intermittently, are required to request to work overtime in advance of doing so and must such requests must be pre-approved in writing by the employee's supervisor or manager.
8. Teleworking employees' salary and benefits remain unchanged during the teleworking arrangement.
9. Workers' Compensation benefits will apply only to injuries arising out of and in the course of employment as defined by Workers' Compensation law. Teleworking employees must report any such work-related injuries to their supervisor or manager immediately. The City shall not be responsible for injuries or property damage unrelated to such work activities, including injuries to third-persons when said injuries occur at the alternate worksite.

IV. Space and Equipment, Information Security, Confidentiality

1. Teleworking employees will be provided with City-issued equipment at the discretion of the City Manager or Department Head.
2. 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.
3. Where, in response to a request to telework, the City allows an employee to telework, the City shall not be responsible for teleworking costs, including, but not limited to, the employee's use of their home or place of residence, utilities, internet, data, network costs, home maintenance, workspace furniture, ergonomic equipment, or any other incidental costs, unless expressly provided for in the agreement.
4. Employees must take reasonable precautions to ensure their devices (*g.*, computers, laptops, tablets, smart phones, etc.) are secure before connecting remotely to the City's network and must close or secure all connections to City desktop or system resources (*e.g.*, remote desktop, VPN connections, etc.) when not conducting work for the City. Employees must maintain adequate firewall and security protection on all such devices used to conduct City work from the alternate worksite.

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"). Teleworking employees must safeguard all sensitive and confidential information (both on paper and in electronic form) relating to City work they access from the alternate worksite or transport from their City worksite to the alternate worksite. Teleworking employees must also take reasonable precautions to prevent third parties from accessing or handling sensitive and confidential information they access from the alternate worksite or transport from their City worksite to the alternate 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 Head or Human Resources.

**City of San Carlos
Teleworking Policy
Acknowledgement Form**

I have read and understand the City of San Carlos' Teleworking Policy.

Employee Name (print)

Employee Signature

Date